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STATE OF UTAH
NATURAL RESOURCES
Division of Oil, Gas & Mining

Exhibit 5

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3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

Page 1 of 2

NO. N 95-35-01-01

To the following Permittee or Operator:

Name PACIFICORP ELECTRIC OPERATIONS

Mine DEER CREEK MINE Surface Underground Other

County EMERY State UTAH Telephone (801) 687-4722

Mailing Address P.O. BOX 1005, HUNTINGTON, UT 84528

State Permit No. ACT/015/018

Ownership Category State Federal Fee Mixed

Date of inspection JUNE 30, 1995

Time of inspection 1:00 a.m. p.m. to 3:00 a.m. p.m.

Operator Name (other than Permittee) ENERGY WEST MINING COMPANY

Mailing Address P.O. BOX 310, HUNTINGTON, UT 84528

notice of violation

Under authority of the Utah Coal Mining and Reclamation Act, Section 40-10-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas & Mining has conducted an inspection of above mine on above date and has found violation(s) of the act, regulations or required permit condition(s) listed in attachment(s). This notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that **cessation of mining** is is not expressly or in practical effect required by this notice. For this purpose, "mining" means extracting coal from the earth or a waste pile, and transporting it within or from the mine site.

This notice shall remain in effect until it expires as provided on reverse side of this form, or is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas & Mining. Time for abatement may be extended by authorized representative for good cause, if a request is made within a reasonable time before the end of abatement period.

CERTIFIED RETURN RECEIPT
P 074 976 212

Date of service/ mailing XXXXX JULY 7, 1995

Time of service/ mailing XXXXX 3:30 a.m. p.m.

VAL E. PAYNE
Permittee/Operator representative

RESIDENT AGENT
Title

Signature

SUSAN M. WHITE
Division of Oil, Gas & Mining representative

RECLAMATION SPECIALIST III
Title

Susan M. White
Signature

#35
Identification Number

SEE REVERSE SIDE

WHITE-DOG M YELLOW-OPERATOR PINK-OSM GOLDENROD-NOV FILE

DOG M/NOV-1

an equal opportunity employer

Rev. 5/92



NOTICE OF VIOLATION NO. N 95-35-01-01

Violation No. 1 of 1

Nature of violation

FAILURE TO OBTAIN A PERMIT PRIOR TO CONDUCTING COAL MINING ACTIVITIES.

Provisions of act, regulations or permit violated

UCA 40-10-9

R645-300-112.400

R645-301-526.200

Portion of operation to which notice applies

**POWERLINE DEVELOPMENT TO PROPOSED RILDA CANYON SURFACE FACILITIES WITHIN
DEER CREEK PERMIT AREA.**

Remedial action required (including any interim steps)

**CEASE ALL ACTIVITY AND PERMIT OR RECLAIM DISTURBANCES ASSOCIATED WITH
POWERLINE DEVELOPMENT.**

Abatement time (including interim steps)

90 DAYS OR OCTOBER 3, 1995.