



SPENCER J. COX
Governor
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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

JOEL FERRY
Executive Director

TERESA WILHELMSSEN
State Engineer/Division Director

ORDER OF THE STATE ENGINEER

For Stream Alteration Application Number 25-29-01SA

Stream Alteration Application Number **25-29-01SA** in the name of Questar Gas Company dba Enbridge Gas Utah was filed on February 3, 2025, in order to install utility pipeline crossing associated with Samaria Lake Canal - Malad River drainage, a natural stream located in Box Elder County, Utah. The purpose of the proposed alteration is to provide natural gas to Portage Utah.

The application was made available for comment on the Division of Water Rights' (Division) webpage, provided to pertinent governmental agencies, and to other entities as warranted, for a period of 20 calendar days, ending on February 23, 2025.

Comments received are summarized as follows:

- 1) Tracie Harrison representing the Utah Division of Emergency Management provided the following comment: Applicant will need to verify if they will be required to get a floodplain development permit from the local Floodplain Administrator (FPA) in the community they are doing the work in. The applicant needs 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 (385-499-2077, tjharrison@utah.gov).
- 2) Trevon Stephens representing the U.S. Army Corps of Engineers has reviewed the application and determined that the proposed project meets the terms and conditions of Programmatic General Permit 10.

The State Engineer has reviewed the application, the information provided in support of the application, comments received and has conducted additional investigations as directed by statute. Action on an application to alter a natural stream by the State Engineer is governed by the provisions of Utah Code Ann. § 73-3-29 and Administrative Rule R655-13.

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It is the opinion of the State Engineer that the stream alteration application can be approved without:

- 1) Impairing vested water rights.
- 2) Unreasonably or unnecessarily affecting recreational use or the natural stream environment.
- 3) Unreasonably or unnecessarily endangering aquatic wildlife.
- 4) Unreasonably or unnecessarily diminishing the natural channel's ability to conduct high flows.

It is, therefore, **ORDERED** and Stream Alteration Application Number **25-29-01SA** is hereby **APPROVED** subject to the following conditions:

- 1) The expiration date of this Order is **February 22, 2026**. Work affecting the bed and/or banks of the stream may not be conducted after this date. Extension of the Order is subject to 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) 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.

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, 2021, and is subject to all conditions therein. Full text of Programmatic General Permit 10 can be found at the following link:

https://www.waterrights.utah.gov/strmalt/whitepapers/20210222_PGP10.pdf

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 Programmatic General Permit 10, thereby placing the applicant in violation of Section 404 of the Clean Water Act. Form can be found at:

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

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Documents associated with this Order and the submitted application are included in the stream alteration file and available for viewing on the Division's website at:

<https://waterrights.utah.gov/cgi-bin/strmview.exe>

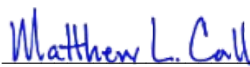
This Order does not authorize trespass, easements, rights-of-way, or any other access and land use permits. It is the responsibility of the applicant to obtain any such authorizations as may be necessary for this proposal. It is recommended that the applicant coordinate with potentially impacted landowners prior to initiating stream alteration activities.

The applicant is strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicant to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to alter the stream under the above referenced application per Utah Code §§ 73-3-29 and Administrative Rule R655-13.

This Order is subject to the provisions of Utah Admin. Code R655-6-17 of the Division of Water Rights and to Utah Code §§ 63G-4-302, 63G-4-402, and 73-3-14 which provide for filing either a Request for Reconsideration with the State Engineer or for judicial review with the appropriate District Court. A Request for Reconsideration must be filed in writing with the State Engineer within 20 days of the date of this Order. The written request shall be filed in-person, by mail, or electronically. If the request is filed electronically, it shall be submitted to: waterrights@utah.gov, which is the authorized general email for the Division. However, a Request for Reconsideration is not a prerequisite to filing for judicial review. A petition for judicial review 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 20 days after the Request is filed.

Your contact with the Division is Daren Rasmussen, who can be reached at telephone number 801-538-7377.

Dated this 4th day of April, 2025.



Teresa Wilhelmsen, P.E., State Engineer

BY: Matthew L. Call, P.E., Interim Assistant State Engineer

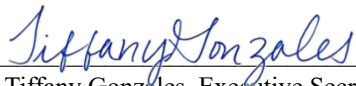
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Enclosure

Mailed a copy of the foregoing Order this 4th day of April, 2025, to:

Questar Gas Company dba Enbridge Gas Utah
Matthew Bartol
P.O. Box 45360
Salt Lake City, UT 84145-0360

Skyler Buck - Regional Engineer, skylerbuck@utah.gov
Trevon Stephens - U.S. Army Corps of Engineers, trevon.w.stephens@usace.army.mil
Nolan Hahn - EPA, Hahn.Nolan@epa.gov
Daniel Olson - Division of Wildlife Resources, danielolson@utah.gov
Tracie J. Harrison - Division of Emergency Management, tjharrison@utah.gov
Stephan W. Ryder, stephan.w.ryder@dominionenergy.com
Matthew Bartol, matt.bartol@dominionenergy.com

BY: 
Tiffany Gonzales, Executive Secretary