



# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

### Division of Water Rights

Kent L. Jones, P.E.  
*State Engineer/Division Director*

GARY R. HERBERT  
*Governor*

GREG BELL  
*Lieutenant Governor*

## ORDER OF THE STATE ENGINEER ORDER GRANTING PERMIT TO CONSTRUCT, ENLARGE, REPAIR, ALTER, REMOVE OR ABANDON A DAM

Application No. UT53723, submitted in the name of Sunnyside Cogeneration Associates, applicant, to construct a dam without submission of formal plans is hereby approved.

The statutory process and criteria for evaluation of this application are described at UTAH CODE ANN. § 73-5a-202 through -205. 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. The applicant is hereby authorized to conduct the work detailed in the application and supporting documentation, as described in this **Order**. Any modification may require additional authorization and/or application resubmittal.

### FINDINGS OF FACT

1. The dam will impound 2.5 acre-feet of water.

### DISCUSSION

1. It is the opinion of the State Engineer that the proposed dam does not constitute a threat to human life if it fails.

### ORDER

The applicant is ORDERED to abide by the terms and conditions of Application No. UT53723 as follows:

1. Authorization is hereby granted to construct the proposed dam as detailed in the application and supporting documents.
2. All design and construction activities undertaken shall be commensurate with state-of-the-art standards.
3. Identification of the inspector and the contractor for the project shall be submitted to this office prior to the beginning of any construction.
4. All inspectors' journals and results of material testing performed during construction shall be submitted to this office.



5. If historical resources such as human remains (skeletons), prehistoric arrowheads/spear points, waste flakes from stone tool production, pottery, ancient fire pits, historical building foundations/remains, artifacts (glass, ceramic, metal, etc.) are found during construction, call the Utah Division of State History at (801) 533-3555.
6. Approval will be voided if construction has not begun within 1 year of the date of this Order.

Your contact with this office, should you need it, is with the Southeastern Regional Office in Price. The telephone number is 435-613-3750.

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 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 **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 29<sup>th</sup> day of April, 2013.



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

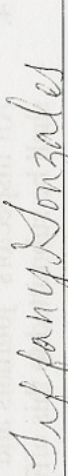
Mailed a copy of the foregoing Order this 29<sup>th</sup> day of April, 2013, to:

SUNNYSIDE COGENERATION ASSOCIATES

P.O. BOX 159

SUNNYSIDE UT 84539

Marc Stilson - Regional Engineer  
Twin Peaks Engineering & Land Surveying

By:   
Tiffany Gonzales, Secretary