

Consolidation Coal Company
Emery Mine
P. O. Box 527
Emery, Utah 84522
(801) 286-2301

Mr. Ron Daniels
Division of Oil, Gas, and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1230

09 August, 1991

RE: Information requested by Utah Division of Oil, Gas, and Mining, on roads leading to our permitted site.

Dear Mr. Daniels:

Enclosed is a letter from the Emery County Road Department with the information that you requested about the roads leading to our permit area. The roads that this letter refers to are the Quitchupa Creek road, between highway 10 and the mine, and the road between Emery City and the Quitchupa Creek road.

I will forward the remaining requested information about State Highway 10 to you as soon as I receive it.

If you have any questions please call me at (801) 286-2301.

Sincerely,



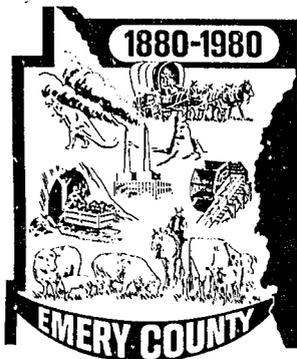
Dee L. Bray
Mine Engineer
Emery Mine

attachments: letter from Emery County Road Department
cc Kevin Cheeks

RECEIVED

AUG 12 1991

DIVISION OF
OIL GAS & MINING



Emery County Road Department

P.O. Box 889
Castle Dale, Utah 84513

Phone (801) 381-5450 or 381-2550
Fax (801) 381-5239

July 25, 1991

Dee L. Bray
Consolidation Coal Company
P. O. Box 527
Emery, Utah 84522

Dear Mr. Bray,

In response to your letter of July 10 concerning information on two of Emery County's roads I submit the following information.

The Quitchumpa Creek Road is Emery County road #907 now known as Consol Mine Road. The road between Emery County and Quitchumpa Creek Road is Emery County road #906 known as Emery Old State.

1. The above referenced roads are public roads pursuant to the laws of Emery County and the State of Utah.
2. Roads #906 and #907 were recognized and designated public roads before August 5, 1907. A deed is on file referencing minutes as recorded in the "Minute Book "B" Emery County, Utah page 22 of same record under date August 5, 1907". Permission was granted to Ira R. Browning "to mine all coal under the county roads in Sections 15,16,17,20,21,22,27,28,29 in Township 22 South, Range 6 East". The portion of road in Section 9 is also part of the original road but is under Emery City authority and is a Class C City road under Utah Code.
 - 2a. The road was designated for public use before August 5, 1907.
 - 2b. Emery County Roads #906 Emery Old State and #907 Consol Mine Road are Utah State Class B classified county roads belonging to Emery County.
 - 2c. Emery Old State #906 and Consol Mine Road #907 are classified general use public roadways under authority of Emery County. All of Emery County roads are classified general use public roads in Compliance with the Regulations Governing Class B and Class C Road Funds (Utah Department of Transportation Agreement 1983).

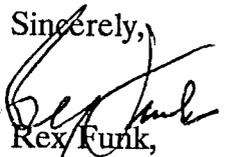
Letter to Dee Bray
July 25, 1991
Page Two

3. Public Funds have been expended on road #906 and #907.
 - a. 1990-Emery Old State #906, \$5,211 expended.
Consol Mine Road #907, \$5,870 expended.
 - b. 1989-Emery Old State #906, \$55,962 expended.
Consol Mine Road #907, \$20,861 expended.
 - c. 1988-Emery Old State #906, \$52,730 expended.
Consol Mine Road #907, \$87,826 expended.
4. Maintenance expenditures are comparable to other public roads of the same classifications.
5. As public roads are rehabilitated all applicable construction standards are subscribed to (re: AASHTO Standards of Geometric Design of Highways and the State of Utah Standard Specification for Road and Bridge Construction). Standard application is comparable for all roads.
6. Consolidation Coal Company does not have authority to deny public access to any portion of Emery Old State #906 or Consol Mine Road #907, nor does Consolidation Coal Company have rights to maintenance or unauthorized encroachment per Emery County Encroachment Ordinance #8-7-85A.

We hope that the above information will be sufficient to deter further inquiry which consumes much time and effort in proving that which is common historic fact as pertaining to Emery County's legal right to the aforementioned public roads as recognized by the Utah Code. We acknowledge that the inquiries were generated by DOGM under pressure of Office of Surface Mining.

If we can be of further assistance please contact us.

Sincerely,



Rex Funk,
Road Supervisor

cc Commissioner Dixie Thompson

Copy of Minutes.

at 172, 55, 271, 56, 172, 273.
274, 285, 33.
Mar 7 1896. C.

Copy of Minutes as the same appear on record in Minute Book "B" Emery County, Utah, on Page 22 of said record under date of August 5th, 1907.

Permission To Mine Coal Under County Roads.

Ira R. Browning appeared before the Board and asked permission for him or his assigns, to mine all coal under the County roads in Secs. 15-16-17-20-21-22-27-28-29 in Township 22 South, Range 6 East. Upon motion the same was granted upon conditions that the County roads shall not be damaged thereby." Signed, Mark Tuttle, County Clerk.

Approved, Andrew Nelson, Chairman

State of Utah } ss.
County of Emery }

I, Mark Tuttle, County Clerk in and for the County of Emery, State of Utah, hereby certify that the above and foregoing is a full true and correct copy of the original minute, under heading of permission to mine coal under County roads, as the same is of record in Minute Book "B" Emery County, Utah, on page 22 of said record.

Witness My Hand And Seal Of Said County, this 14th day of August, 1907.

Seal Mark Tuttle
County Clerk, Emery County, Utah.

Filed for Record at the Request of Ira R. Browning Feb. 24th, 1908, at 1 o'clock P.M. and recorded in Book Miscellaneous page 342. Records of Emery County, State of Utah.

Recorder of Said County.