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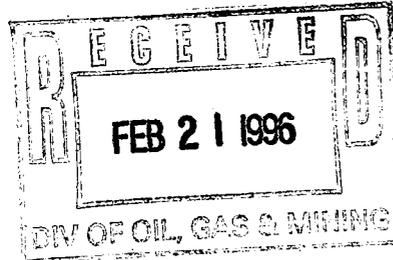
Suite 1100, Eagle Gate Plaza & Office Tower  
60 East South Temple, Salt Lake City, Utah 84111  
Post Office Box 11808, Salt Lake City, Utah 84147  
Telephone (801) 532-1900 — Fax (801) 532-1913

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February 20, 1996



James W. Carter, Esq., Director  
Division of Oil, Gas & Mining  
Department of Natural Resources  
State of Utah  
355 West North Temple  
III Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203

Re: Application for Renewal of Coal Mining Permit  
for Deer Creek Mine Act/015/018 #2

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 should 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 "Probable 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. We are particularly concerned because we believe transbasin water diversions are occurring within the Deer Creek Mine.

Jaames W. Carter, Esq.  
February 20, 1996  
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We would note that R645-303-232.250 allows DOGM to require "Additional, revised, or updated information" as part of the permit renewal. Thus, regulatory authority to require actual water data and if necessary analysis of such data exists.

We would respectfully request that actual water quantity and quality data sufficient to determine whether transbasin diversions are occurring and the accuracy of the PHC and CHIA be required for this and all subsequent mine permit renewals. We also request the opportunity 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