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DIVISION OF
OIL, GAS & MINING

File in all 3 plans, file # 2

December 7, 1990

Ms. Pamela Grubaugh-Littig
Permit Supervisor
State of Utah
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: **RESPONSE TO PERMIT TRANSFER INFORMATION INCOMPLETE DES-BEE-DOVE ACT/015/017, DEER CREEK MINE ACT/015/018, COTTONWOOD/WILBERG MINE ACT/015/019, FOLDER #2, EMERY COUNTY, UTAH**

Dear Ms. Littig:

Responses to information incomplete are as follows by regulation referred to in your letter dated November 26, 1990:

Response to R614-301-112.500: Some clarification is in order to identify surface owner names and addresses. Information is found in the existing submittal as follows:

Deer Creek Surface Owners within - Pages 8, 9, and 10
Cottonwood/Wilberg Surface Owners within - Pages 16, 17, and 18

Response to R614-301-112.600: Some clarification is also in order to identify contiguous surface and subsurface owners in the original submittal. They are found as follows:

Contiguous Surface Owners to Deer Creek - Pages 10 and 11
Contiguous Subsurface Owners to Deer Creek - Page 11

Contiguous Surface Owners to Cottonwood/Wilberg - Page 18
Contiguous Subsurface Owners to Cottonwood/Wilberg - Pages 18 and 19

Contiguous Surface Owners to Des-Bee-Dove - Page 22
Contiguous Subsurface Owners to Des-Bee-Dove - Page 23

Response to R614-301-113.300: Three copies of Exhibit C, Notice of Violation information which duplicates and supplements the NOV history contained on pages 24-26 are included. Please insert at the end of the existing submittal.

Response to R614-301-114.210:

The only area within the East Mountain complex where the private mineral (coal) estate has been severed from the private surface occurs on an 80 acre parcel in the E½NW¼ of Section 14, T.17S., R.7E., S.L.M.

In this particular case, the mineral is owned by PacifiCorp (successor in interest to Utah Power & Light Company) and the surface is owned by Malcolm McKinnon. In our research of existing files, this 80 acre parcel (surface) was not a part of the mining lease agreement between McKinnon and Peabody (later assigned to UP&L), which gives us consent to utilize the McKinnon lands. This lease agreement included only jointly owned McKinnon surface and McKinnon subsurface in Sections 10, 11 and 14 of T.17S., R.7E., S.L.M.

In any event, first mining has already occurred within this parcel with the development of the 2nd North entries in the Beehive, which were mined in March thru June of 1979. Retreat mining has not taken place, however, our recent mine plan submitted with the Des-Bee-Dove permit renewal indicates it will be mined in the future.

In accordance with previous regulations, notification was sent in 1981 to all surface owners, together with a mine plan, outlining their surface ownership and all future planned mining under their surface. Given the absence of no objection to the notification, we have reason to believe that this was implied consent.

In preparation for this response, we discovered a surface owner which was inadvertently excluded from the Des-Bee-Dove permit area. This exclusion has existed at least since 1985. A corrected page 21 and 22 are included to correct this error. An amendment to the Des-Bee-Dove permit is forthcoming for the same correction.

We hope this response fulfills your requirements for completeness and look forward to your approval.

Sincerely,

J. Blake Webster

J. Blake Webster
Permitting Administrator
Fuel Resources

JBW:bb:6604
Enclosure

cc: Val Payne
Bart Hyita
Scott Child