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WATKISS & CAMPBELL

ATTORNEYS AT LAW

TWELFTH FLOOR, 310 SOUTH MAIN STREET

SALT LAKE CITY, UTAH 84101

TELEPHONE 363-3300

AREA CODE 801

CABLE ADDRESS: WATCAM

DAVID K. WATKISS
ROBERT S. CAMPBELL, JR.
JAMES P. COWLEY
HERSCHEL J. SAPERSTEIN
H. WAYNE WADSWORTH
WILLIAM VOGEL
PHILIP C. PUGSLEY
GLEN E. DAVIES
ROBERT D. MAACK
MICHAEL F. HEYREND
MICHAEL D. ZIMMERMAN
GREGORY B. MONSON
ALLAN T. BRINKERHOFF
WESTON L. HARRIS
E. BARNEY GESAS
DONALD J. WINDER
KAREN C. JENSEN
D. RANDALL TRUEBLOOD
LANGDON T. OWEN, JR.
TRACY H. FOWLER
R. L. KNUTH
VINCENT C. RAMPTON

OF COUNSEL
ZAR E. HAYES
HARRY D. PUGSLEY
RET. 1978

Copy to:
Jim
Carolyn
Jack
Ron

PUGSLEY, HAYES & RAMPTON-1947
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1969-1975

July 27, 1981

RECEIVED

JUL 28 1981

Utah Division of Oil, Gas and Mining
1588 West North Temple
Salt Lake City, Utah 84116

**DIVISION OF
OIL, GAS & MINING**

Attn: Mr. Ron Daniels, Deputy Director

Re: N 1/2 Sec. 21 R 17 S 7 E
Private Property - Clay E. Crawford
and Annette Jensen
Fed. Coal Lease U 040151

Dear Mr. Daniels:

We have received your letter of June 29, 1981, and would like to respond with the following comments. Please be advised our protests on behalf of Mr. E. S. Crawford are with respect to the mining plans and the reclamation plans for both the Wilberg and Deer Creek Mines in Emery County. As you are aware, the Emery EIS for Utah Power and Light's Units 1 and 2 identified the area above the Wilberg Mine and Deer Creek Mine as a sensitive area.

Our review has indicated the present mining operations and reclamation plan submitted are in violation of PL 95-87 in the following described areas, but not limited to these particular points. Our review at this time has not been finalized.

1. Section 516 of the Act provides for room and pillar mining only, as authorized by Congress, in areas where subsidence is a problem and can cause damage to the surface and the hydrolic balance. I would like to point out to you that longwall mining is presently being used in both of these mine plans in the Cove Basin and should be discontinued.

2. Section 784.20 of the regulations provides for a subsidence control plan. The control program provided in Utah Power and Light's reclamation plan is no control plan whatsoever, but provides for complete subsidence of the entire area. [As you are aware also, Grimes Wash, above the ledge in the Cove Basin, runs through our property.] Section 816.57 provides for a buffer zone of 100 feet to protect

Ron -

Is this supposed
to be set for hearing
in August?

Lee gave this to
me - he wasn't sure.

NO

Ron

7/5/81

Paula

Utah Division of Oil, Gas and Mining
July 27, 1981
Page two

perennial and intermittent streams. There is no provision in the mining plan for protection of this stream or any other water in the area. [No feasible or practical water replacement plan has been presented as provided by Section 817.54 of the regulations.]

3. Section 515 requires that action be taken to minimize disturbance of the hydrologic balance. A major disturbance has already taken place and no action has been taken or is planned to alleviate this particular situation.

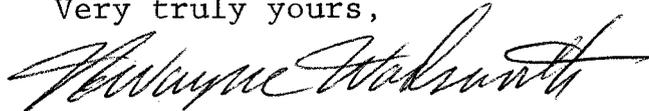
4. The fish and wildlife plan presented does not identify the influence of subsidence and loss of water on the surface above the mined area and its impact on the wildlife in the area. This includes wet areas or riparian meadows that are vital for all types of grazing including the elk and deer herds that are concentrated in the Cove Basin. These areas will be dried up. No reclamation is possible.

Our present and future land use plan for the area is cabin sites development. Due to the uncertainty of the resources in the area, this plan cannot be accomplished. Much delay has already been experienced.

Section 510C of the Act provides that no permit consideration shall be given if an outstanding violation of the Act has not been corrected. The recent Supreme Court decision handed down on June 15 affirmed that portion of the Act which requires disturbed areas to be returned to their approximate original contour. The Cottonwood Canyon portal and extension of the Wilberg Mine fall in this category and are being maintained in an illegal state. We request that no permit authorization be granted until these items are corrected.

Your immediate attention to these matters will be greatly appreciated.

Very truly yours,



H. WAYNE WADSWORTH

HWW:jd

cc: Mr. E. S. Crawford
Mr. Donald A. Crane, Regional Director, OSM



UNITED STATES
DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY
Office of the District Mining Supervisor
Conservation Division
2040 Administration Building
1745 West 1700 South
Salt Lake City, Utah 84150

Route } File
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IN REPLY REFER TO:
SL-070645-U-02292
U-040151

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May 28, 1981

JUN 1 1981

DIVISION OF
OIL, GAS & MINING

Jim
R
get
MSJ
JJA
DWA

Memorandum

To: Regional Director, Office of Surface Mining, Denver

From: District Mining Supervisor

Subject: Protection of Surface Water Rights, E. S. Crawford

Attached is a letter dated May 19, 1981, from E. S. Crawford which was sent to this office. Mr. Crawford expresses concern over the protection of his surface water rights. His concern is probably heightened because longwall mining panels in the Blind Canyon coal seam in the Deer Creek mine are retreating south to north and should reach the south boundary of his private surface in about 2 years. Currently development entries in the Deer Creek mine have been mined under his property. There has been no mining in the vicinity of his land in the underlying Hiawatha coal seam now being developed by the Wilberg mine.

I am sending Mr. Crawford's letter to you, with a copy to the Utah State Division of Oil, Gas, and Mining, because under current law and regulations your office is responsible for the problem, if one exists.

For your information the Deer Creek and the Wilberg mines were initially operating under approvals granted by this office in accordance with the regulations contained in 30 CFR Part 211. The most recent plan which we approved was submitted by UP&L on May 17, 1977. The plan was generated by additional requirements in the May 17, 1976, update of our regulations.

A condition of our approval requires the concurrence of the surface owner or surface management agency. Utah Power & Light was unable to obtain the permission of the Crawfords to mine under their land so UP&L petitioned the District Court of Emery County to set a bond to indemnify the Crawfords for any damages which may occur. The court set a bond of \$500 an acre for a total of \$150,000. The bond was executed September 11, 1978, and is renewed annually. This type of procedure is consistent with historical rights granted when the surface and mineral estates were separated. These rights provide the surface owner protection but allow mineral development.

I will mail copies of this memorandum to the State of Utah Division of Oil, Gas, and Mining and to Mr. Crawford.

If you have any questions, please contact me.

Jackson W. Moffitt

Attachment

cc: Denver
Mr. Ralph Jerman, UP&L
State of Utah Division of Oil, Gas, & Mining ✓
Mr. E. S. Crawford

1809 Yalecrest Avenue
Salt Lake City, Utah 84108
May 19, 1981

Jackson W. Moffitt
District Mining Supervisor
U S Geological Survey
2040 Administration Building
1745 West 1700 South
Salt Lake City, Utah 84104



Dear Jackson:

Received and appreciate very much your letter of May 14 advising me of the locations and status of the long wall units in both the Deer Creek and Wilberg Mines.

Having reviewed your letter and maps in your office, we have determined some of our water rights on East Mountain are in that area. These springs are located south of our line and drain north into the Left Fork of Grimes Wash.

These water rights are vital to our present and long-term use of this land. As you are aware, the Surface Mining Act 95-87 protects these resources.

I would appreciate it very much if you would assess this situation and take whatever appropriate action is necessary to protect the surface water rights.

Very truly yours,

A handwritten signature in cursive script that reads "E. S. Crawford".

E. S. Crawford

