Roads Mine file
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PACIFIC POWER • UTAH POWER

324 South State 0033
P.O. Box 26128
Salt Lake City, Utah 84126-0128

RECEIVED
JUN 07 1991
DIVISION OF
OIL GAS & MINING

PACIFICORP
ELECTRIC OPERATIONS GROUP

June 3, 1991

Mr. Lowell P. Braxton
Associate Director, Mining
State of Utah
Department of Natural Resources
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, UT 84180-1203

Re: MINE ACCESS ROADS, PACIFICORP ELECTRIC OPERATIONS, DEER CREEK MINE, ACT/015/018 AND COTTONWOOD/WILBERG MINE, ACT/015/019, EMERY COUNTY, UTAH

Dear Mr. Braxton:

I am enclosing information in response to your letter of March 28, 1991 regarding the above referenced matter as well as a copy of a letter received from Mr. Rex Funk, Emery County Road Supervisor, in which the Deer Creek road is discussed. I understand that Mr. Archie Hamilton, Utah Department of Transportation, has submitted information regarding the Cottonwood/Wilberg road (Highway 57) directly to you. I hope this material sufficiently addresses your questions.

If you require further information, please call me at 220-4584 or Val Payne at 653-2312.

Sincerely,

Val Payne for

J. Blake Webster
Permitting Administrator

VP/sh/1630
Enclosures
cc: Val Payne, with enclosures

Emery County Road Department

P.O. Box 889
Castle Dale, Utah 84513

Phone (801) 381-5450 or 381-2550
Fax (801) 381-5239

May 21, 1991

J. Blake Webster
PacifiCorp.
324 South State
Salt Lake City, Utah 84126-0128

Dear Mr. Webster:

In response to your letter of May 3, 1991 we submit the following in reference to Deer Creek Road #304. Using the questionnaire format which you enclosed I'll respond accordingly.

1. **QUESTION:** The above referenced road is/is not a public road pursuant to the laws of that jurisdiction.

   ANSWER: The referenced road <u>is</u> a public road pursuant to the laws of Emery County and the State of Utah.

2. Designation of a public road:

   a. QUESTION: When was the designation first established?

   ANSWER: Our records indicate public use at least as far back as 1892 as noted on Emery County Plat dated November 2, 1901. Other transactions are on file including a Right-of-Way deed granted by Bryon and Nida Howard (Howard Ranch/refer to Road Supervisor's letter to Val Payne dated December 18, 1989) to the State Road Commission of Utah on October 3, 1946. The Right-of-Way granted the state permission to relocate and reconstruct Highway 31 with proper reattachment of Deer Creek road to the new construction.

   b. QUESTION: In which government system is the road included?

   ANSWER: Emery County Road #304 (Deer Creek Road) is a Utah State Class B county road belonging to Emery County.

c. **QUESTION:** How is it classified within the public road system and are these similar roads within the jurisdiction?

ANSWER: Deer Creek Road #304 is classified as a general use public roadway under authority of Emery County. All of Emery County's roads are classified general use public roads in compliance with the Regulations Governing Class B and Class C Road Funds (Utah Department of Transportation Agreement 1983).

3. **QUESTION:** What public funds have been expended in maintaining the roads in the following years:

a. 1990:
ANSWER: Records indicate $17,724 expended 1990.

b. 1989:
ANSWER: Records indicate $640,152 expended 1989.

c. 1988:
ANSWER: Records indicate $5,978 expended 1988.

4. **QUESTION:** How maintenance expenditures compare with other public roads of the same classification within the jurisdiction?

ANSWER: Expenditures seem comparable to other public roads receiving heavy haul traffic combined with general use.

5. **QUESTION:** How construction standards for this road compare with roads of similar classifications within the jurisdiction?

ANSWER: As public roads are rehabilitated, as was the Deer Creek road in 1989, all applicable construction standards are subscribed to (re: AASHTO Standards on Geometric Design of Highways and the State of Utah Standard Specification for Road and Bridge Construction). Because of the recent rehabilitation efforts in 1989 Deer Creek Road is superior in design to most of our older existent public roads and comparable to others of later rehabilitation conforming to applicable design and construction standards.

6. **QUESTION:** Whether Pacific Corp Electric Operations has the ability to deny public access to any o this road?

ANSWER: Pacific Corp does not have authority to deny public access to any portion of Deer Creek Road #304 nor does Pacific Corp have rights to maintenance or encroachment per Emery County Encroachment Ordinance #8-7-85A. Emery County has repeatedly responded over past years, to the inquiries as to whether Deer Creek Road #304 is a county and now particularly as to whether it is a public road or not.

We hope that the above information will be sufficient to deter further inquiry which consumes much time and effort in proving that which is common historic fact as pertaining to Emery County's legal right to the above subject road as recognized by the Utah Code.

If we can be of further assistance please contact us.

Sincerely,

Rex Funk,
Road Supervisor

cc Commissioner Dixie Thompson
Val Payne, UP&L Mining Division

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