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December 6, 1980

Memo to Coal File:

RE: Consolidation Coal Co.
Emery Deep Mine
ACT/015/015
Emery County, Utah

On November 7, 1980, a field trip was made to the Emery Deep Mine for the purpose of identifying potential alluvial valley floors. A short briefing and discussion was held at the mine site with Mr. Jim Thompson and Mr. Ron Thomspon of Consolidation Coal Company and Mr. Peter Boddie and Mr. Norm Nielsen of Watec Consultants. Office of Surface Mining representatives were Mr. John Nadolski, Mr. Mike Bishop and Mr. Dean Stint. Representatives from the Division were Mr. D. Wayne Hedberg and Mr. Thomas J. Suchoski. Following the short discussion which ascertained the extent of the consultants field studies, an on-site observation was made.

As a result of the on-site observations, an appraisal concerning the drainages in question (i.e., Quitchupah Creek and Christiansen Wash) was made. In this particular area, the irrigable lands in question have been historically supplied with water from two sources. An interbasin diversion transmits waters from Muddy Creek and mixes them with that water which normally flows in Quitchupah Creek. These two sources are then diverted for irrigation purposes within this area. The question arose as to the applicability of federal law in the case where lands are irrigated by more than one water source. In this case, one source not being directly associated with the adjacent stream drainage and adjacent irrigable lands. This question will be referred to the Office of Surface Mining's Solicitors for a legal opinion with a final determination to be forthcoming at a later date. All other applicable data as related to the study which was submitted will be reviewed in depth and a decision forwarded to the applicant upon completion of an in-depth review of said information. The State will defer comments as to final decision on this matter until such time that OSM forwards their final determinations to the Division.

D. WAYNE HEDBERG DWH
RECLAMATION HYDROLOGIST

DWH/btm

Statistics: