



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

EXHIBIT E

Norman H. Bangertter
 Governor

Dee C. Hansen
 Executive Director

Dianne R. Nielson, Ph.D.
 Division Director

355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340

December 7, 1990

CERTIFIED RETURN RECEIPT REQUESTED
 (P 755 090 800)

Mr. Robert Hagen, Director
 Office of Surface Mining
 Reclamation and Enforcement
 Albuquerque Field Office
 Suite 310, Silver Square
 625 Silver Avenue, S. W.
 Albuquerque, New Mexico 87102

Dear Mr. Hagen:

Re: Ten-Day Notice #X-90-02-244-06 TV 1, Utah Power & Light, Deer Creek Mine,
 ACT/015/018, Folder #5, Emery County, Utah

This letter responds to the above-referenced Ten-Day Notice (TDN), the certified copy of which was received at the Division's offices on November 30, 1990.

Number 1 of 1 reads: "Failure to obtain prior written approval in accordance with R614-303-300 before transferring, assigning or sale of rights granted by permit" (R614-303-310).

The Division was notified by letter on October 16, 1990 that effective October 1, 1990, Pacificorp will operate the Des-Bee-Dove Mine, Deer Creek Mine, and Cottonwood/Wilberg Mine. A letter to Bart Hyita on October 29, 1990 requested a formal transfer from the previous permit applicant, Utah Power & Light Company. A transfer application was received on November 20, 1990.

A deficiency document was sent November 26, 1990 requesting more information for the permit transfer. An additional request was sent November 28, 1990 regarding the bonds being changed to Pacificorp (see attached letters).

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TDN #X-90-02-244-06 TV 1

ACT/015/018

December 7, 1990

Donna Griffin was notified in a telephone conversation with Pamela Grubaugh-Littig on November 20, 1990, that a formal transfer of the permits is currently underway.

Resolution of the permit transfer will be finalized after the publication period, which will begin after the transfer is determined to be administratively complete.

The Division contends that resolution of the permit transfer is being undertaken in a timely manner, and that action had been undertaken in advance of issuance of the TDN. Please withdraw this TDN.

Sincerely,


Lowell P. Braxton
Associate Director, Mining

jbe

Attachments

cc: Joe Helfrich

Pamela Grubaugh-Littig

AT015018.5