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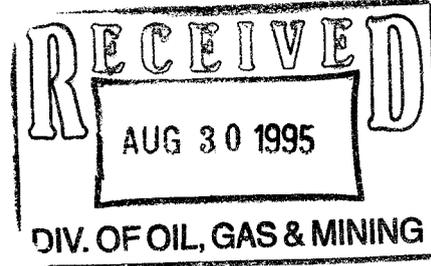
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August 29, 1995



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Division of Oil, Gas & Mining  
Department of Natural Resources  
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Re: Application for Renewal of Coal Mining Permit  
for Des Bee Dove Mine

Dear Jim:

This letter will convey the written comments of Huntington-Cleveland Irrigation Company ("Huntington-Cleveland") to the above-referenced Application for Renewal. As you are aware, Huntington-Cleveland holds the majority of water rights in the Huntington Creek drainage. Huntington Cleveland along with other water users has grown increasingly concerned over impacts of coal mining on water quality and water quantity.

We believe that mine permit renewal could be an opportunity for the Division of Oil, Gas & Mining ("DOGM") to review actual water data gathered by the Permittee during mining operation, to determine if projected hydrological impact in the "Probably Hydrologic Consequences" ("PHC") and the "Cumulative Hydrologic Impact Analysis" ("CHIA") are accurate.

As you know, prior to mining the PHC and CHIA are used to predict if there will be any hydrologic impact outside of the permit area. However, these are projections only, and may or may not be correct. After actual mining has occurred, actual data can then be used to determine if the PHC and CHIA were accurate. Permit renewal is an excellent opportunity for such a review.

Jaames W. Carter, Esq.  
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We would note that R645-303-232.250 allows DOGN to require "Additional, revised, or updated information." Thus, regulatory authority to require actual water data and if necessary analysis of such data appears to exist.

We would respectfully request that actual water quantity and quality data sufficient to determine the accuracy of the PHC and CHIA be required for this and all subsequent mine permit renewals. We would be happy to meet with you in an informal conference setting to further discuss this issue.

Thank you for your attention to this matter and continued interest in water issues related to mining.

Yours truly,



J. Craig Smith

cc: Huntington-Cleveland Irrigation Company