

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

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

**MOTION TO INTERVENE  
OF THE STATE OF COLORADO  
THROUGH  
THE COLORADO WATER CONSERVATION BOARD**

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 (2017), the State of Colorado through the Colorado Water Conservation Board (“CWCB”) hereby respectfully submits this motion to intervene in the above-captioned proceeding. In support of this motion, the CWCB states the following:

**I. COMMUNICATIONS**

All correspondence and communications regarding this matter should be addressed to the following:

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## **II. DESCRIPTION OF THE COLORADO WATER CONSERVATION BOARD**

The Colorado Water Conservation Board (CWCB) is an agency of the State of Colorado formed under the laws of the State of Colorado for the purpose of aiding in the protection and development of the waters of the State for the benefit of present and future inhabitants. C.R.S. § 37-60-102 (2017). The CWCB is governed by a fifteen-member board of directors appointed by the Governor. C.R.S. § 37-60-104(1). The CWCB's duties include but are not limited to conservation of the State's waters in order to secure the greatest utilization of those waters and to formulate responses to activities of the federal government or other states which affect or might affect the use or development of the water resources of the State of Colorado including waters allocated to the State of Colorado pursuant to the Colorado River Compact and the Upper Colorado River Compact. C.R.S. §§37-60-106(1) and (1)(h). The CWCB's duties also include an obligation to confer with and appear before officers, representatives, boards, commissions, and agencies of other states or of the federal government for the purpose of protecting, and asserting the authority, interests and rights of the state of Colorado and its citizens with respect to the waters of the interstate streams in Colorado. C.R.S. § 37-60-106(1)(i).

### **III. SUMMARY DESCRIPTION OF FILING**

On May 2, 2016, the Utah Board of Water Resources (“UBWR”) filed an Application for an Integrated Licensing Proposal (“ILP”). On December 11, 2017, the Federal Regulatory Energy Commission (“Commission”) issued a Notice of Acceptance/Notice of Ready for Environmental Analysis (“NREA”). On December 18, 2017, the Commission published the NREA in the Federal Register, 82 Fed. Reg. 60010-1. The NREA provided that the deadline for filing motions to intervene was 60 days from the issuance of the NREA. On January 18, 2018, the Federal Regulatory Energy Commission (“Commission”) published a notice in the Federal Register, 83 Fed. Reg. 2630 (January 18, 2018), that the Utah Board of Water Resources had filed a Petition for Declaratory Order concerning the extent of the Commission’s jurisdiction over the proposed Lake Powell Pipeline Project. The Commission also published a notice in the Federal Register, 83 Fed. Reg. 2631 (January 18, 2018), suspending the procedural schedule pending resolution of the petition. On September 20, 2018, the Commission issued an Order denying Utah’s Petition for Declaratory Order on Jurisdiction and restated that the deadline for filing motions to intervene was suspended until 60 days after issuance of a decision on the petition.

### **IV. INTEREST OF THE COLORADO WATER CONSERVATION BOARD**

As a fellow Upper Colorado River Basin State, Colorado respects Utah’s interests in the Lake Powell Pipeline Project (“LPPP”) to plan for current and

future water demands. Colorado supports administering and managing the Colorado River system and its reservoirs to meet the needs of the Colorado River basin states and other stakeholders without jeopardizing Colorado's significant, legally protected rights to the Colorado River.

In support of these interests, CWCB files this motion to intervene to acknowledge the basin-wide issues associated with the LPPP that will require clarification through the Commission's ILP process to assure the LPPP's successful integration into the legal and operational framework for the Colorado River.

The State of Colorado, through the CWCB continues to have a direct and substantial interest in the outcome of the licensing proceeding. That interest cannot be adequately represented by others and participation by the CWCB in this proceeding is in the public interest.

Accordingly, the State of Colorado through the CWCB respectfully requests that it be permitted to intervene.

## **V. CONCLUSION AND REQUEST FOR RELIEF**

For the reasons stated above, the State of Colorado through the CWCB respectfully requests that the Commission:

- (1) Grant the CWCB's motion to intervene in this proceeding; and
- (2) Grant such further and additional relief as the Commission determine to be just and reasonable.

Respectfully submitted,

*/s/ Lain Leoniak*

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*Counsel for State of Colorado*

### **CERTIFICATE OF SERVICE**

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Denver, Colorado this 13<sup>th</sup> day of November 2018.

*/s/ Nan Edwards*

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