

Patricia Geary #5280
Deputy County Attorney
Scott Johansen #1718
Emery County Attorney
P. O. Box 1099
Castle Dale, Utah 84513
Telephone: (801) 381-2543

BEFORE THE HEARINGS DIVISION
OFFICE OF HEARINGS AND APPEALS
UNITED STATES DEPARTMENT OF THE INTERIOR
4015 WILSON BOULEVARD
ARLINGTON, VIRGINIA 22203

RECEIVED

OCT 28 1991

DIVISION OF
OIL GAS & MINING

PACIFICORP dba PACIFICORP)
ELECTRIC OPERATIONS, ENERGY)
WEST MINING., PETITIONER;)
UTAH DIVISION OF OIL, GAS)
AND MINING, A DIVISION OF)
UTAH DEPARTMENT OF NATURAL)
RESOURCES, STATE OF UTAH,)
PETITIONER & INTERVENOR;)
UTAH DEPARTMENT OF TRANSPORT-)
ATION, PETITIONER & INTERVEN-)
OR; and EMERY COUNTY, a body)
corporate and politic, PET-)
ITIONER & INTERVENOR,)
vs.)
OFFICE OF SURFACE MINING)
RECLAMATION AND ENFORCEMENT,)
Respondent.)

NOTICE OF VIOLATION
NO. 91-02-244-002
DEER CREEK MINE
EMERY COUNTY, UTAH

COAL MINING PERMIT
NO. ACT/015/019

PETITION FOR INTERVENTION

Pursuant to 43 CFR, Part 4.1110, Emery County ("the County") petitions the Office of Hearing and Appeals for leave to intervene in the Petitioner's Request for Review of the fact of violation of which is the subject of the Notice of Violation No. 91-02-244-001

issued on June 26, 1991. The County, as Intervenor, seeks to participate in the proceedings as a full party.

STATEMENT OF FACTS

1. The County adopts by reference, as though set forth in full herein, the Statement of Facts set forth in the Petition for review of the fact of violation of Notice of Violation No. 91-02-244-001 issued to Petitioner, PacifiCorp dba PacifiCorp Electric Operations; Energy West Mining Co. ("PacifiCorp"), and the Statement of Facts set forth in the Petition for Intervention filed by the Division of Oil, Gas and Mining, a Division of the Department of Natural Resources, State of Utah ("DOGM").

2. In 1937 the Utah Legislature established the Class B and C road system and accompanying funding program as a means of providing assistance to counties and incorporated municipalities for the improvement of roads and streets throughout the state. Regulations Governing Class B and C Road Funds, Utah Department of Transportation, March 12, 1991.

3. The Class B and C road funds are administered by the State in accordance with legislative provisions by the Utah Department of Transportation, which was established by the Utah Legislature in 1975. Id.

4. Emery County Road No. 304 ("Deer Creek Road") is a designated county road and, as such, is classified as a Utah State Class B County road by the Utah Department of Transportation

("UDOT").

5. By letter dated December 18, 1989, the Emery County Board of Commissioners responded to an inquiry from Petitioner, PacifiCorp's predecessor-in-interest, Utah Power & Light (UP&L), concerning the County's future plans for the Deer Creek Road in the event of cessation of mine operations. A true and correct copy of the Letter is attached hereto as Exhibit "A". The letter stated that not only would normal maintenance service continue but stated further, that the road would be kept "open for business" to accommodate hunters, cattlemen, visitors, history buffs and power plant employees, all of whom regularly use the road. Id.

6. The above-referenced letter further advised UP&L of Emery County Road Encroachment Ordinance No. 8-7-85A, which governs all activities within the County road right-of-way.

ARGUMENT

INTRODUCTION

Emery County, as a Petitioner in Intervention ("the County") appeals the issuance of the Notice of Violation to PacifiCorp for failure to permit Emery County Road No. 304, otherwise known as the Deer Creek Mine Road. The County adopts by reference, as though set forth in full herein, the Arguments set forth both in the Petition of PacifiCorp and the Petition of DOGM.

In addition to those arguments adequately set forth above, the County claims exclusive jurisdiction over the Deer Creek Road as a

designated Class B Road pursuant to Utah Code Ann. §27-12-22 (1989) and, as such, challenges the Office of Surface Mining's ("OSM") authority to interfere with UDOT's administrative authority over the road which is operated and maintained with public funds. The County challenges further OSM's authority to regulate any activities within the County's right-of-way on the Deer Creek Mine Road which is governed solely by Emery County Road Encroachment Ordinance No. 8-7-85A.

I. EMERY COUNTY ROAD NO. 304 IS A CLASS "B" ROAD WITHIN THE EXCLUSIVE JURISDICTION AND CONTROL OF THE COUNTY COMMISSIONERS OF EMERY COUNTY AND SUBJECT TO THE UTAH DEPARTMENT OF TRANSPORTATION'S ADMINISTRATIVE AUTHORITY FOR THE DISTRIBUTION OF PUBLIC FUNDS.

Utah Code Ann. §27-12-22 provides that:

[A]ll public roads and streets within the State not designated as State highways which are situated out of incorporated cities and towns that have been designated as county roads . . . shall be known as county roads and shall be under the jurisdiction and control of the county commissioners of the respective counties. (1989) (emphasis added).

The Deer Creek Road was first officially designated as a county road on Emery County plat dated November 2, 1901. The road was entered as a county road on the County's first road logs beginning in the 1960's and appeared continuously on those logs throughout the 1970's and 1980's. True and correct copies of these entries are attached hereto as Exhibit "B". In addition, Deer Creek Road was specifically designated as a county road in a Memorandum of Understanding between Emery County and the Bureau of

Land Management ("BLM") pursuant to a ten-year agreement between the parties, dated November 5, 1980. A true and correct copy of the Memorandum is attached hereto as Exhibit "C".

In 1983, Deer Creek Road was classified further as a Class "B" county road belonging to the County pursuant to an agreement with UDOT and has remained a Class "B" county road within the Utah State road system since that time. The Class B and C road system and its accompanying funding program was established by the Utah State Legislature in 1937 as a means of providing assistance to counties and incorporated municipalities for the improvement of roads and streets throughout the state. Unlike the case with ordinary local revenues, the B and C road funds are administered by the State in accordance with statutory provisions through its administrative authority, UDOT, which was established by the legislature in 1975.

As such, the County is obligated to comply with the rules and procedures governing Class B and C roads promulgated by UDOT. These rules and procedures are designed to function by mutual accord among all agencies involved and have the approval and endorsement of both the Utah Association of Counties and the Utah League of Cities and Towns as a necessary means of providing the annual allocations to local authorities in meeting traffic demands. See Regulations Governing Class B and C Road Funds, p. 1. Pursuant to the 1983 UDOT agreement, the County has received and expended substantial public funds on the Deer Creek Road. These expenditures are detailed in a letter dated October 25, 1990 to DOGM from the Emery County Road Department as follows: \$17,724.00 in 1990,

\$640,152.00 in 1989 and \$5,978.00 in 1988. A true and correct copy of the Letter is attached hereto as Exhibit "D". If Deer Creek Road were not properly designated as a county road, and thus a public road, it would not be eligible for these public funds. It is without question that both the County and the State have properly designated Emery County Road No. 304 as both a county road and a public road within the jurisdiction of the County Commissioners of Emery County, outside the jurisdiction and control of PacifiCorp, and not subject to permitting.

II. ALL ACTIVITIES ON EMERY COUNTY ROAD NO. 304 RIGHT-OF-WAY ARE GOVERNED BY EMERY COUNTY ORDINANCE NO. 8-7-85A.

On August 7, 1985, the County enacted into law Ordinance No. 8-7-85A, otherwise referred to as the Emery County Road Encroachment Ordinance ("the Ordinance") regulating all roadway right-of-way encroachment on all existing county roads. A true and correct copy of the Ordinance is attached hereto as Exhibit "E". The need for the Ordinance developed as a result of the pronounced population growth within the County and increased mineral and industrial development which required considerable improvements on county roads.

Under the Ordinance, all right-of-way activity is subject to an application and permit process, with final approval vested with the sole discretion of the County. "Encroachment" is defined by the Ordinance as "the disturbance of any roadway or right-of-way,

whether by upgrading, constructing, reconstruction, surfacing or resurfacing, alignment or realignment, excavation, boring, obstruction, vibroseing or extraordinary short-term use. Id. Any party seeking to encroach upon an "existing Emery County roadway" which is defined as "any roadway listed on the Emery County road system in the Emery County Road log together with the right-of-way" must first make application for a permit and pay a non-refundable processing fee. Id. In addition, the Ordinance makes any party who encroaches upon an Emery County road, without a valid permit, guilty of a misdemeanor. Id.

Pursuant to the Ordinance, on July 24, 1986, UP&L submitted an application for a roadway encroachment permit to encroach the right-of-way of the Deer Creek Canyon County road during the installation of an eight inch (8") water supply line traversing from the Huntington Plant raw water pond to the Deer Creek Mine. A true and correct copy of the Application is attached hereto as Exhibit "F". Similarly, by letter dated December 18, 1989, UP&L was reminded by the County that the use of the Deer Creek Road preceded mining activity and was instructed that it must make formal application with the County for a roadway encroachment permit to post the road with its mine I.D. at the UP&L permit boundary. Exhibit "A". Obviously, if the installation of a water line and the posting of a sign on the Deer Creek Road are considered encroachments subject to the permit process under the Ordinance, any reclamation activities on the road would likewise constitute encroachment and be governed by the County.

In conclusion, clearly the Ordinance and its accompanying permit process, which UP&L was required on several occasions to submit to, is strong evidence that PacifiCorp not only has no authority to deny access on the road but certainly neither Petitioner, OSM, or DOGM has jurisdiction or authority to reclaim the road as required by the NOV issued in this matter.

CONCLUSION

The Deer Creek Road is a designated county road within the exclusive jurisdiction of Emery County and is further classified as a Class "B" Road by the Utah Department of Transportation. As an existing county roadway, all activities on the Deer Creek Road are governed by the Emery County Road Encroachment Ordinance. Therefore, the road is a public road simply not subject to permitting. Accordingly, the NOV issued to PacifiCorp in this matter should be vacated.

DATED this _____ day of October, 1991.



PATRICIA GEARY
Deputy Emery County Attorney

CERTIFICATE OF MAILING

I hereby certify that on the 25th day of October, 1991, I mailed a true and correct copy of the foregoing Notice of Violation by depositing same in the U.S. Mail, postage prepaid, addressed as follows:

Denise Dragoo
Fabian & Clendenin
Attorneys at Law
215 South State
Salt Lake City, Utah 84111

Assistant Regional Solicitor
for Surface Mining
P. O. Box 25007
Denver Federal Center
Denver, Colorado 80225-007

Leland D. Ford
Assistant Attorney General
Utah Department of Transportation
4501 South 2700 West
Salt Lake City, Utah 84119

Tom Mitchell
Assistant Attorney General
Division of Oil, Gas & Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203


Secretary



Emery County Board of Commissioners

P.O. Box 629
 Castle Dale, Utah 84513
 Telephone (801) 381-2119

Clyde W. Thompson, Commission Chairman
 Duane L. Collard, Commissioner
 Jerry D. Mangum, Commissioner
 Bruce C. Funk, Clerk

December 18, 1989

Val Payne
 UP&L Mining Division
 P. O. Box 310
 Huntington, Utah 84528

Dear Mr. Payne,

In response to your inquiry as to Emery County's future plans concerning Deer Creek Road (#3-04) in the event of cessation of mine operations; we submit the following for your consideration:

1. Whether mining operations continue or cease normal maintenance service will continue "business as usual". Naturally mining activities cause impact to roadways and service intervals are more frequent; the converse is true also i.e., little or no mining activities; less frequent maintenance requirements. However because this is a general use B Class revenue road future plans are to continue service in order to stay eligible for funding. Because we were in full compliance with the State and Federal regulations governing maintenance our recent Deer Creek Road project became a reality. Incidentally we wish to thank UP&L Mining Division for their assistance on this much needed project.
2. Bearing in mind that historically "the chicken came before the egg" you may or may not be familiar with the fact that the Deer Creek Road as we know it today is in reality the end product of diverse historic impacts. This road is the old North Trail "to the top of the mountain" used from earliest times by ranchers as the route from the north side of the mountain to the top where the summer ranges were located. Stories by "old timers" are still heard telling of the harrowing trips and roping calves from off the ledges. I am told that the old south trail is still visible from the south side of the mountain.

Use of this roadway precedes mining activities. Where the Utah Power & Light substation and truck scales are located is in fact the former Byron Howard Ranch homestead site. The house was located by the scale site with corrals up by the substation. It was Mr. Howard who later founded the old Deer Creek mine. As mining activity commenced the trail began to be improved as a haulway. Commissioner Mangum worked the ranch as a young boy and later bladed on the roadway for the mine. Sometime later Mack McKinnon purchased the old ranch and mine enterprise changing the name to American Fuel Company.

December 18, 1989

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Many subsequent owners have impacted this roadway over the years; the largest being Peabody Coal Company. From the county's point of view this road has never been (until recently) structured to accommodate the activity it receives so a total rehabilitation was timely and necessary.

3. Hunters frequent this area so continued maintenance reflects this aspect of use also.
4. Grazing in and around this area must also be taken into consideration as well.
5. "Touring" as the local past time continues to bring visitors and the curious onto this roadway at surprising intervals; further justifying the general use classification and function. The old mine sheds, portal and other structural "oddities" still visible continue to draw the nostalgia buffs and the curious. New additions such as belt lines, coal handling and the generating facility have a certain appeal which visitors can't resist.
6. Traditional county value on this road is of prime importance too. Historically it is one of our oldest revenue roads and would be kept open, regardless, for economic purposes and general use. Again the validity of this position has already been mentioned from the old North Trail aspect thence to ranch endeavors and on to mining enterprises; all impacting this roadway simultaneously. When our road log and identification program formally began in the 1960's this old road was called Deer Creek #H-18. Enclosed are copies of the log listings starting in the 1960's on thru the current 1988 log. I am told that before the convenient road log format each grader operator kept his own list on whatever was convenient.

So in conclusion whether you continue mining operations or not bears only on the maintenance service aspect. This road would be "kept open for business" to accommodate hunters, cattlemen, visitors, history buffs and power plant employees, while generating valuable road funds to Emery County.

Now I would like to change to another aspect concerning your plans for this road. It has come to our attention that you are considering posting this roadway with your mine I.D. at your permit boundary? I wish to advise that Emery County has an active Encroachment Ordinance #8-7-85A governing any activities within county road right-of-way. All right-of-way activity is subject to a permit process with final approval subject to Emery County.

December 18, 1989
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Please realize that any object placed within our road right-of-way creates a Tort liability for Emery County. Since we must comply with the Federal and UDOT regulations governing signing we are asking you to formally apply for permission using the prescribed methods. Enclosed is a copy of our Ordinance #8-7-85A and an application. Be advised that sign design criteria must be in full compliance with the current Traffic Control Devices Manual as well as the DOT.

What immediately comes to mind is the prospect of vehicle driver confusion. It is widely known that Emery County's authority and maintenance ends up at your gate just past the belt line overpass; but below the offices. This is reflected in our logs not to mention the State's B Class road maps. The moment that we allow you to post a mine I.D. sign well below the old entrance denoting (I presume) "Private Property" or "No Trespass" certain problems are set in motion. One problem is that we violate the 1983 B Class Road eligibility requirements governing revenue roads which would cause this portion of the roadway from the traditional gate entrance down to your proposed new location to be deleted from our network. However a general advisory sign merely noting say for example: "Deer Creek Mine ahead one mile" could be acceptable if in compliance with the UTCDC.

A few years back the UP&L generating facility got us into "hot water" by illegally posting a private property sign in the vicinity of the Coal Handling yard. We of course had the sign removed and reminded Utah Power & Light that Deer Creek Road is Emery County's not Utah Power & Light's!

We are asking to preview your design proposal so please enclose your sketches with the application. This is not a new process for UP&L as in times past permits have been granted for the water lines to the mine as well as the attachment for the new truck scales down at the generating facility. We must know the scope of your endeavor and the probable impact to Emery County before permission can be granted.

Confusing the general public creates a very high accident risk potential for which the county is responsible. If we have vehicles stopped in or along the roadway reading your signs and/on turning around in the middle of this 8% grade roadway the obvious comes to mind. Mine employees are often clocked doing 60 mph on this road at shifts end. I know that we have had trouble slowing traffic for routine maintenance activities in times past.

Strict adherence to State and Federal regulations keeps Emery County eligible for future funding for maintenance and improvements; so naturally we are very protective concerning impacts to our road network.

December 18, 1989
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We of course wish to continue our good relationship and will expediently consider your requests as we receive them. Thank you for recognizing our process and we hope to be of service to you. If you need road related questions answered please contact Rex Funk who is our Road Department Supervisor at 381-5450, he will be delighted to help.

Kindest Regards,

Clyde Thompson / cyd
Clyde Thompson,
Chairman

cc Rex Funk, Road Supervisor

DISTRICT NO. 1
HUNTINGTON DIVISION

NAME OF ROAD	ROAD NO.	LOCATION	MILES
KILLPACK-COLLARD	H-1	N of H	3.4
WILSON-BROWN	H-2	N of H	2.1
NORTH C. CANAL	H-3	W of U276	1.6
SHERMAN SPUR	H-4	N of H-1	0.6
MILL ROAD	H-5	W of H	4.3
BRASHER-YOUNG LOOP	H-6	SW of H	4.6
A. CLEGG-GUYMON SPUR	H-7	S of H-6	0.3
MAJOR SPUR	H-8	S of H-6	1.8
POWELL-GUYMON SPUR	H-9	S of H-6	0.5
ATWOOD-YOUNG	H-10	N of H	0.5
TUCKER-COOK SPUR	H-11	N of H-5	0.5
ALLRED-ANDERSON SPUR	H-12	E of H	0.8
LAWRENCE RIVER ROAD	H-13	E of H	1.9
GRANGE SPUR	H-14	E of H-13	2.0
MOHRLAND ROAD	H-15	N of H	4.9
BURMA	H-16	NW of H	9.0
JOHN-BRASHER	H-17	W of U10	0.2
DEER CREEK	H-18	CANYON	3.0
GIBBS SPUR	H-19	E of U10	0.9
GORDON-GUYMON	H-20	W of U10	0.3
BEAR CANYON	H-21	CANYON	1.2
TRAIL CANYON	H-22	CANYON	0.3
RILDY CANYON	H-23	CANYON	2.0
MILL FORK CANYON	H-24	CANYON	0.5
ART-ANDERSON LOOP	H-25	E of H-6	0.2
ROWLEY ROAD	H-26	W of H	0.5
SHERMAN-LARSON	H-27	W of U276	0.3
SOUTH CANAL ROAD	H-28	S of H	3.9
WEST FLAT	H-29	W of H	1.3
OLD LAWRENCE	H-30	SW of H	2.6
HUNT	H-31	S of H	0.2
B-JENSEN-	H-32	S of U135	0.2

H. Jensen

H. 3 1/2 1/2

EMERY
COUNTY
ROAD
LOG

EMERY COUNTY ROAD DEPARTMENT
Area 3 HUNTINGTON

NO.	NAME OF ROAD	LOCATION	MILES
3-01	Hiawatha	W of U10 2m N of Huntington	12.0
3-02	Mohrland Canyon	3-01 to Pine Spring	4.9
3-03	Burma	S of 3-02 to U31	9.0
3-04	Deer Creek	S of U31 7m W of Huntington	3.0
3-05	Bear Creek	N of U31 9m W of Huntington	1.2
3-06	Rilda & Trail Canyon	N & S of U31 10m W of Huntington	2.3
3-07	Mill Road	S of U31 4m W of Huntington	4.3
3-08	West Flat	S of 3-07 1m W of Huntington	1.2
3-09	Tucker/Cook Spur	N of 3-07 1m W of Huntington	0.4
3-10	West Center Street	W of Huntington	0.5
3-11	Huntington South Flat Loop	SW of Huntington to U10	4.6
3-12	Major Spur	S of Huntington	1.8
3-13	Guymon Wash Spur	S of 3-12 1m S of Huntington	0.5
3-14	A Clegg/Guymon Spur	S of 3-11 ¼m SW of Huntington	0.3
3-15	Ailred Anderson Spur	NE of Huntington	0.8
3-16	North Huntington School Bus Loop	N of U10 ½m N of Huntington	2.8
3-17	Sherman Larsen	W of 3-01 1m W of Huntington	0.3
3-18	Wilson Brown	N of U31 ½m W of U10 Jct.	2.1
3-19	Sherman	N of 3-16	0.6
3-20	Gibbs Spur	E of U10 1½m N of Huntington	0.8
3-21	West Huntington Lake	N of 3-16 ½m N of U10	0.2
3-22	South Canal Road	S of 3-11 to 3-37 3m SW of Huntington	3.8

Emery County Road Department

ROAD LOG

PROPERTY OF THE
EMERY COUNTY ROAD DEPARTMENT

00212	Airport Road East of U10 to Cleveland Gravel, Asphalt 1m	3.370
00213	Potter Spur North of 2-12 2m East of U10 Native	0.540
00214	Eden Spur North of U155 West of Cleveland Gravel	1.000
00215	Desert Lake to Lawrence Tan Seeps South of 1-10 to 3-32 Native	7.660
00216	Flat Top and Dinosaur Spur East of 2-15 1.5m South of Junction Native	19.160
00217	Adams Spur West of U155 1m North of Cleveland Gravel	0.490
00218	Allred East of U155 1m North of Cleveland Gravel	0.160
00219	Joe Oveson Bus Loop & spur East & West of U155 3m N of Cleveland Gravel	2.830
00220	Wilson Spur East of U155 5m North of Cleveland Native	0.290
00221	Industrial Road South of 2-12 1m East of U10 to U155 Gravel 0.50m Native 0.45m	0.950
00301	Hiawatha West of U10 2m North of Huntington Lignin & Asphalt 7.42m Gravel 3.11m	10.530
00302	Mohrland Canyon 3-01 to Fine Spring Native 7.38m, Asphalt 1.70m, Gravel .20m	9.280
00303	Eurma South of 3-02 to US1 Native	8.720
00304	Deer Creek South of US1 7m West of Huntington Asphalt	2.480
00305	Bear Creek North of US1 9m West of Huntington Asphalt	0.670
	_____ _____ _____	
00307	Native Mill Road South of US1 4m West of Huntington Gravel 3.30m, Asphalt 0.42m	3.720
00308	West Flat South of 3-07 1m West of Huntington Native	1.150
00309	Tucker/Cook Spur North of 3-07 1m West of Huntington Native	0.350

ATTACHMENT B

EMERY COUNTY-BLM ROAD MEMORANDUM

November, 5, 1980

Number	Name	Design Class	Maintenance Respon.	Hazard Periods	(1)	Nominal Vehicle	(2)	ROW	Width	Miles	Termination Points
728 (3-04)	Deer Creek	SN-16	County	W/W	None	LT	Any			2.0	S36 16S 07E S11 17S 07E
7112 (3-05)	Bear Creek	DL-16	County	None	None	Any				1.5	S26 16S 07E S25 16S 07E
7118	Meetinghouse	DL-18	County	W/W	None	Any				1.5	S35 16S 07E S02 17S 07E
7100	Mohrland	SL-12	County	W/W	None	LT				7.0	S17 16S 08E S09 16S 07E
6726	Poison Spring Bench	SL-8	BLM	W/W	None	LT				8.0	S01 16S 08E S27 16S 09E
7101	Poison Spring North Stub	SL-08	BLM	W/W	None	LT				2.0	S27 16S 09E S21 16S 09E
7102	Poison Spring South Stub	SL-08	BLM	W/W	None	LT				3.0	S34 16S 09E S17 16S 09E
7103	Poison Spring Bench Allotment	SL-08	BLM	W/W	None	LT				3.0	S06 16S 09E S08 16S 09E

(1) W/W - Hazardous when wet; may be closed by snow.

(2) LT - Pickups or high clearance vehicles recommended.

(3) Portion of county in 13S R06E, 14S R06 and 07E, and 15S, R06 and 07E not covered because area lies within Forest Service boundary.



Emery County Road Department

P.O. Box 889
Castle Dale, Utah 84513

Phone (801) 381-5450
or
381-2550

October 25, 1990

Mr. Ron Daniels
Division of Oil Gas and Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Dear Mr. Daniels,

Inclosed you will find the information that we talked about concerning Emery County's expenditures on roads that serve mining operations. I hope that this information is adequate for your purposes. As I mentioned on the phone it is possible that some minor costs may have been omitted, but these figures as they appear are relatively close. Also please keep in mind that while it is true that all of these roads serve mining operations most of them also serve other public uses. In some cases these other uses are primary to the mining interests.

If there are other questions still unanswered please feel free to contact us again. We would be happy to help if we can.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Dee Humphrey".

Thomas Dee Humphrey
Planning Coordinator

EMERY COUNTY ROADS SERVING MINING OPERATIONS
October 25, 1990

ROAD #	ROAD NAME	LENGTH	MINE PRODUCT	MINE ACTIVE	1988	1989	1990 To date	TOTAL	3 Year AVERAGE
125	HORSE CANYON	4.5	COAL	Y	\$61.32	\$87.86	\$0.00	\$149.18	\$49.73
301	HIAWATHA	3.1	COAL	Y	\$25,659.41	\$15,346.55	\$901.43	\$41,807.39	\$13,935.80
302	MOHRLAND	16.7	COAL	Y	\$25,643.94	\$12,335.07	\$1,131,761.63	\$1,169,740.64	\$389,913.55
304	DEER CREEK	2.5	COAL	Y	\$5,977.71	\$640,151.76	\$17,723.71	\$663,853.18	\$221,284.39
305	BEAR CANYON	0.7	COAL	Y	\$733.20	\$144.07	\$6,028.39	\$6,905.66	\$2,301.89
306	RILDA/TRAIL CANYONS	2.5	COAL	Y	\$1,573.62	\$157.70	\$440.10	\$2,171.42	\$723.81
416	DESBEEDOVE	7.5	COAL	N	\$381.34	\$471.20	\$364.14	\$1,216.68	\$405.56
506	COTTONWOOD CANYON	3.1	COAL	Y	\$2,030.46	\$893.04	\$59,567.74	\$62,491.24	\$20,830.41
907	CONSOL MINE ROAD	2.3	COAL	Y	\$87,825.89	\$5,423.63	\$5,864.19	\$99,113.71	\$33,037.90
911	LYNX CANYON (54%)	3.2	COAL	N	\$417.83	\$1,580.86	\$522.76	\$2,521.45	\$840.48
912	HILLERS CANYON (20%)	2.5	MINERALS	Y	\$18,785.42	\$69,746.28	\$33,626.76	\$122,158.46	\$40,719.49
915	COWBOY MINE	2.9	COAL/HIN.	N/Y	\$223.20	\$989.60	\$654.95	\$1,867.75	\$622.58
916	JENSEN SPUR (75%)	2.7	COAL/HIN.	N/Y	\$167.40	\$1,265.96	\$1,382.53	\$2,815.89	\$938.63
919	DOG VALLEY MINE	1.6	COAL	N	\$297.60	\$326.61	\$63.48	\$687.69	\$229.23
1012	TEMPLE/HIDDEN SPL.	39.9	URANIUM	N	\$9,555.71	\$21,839.77	\$9,391.47	\$40,786.95	\$13,595.65
1015	NORTH TEMPLE WASH	4.1	URANIUM	N	\$305.82	\$288.98	\$104.37	\$699.17	\$233.06
1016	SHUTE CANYON	6.6	URANIUM	N	\$201.60	\$255.36	\$63.48	\$520.44	\$173.48
1019	REDS CANYON LOOP	20.5	URANIUM	N	\$924.00	\$1,595.80	\$547.51	\$3,067.31	\$1,022.44
1020	HANNI MINE	0.9	URANIUM	N	\$46.68	\$54.00	\$15.87	\$116.55	\$38.85
1021	TOMSICH MT. SPUR	0.6	URANIUM	N	\$30.78	\$61.44	\$15.87	\$108.09	\$36.03
1027	ACERSON MINE	2.2	URANIUM	N	\$277.86	\$61.30	\$79.35	\$418.51	\$139.50
1029	FOUR CORNERS MINE	11.4	URANIUM	N	\$649.02	\$765.08	\$610.99	\$2,025.09	\$675.03
1032	BUCKMASTER	3.1	URANIUM	N	\$163.68	\$47.70	\$0.00	\$211.38	\$70.46
TOTALS (by Year)					\$181,933.49	\$773,889.62	\$1,269,630.72	\$2,225,453.83	\$741,817.94

ORDINANCE No. 8-7-85A

AN ORDINANCE REGULATING ROADWAY RIGHT-OF-WAY ENCROACHMENT

WHEREAS, Emery County is experiencing pronounced population growth and mineral development; and

WHEREAS, industrial development will require the improvement of County roads, and

WHEREAS, said growth and development necessitate frequent encroachment upon County roads for vibroseising and for the installation of utilities; and

WHEREAS, it is the declared public policy of Emery County to minimize cost to the County by requiring costs of road improvements be paid by those who disproportionately use the roadway, and

WHEREAS, the County is without adequate regulations to uniformly control such encroachments; and

WHEREAS, a new ordinance concerning road encroachment is necessary,

NOW, THEREFORE, be it ordained by the Emery County Commission that the following be enacted as law regulating roadway right-of-way encroachments:

Section I: DEFINITIONS

A. Encroachment means the disturbance of any roadway or right-of-way, whether by upgrading, constructing, reconstruction, surfacing or resurfacing, alignment or realignment, excavation, boring, obstruction, vibroseising, or extraordinary short-term use.

B. Supervisor means the Emery County Road Department Supervisor or any representative duly appointed by him.

C. Applicant means every natural person, partnership, corporation, firm, association or legal entity seeking to encroach upon an existing County roadway.

D. Annual Blanket Permit means an encroachment permit issued for a period of one calendar year to Applicants who, of necessity, may make numerous

encroachments. This Permit is designed to alleviate the necessity of securing a performance and completion bond for each encroachment.

E. Existing County Roadway means any roadway listed on the Emery County road system in the Emery County Road Log together with the right-of-way therefor and any other right-of-way over which Emery County has acquired, by any means, the right of passage.

F. New Construction means any activity which changes the current condition of the roadway or right-of-way including the placement of poles, culverts, pipelines or other lines in, on or under the roadway or right-of-way in a new location and including the upgrading, construction reconstruction, surfacing or resurfacing of any roadway together with the necessary effects on the right-of-way.

G. Maintenance means that work occasioned by the ordinary course of business, other than new construction, which requires an encroachment as defined herein, made necessary to repair, replace or modify existing structures including, but not limited to, poles, culverts, pipelines and other lines.

H. Permit as stated herein means the written permission given an Applicant by Supervisor authorizing a certain encroachment as indicated in the Permit.

I. Permittee means a natural person, partnership, corporation, firm, association or legal entity who has applied for and has received a Permit as provided for herein.

Section II: PERMITS FOR ROADWAY ENCROACHMENT

A. There shall be two types of permits issued pursuant to this Ordinance:

1. A regular Encroachment Permit.
2. An Annual Blanket Permit.

B. The procedure for obtaining a regular encroachment permit shall be

as follows:

1. Any party desiring to encroach upon an existing Emery County roadway must first make Application for a Permit by fully completing an Application form or a Utility Line Agreement Form provided by the Emery County Road Department. A non-refundable processing fee of \$ _____ shall be paid at the time Application is made. Supervisor shall review the completed application and shall notify Applicant within a reasonable time of any deficiencies.
2. Upon acceptance by Supervisor of the Application or Utility Line Agreement, Supervisor shall issue to Applicant a Permit for roadway encroachment. Applicant shall fully comply with the terms of said Permit, including any special provisions required by Supervisor as conditions of issuance.

C. The Supervisor may issue Annual Blanket Permits pursuant to application made therefore. A nonrefundable processing fee of \$ _____ shall be paid at the time application is made. The Supervisor shall determine the performance and completion bond required and said bond or other reasonable assurance shall be received by the Supervisor before an Annual Blanket Permit is issued. Holders of Annual Blanket Permits may, as directed by Supervisor, be required to provide a liability policy, as required by Section IV, for the calendar year corresponding with the permit year.

D. No permit shall be required hereunder where the encroachment involved constitutes maintenance, as defined herein. All other aspects of this Ordinance, including, but not limited to, liability insurance, notice, fees and minimum construction standards, shall apply to any encroachment of any County roadway.

E. An encroachment permit shall be required for any new construction.

Section III: BOND REQUIRED

A. Applicant, upon receipt of notice of acceptance of Application for encroachment, and before the issuance of a Permit, shall secure and deliver to Supervisor a performance and completion bond or other reasonable assurance to insure the restoration of the site.

The amount of the bond required, except for those holding an Annual Blanket Permit, shall be in at least the following amounts:

1. Hard Surface Street: \$5,000 minimum
2. Gravel Surface Street: \$3,000 minimum
3. Dirt Surface Street: \$3,000 minimum
4. Resurfacing and/or realignment of roadway: \$3,000 minimum
5. New Construction or maintenance within right-of-way: \$3,000 minimum

B. Supervisor is authorized and directed to review each Application as to location, duration, and extent of encroachment together with all other pertinent factors. Upon such review Supervisor shall determine the amount of the bond required together with notification of acceptance of the Application for encroachment.

C. Bonds given pursuant to this Section shall remain in force and effect for a period of either one or three years from the date the job was completed. Bonds are required for a three-year period when the roadway or right-of-way is disturbed or when any object, including but not limited to utility lines or culverts, is placed beneath the surface of the roadway or right-of-way. Bonds in all other cases shall be for a one-year period.

Section IV: LIABILITY INSURANCE

When in the judgment of Supervisor the same is advisable, Applicant, upon acceptance of the Application for encroachment by Supervisor, but before the issuance thereof, shall secure and deliver to Supervisor a policy of

insurance or other reasonable assurance, providing liability coverage in at least the amount of \$500,000. Said policy is to remain in force and effect until Applicant is released.

Section V: ENCROACHMENT PROCEDURE

A. Once an Applicant has obtained a Permit he may begin work. Said work shall progress in a prompt and orderly fashion and shall be performed in a good workman like manner.

B. The encroachment must be completed within the time requested by Permittee and allowed by Supervisor. Supervisor may extend the completion date upon request. Failure by the Permittee to complete the permitted work by the completion date may result in the forfeiture of its bond.

C. Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of road traffic will result. Inconvenience to residents and businesses fronting on public roads shall be minimized. Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all excavator's equipment is removed from site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to sunrise all barricades and excavations must be clearly outlined by acceptable warning lights, lanterns, flares, and other devices. Police and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring road closures or detour.

Section VI: NOTICE AND EMERGENCY EXCAVATIONS

The Board of Emery County Commissioners recognizes that from time to time emergency conditions may arise requiring encroachment upon County roadways. Should such conditions exist an Applicant may proceed with the encroachment and then make Application for encroachment during the next working day. The encroachment may continue, so long as application has been made, until

Applicant is ordered by Supervisor to cease encroachment. If Application for encroachment is made during the next working day Applicant will incur no penalty. If Application for encroachment is not made during the next working day, all fees will be twice the amount indicated.

Section VII: NOTICE REGARDING MAINTENANCE

A. When encroachment for maintenance is necessary, the person, partnership, corporation, firm, association or legal entity intending to engage in the encroachment shall notify Supervisor, in writing, ten (10) working days before the encroachment is made.

B. Supervisor shall, upon receipt of a notice pursuant to paragraph A of this Section, and in no event later than two (2) working days from the date notification is received, notify the party giving notice of the bond required, the necessity of any liability insurance and the amount of fees to be deposited.

Section VIII: FEES

A. Applicant, subsequent to making application for an encroachment permit or giving notice pursuant to Section VII, shall deposit with the Supervisor an amount specified by Supervisor. Fees which are subject of this section will be utilized to compensate the County for costs incurred for inspecting and reviewing the plans for the intended encroachment, the work in progress and the completed project.

B. All fees required to be paid hereunder shall be paid and received at the office of the Emery County Road Department in the Emery County Courthouse. All bonds, insurance policies or other documents required by this Ordinance to be delivered by Applicant must be delivered to and deposited with the Emery County Road Department at its office in the Emery County Courthouse.

C. Fees required pursuant to Section VII, paragraph B, shall be deposited at the office of the Emery County Road Department in the Emery County

Courthouse no later than two (2) working days before the encroachment is initiated.

Section IX: MINIMUM CONSTRUCTION STANDARDS

A. New construction shall be completed according to the plans and specifications submitted by Applicant and approved by Supervisor. Maintenance and new construction shall, in no event, be less than the following minimum standards.

1. Preparation. The pavement, sidewalk, driveway, or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hardsurfacing. An undercut level at the rate of one inch per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be replaced. All waste material resulting from the excavation shall be removed immediately from the site of the work.

2. Backfill.

a. Material for backfill will be of a select nature. All broken concrete, peat, decomposed vegetable or other matter and similar materials obtained from excavation will be removed from the site prior to beginning of backfilling. All backfill will be placed in layers not over eight (8) inches loose measure in thickness. Compaction will be obtained by mechanical rollers, mechanical tampers or similar means. Material for backfilling will have optimum moisture to insure compaction to a degree equivalent to that

of the undisturbed ground in which the trench was dug. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular free draining materials will be permitted.

- b. The density (dry) of the backfill under pavements, sidewalks, curbs, or other structures will be not less than that existing prior to excavation. The fill shall be restored and placed in a good condition which will prevent settling.

3. Restoration of Surfaces.

- a. General. All road surfacing, curbs, gutters, sidewalks, driveways, or other hard surfaces falling in the line of the excavation which must be removed in performance of the work shall be restored in kind by the Permittee, unless otherwise directed by the Supervisor, in accordance with the specifications contained herein governing the various types of surfaces involved.
- b. Protection of Paved Surfaces. In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.
- c. Time. In traffic lanes of paved roads, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after backfill has been placed, and shall complete permanent repairs on the road, sidewalk, curb, gutter, driveway and other surfaces, within five (5) days from the date of completion of the backfill except for periods:
 - (1) When permanent paving material is not available.

(2) When an extension of time is granted by Supervisor.

d. Temporary Repair. If temporary repair has been made on paved road with gravel and a permanent repair cannot be made within the time specified above due to any of the above-mentioned conditions, then the Permittee is required to replace the gravel with cold mulch as soon as possible.

4. Restoring Bituminous, Concrete or Asphalt road surfaces.

a. Temporary grade surface. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface. The gravel shall be placed deep enough to provide a minimum of six (6) inches below the bottom of the bituminous or concrete surface. Normally, this will require nine (9) inches of gravel for bituminous surfaces, twelve (12) inches of gravel for concrete, and concrete base for asphalt wearing surfaces. The gravel shall be placed in the trench at the time it is backfilled. The temporary gravel surface shall be maintained by watering, sprinkling, rolling, and adding gravel, to maintain a safe, uniform surface satisfactory to Supervisor until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for grading:

Passing 1-inch sieve	100%
Passing 3/4-inch sieve	85% - 100%
No. 4 sieve	45% - 65%
Passing No. 10 sieve	30% - 50%
Passing No. 200 sieve	5% - 10%

b. Bituminous surface. The exposed edges of existing pavement shall be primed with Type MC-1 Bituminous material or better. The type, grade, and mixture of the asphalt to be used for road surface replacement shall be approved by Supervisor. The thickness shall be equal to the adjacent surface thickness but not less than three (3) inches. The complete surface shall not deviate more than one-half (1/2) inch between old and new work.

5. Concrete Surfaces. The sub-base for concrete surfaces shall be sprinkled with clean water just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six (6) inches thick. The mixing, cement, water content, proportion, placement, and curing of the concrete will be approved by the Supervisor. In no case shall the concrete have less compressive strength than 3,000 pounds per square inch at the end of 28 days.

6. Concrete Base, Bituminous Wearing Surfaces. This type of surfacing shall be constructed as above described.

7. Gravel Surfaces. Trenches excavated through gravel-surfaced area, such as gravel roads, shoulders and unpaved driveways, shall have the gravel restored and maintained as described in paragraph 5 of this part, except that the gravel shall be a minimum of one inch more than the thickness of the existing gravel.

B. Relocation and Protection of Utilities. An excavator shall not interfere with any existing utility without the written consent of the Supervisor and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its

owner unless the owner otherwise directs. No utility, whether owned by a governmental entity by a private enterprise, shall be removed to accommodate the Permittee unless the cost of such work shall be borne by the Permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such costs. The Permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along, or across the work. In case any of the pipes, conduits, poles, wire, or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the Permittee. It is the intent of this part that the Permittee shall assume all liability for damage to substructures, and any resulting damage or injury to anyone because of such substructure damage and such assumption of liability shall be deemed a contractual obligation which the Permittee accepts upon acceptance of an excavation permit. The County need not be made a party to any action because of this part. The Permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

C. Jetting Pipe. Jetting pipe by means of water under pressure, or compressed air, is permitted only when approved by the Supervisor.

Section X: ENCROACHMENT UNLAWFUL

A. It shall be unlawful for any person to encroach upon any Emery County roadway without having first obtained a current Permit from Supervisor.

B. It shall be unlawful for anyone to encroach upon any Emery County roadway, for maintenance purposes, without first notifying Supervisor, as required by Section VII, and depositing any bond, liability policy or fees as

required by Supervisor.

C. Any party who encroaches upon an Emery County road without a valid Permit shall be guilty of a misdemeanor.

D. Any entity, whether public or private, who engages agents, general contractors, or subcontractors for a project that requires roadway encroachment shall require said agents, general contractors, or subcontractors to comply with the provisions of this Ordinance. Any entity violating this provision is guilty of a misdemeanor.

Section XI: CATTLEGUARDS

1. Applicant must file a detailed application and request, stating the exact location on the County Road involved and its official name with the Emery County Road Department.
2. The applicant will be required to supply the proper specified design and width of grill, as well as other materials, including but not limited to concrete, rebar, wings, fence posts and gates, as needed.
 - a. The grill work must meet and be interchangeable with the Powder River U-54 type (without cleanout feature). These plans and specifications must meet the Emery County Road Supervisor's approval before any permits will be issued and before installation of said cattleguard takes place.
 - b. Applicant will purchase all materials, including but not limited to hardware, needed to fabricate the bases when required by the supervisor. Supervisor will work out details with applicant regarding arrangements with material suppliers, so as to properly schedule construction of the base modules.
 - c. Applicant will install gate and hook fence to cattleguard.

3. Emery County Road Department will supply the labor to fabricate the bases and install them using U-5" type grills (or acceptable substitute) provided by applicant at the permitted site.

a. Emery County Road Department will thenceforth assume maintenance and upkeep on this unit as long as the road is part of the County system.

Section XII: REVOCATION AND SEVERABILITY

All ordinances for the regulation of roadway right-of-way encroachment and providing penalty for the violation thereof, passed prior to the passage of this Ordinance, are hereby revoked and repealed to the extent such ordinance is less stringent than the provisions herein, and any clause contained herein which shall be declared, by court of competent jurisdiction, to be unconstitutional or contrary to the laws of the State of Utah, shall in no way nullify any other part of this Ordinance.

Section XIII: INJUNCTION

Supervisor may request initiation of the proper legal proceeding, in a court of competent jurisdiction, to obtain an injunction against any natural person, partnership, corporation, firm, association or legal entity violating this Ordinance.

Section XIV: EMERGENCY CLAUSE AND EFFECTIVE DATE

The Emery County Commission finds and declares it is necessary for the immediate preservation of peace, health, and safety of the residents of Emery County that this Ordinance become effective upon its passage and publication.



147 West North Temple
P.O. Box 889
Salt Lake City, Utah 84110

June 24, 1986

Mr. Rex Funk
Superintendent
Emery County Road Department
P. O. Box 889
Castle Dale, Utah 84513

Re: Roadway Encroachment Permit Application

Dear Mr. Funk:

Submitted is Utah Power & Light Company's application for a roadway encroachment permit accompanied with a check in the amount of \$10.00 to cover the processing fee.

Said permit application is to allow UP&LCO permission to encroach the right of way of the Deer Creek Canyon county road during the installation of an eight inch (8") water supply line traversing from the Huntington Plant raw water pond to the Deer Creek Mine.

Enclosed is a map showing the route of the eight inch (8") pipeline along with two 8½" x 11" drawings of typical cross-sections.

Work is anticipated to commence on or about July 2, 1986.

If you have any question please call me at 535-4225.

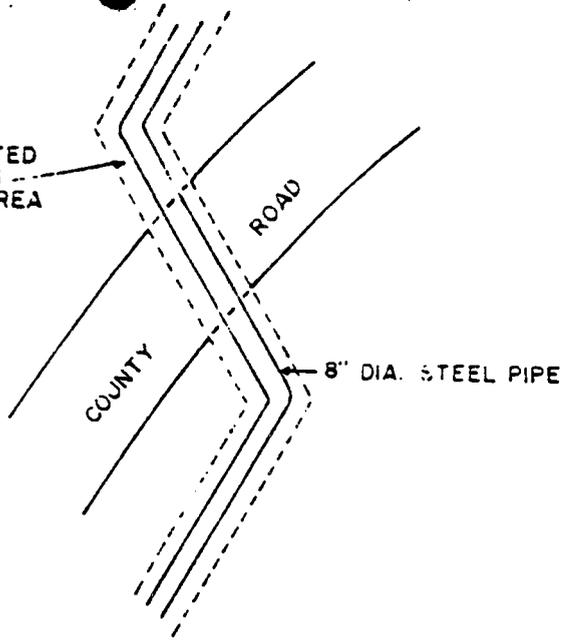
Sincerely,

A handwritten signature in cursive script that reads "C. E. Shingleton".

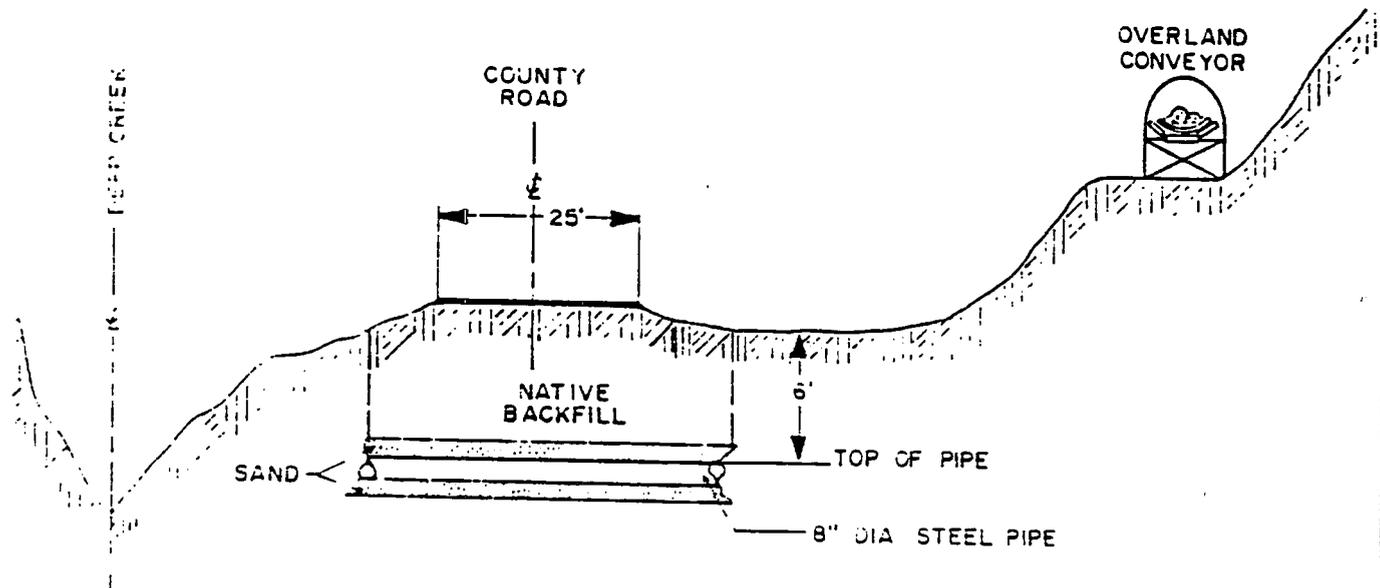
C. E. Shingleton
Director of Permitting,
Compliance & Services
Mining Division

CES:SMC:bb:5437
Enclosure

2' WIDE
EXCAVATED
TRENCH
WORK AREA

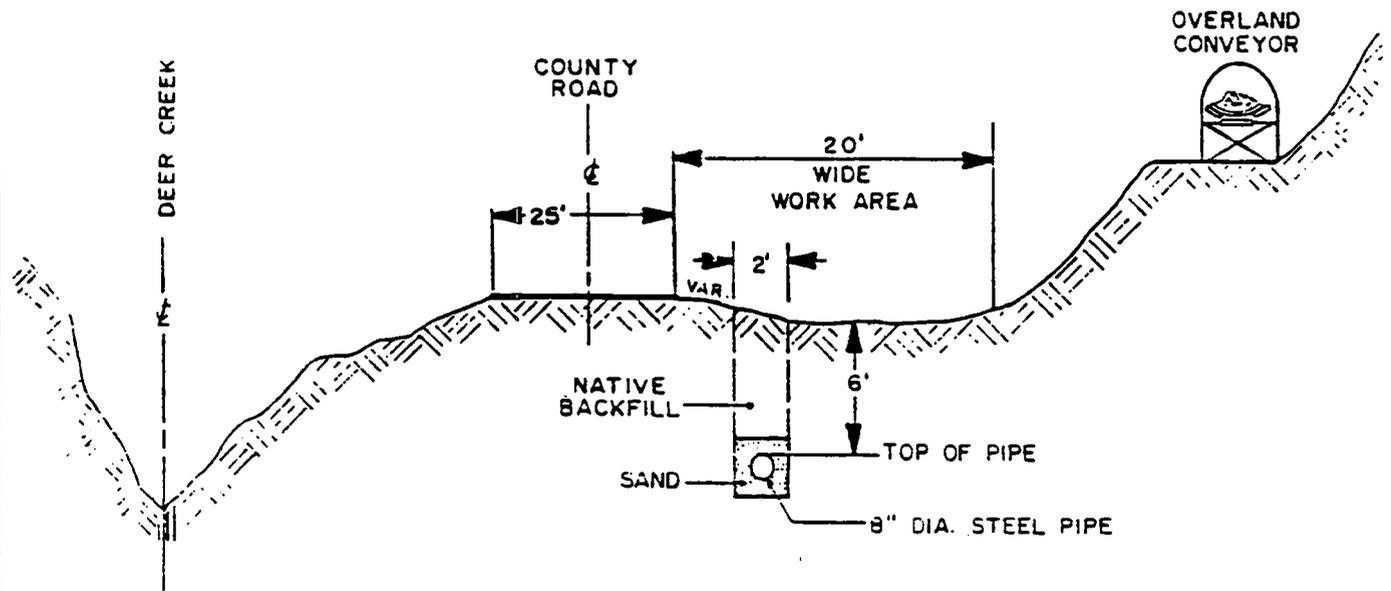


PLAN VIEW



OVERLAND
CONVEYOR

DEER CREEK COAL MINE EMERY COUNTY, UTAH	
TYPICAL ROADWAY CROSSING & PLAN VIEW OF THE 8" STEEL WATER SUPPLY LINE	
UTAH POWER & LIGHT COMPANY MINING DIVISION - SALT LAKE CITY, UTAH 84110	
DATE: JUNE 24, 1986	BY: LJ GUM
SCALE: NONE	FIGURE 2



DEER CREEK COAL MINE EMERY COUNTY, UTAH	
TYPICAL ROADSIDE CROSS SECTION OF THE 8" STEEL WATER SUPPLY LINE	
UTAH POWER & LIGHT COMPANY MINING DIVISION-SALT LAKE CITY, UTAH 84110	
DATE JUNE 24, 1986	BY LJ GUM
SCALE NONE	FIGURE 1

Applicant: Utah Power & Light Company
Mining Division
Address: P. O. Box 899
Salt Lake City, Utah 84110
Telephone: (801) 535-4225

APPLICATION AND PERMIT
for
ROADWAY ENCROACHMENT
APPLICATION

Utah Power & Light Company (Applicant) hereby applies
for a permit to encroach upon a roadway within Emery County known
as the Deer Creek Canyon county road for the purpose
of installing an underground water pipeline.
Said encroachment is proposed at the following location upon said
roadway: See attached Dwg. #CM-10673-DR,
and is described as see attached drawing.

Appliant proposes work to begin on July 2, 1986 and to
be completed on or before October 1, 1986. Applicant
acknowledges that any change in purpose or location requires an
amended application.

A processing fee of \$10 is tendered with this Application.

Applicant agrees to comply with all laws, ordinances and
regulations of all governmental agencies, including, but not
limited to, Emery County, as well as instructions of the Emery
County Road Department Supervisor or his indicated representative.
Applicant acknowledges receipt of a copy of Ordinance No. 7-6-83C.

Appliant acknowledges that certain fees will be due before
any permit is issued. Fees will be calculated according to the
Emery County Roadway Right-of-Way Encroachment Ordinance,
Ordinance No. 7-6-83C.

DATED this 24th day of June, 1986.

Appliant: Utah Power & Light Company
Mining Division
By: C. E. Shingleton
Title: C. E. Shingleton
Director of Permitting,
Compliance & Services



Emery County Road Department

P.O. Box 889
Castle Dale, Utah 84513

Phone (801) 381-5450
or
381-2550

PERMIT

Permit #193611

Application having been made by Utan Power & Light Company through C. E. Shingleton, Director, its authorized agent and fees and a bond in the above-mentioned amount having been received, reviewed and accepted, and the Application having been reviewed and accepted, permission is hereby granted Applicant to proceed with installation an underground water pipeline at the following location, Deer Creek Canyon Road, #3-04.

- Stipulation Requirements:
1. Notification of when project is completed.
 2. Bore under asphalt surfaces where pipe crosses roadway.

DATED this 30th day of June, 1936.

Superintendent

Emery County Road Department

By Carol J. Ware, Mgr.

INSPECTION AND RELEASE

Supervisor having inspected said site on Nov. 24th, 1986, finds the following deficiencies which must be corrected before release can be considered:

Superintendent

Emery County Road Department

By KE