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October 14, 2005

Mary Ann Wright  
Coal Regulatory Program  
Division of Oil, Gas & Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, UT 84114-5801

*-Via Facsimile No. 359-3940-*

**Re: Permit Renewal, Co-Op Mining Company, Bear Canyon Mine,  
C/015/0025, Task ID #2293**

*M. Smith  
10/15/0025*

Dear Ms. Wright:

The purpose of this letter is to provide the comments of Huntington-Cleveland Irrigation Company ("Huntington-Cleveland") with respect to the above referenced Application in response to the request for such comment in a letter dated September 15, 2005.

As the Division is undoubtedly aware, Huntington-Cleveland is the largest holder of state-appropriated water in the Huntington Creek drainage, as such phrase is used in Utah Code Annotated section 40-10-18(15)(c). Water rights of Huntington-Cleveland provide water for beneficial use of its shareholders which include not only nearly all of the agricultural users in northern Emery County but also the municipalities of Huntington, Cleveland, and Elmo and domestic use in the unincorporated county surrounding these communities. It is therefore vitally important that both the quantity and the quality of this water are protected. Of particular concern are Birch and Big Bear Springs. Both of these springs are important drinking water sources for Huntington-Cleveland shareholders.

However, despite a number of years of concern over diminished flows from these springs, which are both in close proximity to the Bear Canyon Mine, the Comprehensive Hydrologic Impact Assessment ("CHIA") which includes the Bear Canyon Mine still fails to determine whether or not mining activity in the Bear Canyon Mine has diminished water quantity in either Birch or Big Bear Spring.

Also, the Gentry Mountain CHIA fails to address potential impact and damage to Birch and Big Bear Springs from Bear Canyon Mine, while it does address potential impact from the more distant Hiawatha Mine Complex. This omission is not explained in the Damages to Resources section of the CHIA.

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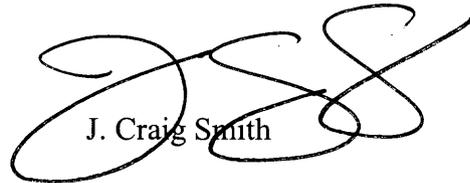
DIV. OF OIL, GAS & MINING

In order to predict and prevent any contamination, diminution, or interruption of the water source, it is of primary importance that the hydrological information supporting the Bear Canyon Mine Permit, including the Probable Hydrologic Consequences ("PHC") and the CHIA are complete, accurate, and up-to-date. However, reviewing the PHC and CHIA for the Bear Canyon Mine, it appears that this is not the case. To the contrary, it appears that there have been very few measurements recorded after 2001. Because water levels and flows can change quite rapidly, it is essential that continual monitoring be required and the PHC be updated before the Division reaches a final decision regarding the Co-Op Mining Company's renewal application.

Please feel free to contact me with any questions.

Yours truly,

SMITH HARTVIGSEN, PLLC



J. Craig Smith

cc: Board of Directors, Huntington-Cleveland  
Dennis Ward, President  
Sherrel Ward, Vice President  
Kay Jensen, Secretary