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From: "Gefferth, John" <JohnGefferth@consolenergy.com>
To: <stevechristensen@utah.gov>
Date: 10/25/2007 1:56 PM
Subject: Emery Town Well
Attachments: CHVpg42.fullextracPHC.ZN.condapprv.doc

CC: "Richard B. White" <rbwhite@earthfax.com>
 Steve

Please review the attached language.

Incoming
10/15/07 JK

After discussing this issue with operations and management it was decided to commit to replacement/repair per the regulations. The regulations only require that the "permittee will promptly replace any State-appropriated water supply that is contaminated, diminished or interrupted"....There is not a regulatory requirement to spell out the remedies in detail.

I feel that the attached language outlines what Consol will do in the event that it is proven that the Emery wells are adversely affected by mining. Outlining in detail could prove to be premature due to the fact that the water rights applications held by Consol and under review by the Division of Water are subject to cancellation in the event adequate proof of use is not submitted and approved. We are experiencing this in the water rights that have had recent due diligence deadlines. The DWQ has greatly reduced the amount of water tied to them and has stated that they will probably deny them the next time they are reviewed.

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