



Canyon Fuel Company, LLC

SUFCO Mine

397 South 800 West
Salina, Utah 84654

Levan Loadout (435) 623-2905 - Exit 72 off I-70 - Minesito (435) 286-4880
Levan Loadout Fax (435) 623-2767 Mine Fax (435) 286-4499 & (286-4444 Warehouse)

0010

FACSIMILE COVER PAGE

TO: Pam Drubayghitting LOCATION: _____

FROM: Mike Davis LOCATION: _____

THIS TRANSMISSION CONSISTS OF 4 PAGES INCLUDING COVER PAGE.

MESSAGE:

*Levan Canyon Stream alteration permit
e/041/002 JOK
Copy Aaron & Dave*

RECEIVED

FEB 04 2003

DIV. OF OIL, GAS & MINING

CONFIDENTIALITY NOTICE: This message is intended only for the use of the individual or entity designated above, is confidential and may contain information that is legally privileged or exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution, copying or use of or reliance upon the information contained in and transmitted with this facsimile transmission by or to anyone other than the recipient designated above by the sender is not authorized and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return it to the sender by U. S. Mail, or destroy it if authorization is granted by the sender. Thank You.

If you have any trouble with this transmission, please call Canyon Fuel Company at (435) 286-4880.



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

Michael O. Leavitt
Governor

Robert L. Morgan
Executive Director

Jerry D. Olds
State Engineer

1594 West North Temple, Suite 220
PO Box 146300
Salt Lake City, Utah 84114-6300
(801) 538-7240 telephone
(801) 538-7487 fax
www.nr.utah.gov

January 30, 2003

Canyon Fuel Company, LLC-SUFCO Mine
C/O Gary E. Taylor
397 South 800 West
Salina, UT 84654

RE: Stream Channel Alteration Permit Number 02-94-04SA for installation of a culvert on a tributary to Link Creek.
EXPIRATION DATE: January 30, 2004

Your application to Alter a Natural Stream Channel Number 02-94-04SA 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.

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

1. The expiration date of this approved application is January 30, 2004. 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. 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.
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.

Utah!
Where ideas connect

Page 2

02-94-02SA

January 30, 2003

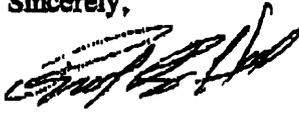
5. Wet cement is toxic to aquatic organisms, and its introduction into waters of the United States would constitute a violation of the Clean Water Act. Wet cement or concrete must not be allowed to enter stream flows. Water must be excluded from areas where concrete or cement is used until it has set. 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. Disturbance to the riparian area must be minimized while clearing access across that area.
8. The culvert(s) must be removed and the area restored to its present condition when the mining operation closes.
9. Approval of this application does not authorize trespass, easements, rights-of-way, or any other access or land use permits. It is the responsibility of the applicant to obtain any such authorizations as may be necessary for this proposal.
10. 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.

Page 3
02-94-04SA
January 30, 2003

If you have any questions or need further clarification, please contact Daren Rasmussen at 801-538-7377.

Sincerely,


JDO Jerry D. Olds, P.E.
State Engineer

JDO/dr/jm

pc: Corps of Engineers
Dave Rutter - EPA
Field Supervisor - U.S. Fish & Wildlife
Jim Dykmann - State History
Carolyn Wright - Dept. of Natural Resources
Mark Page - Regional Engineer
Derris Jones - Regional Wildlife Habitat Manager
Bill Bradwisch - Aquatic Habitat Coordinator