



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangertter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

July 7, 1986

CERTIFIED RETURN RECEIPT REQUESTED
P402 459 384

Mr. C. E. Shingleton
Director of Permitting,
Compliance & Services
P.O. Box 899
Salt Lake City, Utah 84110

FILE COPY

Dear Mr. Shingleton:

Re: Final Approval, MRP Amendment, Incidental Boundary Change,
Sediment Pond Access Road, Utah Power & Light Co. Des-Bee-Dove
Mine, ACT/015/017-86D, Folder #3 & #4, Emery County, Utah

The Application for MRP Permit Amendment submitted by Utah Power and Light Company on June 13, 1986 has been reviewed by the Division. The proposed plans are acceptable and approval is hereby granted by the Division to proceed with implementation.

If possible, please forward eight (8) additional copies of the approved plans to the Division by July 15, 1986. These will be transmitted to the OSM for updating appropriate files.

Thank you for your cooperation in this matter. Please contact me or Dave Wham should you have any questions.

Sincerely,

D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DMW:jvb
cc: Allen Klein
Lowell Braxton
John Whitehead

0851R-13

DES-BEE-DOVE SED. POND
ACCESS ROAD
INCIDENTAL BOUNDARY CHANGE

FROM O.S.M. ENVIRONMENTAL ASSESSMENT, PAGE 1

TOTAL PERMIT AREA = 2,847 ACRES.
DISTURBED AREA = 74.5 ACRES

THE PROPOSED IBC CONSISTS OF 3.60 ACRES
(3,137 FT LONG X 50 FT WIDE / 43560)

"INCIDENTAL BOUNDARY CHANGE" IS AN INCREASE TO THE ORIGINALLY APPROVED PERMIT AREA < 1% OR 10 ACRES, WHICHEVER IS SMALLER.

$2,847 \text{ AC} * .01 = \underline{28.47 \text{ AC}}$ SO GO WITH 10 ACRES.

$3.6 \text{ ACRES} < 10 \text{ ACRES}$ OK

CATEGORIZED AS A "SIGNIFICANT REVISION" IF THE SIZE OF THE DISTURBED AREA IS INCREASED IN AN AMOUNT 15% OR GREATER THAN THE DISTURBED AREA UNDER THE APPROVED PERMIT.

$74.5 \text{ AC} * .15 = 11.175 \text{ ACRES} \Rightarrow 3.6 \text{ ACRES} < 11.175$ OK

∴ PROCESS AS A IBC & AMENDMENT

MRP REVISION/NOV TRACKING FORM
(Revised: 9/25/85)

Type of Proposal: X COAL NONCOAL

 Exploration
 NOV/CO Abatement, NOV # , Abatement Deadline
 MRP Revision
X MRP Amendment
 MR-1 Application (non-coal) Issuing Inspector

Title of Proposal: Request for IBC, Inclusion of ^{disturbed} area assoc. w/ ^{sed pond} access road

Company name: UP+L Project/ Mine Name: Des Bee Dove

File # (PRO/ACT): 015/017 # New Acres (Fed/State/Fee): / /
(CEP/EXP/INA) Disturbed

Assigned Reviewers:	Review Time (hrs):	OTHER AGENCIES: (# of copies & date)
(Hydrology) <u>Dave Wham</u>	<u> </u>	OSM <u> </u>
(Wildlife/Veg.) <u> </u>	<u> </u>	USFS <u> </u>
(Engineering) <u> </u>	<u> </u>	BLM <u> </u>
(Soils) <u> </u>	<u> </u>	Health <u> </u>
(Geology) <u> </u>	<u> </u>	History <u> </u>

DATES: (a) Initial Plan Received June 13/86
Tech Review Due June 27/86
Tech Review Complete
DOGM Response Sent

H2O Rts
Wildlife
USFWS

- | | |
|--|---|
| (b) Operator Resubmission <u> </u>
Tech Review Due <u> </u>
Tech Review Complete <u> </u>
DOGM Response Sent <u> </u> | (e) Optr. Resubmission <u> </u>
Tech Review Due <u> </u>
Tech Review Complete <u> </u>
DOGM Response Sent <u> </u> |
| (c) Operator Resubmission <u> </u>
Tech Review Due <u> </u>
Tech Review Complete <u> </u>
DOGM Response Sent <u> </u> | (f) Optr. Resubmission <u> </u>
Tech Review Due <u> </u>
DOGM Response Sent <u> </u> |
| (d) Operator Resubmission <u> </u>
Tech Review Due <u> </u>
Tech Review Complete <u> </u>
DOGM Response Sent <u> </u> | (g) Cond'l. Approval <u> </u>
Stipulations Due <u> </u>
Stips Received <u> </u>
Final Approval <u> </u> |
| | (h) MR-9 Received <u> </u>
MR-9 Acknowledged <u> </u> |

COMMENTS:

NOTE (INSPECTORS): Please attach a copy of the NOV issued to the abatement plan when received from the operator.

NOTE (REVIEWERS): Please prepare review comments in a format referencing the appropriate regulation or statute.



1407 West North Temple
P.O. Box 899
Salt Lake City, Utah 84110

June 13, 1986

RECEIVED
JUN 13 1986

DIVISION OF
OIL, GAS & MINING

Mr. Lowell P. Braxton
Administrator, Mineral Resource Development
and Reclamation Program
State of Utah
Department of Natural Resources
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Des-Bee-Dove Mine Permit UT-0015, ACT/015/017
Permit Amendment to Include the Sediment
Pond Access Road

Dear Mr. Braxton:

As a result of our meeting on April 11, 1986 with you and your technical staff, submitted are three (3) copies of our application to amend the approved MRP to include the sediment pond access road in the Des-Bee-Dove permit area.

Also included is one copy each of the rights-of-way secured from the BLM and the State Division of Lands and Forestry.

Upon approval of this application we will forward the remaining sets of copies necessary for distribution and insertion into the MRP's.

If you have any questions, please call.

Yours truly,

C. E. Shingleton
Director of Permitting,
Compliance & Services
Mining Division

CES:SC:bb:5423
Enclosure

cc: Val Payne

RECEIVED
JUN 13 1986

DES-BEE-DOVE COAL MINE
PERMIT #UT-0015, ACT/015/017
PERMIT AMENDMENT - INCIDENTAL BOUNDARY CHANGE TO
INCLUDE THE SEDIMENT POND ACCESS ROAD

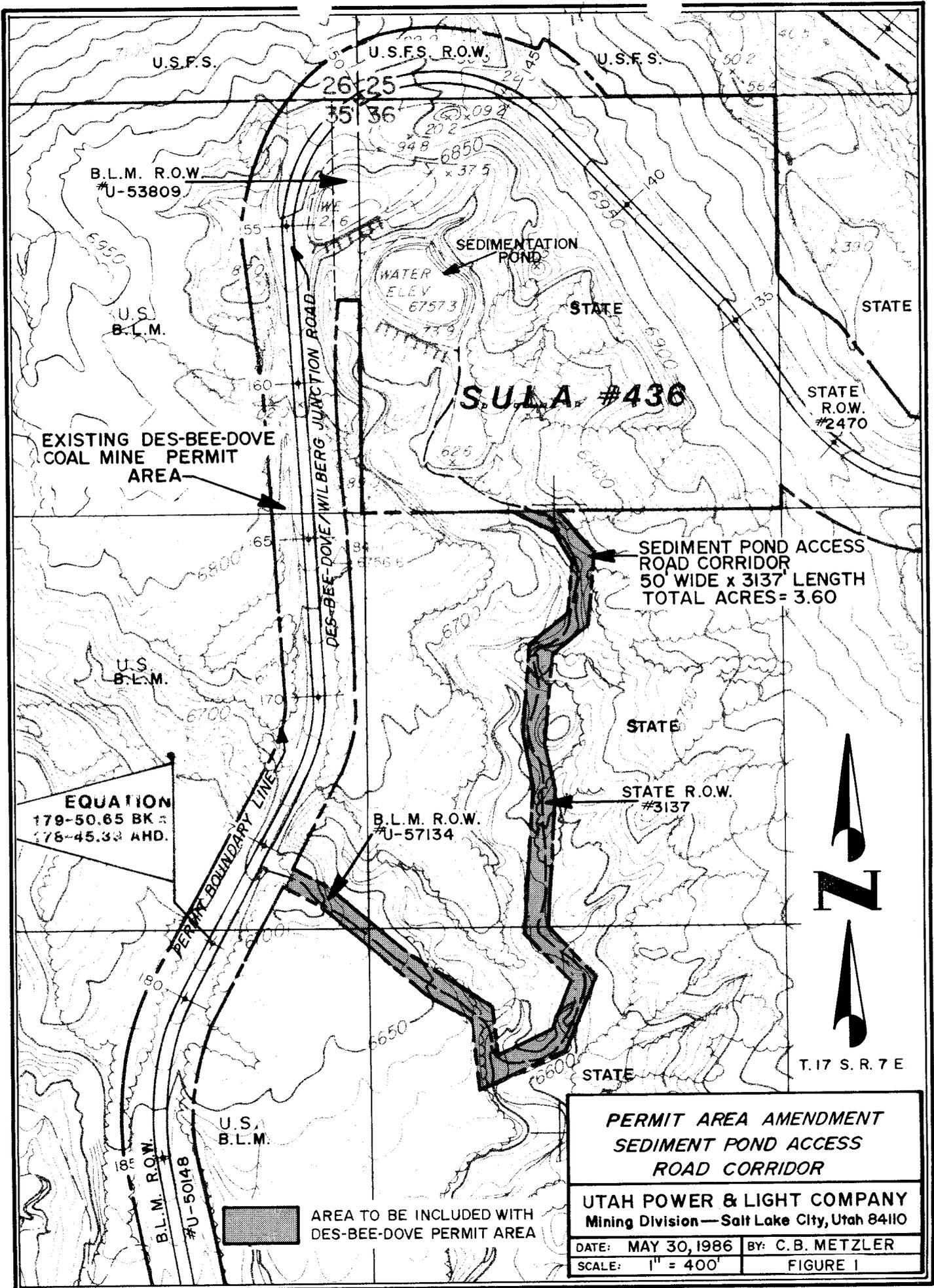
DIVISION OF
OIL, GAS & MINING

Description

In accordance with Mr. Hedberg's letter to UP&L dated March 24, 1986 and as per our meeting with various DOGM personnel on April 11, 1986 it was determined that the Class III Access Road leading from the Des-Bee-Dove junction road to the sediment pond be included in the permit area.

The area of concern consists mainly of an existing access road which is used for annual maintenance operations. The total length of this road is approximately 4,000 feet. Portions of the road are already located within the approved permit area; however, approximately 3,137 feet of the road lies outside of the permit area (see Figure 1). Access road rights of way from both BLM (U57134) and the State of Utah (#3137) have been secured from both agencies with copies of each included with this submittal.

It is planned to include the approximate 3,137 feet of road (as mentioned above) in the Des-Bee-Dove permit area. The area to be permitted will include a 50 foot wide corridor (25 feet on each side of the road centerline) for the length of the unpermitted portion of the road (approximately 3,137 feet) consisting of 3.60 acres falling under the classification of an "Incidental Boundary Change".



T.17 S. R. 7 E

PERMIT AREA AMENDMENT SEDIMENT POND ACCESS ROAD CORRIDOR	
UTAH POWER & LIGHT COMPANY Mining Division — Salt Lake City, Utah 84110	
DATE: MAY 30, 1986	BY: C. B. METZLER
SCALE: 1" = 400'	FIGURE 1

AREA TO BE INCLUDED WITH DES-BEE-DOVE PERMIT AREA

UMC 788.12 - Permit Revision

Determination of this incidental boundary change classification as being a permit amendment was based on the approved rule changes for UMC 700.5, UMC 771.21 (b) (5) and UMC 788.12, January 16, 1986.

Pursuant to regulations governing amendments of permits the following address the specific sections as outlined under UMC 788.12 (g).

UMC 771.23 - General Requirements

UMC 782.13 - Identification of Interests

Identification of owners, permit applicant, surface owners, mineral owners, operator and principles, including officers, have been included in the Des-Bee-Dove M.R.P. under legal, financial and compliance section. See Volume 1, Part 1, pages 1-1 thru 1-22. With two exceptions everything remains the same. We have had some changes in personnel (officers) and have assumed primary responsibility as operator effective April 27, 1986.

On-going changes in officers and board members will be updated during mid-term reviews.

UMC 782.15 - Right of Entry

Right of entry has been provided in the form of copies of rights of way secured through BLM and the State of Utah Division of State Lands and Forestry. See Map 5-7 for ownership identification with the road right of way location.

Right of Entry information:

1. Bureau of Land Management - Right of Way Grant #U-57134 issued April 1, 1986.
2. State of Utah Division of State Lands & Forestry - Easement Right of Way #3137 issued April 2, 1986.

UMC 782.16 - Unsuitable for Mining

In consultation with local, state and federal surface management agencies no designated unsuitable mining has taken place within the area of interest. Reference: Des-Bee-Dove M.R.P., Volume 1, Page 1-15.

UMC 782.17 - Permit Term Information

It is requested to include this proposal into the existing and approved Des-Bee-Dove Coal Mine Mining and Reclamation Plan and to coincide with subsequent five-year repermitting approvals.

UMC 782.18 - Personal Injury and Property Damage Insurance

Utah Power & Light Company self assumes the first \$2,000,000 of liability coverage.

UMC 782.19 - Other Licenses and Permits

Company has identified all necessary licenses and permits for mining of coal in its Mining and Reclamation Plan. Des-Bee-Dove, Volume 1, Pages 1-18 and 1-18A.

PART UMC 783

ENVIRONMENTAL RESOURCES

UMC 783.11 and .12 - Resource Information

This access road is already existing, therefore, these sections are not applicable.

UMC 783.14 - Description Geology

The existing pond access road is located very close in proximity to the Des-Bee-Dove junction road and, therefore, its geological characteristics are comparably the same. The disturbed area of the existing access road (approximately 1.8 acres) is constructed entirely upon the Masuk Tongue of the Mancos Shale or upon the layer of terrace debris that in places overlies the Mancos Shale. The Masuk Shale consists of gray marine mudstones which form slopes ranging from steep, near the Des-Bee-Dove Mines, to gently sloping pediments in the valley below. The terrace debris is comprised of unconsolidated gravel and boulder wash derived from the erosion of overlying formations.

UMC 783.15 - Hydrology-Ground Water Information

Utah Power & Light Company has put forth a substantial effort in water monitoring, both surface and ground water. Collections have documented water quality and quantity.

Each year tabulated and analytical analyses are provided to the regulatory agencies for further studies affecting lands being mined. Reference, Des-Bee-Dove M.R.P., Volume 1, Pages 2-71 thru 2-98; annual hydrological reports covering the years 1978, 1979, 1980, 1981, 1982, 1983, 1984 and 1985; Office of Surface Mining's Technical Analysis for Des-Bee-Dove Mine Permit Application.

UMC 783.16 - Surface Water Information

Again, Utah Power & Light Company, in conjunction with the Office of Surface Mining, Division of Oil, Gas & Mining, U. S. Forest Service, and private land owners, has, for the past eight years, collected and measured surface waters associated with, and adjacent to, the mining properties known as Des-Bee-Dove Mine.

Drainage areas, including receiving streams are, on a regular basis, sampled and analyzed to determine water quality.

Water collection data is of such volume that raw data sheets are submitted quarterly which includes submitting of the Environmental Protection Agency's National Pollutant Discharge Elimination System reports.

Minimum and maximum flows for springs and streams are reported as stipulated in the permanent permit.

To reference data collection and tabulation see Des-Bee-Dove M.R.P., Volume 1, Pages 2-71 thru 2-98.

UMC 783.17 - Alternate Water Supply Information

Mining has progressed substantially since the submission of the Des-Bee-Dove Coal Mining and Reclamation application submitted on March 20, 1981. Utah Power & Light Company has legally challenged this requirement which, to date, has not been ruled on nor appealed. However, Company has disclosed the mitigation intended in the event diminution occurs. Reference, Des-Bee-Dove M.R.P., Volume 1, Page 2-98.

Use of the access road will not effect surface water or ground water nor its replacement.

UMC 783.18 - Climatological Information

Utah Power & Light Company has agreed to provide the Division periodical submissions of weather data collected from three separate but associated sources.

Reference, Des-Bee-Dove Coal Mine's M.R.P., Volume 1, Pages 2-98 thru 2-101, annual hydrological report 1978 thru 1985.

UMC 783.19 - Vegetation Information

The area of the existing sediment pond access road lies within a mixture of pinyon juniper and salt desert brush vegetational communities. Reference areas of both communities were established in prior years to use as reference for final reclamation. For additional information

refer to Des-Bee-Dove Mine M.R.P., Volume 1, Page 2-102 thru 2-120; also, see Volume 5, Maps 2-12 and 2-13 for vegetational mapping.

UMC 783.20 - Fish and Wildlife Information

A compilation of Utah fish and wildlife resource and habitat information has been provided in the approved Des-Bee-Dove M.R.P. Volume 2, Page 2-133 thru 2-146.

UMC 783.21 - Soils Information

As the mine and its associated disturbances were prior to Public Law 95-87 and subsequent regulations, soil maps and classifications focus mainly on adjacent areas. A soils map depicting soil types and classifications can be found in Des-Bee-Dove M.R.P., Volume 5, Map Packets 2-14 thru 2-16 and descriptions of soil types is described in the soils sections of the M.R.P., Volume 2, Page 2-121 thru 2-132.

UMC 783.22 - Land Use Information

Land use prior to mining was largely grazing and recreation. Portions of this access road were constructed for the power line in this area. Since this road already exists and provides public access to this area it is likely that the land use will remain the same as prior to mining and possibly enhance the area for public use. Reference to

land use is provided in the M.R.P. Volume 2, Pages 2-146 thru 2-149 and Map Packet 2-17.

UMC 783.25 - Cross Sections, Maps and Plan

Included in this submittal and in previous submittals are maps and drawings which show the location of the existing access road to the sediment pond. Refer to M.R.P. Volume 6 and 7 for the location of said maps.

Topographical maps and aerial photographs are submitted to better represent vegetation, drainages and existing facilities.

No mapping of coal, coal workings, outcrop, dips, strikes and overburden are included for reasons that they are not applicable for this submittal.

UMC 783.27 - Prime Farmland Investigation

It has been determined that the permit boundaries of the Des-Bee-Dove Coal Mine does not qualify as "prime farmlands". Reference, Des-Bee-Dove M.R.P., Volume 2, Page 2-149.

PART UMC 784

OPERATION AND RECLAMATION PLAN

UMC 784.11 - Operating Plan

The Des-Bee-Dove pond access road is an existing dirt Class III road which spurs off the Des-Bee-Dove junction road and leads to the mine sedimentation pond. Approximate length of the road is 4,000 feet.

For mining purposes this road is to allow access to the pond for annual maintenance and quarterly inspections (see Map 5-3).

The access road begins at Station 175+50 of the Des-Bee-Dove/Wilberg junction road. The road has been constructed to follow the natural topography to the extent possible. Road width is approximately twelve (12) feet wide. The overall road grade is approximately 2.2 percent with a maximum pitch grade of 16.4 percent for a distance of 100 feet (see Map 5-8).

This plan is submitted in behalf of the unpermitted portion of the access road to be included into the approved Des-Bee-Dove Mine permit area. The unpermitted portion consists of a 50 foot wide corridor along the road (25 feet on each side of the road centerline) from the BLM right of way line on the east side of the junction road to State Lease #436. The approximate length totals 3,137 feet, containing 3.60 acres.

Plans to upgrade the road to meet Class III standards with drainage improvements were submitted and approved by the Division March 24, 1986. These plans can be referred to in the M.R.P. Volume 7.

UMC 784.12 - Operation Plan: Existing Structures

There are no existing structures associated with the existing access road. Planned drainage control improvements are limited to the existing dirt access road, housed within the proposed 50 foot wide corridor (permit boundary). No modifications or monitoring are needed to comply with 30 CFR, Chapter VII.

UMC 784.13 - Reclamation Plan: General Requirements

The access road will remain in use until final reclamation of the sedimentation pond occurs. Final reclamation of the access road will include removal of concrete drainage controls (cross-mains). The material will be disposed of at an approved disposal site and the natural drainage channels will be reestablished (see Map 5-9).

Because of the limited and dispersed nature of topsoil and vegetation in this area, recontouring of the slopes will be performed in a manner that will minimize additional disturbance. Fill slopes will be restored according to UMC 817.176 (e). Minor cut slopes will be reshaped to blend with the natural contour as required by UMC 817.176 (f).

The major cut slopes located at stations 8+00 to 10+00 and 17+35 will be left in place. These cut slopes are located in areas where similar slopes occur naturally and reduction of the slopes would result in destruction of a significant amount of established vegetation. The road surface will be prepared for seeding through discing and ripping techniques similar to those identified in the MRP for level fills. Shrub planting will not be performed as part of the reclamation of the road corridor area. Invasion by the native shrubs and trees in the area should be sufficient to preclude the necessity for artificial establishment.

Other than as indicated above, final reclamation of the access road will be accomplished in accordance with UMC 817.176 and the currently approved Mining and Reclamation Plan. Cost of final reclamation is estimated at \$40,000.00. See Figure 2 for an itemized listing of reclamation costs.

UMC 784.14 - Reclamation Plan - Protection of Hydrological Balance

The reclamation methods outlined above and those mentioned in the Des-Bee-Dove M.R.P. have addressed how protection and control of surface waters will be accomplished in accordance with UMC 817.

DES-BEE-DOVE MINE
 SEDIMENTATION POND ACCESS ROAD
 RECLAMATION COSTS

Description	Equipment	Hrs	Labor	Hrs	Cost	Construction Days
Remove Drainage Structures, Reestablish Drainage Channels, Recontour Slopes	215 Backhoe Rockbed Truck	120	1 Supervisor 2 Operators	120	\$19,770	15
Scarify Roadbed	D-8 Dozer	40	1 Supervisor 1 Operator	40	\$ 5,825	5
Revegetation (Soil Sampling, Seeding, Fertilizing, Mulching, Placing Netting on Slopes)	Flatbed Truck Tractor Chopper Disc	40	1 Supervisor 3 Operators	64	\$ 8,050	8
	Material				\$ 5,281	
					\$38,926	28

Figure 2

UMC 784.15 - Reclamation Plan - Post Mining Land Use

Post mining land use has been addressed in the Des-Bee-Dove M.R.P., Volume 2, Page 4-26-A thru 4-28. The discing and ripping techniques utilized to prepare the road for seeding should provide equivalent revegetation cover for grazing that existed prior to mining.

Land use after reclamation would primarily be the same as before mining - grazing, wildlife habitat, and recreation.

UMC 784.16 - Reclamation Plan: Ponds, Impoundments, Banks, Dams and Embankments

This road serves as an access route to the Des-Bee-Dove sedimentation pond. The reclamation of the pond has been addressed in the M.R.P. Volume 2, Page 4-5 thru 4-5-B.

UMC 784.17 - Protection of Public Parks and Historical Places

This section is non-applicable to the access road.

UMC 784.18 - Relocation of Use of Public Roads

This section is non-applicable to the access road.

UMC 784.19 - Underground Development Waste

This section is non-applicable to the access road.

UMC 784.20 - Subsidence Control Plan

No mining is associated with this access road; therefore, the subsidence control plan or modification is unnecessary.

UMC 784.21 - Fish and Wildlife Plan

Since the road already exists and the approved planned drainage improvements are considered very minor, there will be very little disturbance that would impact the related environmental values in this area.

UMC 784.22 - Diversions

No diversions or culverts are associated with the access road.

UMC 784.23 - Operation Plan: Maps and Plans

Included in this submittal and in a previous submittal dated February 18, 1986 are detailed plans and drawings sufficient in design and scale to meet minimum requirements of this section.

UMC 784.24 - Transportation Facilities

This section is not applicable.

UMC 784.25 - Abandoned Underground Workings

This section is not applicable.

UMC 784.26 - Air Pollution Control Plan

Periodical use of the access road could add to fugitive dust; however, due to the infrequent use the road fugitive dust amounts are insignificant.

PART UMC 785

SPECIAL CATEGORIES

UMC 785.13 - Experimental Practices Mining

This section is not applicable to the access road.

UMC 785.17 - Prime Farm Lands

It has been determined that within the area of influence no prime farm land exists. Reference, Des-Bee-Dove M.R.P., Volume 2, Page 2-149.

UMC 785.19 - Alluvial Valley Floor Determination

It has been determined that the project area is not classified as determined under this section - an alluvial valley floor.

Reference, Des-Bee-Dove M.R.P., Volume 2, Page 2-150, mining plan decision document TA page 40.

UMC 785.21 - Coal Processing Plants, etc.

This section is not applicable to the access road.

UMC 785.22 - In-Situ Processing Activities

This section is not applicable to the access road.

E A S E M E N T

Access Road

Fund: School
Right of Way No. 3137

THE STATE OF UTAH, by and through the Division of State Lands and Forestry, GRANTOR, in consideration of the payment of \$1,707.20 plus a \$20.00 application fee, receipt of which is acknowledged, and the promise of the GRANTEE to pay \$20.00 to the GRANTOR on or before January 1, 1989, and every third year thereafter, or within 10 days of notice from GRANTOR that payment is due, hereby grants to Utah Power & Light Company, 1849 West North Temple, Suite B-115, Salt Lake City, UT 84116, GRANTEE, an easement for an access road on State lands described as follows: report and survey of a "site" or "road" by the Division of State Lands and Forestry, T17S, R7E - SLB&M, Emery, Utah County, Sec. 36: NW4SW4, SW4NW4, NW4NW4

The center line survey of the access road is further described as follows:

Beginning at a point 355' west and 215' north (more or less) of the east 1/4 corner of Section 35, T17S, R7E, SLB&M, with said point being equal to survey station 175+50 of the existing Des-Bee-Dove haul road; thence S61°43'E, 240 feet; thence S51°13'E, 460 feet, thence S60°43'E, 175 feet; thence S3°43'E, 193 feet; thence N64°47'E, 232 feet; thence N22°17'E, 223 feet; thence N44°13'W, 212 feet; thence N2°47'E, 440 feet; thence N10°13'E, 195 feet; thence N6°13'E, 245 feet; thence N51°13'E, 155 feet; thence N7°13'W, 210 feet; thence N39°13'W, 172 feet; thence N65°43'W, 435 feet; and thence N19°47'E, 393 feet to the end of the road located at the sedimentation pond. See Exhibit "A".

TO HAVE AND TO HOLD until GRANTEE, its successors and assigns shall fail to make any payment in accordance with its promise above set forth, but upon such failure, the right hereby granted shall terminate.

GRANTEE shall pay for all cost and expense in connection with the construction, operation, repair, replacement and

Right of Way No. 3137

Page No. 2

Page No.

maintenance of said access road, and hold GRANTOR harmless from any and all liability (including expenses for attorney's fees) which may arise from the construction, operation, and maintenance of said access road, so long as the easement shall remain in force and effect.

GRANTEE shall have sixty (60) days after the expiration of the terms of this easement to remove said access road. In event the same is not removed within sixty (60) days, it is mutually agreed by and between the GRANTOR and GRANTEE that the GRANTOR shall have the right to remove, or cause the same to be removed, all at the cost and expense of the GRANTEE.

GRANTEE shall contact all existing easement holders and cooperate with them with respect to where and how material may be removed so as not to cause damage to existing easements.

THE GRANTEE COVENANTS and AGREES to relocate its facilities hereunder, at its own expense, in the event relocation is necessary for the construction of highways by the State of Utah, or any subdivision thereof, unless proportionate reimbursement of such costs has been obtained by the State of Utah or any such subdivision, pursuant to statutes of the State and the United States then in force, in which event the GRANTEE will be reimbursed for such costs in accordance with the applicable rules and regulations.

GRANTEE shall at all times observe reasonable precautions to prevent fire on said easement and shall comply with all applicable laws and regulations of any governmental agency having jurisdiction. In the event of a fire on said easement proximately caused by GRANTEE, its servants, employees, agents, sublessees, assignees or licensees which necessitates suppression action by the State Forester, GRANTEE agrees to reimburse GRANTOR for the cost of such fire suppression action.

Surface areas will be cleaned of all trash and debris to the satisfaction of the GRANTOR.

GRANTEE shall surrender to GRANTOR said lands in the original land contour in order to allow the area to properly drain. Rehabilitation shall be done with the approval and to the specifications of the GRANTOR.

GRANTEE, in exercising the privileges granted by this easement, shall comply with the provisions of all valid Federal, State, County, and Municipal laws, ordinances, and regulations which are applicable to the subject tract and operations covered by this easement. GRANTEE shall neither commit nor permit any waste on the easement premises. GRANTEE shall take reasonable precautions to prevent pollution or deterioration of lands or waters which may result from the exercise of the privileges granted pursuant to this easement.

STATE OF

GRANTOR herein reserves the right to utilize said right of way and easement for access to and from the lands owned by GRANTOR on both said easement.

GRANTOR expressly reserves the right to lease said land for the exploration, development and production of oil, gas and all other minerals, together with the right of ingress and egress across said right of way; provided that no drilling of oil wells or mining shafts is being conducted within the boundaries of said right of way.

It is hereby understood and agreed that all treasure-trove and all articles of antiquity in or upon the subject lands are and shall remain the property of the State of Utah. GRANTEE shall report any discovery of a "site" or "specimen" to the Division of State History in compliance with the provisions of Section 63-18-27, Utah Code Annotated (1953), as amended.

GRANTOR claims title in fee simple, but does not warrant to GRANTEE the validity of title to these premises. GRANTEE shall have no claim for damages or refund against the GRANTOR for any claimed failure or deficiency of GRANTOR'S title to said lands or for interference by any third party.

GRANTOR reserves the right to inspect the area of operation at a later date and recall GRANTEE for correction of any violations of the above stipulations. If the GRANTEE fails to correct such violations within a reasonable time the GRANTOR, may after (30) days written notice, re-enter and terminate this grant.

This EASEMENT shall be interpreted and governed by the laws of the State of Utah.

E A S E M E N T

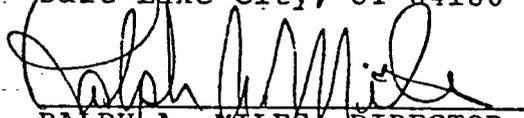
IN WITNESS WHEREOF, the State of Utah, by and through its Board of State Lands and Forestry, has caused these presents to be executed this 2nd day of April, 1986, by its Director, duly authorized by a resolution of said Board dated January 20, 1982.

lands and State Lands, and the State of Utah, by and through its Board of State Lands and Forestry, has caused these presents to be executed this 2nd day of April, 1986, by its Director, duly authorized by a resolution of said Board dated January 20, 1982. I, the undersigned, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the State of Utah, Department of State Lands and Forestry, Salt Lake City, Utah.

GRANTOR: STATE OF UTAH
Division of State Lands and Forestry
355 West North Temple
3 Triad Center, Suite 400
Salt Lake City, UT 84180

PL7S, R7E, S20N
Sec. 16: 1/2

By:

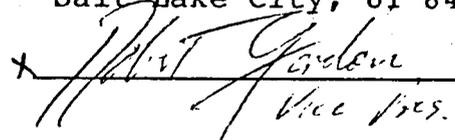

RALPH A. MILES, DIRECTOR

S.B.

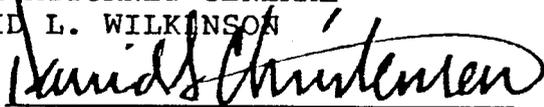
The center line of the road is further described as follows:

GRANTOR: Utah Power & Light Co.
1849 W. North Temple
Suite B-115
Salt Lake City, UT 84116

By:

* 
Vice Pres.

APPROVED AS TO FORM:
UTAH ATTORNEY GENERAL
DAVID L. WILKINSON

BY: 

STATE OF UTAH)
 : ss
COUNTY OF SALT LAKE)

On this 2nd day of April, 1986, personally appeared before me Ralph A. Miles, who being by me duly sworn did say that he is the Director of the Division of State Lands and Forestry of the State of Utah, and said instrument was signed in behalf of the said Division of State Lands and Forestry by resolution of the Board of State Lands and Forestry, and said Ralph A. Miles acknowledged to me that said Board executed the same in behalf of the State of Utah.

Given under my hand and seal this 2nd day of April, 1986.

Cherrie Clapp
Notary Public, residing at:
SJC UT

My Commission Expires: 6/26/86

STATE OF UTAH)
 : ss
COUNTY OF Salt Lake)

On the 20th day of March, 1986, personally appeared before me Robert Gordon, who being by me duly sworn did say that he is the Vice President of Utah Power & Light Co. and said Robert Gordon acknowledged to me that said company executed the same.

Given under my hand and seal this 20th day of March, 1986.

John Anzell
Notary Public, residing at:
Salt Lake County, Utah

My Commission Expires:
November 12, 1986

2310(626)

Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office
San Rafael Resource Area

Serial Number

U-57134

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

1. A (right-of-way) (permit) is hereby granted pursuant to:

~~VERY IMPORTANT~~

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____

2. Nature of Interest:

a. By this instrument, the holder Utah Power & Light Company receives a right to construct, operate, maintain, and terminate a road on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Salt Lake Meridian
T. 17 S., R. 7 E.
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

b. The right-of-way or permit area granted herein is 50 feet wide, 320 feet long and contains 0.37 acres, more or less. If a site type facility, the facility contains _____ acres.

c. This instrument shall terminate on August 8, 2004 18 $\frac{1}{2}$ ⁺ years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.

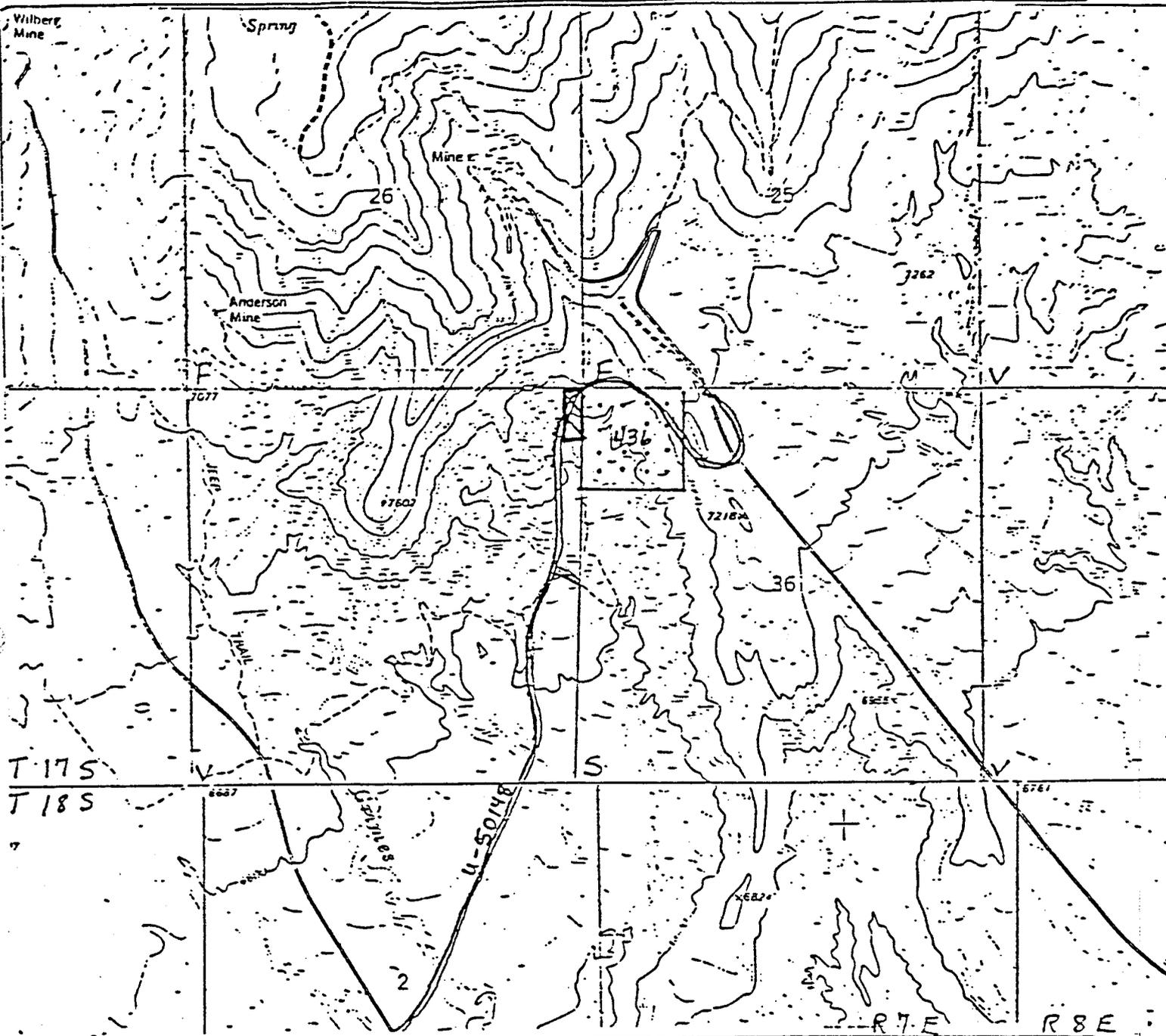
Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

S I T E M A P

Serial Number

U-57134



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

✓	R/W U-57134		
V	Public Land		
P	Private Land		
S	State Land		
⋯	State Lease 436		

OTHER DATA
Location:
T. 17 S., R. 7 E., SLM
Sec 35, SE 1/4 NE 1/4 SE 1/4
Map Source: "Red Point"
USGS 7 1/2' Quad.

SITE PLOT

Exhibit 1

EXHIBIT 2

Special Conditions

1. The Holder agrees that the right-of-way will be subject to the regulations contained in 43 CFR 2800 and subsequent amendments and revisions.
2. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of BLM administered lands under this right-of-way.
3. The Holder shall notify the San Rafael Resource Area at least 48 hours before beginning any construction (801-637-4584).
4. Before construction may commence, Holder shall designate a representative for field operations who shall be the sole field representative of Holder and Holder's contractors in dealings with the Authorized Officer.
5. The Holder shall comply with applicable federal and State laws and regulations affecting in any manner construction, operation, maintenance, or termination of the right-of-way grant. The Holder shall also comply with all State and federal regulations and laws pertaining to water quality, public health, and public safety.
6. Where this right-of-way includes public lands on which are located cadastral survey monuments and markers, the Holder shall avoid disturbance or removal of such monuments and markers. Where specific construction operations require such removal and relocation, the Holder shall advise the BLM of such need and relocation, which will be accomplished in accordance with detailed instructions set forth by the State Director, Bureau of Land Management.
7. The Holder shall protect existing telephone, telegraph, and transmission lines, roads, trails, fences, ditches, and like improvements during construction, operation, maintenance and termination of the project. Damage caused by the Holder to these systems shall be promptly repaired by the Holder to a condition satisfactory to the Authorized Officer.
8. Unless authorized in writing by the Authorized Officer, travel is restricted to the right-of-way and the existing road.
9. Drainages will not be plugged by roadbeds. Drainage crossings will be constructed or maintained so as not to cause siltation or accumulation of debris. Where siltation or accumulation of debris occurs, the drainage crossing will be reworked or relocated.

10. Broad-based drainage dips will be constructed on long, steep road grades. Dips may be installed after temporary roadbeds have been constructed or during construction of permanent roads. A water bar shall be constructed at Station 2+40 as shown on Exhibit 3.
11. The Holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful and proper purposes, except in areas designated as restricted by the Holder with written consent of the Authorized Officer in order to insure public safety and facilities constructed on the right-of way. A locked gate as proposed is not approved.
12. The construction area will be kept clean at all times. All trash, packing material, oil residues, and other refuse or waste materials will be removed from construction areas on public land and placed in approved sanitary landfills in a manner acceptable to the Authorized Officer.
13. During construction there will be periodic inspections by the Authorized Officer or his designee to ensure compliance.
14. All public land areas where soils and surface materials are disturbed through construction or other actions incident to project operations, including termination of the right-of-way, shall be restored to their natural state insofar as practicable by water barring, scarifying, leveling, reseeding, or other practices as prescribed by the Authorized Officer and to his satisfaction. When reseeding is required, the disturbed areas shall be reseeded to a mixture of grasses, browse, and forbs as prescribed by the Authorized Officer, including location, season, rates, seed mixtures, and methods of planting.
15. The Holder shall immediately bring to the attention of the Authorized Officer any cultural or paleontological resources discovered during operations under this grant. The Holder shall not disturb any cultural or paleontological resources except as instructed by the Authorized Officer. The cost of investigating and protecting cultural resources discovered during operations shall be borne by the Holder.
16. When all development and rehabilitation have been completed, a joint compliance check of this right-of-way will be made by the Holder and the Authorized Officer to determine compliance with the terms and conditions of this grant. The Holder shall perform at his own expense any required modifications or additional reclamation work needed to comply with the terms of this grant.
17. The Holder shall be responsible for prevention and suppression of all uncontrolled fires that are caused by any operation of the holder associated with the survey, construction, use, and maintenance of this road. The Holder will be billed by the Bureau of Land Management for fire suppression and fire rehabilitation cost resulting from uncontrolled burning of right-of-way material.

The Holder shall do everything reasonable, both independently and/or upon request of the Authorized Officer to prevent and suppress fires on or near lands to be occupied under this right-of-way, including making available such construction and maintenance forces as may be reasonably obtained for suppression of such fires.

18. The Holder acknowledges and agrees that the grant of this right-of-way is subject to the express condition that the exercise thereof will not unduly interfere with the management, administration, or disposal of the United States of the lands affected thereby, or the full and safe utilization by the United States, for necessary operations incident to such management, administration, or disposal.

19. The right-of-way herein granted is subject to the express covenant that it will be modified, adapted, or discontinued without liability or expense to the United States if found by the Secretary to be necessary to avoid conflict with the use and occupancy of the land for any authorized works which may be hereafter constructed thereon under the authority of the United States.

20. If at any time hereafter the Holder wishes to reconstruct, remodel, or relocate any portion of this right-of-way hereby granted, or any of the improvements thereon, the prior written approval of the Authorized Officer must be obtained. No such approval will be given unless the request is fully justified by the Holder and is authorized by law. Where necessary, the holder shall make application under appropriate regulations.

21. No assignment shall be recognized unless or until it is approved in writing by the Authorized Officer in accordance with 43 CFR 2803.6-3 and 2803.6-4.

22. The Holder shall comply with the applicable federal and State laws and regulations concerning the uses of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this grant. The Holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc., to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1986, deadline for a fiscal year 1988 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

23. The Holder agrees not to exclude any person from participating in employment or procurement activity connected with this grant on the grounds of race, creed, color, national origin, and sex. To ensure against such exclusions, the Holder further agrees to develop and submit to the proper reviewing official specific goals and timetables with respect to minority and female participation in employment and procurement activity connected with this grant. The Holder will take affirmative action to utilize business enterprises owned and controlled by minorities or women in its procurement practices connected with this grant. Affirmative action will be taken by the Holder to assure all minorities or women applicants full consideration of all employment opportunities connected with this grant. The Holder also agrees to post in conspicuous places on its premises which are available to contractors, subcontractors, employees, and other interested individuals, notices which set forth equal opportunity terms; and to notify interested individuals, such as bidders, contractors, purchasers, and labor unions or representatives of workers with whom it has collective bargaining agreements, of the Company's equal opportunity obligations.

WILBERG
DES-BEE-DO
HAULAGE ROAD

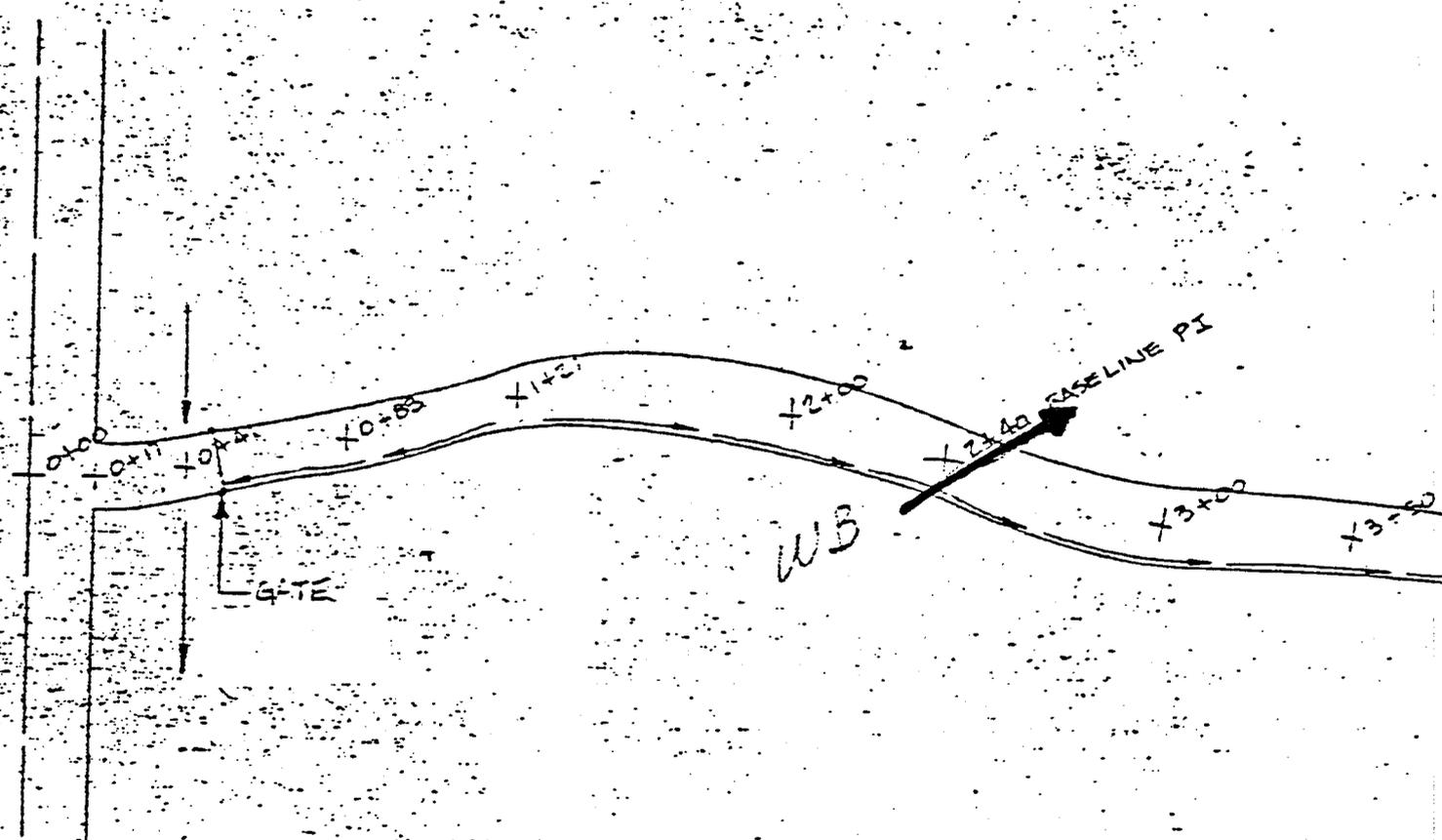


Exhibit 3

→ Waterbar location change

Source: "Des-Bee-Dove Sediment Pond Access Road," Dwg. CS 8062, Sheet 1 of 3, dated 12/12/85.