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*File Act 10/15/025
 #3*

UTAH DIVISION OF OIL, GAS AND MINING
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 COMPANY: Co - Op Mining Company
 FROM: for GEORGE H. LITTLE
 DEPARTMENT: DDGM
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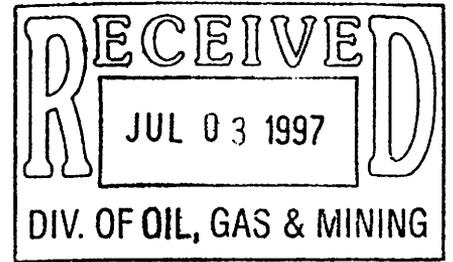
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MESSAGES:

Here is a copy of the
Water Use Objections for
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ACT/015/025 #



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IN AND BEFORE THE UTAH STATE DIVISION
OF OIL, GAS, AND MINING

In the Matter of the)	Water User's Objections to
Application of Co-Op Mining)	Co-Op's Application to Expand
Company to Expand Mining)	Mining Into Tank Seam and
in the Tank Seam at the Bear)	Request for Informal Conference
Canyon Mine, Permit No. ACT/)	
015/025, U-024316)	

Objectors, Huntington-Cleveland Irrigation Company, North Emery Water Users Association and Castle Valley Special Service District (collectively "Water Users"), by and through their counsel of record, hereby submit this Objection to Co-Op's Application to Expand Mining in the Tank Seam at the Bear Canyon Mine, Permit Number ACT/015/025, U-024316, issued November 1, 1985.

The grounds for the Objection are as follows:

1. Water Users are a Special Service District, a non-profit water users association and a mutual irrigation company. Each either holds water rights in or has the right to use water from Birch Spring, Big Bear Spring, or both ("springs"). These springs are the primary culinary water sources for approximately 2,650 residents of northern Emery County, Utah, and are located adjacent to and down-gradient from the operations of C.W. Mining Company d/b/a Co-Op Mining Company's ("Co-Op") Bear Canyon #2 Coal Mine.

2. Co-Op intends to expand its mining operations to the north in the Tank Seam at the Bear Canyon #2 Mine. The expansion area is approximately 400 acres, and is anticipated to increase production from an approved amount of 200,000 to 750,000 tons. Application to Expand at 3-28. This represents a significant revision, subject to the mandates of R645-303-224.100.

3. Water Users are concerned that Co-Op's proposed expansion will have an adverse impact upon by diminishing water quantity or quality of the springs and the aquifers feeding the springs.

4. Water Users believe that Co-Op's proposed expansion may harm their vested water rights that represent critical and irreplaceable sources of water for several adjacent towns and communities.

5. As recognized by Co-Op, increased water flows have been encountered as mining operations proceed northward. In this application, Co-op changed its prior position with respect to the

hydrologic data submitted as part of its prior permit application and upon which its permit was granted. Co-Op initially explained the source of this water as a "perched aquifer." Since that time, a new theory of hydrology was enunciated by Co-op's new consultant--Alan Mayo, and is relied on in this current application. Co-Op's application explains that the "apparent source of this water" is a "significant channel sandstone, which traverses East-West along the North end of the mine." App. at 7-17; 2-7. This theory is totally new and at variance with the hydrologic information previously submitted by Co-op as part of its permit application and relied upon by the Division in issuing the current permit.

Although Co-Op contends in this application that "[m]ining in the Tank Seam has not encountered a similar channel or water inflows" App. at 2-7, Co-Op admits that "[t]he exact dimensions and configuration of this channel is unknown." App. at 7-17.

6. The Probable Hydrologic Consequences ("PHC") does not adequately address this potential "channel sandstone" source, nor the impacts of dewatering this source on the springs. A permit to mine coal may only be issued upon submission of specific information in the form of a Permit Application. See R645-300-112.400. Co-Op's PHC does not provide specific hydrologic information as set forth in R645-301-700, et seq., and contains numerous false and inaccurate statements.

7. The CHIA prepared by the Division is based on the PHC. Therefore, because Co-Op now admits the PHC does not adequately

describe the hydrologic condition of the permit area and does not address the hydrologic consequences of expanding mining north in the Tank Seam, the CHIA is inaccurate. Many of Objector's concerns relating to the adequacy of the PHC and CHIA are the subject of current informal administrative proceedings before the Division. See attached OBJECTOR'S JOINT POST INFORMAL CONFERENCE MEMORANDUM AND CLOSING ARGUMENT, Docket No. 95-025; Cause No. ACT/015/025, dated May 8, 1997.

8. As recognized by Co-Op, the "[c]urrent permit application will allow for mining of Lease U-024316 in the Tank Seam only [not Blind Canyon or Hiawatha] until additional hydrologic and geologic information can be obtained." App. at 3-27. Much of this hydrologic and geologic information relates to the encountering of water as mining proceeds north. Thus, expanding mining north in the Tank Seam should not be allowed either until additional hydrologic and geologic information has been obtained and addressed in the PHC and CHIA.

9. As noted above, some of this information is currently the subject of administrative proceedings regarding permit renewal for Co-Op's operations in the Blind Canyon Seam and the Tank Seam. Also, Genwal and the Forest Service are preparing an environmental assessment of Co-Op's proposed mining operations in this general area. Water Users believe that the conclusions reached and information generated by these proceedings and in the Genwal environmental assessment will greatly benefit the Division's

ability to determine whether to allow Co-Op to expand mining operations in the Tank Seam.

WHEREFORE, Water Users request that Co-Op's application to expand its coal mining activities in the Tank Seam at the Bear Canyon Mine, Permit No. ACT/015/025, be rejected and that Water Users be entitled to participate in an informal conference on the matter.

Water Users further request that they be kept apprised of all current or proposed Co-Op mining operations that may impact the quality and/or quantity of its water sources.

DATED this 24 day of July, 1997.

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