

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

North Eden Pumped Storage)	
Project)	Project No. 13249-000
North Eden Hydro LLC)	

BEAR LAKE WATCH'S MOTION TO INTERVENE

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214 (2008) Bear Lake Watch, Inc. ("Bear Lake Watch") hereby moves to intervene and be made a party in the above-referenced docket in which North Eden Hydro, LLC ("North Eden Hydro" or "Applicant") submitted a preliminary permit for the North Eden Pumped Storage Project.

I. MOTION TO INTERVENE

A. Communications

Service and other communications in this proceeding should be made to the following individuals:

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B. Description and Position of Movant

Bear Lake Watch, Inc. is a nonprofit corporation which was organized in 1994 to preserve and protect the environment and waters of Bear Lake. The organization has approximately 1,000 members who live, work, and own property in the Bear Lake area. In addition, the organization represents the interests of large family holdings, organizations and homeowners associations who live and own property around the lake.

Bear Lake Watch is seeking to assure that the public's interest is served by any decisions made by the Commission regarding this project in order to avoid any adverse impact in the allocations and utilization of water and water rights in Bear Lake and its tributaries.

Bear Lake Watch is a signatory to the original Bear Lake Settlement Agreement in 1995 and to the Amended Bear Lake Settlement Agreement in 2004. The Bear Lake Settlement Agreement defines the annual irrigation allocations from storage water based on lake elevations each year. Any changes in the allocation and beneficial use of water rights associated with Bear Lake may have an adverse impact on the obligations of the parties under that Agreement.

At this time, Bear Lake Watch is unable to take a position on the proposed project because it does not possess sufficient factual information to determine if such conflicts exist.

Bear Lake Watch reserves its right to object to the proposed project in the event that additional information indicates the existence of such conflicts.

C. Basis for intervention

Bear Lake Watch has a significant interest in this proceeding for several reasons. First, as mentioned above, Bear Lake Watch represents the interests of a broad coalition of residents, businesses and property owners in the Bear Lake area.

Second, Bear Lake Watch is a signatory to the Bear Lake Settlement Agreement as referenced above and any water diverted by the proposed project that would otherwise naturally flow into the Bear River or Bear Lake may have an adverse impact on the water rights, contractual obligations and beneficial use of water pursuant to the terms of that Agreement.

Third, any new water appropriation or change of use in the greater Bear River basin could conflict with the public interest by reducing groundwater, natural flow and increasing reliance by existing users on supplemental irrigation water delivered from Bear Lake.

Fourth, any potential resulting drop in the level of Bear Lake may also have an adverse impact on recreation and other nonconsumptive uses at the lake with a resulting negative impact on the local economy.

Fifth, any decrease in lake levels may also decrease critical habitat for endemic and indigenous fish species in Bear Lake, including connection to the spawning streams for the

Bonneville Cutthroat Trout, which is petitioned to be listed as an endangered species. Other wildlife species which depend on the lake may experience similar problems due to potential habitat loss. The spread of noxious weeds and tamarisk may also be accelerated along the lakeshore by any potential reduction in lake levels.

Finally, other participants in this proceeding may take positions on the issues that support their specific interests, but those positions may not adequately represent the broad public interest represented by Bear Lake Watch. For this reason, no other party can adequately represent the interest of Bear Lake Watch.

II. Conclusion

For the reasons set forth above, Bear Lake Watch respectfully requests that the Commission grant Bear Lake Watch's Motion to Intervene in the above-captioned docket, making it a party of record to the proceeding.

DATED this 8th day of December, 2008.

Respectfully Submitted,

s/ Jody K Burnett

JODY K BURNETT
Williams & Hunt
Attorney for Bear Lake Watch

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 this 8th day of December, 2008.

Name: s/ Shari H. Sampson
Shari H. Sampson, Legal Secretary
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