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United States Department of the Interior  
OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
BROOKS TOWERS  
1020 15TH STREET  
DENVER, COLORADO 80202

RECEIVED

DEC 16 1985

DEC 13 1985

DIVISION OF OIL  
GAS & MINING

Dr. Diame Nielson, Director  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

ACT/10/15/1018  
#3

Dear Dr. Nielson:

The Western Technical Center of the Office of Surface Mining Reclamation and Enforcement (OSMRE) has reviewed Utah Power and Light Company's (UP&L) proposal to install a water storage tank at their Deer Creek mine. We have found this proposal to be deficient in several respects. Any permanent structure/impoundment must be specifically approved and be consistent with the approved postmining land use. UP&L should consult with the landowner regarding the proposed alternative to leave the storage tank after mining to determine that the proposal will be acceptable. UP&L must make a single proposal, with an alternative if necessary, and support it, rather than present a list of alternatives.

The proposal should identify the water source that will be used to fill this tank and any changes in average annual depletion of flow to the Upper Colorado River Basin that will result from construction of the proposed water storage facilities. Any increase in average annual depletion of flow in the Upper Colorado River Basin must be evaluated with respect to the U. S. Fish and Wildlife Service's (USFWS) Windy Gap policy. If implementing this proposal would result in an increase of average annual depletion, OSMRE must consult with USFWS and an additional assessment for the Upper Colorado River Basin Endangered Fishes Fund will be necessary.

The reclamation plan for this proposal must be reviewed and the bonding amount adjusted to accommodate the most costly reclamation alternative. The adjustment in the bond must be made before any disturbance can take place.

If you have any questions, please contact Stephen Parsons or Richard Holbrook at (303) 844-2451.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allen D. Klein".

Allen D. Klein  
Administrator  
Western Technical Center

cc: Robert Hagen, Albuquerque Field Office  
Forest Supervisor, Manti-La Salle National Forest