

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Utah Board of Water Resources,)	
)	Docket No. P-12966-000
Lake Powell Pipeline Project)	Docket No. P-12966-004
)	
)	
)	

MOTION TO INTERVENE OF THE SOUTHERN UTE INDIAN TRIBE

Pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission, 18 C.F.R. §§ 385.212 and 385.214, the Southern Ute Indian Tribe (the Tribe) respectfully moves to intervene and become a party to this proceeding.

I. COMMUNICATIONS AND SERVICE

Please address all communications, pleadings, and orders with respect to this proceeding to the following:

David C. Smith
Lorelyn Hall
Southern Ute Indian Tribe Legal Department
P.O. Box 737
Ignacio, Colorado 81137

II. DESCRIPTION AND INTEREST OF THE SOUTHERN UTE INDIAN TRIBE

The Southern Ute Indian Tribe (“Tribe”) is a federally recognized Indian tribe residing in the southwest corner of Colorado. The Tribe’s ancestral and aboriginal homelands include the proposed project area. In addition to its cultural

affiliation to the region, the Tribe's interest in this matter arises from its interest in the development of water in the Colorado River Basin and the electrical generation capacity of Colorado River Storage Project ("CRSP") hydropower facilities.

The Tribe recognizes the needs of other water rights holders, and is intervening with the intent to ensure that this significant project does not impair the Tribe's legally protected rights in the Colorado River. In short, the project must be planned and operated consistent with the Colorado River's existing legal and administrative requirements. In addition, the Tribe holds relatively junior water rights decreed under Colorado state law. Those rights are in basins tributary to Lake Powell, which is proposed as the source of water for the pipeline in this matter.

The Tribe also has an interest in the viability of power generation from Glen Canyon Dam, which could be impacted in times of drought by significant diversions from Lake Powell. The Tribe is a direct beneficiary of CRSP power marketed through the Western Area Power Administration ("WAPA"). The Tribe is currently supplied with WAPA power for its commercial and administrative campus. The Tribe also participates in the Bureau of Reclamation's Animas-La Plata Project, which has significant pumped storage that utilizes WAPA Power to store tribal reserved water rights.

Finally, the Tribe's cultural resources in the affected area may warrant protection, preservation or site avoidance through mitigation measures. Impacts on those cultural resources would require consultation.

III. POSITION OF THE TRIBE

The Tribe does not oppose the Application per se, but does assert that any approval of this action must be consistent with law, regulation and policy applicable to the Colorado River generally and operation of FERC licensed projects that utilize CRSP facilities specifically.

IV. CONCLUSION

The Tribe asserts that its interests, including interests in natural and cultural resources, may be directly affected by the outcome of this proceeding, and that the Tribe's participation will serve the public interest. Therefore, the Tribe respectfully requests that the Commission grant its timely motion to intervene pursuant to 18 CFR § 385.214.

Respectfully submitted on this 19th day of November, 2018.

/s/ Lorelyn Hall _____

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Counsel for Southern Ute Indian Tribe

CERTIFICATE OF SERVICE

I certify that on this 19th day of November, 2018, I filed the foregoing Motion to Intervene of the Southern Ute Indian Tribe through the FERC website e-filing system, and on each person designated on the official service list compiled by the Secretary in this matter.

/s/ Lorelyn Hall

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