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FILED
JAN 3 1 2013
SECRETARY, BOARD OF OIL, GAS & MINING

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

LIVING RIVERS, a non-profit association,

Petitioner,

v.

DIVISION OF OIL, GAS AND MINING,

Respondent,

EARTH ENERGY RESOURCES, INC.

Intervenor/Respondent

LIVING RIVERS' OBJECTIONS TO PROPOSED FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER

Docket No. 2010-027

Cause No. M/047/0090

Living Rivers, by and through its attorneys, hereby submits the following objections to the proposed Findings of Fact, Conclusions of Law, and Order submitted by US Oil Sands to the Board of Oil, Gas and Mining (Board) in the above matter.

Paragraph 11. Living Rivers objects to the characterization of what was agreed to in the September 18, 2012 stipulation. While there are similarities between the challenges filed with the Division of Oil, Gas and Mining (Division) and the Division of Water Quality, what Living Rivers agreed to in the September 18th stipulation was not tied to, and did not directly reference, issues resolved by the Utah Water Quality Board. This paragraph should be changed to include a more accurate summary of that stipulation.

Paragraph 35. Living Rivers objects to the characterization of Mr. Lips' visit to the site. That characterization is unsupported by the evidence before the Board and Living Rivers requests that the last sentence in that paragraph be removed.

Paragraph 39. Living Rivers objects to the characterization of Mr. Park's testimony related to area seeps as "[t]he most persuasive evidence" presented on that subject.

Paragraphs 40 & 41. Living Rivers concurs with the Division's objections to these paragraphs.

Paragraph 42. Living Rivers objects to the characterization of the record as it pertains to the leachability tests. The characterization is argumentative and is not relevant to the Board's decision in this matter.

Paragraph 45. Living Rivers objects to the characterization of the amount of d-limonene used within the process as argumentative and unsupported by the evidence before the Board.

Paragraph 46. Living Rivers objects to the characterization of d-limonene as unsupported by the evidence before the Board and irrelevant to the Board's decision in this matter.

Paragraph 47. Living Rivers objects to the statement that the Division will conduct other than visual inspections with regard to reclamation at the PR Spring mine as unsupported by the evidence before the Board.

Respectfully submitted this 31st day of January, 2013.

ROB DUBUC
JORO WALKER
Attorneys for Living Rivers

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2013, I served a true and correct copy of Living Rivers' Objections to Proposed Findings of Fact Conclusions of Law and Order to the following persons via email:

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