

FEB 14 1996

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Attorneys for Co-op Mining Company

**BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH**

IN THE MATTER OF THE FIVE-YEAR)	
PERMIT RENEWAL,)	MOTION TO STRIKE OBJECTION
CO-OP MINING COMPANY,)	TO PERMIT RENEWAL AND
BEAR CANYON MINE,)	REQUEST FOR INFORMAL
EMERY COUNTY, UTAH)	CONFERENCE
)	Docket No. 95-025
)	Cause No. ACT/015/025
)	

Co-op Mining Company (Co-op) moves the Division to strike the October 12, 1995 Objection to Permit Renewal and Request for Informal Conference filed by Castle Valley Special Service District, North Emery Water Users Association and Huntington-Cleveland Irrigation Company (Petitioners), and to deny the relief Petitioners request in their Objection.

This Motion is based on the grounds Petitioners do not have an interest which is or may be adversely affected by Co-op's permit renewal, so that Petitioners do not have legal standing to object to the permit renewal. This Motion is supported by the following points and authorities.

STATEMENT OF FACTS

1. On July 21, 1994 the Division approved Co-op's Application for Significant Revision to its mining permit, to mine the Tank Seam within its existing permit boundaries.

2. Petitioners appealed the Division's July 21, 1994 decision to the Board of Oil, Gas and Mining. Petitioners claimed mining the Tank seam would harm the quality and quantity of water issuing from Big Bear Spring and Birch Spring.

3. On October 25, 1994 and November 17, 1994 the Board conducted an evidentiary hearing on Petitioners' appeal. On June 13, 1995 the Board issued its Findings of Fact, Conclusions of Law and Order, which included the following:

FINDINGS OF FACT

8. At the evidentiary hearing, the Water Users [Petitioners] presented testimony by certain of its employees and officers concerning the history and development of Birch and Big Bear Springs, and historic flow rates of the springs. The Water Users also presented expert testimony by Mr. Bryce Montgomery, a consulting geologist, about the alleged impacts of Co-op's mining activities on the quantity and quality of flows from the springs, and the geologic mechanisms by which such impacts might occur.

9. Co-op presented evidence in rebuttal by its expert consultants that all water encountered within the Bear Canyon mine was for a variety of reasons hydrological separate from Big Bear and Birch Springs. Co-op's experts also testified that the Tank Seam, the area which it sought to mine pursuant to its application for a Significant Permit Revision, was essentially dry and not in any way linked to the disputed aquifer(s). [Emphasis added]

The Board then made detailed findings regarding the evidence presented:

- 40(c) no direct connection between any water that might in the future be located in the Tank Seam and the ostensible regional aquifer has been established
- 52(a) Tritium analysis establishes that Big Bear spring and water encountered by Co-op during mining are not of the same age, and thus hydrologically distinct;
- 52(b) chemical analysis supports, although it alone does not conclusively establish, the conclusion that Birch spring and the mine water are hydrologically distinct;
- 52(c) the existence of the Blind Canyon fault between the mine and Birch spring would preclude waters encountered in the mine from reaching Birch spring;
- 52(d) Co-op's more-localized hydrologic model supports the conclusion waters encountered in the Bear Canyon mine from perched aquifers and/or the Spring Canyon member of the Star Point sandstone are hydrologically distinct from the springs, which issue from the Panther member of the Star Point sandstone. [Emphasis added]

4. On or about June 19, 1995, Co-op applied for renewal of its mining permit.

5. On or about October 12, 1995 Petitioners filed their Objections to Permit Renewal and Request for Informal Conference.

6. On November 2, 1995 the Division renewed Co-op's permit.

ARGUMENT

Rule R645-300-122.200 affords a right to object to a permit renewal only to a "person with an interest which is or may be adversely affected." Under Rule R645-100-200, such a person must be one (a) who uses a resource that may be adversely affected, or (b) whose property is or may be adversely affected, by Co-op's coal mining operations.

Petitioners' supposed interest arises solely from their use of the water from Big Bear and Birch Springs. In its June 13, 1995 decision, the Board determined Co-op's permit area is hydrologically isolated from both springs. Since Big Bear Spring and Birch Spring are hydrologically isolated from Co-op's permit area, any mining operations by Co-op pursuant to its permit renewal cannot adversely affect either spring. Because Petitioners do not use a resource that may be adversely affected, and do not have property that may be adversely affected, Petitioners lack standing under R645-300-122.200 to object to the permit renewal. The Division should strike Petitioners' Objection, and deny the relief Petitioners have requested.

DATED this 12 day of February, 1996.


Attorneys for Co-op Mining Company

CERTIFICATE OF SERVICE

I hereby certify on February 12 1996 I served the foregoing document upon all parties of record by mailing a copy thereof, properly addressed, with postage prepaid, to:

J. Craig Smith
David B. Hartvigsen
NIELSEN & SENIOR
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Attorneys for
North Emery Water Users' Association and
Huntington-Cleveland Irrigation Company

Jeffrey W. Appel
Benjamin T. Wilson
COLLARD, APPEL & WARLAUMONT
1100 Boston Building
9 Exchange Place
Salt Lake City, Utah 84111
Attorneys for
Castle Valley Special Service District



FILED

MAR - 1 1996

SECRETARY, BOARD OF
OIL, GAS & MINING

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Attorneys for Castle Valley
Special Service District

BEFORE THE DIVISION OF OIL, GAS, AND MINING

DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH

IN THE MATTER OF THE FIVE-YEAR	)	PETITIONERS MEMORANDUM
PERMIT RENEWAL,	)	IN OPPOSITION TO CO-OP'S
CO-OP MINING COMPANY	)	MOTION TO STRIKE
BEAR CANYON MINE)	
EMERY COUNTY, UTAH	)	Docket No. 95-025
	)	Cause No. ACT/015/025

Petitioners Huntington-Cleveland Irrigation Company, North Emery Water Users Association and Castle Valley Special Service District (collectively "Petitioners"), by and through their counsel of record, respectfully submit the following Memorandum in Opposition to Co-op Mining Company's ("Co-op") Motion to Strike Petitioner's Objection to Permit Renewal dated February 12, 1996.

000991

INTRODUCTION

Four months after Petitioners filed their Objection to Co-op's Permit Renewal, Co-op filed a "Motion to Strike" Petitioners' Objection. This Motion must be summarily denied for the following reasons: (1) There is no basis for such a motion in the rules governing informal proceedings before the Division of Oil, Gas and Mining ("Division"); (2) If Co-op's Motion were allowed, it would be untimely; (3) Co-op's Motion is also barred by the Order dated February 23, 1996 of the Board of Oil, Gas and Mining ("Board"); (4) Finally, the Motion is not well founded. Each of these reasons alone require the Motion be denied.

POINT I

CO-OP'S MOTION IS NOT ALLOWED UNDER THE RULES OF THE DIVISION

The Administrative procedures for public participation in Permit Renewal proceedings are governed by R645-300-100, et seq. These procedures are designed and expressly state that their purpose is to "provide for broad and effective public participation in the review and applications and the issuance or denial of permits." (See R645-300-111 Objectives).

Nowhere in the rules setting forth the procedures for proceedings before the Division is there any authority to move to strike Objections to Permit Renewals or requests for informal conferences. Indeed, Co-op's Motion cites no authority but is

simply an *ipse dixit* request for relief that the Division of Oil, Gas & Mining is without authority to grant.

Co-op has obviously confused the informal proceedings before the Division with the formal proceedings before the Board. A purpose of the two-stage administrative proceedings is obviously to allow an opportunity to resolve issues such as concerns over Permit renewals on a more informal basis with the Division before the issues go before the Board, which oversees the Division, in formal proceedings.

POINT II

CO-OP'S MOTION IS BARRED BY THE BOARD'S ORDER

As the Division is well aware, Petitioners' Objection and Request for Informal Conference was recently remanded to the Division by the Board. A copy of this Order is attached as Exhibit A.

The Board has Ordered the Division to hold an informal conference on Petitioners' Objection to Co-op's Permit renewal. (See Page 3, Paragraph 6 of Order.) Thus, Co-op is barred from the relief it seeks and the Division is without authority to deviate from the Order requiring that an informal conference be held.

Co-op participated in the hearing on January 24, 1996 before the Board from which the Order was issued. Co-op is therefore bound by the Board's Order requiring an informal conference and it cannot collaterally attack the Board's Order via this Motion to

Strike, nor can the Division violate the Board's Order. See Utah Code Ann. § 40-10-2 (1993).

POINT III

**CO-OP CANNOT AVOID THE ISSUE OF INTERFERENCE
WITH BIRCH AND BIG BEAR SPRINGS
BY A MOTION TO STRIKE**

The basis for Co-op's Motion is that the issue of its interference with Birch and Big Bear Springs has already been determined in the 1994 hearing on Co-op's significant Permit revision to allow it to mine the tank seam. As the Division is well aware, a portion of the Board's Order went beyond the issue of mining of the tank seam then before the Board for the significant Permit revision. This portion of the Board's Order is currently on appeal to the Utah Supreme Court.

In a nutshell, the basis of the appeal is that the Board was without authority to rule on issues not before it. Thus, reliance on that extra-jurisdictional portion of the Order to not fully review the issue of interference with Big Bear or Birch Spring as part of the Permit renewal process would, prior to a ruling by the Utah Supreme Court, be premature. At a minimum, the Division should not allow this Order which is on appeal, to dissuade the Division from reviewing hydrologic issues under its jurisdiction. Instead, the Division should continue to carry out its duties in protecting drinking water from the detrimental effects of mining.

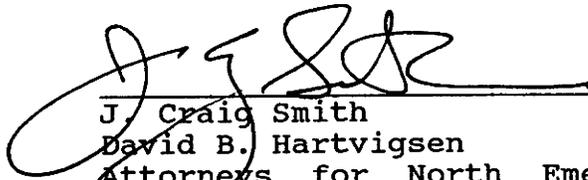
CONCLUSION

The Division cannot grant Co-op's Motion. Motions to Strike are not allowed in informal proceedings before the Division. Additionally, the Board has already ordered that Petitioners' informal conference take place. The Division must follow the Board's Order.

Finally, the prior Order on the substantial Permit revision that Co-op relies upon in making its Motion is not final, and is currently on appeal to the Utah Supreme Court. For each of these reasons, Co-op's Motion must be denied.

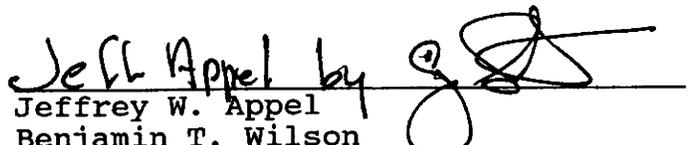
DATED this 29th day of February, 1996.

NIELSEN & SENIOR, P.C.



J. Craig Smith
David B. Hartvigsen
Attorneys for North Emery Water
Users Association and Huntington-
Cleveland Irrigation Company

COLLARD, APPEL & WARLAUMONT



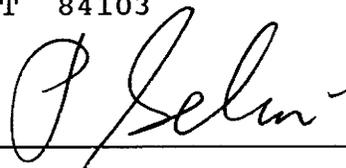
Jeffrey W. Appel
Benjamin T. Wilson
Attorneys for Castle Valley
Special Services District

CERTIFICATE OF SERVICE

I hereby certify that on this 29 day of February, 1996, I have caused to be sent, through the United States mail, first-class, postage prepaid, a true and correct copy of the foregoing PETITIONERS' MEMORANDUM IN OPPOSITION TO CO-OP'S MOTION TO STRIKE addressed as follows:

Carl E. Kingston, Esq.
3212 South State Street
Salt Lake City, UT 84115

F. Mark Hansen, Esq.
624 North 300 West, Suite 200
Salt Lake City, UT 84103



Mining, Department of Natural Resources, State of Utah (the "Division") did not file a Memorandum in Opposition to the Joint Objection, but the Division did oppose the Joint Objection at the hearing described below.

Pursuant to notice, the Joint Objection came on for hearing at a regularly scheduled meeting of the Board held on January 24, 1996, at 10:00 a.m. in the Board's hearing room at 3 Triad Center, 355 West North Temple, Suite 520, Salt Lake City, Utah. Attorney Jeffrey W. Appel appeared on behalf of the Service District. Attorney J. Craig Smith appeared on behalf of the Water Association and the Irrigation Company. Assistant Utah Attorney General Thomas A. Mitchell appeared on behalf of the Division. Attorney F. Mark Hansen appeared on behalf of the Mining Company. No other persons entered appearances. Assistant Utah Attorney General Patrick J. O'Hara acted as legal counsel to the Board.

Order

After hearing all the arguments of the above counsel, and after reviewing the respective filings by the above parties, the Board hereby finds and rules as follows:

1. The Division issued a Permit to the Mining Company on the Bear Canyon Mine October 30, 1985, which Permit was renewed by the Division for five years on May 20, 1991. The first renewal term on the Permit was to expire on or about November 2, 1995.
2. On or about June 16, 1995, the Mining Company

filed a permit renewal application with the Division asking the Division to grant the Mining Company a second five-year renewal on the Permit for the Bear Canyon Mine.

3. The Objectors, in their jointly filed "Objections to Permit Renewal and Request for Informal Conference" dated and filed October 12, 1995, timely asked the Division to hold an informal conference to allow the Objectors to present their objections to the requested Permit renewal.
4. For various reasons (explained at length at the January 24, 1996, Board hearing but which need not be re-stated here), it is an undisputed fact that the Division did not hold the informal conference requested by the Objectors prior to the Division making a decision on November 2, 1995, which purported to renew the Mining Company's Permit for another five-year term.
5. The Division's purported decision of November 2, 1995, to renew the Permit is hereby reversed because the Board holds that the Division must first hold the informal conference requested by the Objectors before the Division can make a final decision on the requested Permit renewal.
6. The Division shall hold the informal conference requested by the Objectors, and the Division shall

consider all of the objections presented at the informal conference before the Division makes a final decision as to the requested five-year Permit renewal. The informal conference shall be at a date, time and place to be announced by the Director of the Division.

7. The Board does not express any opinion at this time as to the merits, if any, of the Objectors' various contentions, or as to legal issues raised by the Mining Company in its Memorandum in Opposition concerning the alleged res judicata and/or collateral estoppel effect of any prior ruling by the Board concerning the Bear Canyon Mine. Likewise, the Board does not express any opinion at this time as to the discovery issues raised by the Objectors at the January 24, 1996, hearing. All of the foregoing issues shall be considered in the first instance by the Division, if they are raised at the informal conference requested by the Objectors, so they are not yet ripe for Board review and/or action.
8. The Board is mindful that the Objectors carry the burden of proof on their objections to the requested Permit renewal, and that the Mining Company shall not be forced to stop or change permitted mining activities unless and until the

Division has first found that the Objectors have carried that burden of proof. Accordingly, the Board, acting pursuant to Utah Code Ann. § 40-10-6(9) (1953, as amended) and Utah Administrative Code R645-300-200.240, hereby enters an order of temporary relief extending the Mining Company's Permit on the Bear Canyon Mine retroactive to November 2, 1995, and continuing from day to day from and after that date until such time as the Division shall issue its final decision following the informal conference requested by the Objectors.

9. This matter is remanded to the Division for further administrative proceedings consistent with this Order.

ISSUED AND SIGNED this 23rd day of February 1996.

STATE OF UTAH, BOARD OF OIL,
GAS AND MINING

By 
Dave D. Lauriski
Chairperson

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing "ORDER GRANTING TEMPORARY RELIEF AND REMANDING FOR AN INFORMAL CONFERENCE" in Docket No. 95-025, Cause No. ACT/015/025, to be mailed certified mail, on the 23rd day of February, 1996, to the following:

J. Craig Smith, Esq.
David B. Hartvigsen, Esq.
Nielsen & Senior
Attorneys for North Emery Water Users Association and
Huntington-Cleveland Irrigation Company
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

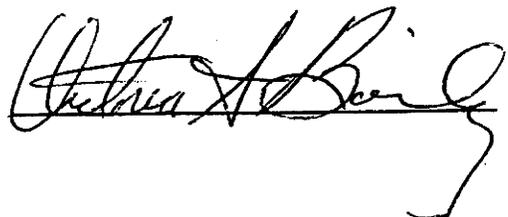
Jeffrey W. Appel, Esq.
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3212 South State Street
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F. Mark Hansen, Esq.
Attorney for Co-Op Mining Company
624 North 300 West, #5078
Salt Lake City, Utah 84103

and hand-delivered the same date noted above to:

Thomas A. Mitchell, Esq.
Assistant Attorney General
Attorney for the Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 475
Salt Lake City, Utah 84180



I certify that the NOTICE OF INFORMAL CONFERENCE FOR CAUSE NO. A 015/025 was mailed First Class, postage prepaid to the following on the 2nd day of April, 1996.

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OFFICE OF SURFACE MINING
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DAVID T TERRY DIR
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TED STEWART EX DIR
DEPARTMENT OF NATURAL
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HUNTINGTON UT 84528

Toni Heldman

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE FIVE-YEAR
PERMIT RENEWAL FOR THE BEAR
CANYON MINE, CO-OP MINING
COMPANY, EMERY COUNTY, UTAH

NOTICE OF INFORMAL
CONFERENCE

CAUSE NO. ACT/015/025

---ooOoo---

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE ENTITLED
MATTER.

Notice is hereby given that the Division of Oil, Gas and Mining ("Division"), will conduct an informal conference on Tuesday, April 30, 1996, beginning at 1:30 p.m., in the Boardroom of the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 520, Salt Lake City, Utah.

The informal conference will be conducted in accordance with the Utah Code Ann. § 40-10-13 (1953, as amended) and Utah Admin. R. 645-300-112 and R. 645-300-123.

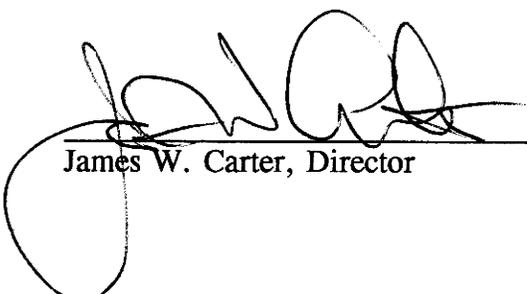
Objections to Co-Op Mining Company's five-year permit renewal for the Bear Canyon Mine were received, and an informal conference will be conducted to accept written or oral statements and any relevant information pertaining to this permit renewal from any party to the conference.

Persons interested in this matter may participate pursuant to Utah Admin. R. 645-300-123. The application, subsequent public comments, and request for informal conference may be inspected in the office of the undersigned, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, Utah, (801) 538-5340.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this conference should call Vicki Bailey at 538-5340, at least three working days prior to the hearing date.

DATED this 2nd day of April, 1996.

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING


James W. Carter, Director

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF INFORMAL CONFERENCE for Cause No. ACT/015/025 to be mailed by certified mail, postage prepaid, on the 2nd day of April, 1996 to the following:

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

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Benjamin T. Wilson
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David B. Hartvigsen
Nielsen & Senior, P.C.
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Carl E. Kingston ✓
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Hansen *remailed*
341 South Main, Suite 406
Salt Lake City, Utah 84111

Toni Heldman



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

April 2, 1996

Facsimile Transmittal
(801) 637-2716

Sun Advocate
Emery County Progress
76 West Main
P. O. Box 870
Price, Utah 84501

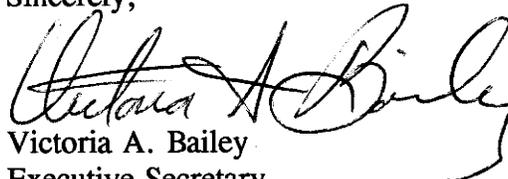
Re: Notice of Informal Conference

Enclosed is a notice of Informal Conference from the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah.

It is requested that this notice be published ONCE ONLY as soon as possible, but no later than Thursday, April 4, 1996, in both the Sun Advocate and Emery County Progress. In the event that said notice cannot be published by this date, please notify me immediately by calling 538-5340.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203.

Sincerely,


Victoria A. Bailey
Executive Secretary

vb
Enclosure
NEWSLETT.NEW



 * P. 01 *
 * TRANSACTION REPORT *
 * APR-02-96 TUE 01:16 PM *
 * SEND (M) *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
 * APR-02 01:15 PM 18016372716 1'24" 2 SEND (M) OK 151 *
 * TOTAL 1M 24S PAGES: 2 *



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

356 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340
 801-359-3940 (Fax)
 801-538-5318 (TDD)

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

April 2, 1996

Facsimile Transmittal
 (801) 637-2716

Sun Advocate
 Emery County Progress
 76 West Main
 P. O. Box 870
 Price, Utah 84501

Re: Notice of Informal Conference

Enclosed is a notice of Informal Conference from the Division of Oil, Gas and Mining,
 Department of Natural Resources, State of Utah.

 * ENCLOSURE *

1. On October 12, 1995, Water Users filed their Objections to Permit Renewal and Request for Informal Conference ("Request for Informal Conference") on the renewal of Co-Op Mining Company's five-year permit for the Bear Canyon Mine.

2. On January 24, 1996, a hearing was held before the Board of Oil, Gas and Mining ("the Board") regarding the procedures attendant to Water Users' Request for Informal Conference.

3. On February 23, 1996, the Board entered an "Order Granting Temporary Relief and Remanding for an Informal Conference." That Order remanded Water Users' "Request for Informal Conference" to the DOGM "for further administrative proceedings consistent with this Order."

4. On April 2, 1996, notice was sent by the DOGM that an informal conference would be held on April 30, 1996.

5. Under the rules of the DOGM, the DOGM has authority to arrange an opportunity to gather information relevant to the informal conference by granting access to the permit and adjacent areas.

6. Water Users have been working diligently with their experts and others to determine the information needed prior to requesting access to the permit area.

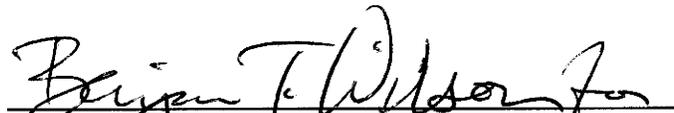
7. In order to fully and adequately prepare for the informal conference, Water Users must be allowed adequate time to gather information from the permit area, to avail themselves of other means of obtaining relevant information, to undertake a thorough review of the information collected, and to prepare for the

informal conference.

WHEREFORE, Water Users request that the informal conference scheduled for April 30, 1996, be postponed until the above tasks are complete, at which time Water Users will renew their request for an informal conference.

Respectfully submitted this 17th day of April, 1996.

COLLARD, APPEL & WARLAUMONT


Jeffrey W. Appel
Attorney for Castle Valley Special
Service District

NIELSEN & SENIOR


J. Craig Smith
Attorney for North Emery Water Users
Association and Huntington-Cleveland
Irrigation Company

ORDER

Water Users' Joint Request for Postponement of Informal Conference having come before the Division of Oil, Gas and Mining, and good cause appearing, the Request is hereby GRANTED.

So ordered this _____ day of April, 1996.

DIVISION OF OIL, GAS AND MINING

James W. Carter, Director

CERTIFICATE OF SERVICE

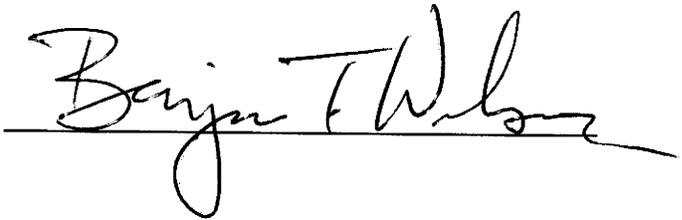
I hereby certify that on the 17th day of April, 1996, I caused a true and correct copy of the foregoing Joint Request for Postponement of Informal Conference and Order to be mailed, postage pre-paid, to the following:

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

Carl E. Kingston
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Hansen
624 North 300 West, Suite 200
Salt Lake City, Utah 84103

Thomas A. Mitchell
Assistant Attorney General
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 475
Salt Lake City, Utah 84180



143 SOUTH MAIN ST.
P.O. BOX 45838
SALT LAKE CITY, UTAH 84145
FED. TAX I.D. # 87-0217663

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ACCOUNT NAME	
DIV OF OIL, GAS & MINING	
TELEPHONE	INVOICE NUMBER
801-538-5340	TL438200161
SCHEDULE	
START 04/06/96 END 04/06/96	
CUST. REF. NO.	

NOTICE OF INFORMAL CONFERENCE
CAUSE NO. 2001-0001
BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES, STATE OF UTAH

IN THE MATTER OF THE FIVE-YEAR PERMIT RENEWAL FOR THE BEAR CANYON MINE, CO-OP MINING COMPANY, EMERY COUNTY, UTAH TO ALL PERSONS INTERESTED IN THE ABOVE

Notice is hereby given that the Division of Oil, Gas and Mining will conduct an informal conference on April 30, 1996, beginning at 10:00 a.m. in the Board Room of the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 520, Salt Lake City, Utah.

The informal conference will be conducted in accordance with Utah Code Ann. ss 40-10-13 (1993), as amended, and Utah Admin. R. 645-300-112 and R. 645-300-123.

Objections to Co-Op Mining Company's five-year permit renewal for the Bear Canyon Mine were received, and an informal conference will be conducted to accept written or oral statements and any relevant information pertaining to this permit renewal before the informal conference.

Persons interested in this matter may participate pursuant to Utah Admin. R. 645-300-123. The application, subsequent public comments, and a request for informal conference may be inspected in the office of the undersigned, 3 Triad Center, Suite 520, 355 West North Temple, Salt Lake City, Utah, (801) 538-5340.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this conference should call Vicki Bailey at 538-5340, at least three working days prior to the hearing date.

DATED this 2nd day of April, 1996.

ACT/015/02	
CAPTION	
NOTICE OF INFORMAL CONFERENCE	
SIZE	
45 LINES	2.00 COLUMN
	RATE
	1.64
REGS	AD CHARGES
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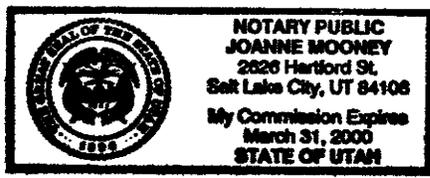
AFFIDAVIT OF PUBLICATION

I, _____ CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE ATTACHED NOTICE OF INFORMAL CONFERENCE FOR DIV OF OIL, GAS & MINING WAS PUBLISHED BY THE NEWSPAPER AGENCY CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

PUBLISHED ON START 04/06/96 END 04/06/96

SIGNATURE Joanne Mooney

DATE 04/06/96



THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT.



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

April 2, 1996

Facsimile Transmittal
(801) 237-2775

Newspaper Agency
Legal Desk
135 South Main
Salt Lake City, Utah 84111

Re: Notice of Informal Conference

Enclosed is a Notice of Informal Conference before the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah.

It is requested that this notice be published **ONCE ONLY**, no later than Sunday, April 6, 1996. In the event that said notice cannot be published by this date, please notify me immediately by calling 538-5340.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Victoria Ann Bailey'.

Victoria Ann Bailey
Executive Secretary

vb
Enclosure
NEWSLETT.NEW



TRANSACTION REPORT

P. 01

APR-02-96 TUE 01:19 PM

SEND (M)

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
APR-02	01:18 PM	2372775	1'22"	2	SEND	(M) OK	152	
TOTAL						1M 22S PAGES:	2	



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

355 West North Temple
 3 Triad Center, Suite 350
 Salt Lake City, Utah 84180-1203
 801-538-5340
 801-359-3940 (Fax)
 801-538-5319 (TDD)

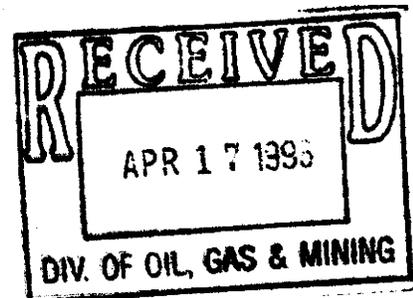
April 2, 1996

Facsimile Transmittal
(801) 237-2775

Newspaper Agency
 Legal Desk
 135 South Main
 Salt Lake City, Utah 84111

Re: Notice of Informal Conference

Enclosed is a Notice of Informal Conference before the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah.



JEFFREY W. APPEL (3630)
BENJAMIN T. WILSON (5823)
COLLARD, APPEL & WARLAUMONT, L.C.
1100 Boston Building
9 Exchange Place
Salt Lake City, Utah 84111
Telephone: (801) 532-1252

Attorneys for Castle Valley
Special Service District

J. CRAIG SMITH (4143)
DAVID B. HARTVIGSEN (5390)
NIELSEN & SENIOR
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Attorneys for North Emery Water Users Association
and Huntington-Cleveland Irrigation Company

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

<hr/>		
IN THE MATTER OF THE FIVE-YEAR	)	JOINT REQUEST FOR
PERMIT RENEWAL FOR THE BEAR	)	ACCESS TO PERMIT AREA
CANYON MINE, CO-OP MINING	)	FOR PURPOSE OF
COMPANY, EMERY COUNTY, UTAH	)	GATHERING INFORMATION
)	
	)	Cause No. ACT/015/025
)	
<hr/>		

Castle Valley Special Service District, North Emery Water Users Association and Huntington-Cleveland Irrigation Company (collectively, "Water Users"), by and through their respective attorneys, Jeffrey W. Appel of Collard, Appel & Warlaumont, and Craig Smith of Nielsen & Senior, and pursuant to Rules R645-300-123.230 and R645-300-123.240, hereby jointly request that they, along with their expert, SECOR International, Inc., be granted

access to the Bear Canyon Mine permit area for the purpose of gathering information relevant to the informal conference. For the purpose of this request, "Co-Op" includes all entities, corporate or otherwise, related or affiliated to the holders of the above-referenced permit.

In furtherance of this request, Water Users state the following:

1. On October 12, 1995, Water Users filed their Objections to Permit Renewal and Request for Informal Conference ("the Request for Informal Conference") on the renewal of Co-Op Mining Company's five-year permit for the Bear Canyon Mine.

2. On January 24, 1996, a hearing was held before the Board of Oil, Gas and Mining ("the Board") regarding the procedures attendant to Water Users' Request for Informal Conference.

3. On February 23, 1996, the Board entered an "Order Granting Temporary Relief and Remanding for an Informal Conference." The Order remanded Water Users' Request for Informal Conference to the DOGM "for further administrative proceedings consistent with this Order."

4. On April 2, 1996, notice was sent by the DOGM that an informal conference would be held on April 30, 1996.

5. Under Rule R645-300-123.230,

If requested in writing by a conference requestor at a reasonable time before the conference, the Division may arrange with the applicant to grant parties to the conference access to the proposed permit area and, . . . , and to the adjacent area . . . for the purpose of gathering information relevant to the conference.

6. Water Users hereby request that they and consultants of

their choice be allowed to "gather information" by making field observations and collecting water and mineral samples from portions of the Bear Canyon permit area, including the following:

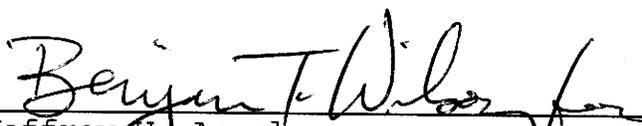
- a. to observe all locations where groundwater is entering and leaving the mine;
- b. to observe all of Co-Op's underground sampling and monitoring points;
- c. to collect water samples from all pooled water or places where water is collected and/or discharged, including water collected in active mining areas, mined portions and surface areas;
- d. to collect water samples from all groundwater inflow sites in or near each coal seam, including roof and floor fracture inflows, roof bolt inflows, and fault inflows;
- e. to collect two ten-pound bulk samples of coal from each coal seam, to be taken from the wall at the northern-most and at the southern-most accessible portions of the seams;
- f. to collect water and isotopic samples from all sampling points referenced and/or identified in Co-Op's Probable Hydrologic Consequences document ("PHC"); and
- g. to review all of Co-Op's field and sampling notes, including sampling and analysis procedures, related to the collection, sampling, and analysis of groundwater for the tritium and other analyses referenced in the PHC.

WHEREFORE, Water Users request that they be granted access to

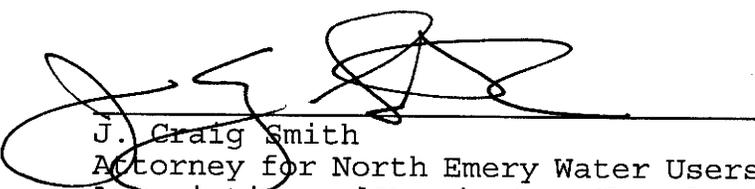
the permit and adjacent areas for the purposes of gathering information by making field observations, collecting samples and reviewing the field and sampling notes made during the ground water collection and analyses performed as part of Co-Op's PHC.

Respectfully submitted this 17th day of April,
1996.

COLLARD, APPEL & WARLAUMONT


Jeffrey W. Appel
Attorney for Castle Valley Special
Service District

NIELSEN & SENIOR


J. Craig Smith
Attorney for North Emery Water Users
Association and Huntington-Cleveland
Irrigation Company

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of April, 1996, I caused a true and correct copy of the foregoing Joint Request for Access to Permit Area for Purpose of Gathering Information to be mailed, postage pre-paid, to the following:

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

Carl E. Kingston
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Hansen
624 North 300 West, Suite 200
Salt Lake City, Utah 84103

Thomas A. Mitchell
Assistant Attorney General
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 475
Salt Lake City, Utah 84180

A handwritten signature in black ink, appearing to read "Benjamin F. White", is written over a horizontal line.

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE FIVE-YEAR	:	
PERMIT RENEWAL FOR THE BEAR	:	DIVISION ORDER
CANYON MINE, CO-OP MINING	:	CAUSE NO. ACT/015/025
COMPANY, EMERY COUNTY,	:	
UTAH	:	

---ooOoo---

On February 23, 1996, the Utah Board of Oil, Gas and Mining entered its Order Granting Temporary Relief and Remanding for an Informal Conference In The Matter of the Five-Year Renewal, Co-op Mining Company, Bear Canyon Mine, Emery County, Utah, directing that "The Division shall hold the informal conference requested by the Objectors, and the Division shall consider all of the objections presented at the informal conference before the Division makes a final decision as to the requested five-year permit renewal. The informal conference shall be at a date, time and place to be announced by the Director of the Division." On February 14, 1996, after the Board's hearing and bench decision in this matter, but before entry of the Board's order, Co-op Mining Company (Co-op) filed a Motion to Strike Objection to Permit Renewal and Request for Informal Conference.

On April 2, 1996, the Division of Oil, Gas and Mining (Division) gave notice to the parties to this matter that the informal conference before the Division would be held on April 30, 1996, at 1:30 p.m. On April 17, 1996, the Castle Valley Special Service District, the North Emery Water Users Association and the Huntington-Cleveland Irrigation Company (the Objectors in the Board hearing and the "Water Users" hereinafter) filed a Joint Request for

Postponement of Informal Conference ("request for postponement") and a Joint Request for Access to Permit Area for Purpose of Gathering Information ("request for access"). The basis for the request for postponement was Water Users' assertion that; "Water Users must be allowed adequate time to gather information from the permit area, to avail themselves of other means of obtaining relevant information, to undertake a thorough review of the information collected, and to prepare for the informal conference." The request for access lists seven specific requests for information, "a" through "g", including observation of features of the Bear Canyon Mine permit area, an opportunity to collect coal, water and isotopic samples from the mine permit area, and an opportunity "...to review all of Co-op's field and sampling notes, including sampling and analysis procedures, related to the collection, sampling, and analysis of groundwater for the tritium and other analyses referenced in the PHC."

In response, on April 19, 1996, Co-op submitted its Memorandum in Opposition to Joint Request for Postponement of Informal Conference and Joint Request for Access to Permit Area for Purposes of Gathering Information, arguing that the Water Users are not "...persons with an interest which is or may be adversely affected" within the meaning of rule R645-300-122.200 by virtue of the ruling of the Board of Oil, Gas and Mining in the matter of Co-Op's earlier application for amendment of the Bear Canyon Mine Permit. That order was entered on June 13, 1995. Co-op also asserts that the Water Users' request for information is untimely under Division rules, and that the Water Users are not entitled to the information they request because the information is sought solely to undermine the Board's June 13, 1995 decision, thus violating the doctrine of res judicata.

The Division has reviewed the motions and arguments of counsel for the parties and hereby makes the following Findings, Conclusions and Order:

FINDINGS

1) The appropriate date, time and place of the informal conference to be held in this matter are governed by the specificity of the Board's Order of February 23, 1996, rather than the general rules of the Division.

2) Postponement of the informal conference will not prejudice Co-op because the Board's Order of February 23, 1996 extended Co-op's authority to mine under the Bear Canyon Mine permit "from day-to-day from and after [November 2, 1995] until such time as the Division shall issue its final decision following the informal conference requested by the objectors."

3) Water Users' requests for access, "a" through "f", are calculated to gather new factual information not in existence at the time of the Board's June 13, 1995 hearing, nor at the time of the Board's January 24, 1996 hearing.

4) Water Users' request for access "g" is calculated to gain information relating to factual matters already in existence at the time of the Board's hearings of June 13, 1995 and January 24, 1996.

CONCLUSIONS

1) For the purposes of this remand and the informal conference ordered by the Board, Water Users are persons with interests which are or may be adversely affected by permit renewal.

2) Water Users' requests for postponement and access are timely in the context of the Board's February 23, 1996 order of remand.

3) The Division may not reconsider factual evidence in existence at the time of the Board's June 13, 1995 or January 24, 1996 hearings, but may consider new factual information presented to it subsequent to those hearings in order to determine whether conditions or events other than those predicted by the Probable Hydrologic Consequences (PHC) and Cumulative Hydrologic Impact Assessment (CHIA) documents have occurred or are occurring.

ORDER

It is therefore ordered that:

1) Co-op's Motion to Strike Petitioner's Objection to Permit Renewal is denied.

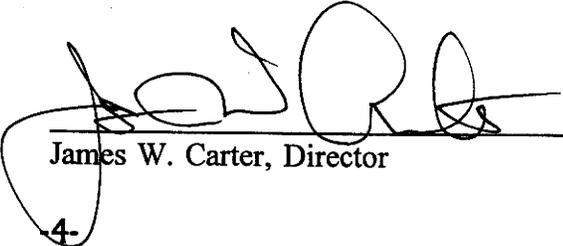
2) The Water Users' request for access to the permit area for the purposes of gathering the information described in paragraphs a, b, c, d, e and f of their request is granted for the purpose of developing new factual information for consideration by the Division at the informal conference in this matter.

3) The Water Users' request for access for the purpose of gathering the information sought in paragraph " g" of the request is denied.

4) The informal conference in this matter will be postponed and held on a date to be set within sixty days of April 30, 1996.

ISSUED AND SIGNED this 25th day of April, 1996.

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING


James W. Carter, Director

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing DIVISION ORDER for Cause No. ACT/015/025 to be mailed by certified mail, postage prepaid, on the 26th day of April, 1996 to the following:

Wendell Owen ✓
Co-op Mining Company
P. O. Box 1245
Huntington, Utah 84528

Jeffrey W. Appel
Benjamin T. Wilson
Collard, Appel & Warlaumont, L.C.
1100 Boston Building
9 Exchange Place
Salt Lake City, Utah 84111

J. Craig Smith ✓
David B. Hartvigsen
Nielsen & Senior, P.C.
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Carl E. Kingston ✓
3212 South State Street
Salt lake City, Utah 84115

F. Mark Hansen ✓
624 North 300 West, Suite 200
Salt Lake City, Utah 84103

Toni Helalman

I certify that the DIVISION OF [REDACTED] For Cause No. ACT/015/025 was [REDACTED] First Class, postage prepaid to the following [REDACTED] on the 26th day of April, 1990 [REDACTED]

CHARLES REYNOLDS
CO OP MINING CO
P O BOX 1245
HUNTINGTON UT 84528

ELDON KINGSTON
MOUNTAIN COIN MACHINE DIST
3753 S STATE ST
SALT LAKE CITY UT 84115

JAMES FULTON CHIEF
DENVER FIELD DIV
OFFICE OF SURFACE MINING R & E
1999 BROADWAY STE 3320
DENVER CO 80202-5733

MARK BAILEY AREA MNGR
PRICE RIVER RESOURCE AREA
BUREAU OF LAND MANAGEMENT
125 S 6 W
PRICE UT 84501

ALAN RABINOFF CHIEF
MINING LAW & SOLID MNRLS
BUREAU OF LAND MNGMNT
P O BOX 45155
SALT LAKE CITY UT 84145-0155

MARK PAGE RGNL ENGR
UT DIV OF WATER RIGHTS
SOUTHEASTERN REGIONAL OFF
453 S CARBON AVE
P O BOX 718
PRICE UT 84501-0718

DAVE ARIOTTI DST ENGR
SOUTHEASTERN UTAH HEALTH DEPT
128 S 100 E
P O BOX 800
PRICE UT 84501

BILL BATES HABITAT MNGR
455 W RAILROAD AVE
PRICE UT 84501

GARY L ROEDER DIST CON
NTRL RESRS SOIL CNSV SERV
350 N 400 E
PRICE UT 84501

JOSEPH JENKINS EX DIR
DEPT OF COMM & ECON DEV

BRYANT ANDERSON
EMERY CNTY PLNGG & ZNG
P O BOX 297
CASTLE DALE UT 84513

BILL HOWELL EX DIR
SOUTHEASTERN UTAH ASSOC OF LOCAL
GVRNMNTS
P O BOX 1106
PRICE UT 845015

BUILDING MAIL

JANETTE S KAISER FRST SUP
U S FOREST SERV
MANTI LA SAL NTNL FRST
599 W PRICE RVR RD
PRICE UT 84501

ROBERT D WILLIAMS ASST FLD SUP
U S FISH & WILDLIFE SERV ECO SERV
LINCOLN PLAZA
145 E 1300 S STE 404
SALT LAKE CITY UT 84115

ROBERT MORGAN STATE ENGR
DIV OF WATER RIGHTS
DEPT OF NATURAL RESOURCES

CAPITOL MAIL

ROBERT VALENTINE DIR
DEPT OF NATURAL RESOURCES
DIV OF WILDLIFE RESOURCES

MAX J EVANS DIR
UTAH DIV OF STATE HISTORY

DAVID T TERRY DIR
SCHOOL & INSTNL TRUST LNDS

CAPITOL MAIL

CAPITOL MAIL

CAPITOL MAIL

RONALD P PARKIN STATE MN INSPC
INDUSTRIAL COMM OF UT
COLLEGE OF EASTERN UT
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PRICE UT 84501

ALEX JORDAN
UTAH MINING ASSC
KEARNS BLDG
136 S MAIN STE 825
SALT LAKE CITY UT 84101

RANDOLPH GAINER ENVR CHR
GENWAL RESOURCES INC
P O BOX 1420
HUNTINGTON UT 84528

CAROLYN B WRIGHT RSCH ANLST
OFFICE OF PLANNING & BUDGET
STATE PLANNING COORD OFF

MIKE SCHWINN DST ENGR
U S ARMY CORPS OF ENGINEERS
1403 S 600 W
BOUNTIFUL UT 84010

WILLIAM P YELLOWTAIL JR RGNL ADM
ENVR PROTECTION AGENCY
DENVER PL STE 500
999 18TH ST
DENVER CO 80202-2405

CAPITOL MAIL

TED STEWART EX DIR
DEPARTMENT OF NATURAL RESOURCES

DAVE LAURISKI CHRNM
739 E 2900 S
BOX 7
PRICE UT 84501

JOHN W ANDREWS ATTY
SCHOOL & INSTUTIONAL TRUST LANDS

BUILDING MAIL

BUILDING MAIL

DUANE K JENSEN PRES
BOARD OF DIRECTORS
HUNTINGTON CLEVELAND IRRIG CO
BOX 395
CLEVELAND UT 84518

DARREL V LEAMASTER PE
DISTRICT MANAGER
CASTLE VALLEY SPECIAL SERV DST
P O BOX 877
CASTLE DALE UT 84513

MENCO COPINGA PRES
NORTH EMERY WATER USERS ASSOC
BOX 418
ELMO UT 84521

SHERREL WARD
BOARD OF DIRECTORS
HUNTINGTON CLEVELAND IRR CO
BOX 395
CLEVELAND UT 84518

VARDEN WILLSON SEC
HUNTINGTON CLEVELAND IRR CO
55 N MAIN
HUNTINGTON UT 84528

JAY MARK HUMPHREY
EMERY WATER CONSERVANCY DIST
P O BOX 998
CASTLE DALE UT 84513

Toni Heldman

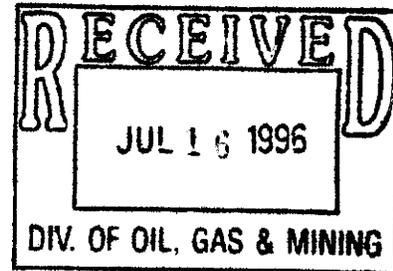
LAW OFFICES OF
APPEL & WARLAUMONT, L.C.

1100 BOSTON BUILDING
9 EXCHANGE PLACE
SALT LAKE CITY, UTAH 84111

JEFFREY W. APPEL, L.C.
JAMES L. WARLAUMONT, L.C.
BENJAMIN T. WILSON

TELEPHONE
(801) 532-1252
FACSIMILE
(801) 532-1278

July 25, 1995



Jan Brown
DEPARTMENT OF OIL, GAS AND MINING
3 Triad Center, Suite 350
355 West North Temple
Salt Lake City, Utah 84180

RE: In the Matter of the Five-Year Permit Renewal for the
Bear Canyon Mine, Co-Op Mining Company, Emery County,
Utah
Cause No. ACT/015/025

Dear Ms. Brown:

Enclosed please find an original Withdrawal and Substitution of Counsel in the above-referenced matter to be filed with your office. Also enclosed is an extra copy to be stamped and returned for us. For your convenience, a self-addressed, postage pre-paid, envelope is included to return the stamped copy to us.

Thank you for your prompt attention to this matter.

Sincerely,

APPEL & WARLAUMONT, L.C.

Wendy S. Nate

Wendy S. Nate
Legal Secretary

/encl.

JEFFREY W. APPEL (3630)
BENJAMIN T. WILSON (5823)
APPEL & WARLAUMONT, L.C.
1100 Boston Building
9 Exchange Place
Salt Lake City, Utah 84111
Telephone: (801)532-1252

Attorneys for Castle Valley
Special Service District

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

IN THE MATTER OF THE FIVE-YEAR	)	WITHDRAWAL AND
PERMIT RENEWAL FOR THE BEAR	)	SUBSTITUTION OF COUNSEL
CANYON MINE, CO-OP MINING)	
COMPANY, EMERY COUNTY, UTAH	)	Cause No. ACT/015/025
)	

The firm of Collard, Appel & Warlaumont, L.C., withdraws as counsel for Castle Valley Special Service District. APPEL & WARLAUMONT, L.C., and its members, Jeffrey W. Appel and Benjamin T. Wilson, hereby enter their appearance. Please address all correspondence or pleadings to them under that name. Appel & Warlaumont, L.C., will maintain the same address: 1100 Boston Building, 9 Exchange Place, Salt Lake City, Utah 84111.

DATED this 11th day of July, 1996.

APPEL & WARLAUMONT, L.C.



Jeffrey W. Appel
Benjamin T. Wilson
Attorneys for Castle Valley
Special Service District

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of July, 1996, I caused a true and correct copy of the foregoing Withdrawal and Substitution of Counsel to be mailed, postage prepaid, to the following:

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

Carl E. Kingston
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Hansen
624 North 300 West, Suite 200
Salt Lake City, Utah 84103

Thomas A. Mitchell
Assistant Attorney General
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 475
Salt Lake City, Utah 84180

Wendy S. Noto

First-Mail, Postage Prepaid to:

CHARLES REYNOLDS
CO OP MINING CO
P O BOX 1245
HUNTINGTON UT 84528

ELDON KINGSTON
MOUNTAIN COIN MACHINE DIST
3753 S STATE ST
SALT LAKE CITY UT 84115

JAMES FULTON CHIEF
DENVER FIELD DIV
OFFICE OF SURFACE MINING R & E
1999 BROADWAY STE 3320
DENVER CO 80202-5733

MARK BAILEY AREA MNGR
SAN RAFEL/PRICE RVR RSRCE AREA
BUREAU OF LAND MANAGEMENT
125 S 6 W
PRICE UT 84501

BOB HENRY
MINING LAW & SOLID MNRLS
BUREAU OF LAND MNGMNT
P O BOX 45155
SALT LAKE CITY UT 84145-0155

MARK PAGE RGNL ENGR
UT DIV OF WATER RIGHTS
SOUTHEASTERN REGIONAL OFF
453 S CARBON AVE
P O BOX 718
PRICE UT 84501-0718

DAVE ARIOTTI DST ENGR
SOUTHEASTERN UTAH HEALTH DEPT
128 S 100 E
P O BOX 800
PRICE UT 84501

BILL BATES HABITAT MNGR
455 W RAILROAD AVE
PRICE UT 84501

GARY L ROEDER DIST CON
NTRL RESRS SOIL CNSV SERV
350 N 400 E
PRICE UT 84501

JOSEPH JENKINS EX DIR
DEPT OF COMM & ECON DEV

BRYANT ANDERSON
EMERY CNTY PLNGG & ZNG
P O BOX 297
CASTLE DALE UT 84513

BUILDING MAIL

BILL HOWELL EX DIR
SOUTHEASTERN UTAH ASSOC OF LOCAL
GVRNMNTS
P O BOX 1106
PRICE UT 845015

JANETTE S KAISER FRST SUP
U S FOREST SERV
MANTI LA SAL NTNL FRST
599 W PRICE RVR RD
PRICE UT 84501

ROBERT D WILLIAMS ASST FLD SUP
U S FISH & WILDLIFE SERV ECO SERV
LINCOLN PLAZA
145 E 1300 S STE 404
SALT LAKE CITY UT 84115

ROBERT MORGAN STATE ENGR
DIV OF WATER RIGHTS
DEPT OF NATURAL RESOURCES

ROBERT VALENTINE DIR
DEPT OF NATURAL RESOURCES
DIV OF WILDLIFE RESOURCES

MAX J EVANS DIR
UTAH DIV OF STATE HISTORY

CAPITOL MAIL

CAPITOL MAIL

CAPITOL MAIL

DAVID T TERRY DIR
SCHOOL & INSTNL TRUST LNDS

RONALD P PARKIN STATE MN INSPC
INDUSTRIAL COMM OF UT
COLLEGE OF EASTERN UT
451 E 400 N
PRICE UT 84501

ALEX JORDAN
UTAH MINING ASSC
KEARNS BLDG
136 S MAIN STE 825
SALT LAKE CITY UT 84101

CAPITOL MAIL

RANDOLPH GAINER ENVR CHR
GENWAL RESOURCES INC
P O BOX 1420
HUNTINGTON UT 84528

CAROLYN B WRIGHT RSCH ANLST
OFFICE OF PLANNING & BUDGET
STATE PLANNING COORD OFF

MIKE SCHWINN DST ENGR
U S ARMY CORPS OF ENGINEERS
1403 S 600 W
BOUNTIFUL UT 84010

CAPITOL MAIL

WILLIAM P YELLOWTAIL JR RGNL ADM
ENVR PROTECTION AGENCY
DENVER PL STE 500
999 18TH ST
DENVER CO 80202-2405

TED STEWART EX DIR
DEPARTMENT OF NATURAL RESOURCES

DAVE LAURISKI CHRNM
739 E 2900 S
BOX 7
PRICE UT 84501

BUILDING MAIL

JOHN W ANDREWS ATTY
SCHOOL & INSTUTIONAL TRUST LANDS

DUANE K JENSEN PRES
BOARD OF DIRECTORS
HUNTINGTON CLEVELAND IRRIG CO
BOX 395
CLEVELAND UT 84518

DARREL V LEAMASTER PE
DISTRICT MANAGER
CASTLE VALLEY SPECIAL SERV DST
P O BOX 877
CASTLE DALE UT 84513

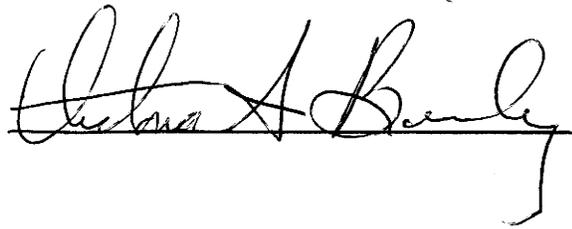
BUILDING MAIL

MENCO COPINGA PRES
NORTH EMERY WATER USERS ASSOC
BOX 129
CLEVELAND UT 84518

SHERREL WARD
BOARD OF DIRECTORS
HUNTINGTON CLEVELAND IRR CO
BOX 395
CLEVELAND UT 84518

VARDEN WILLSON SEC
HUNTINGTON CLEVELAND IRR CO
55 N MAIN
HUNTINGTON UT 84528

JAY MARK HUMPHREY
EMERY WATER CONSERVANCY DIST
P O BOX 998
CASTLE DALE UT 84513

A handwritten signature in cursive script, appearing to read "Richard A. Bentley", is written over a horizontal line. The signature is fluid and somewhat stylized, with a long, sweeping tail on the final letter.

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF INFORMAL CONFERENCE for Cause No. ACT/015/025 to be mailed by certified mail, postage prepaid, on the 24 day of September, 1996 to the following:

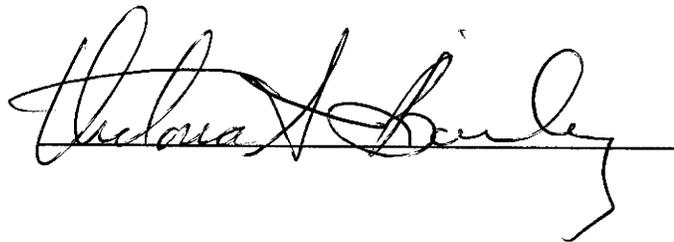
Wendell Owen ✓
Co-Op Mining Company
P. O. Box 1245
Huntington, Utah 84528

Jeffrey W. Appel ✓
Appel & Warlaumont, L.C.
1100 Boston Building
9 Exchange Place
Salt Lake City, Utah 84111

J, Craig Smith ✓
David B. Hartvigsen
Nielsen & Senior, P.C.
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Carl E. Kingston ✓
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Hansen ✓
624 North 300 West, Suite 200
Salt Lake City, Utah 84103



Richard A. Bentley

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE FIVE-YEAR
PERMIT RENEWAL FOR THE BEAR
CANYON MINE, CO-OP MINING
COMPANY, EMERY COUNTY, UTAH

NOTICE OF INFORMAL
CONFERENCE

CAUSE NO. ACT/015/025

---ooOoo---

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE ENTITLED
MATTER.

Notice is hereby given that the Division of Oil, Gas and Mining ("Division"), will conduct an informal conference on Tuesday, September 24, 1996, beginning at 10:00 a.m., at the Emery County Courthouse, Commission Chambers, 95 East Main Street, Castle Dale, Utah.

The informal conference will be conducted in accordance with the Utah Code Ann. § 40-10-13 (1953, as amended) and Utah Admin. R. 645-300-112 and R. 645-300-123.

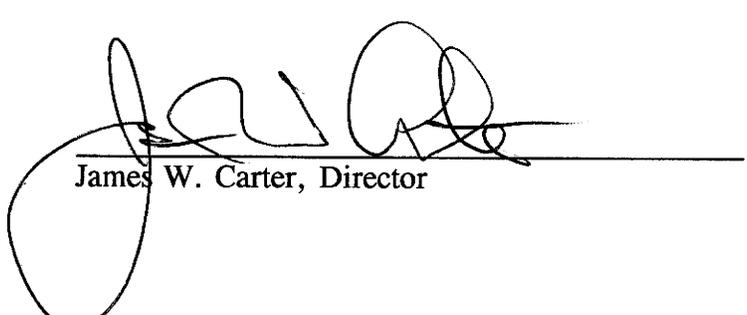
Objections to Co-Op Mining Company's five-year permit renewal for the Bear Canyon Mine were received, and an informal conference will be conducted to accept written or oral statements and any relevant information pertaining to this permit renewal from any party to the conference.

Persons interested in this matter may participate pursuant to Utah Admin. R. 645-300-123. The application, subsequent public comments, and request for informal conference may be inspected in the office of the undersigned, 1594 West North Temple, Suite 1210, Salt Lake City, Utah.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this conference should call Vicki Bailey at 538-5327, at least three working days prior to the hearing date.

DATED this 29th day of August, 1996.

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING


James W. Carter, Director



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5303
801-359-3940 (Fax)
801-538-5319 (TDD)

August 30, 1996

Facsimile Transmittal
(801) 637-2716

Sun Advocate and
Emery County Progress
Legal Desk
76 West Main
P.O. Box 870
Price, Utah 84501

Attention Legal Desk:

Enclosed is the Notice of Informal Conference, Cause No. ACT/015/025.

It is requested that this notice be published ONCE ONLY in BOTH the Sun Advocate and the Emery County Progress, on Tuesday, September 3, 1996. In the event that said notice cannot be published on this date, please notify me immediately by calling (801) 538-5327.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Victoria A. Bailey'.

Victoria A. Bailey
Acting Secretary of the Board

dr
Enclosure



 * TRANSACTION REPORT *
 * AUG-30-96 FRI 08:22 AM *
 * P.01 *
 * SEND (M) *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
 * AUG-30 08:20 AM 18016372716 1'58" 3 SEND (M) OK 180 *
 * TOTAL 1M 58S PAGES: 3 *



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING
 1594 West North Temple, Suite 1210
 Box 145801
 Salt Lake City, Utah 84114-5801
 (801) 538-5303
 801-359-3940 (Fax)
 801-538-5319 (TDD)

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

FAX COVER SHEET

Date: August 30, 1996

Total number of pages, including this cover sheet: 3

Please deliver the following page(s) to: Legal Desk

FAX No.: (801) 637-2716

From: Vicki Bailey
Administration

Phone: (801) 538-5327



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

1594 West North Temple, Suite 1210

Box 145801

Salt Lake City, Utah 84114-5801

(801) 538-5303

801-359-3940 (Fax)

801-538-5319 (TDD)

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

August 30, 1996

Facsimile Transmittal
237-2520

Newspaper Agency
Legal Desk
P.O. Box 45838
Salt Lake City, Utah 84145

Attention Legal Desk:

Enclosed is the Notice of Informal Conference, Cause No. ACT/015/025.

It is requested that this notice be published **ONCE ONLY** on Sunday, September 8, 1996. In the event that said notice cannot be published on this date, please notify me immediately by calling 538-5327.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801.

Sincerely,

Victoria A. Bailey
Acting Secretary of the Board

dr
Enclosure



 * P. 01 *
 * TRANSACTION REPORT *
 * AUG-30-96 FRI 09:10 AM *
 * SEND (M) *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
 * AUG-30 09:08 AM 2372520 1'57" 3 SEND (M) OK 183 *
 * TOTAL 1M 57S PAGES: 3 *



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

1594 West North Temple, Suite 1210
 Box 145801
 Salt Lake City, Utah 84114-5801
 (801) 538-5303
 801-359-3940 (Fax)
 801-538-5319 (TDD)

FAX COVER SHEET

Date: August 30, 1996

Total number of pages, including this cover sheet: 3

Please deliver the following page(s) to: Legal Desk

FAX No.: 237-2520

From: Vicki Bailey
Administration

Phone: (801) 538-5327

143 SOUTH MAIN ST.
P.O. BOX 45838
SALT LAKE CITY, UTAH 84145
FED. TAX I.D.# 87-0217663

Newspaper Agency Corporation
The Salt Lake Tribune  DESERET NEWS

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PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
DIV OF OIL GAS & MINING 1594 W NORTH TEMPLE SUITE 1210, BX 145801 SLC, UT 84114	D5385303L-07	09/08/96

ACCOUNT NAME	
DIV OF OIL GAS & MINING	
TELEPHONE	INVOICE NUMBER
801-538-5303	TL938201161
SCHEDULE	

NOTICE OF INFORMAL CONFERENCE

CAUSE NO. ACT/015/025
BEFORE THE DIVISION OF OIL,
GAS AND MINING
DEPARTMENT OF NATURAL
RESOURCES, STATE OF UTAH

IN THE MATTER OF THE FIVE-YEAR
PERMIT RENEWAL FOR THE BEAR
CANYON MINING CO-OP MINING
COMPANY, EMERY COUNTY,
UTAH.

THE STATE OF UTAH TO ALL PER-
SONS INTERESTED IN THE ABOVE
ENTITLED MATTER.

Notice is hereby given that
the Division of Oil, Gas and Min-
ing ("Division"), will conduct an
informal conference on Tues-
day, September 24, 1996, be-
ginning at 10:00 a.m., at the Em-
ery County Courthouse,
Commission Chambers, 95 East
Main Street, Castle Dale, Utah.

The informal conference will
be conducted in accordance
with the Utah Code Ann. ss 40-
10-13 (1993, as amended) and
Utah Admin. R. 645-300-112 and
R. 645-300-123.

Objections to Co-Op Mining
Company's five-year permit re-
newal for the Bear Canyon
Mine were received, and an in-
formal conference will be con-
ducted to accept written or oral
statements and any relevant in-
formation pertaining to this per-
mit renewal from any party to
the conference.

Persons interested in this mat-
ter may participate pursuant to
Utah Admin. R. 645-300-123. The
application, subsequent public
comments, and request for in-
formal conference, may be in-
spected in the office of the un-
designated, 1594 West North
Temple, Suite 1210, Salt Lake
City, Utah.

Pursuant to the Americans
with Disabilities Act, persons re-
quiring auxiliary communica-
tive aids and services to enable
them to participate in this con-
ference should call Vicki Bailey
at (801) 638-5327, at least three
working days prior to the hear-
ing date.

DATED this 29th day of August,
1996.

STATE OF UTAH
DIVISION OF OIL, GAS AND
MINING
/s/ James W. Carter, Director
93820110

START 09/08/96 END 09/08/96

CUST. REF. NO.

ACT015025

CAPTION

NOTICE OF INFORMAL CONFERENCE

ENC

75 LINES 1.00 COLUMN

TIMES

RATE

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1.64

MISC. CHARGES

AD CHARGES

.00

123.00

TOTAL COST

123.00

AFFIDAVIT OF PUBLICATION

NEWSPAPER AGENCY CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE ATTACHED
PUBLICATION OF NOTICE OF INFORMAL CONFERENCE FOR
OF OIL GAS & MINING WAS PUBLISHED BY THE NEWSPAPER AGENCY
CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS
PUBLISHED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED
IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

PUBLISHED ON START 09/08/96 END 09/08/96

SIGNATURE

09/08/96

James W. Carter



FOR THE
JENNIFER MOONEY
2028 Hartford St.
Salt Lake City, UT 84106
My Commission Expires
March 31, 2000
STATE OF UTAH

OFFICE COPY

**THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT.**



Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, Suite 1210

Box 145801
Salt Lake City, Utah 84114-5801
(801) 538-5303
801-359-3940 (Fax)
801-538-5319 (TDD)

File
Cause No. ACT/015/025

N O T I C E

Due to scheduling conflicts the Informal Conference scheduled for September 24, 1996, on Co-Op Mining Company's Bear Canyon Mine has been postponed. You will be notified of the rescheduled date. Thank you for your patience in this regard.





State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

1594 West North Temple, Suite 1210

Box 145801

Salt Lake City, Utah 84114-5801

(801) 538-5303

801-359-3940 (Fax)

801-538-5319 (TDD)

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

Post-it® Fax Note 71

Date	9/27/96	# of pages	2
To	Legal Desk	From	Diane Rubey
Co./Dept.	Newspaper Agency	Co.	Div. of Oil, Gas & Mining
Phone #		Phone #	801-538-5302
Fax #	237-2520	Fax #	

September 27, 1996

Facsimile Transmittal
237-2520

Newspaper Agency
Legal Desk
P.O. Box 45838
Salt Lake City, Utah 84145

Re: Notice of Informal Conference, Cause No. ACT/015/025 to Be Held
October 17, 1996

Attention Legal Desk:

Enclosed is the Notice of Informal Conference on the Bear Canyon Mine before the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah.

It is requested that this Notice be published **ONCE ONLY** in **BOTH** The Tribune and the Deseret News on Tuesday, October 1, 1996. In the event that said Notice cannot be published on this date, please notify me immediately by calling 538-5302.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801.

Sincerely,

Diane Rubey
Legal Secretary

dr
Enclosure



 * P.01 *
 * TRANSACTION REPORT *
 * SEP-27-96 FRI 02:45 PM *
 * SEND (M) *
 * DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP *
 * SEP-27 02:43 PM 2372520 1'27" 2 SEND (M) OK 145 *
 * TOTAL 1M 27S PAGES: 2 *



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF OIL, GAS AND MINES
 1594 West North Temple, Suite 1210
 Box 145801
 Salt Lake City, Utah 84114-5801
 (801) 538-5303
 801-359-9940 (Fax)
 801-538-5319 (TDD)

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

Post-it® Fax Note 7671		Date 9/27/96	# of pages 2
To Legal Desk	From Diane Rubey		
Co./Dept. Newspaper Agency	Co. Div. of Oil Gas & Min		
Phone #	Phone # 801-538-5302		
Fax # 237-2520	Fax #		

September 27, 1996

Facsimile Transmittal
 237-2520

Newspaper Agency
 Legal Desk
 P.O. Box 45838
 Salt Lake City, Utah 84145

Re: Notice of Informal Conference, Cause No. ACT/015/025 to Be Held
 October 17, 1996

Attention Legal Desk:

Enclosed is the Notice of Informal Conference on the Bear Canyon Mine



State of Uta

DEPARTMENT OF NATURAL R
DIVISION OF OIL, GAS AND MI

1594 West North Temple, Suite 1210

Box 145801

Salt Lake City, Utah 84114-5801

(801) 538-5303

801-359-3940 (Fax)

801-538-5319 (TDD)

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

Post-it® Fax Note

7671

Date	9/27/96	# of pages	2
To	Sun Advocate &	From	Diane Rubey
Co./Dept.	Emery County Prog	Co.	Div. of Oil, Gas & Mining
Phone #		Phone #	801-538-5302
Fax #	801-637-2716	Fax #	

September 27, 1996

Facsimile Transmittal
(801) 637-2716

Sun Advocate and
Emery County Progress
Legal Desk
76 West Main
P.O. Box 870
Price, Utah 84501

Re: Notice of Informal Conference, Cause No. ACT/015/025 to Be Held
October 17, 1996

Attention Legal Desk:

Enclosed is the Notice of Informal Conference on Bear Canyon Mine before the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah.

It is requested that this Notice be published ONCE ONLY in BOTH the Sun Advocate and Emery County Progress on Tuesday, October 1, 1996. In the event that said Notice cannot be published by this date, please notify me immediately by calling (801) 538-5302.

Upon completion of this request, please send proof of publication and statement of cost to the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Box 145801, Salt Lake City, Utah 84114-5801.

Sincerely,

Diane Rubey
Legal Secretary

dr
Enclosure



***** TRANSACTION REPORT *****
 P.01
 SEP-27-96 FRI 02:12 PM
 SEND (M)
 DATE START RECEIVER TX TIME PAGES TYPE NOTE M# DP
 SEP-27 02:10 PM 18016372716 1'27" 2 SEND (M) OK 143
 TOTAL 1M 27S PAGES: 2



State of Uta

DEPARTMENT OF NATURAL R
 DIVISION OF OIL, GAS AND MI
 1594 West North Temple, Suite 1210
 Box 145801
 Salt Lake City, Utah 84114-5801
 (801) 538-5303
 801-359-3940 (Fax)
 801-538-5319 (TDD)

Michael O. Leavitt
 Governor
 Ted Stewart
 Executive Director
 James W. Carter
 Division Director

Post-it* Fax Note	7671	Date	9/27/96	# of pages	2
To	Sun Advocate &	From	Diane Rubey		
Co./Dept.	Emery County Prog	Co.	Div. of Oil, Gas & Mining		
Phone #		Phone #	801-538-5302		
Fax #	801-637-2716	Fax #			

September 27, 1996

Facsimile Transmittal
 (801) 637-2716

Sun Advocate and
 Emery County Progress
 Legal Desk
 76 West Main
 P.O. Box 870
 Price, Utah 84501

Re: Notice of Informal Conference, Cause No. ACT/015/025 to Be Held
October 17, 1996

Attention Legal Desk:

Do not remove mine before the

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF INFORMAL CONFERENCE for Cause No. ACT/015/025 to be mailed by certified mail, postage prepaid, on the 27 day of September, 1996 to the following:

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

Jeffrey W. Appel
Appel & Warlaumont, L.C.
1100 Boston Building
9 Exchange Place
Salt Lake City, Utah 84111

J, Craig Smith
David B. Hartvigsen
Nielsen & Senior, P.C.
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Carl E. Kingston
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Hansen
624 North 300 West, Suite 200
Salt Lake City, Utah 84103



BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE FIVE-YEAR
PERMIT RENEWAL FOR THE BEAR
CANYON MINE, CO-OP MINING
COMPANY, EMERY COUNTY, UTAH

NOTICE OF INFORMAL
CONFERENCE

CAUSE NO. ACT/015/025

---ooOoo---

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE ENTITLED
MATTER.

Notice is hereby given that the Division of Oil, Gas and Mining ("Division"), will conduct an informal conference on Thursday, October 17, 1996, beginning at 8:30 a.m., at the Emery County Courthouse, Commission Chambers, 95 East Main Street, Castle Dale, Utah.

The informal conference will be conducted in accordance with the Utah Code Ann. § 40-10-13 (1953, as amended) and Utah Admin. R. 645-300-112 and R. 645-300-123.

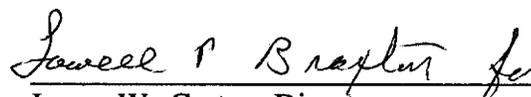
Objections to Co-Op Mining Company's five-year permit renewal for the Bear Canyon Mine were received, and an informal conference will be conducted. Written comments or oral statements and any relevant information pertaining to this permit renewal from any party to the conference will be heard in the morning and a site visit will be held in the afternoon.

Persons interested in this matter may participate pursuant to Utah Admin. R. 645-300-123. The application, subsequent public comments, and request for informal conference may be inspected in the office of the undersigned, 1594 West North Temple, Suite 1210, Salt Lake City, Utah.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this conference should call Vicki Bailey at 538-5327, at least three working days prior to the hearing date.

DATED this 27 day of September, 1996.

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING


James W. Carter, Director

First-Mail, Postage Prepaid to:

CHARLES REYNOLDS
CO OP MINING CO
P O BOX 1245
HUNTINGTON UT 84528

ELDON KINGSTON
MOUNTAIN COIN MACHINE DIST
3753 S STATE ST
SALT LAKE CITY UT 84115

JAMES FULTON CHIEF
DENVER FIELD DIV
OFFICE OF SURFACE MINING R & E
1999 BROADWAY STE 3320
DENVER CO 80202-5733

MARK BAILEY AREA MNGR
SAN RAFEL/PRICE RVR RSRCE AREA
BUREAU OF LAND MANAGEMENT
125 S 6 W
PRICE UT 84501

BOB HENRY
MINING LAW & SOLID MNRLS
BUREAU OF LAND MNGMNT
P O BOX 45155
SALT LAKE CITY UT 84145-0155

MARK PAGE RGNL ENGR
UT DIV OF WATER RIGHTS
SOUTHEASTERN REGIONAL OFF
453 S CARBON AVE
P O BOX 718
PRICE UT 84501-0718

DAVE ARIOTTI DST ENGR
SOUTHEASTERN UTAH HEALTH DEPT
128 S 100 E
P O BOX 800
PRICE UT 84501

BILL BATES HABITAT MNGR
455 W RAILROAD AVE
PRICE UT 84501

GARY L ROEDER DIST CON
NTRL RESRS SOIL CNSV SERV
350 N 400 E
PRICE UT 84501

JOSEPH JENKINS EX DIR
DEPT OF COMM & ECON DEV

BUILDING MAIL

BRYANT ANDERSON
EMERY CNTY PLNNG & ZNG
P O BOX 297
CASTLE DALE UT 84513

BILL HOWELL EX DIR
SOUTHEASTERN UTAH ASSOC OF LOCAL
GVRNMNTS
P O BOX 1106
PRICE UT 845015

JANETTE S KAISER FRST SUP
U S FOREST SERV
MANTI LA SAL NTNL FRST
599 W PRICE RVR RD
PRICE UT 84501

ROBERT D WILLIAMS ASST FLD SUP
U S FISH & WILDLIFE SERV ECO SERV
LINCOLN PLAZA
145 E 1300 S STE 404
SALT LAKE CITY UT 84115

ROBERT MORGAN STATE ENGR
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1403 S 600 W
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CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
DIV OF OIL GAS & MINING 1594 W NORTH TEMPLE SUITE 1210, BX 145801 SLC, UT 84114	D5385303L-07	10/01/96

ACCOUNT NAME	
DIV OF OIL GAS & MINING	
TELEPHONE	INVOICE NUMBER
801-538-5303	TL9R8201561
SCHEDULE	
START 10/01/96 END 10/01/96	
CUST. REF. NO.	
ACT/015/02	
CAPTION	
NOTICE OF INFORMAL CONFERENCE	
SIZE	
78 LINES 1.00 COLUMN	
TIMES	RATE
1	1.64
MISC. CHARGES	AD CHARGES
.00	127.92
TOTAL COST	
127.92	

OFFICE COPY

NOTICE OF INFORMAL CONFERENCE
CAUSE NO. ACT/015/025
BEFORE THE DIVISION OF OIL
GAS AND MINING
DEPARTMENT OF NATURAL
RESOURCES, STATE OF UTAH

IN THE MATTER OF THE FIVE-YEAR
PERMIT RENEWAL FOR THE BEAR
CANYON MINING CO-OP MINING
COMPANY EMERY COUNTY,
UTAH.

THE STATE OF UTAH TO ALL PER-
SONS INTERESTED IN THE ABOVE
ENTITLED MATTER.

Notice is hereby given that
the Division of Oil, Gas and Min-
ing ("Division") will conduct an
informal conference on Thurs-
day, October 17, 1996, begin-
ning at 8:30 a.m., at the Emery
County Courthouse, Commis-
sion Chambers, 95 East Main
Street, Castle Dale, Utah.

The informal conference will
be conducted in accordance
with the Utah Code Ann. ss 40-
40-13 (1993, as amended) and
Utah Admin. R. 645-300-112 and
R. 645-300-123.

Objections to Co-Op Mining
Company's five-year permit re-
newal for the Bear Canyon
Mine were received, and an in-
formal conference will be con-
ducted. Written comments or
oral statements and any rele-
vant information pertaining to
this permit renewal from any
party to the conference will be
heard in the morning and a site
visit will be held in the after-
noon.

Persons interested in this mat-
ter may participate pursuant to
Utah Admin. R. 645-300-123. The
application, subsequent public
comments, and request for in-
formal conference may be in-
spected in the offices of the un-
derdesignated, 1594 West North
Temple, Suite 1210, Salt Lake
City, Utah.

Pursuant to the Americans
with Disabilities Act, persons re-
quiring auxiliary communica-
tive aids and services to enable
them to participate in this con-
ference should call Vicki Bailey
at (801) 538-5327, at least three
working days prior to the hear-
ing date.

DATED this 27th day of Sep-
tember, 1996.

STATE OF UTAH
DIVISION OF OIL, GAS AND
MINING
James W. Collier, Director
986201561

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY CORPORATION LEGAL BOOKKEEPER, I CERTIFY THAT THE
ADVERTISEMENT OF NOTICE OF INFORMAL CONFERENCE
DIV OF OIL GAS & MINING WAS PUBLISHED BY THE NEWSPAPER
CORPORATION, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY
PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND
IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH.

PUBLISHED ON START 10/01/96 END 10/01/96

SIGNATURE *Raise Honey*

DATE 10/01/96



2020
Salt Lake
My Comm
Marc
STAT

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT.

First-Mail, Postage Prepaid to:

CHARLES REYNOLDS
CO OP MINING CO
P O BOX 1245
HUNTINGTON UT 84528

ELDON KINGSTON
MOUNTAIN COIN MACHINE DIST
3753 S STATE ST
SALT LAKE CITY UT 84115

JAMES FULTON CHIEF
DENVER FIELD DIV
OFFICE OF SURFACE MINING R & E
1999 BROADWAY STE 3320
DENVER CO 80202-5733

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SAN RAFAEL/PRICE RVR RSRCE AREA
BUREAU OF LAND MANAGEMENT
125 S 6 W
PRICE UT 84501

BOB HENRY
MINING LAW & SOLID MNRLS
BUREAU OF LAND MNGMNT
P O BOX 45155
SALT LAKE CITY UT 84145-0155

MARK PAGE RGNL ENGR
UT DIV OF WATER RIGHTS
SOUTHEASTERN REGIONAL OFF
453 S CARBON AVE
P O BOX 718
PRICE UT 84501-0718

DAVE ARIOTTI DST ENGR
SOUTHEASTERN UTAH HEALTH DEPT
128 S 100 E
P O BOX 800
PRICE UT 84501

BILL BATES HABITAT MNGR
455 W RAILROAD AVE
PRICE UT 84501

GARY L ROEDER DIST CON
NTRL RESRS SOIL CNSV SERV
350 N 400 E
PRICE UT 84501

JOSEPH JENKINS EX DIR
DEPT OF COMM & ECON DEV

BRYANT ANDERSON
EMERY CNTY PLNGG & ZNG
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U S FOREST SERV
MANTI LA SAL NTNL FRST
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PRICE UT 84501

ROBERT D WILLIAMS ASST FLD SUP
U S FISH & WILDLIFE SERV ECO SERV
LINCOLN PLAZA
145 E 1300 S STE 404
SALT LAKE CITY UT 84115

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DEPT OF NATURAL RESOURCES

ROBERT VALENTINE DIR
DEPT OF NATURAL RESOURCES
DIV OF WILDLIFE RESOURCES

MAX J EVANS DIR
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DISTRICT MANAGER
CASTLE VALLEY SPECIAL SERV DST
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MENCO COPINGA PRES
NORTH EMERY WATER USERS ASSOC
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BOARD OF DIRECTORS
HUNTINGTON CLEVELAND IRR CO
BOX 395
CLEVELAND UT 84518

VARDEN WILLSON SEC
HUNTINGTON CLEVELAND IRR CO
55 N MAIN
HUNTINGTON UT 84528

JAY MARK HUMPHREY
EMERY WATER CONSERVANCY DIST
P O BOX 998
CASTLE DALE UT 84513

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the foregoing NOTICE OF CONTINUANCE OF INFORMAL CONFERENCE for Cause No. ACT/015/025 to be mailed by certified mail, postage prepaid, on the 22nd day of October, 1996 to the following:

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

Jeffrey W. Appel
Appel & Warlaumont, L.C.
1100 Boston Building
9 Exchange Place
Salt Lake City, Utah 84111

J, Craig Smith ✓
David B. Hartvigsen
Nielsen & Senior, P.C.
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Carl E. Kingston ✓
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Hansen
624 North 300 West, Suite 200
Salt Lake City, Utah 84103

Toni Heldman



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

*Informal
Hearing
Blue
Folder*

November 21, 1996

Leann Matson
U.S. Forest Service
599 West Price River Drive
Price, UT 84501

Re: Copy of Transcript from Hearing Held November 8, 1996 on the Bear
Canyon Mine, Act/015/025

Dear Ms. Matson:

Our Director, Jim Carter, asked me to send you a copy of the transcript from the Bear Canyon Mine hearing. Please let me know if you need anything further. I may be reached at (801) 538-5257.

Sincerely,

Toni Heldman

Toni Heldman
Records Officer

Enclosure





State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor
Ted Stewart
Executive Director
James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

November 21, 1996

Jeffrey W. Appel
Collard, Appel & Waurlaumont, LC
1100 Boston Building
9 Exchange Place
Salt Lake City, UT 84111

J. Craig Smith
Nelson & Senior
1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

F. Mark Hansen
624 N 300 W Ste 200
Salt Lake City, UT 84103

Re: Co-op Mining Company Five Year Permit Renewal

Gentlemen,

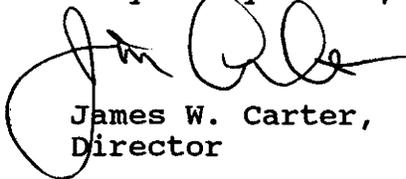
Pursuant to our telephone conference call this morning we've reached an agreement as to how to proceed with the informal Conference. We have assumed that the water users have completed introduction of evidence and testimony in the Informal Conference. The water users are, however, preparing a "report" which is not intended to introduce new evidence or factual information, but which the water users may wish to submit to the Division before closure of the Informal Conference. Based upon the assumption that the water users will introduce no new factual information, Mr. Hansen will consult with his clients to determine whether Co-Op Mining Company wishes to offer factual information of its own. If Co-Op does not wish to introduce additional information, and if no new factual information is offered by the Water Users, the Division will close the Informal Conference proceedings to the introduction of new evidence on December 6, 1996, and will schedule closing argument after that date.



I am planning to hear from Mr. Hansen with regard to the results of his consultation with his clients on November 25 or 26 and will relay that information to Mr. Appel and Mr. Smith. If the water users intend to submit the report they should so notify the Division as early as they have made their decision, but no later than December 6.

Thank you for your cooperation in this somewhat complex proceeding.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'J. W. Carter', written over the typed name below.

James W. Carter,
Director

bn

N:5year

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

---ooOoo---

IN THE MATTER OF THE FIVE-YEAR
PERMIT RENEWAL FOR THE BEAR
CANYON MINE, CO-OP MINING
COMPANY, EMERY COUNTY, UTAH

NOTICE OF CONTINUANCE
OF INFORMAL CONFERENCE

CAUSE NO. ACT/015/025

---ooOoo---

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE ENTITLED
MATTER.

Notice is hereby given that the informal conference conducted by the Division of Oil, Gas and Mining ("Division") on the Bear Canyon Mine has been continued to Friday, November 8, 1996, beginning at 9:00 a.m., at the Emery County Courthouse, Commission Chambers, 95 East Main Street, Castle Dale, Utah.

The informal conference will be conducted in accordance with the Utah Code Ann. § 40-10-13 (1953, as amended) and Utah Admin. R. 645-300-112 and R. 645-300-123.

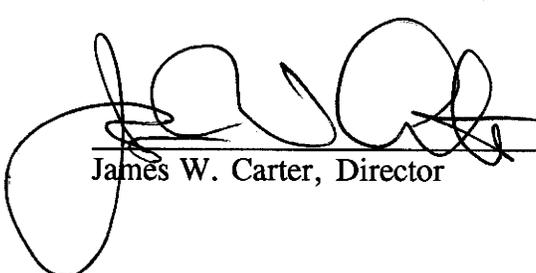
Objections to Co-Op Mining Company's five-year permit renewal for the Bear Canyon Mine were received, and an informal conference will be conducted. Written comments or oral statements and any relevant information pertaining to this permit renewal from any party to the conference will be heard in the morning and a site visit will be held in the afternoon.

Persons interested in this matter may participate pursuant to Utah Admin. R. 645-300-123. The application, subsequent public comments, and request for informal conference may be inspected in the office of the undersigned, 1594 West North Temple, Suite 1210, Salt Lake City, Utah.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this conference should call Vicki Bailey at 538-5304, at least three working days prior to the hearing date.

DATED this 21 day of October, 1996.

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING


James W. Carter, Director