

## Chapter 23 West Desert Pumping Project

### 73-23-1 Legislative findings.

- (1) The Legislature finds that the level of the Great Salt Lake has risen sharply in recent years due to extreme weather conditions. The high level of the lake has caused extraordinary flooding conditions resulting in substantial damage to public and private facilities. Those conditions pose a threat to life, health, and property, and in particular may result in extensive damage to public lands, major transportation routes, and other public facilities.
- (2) The Legislature finds that some of the existing and anticipated extraordinary flooding conditions can be alleviated by construction of the West Desert Pumping Project.
- (3) The Legislature declares it is in the public interest and a public purpose to construct the West Desert Pumping Project as a means of counteracting the threat to life, health, and property in general and to public lands, major transportation routes, and other public facilities in particular.
- (4) The Legislature finds that all activities engaged in under authority of this chapter are governmental functions and governmental entities and their officers and employees are immune from suit for any injury or damage resulting from those activities.

Enacted by Chapter 6, 1986 Special Session 2

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### 73-23-2 Appropriation -- Projects authorized.

- (1) There is appropriated from the Water Resources Conservation and Development Fund \$30,000,000 to the following agencies for fiscal year 1985-86 to pay all or any portion of any of the following projects, including but not limited to:
  - (a) To the Division of Water Resources to pay for all or any portion of the West Desert Pumping Project, Bare Bones West Desert Pumping

\$60,000,000

- (b) To the Disaster Relief Board for allocation to the appropriate entities to pay for all or any portion of any diking or other flood damage or mitigation costs as determined by the board with the concurrence of the governor, including, but not limited to: implementing the finger diking project in Salt Lake County, raising the breakwaters around the Great Salt Lake Marina and diking the east side of the parking lot, raising the AMAX North dike to protect I-80, raising the American Salt Company dike, raising the South Davis WWTP - North Plant dikes, diking the Little Mountain WWTP, and diking the Corinne Sewage Lagoon

\$10,000,000

- (c) To the Division of Water Resources for preconstruction design studies for a state water plan for upstream water development

\$500,000

- (d) To the Division of Water Resources to pay for the engineering

and design work for the interisland diking projects (diking from Antelope Island to Fremont Island and from Fremont Island to Promontory Point) by July 1, 1987.

\$1,200,000

- (2) All money provided under this chapter shall be nonlapsing and may be used for all acquisitions and construction costs, including, without exclusion or limitation, operation and maintenance, the cost of acquiring land, interests in land, easements and rights-of-way, the cost of improving sites, and of acquiring, constructing, equipping, and furnishing facilities and all structures, roads, utilities, and improvements necessary, incidental, or convenient to the facilities and all related engineering, architectural, and legal fees.

Enacted by Chapter 6, 1986 Special Session 2

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### **73-23-3 Duties and powers of Division of Water Resources.**

For purposes of this chapter, the Division of Water Resources:

- (1) shall provide for the construction, operation, and maintenance of the West Desert Pumping Project;
- (2) may enter into agreements as necessary to provide for all or any portion of the West Desert Pumping Project, including any indemnification agreements required by the federal government;
- (3) may acquire land or any other property right by any lawful means, including eminent domain;
- (4) is exempt from Title 63G, Chapter 6a, Utah Procurement Code; and
- (5) may proceed without obtaining water right approval from the state engineer.

Amended by Chapter 347, 2012 General Session

### **73-23-4 Legislative findings.**

- (1) The Legislature finds that the West Desert Pumping Project was implemented as an emergency flood control project. The project was undertaken, specifically, to protect critical public facilities and, more generally, to abate an imminent threat to life, health, and property.
- (2) The Legislature finds that the level of the Great Salt Lake can be lowered by implementing a long-term program to develop waters upstream of the lake. A water development program will have other beneficial uses, including the provision of municipal and industrial water to meet the needs of the state's growing population.

Enacted by Chapter 232, 1988 General Session

### **73-23-5 Interim committee study responsibilities of Division of Water Resources.**

The Division of Water Resources shall:

- (1) evaluate the first year's operation of the West Desert Pumping Project;
- (2) define the operational range and limitations of the West Desert Pumping Project as an emergency flood control project;
- (3) assess the feasibility of developing a cooperative ownership, operation, and maintenance plan for the project with public and private entities;
- (4) identify long-term water development opportunities upstream of the Great Salt Lake; and

(5) report their findings to the Energy, Natural Resources and Agriculture Interim Committee before October 1, 1988.

Enacted by Chapter 232, 1988 General Session

**73-23-6 Use of certain remaining construction funds.**

The division may use up to \$25,000 of the remaining West Desert Pumping Project construction funds to conduct the activities specified in Section 73-23-5.

Enacted by Chapter 232, 1988 General Session