

DOCKETED	
Docket Number:	23-OPT-02
Project Title:	Darden Clean Energy Project
TN #:	259646
Document Title:	Comments Regarding Notice of Preparation No 23-OPT-02 for the Darden Clean Energy Project Comments - Comments Regarding Notice of Preparation No 23-OPT-02 for the Darden Clean Energy Project
Description:	From Westlands Water District. Emailed to Commission staff.
Filer:	Lisa Worrall
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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Westlands Water District

October 22, 2024

Ms. Lisa Worrall, Senior Environmental Planner
Sting, Transmission and Environmental Protection Division
California Energy Commission
715 P Street
Sacramento, CA 95814

SUBJECT: Comments Regarding Notice of Preparation No. 23-OPT-02 for the Darden Clean Energy Project

Dear Ms. Worrall,

Westlands Water District (District) reviewed NOP 23-OPT-02, the proposal to construct, operate, and eventually repower or decommission the Darden Clean Energy Project (Project) on approximately 9,500 acres in western Fresno County. The District offers the following comments.

The Project lands shall not include, and the District's rights to such shall include the following reserved rights reserved in the Grant Deed, pursuant to the terms of the Option Agreement:

- (i) any rights to minerals, oil, gas and other hydrocarbon substances (collectively, "Mineral Interests")
- (ii) any rights to water deliveries appurtenant to or associated with the Project by virtue of its location within the District's service area, including without limitation the right to apply for and receive from the District a ratable allocation of water under California Water Code Section 35420 or any successor statute
- (iii) the right to irrigate the Project from any source for any purpose
- (iv) all groundwater underlying or otherwise appurtenant to the Project
- (v) The District shall reserve the exclusive, permanent right to maintain, cause, permit, create, or allow the presence of subsurface water underlying the Project, and the permanent right, in its sole discretion, to provide drainage or not provide drainage of the subsurface water underlying the Project. District shall also reserve the right to use any groundwater underlying or otherwise appurtenant to the Project, including the exclusive right to drill, operate, maintain, repair and replace water wells and locate pipelines on the Property at locations that were approved by the District and Applicant prior to Applicant's exercise of the option under the Option Agreement, as set forth in the Grant Deed.

The Applicant indicated the proposed water sources are on-site groundwater wells and through imported surface water supplies provided by the District. The Applicant is limited to extraction of two (2.0) acre feet of groundwater per year for operation of its solar power generation facilities for each 320-acre portion of land acquired by the Applicant. During construction of the solar project facilities located on the property, the Applicant may extract an additional one hundred and thirty (130) acre-feet of groundwater per year for construction water purposes for each 320-acre portion of land acquired by the Applicant.

The Applicant may be eligible to apply for and receive Municipal and Industrial (M&I) water services, and the land will continue to have access to the District's distribution system for land used for solar development operations. If the Applicant is **eligible**, the District's Article 19 Rules & Regulations provide that the District will make available up to five (5) acre-feet annually per 160 acres, for solar developments on land not participating in the "Continued Benefits to Modified Agricultural Land" provisions of the District's Article 2. The Applicant's operations will be bound by the Regulations, Terms and Conditions established by the District for M&I use. Copies of these are provided for your information, and notable provisions include:

- The Applicant must comply with the District's Backflow Prevention guidelines for this connection to the District's water system.
- If there is not a delivery turnout on the property then the Applicant would be responsible for the development and construction of the pipeline to connect to the District's distribution system, including acquisition of easements, if required.
- The District and the California Department of Public Health (CDPH) (formerly the Department of Health Services) entered into a Compliance Agreement that restricts the District's ability to provide M&I service to non-resident facilities. The Applicant must request and receive an exemption from the Compliance Agreement's requirement that the solar development be connected to a Public Water System or Domestic Well. The District expects that CDPH will grant the exemption on the condition that the Applicant posts signs at all outlets where human contact may occur, indicating that the water delivered by the District is non-potable. Applicant can provide copies of receipts for bottled water purchased from a State-licensed provider as a supplement for potable water.

Based on the Project Location Map provided, the project site is located near the District's distribution system Laterals 13R, 14R, 14L, 15L, 16L, 17L and 18L. Prior to construction, please contact Underground Service Alert (811).

- If project features, including electrical transmission facilities, may cross the District's distribution system laterals, please contact the District to obtain the requirements for crossing a District lateral easement(s).

- A copy of the District's Rules & Regulations is available at <https://wwd.ca.gov/about-westlands/additional-information/rules-and-regulations/>

Thank you for the opportunity to comment on this project. If you have any additional questions, please contact Brent Dragomanovich at 559-241-6245.

Sincerely,



Stephen Farmer
Chief Administrative Officer