



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

Michael O. Leavitt  
 Governor  
 Kathleen Clarke  
 Executive Director  
 Lowell P. Braxton  
 Division Director

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

January 7, 2000

TO: Pam Grubaugh-Littig, Permit Supervisor-Lead *JGL*  
 FROM: Sharon Falvey, Senior Reclamation Hydrologist *SF*  
 RE: Phase III Bond Release, Received October 18, 1999, Western States Minerals, J.B. King Mine, ACT/015/002-99B, Internal File

**SUMMARY:**

Western States Minerals Corporation (WSWC) submitted a request for Phase III bond release. The Phase II and Phase III bond release inspection was conducted on December 1, 1999.

The remaining information required to be determined complete by the Division, for Phase III bond release. Hydrologic issues includes the following:

- Assure all transfers of water rights at the well is sedimentation pond, or other documentation specific to water rights transfer complete.
- Determine whether pollution of surface and subsurface water is occurring and determine the probability of future occurrence of such pollution and any estimated cost of abating such pollution.
- Determine that all permanent structures meet design standards.

Division has attempted to make up for the inadequacies of the application by providing supporting information where it is available so WSWC can obtain bond release.

**TECHNICAL ANALYSIS:**

**HYDROLOGIC INFORMATION**

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-880.320.

**Analysis:**

**Drainages**

The applicant **did not** provide any current on-site analyses for the permanent drainages or the Sedimentation Pond configuration. To determine whether the applicant meets the terms and conditions in the plan the ditch designs for the plan were reviewed. The design approved for the ditches allows for a meander limit 50 ft. on either side of the centerline. None of the ditches were visually noted to have widened beyond the 50 ft. centerline meander limit. The projected stable limits for the drainage in the approved plan show the channel can down cut approximately 40 feet. Greater than a 40 foot drop in the channel bed elevation was not visually noted during the field inspection (see photo pages 3 and 4 in the December 1, 1999 bond release inspection report).

**Sedimentation Pond**

Under Phase III bond release the design standards for the permanent impoundment must be met. The applicant **did not** provide a certified analyses that the current pond configuration and design standards are met at the Sedimentation Pond. The Division is considering the annual quarterly report conducted on October 10, 1999 for the fourth quarter, and the annual certification provided on December 11, 1998, as the applicants demonstration that the pond meets design standards.

**Water Rights**

The capped well at the mine site was transferred to Utah State Lands, water right 94-295 and 94-316, on December 12, 1985. They now have the responsibility for well abandonment.

The sediment pond was stated by Mr. Garrick to have no beneficial or planned use in a December 18, 1995 memo to the Division of Water Rights. According to the letter from the Division of Water Rights no water right is required because, no beneficial use was associated with the right. Under most circumstances the state has treated stock watering as a beneficial use which requires a water right. The state will be responsible for acquiring this right when bond release is granted.

**Water quality standards and effluent limitations.**

Findings made in the Phase II bond release related to water quality and effluent standards apply to Phase III bond release.