

0024

UTAH POWER & LIGHT COMPANY

LEGAL OFFICES
SIDNEY G. BAUCOM
SENIOR VICE PRESIDENT
AND
GENERAL COUNSEL

ROBERT GORDON
350-3214

THOMAS W. FORSGREN
350-3213

VERL R. TOPHAM
350-3650

P. O. BOX 899
SALT LAKE CITY, UTAH 84110

April 2, 1979

SAM F. CHAMBERLAIN
350-3825

ROSEMARY RICHARDSON
350-3796

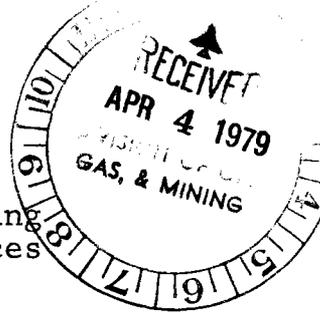
RALPH L. JERMAN
350-3726

HELEN J. EDWARDS
350-4975

MARY STIRK
LEGAL ASSISTANT
350-3217

STEVE D. WHITE
CLAIMS SPECIALIST
350-4864

Division of Oil, Gas and Mining
Department of Natural Resources
1588 West North Temple
Salt Lake City, UT 84116



Re: Wilberg Mine Reclamation Plan

Gentlemen:

We are in receipt of a copy of Mr. Wadsworth's letter to you dated March 21, 1979. We are, however, at a complete loss to understand Mr. Wadsworth's complaints, particularly in view of the past proceedings and his participation therein.

You will recall that on May 24, 1978, a hearing was held before the Board of Oil, Gas and Mining upon a complaint filed by the Crawfords which had previously been rejected. At the hearing, the Board determined to treat the complaint as a timely motion for reconsideration. After hearing all of the evidence submitted by Mr. Wadsworth, including the testimony of a geologist and a civil engineer, the Board ruled that the mining and reclamation plan previously filed by Utah Power should be amended in two respects. I call your attention to page 88, et seq., of the official transcript of said hearing.

The Board subsequently entered a written order in conformance with its oral decision. That written order was submitted to Mr. Wadsworth several weeks prior to its being signed by the Board. To my knowledge, no objection was ever made to the terms of that order.

Most of the language of which Mr. Wadsworth complains (citing it as "unrealistic") was taken almost verbatim from the transcript and the Board's order. Moreover, following the date of the order, representatives of this office met with Mr. Wadsworth and representatives of your office regarding the monitoring system and the terms of the reclamation plan amendment.

It is apparent from Mr. Wadsworth's letter that he and

Division of Oil, Gas and Mining
April 2, 1979
Page Two

his clients want substantially different relief than was granted to them by the Board of Oil, Gas and Mining. They are attempting, in effect, to start over again.

We believe that the reclamation plan and the amendment thereto have been approved by the Division in accordance with the Board's order and that Mr. Crawford has no legitimate complaint. We feel that no action or measures could be taken by Utah Power, short of purchasing his surface rights, that would satisfy Mr. Crawford. Nonetheless, Mr. Crawford is adequately protected by Utah Power's financial strength, by the bond that has heretofore been obtained by Utah Power and various state and federal laws.

Mr. Wadsworth, in his letter, makes some comments which we feel merit response. Most importantly, he indicates that there are subsidence cracks three feet wide occurring in his property. There is, however, no way which these cracks (if they do exist) could be related to mining activities on his property. There has been no subsidence in the mine itself.

Mr. Wadsworth also suggests that Utah Power either leave enough coal in place to prevent subsidence or that it backfill. As you are well aware, both of these suggestions are completely impracticable. We are required by the federal leases to maximize coal recovery and there is no feasible way at the present time by which we could backfill. We cannot believe that anyone from the Department of Interior would suggest this as a practical possibility in connection with the Wilberg Mine.

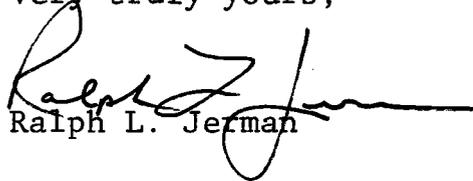
Finally, Mr. Wadsworth infers that Utah Power & Light owns no springs on East Mountain except a portion of Burnt Tree Springs, upon which Mr. Crawford also has a filing.

The facts are that in a recent check with the State Engineer's office, we were unable to locate any filing of Mr. Crawford's except one for two gallons per minute to water cattle. Moreover, Utah Power & Light owns water rights on East Mountain other than Burnt Tree Springs. As of yet, our surface water monitoring program on East Mountain has failed to identify any other existing springs owned by Mr. Crawford. In any event, we suggest that replacement of water is more of a problem to Utah Power & Light than to Mr. Crawford.

Division of Oil, Gas and Mining
April 2, 1979
Page Three

It is our understanding that the mining and reclamation plan, as amended, has been approved by the Division of Oil, Gas and Mining. We would appreciate confirmation of that fact and assume that you will so notify Mr. Crawford.

Very truly yours,


Ralph L. Jerman

RLJ:p

cc: H. Wayne Wadsworth, Esq.