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State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

August 14, 1997

Michael O. Leavitt  
Governor  
Ted Stewart  
Executive Director  
Robert L. Morgan  
State Engineer

1594 West North Temple, Suite 220  
Box 146300  
Salt Lake City, Utah 84114-6300  
801-538-7240  
801-538-7467 (Fax)

Michael A. Gipson  
Horizon Coal Corporation  
P.O. Box 599  
Helper, UT 84526

*Copy Bill to PFO*  
*Route to [unclear] then to*  
*ACT/007/020 #2*

RE: Stream Channel Alteration Permit Number 97-91-08SA to extend culvert for Jewkes Creek in Carbon County.  
EXPIRATION DATE: August 14, 1998

Your application to Alter a Natural Stream Channel Number 97-91-08SA is hereby approved pursuant to the requirements of Section 73-3-29 of the Utah Code Annotated, 1953. This approval also constitutes compliance with Section 404 (e) of the Clean Water Act (33 USC 1344) pursuant to General Permit 040 issued to the State of Utah by the U.S. Army Corps of Engineers on October 15, 1987.

Work performed under this permit is subject to the following conditions:

1. The expiration date of this approved application is August 14, 1998. The expiration date may be extended, at the State Engineer's discretion, by submitting a written request outlining the need for the extension and the reasons for the delay in completing the proposed stream alteration.
2. A copy of this approved permit must be kept on-site at any time the work under this approved permit is in progress.
3. Wet cement is toxic to aquatic organisms, and its introduction into waters of the United States would constitute a violation of the Clean Water Act. Wet cement or concrete may not be allowed to enter stream flows. Water must be excluded from areas where concrete or cement is used until it has set. Contaminated water pumped from the construction area may not be discharged in a manner to allow it to enter flows. Equipment used during this type of work must be washed well away from the channel.
4. Excavated material and construction debris may not be wasted in any stream channel or placed in flowing waters, this will include material such as grease, oil, joint coating, or any other possible pollutant. Excess materials must be wasted at an upland site well away from any channel. Construction materials, bedding material, excavated material, etc. may not be stockpiled in riparian or channel areas.



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5. Reclamation, following the mining activity, must include the removal of the piped section of the creek and the restoration of the existing riparian area.
6. Within 30 days after the completion of this project, the State Engineer's office must be contacted for a compliance inspection. Failure to provide such notification would invalidate U.S. Army Corps of Engineers General Permit 040, thereby placing the applicant in violation of Section 404 of the Clean Water Act.

This Decision is subject to the provisions of Rule R655-6 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953 as amended, which provide for filing either a Request for Reconsideration with the State Engineer, or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this decision. However, a Request for Reconsideration is not a prerequisite for a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

If you have any questions or need further clarification, please feel free to contact Greg Mladenka at 538-7375.

Sincerely,

*For*   
Robert L. Morgan, P.E.  
State Engineer

RLM/gm/jm

pc: Mike Schwinn - Corps of Engineers  
Bob Mairley - EPA  
Field Supervisor - U.S. Fish & Wildlife  
Jim Dykmann - State History  
Carolyn Wright - State Planning  
Mark Page - Regional Engineer  
Bill Bates - Regional Wildlife Habitat Manager  
Bill Bradwisch - Aquatic Habitat Coordinator