0036

FILE
ACT/015/019, #2

UTAH POWER & LIGHT COMPANY

1407 WEST NORTH TEMPLE STREET
P. O. BOX 899
SALT LAKE CITY, UTAH 84110

May 4, 1984

RECEIVED
MAY 7 1984
DIVISION OF OIL
GAS & MINING

Ms. Shirley Lindsey
U. S. Department of the Interior
Office of Surface Mining
Reclamation and Enforcement
Brooks Towers
1020 15th Street
Denver, Colorado 80202

Re: Wilberg Coal Mine Permit Application

Dear Ms. Lindsey:

Enclosed are seven (7) sets of responses to your list of deficiencies dated April 19, 1984. An additional seven (7) sets is sent under separate cover to DOGM.

In answer to the socioeconomic needs, page 16:

1. Current number of employees

   a. 273 UMWA
   b. 55 Supervisory
   c. 43 Office

2. Generally - Emery County

3. Annual tax revenue -

   Ad Valoreum $601,000
   State Unemployment $210,000

4. None

5. Zone CE-1 - By resolution of 1979 this zone was established within the recreation-forestry and mining zone. Provision 3-2-1 allows that "uses of land may be continued to the same extent and character as that which legally existed on the effective day of the applicable regulations." A letter from the Emery County Zoning Commission confirming is forthcoming and will be transmitted upon receipt.

Additional requirements (page 17):

1. Appendix VII has been revised to salvage 18" of soil material and reapply.
2. Omitted by agreement.
3. Added to page 4-5.
4. Revised - page 4-16.
5. Revised - page 4-28.
6. Revised - page 4-2, drawings 4-1 and 4-2.
7. See page 3-28.
8. Revised - Drawings CM-10361-WB and CM-10518-WB in Appendix VII.
9. Revised - Map 4-2.
10. Revised - page 4-2.
11. See page 3-67.
12. Drawings 3-29, 3-30 and 3-32 have been revised to eliminate this requirement.
13. This commitment was previously made on page 2-96.
14. Added to page 2-89.
15. Added to page 2-79.
16. Added to page 2-95 along with additional techniques for data collection.
17. Analysis from Des-Bee-Dove application is included for insertion - page 3-58-A.
18. Insert on page 4-55.
19. Omitted by agreement.
20. Added to page 4-55.
21. DWR comments:

    a. Information in question is quoted from two authors (Durrant and Hayward) and even though the DWR may disagree it is left in the text as the results of those two studies.
    b. Deleted from page 2-106.
    c. The 3/2/81 wildlife information section is submitted to replace the 1977 information which follows page 4-55 in Volume 2.
    d. Narrative on page 2-160 and Table II have been revised. The item in the Cottonwood portal impact zone survey states "Elk winter use was noted" and agrees with revised Table II.
    e. Paragraph on page 2-164 has been removed.
    f. Items on pages 2-165 and 2-166 have been revised.
    g. References requested were not used in the preparation of the text and are not shown for that reason.
    h. Map 2-20 has been revised to show deer high priority summer range.

i. New Figure 1 (Elk Habitat) is submitted for inclusion in map packet 2-20.
j. See revised page 5 of the vegetation section of Appendix VII.

22. a. Added to page 4-1 and revised on page 7.
b. Added to page 4-6.
c. New page 4-7-A.
d. Added to page 3-73.

23. Mine fan pad is part of road reclamation and is added to item 3-F of reclamation backup. Justification to not reclamate the rock basin is on new page 4-4-A.

24. Revised on page 11-A of Appendix VII.

25 & 26. See page 4-49.

27. a. Omitted by agreement.
b. Added to page 4-49.

28 thru 31. Omitted, however, item 29 has been removed from page 4-27.

32. Added to page 3-58.

33. Neither road will be surfaced. See pages 3-22 and 4-5.

34. In compromise to this requirement one copy of Mr. Crawford's water filings are attached.

35 & 36. Commitment to surface owner protection remains as is.

In addition, the reclamation costs section has been completely revised and is included.

Yours truly,

C. E. Shingleton
Director of Permitting,
Compliance & Services
Mining and Exploration

CES:BM:bb:4385
Enclosure
cc: James W. Smith, Jr., DOGM

Form 14
SJK 63

AMENDED BY STATE ENGINEER

IN THE SEVENTH JUDICIAL DISTRICT COURT, IN AND FOR THE COUNTY OF EMERY STATE OF UTAH

IN THE MATTER OF THE GENERAL DETERMINATION OF RIGHTS TO THE USE OF ALL WATER BOTH SURFACE AND UNDERGROUND WITHIN THE DRAINAGE AREA OF THE SAN RAFAEL RIVER IN SANPETE AND EMERY COUNTIES IN UTAH.

STATEMENT OF WATER USER'S CLAIM
CODE NO. 93 SERIAL NO. 1155
MAP NO. 28

NOTE: This blank is sent to you in accordance with Utah Law. The information called for herein will be used in connection with the adjudication of water rights on the above mentioned drainage area. All questions applicable to your claim must be answered fully, and one copy of this form must be filed with the Clerk of the District Court at Castle Dale, Utah, within sixty (60) days from date of service of the attached Notice. A copy shall be filed with the State Engineer, State Capitol, Salt Lake City. Failure to file the attached Statement of the Water User's Claim with the Clerk of the District Court within the time stated will forever bar and estop you from asserting any right to the use of water from said drainage area.

1. Name of Claimant Clay E. Crawford etal
9255 S.W. Arrowwood Drive Interest Claimed Full 2/3 Interest
2. Address Beaverton, Oregon
3. Name of particular spring, spring area, stream, well, tunnel or drain from which water is diverted is Clay C. Spring in Emery County.
4. Priority date claimed 1860 Date when water was first used
Date when work on diverting system was first begun Date when diverting system was completed
Nature of work
5. Class of Right (Indicate by X):
(a) X Right to surface water initiated by beneficial use before 1903 Claim No.
(b) Right to underground water initiated before 1935 Claim No.
(c) Right decreed by court, cite title of case
(d) Application filed, State Engineer's Office No. Cert. of App. No.
(e) Right acquired by adverse use prior to 1939
6. Nature (Indicate by X), Amount, and Annual Period of Use (by month & day):

(a)	Irrigation	Sec. Ft.	from	to		(both dates incl.)
(b) X	Stockwatering	Sec. Ft. 0.025	from June 1	to November 30		(both dates incl.)
(c) X	Domestic	Sec. Ft. Inc.	from June 1	to November 30		(both dates incl.)
(d)	Municipal	Sec. Ft.	from	to		(both dates incl.)
(e)		Sec. Ft.	from	to		(both dates incl.)

7. Direct Flow Appropriation (must be described with reference to U. S. Government Survey Corner)
(a) Point of diversion from spring, spring area, stream, well, tunnel, drain S. 200 ft. & W. 1056 ft. from the N¼ Cor. Sec. 21, T17S, R7E, SLB&M.
(b) Description of spring area
(c) Point of rediversion or point of return to natural channel
(d) If flow is intermittently diverted, list by number or description, all rights involved
8. Where water is used for irrigation purposes:
(a) Area irrigated in legal subdivisions of land by 40-acre tract. (All sources of water for same land or lands must be described in each instance by name or claim number)
(b) Do you get water under a ditch owned by several users If so, give names of all users and divisions of interest
9. Where water is used for Stockwatering:
(a) Number of each kind of stock watered 100 Cattle, 10 Horses
(b) All sources of water for same stock. (Describe by name or claim number) 93-574-576, 587, 611, 617, 623, 673, 677, 1155.
10. Where water is used for Domestic:
(a) Number of families or their equivalent One Family All sources of water for same use. (Describe by name or claim number) 93-677, 1155