

ORIGINAL

INTERVENTION



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AZ CORP COMMISSION  
DOCKET CONTROL

4 Attorney for W Harquahala, LLC

6 BEFORE THE ARIZONA POWER PLANT AND  
7 TRANSMISSION LINE SITING COMMITTEE

8 IN THE MATTER OF THE )  
9 APPLICATION OF STARWOOD SOLAR )  
10 I, L.L.C., IN CONFORMANCE WITH )  
11 THE REQUIREMENTS OF ARIZONA )  
12 REVISED STATUTES, §§ 40-360 *et seq.*, )  
13 FOR A CERTIFICATE OF )  
14 ENVIRONMENTAL COMPATIBILITY )  
15 AUTHORIZING CONSTRUCTION OF A )  
16 290 TO 365 MW SOLAR THERMAL )  
17 POWER PROJECT AND A 500 kV )  
18 TRANSMISSION LINE ORIGINATING )  
19 AT THE PLANNED STARWOOD )  
20 SOLAR I SUBSTATION TO THE )  
21 PLANNED AND PERMITTED DELANY )  
22 SUBSTATION AND INCLUDING A 500 )  
23 kV TRANSMISSION LINE FROM THE )  
24 PROPOSED STARWOOD SOLAR I )  
25 SUBSTATION TO THE EXISTING )  
HARQUAHALA GENERATING )  
STATION SWITCHYARD IN )  
MARICOPA COUNTY, ARIZONA. )

Docket No. L-00000MM-09-0446-00150

Case No. 150

REQUEST FOR LEAVE TO INTERVENE AND NOTICE OF INTENT TO BE A PARTY, OR, IN THE ALTERNATIVE, STATEMENT OF LIMITED APPEARANCE

Arizona Corporation Commission

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OCT 16 2009

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23 Pursuant to Arizona Revised Statutes ("A.R.S.") § 40-360.05(A)(4) and A.A.C.  
24 R14-3-204, W Harquahala, LLC ("W Harquahala") hereby submits this Request for Leave  
25 to Intervene and Notice of Intent to be a Party in the above-captioned certification

1 proceeding before both the Arizona Power Plant and Transmission Line Siting Committee  
2 (“Committee”) and the Arizona Corporation Commission (“Commission”). In the  
3 alternative, in the event leave to intervene is denied for any reason, W Harquahala submits  
4 this as its statement of limited appearance pursuant to A.R.S. § 40-360.05(B).

5 W Harquahala is a limited liability company formed and organized under the laws  
6 of Arizona, with its principal place of business in Maricopa County. Because the  
7 Starwood Solar I Project (“Project”) that is the subject of this proceeding may  
8 significantly impact W Harquahala, W Harquahala requests that the Committee grant its  
9 request for intervention and designation as a party.

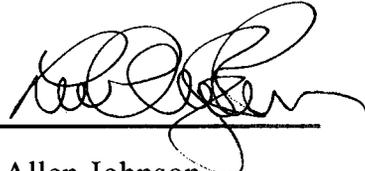
10 As stated in the application for a certificate of environmental compatibility on file  
11 with the Committee, the Project is wholly located within the Harquahala Irrigation Non-  
12 Expansion Area (“INA”) and the Harquahala Valley Irrigation District (“HVID”). W  
13 Harquahala is the largest private landowner in HVID. W Harquahala owns  
14 approximately 17,077 acres of land within HVID, comprising more than 50% of HVID’s  
15 irrigated lands. W Harquahala’s land is currently being farmed, using groundwater  
16 pursuant to Notices of Irrigation Authority (“NIAs”) granted by the Arizona Department  
17 of Water Resources. W Harquahala’s property includes lands adjacent to and in the  
18 vicinity of the proposed Project.

19 The use of groundwater for irrigation within the INA is restricted to a limited  
20 number of NIA-certificated lands. The use of groundwater for commercial and industrial  
21 uses (including the proposed Project) is also restricted. Any proposed commercial or  
22 industrial use of water that will exceed 100 acre-feet per year must demonstrate  
23 compliance with strict statutory criteria, as provided in A.R.S. §§ 45-440. Under certain  
24 conditions, groundwater may also be transported from NIA-certificated lands in the INA  
25 for use as a water supply for communities in Central Arizona. *See*: A.R.S. §45-554.

1 A broad range of future water needs for agriculture, commercial and industrial use,  
2 residential use, and groundwater transportation will need to be accommodated within the  
3 finite pool of groundwater resources available in the INA. Recognizing this fact, W  
4 Harquahala has undertaken extensive hydrologic studies in the INA, including  
5 development of a sophisticated groundwater model, to investigate and define the  
6 availability of water for various future uses. Given W Harquahala's substantial  
7 landholdings in the INA, and its significant investment in the investigation and  
8 development of local groundwater resources, the Project's proposed use of groundwater  
9 could have significant impact on W Harquahala's interests.

10 Moreover, as an owner of adjacent lands, W Harquahala will be directly affected  
11 by the Project and will experience both potential visual and physical impacts to its  
12 property as a result of Project facilities such as the mirror array, thermal storage units, gas  
13 burners, and transmission lines. Therefore, W Harquahala respectfully submits this Notice  
14 and requests leave to intervene and to be designated a party to these proceedings. In the  
15 alternative, W Harquahala submits this notice as its statement of limited appearance.

16 RESPECTFULLY SUBMITTED THIS 16<sup>th</sup> DAY OF OCTOBER, 2009

17  
18 By: 

19 Lee Allen Johnson  
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22 Attorney for W Harquahala, LLC  
23  
24  
25

1 Pursuant to AAC R14-3-204, this  
2 ORIGINAL and 25 copies were filed  
3 this 16<sup>th</sup> day of October, 2009, with:

4 Docket Control  
5 Arizona Corporation Commission  
6 1250 West Washington Street  
7 Phoenix, Arizona 85007

8 COPIES of the foregoing were mailed  
9 this 16<sup>th</sup> day of October, 2009 to:

10 John Foreman, Chairman  
11 Arizona Power Plant and Transmission  
12 Line Siting Committee  
13 Assistant Attorney General  
14 1275 W. Washington Street  
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16 Janice Alward, Chief Counsel  
17 Arizona Corporation Commission  
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