

# PERMIT CHANGE TRACKING FORM

- Significant Permit Revision
- Permit Amendment
- Incidental Boundary Change

DATE RECEIVED <i>8/25</i>	By: <i>IT</i> (Initial)	PERMIT NUMBER	ACT/007/016
Title of Proposal:		PERMIT CHANGE #	<i>94C</i>
Description: <i>JACOBS POND</i>		PERMITTEE	MOUNTAIN COAL COMPANY
		MINE NAME	GORDON CREEK #2, #7, & #8 MINES

<input type="checkbox"/> 15 DAY INITIAL RESPONSE TO PERMIT CHANGE APPLICATION  <input type="checkbox"/> Notice of Review Status of proposed permit change sent to the Permittee.  <input type="checkbox"/> Responses Received.  <input type="checkbox"/> Notice of Affidavit of Publication. (If change is a Significant Revision.)	DATE DUE	DATE DONE	RESULT
			<input type="checkbox"/> ACCEPTED <input type="checkbox"/> REJECTED
	COMMENTS		

REVIEW TRACKING	INITIAL REVIEW		MODIFIED REVIEW		FINAL REVIEW AND FINDINGS	
DOGM REVIEWER	DUE	DONE	DUE	DONE	DUE	DONE
<input checked="" type="checkbox"/> Lead <i>DAVE DARTBY</i> _____						
<input type="checkbox"/> TA (See Attached) _____						
<input type="checkbox"/> Reviewers _____						
<input type="checkbox"/> Administrative (AVS) _____						
<input type="checkbox"/> Biology _____						
<input type="checkbox"/> Engineering _____						
<input type="checkbox"/> Geology _____						
<input type="checkbox"/> Soils _____						
<input type="checkbox"/> Hydrology _____						

COORDINATED REVIEWS	SENT	DUE	RECEIVED	SENT	DUE	DONE
<input type="checkbox"/> OSMRE						
<input type="checkbox"/> US Forest Service						
<input type="checkbox"/> Bureau of Land Management						
<input type="checkbox"/> US Fish and Wildlife Service						
<input type="checkbox"/> US National Parks Service						
<input type="checkbox"/> UT Environmental Quality						
<input type="checkbox"/> UT Water Rights						
<input type="checkbox"/> UT Wildlife Resources						
<input type="checkbox"/> UT State History (SHPO)						
<input type="checkbox"/> State Trust Lands						

<input type="checkbox"/> Public Notice / Comment / Hearing Complete. (If the permit change is a Significant Revision)	<input type="checkbox"/> Permit Change Approval Form signed and approved effective as of this date. <input type="checkbox"/> Permit Change Denied.	<i>9/3/97</i>
<input type="checkbox"/> Copies of permit change marked and ready for MRP.	<input type="checkbox"/> Notice of <input type="checkbox"/> Approval <input type="checkbox"/> Denial to Permittee.	
<input type="checkbox"/> Special Conditions/Stipulations written for approval.	<input type="checkbox"/> Copy of Approved Permit Change to File.	
<input type="checkbox"/> TA and CHIA modified as required.	<input type="checkbox"/> Copy of Approved Permit Change to Permittee.	
<input type="checkbox"/> Permit Change Approval Form ready for approval.	<input type="checkbox"/> Copies to Other Agencies and Price Field Office.	

5365 2nd W Blvd

NO. 2 MINE AREA

PORTALS SEALED AND BACKFILLED

DISTANCE 436.95

SEEP

PRE-1977

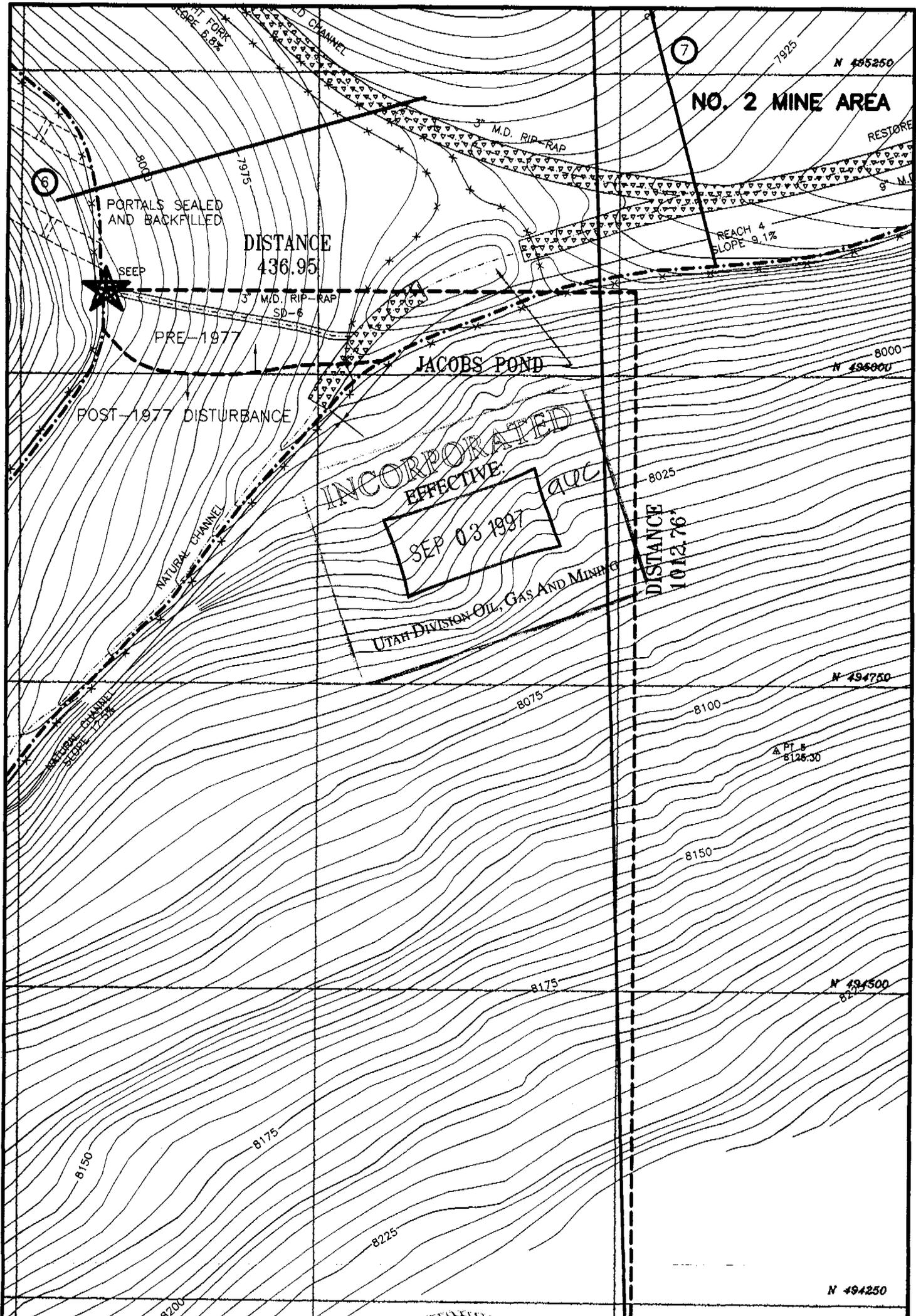
POST-1977 DISTURBANCE

JACOBS POND

INCORPORATED  
EFFECTIVE  
SEP 03 1997

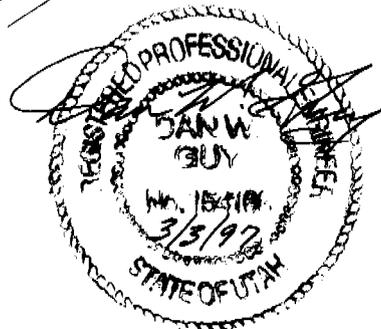
UTAH DIVISION OIL, GAS AND MINING

DISTANCE 1012.76



RECEIVED  
AUG 25 1997

DIV. OF OIL, GAS & MINING



JACOB'S SPRING AND POND LOCATION

SHEET NO. 1  
SCALE: 1" = 100'

SOUTH 1/4 CORNER  
SECTION 18  
T13S R8E

E 2122000

E 2122000

**RECEIVED**  
 AUG 25 1997  
 DIV. OF OIL, GAS & MINING

**INCORPORATED**  
 EFFECTIVE:  
 SEP 03 1997 *aqc*  
 UTAH DIVISION OF OIL, GAS AND MINING

IN THE DISTRICT COURT OF CARRISBON COUNTY, UTAH DIVISION OF OIL, GAS AND MINING  
 STATE OF UTAH

MILTON E. JACOB and  
 CALVIN K. JACOB,

Plaintiffs,

vs.

URA SWISHER and SWISHER  
 COAL COMPANY, INC.,

Defendants,

*Milton Jacob*

Civil No. 9720

J U D G M E N T

Upon stipulation of the parties, and good cause appearing therefor,  
 IT IS HEREBY ORDERED, ADJUDGED AND DECREED;

1. That the plaintiffs' complaint for damages is hereby dismissed with prejudice and on the merits, but that plaintiffs may specifically reserve their rights, if any, to injunctive relief, should future activity of the defendants on the plaintiffs' property exceed defendants' rights.

2. That the parties have by stipulation reached an agreement as to defendants' duty in regard to the portals, the cleaning of the property, and the use of water.

3. That each party should bear his own costs.

Dated this 8th day of April, 1971.

BY THE COURT:

*Henry Ruggieri*  
 Judge

YDE, MECHAN  
 & PRATT  
 ATTORNEYS-AT-LAW  
 80. STATE STREET  
 ALT LAKE CITY,  
 UTAH 84111

activity of the defendants on property in which the plaintiffs have an interest exceed the defendants' rights.

4. Each party shall bear his own costs incurred herein.

Dated this 29 day of March, 1971.

*Edward W. Pratt*  
Attorney for Plaintiffs

*Milton E. Jacob*  
Milton E. Jacob

*Calvin K. Jacob*  
Calvin K. Jacob, Plaintiffs

*Ura Swisher*  
Ura Swisher

SWISHER COAL COMPANY, INC.

*Raymond B. Knudsen*  
Attorney for Defendants

By *Ura Swisher*  
Its Defendants

INCORPORATED  
EFFECTIVE:  
SEP 03 1997 *avc*  
UTAH DIVISION OIL, GAS AND MINING

RECEIVED  
AUG 25 1997  
DIV. OF OIL, GAS & MINING

INCORPORATED  
EFFECTIVE:  
SEP 03 1997 gmc  
UTAH DIVISION OIL, GAS AND MINING

IN THE DISTRICT COURT OF CARBON COUNTY  
STATE OF UTAH

MILTON E. JACOB and  
CALVIN K. JACOB,  
  
Plaintiffs,  
  
vs.  
  
URA SWISHER and SWISHER  
COAL COMPANY, INC.,  
  
Defendants.

*Thelma Swisher*

Civil No. 9720

STIPULATION

Come now the parties, and stipulate as follows:

1. That the defendants will permanently close all portals opened on the property within a reasonable time after the completion of mining operations therein, specifically including the three portals on the south side of the canyon where mining has already been completed. As to said three portals, the same will be closed so that the same cannot be entered within six months from the date hereof.
2. Defendants will clean up and remove from the surface of the property all abandoned metal, machine parts, cans and other similar trash and debris, and leave the property in a reasonably clean condition.
3. Defendants have paid to the plaintiffs the sum of \$1,000.00, and in consideration thereof, plaintiffs hereby stipulate that defendants may utilize water under plaintiffs' existing water right from the artificial pond adjacent to the mine, for mining purposes. Said use may continue until the mining operation is abandoned. Plaintiffs stipulate and agree that their claim for damages may be dismissed with prejudice and on the merits. Plaintiff specifically reserve their rights, if any, to injunctive relief, should any future

activity of the defendants on property in which the plaintiffs have an interest exceed the defendants' rights.

4. Each party shall bear his own costs incurred herein.

Dated this 29 day of March, 1971.

[Signature]  
Attorney for Plaintiffs

[Signature]  
Milton E. Jacob

[Signature]  
Calvin K. Jacob, Plaintiffs

[Signature]  
Ura Swisher

SWISHER COAL COMPANY, INC.

[Signature]  
Attorney for Defendants

By [Signature]  
Its [Signature]

INCORPORATED  
EFFECTIVE:  
SEP 03 1997  
UTAH DIVISION OIL, GAS AND MINING  
abc

RECEIVED  
AUG 25 1997  
OF OIL, GAS & MINING

Entry no. 8729.

PATENT

RECEIVED

Dec 2, 1922.

Salt Lake City 625308

4-1040

JUN 19 1997

WATER RIGHTS  
PRIDE

The United States of America,

To all to whom these presents shall come, Greeting:

Whereas, there has been deposited in the General Land Office of the United States a Certificate of the Register of the land office at Salt Lake City, Utah, whereby it appears that in pursuance of the general provisions of the Coal Land Laws and of the Act of December 29, 1916 (39 Stat., 862) Frederic A. Stearns has made full payment for the coal in the northwest quarter of the Northeast quarter of Section nineteen and the west half of the southeast quarter and the southeast quarter of the southwest quarter of Section eighteen in Township thirteen south of Range eight east of the Salt Lake Meridian, Utah, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land returned to the General Land Office by the Surveyor General:

NOW KNOW YE, That there is, therefore, pursuant to the laws aforesaid, hereby granted by the United States unto the said Frederic A. Stearns and to his heirs, and assigns all the coal in the land above described, together with the right to prospect for, mine, and remove the coal from the same upon compliance with the conditions and subject to the limitations of the Act of December 29, 1916 (39 Stat., 862). Also subject to the disposition, occupancy, and use of the land as permitted to an entryman under said Act.

In Testimony Whereof, I, Warren G. Harding, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my Hand, at the City of Washington, the Twenty-fifth day of November in the year of our Lord one thousand nine hundred and Twenty-Two and of the Independence of the United States the one hundred and Forty-Seventh.

By the President Warren G. Harding

(seal)

By Viola B. Pugh, Secretary,

Recorded: Patent Number 889027

M.P. LeRoy  
Recorder of the General Land  
Office.

Recorded March 20, 1925 at 3:30 P.M., by request of Gordon Creek Coal Co.

Gordon F. Sanborn  
RECORDER

INCORPORATED  
EFFECTIVE:  
SEP 03 1997  
UTAH DIVISION OIL, GAS AND MINING  
abc

RECEIVED  
AUG 25 1997  
V. OF OIL, GAS & MI

RECEIVED

MAR 13 1997

No. 300,009.

4--219a.

DEPARTMENT OF THE INTERIOR,

United States Land Office, Salt Lake City, Utah.

WATER RIGHTS

C. D. S. Fees, \$-----  
Receipt No.-----  
Application Fees, \$10.00.  
Receipt No. 2299437.  
Purchase Money, \$25,200.00.  
Receipt No. 2484365.  
May 7, 1920-E-

INCORPORATED  
SEE EFFECTIVE  
62308

SEP 03 1997  
aoc

CERTIFICATE---COAL ENTRY.

UTAH DIVISION OIL, GAS AND MINING  
MAY 7, 1920.

This DUPLICATE Certificate should be held until notice of issuance of patent is received.

IT IS HEREBY CERTIFIED that, in pursuance of the Revised Statutes of the United States relating to Coal LandsFrederic A. Stearns, residing at and whose post-office address is 502 Shreve Bldg. in San Francisco, State of California, has, as required by law, made payment in full to the Receiver of this office for, and purchased of the Register and Receiver of this office, the \* NW<sup>1</sup>/<sub>4</sub> of NE<sup>1</sup>/<sub>4</sub> Section 19; W<sup>1</sup>/<sub>2</sub> of SE<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub> Section 18, Township 13 South, Range 8 East, Salt Lake Meridian, State of Utah, containing 160 acres, at the rate of 80 acres at \$165.00, 40 acres at \$175.00, and 40 acres at \$125.00 dollars per acre, amounting to Twenty-five Thousand Two Hundred dollars and No cents.

*Received 1997*

NOW, THEREFORE, BE IT KNOWN that, on presentation of this certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Frederic A. Stearns shall be entitled to receive a Patent for the land above described, if all then be found regular.

BE \_\_\_\_\_ Could B. Blakeley, *Register*

NOTE.---Final certificate should issue in the full and proper names of claimants, and every effort should be used to obtain the same.  
A duplicate of this Certificate is issued to the claimant as notice of the acceptance of the proof and payment, and of the allowance of the entry by the Register and Receiver subject to approval by the Commissioner of the General Land Office.  
The entry papers, together with the original final certificate, are forwarded to the General Land Office at Washington, D. C., for examination and issuance of patent, if all be found regular.  
The duplicate copy forwarded to the claimant should be held until notice of issuance of patent is received.  
In all correspondence concerning the entry in connection with which this Certificate issued, refer to the NAME OF THE LAND OFFICE and the SERIAL NUMBER note hereon.

\*Where coal entry is made of only the coal deposits within the land described, that fact should be stated on the face of the final certificate; and such certificate should also appropriately show upon the face thereof whether the entered coal deposits are the reserved coal deposits under the act of March 3, 1909 (35Stat., 844) or under the act of June 22, 1910 (36 Stat., 583). See, respectively, paragraph 8 of the circular of September 7, 1909, under said act of March 3, 1909, and paragraph 7, subdivision (c), of the circular of September 8, 1910, under said act of June 22, 1910.

Posted-----in Vol.-----, p.-----, by-----, Div. "A"

APPROVED-----

By-----, Division-----

Recorded May 12, 1920, at 9 a, m.

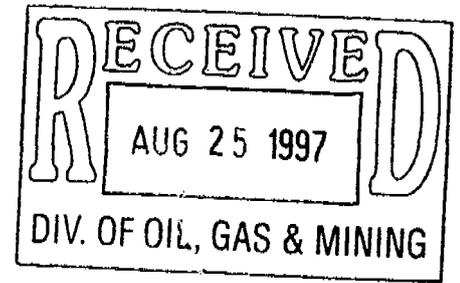
*J. A. Brackett*  
Recorder.



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

Michael O. Leavitt  
Governor  
Ted Stewart  
Executive Director  
Robert L. Morgan  
State Engineer

Southeastern Area  
453 South Carbon Avenue  
P.O. Box 718  
Price, Utah 84501-0718  
801-637-1303



August 21, 1997

J. Mark Jacob & James C. Jacob  
914 East 300 North  
Orem, Utah 84097

Act 1007/016 #2  
Dave 96C

Re: Pre-Statutory Water Use Claim  
#91-5004  
SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 18, T13S, R8E, SLB&M

Dear Mark:

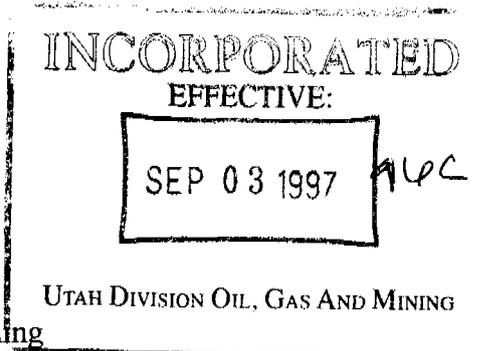
I have completed my review of your claim and documentation for the Unnamed Spring for Jacob's Pond, which is located on property that is currently being reclaimed by Mountain Coal Company. It appears to me that everything is in order and the claim will be accepted and entered as a record of this office. Please keep the enclosed documents, which is a copy of the file as it exists in our office, for future reference in this matter.

Your cooperation, along with that of Mr. Dan Guy, is very much appreciated. If this office can be of any further assistance, please feel free to contact us.

Sincerely,

Mark P. Page  
Regional Engineer

pc: Dan Guy - Blackhawk Engineering  
Dave Darby - Division of Oil, Gas & Mining



MPP/mjk

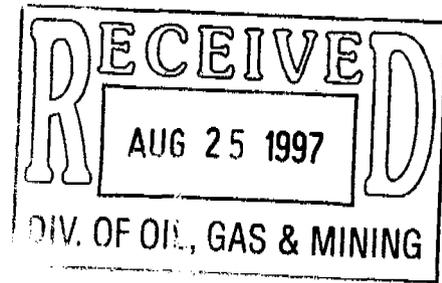




**State of Utah**  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF WATER RIGHTS

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 State Engineer

Southeastern Area  
 453 South Carbon Avenue  
 P.O. Box 718  
 Price, Utah 84501-0718  
 801-637-1303

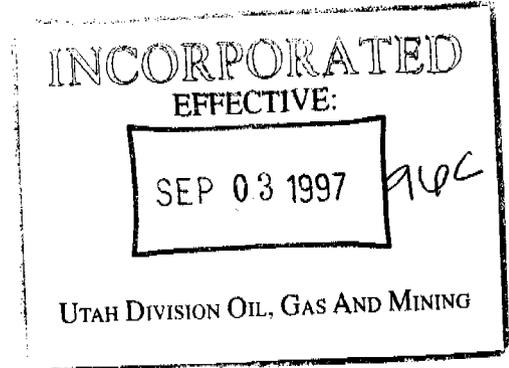


MEMO TO THE FILE

DATE: August 20, 1997

FROM: Mark P. Page, Regional Engineer  
 Southeastern Utah Regional Office *Mark*

RE: Water Right 91-5004  
 Pre-Statutory Water Use Claim  
 Unnamed Spring  
 SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 18, T13S, R8E, SLB&M



On March 13, 1997 this office received a Pre-Statutory Water Use Claim from J. Mark Jacob and James C. Jacob on an unnamed spring located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 18, T13S, R8E, SLB&M. The claim refers to an unnamed spring with an associated pond which has historically been used for livestock purposes.

The applicants have provided the completed form with an attached map prepared by a registered engineer, giving the surveyed location of the spring and pond, the Patent Deed to the property, and a copy of a Stipulation and Judgement under Civil Case #9720 concerning this spring and pond.

I have personally been to the spring and pond and believe that the information on the claim represents what is in the field. The Patent which is dated December 2, 1922, #4-1040 Entry #8729 of the Recorder's Office in Carbon County, Utah indicates that Mr. Frederic A. Stearns, upon required payment, received title to the property from President Warren G. Harding on the 25th day of November, 1922. No earlier record exists in the county courthouse concerning this parcel of property.

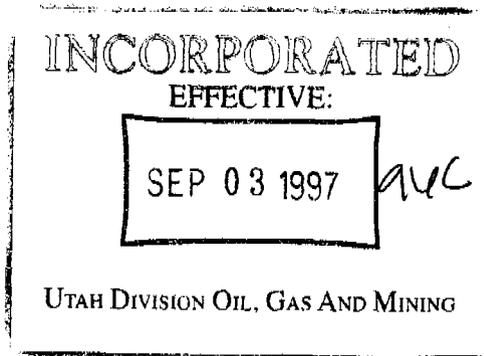
In March, 1971, predecessors to the applicants, being a father and uncle, filed a complaint against the Swisher Coal Company, who occupied this property at that time. The Stipulation under Civil Suit #9720 references the plaintiff's "pre-existing water rights from the artificial pond." The court ordered Swisher, or their predecessors, to re-establish the pond during reclamation for water use that existed prior to mining in the area. This area is presently being reclaimed by Mountain Coal Company. The pond has been restored for livestock watering



purposes.

This particular water source was not included in the Proposed Determination of Water Rights in the Price River and Lower Green River Drainage Book 2. However, there were many other water sources in the immediate vicinity owned by the applicants and other adjoining property owners, that were a part of that work. In trying to establish a priority to allow the diligence status, there are several other springs with ponds that were defined in Book 2 of the Price River Adjudication with priorities of 1902. None of the claimed spring rights in the area were protested. As a result, I believe that the Jacob's Pre-Statutory Claim should be accorded a similar priority.

With this background information concerning this claim, I believe the claim is complete and should be filed with the Division of Water Rights, become a part of our records, and the use of this water be allowed to continue.



**RECEIVED**  
AUG 25 1997  
DIV. OF OIL, GAS & MINING

**STATE OF UTAH**

**INCORPORATED**  
EFFECTIVE:  
SEP 03 1997 *auc*  
**RECEIVED**  
DIV. OF OIL, GAS AND MINING  
MAR 13 1997

**EVIDENCE OF PRE-STATUTORY WATER USE  
IN GENERAL ADJUDICATIONS**

This form is used to support a Water User's Claim in a general adjudication in accordance with Utah Code annotated Section 73-4-5 (1989) in order to document a water right which was established prior to the enactment of the 1903 and 1935 statutes which required applications to establish water rights. The information on this evidence form must describe the original use of water when the right was first established.

\*WATER RIGHT NO. 91 - 5004 \*PROP. DETERM. BOOK NO. \_\_\_\_\_  
\*FILING DATE March 13, 1997 \*MAP DRAWER \_\_\_\_\_

Check here if the current use of the water differs from the historic use in any respect. If there is a difference, a change application may be required.

1. CLAIMANT INFORMATION  
Name J. Mark Jacob & James C. Jacob  
Address 914 East 300 North  
City Orem State Utah Zip Code 84097

2. PERSON WHO FIRST PUT WATER TO BENEFICIAL USE Frederic A. Stearns

3. DATE WHEN WATER WAS FIRST PUT TO BENEFICIAL USE 1902  
Surface water prior to 3/12/1903. Groundwater prior to 3/22/1935.

4. QUANTITY OF WATER: 0.027 cfs and/or \_\_\_\_\_ acre-feet

5. SOURCE Unnamed Spring

6. POINT(S) OF DIVERSION WHERE WATER WAS FIRST DIVERTED FOR BENEFICIAL USE  
By legal survey ties: 1012.76' North & 436.95' West of the S $\frac{1}{4}$  Corner Section 18, T13S, R8E, SLB&M

Original diverting works (See instructions.): Natural Channel

7. POINTS OF REDIVERSION  
Source where water was originally rediverted \_\_\_\_\_  
Point(s) by legal survey ties: \_\_\_\_\_

Original rediverting works (See instructions.): \_\_\_\_\_

\*These items are to be completed by the Division of Water Rights.

8. POINT(S) OF RETURN

Amount of water originally consumed: 0.027 cfs and/or \_\_\_\_\_ acre-feet  
Amount of water originally returned: \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre-feet  
Point water was originally returned to natural source (by legal tie(s)):

9. STORAGE

Reservoir Name (where originally stored): Jacob's Pond  
Date when water was first stored: 1902  
Times during the year when water was diverted to storage (as originally developed): From January 1 To December 31  
Volume: 0.867 acre-feet. Dam height: 10 ft. Surface area: 0.18 acres.  
Legal description by 40-acre tracts:  
NE 1/4 SE 1/4 SW 1/4 Sec. 18, T13S, R8E, SLB&M

10. PURPOSE AND EXTENT OF USE

Describe the extent and months of the year of original water use.

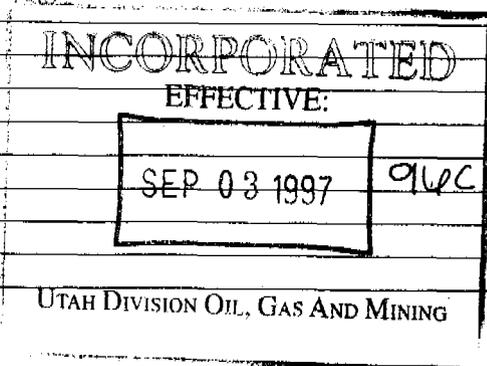
IRRIGATION: \_\_\_\_\_ acres. Sole supply of \_\_\_\_\_ acres.  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
STOCKWATERING (number and kind): 810 ELUs  
Period of use from May 1 to November 30  
DOMESTIC: \_\_\_\_\_ families and/or \_\_\_\_\_ persons.  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
MUNICIPAL (name of service area) \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
MINING: \_\_\_\_\_ Mining District in the \_\_\_\_\_ Mine.  
Type of ores mined: \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
POWER: Type: \_\_\_\_\_ Plant Name: \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_  
OTHER: Type: \_\_\_\_\_  
Period of use from \_\_\_\_\_ to \_\_\_\_\_

11. PLACE OF USE

Legal description of the original place of use by 40-acre tract(s):  
NE 1/4 SE 1/4 SW 1/4 Sec. 18, T13S, R8E, SLB&M

12. EXPLANATORY REMARKS

Information to more clearly define the full pupose of this evidence form (Use additional pages of the same size if necessary.):  
This water right will be used supplementally with other rights held by the applicants which were defined in the Price River Adjudication.



WATER RIGHT NO. 91-5004

RECEIVED  
AUG 25 1997  
DIV. OF OIL, GAS & MINING

CERTIFICATE OF CLAIMANT

The claimant acknowledges the accuracy of the information contained herein and the attached documentation.

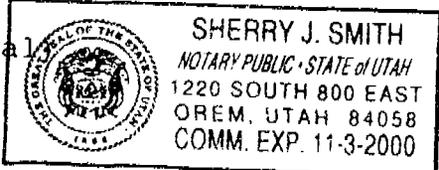
STATE OF UTAH )  
COUNTY OF Utah ) SS

I/we, being duly sworn, do hereby certify that I/we am/are the claimant(s), or agent(s) of the claimant(s), to a right to the use of water as set forth in the foregoing statement of facts.

[Signature]  
Signature of claimant

[Signature]  
Signature of Claimant

Subscribed and sworn to before me this 11 day of March, 1997.

(seal)  SHERRY J. SMITH  
NOTARY PUBLIC - STATE of UTAH  
1220 SOUTH 800 EAST  
OREM, UTAH 84058  
COMM. EXP. 11-3-2000

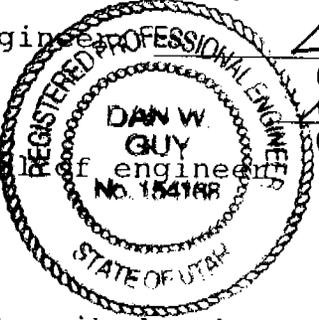
[Signature]  
Notary Public

CERTIFICATE OF ENGINEER

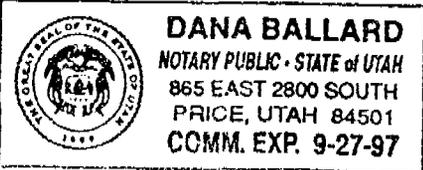
STATE OF UTAH )  
COUNTY OF \_\_\_\_\_ ) SS

I, DAN W. GUY, being duly sworn, certify that I was employed to prepare the maps associated with this evidence of pre-statutory water use; that the maps were prepared from field notes of a survey made by me between the days of OCTOBER 6, 1996 and OCTOBER 7, 1996; that these maps, labeled as Sheet Nos. 1 to 1 inclusive, when combined with the written evidence form fully describe the method and extent of beneficial use of the water when it was first put to use, and that each and all of the items contained herein are true to the best of my knowledge.

Engineer DAN W. GUY License No. 154168  
(printed name)  
RT. 1, Box 146-H5 HELPER, UTAH 84526  
(printed address)

seal  [Signature]  
Signature of Engineer

Subscribed and sworn to before me this 3<sup>RD</sup> day of March, 1997.

seal  DANA BALLARD  
NOTARY PUBLIC - STATE of UTAH  
865 EAST 2800 SOUTH  
PRICE, UTAH 84501  
COMM. EXP. 9-27-97

[Signature] exp. 9-27-97  
Notary Public



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt  
Governor  
Ted Stewart  
Executive Director  
James W. Carter  
Division Director

1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
801-538-5340  
801-359-3940 (Fax)  
801-538-7223 (TDD)

September 4, 1997

Paige B. Beville, Manager  
Environmental, Health, & Safety  
ARCO Coal Company  
555 17th Street, Room 2170  
Denver, Colorado 80202

Re: Jacobs Pond Amendment, Mountain Coal Company, Gordon Creek #2, #7, & #8 Mines, ACT/007/016-96C, Folder #2, Carbon County, Utah

Dear Ms. Beville:

The referenced amendment regarding the reconstruction of pond 7A is hereby approved effective September 3, 1997.

It is understood the pond 7A has been demolished and reconstructed in concert with current reclamation activities at your site. The pending water rights issue has been resolved thus allowing final approval of this amendment. A stamped approved copy is enclosed for insertion into your Mining and Reclamation Plan.

If you have any questions, please call.

Sincerely,

Joseph C. Helfrich  
Permit Supervisor

tat  
Enclosure

cc: Mark Page, Water Rights, w/o  
Dave Ariotti, DEQ, w/o  
Bill Bates, DWR, w/o  
Dave Darby, DOGM  
Price Field Office

O:\007016.GC2\FINAL\APPROVAL.96C



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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September 3, 1997

TO: File

THRU: Joseph Helfrich, Permit Supervisor 

FROM: David Darby, Reclamation Specialist 

RE: Plans for Jacobs Pond, Mountain Coal Company, Gordon Creek 2, 7 and 8 Mines, ACT/007/016-96C, File #2, Carbon County, Utah

### SUMMARY

Mountain Coal Company submitted Plans to reconstruct the pond formerly designated Pond 7a in the Mining and Reclamation Plan. Mountain Coal Company wanted to ensure the pond was stable after reclamation, and reclamation construction made it necessary to remove and rebuild the pond. Revised plans were submitted on November 10, 1996.

There were delays in the amendment process because the landowner had not secured water rights to the spring that fed the pond. Mark Page, Regional Engineer with the Utah Division of Water Rights had to conduct a water rights review before the water right could be appropriated. The water right validates the pond which in turn proves the water right. In a telephone conversation on August 28, 1997, Mark Page stated that he had no problems with the plans Mountain Coal Company submitted for the pond.

### Analysis

The amendment Mountain Coal Company submitted proposed that the Pond 7a be demolished and rebuilt to meet post mining obligations. The new pond would be incised into the channel so that no bermed embankments are present. The spillway is designed to pass the 100 yr-6 hr precipitation event. The pond has already been exposed to a large rainstorm exceeding the design standards. Only one minor problem occurred with the pond, some of the riprap had moved down stream from the spillway. The rest of the pond remained in tact. Considering the size of the storm, minor damage was not extraordinary. The operator has repaired the spillway. The pond should withstand future design events without any problems.

### Findings

This amendment is recommended for approval.



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November 26, 1996

Mark Page, Regional Engineer  
Price Regional Office  
Utah Division of Water Rights  
P.O. Box 718  
Price, UT 84501

Re: Jacobs Water Pond Amendment, Gordon Creek Mines #2, #7 and #8, ACT/007/016-96C, Mountain Coal Company, Folder #2, Carbon County, Utah

Dear Mark,

As per our conversation on November 26, 1996, I am sending you this copy of the pond proposal. I'll call you the week of December 3, 1996 to get your opinion.

Thank you,

A handwritten signature in cursive script that reads "David W. Darby".

David Darby  
Reclamation Specialist

dwd  
Enclosure:  
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