



SPENCER J. COX
Governor

DEIDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

BRIAN C. STEED
Executive Director

Division of Water Rights

TERESA WILHELMSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

FOR STREAM ALTERATION APPLICATION NUMBER **21-54-02SA**
IN THE NAME OF EAGLE MOUNTAIN CITY FOR ALTERATION TO TICKVILLE WASH
IN UTAH COUNTY, UTAH

Stream Alteration Application No. **21-54-02SA**, submitted in the name of Eagle Mountain City, applicant, in order to reduce bank slopes and realign portions of the channel associated with Tickville Wash, a natural stream located in Utah County, Utah, is hereby **APPROVED** as a STATE ONLY Permit, contingent upon the conditions outlined in this **ORDER**. 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 **August 18, 2023**. 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 and review by the Division. A request for extension must be submitted in writing to the Division and include an explanation for project delay.
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. If necessary, flows must be diverted away from the construction area through use of 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. Fill materials should be free of fines, waste, pollutants, and noxious weeds/seeds.
6. 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.
7. 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.



8. Machinery must be properly cleaned and fueled offsite prior to construction.
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.

The statutory process and criteria for evaluation of this application are described at Utah Code Ann. § 73-3-29 and Administrative Rule R655-13. The State Engineer has determined that this application does meet the necessary legal criteria for approval based upon the following Findings of Fact and reasoning set forth in the Discussion.

FINDINGS OF FACT

1. The application was received by the Division of Water Rights (“Division”) on June 23, 2021, 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 July 13, 2021.
2. The application contains the following information:
 - The stated description of the proposed project is: To reduce bank slopes and realign portions of the channel associated with Tickville Wash in Utah County.
 - The stated purpose of the proposed project is: To improve safety and facilitate future crossings.
3. The following comments or objections on the proposed project were received from:
 - Hollis Jencks – U.S. Army Corps of Engineers
 - Angelia Crowther – Utah Division of Emergency Management

The comments or objections received are summarized as follows:

- The U.S. Army Corps of Engineers has reviewed the application and determined that the proposed project is exempt from authorization under Section 404 of the Clean Water Act.
- They need to make sure they get a floodplain development permit from the local Floodplain Administrator (FPA) in the community they are doing the work in. They need to make sure they are in compliance with the National Flood Insurance Program (NFIP) and the local floodplain regulations by contacting the communities FPA. Even state and federal agencies need to obtain the local floodplain development permits as per the federal regulations 44CFR 60.3. This may include obtaining a Letter of Map Change (LOMC) from FEMA as well as any other federal or local permits required to develop in Special Flood Hazard Areas (SFHA). The community FPA should know what is required in these areas. If there is a question as to what is needed, individuals can call or e-mail my office (801-664-5831, acrowther@utah.gov).

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.

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

This **ORDER** 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.

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 18th day of August, 2021.



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

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August 18, 2021

Mailed a copy of the foregoing Order this 18th day of August, 2021, to:

EAGLE MOUNTAIN CITY
CHRIS TRUSTY
2565 NORTH PONY EXPRESS PARKWAY
EAGLE MOUNTAIN, UT 84005

Hollis Jencks - U.S. Army Corps of Engineers, hollis.g.jencks@usace.army.mil
Ross Hansen - Regional Engineer, rosshansen@utah.gov
Nolan Hahn - EPA, Hahn.Nolan@epa.gov
Shane Hill - Wildlife Resources, sahill@utah.gov
Angelia Crowther - Division of Emergency Management, acrowther@utah.gov
Chris Trusty, ctrusty@emcity.org

By: Tiffany Gonzales
Tiffany Gonzales
Secretary