

**BEFORE THE  
COLORADO RIVER COMMISSION OF NEVADA**

In the Matter Of:

**ALLOCATION OF PARKER-DAVIS PROJECT  
HYDROPOWER POST 2028**

**ORDER**

At a meeting of the Colorado River Commission of Nevada (“Commission”) held February 10, 2026, a public hearing was held pursuant to NAC 538.455(9) regarding the allocation of Parker-Davis Project (P-DP) hydropower post 2028:

PRESENT: Vice Chairwoman, Kara J. Kelley  
Commissioner Marilyn Kirkpatrick  
Commissioner Allen J. Puliz  
Commissioner Dan H. Stewart  
Commissioner Cody T. Winterton  
Commissioner Steve Walton  
Executive Director Eric Witkoski

**I. BACKGROUND**

The Commission represents and acts for the State of Nevada in the negotiation and execution of contracts with Western Area Power Administration (WAPA) for the purchase of hydropower from federal generation facilities. See NRS 538.161. WAPA markets and transmits P-DP hydroelectric power pursuant to, *inter alia*, the Reclamation Project Act of August 4, 1939, ch. 418, 53 Stat. 1187. These federal generation facilities are operated by the United States Bureau of Reclamation (Reclamation). This Order concerns the federal hydroelectric facilities known as the Parker Dam Power Project and the Davis Dam Project consolidated to form the Parker-Davis Project (P-DP).

The Commission as part of its negotiations, execution and allocation of the hydropower contracts looks to achieve “the greatest possible benefit to this state.” NRS 538.161, see *also* NRS 538.181. The Commission received fourteen (14) applications for the Post 2028 P-DP hydropower from existing P-DP customers: EMD Acquisition d/b/a

Borman Specialty Materials (Borman), Henderson WC, LLC (HWC), Lhoist North America Inc. (Lhoist), Overton Power District No. 5 (OPD), Southern Nevada Water Authority (SNWA), Titanium Metals Corporation (Timet), Valley Electric Association, Inc. (VEA); and from new applicants: the City of Boulder City (BC), Clark County Water Reclamation District (CCWRD), the City of Henderson (COH), the City of Las Vegas (CLV), the City of North Las Vegas (CNLV), Lincoln County Power District No. 1 (LCPD), and Las Vegas Valley Water District (LVVWD). For good cause appearing, the Commission finds the following.

## **II. FINDINGS OF FACT**

1. On February 10, 2026, the Commission held a public hearing in the above-entitled matter in compliance with the provisions of the Nevada Open Meeting Law Chapter 241 of the Nevada Revised Statutes (NRS), NRS 538 and Chapter 538 of the Nevada Administrative Code (NAC).

2. The Commission represents and acts for the State of Nevada in the negotiation and execution of contracts for the purchase of hydropower from federal generation facilities for the greatest possible benefit to this State pursuant to NRS 538.161, NRS 538.181 and NAC Chapter 538.

3. The United States Bureau of Reclamation (Reclamation) owns and operates hydroelectric facilities known as the Parker Dam Power Project and the Davis Dam Project which are consolidated and operated as a single integrated project known as the Parker-Davis Project (P-DP).

4. The Western Area Power Administration (WAPA) markets the hydropower generated at Reclamation's facilities at P-DP pursuant to federal law and regulation.

5. The Commission's current Contract with WAPA for Electric Service from the P-DP will expire on September 30, 2028.

6. The Commission has seven (7) existing contracts with Nevada contractors, EMD Acquisition d/b/a Borman Specialty Materials (Borman), Henderson WC, LLC (HWC), Lhoist North America Inc. (Lhoist), Overton Power District No. 5 (OPD), Southern Nevada Water Authority (SNWA), Titanium Metals Corporation (Timet), and Valley Electric Association, Inc. (VEA) that will also expire on September 30, 2028.

7. WAPA issued its Final 2028 Parker-Davis Project Power Marketing Plan and Call for Resource Pool Applications on November 12, 2024 published at 89 Fed. Reg. 88999 (Nov. 12, 2024).

8. Applying the Power Market Initiative (as part of the Energy and Planning Management Program (10 CFR Part 905)), WAPA proposes to allocate 2 MW of firm electric capacity to two new federal contractors through its resource pool, with the remaining capacity and energy to be allocated to existing federal contractors, including the Commission. See 2028 Resource Pool – Parker Davis Project, Proposed Power Allocations, 90 Fed. Reg. 42576 (Sept 3, 2025).

9. Based on the Power Market Initiative and resource pool allocation, the Commission reasonably anticipates it will receive an allocation of P-DP hydroelectric power from WAPA consisting of a fixed amount of capacity, referred to as Contract Rate of Delivery (CROD) in the amount of 41,107 kW for the Winter Season and 56,939 kW for the Summer Season, subject to final contract terms and federal approval.

10. WAPA will not provide a guaranteed amount of firm energy as provided in the current contract. Rather WAPA will offer quarterly energy offers, three months at a time based on forecasted P-DP generation, and such energy deliveries will vary based on hydrological and operational conditions.

11. The Commission intends to negotiate and execute a contract with WAPA for P-DP power post-2028, and the contract will be for deliveries of P-DP hydropower from October 1, 2028 through September 30, 2048.

12. Concurrent with executing the federal post-2028 contract, the Commission will contract with approved applicants to sell the P-DP hydropower purchased from WAPA subject to the terms of the federal contract.

13. Commission staff commenced the process to allocate power from the P-DP by preparing a draft notice containing the criteria and application for an allocation of available power, consistent with NAC 538.455.

14. Pursuant to NAC 538.455(3), Commission staff noticed a public meeting to consider the draft notice on June 13, 2025.

15. Commission staff held the public meeting on July 1, 2025 to solicit comments from the public regarding the draft notice, and to receive input from interested persons.

16. On or before July 11, 2025, the deadline for written comments, the Commission staff received no comments from the public or its customers but received one question from NV Energy. Staff responded to the question and made no changes to the draft notice, finding no basis for modification.

17. On August 12, 2025, at a properly noticed meeting, the Commission reviewed, considered and approved the draft notice prepared by staff containing the criteria and application to apply for an allocation of P-DP generation.

18. On August 14, 2025, Commission staff issued the Public Notice to Eligible Applicants of Opportunity to Apply for an Allocation of Hydropower from the Parker-Davis Project in accordance with NAC 538.455(5).

19. According to the public notice, applications were due no later than 4:00 p.m. on September 18, 2025.

20. Commission staff received all fourteen (14) applications prior to the application deadline.

21. The criteria for an allocation of P-DP generation as approved by the Commission is attached at Exhibit A (the "Approved Criteria") and are incorporated herein by reference.

22. Each application for an allocation of P-DP power post-2028 was reviewed for completeness and creditworthiness, verification of electric load data, and general eligibility criteria in accordance with the Approved Criteria.

23. In developing its recommendations regarding the proposed allocations, Commission staff considered how an applicant's use of the P-DP power post-2028 would fulfill the Commission's Approved Criteria and provide the "greatest possible benefit to this state," as required by NRS 538.161.

24. On December 9, 2025, as part of a Commission meeting, staff presented its preliminary recommendations to the Commission for comment and guidance.

25. Commissioner Kelley disclosed for the record that she was appointed on September 30, 2025, to serve as the Las Vegas City Councilwoman for Ward 2 in a temporary capacity. She stated that her service on the Commission remains in her role as a gubernatorial appointee and that she had reviewed applicable ethics guidance. She confirmed that she would participate in the discussion of the allocation of P-DP power even though the City of Las Vegas is an applicant.

26. On December 19, 2025, in accordance with NAC 538.455(8), Commission staff provided all applicants with a draft copy of this order and notified them of their right to provide comments no later than January 12, 2026.

27. Commission staff received no comments from the applicants regarding the draft order.

## **A. DISCUSSION OF APPLICATIONS**

### **1. BLACK MOUNTAIN INDUSTRIAL COMPLEX APPLICANTS**

#### ***a. Past Resource Usage***

28. Timet, Borman, and HWC are the only three applicants that did not have sufficient load to use all of their hydropower resources during the last three federal fiscal years (2022-2024).

29. Timet currently holds a 26.56% allocation of P-DP; Timet requested 15% for post-2028. Timet also has 5.37% from the Commission's Hoover Dam resource under contract until September 30, 2067. Based on historical loads remaining the same, in fiscal year 2029, Timet would have excess power during nine months of the year without any resources from P-DP.

30. Borman currently holds a 29.49% allocation of P-DP; Borman requested 25% for post-2028. Borman also has 4.43% from the Commission's Hoover Dam resource under contract until September 30, 2067. Based on historical loads remaining the same, in fiscal year 2029, Borman would have excess power during two months of the year without any resources from P-DP.

31. HWC, successor to Basic Water Company as of November 2023, has had almost no load since receiving an assignment from Basic Water Company of its hydropower resources consisting of Hoover Dam and P-DP resources.

32. HWC's electrical load is driven by its ability to pump water from Lake Mead for delivery to the BMI contractors which it is not currently doing.

33. HWC holds a 2.29% allocation of P-DP; HWC requested 5% post-2028. HWC also has 1.21% from the Commission's Hoover Dam resource under contract until September 30, 2067. Currently, 100% of HWC's P-DP resources and 93% of its Hoover Dam resources are being laid off.

34. Lhoist had just enough resources to meet their needs during 2022-2024. Lhoist currently holds a 0.51% allocation of P-DP; Lhoist requested 0.4%. Based on historical loads remaining the same, in fiscal year 2029, Lhoist will need additional resources every month to meet its needs without any resources from P-DP.

***b. Widespread Beneficial Use***

35. Timet, Borman, and Lhoist produce products that are used in a wide variety of industries including defense, water treatment, environmental protection, construction, and battery and semiconductor manufacturing.

***c. Continued Health and Economic Viability***

36. Timet's, Borman's, and Lhoist's processes are electricity intensive, and electricity cost is a large component of their total operating cost.

37. Managing costs allows them to stay competitive and honor contractual commitments which, in turn, affects their economic health and viability.

38. Managing costs also enables continued investment in plant upgrades and operational improvements.

39. Long-term cost stability helps insulate their operations from inflationary trends and future uncertainty.

***d. Portfolio Diversification***

40. Timet's, Borman's, and Lhoist's needs are met primarily by Hoover Dam resources, but Hoover Dam resources are expected to decline with worsening drought conditions.

## **2. SOUTHERN NEVADA WATER AUTHORITY AND MEMBER AGENCIES**

41. SNWA is currently allocated 17.67% of P-DP power and is entitled to receive at least that much post-2028 based on the Approved Criteria. SNWA requested 36% of P-DP post-2028.

42. SNWA pumps water from Lake Mead, treats it, and delivers it to its member agencies.

43. Electricity is a significant cost component of the product that SNWA provides.

44. SNWA self-supplies its own electricity by constructing projects, contracting directly with energy suppliers and purchasing power through arrangements with the Silver State Energy Association.

45. SNWA's electricity costs are passed through to the member agencies, along with other operating costs, in the water rates charged to the member agencies.

46. Electricity cost savings help keep downward pressure on the water rates SNWA charges the member agencies.

47. SNWA member agencies (City of Las Vegas (CLV), City of North Las Vegas (CNLV), City of Henderson (COH), Las Vegas Valley Water District (LVVWD), and Clark County Water Reclamation District (CCWRD)) currently receive no P-DP allocation. Collectively, they applied to receive 49.78% of P-DP post-2028.

48. CLV, CNLV, COH, CCWRD, and LVVWD are entitled to receive an allocation of power from the Commission only for water and wastewater services they provide to their consumers.

49. Electricity is a significant cost component of the product that the SNWA member agencies provide.

50. For water pumping and wastewater services, the SNWA member agencies self-supply their own electricity by constructing their own projects, contracting directly with energy suppliers and purchasing power through arrangements with the Silver State Energy Association.

51. Electricity cost savings help keep downward pressure on water pumping and wastewater rates.

***a. Widespread Beneficial Use***

52. SNWA is the wholesale water supplier for its seven member agencies. Collectively, the member agencies provide water and wastewater services to over 2 million people in the Las Vegas Valley including residents, businesses, and tourists.

***b. Continued Health and Economic Viability***

53. Water pumping and wastewater treatment is very electricity intensive and electricity is a major component of SNWA's and its member agencies' total operating costs.

54. Reducing costs allows more investment in needed infrastructure and conservation efforts.

55. Long-term, predictable costs promote budget and rate stability.

56. SNWA member agencies are public utilities with rate setting ability. Affordable power costs help keep downward pressure on rates.

57. High or unstable rates impacts municipal water and wastewater users in many ways, including:

- a. Imposing a financial burden on households, sometimes disproportionately felt by low-income customers.
- b. Imposing a financial burden on businesses and eventually consumers, particularly those that rely heavily on water.

- c. Discouraging businesses and residents from locating to Las Vegas.
- d. Increasing delinquent accounts and debt which can negatively impact the ability to borrow money for infrastructure improvements.

***c. Portfolio Diversification***

58. A significant portion of the resources that supply SNWA and its member agencies come from non-renewable, market purchases. This increases their exposure to price volatility and financial risk.

59. About 12% of SNWA's energy needs are met with resources from Hoover Dam and P-DP.

60. SNWA and its member agencies have a strong commitment to renewable resources and are investing in renewable technologies.

61. Hydropower is an ideal companion to other renewables because it can be used to serve load during times when other renewable resources are not producing.

62. SNWA's member agencies receive no P-DP allocation currently. About 14% of their energy needs are met with energy from Hoover Dam.

63. An allocation from P-DP would benefit SNWA and the member agencies who are all public entities that provide essential public services to Southern Nevadans.

**3. ELECTRIC UTILITIES**

64. Overton Power District No. 5 (OPD) is a quasi-municipal electric utility that serves a large, rural portion of northeastern Clark County, including the City of Mesquite.

65. OPD is currently allocated 8.3% of P-DP power and is entitled to receive at least that much post-2028 based on the Approved Criteria. OPD requested 100% of P-DP post-2028.

66. OPD receives approximately 16% of its total resources from Hoover Dam, Salt Lake City Area Integrated Project, and P-DP. OPD's demand grew by approximately 7.5% between Fiscal Year 23 and Fiscal Year 24.

67. Lincoln County Power District No. 1 (LCPD) is a quasi-municipal electric utility that serves Lincoln County and surrounding areas.

68. LCPD does not currently have a P-DP allocation; LCPD requested 23% of P-DP post-2028.

69. LCPD receives approximately 69% of its resources from Hoover Dam which has steadily declined since the start of the drought. They have not experienced significant load growth during the last three years.

70. Valley Electric Association, Inc. (VEA) is a member-owned electric utility cooperative that serves customers in Clark, Nye, Mineral, and Esmeralda counties.

71. About 15% of VEA's energy needs are met with resources from Hoover Dam, Salt Lake City Area Integrated Project, and P-DP.

72. VEA is currently allocated 15.19% of P-DP power; VEA requested 50% of P-DP post-2028.

73. The City of Boulder City (BC) is a municipality serving its residents. BC is a member of SNWA, but was a customer of the Commission prior to July 16, 1997 and is not limited in its use of power from the Commission for water and wastewater operations.

74. BC does not currently have a P-DP allocation; BC requested 12% of P-DP post-2028.

75. BC receives approximately 50% of its resources from Hoover Dam and Salt Lake City Area Integrated Project. BC's load has not grown materially in the last 3 years.

**a. Widespread Beneficial Use:**

76. The electric utilities provide power to remote and sparsely populated areas of Nevada. Geographically, they have large service territories and serve customers in several counties including Clark, Lincoln, Nye, Mineral, and Esmeralda.

77. They provide electricity to a wide range of economic sectors including residential, industrial, commercial, and agricultural.

**b. Continued Economic Health and Viability**

78. The electric utilities depend on hydropower resources to serve their constituents and rely on those resources to control their overall cost of service.

79. Controlling power costs allows them to invest in infrastructure, including significant transmission facilities that are required to reach remote customers.

80. Long-term, predictable costs promote budget and rate stability.

81. The electric utilities' rates are driven by their cost to procure and deliver electricity.

82. High or unstable electricity rates have negative consequences including:

a. Imposing a financial burden on financially stressed households in rural Nevada, contributing to the inability to pay for food and other necessities.

b. Imposing a financial burden on businesses which are eventually passed on to consumers.

c. Impacting the mission of public power utilities to provide an affordable product to their consumers.

d. Deterring economic growth by disincentivizing businesses and residents from locating in Nevada.

e. Increasing delinquent accounts and debt which may impact the ability to borrow money needed for investment.

***c. Portfolio Diversification***

83. All of the electric utilities rely on market purchases to some degree, which increases their volatility and financial risk.

84. VEA has the largest load and is the most heavily reliant on market purchases.

85. LCPD has the smallest load and is the least reliant on market purchases.

86. All of the electric utilities are investing in renewable technologies.

87. Hydropower is an ideal companion to other renewables because it can be used to serve load during times when other renewable sources are not producing.

**III. FINDINGS, CONCLUSIONS AND ORDER**

Based on the foregoing, the Commission, by a vote of 5-1 (with Commissioner Kirkpatrick voting against), makes the following findings and conclusions, and enters the following order.

88. The Commission has authority pursuant to NRS and NAC Chapters 538 to allocate hydropower resources from the P-DP.

89. The most direct route to the consumer, and therefore, the best way of achieving the most widespread beneficial use, is through the electricity rates charged by the utilities and rates charged to consumers by SNWA's member agencies.

90. An allocation to the Black Mountain Industrial Complex Applicants is necessary for their economic viability, but allocating any applicant more than they can use does not meet the Approved Criteria, including the statutory requirement to provide the greatest possible benefit to the State.

91. To achieve the greatest possible benefit to the State, it is appropriate to:
- a. Reduce the Black Mountain Industrial Complex applicants' current allocation to an amount that more closely represents their demonstrated historical usage and projected electrical needs;
  - b. Evenly split the unused portion of the Black Mountain Industrial Complex applicants' allocation between the electric utilities, collectively, and SNWA and its member agencies, collectively, in a manner consistent with the Approved Criteria.
  - c. Allocate the P-DP resource among the electric utilities based on a combination of their relative size and their ability to use the resource after considering other long-term resources in their portfolios, including other hydropower resources from the Commission.
  - d. Allocate the P-DP resource among the SNWA and member agencies based on a combination of their relative size and their ability to use the resource after considering other long-term resources in their portfolios, including other hydropower resources from the Commission.

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92. Therefore, based on the Approved Criteria, the applications received, and the administrative record, the Commission approves and adopts the following allocations of P-DP generation post-2028 as percentages of the Commission’s total P-DP allocation, as follows:

<b>Applicant:</b>	<b>Allocation Percentage:</b>
Southern Nevada Water Authority	24.0%
Valley Electric Association, Inc.	20.5%
Overton Power District No. 5	14.0%
EMD Acquisition d/b/a Borman Specialty Materials	9.6%
City of Boulder City	7.0%
Las Vegas Valley Water District	5.0%
Titanium Metals Corporation	5.0%
Lincoln County Power District No. 1	4.0%
Clark County Water Reclamation District	3.0%
City of Henderson	2.5%
City of Las Vegas	2.5%
City of North Las Vegas	2.5%
Lhoist North America Inc.	0.4%
Henderson WC LLC	0.0%
<b>Total</b>	<b>100%</b>

93. Upon execution of this Order, Commission staff shall cause the notice required by NRS 538.181(4) and NAC 538.455(10) to be published in the manner required by law.

**IT IS SO ORDERED.**

Dated this 10th day of February, 2026.

By the Commission,

  
Kara Kelley (Feb 12, 2026 14:37:35 PST)

Kara J. Kelley  
 Vice Chairwoman

## **Exhibit A Approved Criteria**

The CRCNV will review the applications and allocate resources in a manner the Commission deems appropriate, consistent with the established criteria, and achieves the greatest possible benefit to the State pursuant to NRS 538.161(2). To be considered for a hydropower allocation, Applicants must meet the following criteria:

### **A. Statutory Requirements for Applicants:**

1. The Applicant must be an entity that the CRCNV has the statutory authority to serve under NRS 704.787. That includes:
  - a. Any customer that the CRCNV was serving or had a contract to serve on July 16, 1997, including any successor in interest to such customers; or
  - b. The Southern Nevada Water Authority (SNWA) or a member agency of SNWA that will use the power for water and wastewater operations.

### **B. Regulation Requirements for Applicants:**

1. Applicants must comply with NAC 538.410. If the Applicant is an electric utility, it must satisfy the requirements of NAC 538.410(5) which states that the electric utility:
  - a. has a peak demand of at least 8 megawatts;
  - b. is located within Western's defined marketing area in this State for the Parker-Davis Project;
  - c. is eligible to receive preference power under the applicable provisions of federal law relating to preference power. Preference entities include cities and towns, irrigation districts, public utility districts, and rural electric cooperatives.

### **C. General Requirements:**

1. The Applicant must have a need for the resource to meet its load after considering all resources that are owned or purchased under long-term contracts,<sup>1</sup> including other hydropower resources from the CRCNV.
2. To determine whether existing contract holders have demonstrated a need for a P-DP allocation, an assessment will be made of the Applicant's past usage of the P-DP allocation, including the last three federal fiscal years (2022-2024).
3. The award of resources to the Applicant will not place an excessive administrative burden on the CRCNV.
4. Applicant must be willing to execute a Contract with the CRCNV by March 1, 2028 for power deliveries beginning on October 1, 2028.
5. The Applicant must demonstrate, by March 1, 2028, that it will have all necessary transmission, scheduling and distribution arrangements in place prior to delivery.
6. The Applicant must be able to make its own, independent assessment of the need for optional energy products offered under the P-DP Electric Service Contract.
7. The Applicant must be creditworthy and in compliance with its current Commission contracts and may be required to post collateral in accordance with the CRCNV's statutes and regulations.
8. CRCNV reserves the right to ask for audited financial statements or other documentation to support creditworthiness.

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<sup>1</sup> A long-term contract is a contract with a term of 10 years or longer.

## D. Existing Contract Holders and Future Allottees

1. Any electric utility or water purveyor that is a current P-DP contractor in Nevada, who applies, meets the above criteria, and whose load and resource data during federal fiscal years 2022 through 2024<sup>2</sup> shows that they have fully utilized the resource, will automatically be granted, as a *minimum*, their existing percentage share of the P-DP electric power resource. The current percentages for each of the CRCNV's contractors is posted on the CRCNV's website at <https://crc.nv.gov> .  
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2. Any eligible contractor who applies may be considered for a future allocation. In awarding the resource to eligible contractors, the CRCNV will consider the degree to which awarding the allocation will:
  - a. Promote the widespread beneficial use of the resource;
  - b. Support the continued economic health and viability of the Applicant;
  - c. Promote utility rate stability for public entities;
  - d. Promote diversification of the Applicant's energy portfolio.

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<sup>2</sup> Federal fiscal years 2022 through 2024 means the period from October 1, 2021 through September 30, 2024.

# Final P-DP Post 2028 Allocation Order (For Signature)

Final Audit Report

2026-02-12

Created:	2026-02-12
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