

# APPLICATION FOR PERMANENT CHANGE OF WATER

## STATE OF UTAH

Rec. by *Jm*

Fee Amt. \$500.00

Receipt # *0901057*

For the purpose of obtaining permission to make a permanent change of water in the State of Utah, application is hereby made to the State Engineer, based upon the following showing of facts, submitted in accordance with the requirements of Section 73-3-3 Utah Code Annotated 1953, as amended.

CHANGE APPLICATION NUMBER: *035402*

WATER RIGHT NUMBER: 89-74

(c7318JAUSICK)

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This Change Application proposes to change the POINT(S) OF DIVERSION, PLACE OF USE, and NATURE OF USE.

\*\*\*\*\*

### 1. OWNERSHIP INFORMATION.

A. NAME: Kane County Water Conservancy District  
ADDRESS: 190 West Center Street, Suite 200  
P. O. Box 122  
Kanab UT 84741

INTEREST: 100%

B. PRIORITY OF CHANGE:

FILING DATE:

C. EVIDENCED BY: 89-1285 (A35818a), 89-1513 (A35818ab), 89-74 (A35818)

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\* DESCRIPTION OF CURRENT WATER RIGHT: \*  
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### 2. SOURCE INFORMATION.

A. QUANTITY OF WATER: 29,600.0 acre-feet

B. SOURCE: Wahweap Creek

COUNTY: Kane

C. POINT(S) OF DIVERSION.

#### POINTS OF DIVERSION -- SURFACE:

- (1) N 1,200 feet E 2,700 feet from SW corner, Section 02, T 43S, R 2E, SLBM  
DIVERT WORKS: Sump and pumping facility  
SOURCE: Wahweap Creek
- (2) N 0 feet E 300 feet from SW corner, Section 03, T 43S, R 4E, SLBM  
DIVERT WORKS: Pumping station  
SOURCE: Lake Powell, Colorado River

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3. WATER USE INFORMATION.

POWER: from Jan 1 to Dec 31.

POWER PLANT TYPE: Steam Generation.

POWER PLANT NAME: Kaiparowits.

RATED CAPACITY: 5,000 MW.

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4. PLACE OF USE.

(Which includes all or part of the following legal subdivisions:)

BASE TOWN	RANG	SEC	NORTH-WEST 1/4				NORTH-EAST 1/4				SOUTH-WEST 1/4				SOUTH-EAST 1/4						
			NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE			
SL 41S	3E	25	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		32	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		33	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		34	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		35	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		36	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
SL 41S	4E	07	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		08	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		18	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		19	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		30	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
SL 42S	2E	01	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		11	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		12	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		14	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		23	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		26	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
SL 42S	3E	05	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		06	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		07	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
SL 43S	3E	02	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		11	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
SL 43S	4E	05	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X
		06			X	X	***			X	X	***	X	X	X	X	***	X	X	X	X

\*-----\*  
 \* THE FOLLOWING CHANGES ARE PROPOSED: \*  
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5. SOURCE INFORMATION.

A. QUANTITY OF WATER: 29,600.0 acre-feet

B. SOURCE: Green River

C. POINT(S) OF DIVERSION. Changed as Follows:

COUNTY: Emery  
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**POINTS OF DIVERSION -- SURFACE:**

- (1) S 900 feet E 397 feet from NW corner, Section 22, T 21S, R 16E, SLBM
- (2) S 1,500 feet E 474 feet from NW corner, Section 22, T 21S, R 16E, SLBM
- (3) S 600 feet E 324 feet from NW corner, Section 22, T 21S, R 16E, SLBM
- (4) S 1,200 feet E 455 feet from NW corner, Section 22, T 21S, R 16E, SLBM
- (5) S 300 feet E 72 feet from NW corner, Section 22, T 21S, R 16E, SLBM

**D. COMMON DESCRIPTION:**

**6. STORAGE.** Changed as Follows:

Water is diverted for storage into:

- (1) Unnamed reservoir, from Jan 1 to Dec 31.  
 CAPACITY: 2,000,000 ac-ft. INUNDATING: 100.000 acs. DAM HEIGHT: 30 ft.  
 Area inundated includes all or part of the following legal subdivisions:

BASE TOWN RANG SEC	NORTH-WEST 1/4				NORTH-EAST 1/4				SOUTH-WEST 1/4				SOUTH-EAST 1/4			
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE
SL 21S 15E 11				***			X	X	***	X	X			***	X	X
12			X	X	***				***	X	X			***		

**7. WATER USE INFORMATION.** Changed as Follows:

POWER: from Jan 1 to Dec 31.

POWER PLANT TYPE: Steam Generation.  
 POWER PLANT NAME: Blue Castle Project  
 RATED CAPACITY: 3,000 MW.

**8. PLACE OF USE.** Changed as Follows:

(Which includes all or part of the following legal subdivisions:)

BASE TOWN RANG SEC	NORTH-WEST 1/4				NORTH-EAST 1/4				SOUTH-WEST 1/4				SOUTH-EAST 1/4						
	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE	NW	NE	SW	SE			
SL 21S 15E 02	X	X	X	X	***	X	X	X	X	***	X	X	X	X	***	X	X	X	X

**9. EXPLANATORY.**

The Kane County Water Conservancy District ( District ) files the change application to use 29,600 acre-feet of water previously approved for a coal-fired steam generation power plant known as the Kaiparowits project. The Kaiparowits power project was abandoned after the lands were included as part of the 1996 Grand Staircase-Escalante National Monument.

The District proposes that the water now be used for a nuclear power plant, with a rated capacity of 1,500 to 3,000 MW, in Emery County pursuant to a Water Rights Lease Agreement with Transition Power Development LLC (TPD). TPD is a Utah limited liability company which serves the electric power generation industry by identifying and developing new nuclear power plant sites in the western United States.

The water rights for the change application are part of Utah's

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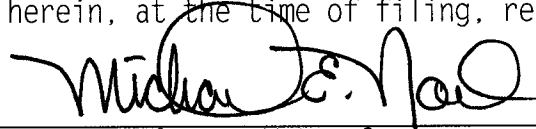
under the Colorado River Compact. Rather than divert the water from Lake Powell as previously authorized, the application proposes to divert the water from another point on the Colorado River drainage in Emery County.

The original Application to Appropriate Number A35818 was approved for all the water diverted to be 100% depleted. Likewise, water under this change application may be 100% depleted.

The hereafter points of diversion from the Green River and the hereafter places of use described in the change application represent alternative points and places of use. After construction, the points of diversion and places of use not utilized will be abandoned.

**10. SIGNATURE OF APPLICANT(S).**

The undersigned hereby acknowledges that even though he/she/they may have been assisted in the preparation of the above-numbered application, through the courtesy of the employees of the Division of Water Rights, all responsibility for the accuracy of the information contained herein, at the time of filing, rests with the applicant(s).



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Kane County Water Conservancy District

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# Hereafter Change Application Map



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## Utah Division of Water Rights



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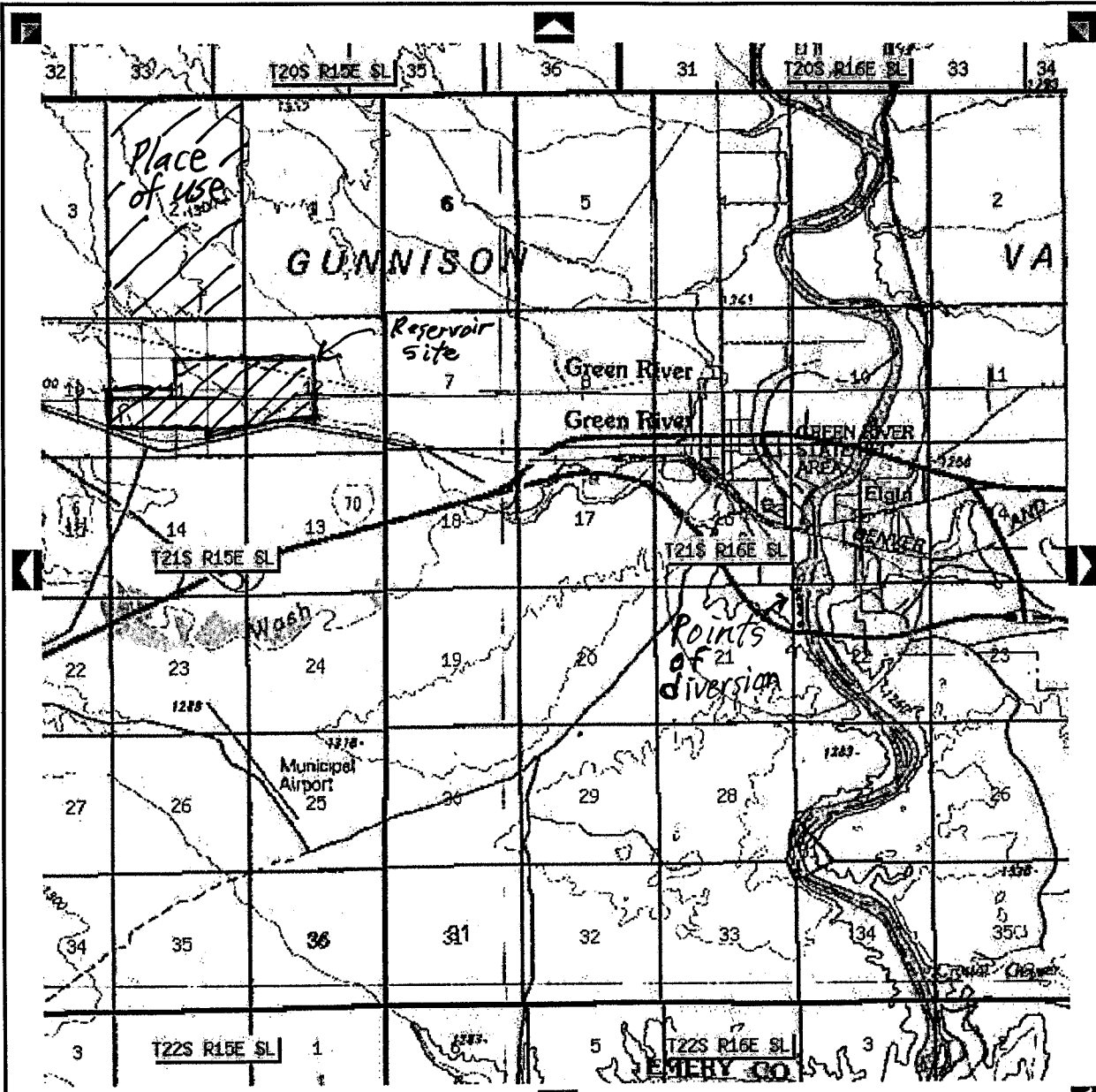
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