



JON M. HUNTSMAN, JR.  
*Governor*  
GARY R. HERBERT  
*Lieutenant Governor*

**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Water Rights**

MICHAEL R. STYLER      JERRY D. OLDS  
*Executive Director*      *State Engineer/Division Director*

August 10, 2006

Bill Nielson  
P.O. Box 173  
Randolph, UT 84064

Re: Nielson Ponds – Leaky Pond / UT50301

The plans for the above referenced project, dated November 2005, are hereby approved pursuant to Section 73-5a of the Utah Code Annotated 1953, as amended. Construction of the project must begin within one year of the date of this letter. Time extensions for reasonable delays may be granted on a year-to-year basis at the discretion of the State Engineer.

Approval of this project is contingent upon the following paragraphs:

Prior to the initiation of construction the following information must be submitted to the State Engineer:

1. The names of the project engineer and inspectors, along with their qualifications.
2. The name of the contactor and the contractor's representative responsible for the project.
3. The estimated starting and completion dates for the project.

During the construction phase of the project the following conditions must be complied with:

1. Results of all material tests shall be submitted weekly.
2. All daily inspection reports shall be submitted weekly.
3. The State Engineer must approve, in advance, all construction changes that differ significantly from the approved plans and specifications.

Before the dam can be placed into operation the following conditions must be met:

1. The State Engineer must be notified of, and involved in, a final inspection of the project that involves all interested parties.

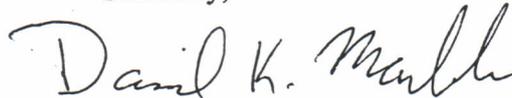
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Within 60 days of the project's completion the State Engineer must be supplied with a final set of "as constructed" drawings. These drawings should be marked as "Record Drawings" or other designation indicating the final status of these documents. The drawings can be submitted electronically in either a .pdf or .tif format. Alternatively, these drawings can be submitted on a mylar medium.

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. 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 within 20 days after the Request is filed.

If you have any questions concerning the preceding information and request, please feel free to contact David Marble at 801-538-7376 of our Dam Safety Section.

Sincerely,



Jerry D. Olds, P.E.  
State Engineer

JDO/dkm/jm

The foregoing was mailed on Aug 10 2006 to the addressee and the following:

By:   
Secretary

cc: Bob Fotheringham – Regional Engineer

