



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Rights

KENT L. JONES
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

FOR STREAM ALTERATION APPLICATION NUMBER **16-54-01SA**
IN THE NAME OF EAGLE MOUNTAIN CITY FOR ALTERATION TO TICKVILLE WASH
AND AN UNNAMED TRIBUTARY CHANNEL IN UTAH COUNTY, UTAH

This **ORDER** is issued pursuant to statute and in accord with the statutory criteria for approval of a stream alteration application that are described at UTAH CODE ANN. § 73-3-29. The State Engineer has determined that this application does meet the necessary legal criteria to **ORDER** the approval of the application based upon the following information and reasoning set forth in the Findings of Fact and Discussion.

FINDINGS OF FACT

1. The application was received by the Division of Water Rights (“Division”) on February 1, 2016, and made available for comment on the Division’s webpage, provided to pertinent governmental agencies, and to other entities as warranted, for a period of 20 calendar days, said period concluding prior to February 22, 2016.
2. The application contains the following information:
 - The stated description of the proposed project is: To install a new 16-inch diameter PVC culinary water pipeline across and associated with Tickville Wash and an unnamed tributary channel in Utah County.
 - The stated purpose of the proposed project is: To become compliant with state service requirements.
3. A site visit was not conducted by Division personnel.
4. The Division received comments or objections on the proposed project from:
 - Kathy Holder – Utah Division of Emergency Management
 - Michael Pectol – U.S. Army Corps of Engineers

The comments or objections received by the Division are summarized as follows:

- The applicant must comply with all rules and regulations of the Federal Emergency Management Agency.
- The U.S. Army Corps of Engineers has reviewed the application and determined that the proposed project meets the terms and conditions for approval under Programmatic General Permit 10.



DISCUSSION

1. Based on a review of the Division's water rights records and/or a review of the application by personnel of the Division's regional office, it is the opinion of the State Engineer that the project will not impair vested water rights.
2. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily affect recreational use or the natural stream environment.
3. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily endanger aquatic wildlife.
4. It is the opinion of the State Engineer that the project will not unreasonably or unnecessarily diminish the natural channel's ability to conduct high flows.
5. Other comments or concerns submitted by interested persons or parties are not believed to be within the purview of the State Engineer in evaluating an Application to Alter a Natural Stream.

ORDER

Stream Alteration Application No. **16-54-01SA**, submitted in the name of Eagle Mountain City, applicant, in order to install a new 16-inch diameter PVC culinary water pipeline across and associated with Tickville Wash and an unnamed tributary channel, a natural stream located in Utah County, Utah, is hereby APPROVED, contingent upon the conditions outlined in this **ORDER**. This approval also constitutes compliance with Section 404 (e) of the Clean Water Act (33 USC 1344) pursuant to Programmatic General Permit 10 issued to the State of Utah by the U.S. Army Corps of Engineers on February 22, 2016, and is subject to all conditions therein. Full text of Programmatic General Permit 10 can be found at the following link: http://www.waterrights.utah.gov/strmalt/whitepapers/20160222_PGP10.pdf. The applicant is hereby authorized to conduct the work detailed in the application and supporting documentation, as described in this **ORDER**. Any modification or addition to the work may require additional authorization and/or application resubmittal.

1. The expiration date of this order is **March 1, 2018**. Work affecting the bed and/or banks of the stream may not be conducted after this date. Extension of the order is subject to reverification by the U.S. Army Corps of Engineers and review by the Division. A request for extension must be submitted in writing to the Division and include an explanation for project delay. The request must be submitted at least 30 days prior to expiration of the order.
2. A copy of this order must be kept onsite at any time the work authorized under this order is in progress.

3. 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.
4. 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 in the case of woody shrubs. The channel contours and configuration must not be changed except in the case of bank contouring for stabilization purposes.
5. Bedding and backfill material, placed around the pipe, may not be more free draining than existing soils in stream channels, banks, and riparian zones. Loosely compacted material may act to violate this condition. Bedding and backfill materials must be either fine grained or constructed in such a manner that it does not act as a drain. This shall include placing clay cutoff collars, or utilizing compaction techniques.
6. Riprap must consist of only clean, properly sized angular rock, which must be keyed deeply into the streambed to prevent undercutting. A filter must be placed behind if necessary (i.e., if soils are fine grained, non-cohesive, and/or erodible). Demolition debris or refuse will not be allowed, nor material such as bricks, concrete, asphaltic material [either natural (tar sand, oil shale, etc.) or man-made].
7. Fill materials should be free of fines, waste, pollutants, and noxious weeds/seeds.
8. Equipment should work from the top of the bank or from the channel to minimize disturbance to the riparian area and to protect the banks. Heavy equipment should avoid crossing and/or disturbing wetlands.
9. Machinery must be properly cleaned and fueled offsite.
10. 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.
11. Best Management Practices should be implemented and maintained during any streamside or instream work to minimize sedimentation, temporary erosion of stream banks, and needless damage or alteration to the streambed.
12. 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.

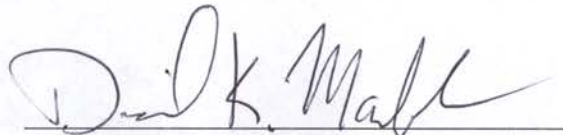
13. Within 30 days after the completion of this project, a compliance certification form must be completed and returned to the U.S. Army Corps of Engineers. Failure to return this compliance certification form would invalidate U.S. Army Corps of Engineers General Permit 10, thereby placing the applicant in violation of Section 404 of the Clean Water Act. Form can be found at:

<http://www.waterrights.utah.gov/strmalt/ComplianceCertification.pdf>

Your contact with the Division is Chuck Williamson, who can be reached at telephone number 801-538-7404.

This **ORDER** is subject to the provisions of UTAH ADMIN. CODE R. 655-6-17 of the Division of Water Rights and to UTAH CODE ANN. §§ 63G-4-302 and 73-3-14, which provide for persons or parties with legal standing to file 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 **ORDER**. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this **ORDER**, 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 within 20 days after the Request is filed.

Dated this 29th day of February, 2016.



David K. Marble, P.E.
Assistant State Engineer

Page 5
16-54-01SA
February 29, 2016

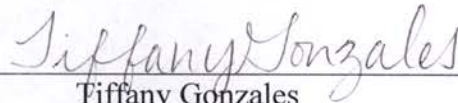
Enclosure

Mailed a copy of the foregoing Order this 29th day of February, 2016, to:

EAGLE MOUNTAIN CITY
CHRIS TRUSTY - PUBLIC WORKS DIRECTOR
2565 N. PONY EXPRESS PARKWAY
EAGLE MOUNTAIN UT 84005

Corps of Engineers
Teresa Wilhelmsen - Regional Engineer
Richard Clark - EPA
Matt Howard - Wildlife Resources
Kathy Holder - Division of Emergency Management, kholder@utah.gov
Jenna Jorgensen - Jones & DeMille Engineering, jenna.j@jonesanddemille.com

By:



Tiffany Gonzales
Secretary