0026

file ACT/007/007 #3
cc J. Whitehead

STATE OF UTAH
NATURAL RESOURCES
Water Rights

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Robert L. Morgan, State Engineer

1636 West North Temple • Suite 220 • Salt Lake City, UT 84116-3156 • 801-533-6071

September 16, 1986

RECEIVED
SEP 17 1986
DIVISION OF
OIL, GAS & MINING

Mr. John J. Whitehead
Oil, Gas & Mining
355 West North Temple
3 Triad Center
Suite 350
SLC, UT 84180-1203

Dear Mr. Whitehead:

We have reviewed the application of Kaiser Coal Corporation for the Sunnyside Mine #5, ACT/007/007.

The new application includes plans for two small impoundments, the Sedimentation Pond and the Mine Water Discharge Pond. The applicant should submit copies of Form R-69, "Application to Construct a Dam Impounding less than 20 acre-feet", (copies enclosed) to the State Engineer. The applicant should coordinate the completion and submission of the forms R-69 with Mark Page, the Area Engineer in Price.

We did not find a discussion of the slope stability for the embankments, but we do not ordinarily require that analysis unless the impoundment is classified as a high-hazard structure. The hazard classification would be made as part of the approval process for the above-mentioned application (R-69). For this reason, we may require more information at a later date.

Thank you for your cooperation.

Sincerely,

Richard B. Hall, P.E.
Directing Dam Safety Engineer

Enclosure

RBH/cp

cc: Mark Page

Form R-69A
1/21/86

INSTRUCTIONS FOR APPLICATION TO CONSTRUCT A DAM IMPOUNDING LESS THAN 20 ACRE-FEET

Section 73-5-12 of the Utah Code Annotated 1953, as amended, requires persons proposing to construct reservoirs, which have the capability of holding less than 20 acre-feet, to provide the State Engineer with pertinent data on the proposed dam and reservoir. The accompanying "Application to Construct a Dam Impounding Less Than 20 Acre-Feet" lists the information required.

In reviewing the application, the State Engineer will make a determination as to the proposal's potential to cause significant property damage or loss of human life in the event of a failure. If the potential for loss of human life or significant property damage exists, the State Engineer may require plans and specifications be submitted pursuant to Section 73-5-5 of the Utah Code Annotated 1953 as amended.

If the proposed reservoir and dam will alter a natural stream, the State Engineer may require the applicant to file an "Application to Alter a Natural Stream" pursuant to Section 73-3-29 of the Utah Code Annotated 1953 as amended.

Before approval of the accompanying application can be given, it is mandatory that the water rights for the proposed structure are in order. Reservoirs used to store irrigation water, stock ponds, and ponds used for recreation including aquatic habitat must have a water right to satisfy the uses and/or the increased evaporation. New diversion dams will normally require a new water right or a change in point of diversion of an existing right. Regulating reservoirs must meet the following criteria if they are to use an existing water right:

1. The reservoir must be on an off-stream site.
2. The inflow into the reservoir must not exceed the flow rate of the water right.
3. The reservoir capacity shall not be greater than the water right will supply in forty-eight (48) hours.

It is important that in identifying the water right involved that it be referenced by a number on record in the State Engineer's office. This number may be a Diligence Claim Number, an Underground Water Claim Number, an Approved Application Number, a Certificate Number, a Water Users Claim Number, or a Case Number and Title of Decree in a District Court. If it is proposed to build a regulating reservoir based on ownership of stock in a water company, it will be necessary to attach a letter from the water company involved, stating they have no objection to construction of the regulating reservoir, and referencing the stock owned by the applicant.

It is imperative the accompanying form be complete and accurate. If assistance is needed to complete the form, contact the Utah Division of Water Rights at (801) 533-6071.

FORM R-69
1/21/86

APPLICATION TO CONSTRUCT A DAM IMPOUNDING LESS THAN 20 ACRE-FEET

STATE OF UTAH

Application No._____
Received _____
Entered_____

The following application is submitted, pursuant to Section 73-5-12 of the Utah Code Annotated 1953, to obtain the authority to build a dam which will create a reservoir impounding less than 20 acre-feet

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1. APPLICANT INFORMATION

NAME _____
ADDRESS _____
CITY _____ COUNTY _____
STATE _____ ZIP _____

2. PURPOSE OF DAM

STOCK POND ____ REGULATING RES. ____ DIVERSION DAM ____
IRRIGATION ____ DEBRIS BASIN ____ FLOOD CONTROL ____
SEDIMENTATION ____ TAILINGS POND ____ RECREATION ____
OTHER (describe) _____

3. LOCATION OF DAM

QUARTER/QUARTER (i.e. NESW) _____ SECTION _____
TOWNSHIP _____ RANGE _____ BASE & MERIDIAN _____

4. PROPOSED DAM

DAM HEIGHT (vertical distance) _____ FEET
CREST LENGTH (length of top of dam) _____ FEET
CREST WIDTH (width of top of dam) _____ FEET
UPSTREAM SLOPE _____ VERTICAL ON _____ HORIZONTAL
DOWNSTREAM SLOPE _____ VERTICAL ON _____ HORIZONTAL
WATER SURFACE AREA AT SPILLWAY CREST _____ ACRES
RESERVOIR CAPACITY AT SPILLWAY CREST _____ AC.FT.
TYPE OF DAM (i.e. earthfill, concrete, etc.,) _____
_____

5. PROPOSED OUTLET

INSIDE DIAMETER _____ INCHES LENGTH _____ FEET
TYPE OF PIPE (i.e. concrete, steel, etc.,) _____
TYPE OF GATE OR VALVE _____
LOCATION OF GATE (upstream, downstream, center, etc.,) ____
_____

(OVER)

6. **PROPOSED SPILLWAY**

CREST LENGTH (width of bottom of spillway) _____ FEET
DEPTH (from bottom of spillway to top of dam) _____ FEET
TYPE (i.e. earth channel, pipe, etc.,) _____

_____

CONTROL (i.e. gates, flashboards, etc.,) _____

_____

7. **WATER RIGHTS**

DESCRIBE (See Instructions) _____

_____

_____

_____

8. **COMMENTS**

_____

_____

_____

_____

_____

_____

9. **PLANS**

Attach any plans sketches or diagrams which will clarify the information given on this application.

The undersigned acknowledge they have read the instructions included with this application, and are aware no construction is to begin until this application has been approved by the Utah State Engineer

_____ _____
Date Signature of Applicant

Water Rights in Order By _____ Date _____
Area Engineer's Hazard Rating _____
Reviewed by Dam Safety By _____ Date _____
Comments _____

_____

_____

_____

Date of Approval _____ _____
Robert L. Morgan, P.E.
State Engineer

Form R-69A
1/21/86

INSTRUCTIONS FOR APPLICATION TO CONSTRUCT A DAM IMPOUNDING LESS THAN 20 ACRE-FEET

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1/21/86

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STATE OF UTAH

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_____

(OVER)

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_____ Date

_____ Signature of Applicant

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Area Engineer's Hazard Rating _____
Reviewed by Dam Safety By _____ Date _____
Comments _____

Date of Approval _____

_____
Robert L. Morgan, P.E.
State Engineer