



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER JERRY D. OLDS
Executive Director State Engineer/Division Director

January 6, 2006

Dennis Oakley
Energy West Mining Company
15 North Main Street
P.O. Box 310
Huntington, UT 84528

RE: Stream Channel Alteration Permit Number 05-93-04SA to install/extend culverts on Rilda Canyon tributaries in Emery County.
EXPIRATION DATE: January 6, 2008

*Jan 8
2/015/0018
Copy Wayne H,
Jim S,
Steve D.
J. H. Cannon*

Your application to Alter a Natural Stream Channel Number 05-93-04SA 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, and amended May 4, 2004.

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

1. The expiration date of this approved application is January 6, 2008. 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 onsite at any time the work under this approved permit is in progress.
3. The banks of Rilda Creek should not be disturbed.
4. It is expected that when culverts are removed and/or restoration of the area is undertaken, another Stream Alteration permit Application would be submitted to address those issues at that time.
5. Cement is toxic to aquatic organisms, and its introduction into waters of the United States would constitute a violation of the Clean Water Act. 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 that will allow it to enter flows. Equipment used during this type of work must be washed well away from the channel.

6. Culverts shall be placed at locations that will minimize the possibility of washouts. Areas adjacent to meanders must be avoided as water may be directed toward the edges, rather than the center of the culvert. Culverts must be placed at GRADE and create no change in the profile of the stream bottom to avoid upstream erosion. Fill, adjacent to the culvert, must be adequately compacted to prevent piping and washout of the crossing.
7. 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. Flows must be diverted away from the construction area using a non-erodible cofferdam or other means of bypass.
8. Approval of this application does not authorize trespass, easements, rights-of-way, or any other access and land use permits. It is the responsibility of the applicant to obtain any such authorizations as may be necessary for this proposal.
9. 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.
10. Machinery must be properly cleaned and fueled offsite prior to construction.
11. Erosion control, revegetation, and noxious weed control must be implemented and monitored until revegetation becomes well established. Success of these measures must also be reported prior to the compliance inspection. This is particularly important for all disturbed areas, including fill, in order to prevent sediments from entering flowing water.
12. Whenever an applicant causes the water turbidity in an adjacent surface water to increase 10 NTU's or more, the applicant shall notify the Division of Water Quality.
13. Within 30 days after the completion of this project, the attached compliance certification form must be completed and returned to the U.S. Army Corps of Engineers. Failure to return this compliance certification form 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.

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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 contact Daren Rasmussen at 801-538-7377.

Sincerely,



Jerry D. Olds, P.E.
State Engineer

JDO/dr/jm

This permit was mailed on Jan 6 2006 to the addressee and the following:

By: Judy Mattson
Judy Mattson, Secretary

Enclosure

pc: Corps of Engineers
Mark Page - Regional Engineer
Dave Ruiter - EPA
Carolyn Wright - Dept. of Natural Resources
Chris Colt - Regional Wildlife Habitat Manager
Eric Larson - Aquatic Habitat Coordinator
David Marble - Division of Water Rights
Wayne Hedberg - DOGM
Alice B. Carlton