



WHEELER RIDGE-MARICOPA WATER STORAGE DISTRICT

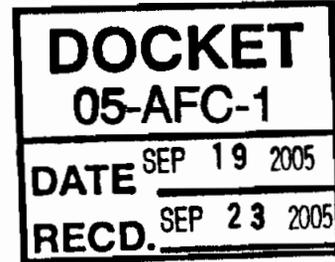
12109 Highway 166, Bakersfield, CA 93313-9630
Telephone: 661.858.2281 ♦ Fax: 661.858.2643 ♦ Water Orders: 661.858.2296
www.wrmwsd.com

WM A. TAUBE
ENGINEER-MANAGER

September 19, 2005

ROBERT J. KUNDE
ASST. ENGINEER-MANAGER
MARK E. GARDNER
CONTROLLER

Natasha Nelson
California Energy Commission
Facilities Siting Division
1516 9th Street
Sacramento, CA 95814-5512



Subject: Pastoria Energy Facility Expansion (05-AFC-1)

Dear Ms. Nelson:

Per our conversation at the September 9, 2005 Informational Hearing, attached find District Rule 4p. excerpted from the District's "Rules and Regulations for the Distribution of Water". These Rules (although not Rule 4) were most recently amended by the District's elected Board of Directors on November 10, 2004. (The District is a public agency in existence since 1959.) You requested this information out of an expressed desire to identify if Pastoria's Expansion may have an impact on water supplies of other District customers.

Pastoria holds the only long term Industrial Water Service contract with the District. Pastoria's annual Contract Amount of Water is 5,000 acre-feet. This Contract was executed prior to CEC approval of the existing 750 MW Pastoria Energy Facility (PEF). Based on current information, the proposed Expansion is not expected to result in an increase in the PEF water demand to an amount in excess of the existing Contract Amount of Water. Therefore, the District is in agreement with the CEC July 2005 Issue Identification Report where Water is determined not to be a Major Issue for the Expansion.

Under Rule 4p., water requests from pre-existing Agricultural Water Service Contracts receive priority for allocation of District water supplies [see Rule 4p.(1) and 4p.(2)]. If water is available after meeting these requests, it is then allocated to Pastoria under Rule 4p.(3). This ensures that Pastoria's Expansion will not impact other Contract Water Users.

If questions arise, please call me at extension 21.

Sincerely,

Robert J. Kunde, P.E.
Assistant Engineer-Manager

PROOF OF SERVICE (REVISED 7/25/05) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 9/23/05
ARH

Attachment

cc: Harry Scarborough, Pastoria Energy Facility, P.O. Box 866, Lebec, CA 93243-0866
File 7.1.18.2
(filename D:\2005\pef_05afc1_rule4p.ltr)

Wheeler Ridge-Maricopa Water Storage District
Rules and Regulations for the Distribution of Water
Rule 4p.

p. Priority of Requests: In the event the District is not able to meet all requests for water, and without detracting from the provisions of Section 3(b) of the Water Service Contracts, priority of requests shall be considered on the following basis:

(1) Contract Water Service for the Contract Amount of Water in the Agricultural Water Service Contract of Water User, for use upon contract lands and lands within the Water User's Farming Unit Operation, shall receive the first priority.

(2) Unscheduled Water for the amount of unscheduled water requested by a Water User with the priority of such requests in the order as follows:

(a) Unscheduled Water for that portion of the requested Contract Amount of Water not allocated to Water User because of shortage of water supply provided the total water supply allocated under each of the Water Service Contracts will be in accordance with the provisions of Section 3.(1) of said Water Service Contracts.

(b) Additional Unscheduled Water for use in a Farming Unit Operation up to an aggregate quantity of water, including both the Contract Amount of Water and Unscheduled Water, equal to 4.0 acre-feet per acre on the contract lands within the Farming Unit Operation. Any additional water shall be prioritized as Temporary Water.

(3) Industrial Water Service under long-term contracts for the Contract Amount of Water requested in the annual delivery schedule submitted by an Industrial Water User.

(4) Temporary water service for the amount of water requested by temporary Water Users, including temporary industrial water service.

(5) Temporary water service for areas annexed after October 9, 1975 (other than where the annexation was coupled with a detachment of an equal number of acres) for the amount of water requested by the landowner in said area.

The above priorities are applicable to the allocation of available water at any point in time when the demand exceeds the available water supply. The water supply once allocated in accordance with the above priorities shall remain so allocated notwithstanding any subsequent increase in demand of a higher priority.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE
PASTORIA ENERGY FACILITY (PEF)
160 MW EXPANSION
BY CALPINE CORPORATION

DOCKET No. 05-AFC-1
PROOF OF SERVICE LIST
[ESTABLISHED 7/25/05]

DOCKET UNIT

Instructions: Send an original signed document plus 12 copies or an electronic copy plus one original paper copy to the address below:

CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 05-AFC-1
1516 Ninth Street
Sacramento, CA 95814-5512
doCKET@energy.state.ca.us

Also send a printed or electronic copy of all documents to each of the following:

APPLICANT

Andrew Whittome, Project Mgr.
Pastoria Expansion
Calpine Corporation
4160 Dublin Blvd.
Dublin, CA 94568
awhittome@calpine.com

Rick Thomas, Director
Project Development
Calpine Corporation
4160 Dublin Blvd.
Dublin, CA 94568
rickt@calpine.com

Rick Tetzloff
Project Engineer
Calpine Corporation
700 NE Multnomah, Suite 870
Portland, OR 97232
rtetzloff@calpine.com

Applicant's Consultants

Jennifer Scholl
URS Corporation
130 Robin Hill Road, Suite 100
Goleta, CA 93117
jennifer_scholl@urscorp.com

Nancy Matthews
Sierra Research
1801 J Street
Sacramento, CA 95814
nmatthews@sierraresearch.com

Counsel for Applicant:

Gregg Wheatland, Esq.
Ellison, Schneider and Harris, LLP
2015 H Street
Sacramento, CA 95814
glw@eslawfirm.com

INTERVENORS

No Intervenors to date.

INTERESTED AGENCIES

Thomas Goff, Permit Services Agency
San Joaquin Valley Unified APCD
2700 M Street
Bakersfield, CA 93301
tom.goff@valleyair.org

Donna Jordan
CA Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
djordan@caiso.com

Robert J. Kunde
Wheeler Ridge-Maricopa
Water Storage District
PO Box 9429
Bakersfield, CA 93389-9429
rjkunde@wrmwsd.com

DECLARATION OF SERVICE

I **Angela Hockaday** declare that on **September 23, 2005**, I deposited copies of the attached **Pastoria Letter from Robert J. Kunde/Wheeler Ridge-Maricopa WSD to Natasha Nelson/CEC dated 9/19/05 regarding District Rule 4p. excerpted from the District's Rules and Regulations for the Distribution of Water (05-AFC-1)** in the United States mail at **Sacramento, CA** with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct.


[signature]

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INTERNAL DISTRIBUTION LIST

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MS-34

Susan Gefter
Hearing Officer
MS-9

James W. Reede
Project Manager
MS-15

Kerry Willis
Staff Counsel
MS-14

PUBLIC ADVISER

Margret J. Kim
Public Adviser's Office
1516 Ninth Street, MS-12
Sacramento, CA 95814
pao@energy.state.ca.us