



DOCKET	
08-AFC-5	
DATE	<u>JUL 15 2010</u>
RECD.	<u>JUL 15 2010</u>

July 15, 2010

Mr. Christopher Meyer
Project Manager
Attn: Docket No. 08-AFC-5
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: Applicant's Submittal of Groundwater Well Registration Approval for
the Dan Boyer Water Company

Dear Mr. Meyer:

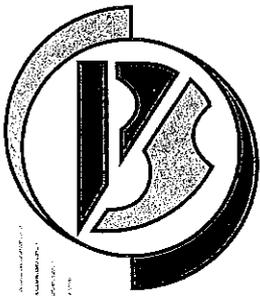
On behalf of Imperial Valley Solar (formerly Solar Two), LLC, URS Corporation
Americas (URS) hereby submits groundwater well registration approval for the Dan
Boyer Water Company.

I certify under penalty of perjury that the foregoing is true, correct, and complete to the best of
my knowledge. I also certify that I am authorized to submit on behalf of Imperial Valley Solar,
LLC.

Sincerely,

Angela Leiba
Project Manager

AL: ml



IMPERIAL COUNTY

PLANNING & DEVELOPMENT SERVICES

PLANNING / BUILDING INSPECTION / ECONOMIC DEVELOPMENT / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER AICP, CEP, CBO
PLANNING & DEVELOPMENT SERVICES DIRECTOR

July 14, 2010

Richard Knox
Tessera Solar North America
4800 N. Scottsdale Road, Suite 5500
Scottsdale, AZ 85251

Dear Mr. Knox:

This letter confirms that the Imperial County Planning Development Services Department has determined that State well #16S/9E-36G4, on 1108 Imperial Highway Ocotillo, CA, APN 033-564-02-01, has met all of the specific terms for ground water well registration (attached), including abatement of all known land use violations.

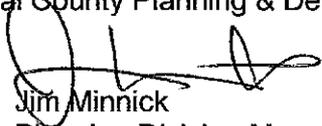
The Imperial County Planning & Development Services Department preformed a site inspection on July 13, 2010 and found the site in compliance with Specific Terms for Ground Water Well Registration approved by the Imperial County Planning Commission on February 23, 2005. The Department hereby approves the Groundwater Well Registration of State well #16S/9E-36G4, currently operated by Dan Boyer Water Company. Under the for State well #16S/9E-36G4 may extract a maximum of 40 acre feet of ground water per year, as provided under the terms of the Groundwater Well Registration terms.

To ensure the well stays in compliance with the Specific Terms approved by the Planning Commission, the well operator will be required to file a written monthly water pumping report showing the amount of water pumped.. This report will include the starting well meter number and the ending number. A photo of the meter clearly showing the meter pumping number is required. Additionally, per Term T-3 on an annual basis the well operator will provide a 12 month well usage report.

Should you have any questions or comments regarding this matter please free to call Jim Minnick, Planning Division Manager at (760) 482-4236 extension 4278 or at jimminnick@co.imperial.ca.us.

Sincerely,

Jurg Heuberger, AICP, Director
Imperial County Planning & Development Services

By: 
Jim Minnick
Planning Division Manger

Attachment A: Specific Terms for Ground Water Well Registration

CC Darrell Gardner, Assistant Director, Planning & Development Services
Jim Minnick, Planning Division Manager
Dan Boyer, property owner / well operator
Mark Van Patten, Tessera solar
File: APN 033-564-002-000
File 10.102

JH/DG/JMS:APN FILES\033\564\002\Dan Boye Wel registration approval letter 7-14-2010.doc

SPECIFIC TERMS FOR GROUND WATER WELL REGISTRATION

APN: 033-564-02-01, State well # 16S/9E-36G4, on 1108 Imperial Highway, Ocotillo, CA.

T-1 Any new or existing well that is not under an Imperial County CUP shall be registered with (Planning Dept) and the State pursuant to California Water Code Section 13750. **(Pursuant to Title 9, Division 21: Registration of Well Section 92103.00)**

T-2 40 acre feet (AC FT) of groundwater per year is the maximum amount of groundwater extraction & exportation registration for the well. (41,775 gallons per day/250,654 per week; Based on 6 days per week/ 52 weeks per year calculation), exportation is limited to tanker trucks from the premises in Ocotillo.

T-3 A flow meter shall be installed and sealed by a California State Licensed Water Well Drilling Contractor. Registered user shall submit an annual report to the Planning/Building Department indicating the yearly amount of water extracted from the well. A photograph (dated and signed) of the flow meter readings shall be included in the annual report. The report shall be received within thirty (30) days following the anniversary date of the issuance of this registration. In the event of a flow meter failure, the registered user shall be required to cease the water well operation and notify the Planning/Building Department. The registered user may be allowed to temporarily substitute the flow meter for an alternative measuring device, at the approval of the Planning/Building Department. In this case two (2) separate reports shall be submitted as stipulated herein. **(Pursuant to Title 9, Division 22: Groundwater Ordinance 92202.04 Extraction Facility Water Flow Measurements**

T-4 Where a facility requires large vehicles (semi- truck/trailer) deliveries, designated loading and unloading provisions shall be made and reviewed and approved by the Planning/Building Department. Off-street parking areas required to be provided by this Chapter shall be designed and developed in accordance with the following standards: **(Pursuant to Title 9, Division 4: 90402.10 & 90402.13 Off-Street Loading Space; Parking Area and Development Standards ;)**

A. All off-street parking areas, as well as, ingress and egress areas shall be surfaced with

1. Two- inch (2") of asphaltic concrete
2. Three and one-half inch (3 ½") Portland cement concrete.

T-5 Should the water well be "abandoned" at any time for more than 360 consecutive days, registered well owner shall seal/cap the well according to

standards set by the State and in a manner acceptable to the County Building Official. (Abandonment shall mean as follows :)

ABANDONMENT: A well is deemed "abandoned" when it has not been used for one (1) year. An owner may have the well deemed "inactive" by filling a written notice with the Department stating his/her intentions to use the well under specific conditions and/or time frames. As evidence of his/her intentions, the conditions contained in **Bulletin 74-81 (Sec. 21)** shall be met. Any well that is open or whose services/operating equipment (e.g. pumps/motors/pipes, etc.) has been removed shall be deemed abandoned.

T-6 Registered user shall properly destroy any well on the property if abandoned. The well shall be destroyed according to State standards and in a manner acceptable to the County Building Official. A copy of the well driller's report by a California State Licensed Water Well Drilling Contractor shall be sent to the Department of Public Works and the Planning/Building Department within thirty days following the destruction of the water well.

T-7 Prior to utilizing the water well for domestic purposes, registered user shall provide written evidence to the Planning/Building Department that the water meets California Safe Drinking Water Standards. This evidence must be provided by Environmental Health Services, Health Department, to the Planning/Building Department after all appropriate testing has been done by the registered user.

T-8 An encroachment permit shall be secured from the Department of Public Works for any and all new, altered, or unauthorized existing driveways to access the lot.

T-9 Prior to approval of Groundwater well registration by Planning/Building Department, all previous and existing Land-Use violations on the property of water well # 16S/9E-36G4 must be abated.

T-10 The County reserves the right to enter the premises to make the appropriate inspections and to determine if the terms of this registration are complied with. Access to authorize enforcement agency personal shall not be denied.

T-11 Registered owner of well # 16S/9E-36G4, APN 033-564-02-01, shall defend, indemnify and hold harmless County and its agents, including consultants, officers and employees from any claim, action or proceeding against the County or its agents, including consultants, officers or employees to attack, set aside, void, or annul the approval of this application or adoption of the environmental documents which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness costs that may be asserted by any person or entity, including any claim for private attorney general fees claimed by or awarded to any party from the County.

T-12 In the event of a dispute the meaning(s) or the intent of any word(s), phrase(s) and/or conditions or sections herein shall be determined by the Planning Department of the County of Imperial. Their determination shall be final unless an appeal is made to the Board of Supervisors within ten (10) days from the date of the Commission's decision.

T-13 Should any condition(s) of this registration be determined by a Court or other agency with property jurisdiction to be invalid for any reason, such determination shall not invalidate the remaining provision(s) of this permit.

T-14 Registered applicant of ground water well can request an amendment for increased usage by showing competent proof that the commercial ground water well located at 033-564-02-01, further identified as State Well # 16S/9E-36G4 had a historic use greater than 40 acre feet of ground water within a period of 30 years prior to the adoption of Imperial County's Water Ordinance.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION FOR THE
IMPERIAL VALLEY SOLAR PROJECT**
(formerly known as SES Solar Two Project)
IMPERIAL VALLEY SOLAR, LLC

**Docket No. 08-AFC-5
PROOF OF SERVICE**
(Revised 6/8/10)

APPLICANT

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DECLARATION OF SERVICE

I, Jennifer Draper, declare that on July 15, 2010, I served and filed copies of the attached, Applicant's Submittal of Groundwater Well Registration Approval for the Dan Boyer Water Company. The original documents, filed with the Docket Unit, are accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

<http://www.energy.ca.gov/sitingcases/solartwo/index.html>

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses NOT marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

original signed by
Jennifer Draper