



United States  
Department of  
Agriculture

Forest  
Service

Manti-La Sal  
National Forest

Supervisor's Office  
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File Code: 2820-4  
Date: April 27, 2006

*Jacoping  
4/007/0006*

Dennis Ware  
Controller and Administrative Manager  
Plateau Mining Corporation  
PO Box 30  
Helper, UT 84526

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*mm 5/6/06*  
MAY 01 2006

Dear Dennis:

Thank you for your letter dated December 12, 2005 and the attached executed "Settlement and Release" between Plateau Mining Corporation, Huntington Cattle Association and North Emery Water Users in resolution of the Star Point Spring issue. As discussed during the on-site meeting on August 25, 2005, the Forest Service (FS) will not recommend any future action against Plateau Mining Corporation for water loss from Star Point Spring. The FS intends to retain the existing water right at the spring should the spring ever flow again. The FS will work with the Huntington Cattle Association to insure funds (\$10,000) provided to the Huntington Cattle Association by Plateau Mining Corporation will be used to mitigate the loss of water at the Star Point Spring.

*Copy Susan, Pam  
Blayne H, De  
Dave D,  
PFO*

Star Point Spring was developed in the 1930's but has fallen into disrepair. The State of Utah, Division of Water Rights recognizes a water right on the Star Point Spring in the name of the US Forest Service as a Diligence Claim dating to 1860 with a flow of 0.015 sec/feet. After mining-induced subsidence occurred in the area approximately twenty years ago, water flow from the spring greatly diminished (basically dried up). There is inadequate pre and post subsidence flow data from the spring to accurately determine the cause of water losses. The Huntington Cattle Association and the North Emery Water Users Association filed a complaint with the Utah Division of Oil, Gas and Mining stating that underground coal mining has resulted in a loss of water at the spring. Huntington Cattle Association contends the spring always flowed enough to keep the water trough full and that cattle used the area regularly until mining subsidence occurred. Although not stated in the complaint, the Association also contends that spring flow has diminished at many springs across the allotment over the years. There have been many meetings over the years between Plateau Mining, Mr. Lee McElprang (representing the Huntington Cattle Association), Utah Division of Oil Gas and Mining (UDOGM), and the FS to discuss the water loss from the Star Point Spring, but there has been no agreement as to the cause. Theories for the cause of the lost water are mining-induced subsidence, poor maintenance, encroachment of water using vegetation (Engelmann spruce), sustained drought conditions, or combinations of all of the above.



As mitigation, the Huntington Cattle Association and Forest Service are planning to redevelop the nearby Hoag Spring. This work will include: spring protection fences, replacement of existing water troughs and a pipeline to transport water to the Star Point Spring area. The money may also be used to reduce cattle impacts to other important springs on the allotment. Thank you for your assistance in providing a means to make this happen.

Sincerely,



*for*  
ALICE B. CARLTON  
Forest Supervisor

cc: Mr. Lee McElprang, Dennis Ward, Mary Ann Wright