the Bannock, Bingham or Power County records as of December 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian, when an approved lease contract is on file with the Superintendent of the Fort Hall Agency, operation and maintenance charges will be billed to the lessee of record.

**Basic and Other Water Charges**

(a) The annual basic water charges for the operation and maintenance of the Fort Hall Irrigation Project lands in non-Indian or a non-member of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, Idaho, are fixed for the Calendar Year 1980 and subsequent years until further notice as follows:

(1) Fort Hall Unit basic rate..............$14.25 per acre
(2) Michaud Unit basic rate..............$18.75 per acre
(3) Minor Units basic rate...............$12.80 per acre

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

**Payments**

The water charges become due on April 1 of each year and are payable on or before that date. To all assessments on lands in non-Indian ownership, and lands in Indian ownership which do not qualify for free water, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one-half percent per month, or fraction thereof, from the due date until paid. No water shall be delivered to any farm unit until all irrigation charges have been paid.

**Assessments on Indian Owned Land**

When land owned by members of the Shoshone-Bannock Tribes of the Fort Hall Indian reservation is first leased to non-Indians or non-members of the tribe, and an approved lease is on file at the Fort Hall Agency, the leased land is not subject to operation and maintenance assessments for three years. The three years the land is not subject to assessment need not run consecutively. When land has been leased for a total of three years, the land, when under lease to non-Indians or non-members of the tribe, is subject to operation and maintenance assessments the same as lands in non-Indian ownership and lands owned by non-members of the tribe within the

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Geological Survey

Royalty or Compensation for Oil and Gas Lost; Revocation of Certain Provisions Contained in Notices to Lessees and Operators (NTL-4)

Notice is hereby given that certain provisions of Notice to Lessees and Operators (NTL-4) and the supplements thereto have been revoked and will be superseded by Notice to Lessees and Operators, NTL-4A. Copies of NTL-4A, approved effective January 1, 1980, will be distributed by the Area Oil and Gas Supervisors shortly to the lessees and operators of onshore Federal and Indian oil and gas leases under the jurisdiction of the Geological Survey.

The revocation of certain provisions of NTL-4 and its supersession by NTL-4A is necessary to accord with court decisions and the related instructions provided to the Geological Survey by the Office of the Solicitor, Department of the Interior.

The provisions of NTL-4 superseded by this action are revoked retroactive to December 1, 1974. The effective date of said Notice. Lessees and operators who submitted royalty payments under the revoked provisions of NTL-4 may apply for a refund of those payments. The addendum attached to NTL-4A specifies the requirements for these applications and the methods by which refunds will be approved and processed.

The approved Notice to Lessees and Operators (NTL-4A), is as follows:

Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases (NTL-4A)

Royalty or Compensation for Oil and Gas Lost

This Notice is issued pursuant to the authority prescribed in the Oil and Gas Operating Regulations, Title 30 CFR 221, and in accordance with the terms of the Federal and Indian oil and gas leases under the jurisdiction of the Geological Survey. This Notice supersedes certain provisions of NTL-4, issued effective December 1, 1974; Supplement No. 1 to NTL-4, issued effective December 1, 1978; to 10 lessees and operators on a multiproductive basis and Supplement No. 1 to NTL-4, issued effective December 1, 1978, to all lessees and operators in Wyoming. Lessees and operators who submitted payments for royalty on oil and gas lost under those provisions of NTL-4, which are hereby revoked, may file with the Area Oil and Gas Supervisor (Supervisor) an application for a refund of those payments in accordance with the addendum attached to this Notice.

I. General

Oil production subject to royalty shall include that which (1) is produced and sold on a lease basis or for the benefit of a lease under the terms of an approved communitization or unitization agreement and (2) the Supervisor determines to have been avoidably lost on a lease, communitized tract, or unitized area. No royalty obligation shall accrue as to that produced oil which (1) is used on the same lease, same communitized tract, or same unitized participating area for beneficial purposes or (2) the Supervisor determines to have been unavoidably lost.

Gas production (both gas well gas and oil well gas) subject to royalty shall include that which is produced and sold on a lease basis or for the benefit of a lease under the terms of an approved communitization or unitization agreement. No royalty obligation shall accrue on any produced gas which (1) is used on the same lease, same communitized tract, or same unitized participating area for beneficial purposes, (2) is vented or flared with the Supervisor’s prior authorization or approval during drilling, completing, or producing operations, (3) is vented or flared pursuant to the rules, regulations, or orders of the appropriate State regulatory agency when said rules, regulations, or orders have been ratified or accepted by the Supervisor, or (4) the Supervisor determines to have been otherwise unavoidably lost.

Where produced gas (both gas well gas and oil well gas) is (1) vented or flared during drilling, completing, or producing operations without the prior authorization, approval, ratification, or acceptance of the Supervisor or (2) otherwise avoidably lost, as determined by the Supervisor, the compensation due the United States or the Indian lessee will be computed on the basis of the full value of the gas so wasted, or the allocated portion thereof, attributable to the lease.

II. Definitions

As used in this Notice, certain terms are defined as follows:

A. “Avoidably lost” production shall mean the venting or flaring of produced gas without the prior authorization, approval, ratification, or acceptance of the Supervisor and the loss of produced oil or gas when the Supervisor determines that said losses were a result of (1) negligence on the part of the lessee or operator, or (2) the failure of the lessee or operator to take all reasonable measures to prevent and/or to control the loss, or (3) the failure of the lessee or operator to comply fully with the applicable lease terms and regulations, appropriate provisions of the approved operating plan, or the prior written orders of the Supervisor, or (4) any combination of the foregoing.

B. “Beneficial purposes” shall mean that oil or gas which is produced from a lease, communitized tract, or unitized participating area and which is used on or for the benefit of that same lease, same communitized tract, or same unitized participating area, or for the benefit of that same lease, same communitized tract, or same unitized participating area and which is consumed on or for the benefit of that same lease, same communitized tract, or same unitized participating area for operating or productivity purposes such as (1) fuel in lifting oil or gas, (2) fuel in the heating of oil or gas for the purpose of placing it in a marketable condition, (3) fuel in compressing gas for the purpose of placing it in a marketable condition, or (4) fuel for firing steam generators for the enhanced recovery of oil. Gas used for beneficial purpose shall also include that which is produced from a lease, communitized tract, or unitized participating area and which is consumed on or for the benefit of that same lease, same communitized tract, or same unitized participating area and which is consumed on or for the benefit of that same lease, same communitized tract, or same unitized participating area for operating or productivity purposes such as (1) fuel in lifting oil or gas, (2) fuel in the heating of oil or gas for the purpose of placing it in a marketable condition, or (4) fuel for firing steam generators for the enhanced recovery of oil.
operations will be considered as being utilized for beneficial purposes. In addition, gas which is produced from a lease, communitized tract, or unitized participating area and which, in accordance with a plan approved by the Supervisor, is reinjected into wells or formations subject to that same lease, same communitized tract, or same unitized participating area for the purpose of increasing ultimate recovery shall be considered as being used for beneficial purposes; provided, however, that royalty will be charged on the gas used for this purpose at the time it is finally produced and sold.

C. "Unavoidably lost" production shall mean (1) those gas vapors which are released from storage tanks or other low-pressure production vessels unless the Supervisor determines that the recovery of such vapors would be warranted, (2) that oil or gas which is lost because of line failures, equipment malfunctions, blowouts, fires, or otherwise except where the Supervisor determines that said loss resulted from the negligence or the failure of the lessee or operator to take all reasonable measures to prevent and/or control the cleaning of the venting of gas in accordance with Section III hereof.

III. Authorized Venting and Flaring of Gas

A. Emergencies. During temporary emergency situations, such as compressor or other equipment failures, relief of abnormal system pressures, or other conditions which result in the unavoidable short-term venting or flaring of gas. However, this authorization to vent or flare gas in such circumstances without incurring a royalty obligation is limited to 24 hours per incident and to 144 hours cumulative for the lease during any calendar month, except with the prior authorization, approval, ratification, or acceptance of the Supervisor.

B. Well Purging and Evaluation Tests. During temporary or Special Well Tests during routine or special well tests, other than those cited in III.B and C above, only after approval by the Supervisor.

IV. Other Venting or Flaring

A. Gas Well Gas. Except as provided in II. C and III above, gas well gas may not be flared or vented. For the purposes of this Notice, a gas well will be construed as a well from which the energy equivalent of the gas produced, including (1) the venting or flaring liquid hydrocarbons, exceeds the energy equivalent of the oil produced.

B. Oil Well Gas. Except as provided in II.C and III above, oil well gas may not be vented or flared unless approved in writing by the Supervisor. The Supervisor may approve an application for the venting or flaring of oil well gas if justified either by the submittal of (1) an evaluation report supported by engineering data which demonstrates to the satisfaction of the Supervisor that the expenditures necessary to market or beneficially use such gas are not economically justified and that conservation of the gas, if required, would lead to the premature abandonment of recoverable oil reserves and ultimately to a greater loss of equivalent energy than would be recovered if the venting or flaring were permitted to continue or (2) an action plan that will eliminate venting or flaring of the gas within 1 year from the date of application.

The venting or flaring of gas from oil wells completed prior to the effective date of this Notice is authorized for an interim period. However, an application for approval to continue such practices must be submitted within 90 days from the effective date hereof, unless such venting or flaring of gas was authorized, approved, ratified, or accepted previously by the Supervisor. For oil wells completed prior to the effective date of this Notice, an application must be filed with the Supervisor, and approval received, for any venting or flaring of gas beyond the initial 30-day or other authorized test period.

C. Content of Applications. Applications under section B above shall include all appropriate engineering, geologic, and economic data in support of the applicant's determination that conservation of the gas is not viable from an economic standpoint and, if approval is not granted to continue the venting or flaring of the gas, that it will result in the premature abandonment of oil production and/or the curtailment of lease development. The information provided shall include the applicant's estimates of the volumes of gas that would be approved and the volumes of the oil and gas that would be produced to the economic limit if the application to vent or flare were produced if the applicant was required to market or beneficially use the gas. When evaluating the feasibility of requiring conservation of the gas, the total leasehold production, including both oil and gas, as well as the economics of a fieldwide plan shall be considered by the Supervisor in determining whether the lease can be operated successfully if it is required that the gas be conserved.

V. Reporting and Measurement Responsibilities

The volume of oil or gas produced, whether sold, avoidedly or unavoidably lost, vented or flared, or used for beneficial purposes (including gas that is reinjected) must be reported on Form 3-329, Monthly Report of Operation, in accordance with the requirement of this Notice and the applicable provisions of NTL-1 and NTL-1A. The volume and value of all oil and gas which is sold, vented or flared without the authorization of the Supervisor, or acceptance of the Supervisor, or which is otherwise determined by the Supervisor to be avoidably lost must be reported on Form 9-361, Monthly Report of Sales and Royalties.
The proposed plan is described below:

Office of Surface Mining has received a Regulation, notice is given that the Department of the Interior, Reclamation and Enforcement, has determined that the approval or disapproval of this proposed mine is a significant Federal action affecting the human environment, thus requiring an Environmental Impact Statement (EIS).

The proposed surface mine would be located 17 miles southeast of Gillette, Wyoming. The permit area for the proposed operation includes Federal, State, and private lands totaling about 6,000 acres.

Planned coal production would begin with 3 million tons per year (MMTPY) and increase to 9 MMTPY in years 3 and 4. Maximum planned production would be 15 MMTPY in approximately year 9, and would continue at that rate for the remainder of the 24-year life of the mine. During this period 317.5 million tons of coal are expected to be recovered.

The proposed mine would use the truck-shovel mining for overburden and coal removal. Topsoil is to be removed by rubber-tired scrapers ahead of overburden removal, and either replaced or covered with organic matter or stored in stockpiles for later use. Mobil estimates that about 75 percent of the overburden and all the coal will require blasting.

Coal from the mine will be crushed and either loaded directly onto coal trains or placed in barn storage for subsequent train loading. The coal will be shipped by unit train to the power generation facility where it will be used in the generation of electricity.

This notice is issued at this time for the convenience of the public. The Office of Surface Mining has not yet determined whether the proposed plan is technically adequate. It is possible that OSM will request additional information from the company during the forthcoming technical review. Any further information so obtained would also be available for public review. No action with respect to approval of the proposed coal mining and reclamation plan shall be taken by the Regional Director on or before January 28, 1980. Prior to taking any action on this proposed amendment, the Office of Surface Mining will issue a Notice of Pending Decision pursuant to §211.6(c)(2) of Title 30, Code of Federal Regulations. The mine plan submitted by Mobil Oil Corporation is available for public review Region V, second floor, Brookes Towers, 1020 15th Street, Denver, Colorado. Comments on the proposed plan may be submitted on or before January 28, 1980 to the Regional Director, Office of Surface Mining, at the same address.

FOR FURTHER INFORMATION CONTACT: John Hardaway, Office of Surface Mining, Region V, Brookes Towers, 1020 15th Street, Denver, Colorado, 80202.

Donald A. Crane, Regional Director.

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