

PROTEST

PROTEST FEE PAID

\$15.00 18-01658

Fee Rec'd BY: ONLINE

April 6, 2018

Protestant: PacifiCorp
c/o Buffi Morris
1407 W. North Temple, #110
Salt Lake City, UT 84116

RE: Protest of Water Right Application 41-3747

Letter submitted via email on April 6th.

Buffi Morris

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APR 06 2018

WATER RIGHTS

ONLINE

SCANNED



1407 West North Temple, Suite 110, Salt Lake City, Utah 84116

April 6, 2018

Mr. Kent L. Jones, P.E.
Utah State Engineer
1594 West North Temple, Suite 220
Salt Lake City, Utah 84114-6300

Re: PacifiCorp protest regarding Export Application Number 41-3747 (A81080) filed by Water Horse Resources, LLC

Dear Mr. Jones:

PacifiCorp protests the Water Right Export Application/Application to Appropriate Number 41-3747 (A81080) ("Application") filed by Water Horse Resources, LLC. The Application fails to meet the requirements of the Utah Water Export Act and section 73-3-8 which governs applications to appropriate. In addition, because of PacifiCorp's significant water and power interests across the Green River Basin, there are critical concerns which must be addressed in investigating and reviewing the Application to protect PacifiCorp's interests. PacifiCorp respectfully requests that the Application be denied.

Background

PacifiCorp is a large, regulated western electric utility that serves approximately 1.8 million residential, commercial and industrial electric customers throughout its six state service territory, which includes Utah and Wyoming. It owns over 10,000 gross megawatts of electrical generation capacity company-wide, and nearly 80,000 miles of transmission and distribution lines across the west.

PacifiCorp's electrical system interconnects with other utilities in over 100 locations enabling PacifiCorp to buy and sell power with several other western utilities. This makes PacifiCorp a critical resource for supplying and moving power throughout the western states.

PacifiCorp is the owner, or majority owner, and operator of four coal fired power plants located in the Green River Basin with a combined generating capacity of over 5,000 megawatts. These plants include the Jim Bridger Plant and the Naughton Plant – which are located in southwestern Wyoming, and the Huntington Plant and Hunter Plant – which are located in southeastern Utah. These four plants have a combined annual water consumption of approximately 58,000 acre-feet. The water supplies used to operate these plants are generated either from the Green River itself or tributaries to the Green River, and are entirely made up of Colorado River Basin water.

In addition, PacifiCorp holds minority ownership interest in the Craig Station and Hayden Station, representing approximately 244 megawatts. Both the Craig Station and Hayden Station

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WATER RIGHTS
SALT LAKE

- The proposed plan is physically and economically feasible and would not prove detrimental to the public welfare;
- The applicant has the financial ability to complete the proposed works; and
- The application was filed in good faith and not for purposes of speculation or monopoly.

There are many unanswered questions relative to the proposed project and water rights which must be thoroughly investigated and addressed by the State Engineer. For example, with this being a Utah water right with the points of diversion located in Utah and the place of use in Colorado, who will administer the water right to ensure proper and timely distribution and beneficial use? Also, how will water under this application be administered in times of water shortages, including in the event of a future Colorado River Compact call, relative to all the water rights in Utah and Wyoming, including those of PacifiCorp?

The application is highly speculative and vague. The specific places and nature of use are unknown. No information has been provided regarding water contracts or other water use agreements demonstrating a real need for the water in Colorado.

The Application could lead to impairment of PacifiCorp's water rights. Appropriating such a large amount of water out of the Colorado River Basin has the potential to significantly increase the likelihood of triggering a water shortage in the lower Colorado River Basin, which could cause portions of PacifiCorp's existing water rights to be curtailed as expressed in the Colorado River Compact of 1922 and the Upper Colorado River Basin Compact of 1948. The increased likelihood of curtailment of water rights for PacifiCorp's operations is of great concern.

The proposed project pipeline location. PacifiCorp has concerns how the proposed pipeline location between the projects identified points of diversion and the proposed places of use, will impact PacifiCorp's current facilities and operations, including but not limited to PacifiCorp's Green River water supply pipeline that extends from the Green River to the Jim Bridger Plant, as well as the general Jim Bridger Plant and Bridger Coal mining facilities and operations located approximately 45 miles east of Rock Springs, Wyoming. These facilities and their current and future PacifiCorp operations must be considered in the planning and locations of the Water Horse Resources proposed project.

PacifiCorp does not request a hearing but requests notice if a hearing is held. Based on the above, PacifiCorp respectfully requests that the Application be denied.

Cordially,



Buffi Morris

Water Rights Administrator, PacifiCorp



waterrights DNR <waterrights@utah.gov>

41-3747 (A81080) PacifiCorp protest (receipt #18-01658)

1 message

Morris, Buffi <Buffi.Morris@pacificorp.com>

Fri, Apr 6, 2018 at 4:45 PM

To: "waterrights@utah.gov" <waterrights@utah.gov>

Attached is PacifiCorp's protest to the above referenced application and proof of payment.

Buffi Morris

Sr. Property Agent / Water Rights Administrator



o 801.220.7803

m 801.989.8817

3 attachments

41-3747_PacifiCorp protest_Water Horse Resources, LLC_4 6 2018.pdf
47K

Receipt_PacifiCorp Protest_Water Horse Resources.pdf
39K

PacifiCorp protest (online)_41-3747.pdf
6K



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Water Rights

MICHAEL R. STYLER
Executive Director

KENT L. JONES
State Engineer/Division Director

OFFICIAL RECEIPT No. 18-01658 **Date: April 6, 2018**

RECEIVED FROM:

BUFFI MORRIS
1407 W. NORTH TEMPLE, #110
SALT LAKE CITY, UT 84116

NATURE OF SERVICE:

Protest	41-3747	\$	15.00
Protest of Application - Online			
	TOTAL:	\$	<u>15.00</u>

METHOD OF PAYMENT: CC-MSCD 054377

RECEIVED BY: ONLINE