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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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)

January 12, 1998

Ken Payne
Soldier Canyon Mine
P.O. Box 1029
Wellington, UT 84542

RE: Stream Channel Alteration Permit Number 97-91-07SA for placement of a reach of Dugout Creek, in a culvert, to allow for mine development in Carbon County.
EXPIRATION DATE: January 12, 1999

Your application to Alter a Natural Stream Channel Number 97-91-07SA 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 January 12, 1999. 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. An acceptable mitigation agreement must be arranged with Utah Division of Wildlife Resources prior to commencing construction. It is our understanding that several measures have already been taken in preparation for the placement.
4. Impacts to riparian vegetation must be minimized. If possible, woody riparian vegetation, removed as part of this activity, should be salvaged and used to enhance adjacent stream reaches. You should coordinate with Greg Mladenka, of this office, regarding this.
5. Work must be accomplished during a period of low flow. Sediment introduced into stream flows during construction must be controlled to prevent increases in turbidity downstream. This can be accomplished either by diverting flows away from the construction area or by constructing sediment control structures.