



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Water Resources

DENNIS J. STRONG
Division Director

ORIGINAL

P-12966

August 21, 2007

2007 AUG 21 PM 2:15

Hon. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Subject: Application for Preliminary Permit
The Lake Powell Pipeline Project

Secretary Bose:

Attached please find an original and eight copies of a completed application for a preliminary permit pursuant to Section 4.30 of the Commission's regulations for a hydropower development. The potential project described in this application is located on Federal, State, Tribal, local and private land in Kane, Washington and Iron counties, Utah and in Coconino and Mohave counties, Arizona. The state of Utah, through the Board of Water Resources has secured state funding and legal authorities to pursue development of the project and is leading the effort in currently evaluating development possibilities.

The Applicant is submitting this preliminary permit application in order to secure and maintain priority in the licensing process, while undertaking activities to determine the feasibility of the project and support an application. We look forward to working with the Commission as we pursue this opportunity. If you have any questions regarding this submittal please contact Eric Millis at (801) 538-7298.

Thank you,

Dennis J. Strong, P.E.
Director

Attachments



BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION
APPLICATION FOR PRELIMINARY PERMIT

The Lake Powell Pipeline Project, No. _____

Utah Board of Water Resources
1594 W. North Temple
Salt Lake City, Utah 84116
801-538-7250

August 21, 2007

August 20, 2007

Application for Preliminary Permit
Lake Powell Pipeline Project

VERIFICATION STATEMENT


This application for preliminary permit is executed in

State of: Utah
County of: Salt Lake

By: Dennis J. Strong, P.E.
Utah Division of Water Resources
1594 W. North Temple
Salt Lake City, UT 84116
Telephone: (801) 528-7250

Being duly sworn, deposes and says that the contents of this Preliminary Permit Application are true to the best of his knowledge or belief. The undersigned Applicant has signed the application on this 20th day of August 2007.

Applicant

By: 

Subscribed and sworn to before me, a Notary Public of the State of Utah this 20th day of August 2007.

Notary:

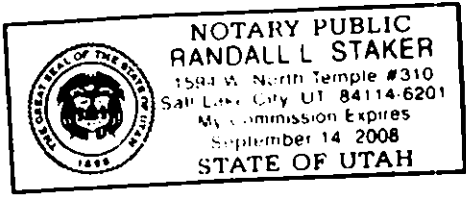




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Initial Statement

1. Utah Board of Water Resources, a state created board responsible for promoting the orderly and timely planning, conservation, development, utilization, and protection of Utah's water resources in conjunction with the Division of Water Resources, a state agency in the state of Utah ("Applicant"), applies to the Federal Energy Regulatory Commission ("FERC" or "the Commission") for a preliminary permit for the proposed Lake Powell Pipeline Project ("the Project"), as described in the attached exhibits. This application is made in order that the applicant may secure and maintain priority of application for a license for the project under Part I of the Federal Power Act while obtaining the data and performing the acts required to determine the feasibility of the project and to support an application for a license.

2. **The location of the proposed project is:**

State or territory: Utah, Arizona

Counties: Kane, Washington, Iron, Utah; Coconino, Mohave, Arizona

Township or nearby town: St. George

Stream: Colorado River; water used for hydropower generation will be furnished from a municipal water supply pipeline

3. **The exact name, business address, and telephone number of the applicant are:**

Utah Board of Water Resources
1594 W. North Temple
Salt Lake City, UT 84116
Telephone: (801) 528-7250

The exact name and business address of each person authorized to act as agent for the applicant in this application are:

Mr. Eric Millis, P.E.
Utah Division of Water Resources
1594 W. North Temple
Salt Lake City, UT 84116
Telephone: (801) 528-7250

Mr. John H. Clements
Van Ness Feldman
1050 Thomas Jefferson Street, N.W.
Washington, D.C. 20007-3877
Telephone: (202) 298-1800
Facsimile: (202) 338-2416

Application for Preliminary Permit
Lake Powell Pipeline Project

4. Utah Board of Water Resources through the Division of Water Resources, a Utah State agency, is claiming preference under Section 7(a) of the Federal Power Act. Appendix 1 contains a copy of the Lake Powell Pipeline Development Act, passed by the Utah Legislature during the 2006 General Session.
5. **Term of Permit:** The proposed term of the requested permit is 36 months.
6. **Existing Dams or Other Project Facilities:** Project to make use of the waters of Lake Powell, an existing Federal reservoir impounded by Glen Canyon Dam. Glen Canyon Dam is a Federal dam operated and maintained by the Bureau of Reclamation. At the terminus to the Lake Powell Pipeline, the proposed Sand Hollow Powerhouse would discharge waters into the existing Sand Hollow Reservoir, a reservoir owned and operated by the Washington County Water Conservancy District. The Cedar Valley Pipeline segment would receive water for conveyance from the existing Quail Creek Reservoir, also owned and operated by Washington County Water Conservancy District. Project water would be conveyed from Sand Hollow Reservoir to Quail Creek Reservoir through an existing pipeline owned and operated by Washington County Water Conservancy District. The addresses for the Bureau of Reclamation offices are:

Glen Canyon Field Division
P.O. Box 1477
Page, AZ 86040
(928) 645-0401

Rick Gold, Regional Director
Upper Colorado Regional Office
125 South State Street, Room 6107
Salt Lake City, UT 84138-1102

The address for the Washington County Water Conservancy District is:

Washington County Water Conservancy District
136 N. 100 E.
St. George, UT 84770
(435) 673-3617

Section 4.32(a) Information

1. **Identification of persons, associations, domestic corporations, municipalities, or states that have or intend to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the project:**

State of Utah, Board of Water Resources

2. **Identify:**

(i) Every county in which any part of the project, and any Federal facilities that would be used by the project, would be located.

County: Coconino County, Arizona
Board of Supervisors
219 E. Cherry Ave
Flagstaff, AZ 86001
927-799-6693

Mohave County, Arizona
Board of Supervisors
700 W. Beale Street
Kingman, AZ 86402
928-753-9141

Kane County, Utah
Board of Commissioners
76 North Main Street
Kanab, UT 84741
435-644-4900

Washington County, Utah
Board of Commissioners
197 East Tabernacle St.
St. George, UT 84770
435-634-5700

Iron County, Utah
Board of Commissioners
68 South 100 East
Parowan, UT 84761
435-477-8341

(ii) **Every city, town or similar local political subdivision:**

A. In which any part of the project, and any Federal facilities that would be used by the project, would be located.

Cities/Towns:

Town of Big Water
Town Hall
15 Aaron Burr
Big Water, UT 84741

Town of Fredonia
Town Hall
Fredonia, AZ 86022

Town of Colorado City, AZ
25 S. Central Street
Colorado City, AZ 86021

Town of Hildale
320 E. Newell Avenue
PO Box 840809
Hildale, UT 84784-0809

City of Kanab
76 N. Main Street
Kanab, UT 84741

Town of Apple Valley
7803 South 9400 East
Apple Valley, UT 84737

City of Hurricane
147 N. 870 W.
Hurricane, UT 84737

Town of Leeds
218 N. Main Street
Leeds, UT 84746

Town of Toquerville
P.O. Box 27
Toquerville, UT 84774

Cedar City
10 N. Main Street
Cedar City, UT 84720

B. That has a population of 5,000 or more people and is located within 15 miles of the project dam:

City of Hurricane
147 N. 870 W.
Hurricane, UT 84737

City of St. George
175 East 200 North
St. George, UT 84770

Washington City
111 North 100 East
Washington City, UT 84780

(iii) Every irrigation district, drainage district, or similar special purpose political subdivision:

A. In which any part of the project, and any Federal facilities that would be used by the project, would be located.

Fredonia Natural Resource Conservation District
P.O. Box 32
Fredonia, AZ 86022

Littlefield-Hurricane Valley Natural Resource Conservation District
c/o Fredonia Field Office
District Conservationist
P.O. Box 520, 143 South Main Street
Fredonia, AZ 86022

Kane County Soil Conservation District
165 W. Kanab Creek Dr.
Kanab, UT 84741

Dixie Soil Conservation District
322 W. 1300 South
Hurricane, UT 84737

E & I Soil Conservation District
237 N. 400 West
Cedar City, UT 84720

B. That owns, operates, maintains, or uses any project facilities or any Federal facilities that would be used by the project:

Washington County Water Conservancy District
136 N. 100 E.
St. George, UT 84770
(435) 673-3617

Kane County Water Conservancy District
190 W. Center Street, Suite 200
Kanab, UT 84741
(435) 644-3997

Central Iron County Water Conservancy District
360 W. 200 N.
Cedar City, UT 84720-2403
(435) 586-9479

(iv) Every other political subdivision in the general area of the project that there is reason to believe would likely be interested in, or affected by, the application; and interest:

Washington County/St. George City Interlocal Agency
1835 S. Main Street
St. George, UT 84790

Kane County Recreation and Transportation Special Services District
76 North Main
Kanab, Utah 84741

(v) All Indian tribes that may be affected by the project:

Navajo Nation
P.O. Box 9000
Window Rock, AZ 86515

Kaibab Band of the Paiute Indians
Tribal Council
HC 65, Box 2
Fredonia, AZ 86022

Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, UT 84720

Exhibit 1 -Description of the Proposed Project

1. General:

The project concept envisions the construction of 135 miles of 70-inch pipeline; 38 miles of 30-inch pipeline; a pumped storage hydroelectric generating facility and two conventional hydropower developments on Federal, State, and private lands in Kane, Washington and Iron counties, Utah and in Coconino and Mohave counties, Arizona. The project would involve the construction of:

- an intake facility on the west shore of Lake Powell consisting of a intake pumping plant with multiple intakes and intake pumps leading to into a 70-inch diameter steel buried water conveyance pipeline
- Four booster pumping stations along the 135-mile pipeline alignment in Kane County, Utah.
- 135-miles of 70-inch diameter buried pipeline from the existing Lake Powell to the existing Sand Hollow Reservoir along a 60-foot operational right-of-way.
- Little Creek Mountain Hydroelectric Development consisting of the following facilities: 1) a forebay along Little Creek Mountain ridgeline where the ground elevation is generally above 5,600 feet mean sea level (msl); 2) an afterbay along the base of Little Creek Mountain where ground surface elevations are generally below 4,800 feet msl; 3) a waterway of approximately 2,000-feet connecting the forebay and afterbay; 4) a steel and concrete powerhouse structure containing a turbine generating system with a single generating unit of approximately 18 MW capacity; and 5) an electrical interconnection with the existing high-voltage regional transmission system.
- Hurricane Cliffs Pumped Storage Hydroelectric Development consisting of the following facilities: 1) a forebay along Hurricane Cliffs ridgeline where the ground elevation is generally above 4,700 feet msl; 2) an afterbay along the base of Hurricane Cliffs where ground surface elevations are generally below 3,700 feet msl; 3) a waterway of approximately 2,500-feet connecting the forebay, pump-turbines and the afterbay; 4) a steel and concrete powerhouse structure containing the pump-turbines and motor-generators to be located along they waterway alignment with a turbine generating system consisting of two generating units of combined capacity of 300 MW alongside a single 35 MW peaking generating unit; and 5) an electrical interconnection with the existing high-voltage regional transmission system.
- Sand Hollow Hydroelectric Development consisting of a steel and concrete powerhouse structure situated along the terminus of the Lake Powell Pipeline along the shoreline of the existing Sand Hollow Reservoir where the ground

elevation is generally above 3,060 feet msl containing a turbine generating systems with a single generating unit of approximately 10 MW capacity.

- 38-miles of 30-inch diameter buried pipeline from existing Quail Creek Reservoir to a point of interconnection (to be determined) in the Cedar Valley near Cedar City.

The generating capacity and energy storage options will be pursued into the development phase and will need to be optimized to best suit the physical site and electrical system conditions. At the present time the following energy generation components are being studied: 1) a single unit, 18 MW facility at Little Creek Mountain; 2) a 2-unit, 300 MW (150 MW each unit) hydroelectric pumped storage development at Hurricane Cliffs, with the forebay and afterbay sized to provide ten hours of continuous 300 MW output; 3) a single unit, 35 MW conventional energy recovery generation unit built within the Hurricane Cliffs development; and 4) a single unit, 10 MW facility at the existing Sand Hollow Reservoir.

2. Reservoirs/Forebay/Afterbay Facilities

The locations and configuration of the forebay and afterbay reservoirs for Little Creek Mountain Hydroelectric Development and forebay and afterbay reservoirs for the Hurricane Cliffs Pumped Storage Hydroelectric Development shall be optimized as part of the studies envisioned during the term of the permit.

At the present time it is anticipated that the Little Creek Mountain Hydroelectric Development forebay reservoir would be located near the north ridgeline of Little Creek Mountain and the afterbay below the north ridgeline (see Exhibit 4, Sheet N). The anticipated maximum water level of the forebay would be El. 5,500 feet msl and the afterbay would be El. 4,800 feet msl. The forebay and afterbay areas at full supply level would cover less than 10 acres each. The reservoirs would be formed by the construction of embankment dams surrounding each facility in areas of suitable topographic depressions.

At the present time it is anticipated that the Hurricane Cliffs Pumped Storage Hydroelectric Development forebay would be located approximately mid-way along the north-south trending Hurricane Ridge while the afterbay would be located along a lower bench at the base of the cliffs, west of the forebay site (see Exhibit 4, Sheet O). The anticipated maximum water level of the forebay is El. 4,740 feet msl and the afterbay would be El. 3,610 feet msl. The forebay at full supply level is estimated to cover 150 acres and the afterbay at full supply would cover approximately 195 acres. The forebay and afterbay would be sized to contain approximately 4,000 acre-feet of water storage, sufficient to support the desired 10 hours of continuous operation. The forebay and afterbay would be formed by the construction of embankment structures making use of natural topographic depressions where possible.

Subsurface investigations will be required to establish the technical feasibility of the concepts described above.

3. Transmission Lines

The location, number of circuits, voltage, and configuration of the project's hydroelectric generation interconnections with the regional electric utility network will be established as part of the studies to be carried out during the term of the permit. However, it is anticipated that the project would probably interconnect at the existing substation located adjacent to the private airport within the City of Hurricane. If the substation is a feasible interconnection point, the project transmission line length will be less than five miles.

The interconnection voltage may be 34.5 to 230 kV, depending upon the results of studies to be completed.

The project transmission line may be one or two circuits, depending upon the results of studies to be completed and interconnection capacities.

4. Planned Installed Capacity and Average Annual Energy

At the present time, single generating units with capacities ratings of 18, 35, and 10 MW for the Little Creek Mountain, Hurricane Cliffs, and Sand Hollow Hydroelectric Developments, respectively. For the Hurricane Cliffs Pumped Storage Hydroelectric Development, a pumped storage concept is being studied that would envision procurement of two pump-turbine generator-motor sets, each with a nominal rating of 150 MW.

The planned installed capacity of the three hydroelectric developments is 363 MW, although this may change as studies proceed and the Applicant conducts transmission system studies and power market investigations. Assuming a 15 percent plant factor, typical for hydroelectric pumped storage, the average annual electricity production would be 400GWh. Assuming a cycle efficiency of 76 percent, which is typical for hydroelectric pumped storage, the pumping energy requirement is 525GWh annually. An additional 169 GWh would be produced through the hydroelectric energy recovery operation annually.

On a preliminary basis, the Little Creek Mountain Hydroelectric Development would provide a gross hydraulic head of approximately 630 feet. The Hurricane Cliffs Pumped Storage Hydroelectric Development would provide approximately 1125 feet of maximum gross hydraulic head and the Sand Hollow Hydroelectric Development would provide an additional 405 feet of gross maximum head. This would be analyzed further as studies proceed.

5. Lands of the United States:

All of the lands of the United States that are enclosed within the proposed project boundary are identified and tabulated in the attached Form 587 and shown on the Exhibit 4 maps.

Application for Preliminary Permit
Lake Powell Pipeline Project

6. Additional Information:

The proposed project would develop, conserve, and utilize, in the public interest, the water resources of the region. The proposed project would permit the growing municipalities of southwest Utah and adjoining areas to meet water needs during the next 50 years. In addition the project would provide additional benefits such as environmental enhancement and restoration of stream or other terrestrial and aquatic habitats along the pipeline alignment.

Exhibit 2 - Description of the Proposed Studies

1. a. Description of Studies:

Applicant proposes to conduct a detailed feasibility study of the technical features of the Project and confirm the Project's economic viability. The feasibility study will be designed to evaluate various equipment arrangements to optimize the Project configuration. The feasibility study will include:

Engineering Studies

- Water Needs Assessment
- Infrastructure Integration
- Pipeline Feasibility Engineering
- Engineering Feasibility of Pumping Stations
- Engineering Feasibility of Tunnels
- Engineering Feasibility of Intake Structure
- Engineering Feasibility of Reservoir Facilities
- Feasibility of Hydroelectric Generation Plants and Pumped Storage Facilities
- Engineering Feasibility of Power Transmission and Substations
- Right of Way Surveying
- Geotechnical and Geologic Investigations
- Hydraulic Modeling
- Corrosion Control Feasibility
- Water Treatment Feasibility

Environmental Studies

- Surface Water Resources
- Surface Water Quality
- Groundwater Resources

Application for Preliminary Permit
Lake Powell Pipeline Project

- Aquatic Resources
- Wetlands and Riparian Areas
- Threatened and Endangered Species
- Vegetation Resources
- Wildlife Resources
- Cultural Resources
- Paleontological Resources
- Recreation Resources
- Visual Resources
- Transportation
- Air Quality
- Noise
- Land Use

Economic Resource Studies

- Cost estimating, economic feasibility and financial planning investigations
- Socioeconomics
- Project Financial Analysis
- Cost and Benefit Analysis
- Power Sales and Marketing

Based on the results and findings of the initial stages of the feasibility study, Applicant will prepare a Notice of Intent and Preliminary Application Document as detailed in 18 C.F.R. §5.5 and §5.6.

b. Need for New Roads:

There are no new access roads anticipated for the studies. All areas within the proposed project boundary are accessible over existing terrain using four-wheel drive vehicles.

2. Work Plan and Schedule for New Dam Construction

a. Description of field studies:

Field studies will be required for geological investigations, topographic surveying and mapping, and environmental surveys.

Topographic surveying may involve traversing the project area on foot or in a light vehicle to conduct on the ground topographic surveying. This work is not expected to disturb or alter any lands or waters in the project area.

Environmental surveys and studies may involve traversing the area on foot or in a light vehicle to collect samples, perform inventories or to perform observations necessary to conduct the environmental analyses and evaluations required for the project. This work is not expected to disturb or alter any lands or waters in the project area.

Geological investigations may involve exploratory drill holes, test pits, test trenches and seismic surveys. If it appears that an underground powerhouse is a viable option that will be carried to the design phase, it is possible that an exploratory adit would be required (although this possibility is considered remote).

Exploratory drill holes would be required in the forebay and afterbay areas at Little Creek Mountain Hydroelectric Development and the forebay and afterbay areas at the Hurricane Cliffs Pumped Storage Hydroelectric Development, along the waterway power conduits, and at each pumping station. At this time, the total number of holes is not known, but a reasonable assumption is 5 in the upper and 5 in the lower reservoir areas, possibly three along the waterway alignments, and 5 at the pumping station locations. The exact location of such holes would be determined only after alternatives have been investigated and a preferred project concept emerges from the studies. Exploratory drilling would be designed to minimize any possible adverse environmental impacts. Best practices will be observed in terms of waste material disposal, generation of noise and noxious fumes and dust, and in completion and leaving the site. Similarly, the exact locations of test pits, trenches and seismic profiling will be dependent upon the preferred arrangement. Best practices would be adopted. State and local guidelines and regulations would apply, and would tend to contribute to minimizing any possible harm to the environment.

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b. The overall schedule is as follows:

Scheduled term		Work Item
From beginning of month	To end of month	
0	2	Engineering Screening and evaluation of alternative configurations
10	14	Selection of a preferred alternative
0	13	Engineering & Economic Studies
0	13	Environmental Studies
0	10	Initial Scoping and Consultation
0	13	Surveys and Studies
9	15	Preliminary Licensing Proposal, Consultation, and Documentation
10	20	Engineering studies to optimize the project physical configuration
0	14	Transmission interconnection planning
0	14	Cost estimating, economic feasibility and financial planning investigations
0	20	Legal and water rights matters
15	20	Preparation, review and filing of the FERC License Application

The actual work may deviate from this planned schedule, depending upon circumstances which may develop as the work proceeds.

Exhibit 3 – Statement of Costs and Financing

1. The estimated costs of carrying out or preparing studies, investigations, tests, surveys maps plans or specifications identified in Exhibit 2:

\$5 million

2. The expected sources of financing:

The Applicant has sufficient internal financial resources to fund the planned studies. The plan for project financing for all phases is provided through State of Utah authorized in the Lake Powell Pipeline Development Act (Utah Code Title 73, Chapter 28, Sections 101-405).

3. Proposed market for the power:

The proposed market for the power is through one of several utilities such as Rocky Mountain Power, Dixie Escalante Rural Electric Association, Inc., Garkane Power Association, Inc., Arizona Public Service Co., Deseret Generation and Transmission, St. George City, Santa Clara City, Washington City, Hurricane City, Utah Association of Municipal Power, Page Electric, or other load serving entities in central Utah, Nevada, and northern Arizona. The power purchaser and pumping power provider would be identified during the course of feasibility studies planned during the term of the preliminary permit.

Exhibit 4 – Maps

Required maps are attached to this application.

Exhibit 4. Lake Powell Pipeline Project Map Sheets

LARGE-FORMAT IMAGES

One or more large-format images (over 8½" X 11") go here. These images are available in E-Library at:

For Large-Format(s):

Accession No.: 20070824-0164

Security/Availability:

- PUBLIC
- NIP
- CEII
- NON-PUBLIC/PRIVILEGED

File Date: 8/21/07 Docket No.: P-12966

Parent Accession No.: 20070824-0163

Set No.: 1 of 1

Number of page(s) in set: 16

Application for Preliminary Permit
Lake Powell Pipeline Project

Land Description Forms – FERC Form 587

Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1 STATE Arizona 2. FERC PROJECT NO _____

3 TOWNSHIP 41 N RANGE 8 E MERIDIAN -111.00

4 Check one:

License
 Preliminary Permit

Check one:

Pending
 Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
	B	B	B		
7	8	9	10	11	12
			A	A	
18	17	16	15	14	13
				A	
19	20	21	22	23	24
				A	A
30	29	28	27	26	25
31	32	33	34	35	36

6 contact's name Eric Millis

telephone no. (801-538-7250)

Date submitted August 20, 2007

This information is necessary for the Federal Energy Regulatory Commission to discharge its responsibilities under Section 24 of the Federal Power Act.

Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1 STATE Arizona 2. FERC PROJECT NO _____

3 TOWNSHIP 42 N RANGE 8 E MERIDIAN -111.00

4 Check one: License Preliminary Permit Pending Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
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31	32	33	34	35	36
B	B				

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Form FERC-587
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LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 44 S RANGE 3 E MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
		B	B		
7	8	9	10	11	12
			B		
18	17	16	15	14	13
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**Public Land States
 (Rectangular Survey System Lands)**

1 STATE Utah 2. FERC PROJECT NO. _____

3 TOWNSHIP 43 S RANGE 3 E MERIDIAN --111.00

4 Check one: License Preliminary Permit Pending Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19 B	20	21	22	23	24
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31	32	33 B	34	35	36

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1. STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 43 S RANGE 1 E MERIDIAN -111.00

4 Check one: License Preliminary Permit
 Check one: Pending Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6 C	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
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4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3 C	2 C	1 C
7	8	9	10	11	12
18	17	16	15	14	13
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5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30 C	29	28	27	26	25
31 C	32 C	33	34	35	36

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 (Rectangular Survey System Lands)**

1. STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 42 S RANGE 2 W MERIDIAN T11N R00

4. Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8 D	9 D	10 D	11 D	12
18 D	17 D	16	15	14	13
19 C, D	20	21	22	23	24 C
30	29	28	27	26	25 C
31	32	33	34	35	36

6. contact's name Eric Millis
 telephone no. (801-538-7250)
 Date submitted August 20, 2007

This information is necessary for the Federal Energy Regulatory Commission to discharge its responsibilities under Section 24 of the Federal Power Act.

Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 42 S RANGE 3 W MERIDIAN -111.00

4. Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24 C
30	29	28	27	26 C	25 C
31	32	33	34 C	35 C	36

6. contact's name Eric Millis
 telephone no. (801-538-7250)
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Form FERC-587
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 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1. STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 43 S RANGE 3 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
	C	C	C		
7	8	9	10	11	12
C	C				
18	17	16	15	14	13
C					
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

6. contact's name Eric Millis
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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1. STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 43 S RANGE 4 W MERIDIAN -111.00

4. Check one: License _____ Preliminary Permit
 Check one: Pending _____ Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13 C
19	20	21	22	23 C	24 C
30	29	28	27 C	26 C	25
31	32	33 C	34 C	35	36

6. contact's name Eric Millis
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Form FERC-587
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 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1 STATE Utah 2. FERC PROJECT NO. _____

3 TOWNSHIP 44 S RANGE 4 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
E	C, E	C			
7	8	9	10	11	12
E					
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

6 contact's name Eric Millis
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Form FERC-587
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 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Arizona 2. FERC PROJECT NO. _____

3 TOWNSHIP 42 N RANGE 1 E MERIDIAN -111.00

4. Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36
		E	E		

6. contact's name Eric Millis
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 Date submitted August 20, 2007

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Form FERC-587
 OMB No 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1 STATE Arizona 2. FERC PROJECT NO. _____

3. TOWNSHIP 41 N RANGE 1E MERIDIAN -111.00

4 Check one:

License
 Preliminary Permit

Check one:

Pending
 Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5 E	4 E	3	2	1
7 E, F	8 E, F	9	10	11	12
18 F	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

6. contact's name Eric Millis

telephone no. (801-538-7250)

Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Arizona 2. FERC PROJECT NO. _____

3. TOWNSHIP 41 N RANGE 1 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
				F	F
18	17	16	15	14	13
				F	F
19	20	21	22	23	24
		F	F	F	
30	29	28	27	26	25
	F	F			
31	32	33	34	35	36
F	F				

6. contact's name Eric Millis
 telephone no. (801-538-7250)
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Form FERC-587
 OMB No 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1. STATE Arizona 2. FERC PROJECT NO. _____

3. TOWNSHIP 40 N RANGE 1 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6 F	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

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 Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1. STATE Arizona 2. FERC PROJECT NO. _____

3. TOWNSHIP 40 N RANGE 2 W MERIDIAN -111.00

4. Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
					F
7	8	9	10	11	12
				F	F
18	17	16	15	14	13
			F	F	
19	20	21	22	23	24
			F		
30	29	28	27	26	25
			F		
31	32	33	34	35	36
F	F	F	F		

6. contact's name Eric Millis
 telephone no. (801-538-7250)
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Form FERC-587
 OMB No 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1. STATE Arizona 2. FERC PROJECT NO. _____

3. TOWNSHIP 40 N RANGE 3 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36
F	F	F	F	F	F

6. contact's name Eric Millis
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 Date submitted August 20, 2007

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Form FERC-587
OMB No. 1902-0145
(Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
(Rectangular Survey System Lands)**

1. STATE Arizona 2. FERC PROJECT NO. _____

3 TOWNSHIP 39 N RANGE 4 W MERIDIAN -111.00

4 Check one: License Preliminary Permit
Check one: Pending Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5 G	4 G	3 G	2 F	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

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telephone no. (801-538-7250)
Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1 STATE Arizona 2. FERC PROJECT NO. _____

3 TOWNSHIP 39 N RANGE 5 W MERIDIAN 111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
G	G	G	G	G	G
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

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 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1. STATE Arizona 2. FERC PROJECT NO. _____

3. TOWNSHIP 40 N RANGE 5 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36
G					

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Form FERC-587
 OMB No 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Arizona 2. FERC PROJECT NO. _____

3. TOWNSHIP 40 N RANGE 6 W MERIDIAN -111.00

4. Check one.

Check one:

License
 Preliminary Permit

Pending
 Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
G	G				
7	8	9	10	11	12
G	G				
18	17	16	15	14	13
G	G	G			
19	20	21	22	23	24
		G	G	G	
30	29	28	27	26	25
			G	G	
31	32	33	34	35	36
			G	G	G

6. contact's name Eric Millis

telephone no. (801-538-7250)

Date submitted August 20, 2007

This information is necessary for the Federal Energy Regulatory Commission to discharge its responsibilities under Section 24 of the Federal Power Act.

Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1 STATE Arizona 2. FERC PROJECT NO. _____

3. TOWNSHIP 41 N RANGE 6 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18 G	17 G	16	15	14	13
19 G	20 G	21	22	23	24
30 G	29 G	28	27	26	25
31 G	32 G	33	34	35	36

6 contact's name Eric Millis
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 Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1 STATE Arizona 2. FERC PROJECT NO. _____

3 TOWNSHIP 41 N RANGE 7 W MERIDIAN --111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
				H	H
7	8	9	10	11	12
					H
18	17	16	15	14	13
					G, H
19	20	21	22	23	24
					G
30	29	28	27	26	25
31	32	33	34	35	36

6 contact's name Eric Millis
 telephone no. (801-538-7250)
 Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1. STATE Arizona 2. FERC PROJECT NO. _____

3. TOWNSHIP 42 N RANGE 7 W MERIDIAN -111.00

4. Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36
		H	H	H	

6 contact's name Eric Millis
 telephone no. (801-538-7250)
 Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1. STATE Utah 2. FERC PROJECT NO. _____

3 TOWNSHIP 43 S RANGE 11 W MERIDIAN --111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6 H	5	4	3	2	1
7 H	8	9	10	11	12
18 H	17 H	16	15	14	13
19	20	21 H	22 H	23	24
30	29	28	27	26	25
31	32	33	34	35 H	36

6. contact's name Eric Millis
 telephone no. (801-538-7250)
 Date submitted August 20, 2007

This information is necessary for the Federal Energy Regulatory Commission to discharge its responsibilities under Section 24 of the Federal Power Act.

Form FERC-587
 OMB No 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 43 S RANGE 12 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
					H, I
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

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 Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1 STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 42 S RANGE 12 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29 I	28 I	27	26	25
31 I	32	33	34 I	35 I	36

6 contact's name Eric Millis
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 Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Utah 2. FERC PROJECT NO _____

3 TOWNSHIP 42 S RANGE 13 W MERIDIAN -111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35 I	36

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION
Public Land States
(Rectangular Survey System Lands)

1 STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 43 S RANGE 13 W MERIDIAN 111.00

4 Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4 I	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

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 Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1 STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 41 S RANGE 14 W MERIDIAN -111.00

4. Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14 J	13 J
19	20	21	22	23 J	24
30	29	28	27	26	25
31	32	33	34	35	36

6. contact's name Eric Millis
 telephone no. (801-538-7250)
 Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1 STATE Utah 2. FERC PROJECT NO. _____

3 TOWNSHIP 40 S RANGE 13 W MERIDIAN -111.00

4. Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15 J, K	14 J, K	13
19	20	21	22 J	23	24
30	29	28 J	27	26	25
31	32	33 J	34	35	36

6 contact's name Eric Millis
 telephone no. (801 538-7250)
 Date submitted August 20, 2007

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Form FERC-587
 OMB No 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 39 S RANGE 13 W MERIDIAN -111.00

4. Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Utah 2. FERC PROJECT NO. _____

3 TOWNSHIP 39 S RANGE 12 W MERIDIAN -111.00

4 Check one:

License
 Preliminary Permit

Check one:

Pending
 Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
	K				
7	8	9	10	11	12
K	K				
18	17	16	15	14	13
K					
19	20	21	22	23	24
K					
30	29	28	27	26	25
31	32	33	34	35	36

6. contact's name Eric Millis

telephone no. (801-538-7250)

Date submitted August 20, 2007

This information is necessary for the Federal Energy Regulatory Commission to discharge its responsibilities under Section 24 of the Federal Power Act.

Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Utah 2. FERC PROJECT NO. _____

3. TOWNSHIP 38 S RANGE 12 W MERIDIAN -111.00

4. Check one: Check one:
 License Pending
 Preliminary Permit Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29 K	28	27	26	25
31	32	33	34	35	36

6. contact's name Eric Millis
 telephone no. (801-538-7250)
 Date submitted August 20, 2007

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Form FERC-587
 OMB No. 1902-0145
 (Expires 06/30/2009)

LAND DESCRIPTION

**Public Land States
 (Rectangular Survey System Lands)**

1. STATE Utah 2. FERC PROJECT NO. _____

3 TOWNSHIP 38 S RANGE 12 W MERIDIAN -111.00

4 Check one:

License
 Preliminary Permit

Check one:

Pending
 Issued

If preliminary permit is issued, give expiration date: _____

5. EXHIBIT SHEET NUMBERS OR LETTERS

Section 6	5	4	3	2	1
					M
7	8	9	10	11	12
					M
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

6. contact's name Eric Millis

telephone no. (801-538-7250)

Date submitted August 20, 2007

This information is necessary for the Federal Energy Regulatory Commission to discharge its responsibilities under Section 24 of the Federal Power Act.

Application for Preliminary Permit
Lake Powell Pipeline Project

Appendix 1 – Lake Powell Pipeline Development Act

LAKE POWELL PIPELINE DEVELOPMENT ACT

2006 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill authorizes the Board of Water Resources to build the Lake Powell Pipeline project.

Highlighted Provisions:

This bill:

- ▶ enacts the Lake Powell Pipeline Development Act;
- ▶ defines terms;
- ▶ authorizes the Board of Water Resources to:
 - make rules;
 - build the Lake Powell Pipeline project; and
 - contract for the sale of developed water and operation of the project;
- ▶ creates the Project Management Committee;
- ▶ authorizes the building of hydroelectric generating works;
- ▶ authorizes the water districts to use, exchange, or sell developed water; and
- ▶ establishes an enterprise fund for the operation and maintenance of the project.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

- 73-28-101, Utah Code Annotated 1953
- 73-28-102, Utah Code Annotated 1953
- 73-28-103, Utah Code Annotated 1953
- 73-28-104, Utah Code Annotated 1953
- 73-28-105, Utah Code Annotated 1953
- 73-28-201, Utah Code Annotated 1953
- 73-28-202, Utah Code Annotated 1953
- 73-28-203, Utah Code Annotated 1953
- 73-28-301, Utah Code Annotated 1953
- 73-28-302, Utah Code Annotated 1953
- 73-28-401, Utah Code Annotated 1953
- 73-28-402, Utah Code Annotated 1953
- 73-28-403, Utah Code Annotated 1953
- 73-28-404, Utah Code Annotated 1953
- 73-28-405, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 73-28-101 is enacted to read:

CHAPTER 28. LAKE POWELL PIPELINE DEVELOPMENT ACT

Part 1. General Provisions

73-28-101. Title.

This chapter is known as the "Lake Powell Pipeline Development Act."

Section 2. Section 73-28-102 is enacted to read:

73-28-102. Scope.

Nothing in this chapter may be construed to prevent any person, subject to other provisions of law, from developing the waters of the Colorado River.

Section 3. Section 73-28-103 is enacted to read:

73-28-103. Definitions.

As used in this chapter:

(1) "Board" means the Board of Water Resources.

(2) "Committee" means the Project Management Committee created in Section 73-28-105.

(3) (a) "Construction costs" means all costs related to the construction of the project, including the environmental mitigation costs.

(b) Construction costs include:

(i) acquisition of land and rights-of-way;

(ii) board and division expenses related to the project;

(iii) compensation for impairment of existing water rights;

(iv) construction of the project;

(v) design;

(vi) engineering;

(vii) environmental studies;

(viii) legal work;

(ix) permitting;

(x) planning; and

(xi) rebuilding and relocating highways or other facilities affected by the project.

(4) "Developed waters" means surface water developed by the project.

(5) "Division" means the Division of Water Resources.

(6) "District" means:

(a) the Central Iron County Water Conservancy District;

(b) the Kane County Water Conservancy District;

(c) the Washington County Water Conservancy District; or

(d) any combination of those districts listed in Subsections (6)(a) through (c).

(7) "Environmental mitigation costs" means costs associated with obtaining permits required by federal, state, or local governmental agencies.

(8) "Preconstruction costs" means any of the following costs incurred before project construction begins:

(a) planning;

(b) design;

(c) engineering studies;

(d) legal work;

(e) permitting;

(f) acquisition of land and rights-of-way;

(g) compensation for impairment of existing water rights;

(h) environmental studies; or

(i) any combination of Subsections (8)(a) through (h).

(9) (a) "Project" means the Lake Powell Pipeline project and associated facilities, including:

(i) facilities associated with environmental mitigation;

(ii) hydroelectric generating works and incidental electrical facilities;

(iii) pipelines; and

(iv) pumping stations.

(b) Notwithstanding Subsection (9)(a), associated facilities does not include the local facilities necessary for the treatment and local delivery of the developed water.

(10) "Project costs" include preconstruction costs, construction costs, and project operation, maintenance, repair, and replacement costs.

Section 4. Section 73-28-104 is enacted to read:

73-28-104. Powers of the board.

(1) The board may contract with:

(a) a district for the sale of developed water;

(b) a qualified entity for the development or construction of the project; or

(c) a district or other qualified entity for the operation, maintenance, repair, or replacement of the project.

(2) By following the procedures and requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking, the board may make rules to:

(a) establish prices, in consultation with the committee and in accordance with Section 73-28-403, for:

(i) developed water sold to the districts; and

(ii) electricity made available by the project;

(b) establish procedures for reviewing offers to contract for the sale of developed water and electricity;

(c) establish the interest rate for repayment of preconstruction and construction costs;

(d) establish a reasonable time period for the districts to offer to purchase water;

and

(e) administer and operate the project.

(3) The board may exercise eminent domain, as provided in Title 78, Chapter 34, Eminent Domain, to construct the project.

Section 5. Section 73-28-105 is enacted to read:

74-28-105. Project Management Committee created.

(1) There is created a Project Management Committee within the division.

(2) (a) The committee shall be comprised of one representative appointed by:

(i) the division director;

(ii) the board; and

(iii) each of the participating districts.

(b) The division representative is the chair of the committee.

(3) (a) The members shall serve a four-year term.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was appointed.

(4) (a) A majority of the members of the committee constitute a quorum of the committee.

(b) The action of a majority of a quorum constitutes the action of the committee.

(5) The committee shall:

(a) consult with the board on a regular basis concerning:

(i) the development and construction of the project;

(ii) the operation, maintenance, repair, and replacement of the project; and

(iii) the prices of developed water and electricity; and

(b) approve all expenditures from the fund created in Section 73-28-404.

Section 6. Section 73-28-201 is enacted to read:

Part 2. Board of Water Resources to Construct the Lake Powell Pipeline

73-28-201. Lake Powell Pipeline Project.

(1) The board shall:

(a) construct the project as funded by the Legislature;

(b) own, operate, and maintain the project until the title is transferred under Section 73-28-405; and

(c) consult with the committee on a regular basis concerning the development, construction, operation, maintenance, repair and replacement of the project.

(2) (a) The board may contract with the State of Arizona to participate in the project to develop its water rights.

(b) The board shall ensure that the contract requires the State of Arizona to pay for all project costs represented by its share of the project.

Section 7. Section 73-28-202 is enacted to read:

73-28-202. Construction contingent upon sale of water.

(1) Except as provided in Subsection (3), the board may not expend monies for construction costs for the project until:

(a) the board has contracted with the districts for the sale of 70% or more of the developed water; and

(b) all permits required by the environmental impact statement have been obtained.

(2) Construction of the project and implementation of any environmental mitigation requirements may proceed concurrently.

(3) The board may make expenditures for preconstruction costs if monies are expressly appropriated or earmarked by statute for that purpose by the Legislature.

Section 8. Section 73-28-203 is enacted to read:

73-28-203. Development of hydroelectric generating works -- Electricity offered to public utilities or municipalities.

(1) The board may construct and own hydroelectric generating works and incidental electrical facilities in association with the project.

(2) (a) Except for electricity needed for project operations, the board shall first offer to sell electricity derived from any hydroelectric generating works owned by it to public utilities or municipalities providing electricity to consumers in Utah.

(b) The board, in consultation with the committee and in accordance with Section 73-28-403, shall establish the prices at which the electricity is sold.

(3) In accordance with Section 51-4-1, the board shall deposit:

(a) revenues received from the sale of electricity designated for the repayment of preconstruction and construction costs and interest into the Water Resources Conservation and Development Fund;

(b) revenues received from the sale of electricity designated for project operation, maintenance, repair, and replacement costs into the Lake Powell Pipeline Project Operation and Maintenance Fund; and

(c) any additional revenues received from the sale of electricity into the Water Resources Conservation and Development Fund.

Section 9. Section 73-28-301 is enacted to read:

Part 3. Allocation of Developed Waters

73-28-301. Entities eligible to receive developed water.

(1) Except for developed water reserved for wildlife or public recreation, the board shall make the developed water available by contract exclusively to the districts listed in Subsection 73-28-103(6).

(2) A district that purchases developed water may:

(a) use the water directly;

(b) exchange the water by following the procedures and requirements of Section 73-3-20; or

(c) sell the water to any entity or person.

(3) Districts purchasing developed water shall build any facilities necessary for the treatment and local delivery of the developed water.

Section 10. Section 73-28-302 is enacted to read:

73-28-302. Limits on amount of water available to any entity or area --

Exception.

(1) Except as provided in Subsection (2), the total amount of developed water that the board may make available to any district is limited as follows:

(a) The Kane Water Conservancy District may purchase no more than 10,000 acre-feet of developed water per calendar year.

(b) The Washington County Water Conservancy District may purchase no more than 69,000 acre-feet of developed water per calendar year.

(c) The Central Iron County Water Conservancy District may purchase no more than the amount of Colorado River water it acquires.

(2) (a) A district may purchase developed water in excess of the limits specified in Subsection (1) for that calendar year if:

(i) developed water is available; and

(ii) no other district eligible to receive the developed water has offered to purchase it.

(b) The board may expand the size of the project and exceed the limits in Subsection (1) if the board or a district acquires additional water rights.

(3) Before beginning the final design of the project, the board shall make rules establishing a reasonable time during which the districts may offer to purchase developed water.

(4) If Central Iron County Water Conservancy District acquires water rights and participates in the project, the board shall ensure that:

(a) the project is sized and constructed to transport the Central Iron County Water Conservancy District's water from Lake Powell; and

(b) facilities from Washington County to Cedar City are included in the project.

Section 11. Section 73-28-401 is enacted to read:

Part 4. Financing and Cost Recovery

73-28-401. Analysis of benefits and costs -- Allocation of costs.

(1) The board shall allocate project costs based on the economic costs and benefits of the developed water and electricity among the following water uses:

(a) municipal and industrial;

(b) electricity;

(c) public recreation; and

(d) fish and wildlife.

(2) The state shall pay the non-reimbursable project costs allocated to recreation and fish and wildlife.

Section 12. Section 73-28-402 is enacted to read:

73-28-402. Agreement for delivery -- Period for repayment of costs.

(1) The board and each district shall establish by contract the timing and amount of developed water to be delivered to the district.

(2) If a contract was made before the project's completion, the district shall repay the preconstruction and construction costs within 50 years from the date of:

(a) the delivery of developed water to the district during the first ten years after the project is completed; or

(b) the project's completion for any developed water delivered to the district after the tenth anniversary date of the project's completion.

(3) If a contract was made after the project's completion date, the district shall repay the preconstruction and construction costs within a period not to exceed 50 years from the date that the contract was made.

(4) The board shall establish and charge a reasonable interest rate for the unpaid balance of reimbursable preconstruction and construction costs.

Section 13. Section ~~73-28-403~~ is enacted to read:

~~73-28-403.~~ **Water and electricity charges.**

The board, in consultation with the committee, shall establish prices for the developed water sold to the districts and electricity sufficient to:

(1) recover the reimbursable preconstruction costs, construction costs, and interest on those costs within the time period specified in Section 73-28-402;

(2) pay for operation and maintenance costs;

(3) accumulate an adequate reserve for repair and replacement; and

(4) allocate the proportionate cost of the project facilities required to deliver the developed water to each district.

Section 14. Section ~~73-28-404~~ is enacted to read:

~~73-28-404.~~ **Repayments returned to Water Resources Conservation and Development Fund -- Establishment of an enterprise fund.**

(1) The board shall deposit, in accordance with Section 51-4-1, into the Water Resources Conservation and Development Fund:

(a) repayments of preconstruction and construction costs; and

(b) the interest charged.

(2)(a) There is created an enterprise fund, as defined in Subsection 51-5-4(8), entitled the "Lake Powell Pipeline Project Operation and Maintenance Fund".

(b) The fund consists of:

(i) revenues received from the sale of developed water that is designated for project operation, maintenance, repair, and replacement costs;

(ii) revenues received from the sale of electricity that are deposited in the fund in accordance with Subsection 73-28-203(3); and

(iii) all interest earned by the fund.

(3) (a) Any unexpended monies remaining in the fund at the end of the fiscal year are nonlapsing.

(b) Notwithstanding Section 63-38-3.6, the Legislature may not appropriate any monies from the Lake Powell Pipeline Project Operation and Maintenance Fund.

(4) The state treasurer shall:

(a) invest the monies in the enterprise fund by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and

(b) deposit all interest or other earnings derived from those investments into the Lake Powell Pipeline Operation and Maintenance Fund.

(5) The committee shall approve the expenditure of fund monies to cover the project operation, maintenance, repair and replacement costs, subject to:

(a) monies available in the fund; and

(b) rules established by the board under Subsection 73-28-104(2)(d).

(6) If title to the project is transferred under Section 73-28-405, the agreement shall direct the disposition of the monies remaining in the fund.

Section 15. Section ~~73-28-405~~ is enacted to read:

~~73-28-405.~~ **Transfer of title to Project and Water Rights to Districts.**

(1) The board shall convey the project's title and its associated water rights to the districts if:

(a) the state has been fully compensated for all of its reimbursable costs;

(b) the board finds that the conveyance of the project's title would be in the best interest of the state, the districts, and those receiving developed water; and

(c) the districts enter into an agreement with each other and the board that would ensure the continued operation, maintenance, repair, and replacement of the project.

(2) The board shall convey the project's title and its associated water rights to the districts in proportion to the amount each district paid for the developed water it received.