

Part 1 General Provisions

73-28-101 Title.

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

Enacted by Chapter 216, 2006 General Session

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.

Enacted by Chapter 216, 2006 General Session

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 water" means surface water developed by the project.
- (5) "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 (5)(a) through (c).
- (6) "Division" means the Division of Water Resources.
- (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 do 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.

Enacted by Chapter 216, 2006 General Session

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 63G, Chapter 3, Utah Administrative Rulemaking Act, 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 78B, Chapter 6, Part 5, Eminent Domain, to construct the project.

Amended by Chapter 3, 2008 General Session

Amended by Chapter 382, 2008 General Session

73-28-105 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.

Enacted by Chapter 216, 2006 General Session