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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

C041002 Incoming ✓  
cc: Daron, Pam  
Mary Ann, Dave  
Pete

Michael O. Leavitt  
Governor

Robert L. Morgan  
Executive Director

Jerry D. Olds  
State Engineer

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November 20, 2003

Kenneth E. May  
Canyon Fuel Company, LLC  
SUFCO Mine  
397 South 800 West  
Salina, UT 84654

Re: Stream Channel Alteration Application No. 03-94-01SA for repair of subsidence cracks on the East Fork of Box Canyon in Sevier County.

The U.S. Army Corps of Engineers have determined that they cannot issue authorization in advance unless fill would actually be placed and the scope of the project is known. The nature of the project does not allow for the scope of the project to be known beforehand, nor if bentonite will ever be needed.

The position of this office is similar to that of the Corps as we would need to know the scope and details of the project before authorization could be given. However, if problems from subsidence develop, actions to remedy the situation in a timely manner would be appropriate. At that time you could again submit an application with the scope and details needed. If immediate attention is required, emergency authorization from this office might be an option, but would need to be followed up with an application. Baseline data and monitoring reports of flows and subsidence would need to be kept and submitted along with any application.

The Division of Oil, Gas, & Mining is aware of our decision and will receive a copy of this letter. If you have any questions or comments, please contact Daren Rasmussen at 801-538-7377.

Sincerely,

A handwritten signature in black ink that reads "Jerry D. Olds".

Jerry D. Olds, P.E.  
State Engineer

JDO/jm

cc: Mark Page - Regional Engineer  
Mary Ann Wright - DOGM  
Daron Haddock - DOGM