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STATE OF UTAH
NATURAL RESOURCES
Water Rights

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November 25, 1991

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DIVISION OF
OIL GAS & MINING

Division of Oil, Gas & Mining
Attn: Pamela Grubaugh-Littig, Permit Supervisor
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Permit Renewal Application
Cyprus-Plateau Mining Company

Dear Pam:

The above referenced Permit Application for the Star Point Mines has been reviewed. A number of the concerns, which I have enumerated below, deal with the possible interference or diminution of flows within and adjacent to the existing Permit Area, as well as the Castle Valley Ridge Lease Tract. In addition, a few of the comments listed address requirements of this office.

1) Throughout the Mine Plan, discussion is presented regarding mining induced impacts to the North Fork of the Right Fork of Miller Creek (Section 18, T15S, R8E, SLB&M). According to Exhibit 53, a five-year study is being conducted by the USGS in coordination with DOGM and CPMC to determine the effects of multiple seam mining below perennial streams. A preliminary report was to be printed (FY90) to outline the short-term impacts. A copy of any findings or results would be appreciated.

2) Pages 300-106 and 300-116 discuss the installation of a guzzler at the wildlife mitigation area (SW4SW4 Section 2, T15S, R8E, SLB&M). Since the use is considered consumptive (wildlife) an Application to Appropriate Water should be filed with this office by CPMC, or the land managing agency.

3) Page 300-107 identifies eight sedimentation ponds and one treatment facility. Page 500-54 references a sediment trap at the Corner Canyon fan. Pursuant to Section 73-5a-204 of the Utah Code, an application for the construction, reconstruction, or abandonment of any dam must be completed and approved prior to construction. Therefore, Form R-69, Application to Construct a Dam Impounding Less Than 20 Acre Feet, should be completed for each existing impoundment, and submitted to this office.

4) Pages 300-108, 300-118 mention the possibility of retaining sediment ponds for post-mining land use. However, page 300-155 states ponds will be removed. It should be noted, consumptive uses (stockwatering, wildlife) intended for each pond would require a water right.

5) Mitigation for water sources impacted by mining induced subsidence is discussed in several sections of the plan (pages 300-110, 300-119, 500-30, 700-60 & 61). At this time, it is nearly impossible to predict the extent of impacts from mining operations upon the regional surface and ground waters. However, since CPMC's water rights are fairly limited, mitigation would probably require new sources to be developed. Further, the water generated within the mine is considered tributary to downstream (gradient) water rights and would not be available for appropriation. Therefore, CPMC should protect all sources to the extent possible to prevent interruption or loss of flows.

6) According to page 300-14, mine discharge was planned for mitigation on the NFRF of Miller Creek. However, page 700-92 states that the mitigation plan was abandoned due to regulatory constraints and conflicting State Law. Based upon this discussion, it appears that mitigation for lost flows on the NFRF of Miller Creek has not occurred. Since the final results of the USGS joint study are not due until sometime in 1993, several years could lapse before any return in flow may be realized. An assessment should be made on downstream rights to quantify possible reduction of flows as well. In addition, possibly a variance to the NPDES requirements could be pursued to allow for a controlled discharge from CPMC's Miller Canyon breakout.

7) Figure 731.122a and Map 542.200i propose stream diversion structures for NFRF of Miller Creek and Little Park Canyon, respectively, that may alter a natural stream course. Pursuant to Section 73-3-29 of the Utah Code, an application must be filed with this office prior to initiating any work within a natural stream course. Further review of these two sites may be required to determine whether or not a Permit to Alter a Natural Stream is required.

8) According to maps 521.121a (sheet E-12) and 521.121c (sheet F-12) two additional ponds are indicated at the following locations:

- 1) Area 8 at bend in road near 45+00 section (521.121a)
- 2) Area 1 between road sections 55+00 and 60+00 (521.121c)

It is not evident whether these two impoundments were constructed for sediment control or for consumptive uses (ie, stockwatering). Clarification of the intended uses would be helpful.

9) Mining within the CVR lease may have a significant impact to area water services, in particular, to the Huntington City wells which are located approximately 6000 feet due south of longwall panel 30 (Wattis Seam, maps 116.100c, 722.100a). Page 700-5 states it is expected that beneath Gentry Ridge, water occurs in and above the Star Point sandstone with the saturated zone extending up into the Blackhawk Formation. According to page 700-28, recharge to the Huntington wells originates in the Price River and North Horn

formations which overlies the minable coal seams of the Blackhawk Formation. Further, Exhibit 728.100a estimates a total dewatered volume of 3422 acre feet with potential no-fault flows ranging between 135 and 400 gpm. The flows encountered in U.S. Fuel's King IV Mine near the eastern boundary of the Bear Canyon Graben (page 700-8) may be indicative of potential flows. Dewatering of the aquifer(s) may have a detrimental effect upon decreed rights in the Huntington River system, as well as a possible disruption to quality culinary sources. Mitigation would probably require replacement of the effected rights, however, new sources may not be available which would force CPMC to seek other alternatives.

10) Pages 700-60 & 61 outline alternative water sources to be considered by CPMC should impacts to surface or ground waters occur. In all cases, water right issues must be addressed, therefore, any anticipated changes or developments should be coordinated with this office.

11) Page 700-67 states that two springs, in Seeley and Mud Water Canyons, could be diminished or totally eliminated as a result of subsidence. Although a water right may not be tied directly to these springs, the water is considered tributary to other downstream rights which are mainly used for stockwatering purposes. Again, protection of these sources is essential.

12) Page 700-72 discusses reinjection of mine water into faults to minimize long term impacts to the hydrologic balance. Although this proposal does not fall under our jurisdiction, utilization of a well to achieve the same results would involve this office.

13) Impacts from the Bear Canyon Graben crossing are discussed starting on page 700-72. Although additional inflows were expected and encountered, the flows proved to be "insignificant," and impacts to springs have not been found to be "significant." Data should be presented to quantify intercepted flows and subsequent aquifer dewatering or impacts. Further, any diminution or interruption of flows should be considered significant and should be addressed accordingly.

14) Page 700-75 discusses the possibility of an interbasin transfer of water between the San Rafael (Huntington) and Price River Basins. Page 700-84 discusses the development of a recharge well or zone by developing a fractured area within the mine. As discussed in #12, utilization of a well would require permitting from this office.

Division of Oil, Gas & Mining
Cyprus-Plateau Mining Company
November 21, 1991
Page 4

15) Page 4 of Exhibit 742.122a identifies two deep wells drilled by Plateau Mining Company for dust suppression and makeup water for the coal preparation plant. Location of the wells is in the vicinity of the treatment ponds and approximately 2000 feet apart. CPMC apparently developed one of these wells under the existing water right 91-3555. However, it is not clear if the remaining well has been abandoned, and if so, whether it has been properly sealed. Clarification regarding the status of the well should be supplied to this office.

I appreciate the opportunity to review CPMC's Mine Plans. Should you have any questions or comments regarding the foregoing discussions, please feel free to contact me.

Sincerely,



William A. Warmack
Assistant Regional Engineer

cc: Cyprus-Plateau Mining Company
Attn: Ben Grimes
P.O. Drawer PMC
Price, Utah 84501

WAW/mjk