Fight over Water Rights for Utah Nuclear Plant

PAUL FOY, Associated Press

Environmentalists trying to defeat what could be Utah's first nuclear power plant went to court Monday to challenge a water-rights transfer for the project. A judge opened the weeklong trial in Price that focuses on a decision by state Engineer Kent Jones to let a company take 53,000 acre-feet of water a year from the Green River to cool nuclear reactors. Price is about 100 miles southeast of Salt Lake City.

Seventh District Judge George Harmond is holding the proceedings to hear expert testimony and arguments. A decision could be months away and could be appealed. A ruling against the water transfer could effectively kill the project before it can get to the U.S. Nuclear Regulatory Commission for possible operational approval. No new nuclear plant has been licensed in the U.S. since 1977, according to the commission.

The 3,000-megawatt plant in Utah was proposed by Blue Castle Holdings, a company headed by former state Rep. Aaron Tilton, who took the stand for nearly 90 minutes Tuesday. It would occupy a proposed industrial park near the small town of Green River, about 40 miles upstream from Moab. San Juan and Kane counties have agreed to sell their right to unused water — enough to serve about 100,000 households — to Blue Castle Holdings.

The water transfer was challenged by the Utah Rivers Council, the Moab-based groups Living Rivers and Uranium Watch, the river-running outfitter Moki Mac River Expeditions, and Healthy Environmental Alliance of Utah. Opponents say a nuclear plant isn't a wise use of water from the Green River. They believe it would harm endangered fish, use a significant amount of scarce water on the arid Colorado Plateau and threaten recreational opportunities. They also argue that the company will never find billions of dollars from investors. Jones has acknowledged that Blue Castle Holdings' first effort to find investors floundered but believes it can probably find other backers and succeed if allowed to move forward. If it stumbles, Jones said he can always reverse the water-right transfer.

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