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October 10, 2008

File No. 030137-0012

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-3
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

Re: CPV Sentinel Energy Project: Docket No. 07-AFC-3

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find the following three documents:

- September 23, 2008 letter from David K. Luker, General Manager-Chief Engineer, Desert Water Agency to Jeffrey Kightlinger, General Manager, Metropolitan Water District of Southern California re: Delivery and Exchange Agreement Between Desert Water Agency and Metropolitan Water District
- October 7, 2008 letter from Robert A. Krieger, Krieger & Stewart to John Kessler, Project Manager, California Energy Commission re: CPV Sentinel, LLC Energy Project (07-AFC-3) Mission Creek Ground Water Subbasin
- Comments on CPV Sentinel - Draft Conditions of Certification for the Soil and Water Section of the Final Staff Assessment

Please note that the enclosed submittal was also filed today via electronic mail to your attention.

Very truly yours,

Robert L. Dickson, Jr.
Senior Paralegal

Enclosures
cc: CEC 07-AFC-3 Proof of Service List (w/encl. via e-mail)
Michael J. Carroll, Esq. (w/ encl.)

DESERT WATER

Desert Water Agency
1200 Gene Autry Trail South
P.O. Box 1710
Palm Springs, CA 92263-1710
Telephone 760 323-4971
Fax 760 325-6505
www.dwa.org

September 23, 2008

Jeffrey Kightlinger, General Manager
Metropolitan Water District of Southern California
Post Office Box 54153
Los Angeles, CA 90054

RE: DELIVERY AND EXCHANGE AGREEMENT BETWEEN DESERT WATER AGENCY AND METROPOLITAN WATER DISTRICT

Dear Mr. Kightlinger:

This letter agreement entered into through my signature on behalf of the Desert Water Agency (Desert), when accepted by you on behalf of Metropolitan Water District of Southern California (Metropolitan), will constitute Desert's and Metropolitan's agreement to the terms and conditions for the implementation of the Exchange Agreement (as defined below) concerning the delivery of water by Metropolitan to Desert at the Mission Creek Turnout on Metropolitan's Colorado River Aqueduct in exchange for Desert's delivery to Metropolitan at the California Aqueduct of Desert's purchased non-State Project water in addition to Desert's allocated State Water Project Table A amounts. Metropolitan will develop an accounting procedure with Desert to track the delivery and exchange of this water, as the delivery of Colorado River water to Desert will likely occur after Metropolitan's receipt of the non-State Project Water purchased by Desert.

Desert plans to acquire up to 36,000 acre-feet of non-State Water Project water during the period from 2008 through 2015 from entities in Kern County. Desert will make arrangements with the Department of Water Resources (DWR) to move the water in Desert's share of capacity in the California Aqueduct for delivery to Metropolitan at the Devil Canyon Afterbay on the East Branch of the State Water Project. If the water is made available to Metropolitan pursuant to the terms and conditions of this agreement, Metropolitan will accept delivery of the water from the California Aqueduct and exchange an equal quantity of Colorado River Aqueduct water to Desert during the term of this agreement.

If you concur with the following agreement terms, please sign the Acknowledgement and return in the enclosed envelope at your earliest convenience.

The terms and conditions of this agreement are as follows:

1. Upon concurrence from the DWR, Metropolitan and Desert will schedule with DWR the delivery of Desert's non-State Project water from Kern County to the Devil Canyon Afterbay located on the California Aqueduct's East Branch. This water will be considered as State Project Water for purposes of the 1983 Metropolitan-Desert Exchange Agreement, as amended by the 1984 Advance Delivery Agreement, the 2003 Exchange Agreement, the short-term operating criteria agreed upon by letter agreement dated November 9, 2004, and the Implementation of 2003 Exchange Agreement – Establishment of Long-Term Operating Criteria dated November 19, 2007 (collectively, the "Exchange Agreement").

2. Metropolitan will develop a separate account to track the receipt and delivery of the non-State Project water exchanged for Colorado River water under this agreement. This account will be separate from the existing Advanced Delivery Account that Metropolitan currently reports. As soon as water under this agreement is provided to Metropolitan, Desert will receive a delivery credit, which will indicate a future delivery obligation to Desert by Metropolitan. The credit will only be reduced by deliveries of water to the Mission Creek turnout. This agreement will be in effect until all delivery credits due to the non-State Project water amounts identified in paragraph 4 have been delivered to Desert.

3. Subject to the availability of delivery credits pursuant to paragraph 2, unless otherwise agreed to by Metropolitan and Desert, Metropolitan will deliver a minimum of 500 acre-feet by December 31, 2008 and an additional 700 acre feet for a total of 1,200 acre-feet of water to the Mission Springs turnout by August 31, 2009. Metropolitan will deliver an additional minimum of 600 acre-feet (1,800 acre-feet accumulated minimum amount) by July 1, 2010, and an additional 1,200 acre-feet (3,000 acre-feet accumulated minimum amount) by December 31, 2010. Metropolitan will also ensure that the accumulated deliveries through the following dates are in excess of the following schedule (unless amended my Metropolitan and Desert):

Year ending	Minimum Accumulated Deliveries
2010	3,000 AF
2011	4,200 AF
2012	5,400 AF
2013	6,600 AF
2014	8,800 AF
2015	10,000 AF
2016- Completion	Amount increases by 1,200 AF/yr

Notwithstanding the minimum delivery amounts and delivery schedule provided in this paragraph 3, Metropolitan is not required to deliver water in excess of the amount of non-State Project water it receives under this agreement.

4. Metropolitan agrees to accept delivery of 8,350 AF during 2008. Between 2009 and 2015, Metropolitan agrees to accept delivery of additional supplies, up to the 36,000 acre-foot total limit, provided that accepting such deliveries does not adversely impact Metropolitan's operations. Examples of such adverse impacts could include, but are not limited to, delivery during times when Article 21 supplies are available, delivery during years in which the State Water Project Table A allocation is 80% or greater, or deliveries that could adversely affect Metropolitan's water quality.

5. Desert will execute all agreements with DWR for the delivery of Desert's non-State Project water from Kern County to the Devil Canyon Afterbay pursuant to its State Water Project Water Supply Contract with the DWR, and will pay all charges imposed by DWR to do so.

6. Desert and Metropolitan agree any costs incurred to implement this exchange will be borne by the parties in accordance with their existing Exchange Agreement.

7. All provisions of the Exchange Agreement and any other existing agreements between Metropolitan and Desert providing for usage of the Colorado River Aqueduct shall remain in full force and effect. Water delivered to Desert pursuant to this letter agreement shall be considered Exchange Water for purposes of Section 16(a)(Liability) of the Exchange Agreement.

8. Metropolitan and Desert will coordinate implementation of this agreement through participation in their existing Operating Committee to manage the Exchange Agreement. Metropolitan and Desert may amend terms and conditions of this agreement by mutual written concurrence.

If you have any questions, please contact me at (760) 323-4971.

Sincerely,

DESERT WATER AGENCY

David K. Luker
General Manager- Chief Engineer

Enclosure/1/as

CC: Bill Hasencamp, MWD

ACKNOWLEDGEMENT

The terms and conditions set forth in the District's letter dated September 23, 2008, are hereby acknowledged and accepted.

Date: 10/8/08 By _____

Jeffrey Kightlinger
General Manager
Metropolitan Water District of Southern California

Approved As To Form:

_____

By: _____
JOSEPH A. VANDERHORST
Sr. Deputy General Counsel

J/JLT/CORRESP/LUKER

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3602 University Ave • Riverside, CA 92501 • Tel 951-684-6900 • Fax 951-684-6986

October 7, 2008 101-73.1

John Kessler, Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, California 95814
Email: Jkessler@energy.state.ca.us

Subject: CPV Sentinel, LLC Energy Project (07-AFC-3)
Mission Creek Ground Water Subbasin

Dear Mr. Kessler:

David K. Luker, General Manager of Desert Water Agency, has requested Krieger & Stewart to comment on the estimated time it takes water infiltrated at the Mission Creek Recharge Basins to reach the underlying ground water table and the estimated transmissivity of the Mission Creek Ground Water Subbasin aquifer, particularly within the vicinity of the aforementioned recharge basins and CPV Sentinel, LLC's Energy Project.

A. ESTIMATED TIME TO REACH GROUND WATER TABLE

Figure 1, attached, shows water levels in the Mission Creek Monitoring Well (MCMW) located at the Mission Creek Recharge Basins and in Mission Springs Water District's (MSWD) Well 30, both as related to ground water recharge. Water levels are expressed in measured depth to the water table and recharge is based on Metropolitan Water District month-end water delivery meter readings.

Recharge activities at the Mission Creek Recharge Basins were initiated in November 2002. During 2002, approximately 4,733 acre-feet (AF) were recharged through the Mission Creek Recharge Facilities. Subsequent recharge events occurred in 2004, 2005, 2006, and 2007 wherein approximately 5,822, 24,723, 19,900, and 1,012 AF, respectively, were recharged through the Mission Creek Recharge Facilities.

The first indication of rising water level in the MCMW was on May 29, 2003 (about seven months after initiation of recharge activities), when the water level rose 1.5 feet (ft) from the previous measurement, which was made on April 18, 2003 (about six months after initiation of recharge activities).

Since no water level measurements were made during 2003 before April 18, 2003 or between April 18 and May 29, the water level may have begun to rise sooner. If the slope of the declining water level were projected in a linear fashion based on the two earliest water level measurements (May 27, 1997 and August 29, 2000, see dashed line on Figure 1), it is likely that water levels had begun to rise by the April 18, 2003 water level measurement and perhaps even sooner, specifically six months or less.

Since no water level measurements were made during and immediately following initial recharge, it is impossible to accurately determine when the water level actually began to rise. Further, the unsaturated formations underlying the spreading basins had to be saturated from the basins to the water table. Because of these complications, we elected to ignore the 2002 recharge event in our calculation.

The initial and subsequent recharge events are set forth as follows:

Ground Water Recharge Events

Recharge				Water Level Rise		
Event Number	Date Initiated	Quantity (AF)	Duration (Months)	Date Measured	Elapsed Time (Months)	Increase (Ft)
1	11/2002	4,733	2	05/29/2003	7	1.5
2	10/2004	5,822	3	02/12/2005	4	0.3
3	03/2005	24,723	10	ID	ID	ID
4	03/2006	19,900	8	05/01/2006	2	19.6
5	09/2007	1,012	2	ID	ID	ID

ID = Insufficient Data

Based on the above (taking into account the frequency of MWD meter readings, MCMW water level measurements, and excluding the initial recharge event due to insufficient water level measurement data), we conclude that the time required for water discharged into the Mission Creek Recharge Basins to reach the underlying aquifer ranges between two and four months, depending upon the extent of time between recharge events, based on 2004 and 2006 recharge events.

B. ESTIMATED TRANSMISSIVITIES WITHIN GROUND WATER SUBBASIN

In order to address transmissivity, we have reviewed the data, memoranda, and reports prepared by URS for the CPV Energy Project (2008). We have also reviewed the Slade report (May 2000) and the GTC report (1979), both of which were authored by Slade; United States Geological Survey reports (1971, 1978, and 1992) authored by Tyley, Swain, and Richards and Meadows, respectively; and ground water assessment reports (1978 through 2008) prepared by Krieger & Stewart.

With regard to the Tyley report and Tyley's determination of transmissivity for the Mission Creek Ground Water Subbasin, available data was sparse, so Tyley had to make numerous assumptions and extrapolations. Most, if not all, of the MSWD wells had not been constructed when Tyley conducted his investigation. He essentially completed data collection in 1967, analyzed and processed said data the following two years, and then produced an advance copy of the draft report for review and comment in early 1970.

The wells that Tyley considered in the determination of transmissivity within the Mission Creek Ground Water Subbasin were, for the most part, small, shallow, and of questionable construction. Several of the wells penetrated the water table 60 ft or less and became unusable with the declining water table. Also, some of the wells were constructed by local well drillers who used Indio Hills Mud for drilling fluid rather than commercial grade material such as bentonite, and Indio Hills Mud tended to seal the aquifer formation and reduce specific capacity.

Most of the wells currently operated by MSWD and Coachella Valley Water District (CVWD) were constructed using reverse rotary circulation techniques; however, a few of the wells were constructed using direct circulation techniques. Regardless, both direct and reverse circulation wells were developed more thoroughly and the wells are larger, deeper, and penetrate the ground water aquifer to greater depths, thus more closely reflecting the ground water aquifer characteristics within the upper portion (upper 1,000 ft) of the saturated aquifer and the data from these wells provides more reliable data for estimating transmissivity.

Tyley's preferred method of determining transmissivity was to use the modified non-equilibrium (Jacob) equation to estimate transmissivity at a well (in this case, this involves multiplying the specific capacity of a well by a factor of 1,800). In the absence of specific capacity information, Tyley estimated, based on available well logs, conductivity by zone and thereafter converted that to average transmissivity for the well. Since Tyley extrapolated westerly estimated transmissivities from limited, sparse data, his transmissivity estimates, although best under the circumstances, appear to be conservatively low.

Using the same procedure as Tyley, the estimated average transmissivities within the Mission Creek Subbasin range between 22,000 and 366,000 gallons per day per foot (gpd/ft) (based on average specific capacities ranging between 12.2 and 203.2 gallons per minute per foot of drawdown (gpm/ft dd) as shown in Table 1), from the wells shown on Figure 2 (MSWD Wells 22, 24, 27, 28, 29, 30, 31, 32, and 34; CVWD Wells 3408, 3409, and 3410; and CPV Well PW-1). The well with the lowest average specific capacity of those evaluated was MSWD Well 34 at 12.2 gpm/ft dd. The well with the highest specific capacity of those evaluated was MSWD Well 29 at 203.2 gpm/ft dd. The estimated maximum transmissivities, based on the maximum specific capacities of the same wells (with unreasonably high outliers omitted), range between 47,000 and 530,000 gpd/ft. The specific capacities were based on pumping data collected between May 1970 and December 2007.

Our estimated transmissivity ranges are shown on Figure 3, using Tyley's original transmissivity distribution patterns to show approximate regions with similar transmissivities. As shown thereon, MSWD Wells 27, 31, and 32 and CVWD Well 3410 fall within the 300,000 transmissivity zone (with CVWD Well 3410 close to the boundary with the 200,000 zone); MSWD Wells 22, 24, and 29 and CVWD Wells 3408 and 3409 fall within the 200,000 transmissivity zone (with CVWD Well 3409 close to the boundary with the 300,000 zone); MSWD Wells 28 and 30 and the CPV PW-1 Well fall within the 100,000 transmissivity zone; and MSWD Well 34 falls on the boundary between the 20,000 and 40,000 transmissivity zones. MSWD Well 34 is currently not in operation. Although MSWD Well 34 operated initially with a specific capacity of approximately 26 gpm/ft dd, corresponding to a transmissivity of about 47,000 gpd/ft, the specific capacity declined precipitously over time to less than 5 gpm/ft dd, at

which point the pump, damaged by cavitation, was removed from service. Based on the calculated transmissivities at the above-noted well locations, some adjustments to the original Tyley transmissivity distribution are warranted. Regardless, based on data available subsequent to Tyley's investigation, Tyley's transmissivity figures can safely be increased by a factor of 1.5 to 2.

In summary, water infiltrated at the Mission Creek Recharge Basins will reach the underlying ground water table in two to four months based on two specific recharge events (2004 and 2006), and estimated transmissivity within the Mission Creek Ground Water Subbasin Aquifer is 1.5 to 2 times Tyley's estimates based on data which became available subsequent to Tyley's investigation. We have increased Tyley's transmissivity estimates from 200,000 gpd/ft to 300,000 gpd/ft, from 100,000 gpd/ft to 200,000 gpd/ft, from 50,000 gpd/ft to 100,000 gpd/ft, from 25,000 gpd/ft to 40,000 gpd/ft, and from 10,000 gpd/ft to 20,000 gpd/ft based on such data.

Sincerely,

KRIEGER & STEWART

Robert A. Krieger

Robert A. Krieger

RAK/blt
101-73P1-JK-L1

Attachments: Table 1 – Summary of Calculated Specific Capacity and Transmissivity Data
Figure 1 – Water Recharge Quantities and Water Well Hydrographs
Figure 2 – Well Locations
Figure 3 – Transmissivity Values

cc: David K. Luker, Desert Water Agency
Kris Helm, Consultant

TABLE 1
SUMMARY OF CALCULATED
AVERAGE SPECIFIC CAPACITY AND TRANSMISSIVITY DATA

Well No.	Specific Capacity (gpm/ft dd)		Transmissivity (gpd/ft)	
	Max	Avg	Max	Avg
MSWD 30	87.0	64.5	156,600	116,189
MSWD 28	68.3	58.8	122,940	105,777
MSWD 22	160.9	113.0	289,620	203,394
MSWD 24	159.9	111.3	287,820	200,393
MSWD 29	293.1	203.2	527,580	365,813
MSWD 27	203.7	145.3	366,660	261,460
MSWD 31	206.5	165.4	371,700	297,731
MSWD 32	254.6	195.9	458,280	352,678
MSWD 34	26.0	12.2	46,782	21,948
CVWD 3408	112.8	109.9	203,040	197,730
CVWD 3409	89.8	88.0	161,640	158,400
CVWD 3410	111.1	111.1	199,980	199,980
CPV PW-1	85.8	85.8	154,440	154,440

Note: Transmissivity above has been derived by multiplying specific capacity by 1800, the same factor used by Tyler (1974).

ELAPSED TIME BETWEEN COMMENCEMENT OF
RECHARGE EVENT AND RISE (INCREASE) IN WATER LEVEL

7 MONTHS
4 MONTHS
2 MONTHS

INITIAL RECHARGE

01/01/97 01/01/98 01/01/99 01/01/00 12/31/00 12/31/01 12/31/02 12/31/03 12/30/04 12/30/05 12/30/06 12/30/07

Depth to Water (Ft)
300 310 320 330 340 350 360 370 380 390 400 410 420 430 440 450 460 470 480 490 500 510 520 530 540 550 560 570 580 590 600

Recharge (AF)
3,500 AF
3,000 AF
2,500 AF
2,000 AF
1,500 AF
1,000 AF
500 AF
0 AF

LEGEND

WATER LEVELS
- RECHARGE BASIN MONITORING WELL
- MSWD PRODUCTION WELL #30

WATER RECHARGE
- MISSION CREEK RECHARGE BASINS

101-73-1.DWG

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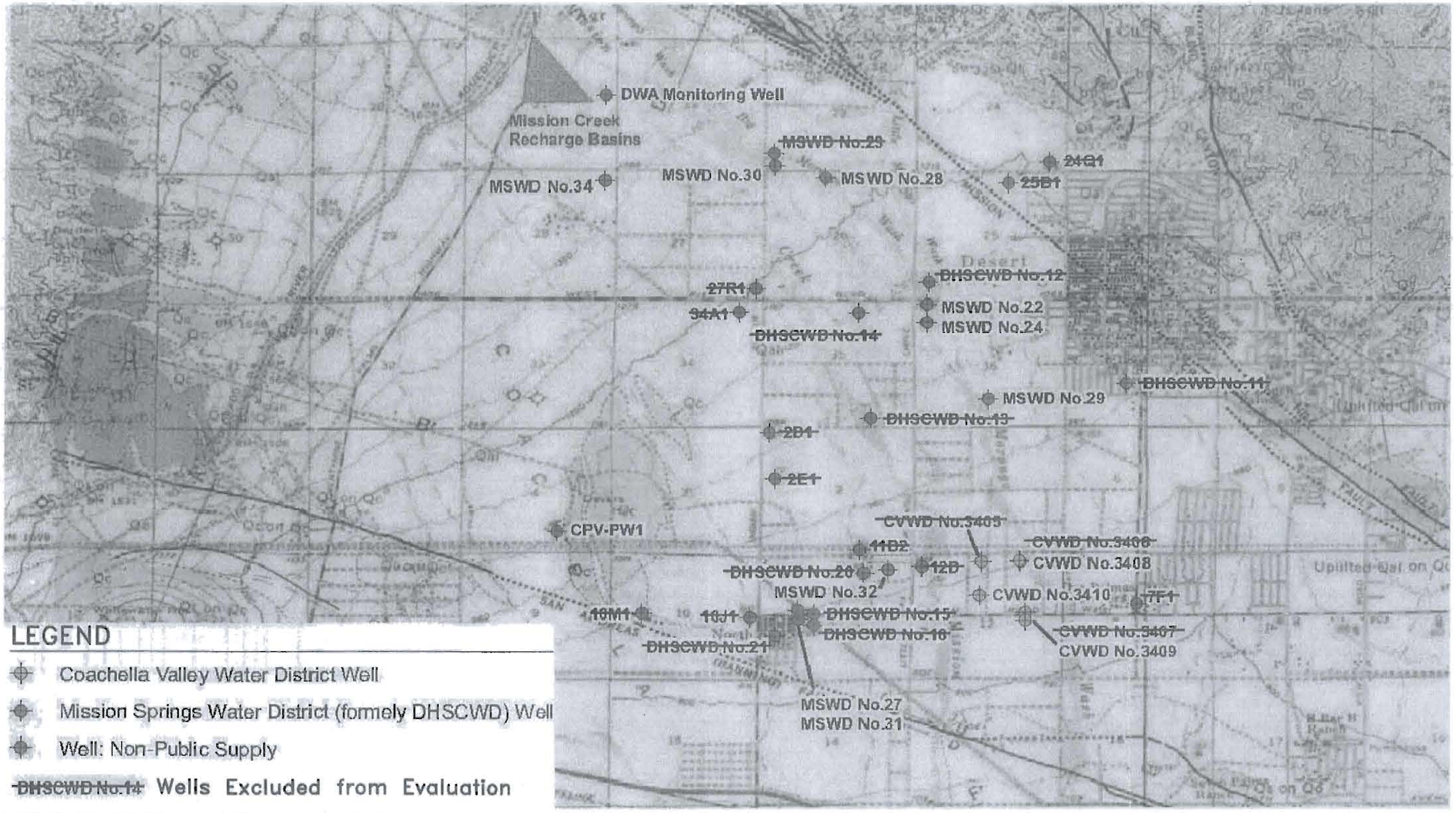
DESERT WATER AGENCY

MISSION CREEK SUBBASIN

CPV SENTINEL ENERGY PROJECT
WATER RECHARGE QUANTITIES AND WATER WELL HYDROGRAPHS

SCALE: N.T.S. DATE: 10/6/08 DRAWN BY: TMW CHECKED BY: DFS W.O.: 101-73

FIGURE 1 OF 3



LEGEND

- Coachella Valley Water District Well
- Mission Springs Water District (formely DHSCWD) Well
- Well: Non-Public Supply
- ~~DHSCWD No.14~~ Wells Excluded from Evaluation

REFERENCE: State of California, The Resources Agency, Department of Conservation, Division of Mines and Geology, Desert Hot Springs Area, Riverside County, California, 1968, Special Report 94 by R.J. Proctor

SOURCE: URS July 2008 (Mission Springs Water District Wells 32 and 34 Added)

101-73F2.DWG

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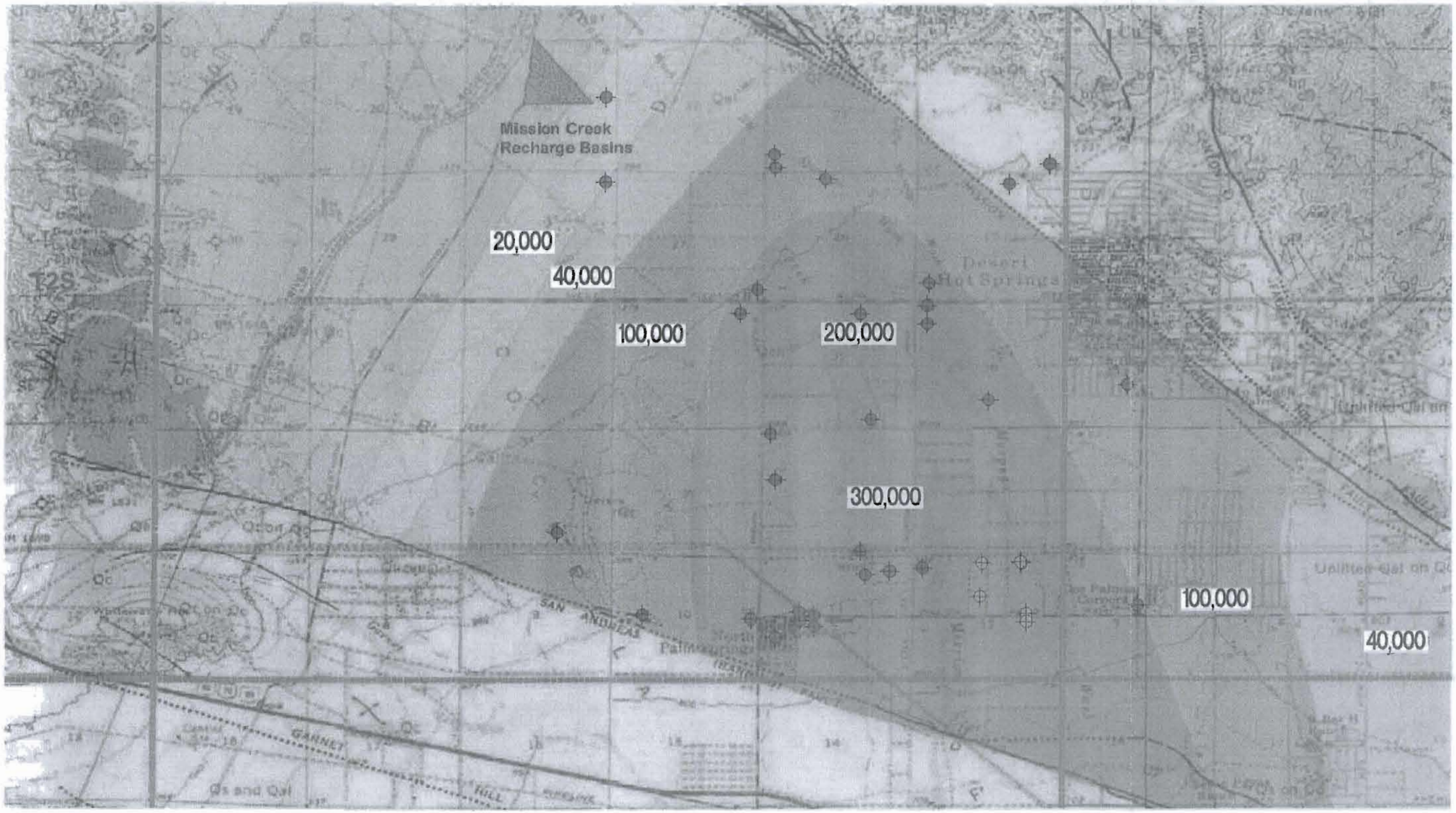
DESERT WATER AGENCY

MISSION CREEK SUBBASIN

CPV SENTINEL ENERGY PROJECT
WELL LOCATIONS

FIGURE 2 OF 3

SCALE: N.T.S. DATE: 10/6/08 DRAWN BY: TMW CHECKED BY: DFS W.O.: 101-73



REFERENCE: State of California, The Resources Agency, Department of Conservation, Division of Mines and Geology, Desert Hot Springs Area, Riverside County, California, 1968, Special Report 94 by R.J. Proctor

SOURCE: URS July 2008

Transmissivity Distribution is Based on Tyley (1974). Transmissivity Values Are Based on Specific Capacity Data for Wells Constructed within Last 40 Years.

101-73F2.DWG

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3602 University Ave. • Riverside, CA. 92501 • 951-684-0900

DESERT WATER AGENCY

MISSION CREEK SUBBASIN

CPV SENTINEL ENERGY PROJECT
TRANSMISSIVITY VALUES

FIGURE 3 OF 3

SCALE: N.T.S. DATE: 10/6/08 DRAWN BY: TMW CHECKED BY: DFS W.O.: 101-73

CPV SENTINEL – DRAFT CONDITIONS OF CERTIFICATION FOR THE SOIL AND WATER SECTION OF THE FINAL STAFF ASSESSMENT

PROPOSED CONDITIONS OF CERTIFICATION

NPDES STORMWATER PERMIT – CONSTRUCTION ACTIVITY

SOIL&WATER-1: The project owner shall comply with the requirements of the general National Pollution Discharge Elimination System (NPDES) permit for discharge of stormwater associated with construction activity. The project owner shall develop, obtain compliance project manager (CPM) approval of, and implement a Storm Water Pollution Prevention Plan (SWPPP) for the construction of the CPV Sentinel site, laydown area, and all linear facilities.

Verification: At least 60 days prior to site mobilization, the project owner shall submit to the CPM a copy of the construction SWPPP for review and approval prior to site mobilization. The project owner shall retain a copy on site. The project owner shall submit copies to the CPM of all correspondence between the project owner and the Colorado Region Regional Water Quality Control Board (RWQCB) regarding the NPDES permit for the discharge of stormwater associated with construction activity within 10 days of its receipt or submittal. Copies of correspondence shall include the notice of intent sent to the State Water Resources Control Board (SWRCB), and the board's confirmation letter indicating receipt and acceptance of the notice of intent.

COUNTY GRADING AND FLOODING PERMIT REQUIREMENTS

SOIL&WATER-2: The project owner shall complete all necessary plans, reports, documents, and monitoring necessary to satisfy the Conditions of Approval related to grading and flooding outlined in Draft Public Use Permit Number 897 issued by the County of Riverside, dated August 11, 2008, and Riverside County's Ordinance 754.2. Prior to initiation of construction activities, the project owner shall submit to the County of Riverside all necessary documentation, plans, and fees **normally** required for County's compliance with Conditions of Approval, with copies to the CPM. The project shall not commence construction until the county of Riverside provides its written evaluation as to whether the proposed grading and flood control construction and operation activities complies with all county requirements and the CPM provides approval for construction. The project owner shall ensure compliance with all county standards and requirements for grading, erosion control, and flooding for the life of the project and shall provide the CPM with two (2) copies of all monitoring or other reports required for compliance with the County of Riverside requirements.

Verification: The project owner shall do all of the following:

a. No later than sixty (60) days prior to the start of grading the project owner will provide to the County of Riverside and CPM a copy of all necessary information to satisfy the Conditions of Approval for grading and flooding and acquiringe a grading permit from the County of Riverside. The submittal must be reviewed by the County of Riverside and approved by the CPM.

b. No later than sixty (60) days prior to the start of facility construction the project owner will provide to the County of Riverside and CPM a copy of all necessary information to satisfy the Conditions of Approval for grading and flooding and acquiringe a building permit from the County of Riverside. The submittal must be reviewed by the County of Riverside and approved by the CPM.

c. No later than 30 days prior to project operation the project owner will facilitate inspections and provide documentation to the County of Riverside and CPM demonstrating that all necessary grading and flooding improvements have been completed and are operational. The submittal must be reviewed by the County of Riverside and approved by the CPM.

NPDES STORMWATER PERMIT – INDUSTRIAL ACTIVITY

SOIL & WATER-3: The project owner shall comply with the requirements of the general NPDES permit for discharges of storm water associated with industrial activity. The project owner shall develop, obtain CPM approval of, and implement an industrial SWPPP for the operation of the project.

Verification: At least 60 days prior to commercial operation, the project owner shall submit to the CPM a copy of the industrial SWPPP for operation of the project for review and approval prior to commercial operation. The project owner shall retain a copy on site. The project owner shall submit copies to the CPM of all correspondence between the project owner and the RWQCB regarding the general NPDES permit for discharge of storm water associated with industrial activity within 10 days of its receipt or submittal. Copies of correspondence shall include the Notice of Intent sent by the project owner to the SWRCB.

COMMENTS ON SOIL&WATER-4: *Two additional options to the potable water supply source during operations are proposed as alternatives to constructing a new potable water from the existing Mission Springs Water District line along Dillon Road. These two alternatives are as follows: (1) using groundwater from onsite wells, or (2) bringing potable water onsite in containers.*

The two additional alternatives would not require the installation of the buried potable water line proposed in the AFC along the site access route from Dillon Road to the project site.

Maximum potable water requirements are expected to be 2 AFY. If onsite wells are used for potable water demands, maximum annual groundwater usage will not increase beyond the original conservative estimate of 1,100 AFY. See AFC Table 2.4-6, which lists daily and annual average water consumption requirements for the project. Annual

plant water usage is estimated to be 1,083 AFY, which has been rounded to 1,100 AFY in previous analyses. An increase of 2 AFY would bring annual usage to 1,085 AFY, and is still consistent with the maximum usage of 1,100 AFY.

Moreover, if onsite wells are used to meet potable requirements, these groundwater extractions would offset one-for-one the extractions of groundwater by the Mission Springs Water District that would otherwise be made to supply potable water to the power plant.

POTABLE WATER USE

SOIL&WATER-4: The project owner shall use potable water supplied by one of the following: (1) Mission Springs Water district (MSWD), (2) onsite wells, or (3) containers brought on the site for potable purposes. The annual use of potable water shall not exceed 2-acre-feet per year. If MSWD or onsite wells are the sources of potable water, ~~T~~the project owner shall monitor and record in gallons per day the total volume of potable water supplied to the CPV Sentinel project. Prior to the use of potable water for commercial operation, the project owner shall either install and maintain metering devices as part of the water supply and distribution system or verify that the water supplier will provide metering allowing the project owner to document project water use as required. The metering devices shall be operational for the life of the project.

Verification: If MSWD or onsite wells are the sources of potable water, ~~B~~beginning with the commencement of commercial operation, the project owner shall prepare an annual summary of amount of water used for potable purposes. The summary shall include the monthly range and monthly average of daily water usage in ~~gallons per day~~cubic feet per month, and total water used on a monthly and annual basis in acre-feet. For years subsequent to the initial year of operation, the annual summary will also include the yearly range and yearly average water use. For calculating the total water use, the beginning of the one-year term will correspond to the date established for the annual compliance report submittal.

At least sixty (60) days prior to commercial operation of CPV Sentinel project, the project owner shall submit to the CPM a copy of the water supply agreement, if applicable, and evidence that metering devices have been installed and are operational. Potable water use reporting may be based on metering from the supplier.

PROJECT GROUNDWATER WELLS

SOIL &WATER - 5: The project owner shall construct and operate up to five onsite groundwater wells that produce water from the Mission Creek Groundwater Sub-basin (MCGS). The project owner shall ensure that the wells are properly completed in accordance with all applicable state and local water well construction permits and requirements. Prior to initiation of well construction activities, the project owner shall submit a well construction packet to the County of Riverside, in accordance with the County of Riverside Ordinance 682,

containing all documentation, plans, and fees normally required for the county's well permit, with copies to the CPM. The project shall not construct a~~the~~ well or extract and use any groundwater therefrom until the County of Riverside issues written concurrence that the proposed well construction and operation activities comply with all applicable county well requirements and meets ~~-~~the requirements established by the county's water well permit program, and the CPM concurs with the county's assessment and provides approval to construct the well. The project owner shall provide documentation to the CPM that the well has been properly completed. In accordance with California's Water Code section 13754, the driller of the well shall submit to the Department of Water Resources (DWR) a Well Completion Report for each well installed. The project owner shall ensure the Well Completion reports are submitted. The project owner shall ensure compliance with all county water well standards and requirements for the life of the wells and shall provide the CPM with two (2) copies of all monitoring or other reports required for compliance with the County of Riverside water well standards and operation requirements, as well as any changes made to the operation of the well.

Verification: The project owner shall do all of the following:

a. No later than thirty (30) days prior to the construction of the onsite water supply wells, the project owner shall submit two (2) copies to the CPM of the water well construction packet submitted to the County of Riverside.

b. No later than fifteen (15) days prior to the construction of the onsite water supply wells, the project owner shall submit two (2) copies of the written concurrence document from the County of Riverside indicating that the proposed well construction activities comply with all county well requirements and meet the requirements established by the county's water well permit program.

c. No later than 60 days after installation of each well at the project site, the project owner shall ensure that the well driller submits a Well Completion Report to the DWR with a copy provide to the CPM. The project owner shall submit to the CPM together with the Well Completion Report a copy of well drilling logs, water quality analyses, and any inspection reports that may be available for each well installed.

During well construction and for the operational life of the well, the project owner shall:

a. Submit copies to the CPM of any proposed well construction or operation changes.

b. Submit copies of any water well monitoring reports required by the County of Riverside to the CPM in the annual compliance report.

c. No later than fifteen (15) days after completion of the onsite water supply wells, the project owner shall submit documentation to the CPM and the RWQCB that well drilling activities were conducted in compliance with Title 23, California Code of Regulations, Chapter 15, Discharges of Hazardous Wastes to Land, (23 CCR, sections 2510 et seq.) requirements and that any onsite drilling sumps used for project drilling activities were removed in compliance with 23 CCR section 2511(c).

COMMENTS ON SOIL&WATER-6: *Applicant suggests separating previous SOIL&WATER-6 into two conditions. Please refer to new SOIL&WATER-7 added below for aspects deleted from previous SOIL&WATER-6. Further, Applicant suggests changing the unit of measure from gallons per day to hundreds of cubic feet per month since this is consistent with the method used by well-metering authorities to monitor water consumption.*

In the new SOIL&WATER-7 below, Applicant suggests changing the consequences of non-compliance to be consistent with what was discussed at the PSA Workshop.

PROJECT GROUNDWATER USE

SOIL&WATER-6: The CPV Sentinel project shall use groundwater produced by the on-site wells identified in **SOIL&WATER-5** for all non-potable plant construction and process uses during operation including cooling and landscape irrigation.

~~a.~~Prior to the use of groundwater for commercial operation, the project owner shall install and maintain metering devices as part of the water supply and distribution system to document project process water use as required to monitor and record in ~~gallons per day~~hundreds of cubic feet per month the total volume(s) of water supplied to the CPV Sentinel project from this water source. The metering devices shall be operational for the life of the project. Each of the five wells to be constructed will be metered separately or provisions will be made to ensure water use from each well can be identified and documented.

a.

~~**b.**The amount of groundwater that can be used for project process needs shall be limited as follows:~~

~~1.No more than 1,100 acre-feet may be consumed in any calendar year; and~~

~~2.In any given month, the amount of water that may be consumed is the total amount of water that has been recharged (pursuant to **SOIL&WATER-7**) __ months or more prior to that month, minus the cumulative amount of water previously pumped for project process needs since the commercial operation date.~~

~~c.~~b. The project owner shall prepare an annual summary of daily groundwater use for project process needs, including monthly subtotals and an accumulation of all project groundwater use since the commercial operation date, and the accumulation of groundwater recharged in accordance with **SOIL&WATER-8~~7~~**;

~~d. If insufficient water has been recharged for project process needs, the CPV Sentinel project shall not operate.~~

Verification:

SOIL&WATER-7: The project owner shall ensure that use of groundwater ~~use~~ does not exceed the limits specified below and that groundwater recharge ~~and shall~~ precedes pumping of groundwater as specified below.

a. The amount of groundwater that can be used for project process needs shall be limited as follows:

1. No more than 1,100 acre-feet may be consumed in any calendar year; and

2. In any given month, the amount of water that may be consumed is the cumulative amount of water that has been recharged (pursuant to **SOIL&WATER-8**) months or more prior to that month, minus the cumulative amount of water previously pumped for project process needs since the commercial operation date.

b. If insufficient water has been recharged in advance of groundwater pumping for project process needs, as defined in a(2) above, the CPV Sentinel project shall perform groundwater modeling of project pumping and recharge attributable to the project to the satisfaction of the USFWS and the CPM to assess the potential for any impacts to the Willow Hole Conservation Area Mesquite Hummocks. If it is determined that the project, absent avoidance measures, will impact the WHCAMH, the CPV Sentinel project shall submit a plan satisfactory to the USFWS and the CPM to implement alternative avoidance measures to the Willow Hole Conservation Area Mesquite Hummocks.

GROUNDWATER RECHARGE

SOIL&WATER-8~~7~~: The project owner shall ensure that its recharge of groundwater ~~precedes its pumping and use of groundwater for project operations pursuant to **SOIL&WATER-6** and~~ complies with the following:

a. Recharge shall occur at the Desert Water Agency's (DWA's) Mission Creek Spreading Grounds;

b. Water purchased by the project owner for recharge shall be in addition to State Water Project supplies ~~DWA's water~~ acquired by DWA under its entitlements as a State Water Project contractor (including DWA's Table A allocation and any surplus SWP purchases) ~~and in addition to DWA's other water acquired~~ for its groundwater replenishment program;

c. The initial water used for recharge shall be the 8,350 acre-feet of Exchanged North Kern water (hereafter referred to as North Kern water) water secured from North Kern Water Storage District pursuant to the Water Supply Agreement between CPV Sentinel and DWA. Recharge of additional water must comply with subdivisions a) and b) of this condition and must be approved pursuant to **SOIL&WATER-9~~8~~**, and

d. The applicant shall provide to the CPM an annual accounting of cumulative water recharged on a monthly basis throughout the operating life of the project as part of the Annual Compliance Report, and in coordination with the annual reporting requirements in **SOIL&WATER-6**.

Verification:

APPROVAL OF NEW RECHARGE WATER SOURCES
SOIL&WATER-~~8~~9:

a. If, prior to completion of the recharge of the North Kern water, the project owner wishes to recharge water pursuant to **SOIL&WATER-8~~7~~** that is other than North Kern water, it shall, ~~one year~~ prior to recharge of that water, submit a Water Supply Plan to the CPM for review and approval that meets the requirements identified in subsection (c) of this condition.

b. Once recharge of the North Kern water is complete, the project owner shall submit a Water Supply Plan identifying additional water for recharge to the CPM for review and approval when the amount of water available for project process needs is reduced to 1,650 acre feet as calculated in **SOIL&WATER-6**.

c. Any Water Supply Plan submitted pursuant to this Condition shall include the following:

   1. Identification of the water source;

   2. Demonstration of the project owner's legal entitlement to the water;

3. Demonstration of CEQA compliance; and

4. An estimated schedule for delivery to the DWA's Mission Creek Spreading Grounds, including applicable agreements with water supply, transfer and conveyance entities.

d. The project shall not utilize anyNo water other than North Kern water shall be recharged at the DWA spreading grounds for use by the project unless the CPM has approved the Water Supply Plan submitted pursuant to this Condition.

Verification:

COMMENTS ON SOIL&WATER-10 BELOW: *The Applicant has maintained the intent of SW 10 but has made several changes. First, the purposes of the payments to DWA for recycled water have been revised to be consistent with the contract with DWA. The specific improvements to the DWA system do not necessarily include additional tertiary treatment facilities and payment for hooking up the golf course includes fees and actual costs for new connection facilities. The requirement to maximize the water that is available to the golf course is maintained but the requirement to offer water in excess of the golf course needs or when water may not be available for reasons outside DWA or applicant's control have been deleted. Also, the metering of water use has been revised to hundreds of cubic feet monthly which is consistent with the metering that is done by DWA on its water service and is required by DWA of well owners. There is no benefit in a new requirement to read meters and report daily water use.*

WATER SUPPLY CONVERSION OF PALM SPRINGS NATIONAL GOLF COURSE

SOIL&WATER-109: In accordance with the Water Conservation Funding Agreement, dated July 15, 2008, the project owner will fund construction of the water supply conversion of the PSNGC from groundwater use to recycled water use, and comply with the following requirements:

a. The project owner shall pay $1,000,000 to the DWA for enhancements and improvements to DWA's reclaimed water system, including the costs for tertiary water treatment facilities as part of that systemintended to maximize the availability of reclaimed water to DWA customers-;

b. The project owner shall pay $300,000 to DWA for construction of a pipeline andfees and construction costs to enable delivery of the recycled water from DWA's South Murray Canyon Drive service main to the PSNGC.

c. The project owner shall, in each calendar year following the start of commercial operation, ensure that the maximum available supply of DWA's recycled water that can be beneficially used by PSNGC will be delivered and used by PSNGC. At least 1,100 AFY of recycled water supply must be made available to PSNGC for irrigation. PSNGC annual recycled water use must

contribute with the irrigation management controllers required in **SOIL&WATER-11~~0~~** to overall conserve fresh water as specified in **SOIL&WATER-12~~1~~**.

d. The project owner shall obtain records from DWA showing the volume of recycled water used and report daily water use in ~~gallons per day~~hundreds of cubic feet per month, and monthly and annual totals in acre-feet in the Annual Compliance Report. If any groundwater is used for irrigation of PSNGC, the project owner shall also obtain records showing the daily water use in ~~gallons per day~~hundreds of cubic feet per month, and monthly and annual totals in acre-feet in the Annual Compliance Report and provide an explanation of why irrigation with groundwater was necessary.

e. In the event the PSNGC no longer requires recycled water service, the project owner shall notify the CPM within 10 days and shall comply with the requirements of **SOIL&WATER-12~~1~~**.

Verification:

FRESH WATER CONSERVATION PROGRAM

COMMENTS ON SOIL&WATER-11: *-The requirements to provide the CEC with data and ensure success of the water conservation program are maintained in the following condition but changes in the requirements for new monetary payments to DWA beyond that which has been agreed to in the definitive water conservation program agreement have been deleted. The success of this program is dictated in SW 12.*

SOIL&WATER-11~~0~~: In accordance with the WSP, the project owner will fund installation by DWA of irrigation management controllers in existing residences and businesses in DWA's service area to achieve fresh water conservation consistent with the WSP. The program will include provisions for education and outreach, demonstration programs, and installation of the controllers by DWA. The project owner shall ~~provide the following funding for this portion of the WSP~~:

a. Contribute ~~$300,000, or as needed to restore a beginning year balance of $300,000, annually into DWA's program fund the year construction begins. Annual~~ funding ~~shall continue until~~ sufficient for DWA's ~~has accomplished~~ installation of 4,800 irrigation controllers in its services area at existing businesses or residences. ~~Installation shall be completed no later than the end of the 7th year following the start of construction;~~

~~b.Funding for DWA to provide long-term maintenance or periodic replacement of the irrigation controllers to ensure that they are effective for a minimum of 30 years;~~

~~c.Funding for education and outreach, and demonstration activities for the irrigation controller program; and~~

~~d.~~b. ~~Funding for a~~ Cause DWA to complete an evaluation of the effectiveness of the irrigation controller program using methods similar to those used by CVWD in their Final Report dated June 21, 2007 or other methods to be approved by the CPM.

c. Ensure success of the irrigation controller program by DWA to comply with **SOIL&WATER-12**.

Verification:

COMMENTS ON SOIL&WATER-12 BELOW: *The condition as originally written would have created requirements for the success of the freshwater conservation program beyond the needs of the CEC to ensure compliance with policy. Although the estimated savings of the water conservation program are greater, the condition itself has been revised to ensure that freshwater conservation equals or exceeds the use of groundwater by the project. Also, the mixed use of conservation program and fresh-water conservation program in the prior condition has been revised to consistently note that the program is intended to conserve freshwater.*

REPORTING AND VERIFYING THE FRESH WATER CONSERVATION PROGRAM BENEFITS

SOIL & WATER 12~~1~~ - The project owner shall ensure that the fresh water conservation benefits to be achieved by implementation of **SOIL&WATER-10~~9~~** and **SOIL&WATER-11~~0~~** shall meet the following requirements:

a. Achieve ~~1,000 AFY in~~total fresh ~~-~~water conservation benefits by the end of the first full calendar year following the project commercial operation date~~, increasing by 100 AFY annually over the subsequent 5 years to 1,500 AFY by the end of the 6th full calendar year following the commercial operation date~~ equal to or exceeding the actual use of groundwater by the project measured pursuant to **SOIL&WATER-6**.

b. Achieve minimum cumulative fresh water conservation benefits ~~of 1,500 AFY for each year following the 6th full calendar year following the commercial operation date~~ thereafter at least equal to the project's cumulative groundwater use for the life of the project.

c. If the fresh water conservation benefits of the water supply conversion of the PSNGC and the irrigation management program projects cannot be sustained for any reason according to a) and b) above, the project owner shall revise its Fresh Water Conservation Plan, obtain CPM approval, and implement additional fresh water conservation projects that will achieve fresh water

conservation equal to the requirements of a) and b) above, including the makeup of any deficits in meeting the water conservation requirements of a) and b) of this condition.

d. To ensure that this volume of fresh water conservation is achieved over the life of the project, the project owner will evaluate and report the effectiveness of the fresh water conservation projects annually to the CPM following the commercial operation date, and identify whether additional fresh water conservation projects must be undertaken.

e. If additional projects must be undertaken to comply with the intent of this condition, the project owner must submit within 6 months following the annual report a revised Fresh Water Conservation Plan proposal to the CPM for implementation of additional fresh water conservation projects in the Upper Coachella Valley Groundwater Basin to achieve fresh water conservation in accordance with a) and b) of this condition.

Verification:

EVALUATION OF IMPACTS TO PRIVATE WELLS

SOIL & WATER 132: The project owner shall take the following steps to assess potential impacts to private well owners and to mitigate any such impacts.

The project owner will determine whether there are any private wells within a 3 mile radius of the project. If there are any such wells, the project owner will conduct groundwater modeling analysis to determine what type of impacts may result at these wells based on the site specific conditions and well construction details. The project owner shall use the URS model developed during the AFC process for this project, and shall base its conclusions on the following values (to be determined prior to publication of the FSA):

If this analysis indicates that the project will create a drawdown of five feet or more at any private well, the project owner shall provide the following mitigation to the well owner:

a. Payment or reimbursement (at the affected well owner's option) for increased energy costs calculated pursuant to **SOIL&WATER-140** due to the project's impacts; or

b. Payment or reimbursement of an amount equal to the customary local cost of lowering the well owner's pump setting necessary to accommodate the decline in water level caused by the project, unless the project owner can demonstrate to the satisfaction of the CPM that the existing pump setting is sufficiently deep that lowering is unnecessary. In the event that the pump setting cannot be lowered without deepening the well, the

project owner shall pay or reimburse the private well owner an amount equal to the customary local cost of deepening the well. If the well cannot be deepened, the project owner shall pay or reimburse the private well owner an amount equal to the customary local cost of installation of a new well.

Verification:

MITIGATION OF ENERGY USE IMPACTS ON PRIVATE WELLS

SOIL & WATER 143: Where it is determined that the project owner shall reimburse a private well owner for increased energy costs identified as a result of analysis performed in Condition of Certification **SOIL&WATER-131** the project owner shall calculate the compensation owed to any owner of an impacted well as described below. The compensation shall consist of two components. The project owner shall compensate impacted well owners for the increase in energy costs, according to the formula described below:

Increased cost for energy = change in lift/total system head x total energy consumption x costs/unit of energy

Where:

change in lift (ft) = calculated change in water level in the well resulting from project

total system head (ft) = elevation head + discharge pressure head

elevation head (ft) = difference in elevation between wellhead discharge pressure gauge and water level in well during pumping.

discharge pressure head (ft) = pressure at wellhead discharge gauge (psi) X 2.31

At least 30 days prior commencement of production pumping, the project owner shall submit to the CPM for review and approval the documentation showing which well owners must be compensated for increased energy costs and that the proposed amount is sufficient compensation to comply with the provisions of this condition.

- Any reimbursements (either lump sum or annual) to impacted well owners shall be only to those well owners whose wells were in service within six months of the Commission decision and within a 3-mile radius of the project site.

- The project owner shall notify all owners of the impacted wells within one month of the CPM approval of the compensation analysis for increase energy costs.
- Compensation shall be provided on either a one-time lump-sum basis, or on an annual basis, as described below.

Annual Compensation: Compensation provided on an annual basis shall be calculated prospectively for each year by estimating energy costs that will be incurred to provide the additional lift required as a result of the project. With the permission of the impacted well owner, the project owner shall provide energy meters for each well or well field affected by the project. The impacted well owner to receive compensation must provide documentation of energy consumption in the form of meter readings or other verification of fuel consumption. For each year after the first year of operation, the project owner shall include an adjustment for any deviations between projected and actual energy costs for the previous calendar year.

One-Time Lump-Sum Compensation: Compensation provided on a one-time lump-sum basis shall be based on a well-interference analysis, assuming the maximum project-pumping rate of 1,100 AFY. Compensation associated with increased pumping lift for the life of the project shall be estimated as a lump sum payment as follows:

- The current cost of energy to the affected party considering time of use or tiers of energy cost applicable to the party's billing of electricity from the utility providing electric service, or a reasonable equivalent if the party independently generates their electricity;
- An annual inflation factor for energy cost of 3 percent; and
- A net present value determination assuming a term of 30 years and a discount rate of 9 percent;

Verification:

COUNTY SEPTIC FACILITY PERMIT REQUIREMENTS

SOIL&WATER-154: The project owner will comply with the requirements of the Riverside County Department of Health and Human Services, Riverside County Ordinance Code 592.1, regarding a Septic Facility Permit for sanitary waste disposal facilities such as septic systems and leach fields.

Verification: The project owner will submit all necessary information and the appropriate fee to the county of Riverside to ensure that the project has complied with the county's sanitary waste disposal facilities requirements. A written assessment

prepared by Riverside County of the project's compliance with these requirements must be provided to the CPM 60 days prior to the start of operation.

ZERO LIQUID DISCHARGE SYSTEM REQUIREMENTS

SOIL&WATER-164: The project owner shall treat all process wastewater streams with a Zero Liquid Discharge (ZLD) system that results in a residual solid waste. The solid waste shall be disposed of in the appropriate class of landfill suitable for the constituent concentrations in the waste. Surface or subsurface disposal of process wastewater from the CPV Sentinel is prohibited. The project owner shall operate the ZLD system in accordance with a ZLD management plan approved by the CPM. The ZLD management plan shall include the following elements:

a. A flow diagram showing all water sources and wastewater disposal methods at the power plant;

b. A narrative of expected operation and maintenance of the ZLD system;

c. A narrative of the redundant or back-up wastewater disposal method to be implemented during periods of ZLD system shutdown or maintenance;

d. A maintenance schedule;

e. A description of on-site storage facilities and containment measures;

f. A table identifying influent water quality; and

g. A table characterizing the constituent concentrations of the solid waste or brine and specifying the permit limits of the selected landfill.

The CPV Sentinel operation and wastewater production shall not exceed the treatment capacity of the ZLD system or result in an industrial wastewater discharge.

Verification: At least 60 days prior to the start of commercial operation, the project owner shall submit to the CPM evidence that the final design of the ZLD system has the approval of the Chief Building Officer. At least 60 days prior to the start of commercial operation, the project owner shall prepare a ZLD management plan for review and approval by the CPM. The ZLD management plan shall be updated by the project owner and submitted to the CPM for review and approval if a change in water source or infrastructure is needed.

In the annual compliance report, the project owner shall submit a status report on operation of the ZLD system, including dates and length of disruptions, maintenance activities performed, volumes of interim wastewater streams stored on site, monthly volumes of residual salt cake or brine generated, and results of at least one annual sampling of the waste solids or brine comparing the constituent concentrations to the permit limits of the landfill. The annual compliance report shall contain an evaluation of whether the ZLD is being operated within the parameters described in the ZLD management plan. The ZLD management plan shall be updated by the project owner if

the CPM has determined it is necessary based on the project owner's Annual Compliance Report.

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:	)	Docket No. 07-AFC-3
	)	
Application for Certification, for the CPV SENTINEL ENERGY PROJECT	)	**ELECTRONIC PROOF OF SERVICE LIST**
	)	
	)	(July 24, 2008]
	)	

☒ Transmission via electronic mail and by depositing one original signed document with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the following:

DOCKET UNIT

CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 07-AFC-3
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DECLARATION OF SERVICE

I, Robert L. Dickson, Jr., declare that on October 10, 2008, I deposited a copy of the attached:

SEPTEMBER 23, 2008 LETTER FROM DAVID K. LUKER, GENERAL MANAGER-CHIEF ENGINEER, DESERT WATER AGENCY TO JEFFREY KIGHTLINGER, GENERAL MANAGER, METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA RE: DELIVERY AND EXCHANGE AGREEMENT BETWEEN DESERT WATER AGENCY AND METROPOLITAN WATER DISTRICT

OCTOBER 7, 2008 LETTER FROM ROBERT A. KRIEGER, KRIEGER & STEWART TO JOHN KESSLER, PROJECT MANAGER, CALIFORNIA ENERGY COMMISSION RE: CPV SENTINEL, LLC ENERGY PROJECT (O7-AFC-3) MISSION CREEK GROUND WATER SUBBASIN

COMMENTS ON CPV SENTINEL – DRAFT CONDITIONS OF CERTIFICATION FOR THE SOIL AND WATER SECTION OF THE FINAL STAFF ASSESSMENT

with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the California Energy Commission. I further declare that transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service List above.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 10, 2008, at Costa Mesa, California.

Robert L. Dickson, Jr.