

## 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.

Enacted by Chapter 216, 2006 General Session

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

- (1) Except as provided in Subsection (3), the board may not expend money for construction costs for any phase of the project until:
  - (a) the board has contracted with the districts for the sale of at least 70% of the water developed by that phase of the project; 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 money is expressly appropriated or earmarked by statute for that purpose by the Legislature.

Amended by Chapter 342, 2011 General Session

#### **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.

Enacted by Chapter 216, 2006 General Session