

**From:** Steve Christensen  
**To:** Water Issue Sub Committee  
**CC:** OGMCOAL  
**Date:** 5/31/2011 8:54 AM  
**Subject:** June 1st Meeting  
**Attachments:** Feb\_24th\_2011\_Mtg\_Notes.doc; 06\_01\_11\_agenda.doc

Good morning,

Quick reminder that the Water Issue Sub-Committee will meet tomorrow at 10:00 AM in the Price DNR conference room.

I've attached the minutes from the previous meeting as well as the agenda for tomorrow. I will bring copies of the agenda to the meeting. Take a look at the minutes from the last meeting and let me know if there's anything you'd like to add.

Regards,  
Steve

Steve Christensen  
Environmental Scientist III  
Utah Division of Oil, Gas and Mining  
(801) 538-5350

---

---

## INTERAGENCY WATER ISSUES SUBCOMMITTEE MEETING NOTES

---

---

**Meeting Date:** February 24<sup>th</sup>, 2011

**To:** Water Issues Sub-Committee

**Attendees:** **BLM-** Stephen Falk, Steve Rigby, Sue Wiler **DOGM-** April Abate, Ingrid Campbell, Steve Christensen, Daron Haddock, Kevin Lundmark **DWRi-** Marc Stilson **USDA Forest Service-** Joe DiBenedetto **DWQ-** Mike Herkimer

**Purpose:** Discuss water issues relative to interagency communication and interaction.

---

---

### MEETING SUMMARY:

Following introductions, minutes from the previous meeting (September 21<sup>st</sup>, 2010) were reviewed/discussed. Marc Stilson from Division of Water Rights (DWRi) provided clarification on how documentation of water use is provided to the State Engineer. Additionally, Mr. Stilson discussed the difference between a water share and a water right. A water share represents an ownership interest in a water company and is not the same thing as a water right.

The first agenda item was a continuation from previous meetings regarding the ongoing water right work currently being conducted at the Sufco mine. Mr. Stilson discussed how several discrepancies had been identified based on a review of the records with the field data that has been collected. Mr. Stilson indicated that additional field work would be necessary in the spring and that the USDA Forest Service could submit a diligence claim.

Mr. Steve Rigby (BLM) indicated that as part of the Greens Hollow leasing process, consultants had identified/mapped many springs and seeps in the area. Mr. Rigby indicated that the maps had been provided to the USDA Forest Service (Forest Service) and DWRi. Mr. Stilson indicated that he'd reviewed the information and had identified discrepancies with the information provided by the consultants. Mr. Stilson indicated that he would work with the Forest Service to identify the springs that they would like to file a diligence claim on. Mr. Rigby discussed how the purpose of identifying these springs would be so that the BLM could identify the springs that they would hold the company accountable for. To that end, the BLM was in the process of collecting baseline data.

Mr. Stilson raised a concern regarding the Muddy Creek drainage basin. The Muddy Creek watershed provides a significant amount of water for the region and local irrigation companies. The proposed mining expansion at Sufco would involve a large portion of the Muddy Creek drainage to be undermined. BLM representatives discussed how the proposed mining plan in the Greens Hollow tract involves a panel/barrier/panel design. The same mine design has been utilized at the Dugout and West Ridge mines with very little reported subsidence.

Mr. Stilson raised the issue that often times mining activity may impact the hydrologic function of an area, but the companies argue that the water is still within the drainage. Mr. Stilson's concern is that climatic changes could mask the full impact of interception of water by mining activity.

Mr. Daron Haddock (DOGM) indicated that SMCRA requires the companies to provide baseline data that can be used to establish the seasonal variation of a hydrologic resource. DOGM requests two years of baseline data. Mr. Stilson discussed how the Emery Water Conservancy District has done an extensive amount of water monitoring and that they could be a potential partner in establishing the characteristics of the hydrologic resources in the area.

The next agenda item was a follow-up item regarding a memo from the State Engineer clarifying when a water right is required. Mr. Stilson discussed how the State Engineer had not yet produced a clarification memo. However; the State Engineer had recently met with the Utah Mining Association (UMA). The UMA had requested clarification from the State Engineer on water right related issues/concerns. The Windy Gap process was part of that discussion. The State Engineer explained to the UMA representatives that the DWRi had reversed course approximately 3 years ago when the agency determined that coal mines do need water rights if and when they put water encountered underground to beneficial use. According to Mr. Stilson, two of the primary consumptive uses for water at coal mine sites are the water shipped out of the mine in the coal and dust suppression. Additionally, it was discussed that a coal mine operation does not need a water right for routing encountered ground water out of their operations. However, a water right is required if the encountered ground water is subsequently utilized in the coal mining operation.

Mr. Stilson indicated that the DWRi would eventually like to sit down with each of the mines and address any water consumption issues. It was discussed that DOGM could potentially utilize their mid-term review process to facilitate this. Mr. Stilson did point out that in fairness to industry; they were told for many years that they didn't need a water right for any consumptive use of ground water.

The next agenda item was a Sufco-North Water Springs update. Pam Brown and Tom Lloyd from the USDA Forest Service had conducted recent meetings on the issue, but were not in attendance to discuss the details. At this point, it appears that two options are being considered to address the impacts at North Water Spring:

- 1) *Off-Site Mitigation*: The company would perform mitigation/water replacement in another section of the Manti-LaSal National Forest (i.e. not at the location of impact) or
- 2) *Pump*: The company would somehow route/pump the intercepted water back to the riparian area that had been impacted as a result of subsidence.

Based upon discussions with Mr. Joe DiBenedetto (Forest Service), it appears that off-site mitigation is not the favored approach by the Forest Service.

The next agenda item was an update on the BLM's diligence claim to DWRi in the area of Lila Canyon. It was noted that BLM hydrologist Jeff Brower, had filed a diligence claim and was working on revisions with the DWRi. It was discussed that the diligence claim was not a sub-basin claim, but rather a diligence claim with numerous points identified within it. Mr. Stilson indicated that it's better, in mining situations, to individually list each spring/seep.

It was discussed that Murray Energy inherited water right applications from the Kaiser Mine Co. that are currently in the DWRi's shop. Denise Dragoo (legal counsel for Murray Energy) had contacted DWRi and asked them to move the applications. Mr. Stilson indicated that the company would be behind the BLM in terms of priority date. It was discussed that the DWRi can't approve the company's water rights as they are filed and that additionally, the water right claims by the company are coming on top of the BLM's application.

A Crandall Canyon update was provided next by DOGM. DOGM staff indicated that the perpetual bonding issue was still before the Board of Oil, Gas and Mining. Mr. Kevin Lundmark discussed recent developments with the chemical process currently being utilized at the Crandall Canyon site and provided an update of the polymer testing that had been conducted. Mr. Lundmark indicated that he is watching sulfate, total dissolved solids and pH (as well as other reactants) in order to detect if anything with the Crandall Canyon mine-water chemistry is changing. Mr. Lundmark indicated that at present, the data did not indicate a change was taking place in the ground water chemistry at Crandall.

Mike Herkimer of the Department of Water Quality (DWQ) discussed the new Crandall Canyon UPDES permit. Mr. Herkimer indicated that the new permit would require analysis for aluminum. He discussed how if the aluminum concentrations were found to be high, DWQ would need to evaluate whether to establish a limit for aluminum.

The future reclamation plans for the Crandall Canyon Mine site were discussed. The construction of a pipeline system that would route the mine-water from the workings to either a Class IV agricultural ditch or water treatment facility has been discussed previously. Mr. Herkimer (DWQ) was asked about the possibility of routing the untreated mine-water directly into a Class IV drainage network even if the water ultimately reported to a higher water classification. The question was based on the assumption that it could be demonstrated that the iron laden/untreated mine-water had effectively cleaned up by the time it intersected a higher drainage classification. Mike Herkimer (DWQ) indicated that he would look into the issue and get back to the group at the next meeting.

The last agenda item was long-term mine water discharge post-mining. The DWRi's is concerned about trans-basin diversion of state appropriated water. The discussion centered on the possibility that other coal mines (other than Crandall) could eventually fill up and discharge years after final reclamation had taken place. Mike Herkimer (DWQ) discussed an incident at the Jordanelle Reservoir where mining had occurred 30 years prior to a water quality issue. Mr. Herkimer indicated that even after all that time; the mining company was still responsible for the contamination.

The next meeting was scheduled for June 1st at the Price DNR.

**INTERAGENCY COAL COORDINATION GROUP  
WATER ISSUE SUBCOMMITTEE**

**June 1<sup>st</sup>, 2011**

**10:00 AM**

**DNR Field Office – Price**

**Mission Statement**

*The Water Issues Subcommittee was created in 2009 to promote greater communication, coordination and discussion among the Interagency Coal Coordination Group about water issues relative to mining.*

1. Welcome
2. Review/Approval of Minutes from February 24<sup>th</sup>, 2011 Meeting
3. Continuing Wt. Rights Work in Sufco Expansion Areas (DWRi)
4. North Water Springs Update: (USDA Forest Service/DOGM)
5. Lila Canyon Diligence Claims Update (BLM)
6. Crandall Canyon Update (DOGM)
  - a. Pipeline Scenario: Class IV drainage reporting to higher water classification drainage (Mike Herkimer)
7. West Ridge Update (DOGM/DWRi)
  - a. Change applications
  - b. Recent field trips/Working Group
  - c. Baseline Data Requirements
8. Additional Issues
9. Next Meeting: Time / Issues & Assignments
10. Adjourn