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

Michael O. Leavitt  
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2778



September 19, 1997

Nick Sampinos  
Attorney at Law  
First Interstate Bank Building  
80 West Main, Suite 201  
Price, Utah 84501

ACT/007/016 #2

Dear Mr. Sampinos:

I am in receipt of your letter of August 28, 1997, in which you describe concerns of your clients, Steve and Pete Stamatakis. From our discussion during our phone conversation on September 8, 1997, I understood that your letter was not to be considered as a citizen complaint letter under our coal rules. Instead, you were wanting to have this matter attended to and wished to set up a site visit with us and your clients.

I have received a message that October 3, 1997, seemed a good date for all of us to meet on site. I will call to make further arrangements.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mary Ann Wright'.

Mary Ann Wright  
Associate Director of Mining

vb

cc: Paige Beville, ARCO Coal Company  
Vicky Bailey, Earthfax Engineering  
P:\GROUPS\MINES\WP\MA\W\SAMPINOS.LTR



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Mary Ann FYE

DAVE

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TO: FILE  
FROM: DAVID DARBY  
DATE: DECEMBER 22, 1995  
SUBJECT: NOTICE OF CONCERN BY STEVE AND PETE STAMATAKIS,  
CONCERNING DEWATERING OF WATER SOURCES ON THEIR  
PROPERTY BY BEAVER CREEK COAL COMPANY

On November 14, 1995 Ken Wyatt and I visited the Gordon Creek #2, #7 and #8 mines. Afterwards, we drove up to Beaver Creek in hopes of running into one of the Stamatakas brothers. Earlier, last spring, I had a meeting with Steve and Pete Stamatakas. They indicated that several springs have either dried up or have been reduced in flow in the vicinity of Beaver Creek. We had tried to get together throughout the summer to plan a site visit so they could show us which springs he was concerned about. They also stated that subsidence has occurred in some locations and thought that it may have some effect on the low water levels.

We ran into Steve Stamatakas on his property and asked if he could show us around. We drove down Beaver Creek where he showed us areas along the creek that had supported willows and beaver ponds. Ponds no longer existed in many areas where sign indicated they had been there. We traveled down the road paralleling Beaver Creek and stopped at the sites where Horizon had drilled monitoring wells. At the lower well we stopped to observe the method used by GeoHunt to monitor deep wells.

From there we traveled down to the confluence of Jump and Beaver Creeks next to the lower end of the Stamatakas' property. We observed the flow in Jump Creek which appeared to be between a half to one cfs. We walked over to an artisan well and spring, both flowing. I had previously monitored both of these sources when I worked for the U.S. Geological Survey (USGS). Beaver Creek was flowing, but I can not estimate the flow.

On the drive back up the creek Steve Stamatakas pointed out areas on the south side of the creek that appeared as cracks or small escarpments on the southeast hillside which paralleled the creek.

The scarps ranged between 6 inches to about 14 inches. Their origin is hard to determine, they resembled the types of scarps related to slumping, but no downward movement of the earth could be discerned. Their association to subsidence was considered and may have merit, but a definite conclusion could not be made. One scarp appeared to be related to a tree toppling.



Steve showed us the spring area in the north east corner of Section 18, where a diversion was developed to transport water over the hillside into the Gordon Creek drainage. The sight was a major spring source that supplied water to the creek. The source originated from a canyon on the north. There are willows and a large beaver pond associated with this source.

Next, we traveled down to the Gordon Creek drainage where Steve pointed out a spring source at the horseshoe bend in the road. The area on the surface was saturated and some trees were leaning over. Water was flowing from this site down the creek that paralleled the road.

For the last part of the tour Steve showed us a spring source along the side of the road below the entrance of of Coal Canyon the Gordon Creek #3 & #6 mines were located. He stated that the flow was a new source. He also pointed out a quaking aspen grove that had died out. He believed the trees died because of water flows coming down the canyon from the Gordon Creek #3 & #6 mines.

#### Findings

First and foremost, definite conclusion of water resource interception can not be concluded because baseline data does not exist and a complete evaluation of the site has not been conducted. Several factors come into play in evaluating this site. The issues related to reduced flows at this site involve several years of drought, overgrazing the site and the extent of mining under and adjacent to the site which could intercept or influence these water sources.

It is a fact that several years of drought preceded the 1995 water year. The drought could have reduced baseflows substantially in some areas to the point that it could take several years of normal to above normal precipitation to restore the aquifers. Therefore, even though 1995 was well above normal in precipitation, the groundwater recharge may not have completely occurred to sustain normal flow to the springs and creek. An evaluation should be made between current precipitation and discharge rates with the relationships calculated in previous studies conducted by the USGS.

In evaluating the site, I noticed that no beaver ponds existed along a large section of the stream, where I saw several at the same site while conducting surveys for the USGS in the early 80's. Most remarkable was the total lack of willows along the stream. This could have resulted from overgrazing or spraying of the willows. The removal of willows would cause the beaver to abandon the site, and eventually their dams, which hold back the water and maintain a higher water table along the riparian zone, would fall apart and the stream would begin to

channelize. This appears to be the situation along this stretch of the stream. The stream is now channelized with erodible steep banks. Bank storage has been eliminated and all the flow moves down the channel.

The fractures along the Beaver Creek and the claims by the Stamatakas' of new spring sources in the canyons below the property and reduced flows have merit if mining activities can be linked to their water sources. An intensive evaluation of the site as related to mining activities should be conducted.



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*also file ACT/007/014 #2*  
 Folder #2

**DIVISION OF OIL GAS & MINING  
 FIELD VISIT FORM  
 TECHNICAL**

*Citizen Concern  
 Response to 1/8/9  
 Letter*

Date: August 5, 1996  
 Time: 1:00pm to 4:00pm  
 Mine: Horizon  
 File Number: PRO/007/020  
 DOGM Staff: David Darby and Sharon Falvey  
 Other Attendees: Vicky Bailey, Earth Fax and Steve Stamatakis, landowner

**Purpose:** To observe surface water flow sites and escarpments in the vicinity of Gordon Creek and Beaver Creek. Vicky wanted to make sure that the sites she had observed were the same sites that Mr. Stamatakis had shown Division personnel (David Darby and Ken Wyatt) the previous year. Mr. Stamatakis has identified several sites that he suspects are mining related, and wants to ensure that continued mining does not damage the surface or his water rights.

**Observations:** We drove up Jewkes Creek to the horseshoe bend where slumping was taking place. It is obvious that the combination of the steep slope and springs have caused slumping in the area. Mr. Stamatakis stated that the slumping had not been there previously. We then drove to Beaver and Jump Creeks to observe the flow in the creek at various sites. We also looked at some of the small escarpments along Beaver Creek. Mr. Stamatakis wanted pointed out that these slumps and fractures (his words) only occur in this area and not anywhere else on the range.

**Recommendations/Conclusions:**

By the observations we could not clearly determine if the slumps were mine related especially since other factors, such as the drought and grazing, were involved. More monitoring of the stream and springs were suggested. We also stated that more observations should be conducted over the area and using aerial photographs to draw conclusions. Mr. Stamatakis suggested that we use horses to ride around to make some observations. A time needs to be established so all parties could attend.

Initialed by: *Geoffrey A. [Signature]* (Permit Supervisor) on *September 19, 1996* (Date)