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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

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IN THE MATTER OF THE APPLICATION OF ARIZONA SOLAR ONE, LLC. IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, et seq., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF THE SOLANA GENERATING STATION, LOCATED IN MARICOPA COUNTY, ARIZONA.

IN THE MATTER OF THE APPLICATION OF ARIZONA SOLAR ONE, LLC. IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES §§ 40-360, et seq., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE CONSTRUCTION OF THE SOLANA GEN-TIE, WHICH ORGINATES AT THE SOLANA GENERATING STATION, LOCATED IN MARICOPA COUNTY, AND TERMINATES AT THE PANDA 230 kV SUBSTATION, LOCATED IN GILA BEND, ARIZONA.

Docket No. L-00000GG-08-0407-00139

Case No. 139 AZ CORP COMMISSION DOCKET CONTROL

Docket No. L-00000GG-08-0408-00140

Case No. 140

NOTICE OF FILING TESTIMONY AND REQUEST FOR LATE FILING OF NOTICE

Arizona Corporation Commission DOCKETED

OCT 15 2008

DOCKETED [Signature]

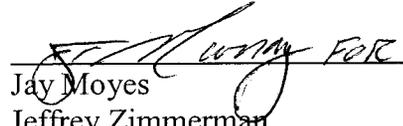
Paloma Irrigation and Drainage District ("PIDD") submits the attached summary of testimony of John Utz, the District Manager.

PIDD requests that this Notice and Mr. Utz's testimony be allowed even though it is one day past the three-business-day-before-hearing deadline set by the Procedural Order. The parties will not be prejudiced. They are all aware through prior communications among the parties that PIDD wants the CEC to include a condition requiring the Applicant to have a water agreement with PIDD. Mr. Utz's testimony will be brief and limited to authentication and an explanation of the materiality and relevance of a Declaration recorded against the Applicant's project site. The Applicant has had a copy of the Declaration for several months.

1 Counsel for PIDD believed there was no issue about the CEC conditions until they
2 were given the latest draft plant CEC yesterday afternoon and had further discussions about it
3 with Applicant's counsel. PIDD was not able to timely file this Notice yesterday.
4

5 RESPECTFULLY SUBMITTED this 10th day of October, 2008.

6 **MOYES SELLERS & SIMS LTD.**

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8 
9 Jay Moyes
10 Jeffrey Zimmerman
11 1850 N. Central Avenue
12 Suite 1100
13 Phoenix, Arizona 85004
14 Attorneys for Paloma Irrigation & Drainage
15 District

13 Pursuant to A.A.C. R14-3-204,
14 the Original and 25 copies were
15 filed on October 10, 2008 with:

15 Docket Control
16 Arizona Corporation Commission
17 1200 W. Washington Street
18 Phoenix, Arizona 85007

18 Copy of the above mailed this
19 10 day of October, 2008, to:

19 John Foreman, Chairman
20 Arizona Power Plant and
21 Transmission Line Siting Committee
22 Assistant Attorney General
23 1275 West Washington Street
24 Phoenix, AZ 85007
25

1 Charles Hains, Staff Counsel
2 Amanda Ho, Staff Counsel
3 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, AZ 85007
6 Counsel for Legal Division Staff

7 Thomas M. Campbell
8 Lewis & Roca
9 40 N. Central Ave. #1900
10 Phoenix, AZ 85004

11 Tim Hogan
12 Arizona Center for Law
13 In the Public Interest
14 202 E McDowell Rd. #153
15 Phoenix, AZ 85004

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Summary of Testimony of John Utz

Mr. Utz will testify that he is the Manager of the Paloma Irrigation and Drainage District ("PIDD"). He is familiar with the Declaration and can authenticate it. The Declaration was recorded against the Applicant's project site and other property prior to the Applicant's purchase of the project site and is still in force and effect.

The Declaration gives PIDD the right to regulate all water use within its boundaries. Section 3.3 gives the District the right to divert, produce, withdraw, transport and deliver all surface water, groundwater, effluent and other water used in the District. Section 4.1 gives the District the right to consent to the drilling of any wells on the Applicant's project site other than a limited number of domestic wells. The Applicant will have to have an agreement with PIDD to use any water for its project.