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# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter

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Division Director

355 West North Temple

3 Triad Center, Suite 350

Salt Lake City, Utah 84180-1203

801-538-5340

September 9, 1992

CERTIFIED RETURN RECEIPT REQUESTED  
P 074 979 282

Mr. Wendell Owen  
Co-Op Mining Company  
P.O. Box 1245  
Huntington, Utah 84528

Dear Mr. Owen:

Re: Finalized Assessment for State Violation #N92-40-3-2, Co-Op Mining Company, Bear Canyon Mine, ACT/015/025, Folder #5, Emery County, Utah

The civil penalty for the above-referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts including those presented in the assessment conference by you or your representative and the Division of Oil, Gas and Mining inspector.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must escrow the assessed civil penalty with the Division within a maximum of thirty (30) days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division, mail c/o Vicki Bailey at the address listed above.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas A. Mitchell', written over a horizontal line.

Thomas A. Mitchell  
Assessment Conference Officer

jbe

Enclosure

cc: Bernie Freeman, OSM, AFO  
Kimly Mangum, MEC

**WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Co-Op Mining Company/Bear Canyon Mine NOV #N92-40-3-2

PERMIT # ACT/015/025

VIOLATION 1 of 2

Assessment Date 09/09/92

Assessment Officer Thomas A. Mitchell

Nature of Violation:

For Failure to construct and/or maintain diversions.

Date of Termination: 05/04/92

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>11</u>	<u>11</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>6</u>	<u>6</u>
Extent of Damage	<u>4</u>	<u>4</u>
(b) Hindrance to Enforcement	<u>    </u>	<u>    </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-10</u>	<u>-10</u>
Total Points	<u>19</u>	<u>19</u>
TOTAL ASSESSED FINE		\$ <u>190.00</u>

**NARRATIVE:**

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)

**WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING**

COMPANY/MINE Co-Op Mining Company/Bear Canyon Mine NOV #N92-40-3-2

PERMIT # ACT/015/025

VIOLATION 2 of 2

Assessment Date 09/09/92

Assessment Officer Thomas A. Mitchell

**Nature of Violation:**

For Failing to operate in accordance with the approved plan and for failing to design a diversion.

Date of Termination: 04/23/92

	<u>Proposed Assessment</u>	<u>Final Assessment</u>
(1) History/Previous Violations	<u>11</u>	<u>11</u>
(2) Seriousness		
(a) Probability of Occurrence	<u>20</u>	<u>20</u>
Extent of Damage	<u>4</u>	<u>4</u>
(b) Hindrance to Enforcement	<u>    </u>	<u>    </u>
(3) Negligence	<u>8</u>	<u>8</u>
(4) Good Faith	<u>-5</u>	<u>-5</u>
Total Points	<u>38</u>	<u>38</u>
TOTAL ASSESSED FINE		<u>\$ 560.00</u>

**NARRATIVE:**

(Brief explanation for any changes made in assignment of points and any additional information that was available after the proposed assessment.)