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SCOTT M. MATHESON
Governor

OIL, GAS, AND MINING BOARD

GORDON E. HARMSTON
Executive Director,
NATURAL RESOURCES

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS, AND MINING
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November 1, 1977

Mr. Montell Seely
Castle Dale, UT 84513

Dear Mr. Seely:

This is to acknowledge the receipt of your objection of the 13th of October 1977 to the Utah Power and Light Wilberg Mine which is proposed to be developed under land over which you hold a portion of the surface estate.

Your objection to the plan centers on the destruction of your property values. A reasonable solution to the question of possible damage seems to lie in either proving what damage will occur and balancing costs versus benefits or in providing adequate assurance that compensation will be forthcoming in the event that subsequent damages does occur to your surface estate.

In an October 20th communication to this Division Mr. Jackson Moffitt of the U.S.G.S. set forth the Federal Government's policy for Federal coal which is overlain by other surface owners. One of the conditions outlined by Mr. Moffitt is the requirement for the operator to post a bond with the Court to secure reclamation and to indemnify the surface owner(s) for damages resultant from mining activities. This procedure would apply in the event that the lessee is not able to obtain the surface owner's consent or reach agreement with him for compensation beforehand.

It seems to the Division that these conditions for approval adequately deal with your concerns in this matter and that your objections would not be considered to be of substance under the Utah Mined Land Reclamation Act since your interests would be protected by said bond.

Mr. Seely
Page Two

It is the Division's opinion that if the bond is set before the next regular meeting of the Board of Oil, Gas, and Mining (November 23) then the mining and reclamation plan should be issued final approval.

Please feel free to communicate with the Division if you have any further concerns.

Sincerely,

DIVISION OF OIL, GAS, AND MINING



RONALD W. DANIELS
COORDINATOR OF MINED
LAND RECLAMATION

/jy

cc: Gordon E. Harmston, Executive Director
Division of Natural Resources
State Capitol Building
Salt Lake City, UT 84114

J. Moffitt, U.S.G.S.
8426 Federal Building
125 South State Street
Salt Lake City, UT 84138

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