

**United States of America
Federal Energy Regulatory Commission**

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

**Motion to Intervene
Living Rivers & Colorado Riverkeeper**

February 7, 2018

Part One: Introduction

On December 11, 2017, the Federal Energy Regulatory Commission (FERC) issued a Notice of Application Accepted for Filing Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, or Recommendations, Terms and Conditions, and Prescriptions.

Living Rivers & Colorado Riverkeeper hereby respectfully submits this Motion to Intervene in the proceeding of Project No. P-12966-004 (Lake Powell Pipeline Project); pursuant to Rules of Practice and Procedure of the Federal Energy Regulatory Commission, 18 C.F.R. §§ 385.212 and 385.214 (2004).

Part Two: Contact Information

Living Rivers & Colorado Riverkeeper
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Part Three: Mission of Living Rivers & Colorado Riverkeeper

Living Rivers promotes river restoration through mobilization. By articulating conservation and alternative management strategies to the public, we seek to revive the natural habitat and spirit of rivers by undoing the extensive damage done by dams, diversions and pollution on the Colorado Plateau.

Colorado Riverkeeper is a Waterkeeper Alliance member organization with jurisdiction in the watershed of the Colorado River. Waterkeeper Alliance is a nonprofit solely focused on clean water that preserves and protects water by connecting local Waterkeeper Organizations and Affiliates worldwide. Its goal is drinkable, fishable, swimmable water everywhere. Colorado Riverkeeper has three affiliate members in the states of Utah, Wyoming and Nevada.

Part Four: Summary of Intervention

When the Colorado River Compact was negotiated in 1922, the over-arching goal was to provide water allocations, with equity, for the seven basin states of the Colorado River; this included future allocations with the sovereign nations, Mexico and the Tribes (who were not invited to the proceedings of 1922). The U.S. Department of Commerce and the seven state commissioners used the best available data to quantify the annual average yield of the Colorado River at Lee's Ferry, Arizona.

By 1946¹ the federal government and the seven states understood that the supporting data for the Compact was incorrect by negative 1.8 million acre-feet. The precautionary response to the new data set should have initiated a revision of the water budget prescribed in the Colorado River Compact; a clause in this document does indeed allow for revisions. Seventy two years have since passed and the responsible parties have yet to balance the water budget, and the present gap between demand and supply is greater than 1.8 million acre-feet.

The responsible parties of the Compact must turn this deficit into a surplus immediately; the certainty of shortages in the next 72 years is 100 percent. Leadership on this issue has never emerged, though an honest attempt to request action did occur in 1946. Utah has an opportunity to demonstrate the leadership this river basin desperately needs by terminating their application to FERC for their water diversion project called Lake Powell Pipeline. If not, then it is very appropriate for us to submit this Motion to Intervene.

Respectfully submitted,
/s/ John Weisheit
February 7, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.
Dated at Moab, Utah, this 7th day of February, 2018.
/s/ John Weisheit

¹ Ely, Northcutt. 1946. Light on the Mexican Water Treaty from the Ratification Proceedings in Mexico. U.S. Senate Document 249; 79th Congress; 2d Session. Available at: <http://www.riversimulator.org/Resources/LawOfTheRiver/LightMexicanTreatyElyCRWUA1946.pdf>