



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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January 18, 1989

TO: Susan Linner, Permit Supervisor

FROM: Rick P. Summers, Reclamation Hydrologist 

RE: Stipulation UMC 817.53 - RPS (received January 17, 1989),
North American Equities, Blazon #1 Mine, ACT/007/021,
Folder #2, Carbon County, Utah.

The above referenced stipulation essentially requires North American Equities to transfer the water well located at the Blazon #1 minesite as per UMC 817.53 or permanently close the well as required by the Division of Water Rights, Administrative Rules for Water Well Drillers, Adopted July 1, 1985. The response received consists of correspondence from Holme, Roberts and Owen, Attorneys At Law dated January 17, 1989. In that correspondence it is stated that the terms of the water well transfer are currently a portion of a lawsuit in the Seventh Judicial District Court. The letter states that the well transfer/closure issue cannot be addressed until that litigation is resolved.

However, the Division of Water Rights, Administrative Rules for Water Well Drillers, Adopted July 1, 1985, rule 12.1, requires that "when any well is temporarily removed from service, the top of the well shall be sealed with a water-tight cap or seal." A conversation between myself and Jerry Bronicel, Water Well Compliance Specialist, Division of Water Rights on January 18, 1989 revealed that the DWR would consider this well to be temporarily abandoned and that the well must comply with rule 12.1. He also stated that the well would be considered to be permanently abandoned after a period of five years of non-use. This would coincide with the loss of that water right. It was agreed that North American Equities will be in compliance with Oil, Gas and Mining and Water Rights rules until the litigation issue is settled if the well is treated as a temporary abandonment and the well casing is sealed according to rule 12.1.

Therefore, the Division recommends the stipulation be revised as follows:

Stipulation 817.53
Blazon #1 Mine
ACT/007/021

Stipulation 817.53 - 1- RPS (revised)

The operator must install a water-tight cap or seal on the top of the well in accordance with the Division of Water Rights, Administrative Rules for Water Well Drillers, Adopted July 1, 1985 prior to May 15, 1989. The applicant must submit the information required by UMC 817.53 completely and accurately relative to transfer of the well, or permanently abandon the well in accordance with the above said rules within 30 days of final judgment relative to the litigation cited in the letter to the Division from Holmes Roberts and Owen dated January 17, 1989.

cc: B team
Barbara Roberts, Attorney General's Office
BT/6005/68