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SMITH | HARTVIGSEN PLLC

ATTORNEYS AT LAW #05-04-00-0055

215 South State Street
Suite 650
Salt Lake City, Utah 84111

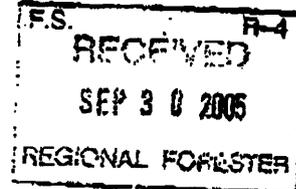
T 801.413.1600
F 801.413.1620
www.smithhartvigsen.com

J. CRAIG SMITH
jcsmith@smithlawonline.com

J. Craig Smith
9/15/2005

September 29, 2005

Jack Troyer
Regional Forester
324 25th Street
Ogden, Utah 84401



Re: Appeal of Finding of No Significant Impact for Mining Plan Modification, Federal Coal Leases U-06039, U-2810, SL-050862, and SL-051221

Dear Mr. Troyer:

The purpose of this letter is to inform you that my client, Huntington-Cleveland Irrigation Company, P.O. Box 327, Huntington, Utah 84528, ("Huntington-Cleveland"), appeals the Decision Notice and Finding of No Significant Impact signed by Rod Player, Acting Forest Supervisor, on behalf of Alice B. Carlton, Forest Supervisor, on August 25, 2005, concerning the mining plan modification in Rilda Canyon, Federal Coal Leases U-06039, U-2810, SL-050862, and SL-051221. This appeal is authorized pursuant to 36 C.F.R. §§ 215.7, 215.11.

Huntington-Cleveland is the holder of the majority of water rights in the Huntington Creek drainage, and the springs in Rilda Canyon, part of the Huntington Creek drainage, is an important drinking water source for shareholder municipalities and districts of Huntington-Cleveland. It is therefore vitally important that this source is protected.

Huntington-Cleveland appeals the Finding of No Significant Impact on one ground; namely, the Environmental Assessment ("EA") fails to address how PacifiCorp will replace and/or restore any water supply that may be affected by mining related activities. See EA § 4.2.1.3.2, at 39. Without any provisions specifically addressing how PacifiCorp will replace and/or restore the water supply, Huntington-Cleveland is unable to determine if, and to what extent, its rights to the appropriated water may be affected by the mining plan modification, a concern specifically raised in a letter dated August 12, 2004.

Moreover, without requiring any such provisions before an incident of contamination, diminution, or interruption of the water supply occurs, the action in question fails to conform to the Manti-La Sal National Forest Land and Resource Management Plan's directive to "[i]nitiate timely and effective rehabilitation of disturbed

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sites." Riparian Management Unit at III-72. Indeed, by refusing to address this issue until after an interruption has occurred, the process of replacing or restoring the water supply will necessarily be delayed to accommodate the required studies and analyses of possible remedies. This delay could cause a potentially serious interruption in the rights enjoyed by Huntington-Cleveland.

Due to the above-mentioned concerns with the Finding of No Significant Impact, Huntington-Cleveland respectfully requests that the Forest Service refuse to consent to the Mining Plan Modification in Rilda Canyon until the applicant identifies the source(s) it will use to restore or replace the water supply if a problem arises.

Please feel free to contact me with any questions.

Yours truly,

SMITH HARTVIGSEN, PLLC



J. Cray Smith

cc: Board of Directors, Huntington-Cleveland
Dennis Ward, President
Sherrel Ward, Vice President
Kay Jensen, Secretary