

0054 **CF**

Incoming
6
C/041/0002
* Steve & Duff
have copies
cc: Peter Hess
PFO

Canyon Fuel Company, LLC
SUFCO Mine

397 South 800 West
Salina, Utah 84654
Levan Loadout (435) 623-2905 Exit 73 off I-70 - M Insite (435) 286-4880
Levan Loadout Fax (435) 623-2767 Mine Fax (435) 286-4499 & (286-4444 Warehouse)

FACSIMILE COVER PAGE

TO: Wayne Hedberg LOCATION: _____

FROM: Mike Davis LOCATION: _____

THIS TRANSMISSION CONSISTS OF 6 PAGES INCLUDING COVER PAGE.

MESSAGE:

*Sufco Temporary water right change to
pump water out of Quitchupah Creek*

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity designated above, is confidential and may contain information that is legally privileged or exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution, copying or use of or reliance upon the information contained in and transmitted with this facsimile transmission by or to anyone other than the recipient designated above by the sender is not authorized and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return it to the sender by U. S. Mail, or destroy it if authorization is granted by the sender. Thank You.

If you have any trouble with this transmission, please call SUFCO Mine at (435) 286-4880.

RECEIVED

JUN 09 2006

DIV. OF OIL, GAS & MINING



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

ORDER OF THE STATE ENGINEER
For Temporary Change Application Number 94-1183 (t31578)

Temporary Change Application Number 94-1183 (t31578) in the name of Castle Valley Ranches L.L.C. was filed on June 8, 2006, to change the point of diversion, place of use, and nature of use of 2.25 acre-feet of water as evidenced by Water Right Number 94-1183. Heretofore, the water has been diverted from a surface source located North 550 feet and West 1150 feet from the S¼ Corner of Section 15, T22S, R5E, SLB&M. The water has been used for the irrigation of 88.24 acres (sole supply of 88.24 acres) from April 1 to October 31, and the stockwatering requirements of 150 head of livestock (in cattle or horses or equivalent species) from January 1 to December 31. The water was used in all or portion(s) of Section 13, 14, 15, T22S, R5E, SLB&M.

Hereafter, it is proposed to divert 2.25 acre-feet of water from a surface source located South 2148 feet and West 969 feet from the NE Corner of Section 13, T21S, R4E, SLB&M. The nature of use of the water is being changed to the stockwatering requirements of 80 head of livestock (in cattle or horses or equivalent species) from June 12 to August 12. The place of use of the water is being changed to all or portion(s) of Section 14, 15, 11, 12, 24, T21S, R5E, SLB&M.

Notice of this temporary change application was not published in a newspaper. It is the opinion of the State Engineer that it meets the criteria of Section 73-3-3 of the Utah Code for the approval of temporary change applications.

It is the opinion of the State Engineer that this change application can be approved without adversely affecting existing rights. The applicant is put on notice that diligence must be shown in pursuing the development of this application which can be demonstrated by the completion of the project as proposed in the change application.

It is, therefore, **ORDERED** and Temporary Change Application Number 94-1183 (t31578) is hereby **APPROVED** subject to prior rights.

This temporary change application shall expire one year from the date hereof.

It is the applicant's responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

The applicant is advised to contact the Stream Alteration Section of the Division of Water Rights to ascertain if a Stream Alteration permit is required for this Temporary Change Application.

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JUN 09 2006

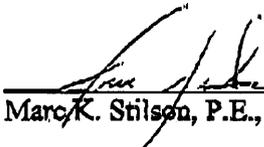
DIV. OF OIL, GAS & MINING

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Your contact with this office, should you need it, is with the Southeastern Regional Office. The telephone number is 435-637-1303.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 9 day of June, 2006.



Marc K. Stilson, P.E., Regional Engineer

Mailed a copy of the foregoing Order this 9 day of June, 2006 to:

Castle Valley Ranches L.L.C.
c/o John F. Bates
455 South 300 East #200
Salt Lake City UT 84111

Stream Alteration Section
Division of Water Rights

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CASTLE VALLEY RANCHES LLC
C/O JOHN F BATES
455 SOUTH 300 EAST #200
SALT LAKE CITY UT 84111

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94-1183 (131578)
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STREAM ALTERATION SECTION
DIVISION OF WATER RIGHTS

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