



State of Utah  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

INCOMING  
(641600)

Michael O. Leavitt  
Governor

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Executive Director

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State Engineer

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September 9, 2004

Kenneth E. May  
Canyon Fuel Company, LLC  
Sufco Mine  
397 South 800 West  
Salina, UT 84654

RE: Stream Channel Alteration Permit Number 04-94-02SA for repair of subsidence cracks on the East Fork of Box Canyon in Sevier County.  
EXPIRATION DATE: September 9, 2006

Your application to Alter a Natural Stream Channel Number 04-94-02SA 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 September 9, 2006. 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. Impacts to the stream channel and surrounding environment must be minimized. Vegetation should not be destroyed, but if some disturbance is necessary, then revegetating with native species will be required, especially of woody shrubs. The channel contours and configuration must not be changed except in the case of bank contouring for stabilization purposes.
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, organic chemicals (e.g., discarded asphalt), nutrients (e.g., phosphate rock) 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.
5. Ingress and egress access should be kept to a minimum.

6. 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.
7. 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.
8. 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.

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

Enclosure

pc: Corps of Engineers  
Dave Ruitter - EPA  
Field Supervisor - U.S. Fish & Wildlife  
Carolyn Wright - Dept. of Natural Resources  
Mark Page - Regional Engineer  
Chris Colt - Regional Wildlife Habitat Manager  
Bill Bradwisch - Aquatic Habitat Coordinator  
DOGM