

BEFORE THE RECLAMATION COMMISSION

SIDWELL MATERIALS, INC.,	:	Case No. RC-13-012
	:	
Appellant,	:	Review of Chief's Order 7355 - Modified;
	:	Permit D-2261 (McGary Property)
-vs-	:	
	:	
DIVISION OF MINERAL RESOURCES	:	<u>ORDER OF CHAIRMAN</u>
MANAGEMENT,	:	<u>EXTENDING TEMPORARY</u>
	:	<u>RELIEF FOR A LIMITED</u>
Appellee.	:	<u>PERIOD</u>

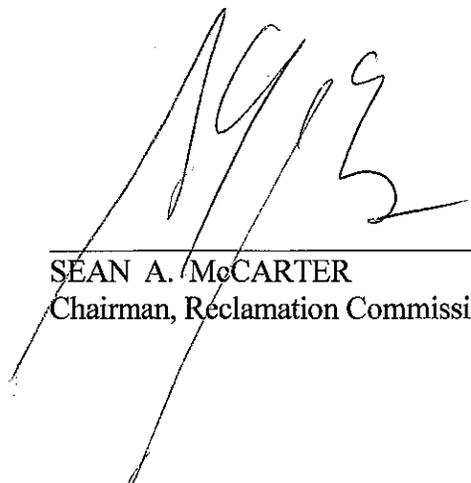
Appearances: Scott Eickelberger, Ryan Linn, Counsel for Appellant Sidwell Materials, Inc.; Brian Ball, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

On December 16, 2013, Appellant Sidwell Materials, Inc. ["Sidwell"] filed with the Reclamation Commission a notice of appeal from modified Chief's Order 7355. This Chief's Order alleged that mining operations, conducted by Sidwell pursuant to coal mining and reclamation permit D-2261, had proximately caused the diminution of an agricultural / recreational water supply located on the Brian McGary property. Accompanying Sidwell's notice of appeal was a Request for Temporary Relief.

A hearing on Temporary Relief was conducted by the Chairman of the Reclamation Commission on January 8, 2014. On January 14, 2014, the Commission Chair **granted** Sidwell Temporary Relief from the requirement to submit a written water replacement plan for the McGary water supplies within 45 days of Sidwell's receipt of modified Chief's Order 7355. Temporary Relief was issued for a limited period, and was set to expire on **June 4, 2014**. Temporary Relief was **conditioned** upon Sidwell's continued provision of a temporary agricultural water supply for the McGary livestock.

On May 7 & 8, 2014, this matter came on for hearing upon its merits. This appeal is currently under consideration by the full Commission. To allow the Commission adequate time to deliberate and render a decision upon the merits of this matter, the grant of Temporary Relief is hereby **EXTENDED** until the date of **June 20, 2014 or until a decision is rendered upon the merits of this appeal**. As under the original grant of Temporary Relief, Appellant Sidwell shall not be relieved of its obligation to provide a temporary agricultural source of water to the livestock located on the McGary property, and Sidwell must continue to provide water to the McGary livestock on a daily basis.

5/22/14
DATE ISSUED



SEAN A. McCARTER
Chairman, Reclamation Commission

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