

## DOCKETED

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**Joint Response of the Parties to Committee Questions Docketed on June 2, 2016 (TN 211712)**

1. Is that the intent of this language?

*[Petitioner] No. The intent of the language is to link the use of Mojave River Basin (MRB) Water Rights with the availability of HDPP's backup supply of Banked State Water Project (SWP) Water, not to mandate minimum quantities of Banked Water that must be maintained in those water years.*

*[Energy Commission Staff] No. The numbers represent the combined total of banked (injection and percolation) available to the project to use. The numbers are not a rate, a single year number, an amount available to be banked, a number required to be banked, or limited to one kind of banked water.*

*[CDFW] No. In the past, HDPP has had a higher amount of SWP water "available" to it than it actually used, reportedly due to the power plant requirements to inject that water.*

2. If that is not the intent of the language, what is the correct interpretation of this paragraph?

*[Petitioner] The intent of the language is to condition HDPP's use of MRB Water Rights on the amount of Banked SWP Water being below certain thresholds. The rationale is that HDPP would not require MRB Water Rights if its back-up supply of Banked SWP Water was above 4,000 acre-feet in Water Year 15/16 and above 5,000 AF in Water Year 16/17. The quantities reflect HDPP's optimism that HDPP can quickly build the bank via percolation above the 4,000 and 5,000 acre foot thresholds (which would preclude HDPP from using MRB Water Rights) but also caution that HDPP may not be able to promptly negotiate the necessary amendments of the agreements with Mojave Water Agency (MWA), Watermaster and the City of Victorville to percolate water.*

*[Energy Commission Staff] The bank currently has about 2000 acre-feet (AF) from injection only. If the project owner were to receive an allocation of SWP water above operational needs, they are expected to bank it. If, during the period up to Sep 30, 2016, the combined (injection and percolation) bank exceeds 4000 af (2000 + additions - uses), the project would not be able to draw MRB adjudicated groundwater (GW) and then have to use their SWP Bank to blend. Otherwise, until the bank total exceeds 4000 in this water year, HDPP can blend MRB GW for "operational" needs. This is the same for the next water year (2017), but the trigger to lose GW access is 5000 af. The intent of this is to encourage banking during the expected near normal water deliveries, but stop encouraging at a point (4k, or 5k next year) and make HDPP use their cumulative bank.*

*[CDFW] This language acknowledges that while CDFW would like HDPP to use all the SWP water that is available to build its bank, there might be limitations in available percolation areas and recurring operational limitations of injection that would cause the amount of “available” SWP water to be slightly lower than originally calculated.*

3. How were the amounts determined?

*[Petitioner] The amounts of Banked SWP Water reflect an estimate of the levels at which HDPP would no longer need access to MRB water given they have achieved a sufficient level of banked water, should HDPP fail to reach agreement with MWA, Watermaster and the City of Victorville to recharge the bank via percolation.*

*[Energy Commission Staff] Water will always be a blend of all of HDPP’s sources, per economic and cooling tower operational needs. The water use is and will be a running combined total of all water sources. Annual operational water use will never approach 4000 or 5000 afy as the project will not be called upon 100% or greater in any one year, even taking into consideration Aliso Canyon. The project does not expect to rely on MRB GW over an entire water year or operations year. Petitioner communicated at the May 23, 2016 Status Conference their belief that the project could bank 6000 af per year. Staff cannot verify that amount, but offers the explanation here for the numbers 4000 and 5000 af.*

*[CDFW] No comment.*