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Mine file
LPR - Roads w.R. *UB*
Ren D.

ONE UTAH CENTER

201 SOUTH MAIN • SUITE 2100 • SALT LAKE CITY, UTAH 84140-0021 • (801) 220-2000

July 9, 1991

RECEIVED

JUL 12 1991

DIVISION OF
OIL GAS & MINING

Lowell P. Braxton
Associate Director, Mining
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Re: Public Road Information, PacifiCorp Electric Operations
Des-Bee-Dove Mine, ACT/015/017
Emery County, Utah

Dear Mr. Braxton:

In response to your request for information dated June 13, 1991, I have enclosed a copy of a letter from Emery County Road Department which addresses each of the six questions about the road leading to the Des-Bee-Dove Mine. The road in question is under Emery County jurisdiction.

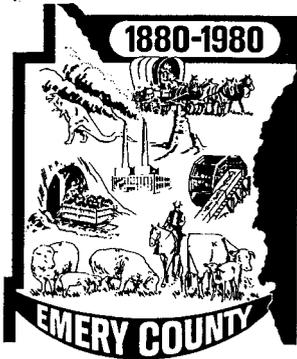
Sincerely,

A handwritten signature in black ink, appearing to read "J. Blake Webster".

J. Blake Webster
Permitting Administrator

Enclosure

cc: Val Payne
Denise Dragoo w/enclosure

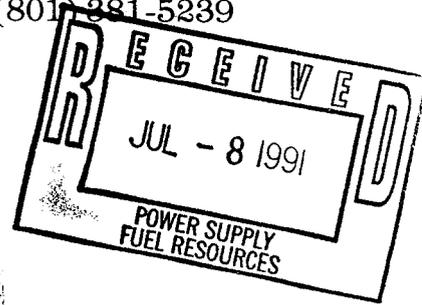


Emery County Road Department

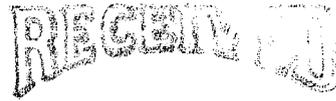
P.O. Box 889
Castle Dale, Utah 84513

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

July 1, 1991



Blake Webster
PacifiCorp
P. O. Box 2612
324 South State
Salt Lake City, UT 84126



JUL 12 1991

DIVISION OF
OIL GAS & MINING

Dear Mr. Webster,

In response to your letter of June 21, 1991 we submit the following in reference to Des Bee Dove Road #416. Using the questionnaire format which you enclosed, I'll respond similarly.

1. **QUESTION:** The above referenced road is/is not a public road pursuant to the laws of that jurisdiction?

ANSWER: The referenced road is a public road pursuant to the laws of Emery County and the State of Utah.

2. Designation of a public road:

A. **QUESTION:** When was the designation first established?

ANSWER: Available information indicates general public and cattleman use (to East Mountain) at least as far back as 1900. The current alignment of about 1-1 1/2 miles proceeding north from Highway 29 is relative new with a right-of-way deed on file dated May 27, 1940 from Warren and Lila Wilberg to Emery County with the intent that "The said right-of-way hereby granted is for the maintenance, and full, free, quiet use and enjoyment by the County of Emery for any and all purposes by it desired or deemed necessary or beneficial, and by the general public as a public highway, being 66 feet in width"; the remains of the road logs on the original right-of-way as established.

The remaining 6 miles of road to Des Bee Dove Mine is generally revised Statute (RS) 2477 roadway as established by Act of July 26, 1866 with all public rights established by use obviously long before October 21, 1976. Minor portions of this roadway crosses private property as well.

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B. QUESTION: In which government system is the road included?

ANSWER: Emery County Road #416 (Des Bee Dove Road) is a Utah State Class B County road belonging to Emery County.

C. QUESTION: How is it classified within the public road system and are there similar roads within the jurisdiction?

ANSWER: Des Bee Dove Road #416 is classified as a general use public roadway under the authority of Emery County. All of Emery County's roads are classified general use public roads in compliance with Regulations Governing Class B & Class C Road Funds (Utah Department of Transportation Agreement 1983). Des Bee Dove Road serves the Emery County Landfill, 2 private landfills and salvage operations, LDS Church Pageant Site, cattle grazing allotments as well as private property ownership.

3. **QUESTION:** What public funds have been expended in maintaining the roads in the following years?

A. 1990:

ANSWER: Records indicate \$364 expended 1990.

B. 1989:

ANSWER: Records indicate \$471 expended 1989.

C. 1988:

ANSWER: Records indicate \$381 expended 1988.

4. **QUESTION:** How does maintenance expenditures compare with other public roads of the same classification within the jurisdiction?

ANSWER: Des Bee Dove Road #416 does not compare with similarly classified road expenditures as minimal funds have been expended in an effort to accumulate funds for major rehabilitation efforts tentatively scheduled for Spring of 1992.

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5. **QUESTION:** How does construction standards for this road compare with roads of similar classification within the jurisdiction?

ANSWER: The Des Bee Dove Road is currently an adequately designed rural secondary roadway needing surface regeneration and minor drainage rehabilitation. As public roads are rehabilitated, all applicable State and Federal construction standards are subscribed to (re: AASHTO Standard on Geometric Design of Highways and the State of Utah Standard Specifications for Road and Bridge Construction).

6. **QUESTION:** Whether Pacific Corp Electric operators has the ability to deny public access to any of this road?

ANSWER: Pacific Corp does not have authority to deny public access to any portion of Des Bee Dove Road #416 nor does Pacific Corp have rights to maintenance or encroachment per Emery County Encroachment Ordinance #8-7-85A. Emery County has repeatedly responded, over past years, to O.S.M. as to whether Des Bee Dove Road #416 is a public road or not. It is a county public road.

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 above subject road as reorganized by Utah Code.

If we can be of further assistance please contact us.

Sincerely,



Rex Funk,
Road Supervisor

cc Commissioner Dixie Thompson
Patricia Geary, Deputy County Attorney
Val Payne