

operational license, as compared to current capacity factors across the US (91.8% capacity factor as of 2007); otherwise, the plan should not be considered "physically feasible" and should be rejected by the State Engineer.

Additionally, the high levelized cost of nuclear power (recent cost estimates run from 12 cents per kilowatt-hour to 30 cents per kilowatt-hour) could make the nuclear power plant economically infeasible. The applicant should demonstrate what the costs of the nuclear power plant will be (allowing for any subsidies), distribute those costs over the kilowatt-hours to be generated over the 40-year operational lifetime of the plant, and compare those per-kilowatt-hour costs to electricity markets in the Western United States. If the costs appear too high for surrounding markets to bear, the application should not be considered "economically feasible" and should be rejected as required by Utah Code Ann. §73-3-8 (1) (a) (iii).

The proposed use could unreasonably affect public recreation

Diverting water from the Green River near the town of Green River could substantially reduce water flow over sections of the river noted for their beauty and recreational value, including Labyrinth Canyon, Stillwater Canyon, and Cataract Canyon. Lower flows could reduce the speed of a float down sections of the river and make them less desirable. Lower flows can also expose hazards like large rocks that would normally be submerged—further reducing their recreational value. The length of the season suitable for river trips could also be shortened by lower flows caused by the nuclear power plant's water use. The magnitude of the effect on the river would depend heavily upon the design of the cooling system chosen for the nuclear power plant. The applicant has not stated the design of the cooling system and should disclose this information in order that the full impacts to recreation may be determined.

As guided river trips and other forms of river recreation represent a significant portion of the annual revenue for the cities of Green River and Moab and Grand County, the effects of this diversion will undoubtedly adversely affect these economies. As the recreation industry as a portion of these economies and the state of Utah overall continues to increase, water diversion in an environmentally sensitive area that largely depends on recreation must not be permitted.

III. The change application should be rejected in its current form, or investigated

The applicant has not met the burden of proof as required by Utah law for a water change application; the application should be rejected in its current form, or at least not approved until the applicant provides data which unequivocally fulfills the criteria required by this application.

IV. Hearing

The Sierra Club Utah Chapter requests a hearing on the change application filed by the District for water rights 09-462.

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