

## **Appendix H**

### **Land Use**



**Appendix H-1**

**Assessor's Parcel Numbers and Owner Information  
Within 1,000 Feet of HECA Site**



**Appendix H-1. Assessor's Parcel Numbers and Owner Information Within 1,000 Feet of HECA Site**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                         | <b>Address</b>                | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|---|-------------------------------|--------------------|-----------------|
| 15902016                        | DICK DYKSTRA DAIRIES                      | 10129 SCHAEFER                | ONTARIO CA         | 91761           |
| 15904002                        | HYDROGEN ENERGY INTERNAT LLC              | 700 LOUISIANA ST FLR 32       | HOUSTON TX         | 77002           |
| 15904003                        | BUENA VISTA WATER STORAGE DIST            | P O BOX 756                   | BUTTONWILLOW CA    | 93206           |
| 15904004                        | HYDROGEN ENERGY INTERNAT LLC              | 700 LOUISIANA ST FLR 32       | HOUSTON TX         | 77002           |
| 15904005                        | BUENA VISTA WATER STORAGE DIST            | P O BOX 756                   | BUTTONWILLOW CA    | 93206           |
| 15904011                        | HYDROGEN ENERGY CAL LLC                   | 1 WORLD TRADE CENTER STE 1600 | LONG BEACH CA      | 90831           |
| 15904012                        | BUENA VISTA WATER STORAGE DISTRICT        | P O BOX 756                   | BUTTONWILLOW CA    | 93206           |
| 15904016                        | HYDROGEN ENERGY INTERNAT LLC              | 700 LOUISIANA ST FLR 32       | HOUSTON TX         | 77002           |
| 15904017                        | HYDROGEN ENERGY INTERNAT LLC              | 700 LOUISIANA ST FLR 32       | HOUSTON TX         | 77002           |
| 15904018                        | HYDROGEN ENERGY INTERNAT LLC              | 700 LOUISIANA ST FLR 32       | HOUSTON TX         | 77002           |
| 15905005                        | BUENA VISTA WATER STORAGE DIST            |                               |                    |                 |
| 15905006                        | RICCOMINI LOUIS & SONS INC                | 11501 BUFFINGTON ST           | BAKERSFIELD CA     | 93312           |
| 15905012                        | CAUZZA JOHN B III & LAURA K               | 1600 CORN CAMP RD             | BUTTONWILLOW CA    | 93206           |
| 15905018                        | CAUZZA JOHN B III & LAURA KAY             | 1600 CORN CAMP RD             | BUTTONWILLOW CA    | 93206           |
| 15913006                        | ROBERTSON WILLIAM C & ROBERTA L REV TRUST | 351 E ROBERTS LN              | BAKERSFIELD CA     | 93308           |
| 15913007                        | ROBERTSON WILLIAM C & ROBERTA L REV TRUST | 351 E ROBERTS LN              | BAKERSFIELD CA     | 93308           |
| 15913011                        | DICK DYKSTRA DAIRIES                      | 10129 SCHAEFER                | ONTARIO CA         | 91761           |
| 15917010                        | STATE OF CALIFORNIA                       | 1807 13TH ST STE 103          | SACRAMENTO CA      | 95811-7137      |
| 15919005                        | RICCOMINI LOUIS & SONS INC                | 11501 BUFFINGTON ST           | BAKERSFIELD CA     | 93312           |
| 15919006                        | BUENA VISTA WATER STORAGE DISTRICT        | P O BOX 756                   | BUTTONWILLOW CA    | 93206           |
| 15919009                        | HYDROGEN ENERGY INTERNAT LLC              | 700 LOUISIANA ST FLR 32       | HOUSTON TX         | 77002           |
| 15930001                        | LANGER JAN H                              | 10900 RUNNING BUCK LN         | AUSTIN TX          | 78750           |
| 15930002                        | MC CALLUM RETA E                          | 54747 BENECIA TL              | YUCCA VALLEY CA    | 92284           |
| 15930003                        | KNAUSS D R & ALLEN J W ET UX              | 2252 SAN BERNARDO AV          | HEMET CA           | 92545-2418      |
| 15930004                        | LIND PHYLLIS K & ALDAHL JOHN V            | 851 SW 6TH AV # 810           | PORTLAND OR        | 97204           |
| 15930005                        | HERSCHENSOHN JULIE ANN                    | 1918 NO 1ST AV                | SEATTLE WA         | 98109           |
| 15930006                        | PLEBANEK DANIEL J                         | 9401 18TH ST                  | KENOSHA WI         | 53144-7748      |
| 15930007                        | HUBBARD FAMILY TRUST                      | 273 ROCKY POINT RD            | PALOS VERDES CA    | 90274           |



**Appendix H-2**

**Assessor's Parcel Numbers and Owner Information  
Within 500 Feet of Potable Water/Transmission Linears**



**Appendix H-2. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Potable Water/Transmission Lines**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>            | <b>Address</b>          | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|------------------------------|-------------------------|--------------------|-----------------|
| 15901002                        | KERN WATER BANK AUTHORITY    | 5500 MING AV STE 490    | BAKERSFIELD CA     | 93309           |
| 15901006                        | LAYSHOT FAMILY TRUST         | 17543 HAVENRIDGE DR     | BAKERSFIELD CA     | 933148882       |
| 15902012                        | WEST KERN WATER DIST         | 800 KERN ST             | TAFT CA            | 93268           |
| 15902013                        | WEST KERN WATER DIST         | 800 KERN ST             | TAFT CA            | 93268           |
| 15902016                        | DICK DYKSTRA DAIRIES         | 10129 SCHAEFER          | ONTARIO CA         | 91761           |
| 15904016                        | HYDROGEN ENERGY INTERNAT LLC | 700 LOUISIANA ST FLR 32 | HOUSTON TX         | 77002           |
| 15904017                        | HYDROGEN ENERGY INTERNAT LLC | 700 LOUISIANA ST FLR 32 | HOUSTON TX         | 77002           |
| 15904018                        | HYDROGEN ENERGY INTERNAT LLC | 700 LOUISIANA ST FLR 32 | HOUSTON TX         | 77002           |
| 15905008                        | WEST KERN WATER DIST         | 800 KERN ST             | TAFT CA            | 93268           |
| 15905009                        | WEST KERN WATER DIST         | 800 KERN ST             | TAFT CA            | 93268           |
| 15905012                        | CAUZZA JOHN B III & LAURA K  | 1600 CORN CAMP RD       | BUTTONWILLOW CA    | 93206           |



**Appendix H-3**

**Assessor's Parcel Numbers and Owner Information  
Within 500 Feet of CO<sub>2</sub> Lines**



**Appendix H-3. Assessor's Parcel Numbers and Owner Information Within 500 Feet of CO2 Line**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                          | <b>Address</b>          | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|--|-------------------------|--------------------|-----------------|
| 15904012                        | BUENA VISTA WATER STORAGE DISTRICT         | P O BOX 756             | BUTTONWILLOW CA    | 93206           |
| 15904016                        | HYDROGEN ENERGY INTERNAT LLC               | 700 LOUISIANA ST FLR 32 | HOUSTON TX         | 77002           |
| 15913006                        | ROBERTSON WILLIAM C & ROBERTA L REV TRUST  | 351 E ROBERTS LN        | BAKERSFIELD CA     | 93308           |
| 15918012                        | OCCIDENTAL OF ELK HILLS INC                | P O BOX 27570           | HOUSTON TX         | 77227-7570      |
| 15918013                        | OCCIDENTAL OF ELK HILLS INC                | P O BOX 27570           | HOUSTON TX         | 77227-7570      |
| 15918014                        | OCCIDENTAL OF ELK HILLS INC                | P O BOX 27570           | HOUSTON TX         | 77227-7570      |
| 15918021                        | CHEVRON USA INC                            | P O BOX 1392            | BAKERSFIELD CA     | 93302-1392      |
| 15919006                        | BUENA VISTA WATER STORAGE DISTRICT         | P O BOX 756             | BUTTONWILLOW CA    | 93206           |
| 15919009                        | HYDROGEN ENERGY INTERNAT LLC               | 700 LOUISIANA ST FLR 32 | HOUSTON TX         | 77002           |
| 15927001                        | CHEVRON USA INC                            | P O BOX 1392            | BAKERSFIELD CA     | 93302-1392      |
| 15927002                        | OCCIDENTAL OF ELK HILLS INC                | P O BOX 27570           | HOUSTON TX         | 77227-7570      |
| 15930001                        | LANGER JAN H                               | 10900 RUNNING BUCK LN   | AUSTIN TX          | 78750           |
| 15930002                        | MC CALLUM RETA E                           | 54747 BENECIA TL        | YUCCA VALLEY CA    | 92284           |
| 15930003                        | KNAUSS D R & ALLEN J W ET UX               | 2252 SAN BERNARDO AV    | HEMET CA           | 92545-2418      |
| 15930004                        | LIND PHYLLIS K & ALDAHL JOHN V             | 851 SW 6TH AV # 810     | PORTLAND OR        | 97204           |
| 15930007                        | HUBBARD FAMILY TRUST                       | 273 ROCKY POINT RD      | PALOS VERDES CA    | 90274           |
| 15931001                        | COLLIER AMOS J & LINDA J                   | 20845 RENFRO RD         | BAKERSFIELD CA     | 93314-8113      |
| 15932010                        | WISE LILLIAN S TR                          | 1015 CARMEL ST          | MORRO BAY CA       | 93442-2608      |
| 15932011                        | METHODIST CHR-SO CALIF AZ CONF             | 9600 MING AV STE 300    | BAKERSFIELD CA     | 93311           |
| 15933009                        | LOPEZ JOHN                                 | 2004 ZOLDER CT          | EL CAJON CA        | 92019-4183      |
| 15933010                        | PLEBANEK DANIEL J                          | BOX 194                 | SOMERS WI          | 53171           |
| 15933011                        | STUART DAVID THRIFT & MARY ELIZABETH TRUST | P O BOX 7517            | GOODYEAR AZ        | 85338           |
| 15933017                        | WILSON LINDA                               | P O BOX 6               | TUPMAN CA          | 93276           |
| 15933018                        | MILLS J                                    | 346-D AVE SEVILLA       | LAGUNA HILLS CA    | 92653           |
| 15934002                        | WILKINS DEBORAH                            | 3209 NORFOLK ST         | POMPANO BCH AL     | 33062           |
| 15934006                        | BOWELL CLARE ELIZABETH KROGMANN TRUST      | 2114 FARM VIEW DR       | CORAOPOLIS PA      | 15108           |
| 15934007                        | SELICK BRENT L & JANET M                   | 819 MILLER AV           | SO SN FRNCSCO CA   | 94080           |
| 15934008                        | WILKINS DEBORAH                            | 3209 NORFOLK ST         | POMPANO BCH AL     | 33062           |
| 15934009                        | COUGHRAN FAMILY TRUST                      | 3812 FLICKER RD         | LAKE ISABELLA CA   | 93240-9413      |
| 15934010                        | RYDER GARY A                               | 14507 COKE AV           | PARAMOUNT CA       | 90723           |
| 15934011                        | WISE LILLIAN S TR                          | 1015 CARMEL ST          | MORRO BAY CA       | 93442-2608      |
| 15934015                        | THONE JAMES C & LAVAUNDIA S                | 4807 ISLANDS DR         | BAKERSFIELD CA     | 93312           |



**Appendix H-4**

**Assessor's Parcel Numbers and Owner Information  
Within 500 Feet of Railroad Alignment/Natural Gas Lines  
(Submitted Separately Under the Rules of Confidentiality)**



**Appendix H-5**

**Assessor's Parcel Numbers and Owner Information  
Within 500 Feet of Process Water Linear**



**Appendix H-5. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Process Water Line**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                       | <b>Address</b>                | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|---|-------------------------------|--------------------|-----------------|
| 08632011                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 08632021                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 08632022                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 08633011                        | LENTHE SUSIE KAY                        | 5505 W MOCKINGBIRD LN         | DALLAS TX          | 75209           |
| 08633012                        | CAREY TR                                | 2 ISABELLA AV                 | ATHERTON CA        | 94025           |
| 08634001                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 09901006                        | WEST STAR DAIRY                         | 26953 RIVERSIDE ST            | BUTTONWILLOW CA    | 93206           |
| 09901007                        | WEST STAR DAIRY                         | 26953 RIVERSIDE ST            | BUTTONWILLOW CA    | 93206           |
| 09902004                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 09902006                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 09902008                        | WEST STAR DAIRY                         | 26953 RIVERSIDE ST            | BUTTONWILLOW CA    | 93206           |
| 09902009                        | WEST STAR DAIRY                         | 26953 RIVERSIDE ST            | BUTTONWILLOW CA    | 93206           |
| 09903003                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 09903011                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 09903012                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 09903014                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 09903016                        | BLOEMHOF LAND & FARMING                 | P O BOX 747                   | WASCO CA           | 93280           |
| 09904001                        | ROLLINS JOHN & VIVIAN LIVING TRUST      | 1611 6TH AV                   | OROVILLE CA        | 95965           |
| 09904002                        | PACHOTE JIM & VALERIE                   | 102 LICHEN CT                 | FREMONT CA         | 94538-2422      |
| 09904003                        | KNAGGS ALBERT F                         | 1386 E LAKE DR.               | PALM SPRINGS CA    | 92262           |
| 09904004                        | MILLER WYLIE R & CARRIE J               | 798 JORDANNA RD               | GRAND JUNCTION CO  | 81506           |
| 09904005                        | HOLLINGER NELL F TR                     | 1766 FLORES ST                | SEASIDE CA         | 93955           |
| 09904006                        | BERNARD DIT LAFLECHE & EUGENIE LAFLECHE | 11984 OLD RIVER SCHOOL RD # 3 | DOWNEY CA          | 90242           |
| 09904007                        | GREER RALPH W                           | 676 BIANCO CT                 | DAVIS CA           | 95616           |
| 09904008                        | MOORE LIVING TRUST                      | 26515 MAZUR DR                | RNCH PLS VRDS CA   | 90275-2222      |
| 09904009                        | ALONSO ANGEL                            | 6423 S OAKES                  | TACOMA WA          | 98409           |
| 09904010                        | SOLINSKY JANE L                         | P O BOX 262                   | HOMEWOOD CA        | 96141           |
| 09904011                        | MILLER WYLIE R & CARRIE J               | 1715 CHESTER AV               | BAKERSFIELD CA     | 93301           |
| 09904012                        | FOWLER ILA C                            | 12027 ROCHESTER AV            | LOS ANGELES CA     | 90025           |
| 09904013                        | ANDERSON MARCIA ET AL                   | 1063 CLARK ST                 | SANTA ROSA CA      | 95404-5146      |
| 09904014                        | SWIDECKI JAMIE & LINDA                  | 124 MC DONALD WY              | BAKERSFIELD CA     | 93309           |
| 09904015                        | LE MOINE FMLY TR                        | 135 TIVOLI LN                 | DANVILLE CA        | 94506-4603      |
| 09904018                        | ROBINSON FAMILY SURVIVORS TRUST         | 9789 N MOHAWK DR              | FRESNO CA          | 93720           |
| 09904019                        | BAKER MILDRED                           | 1287 VIEW DR                  | SAN LEANDRO CA     | 94577           |
| 09904020                        | REED WALTER E & CASEY AGNES             | 50 SW 3RD AV # 408            | BOCA RATON FL      | 33432           |

**Appendix H-5. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Process Water Line**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                        | <b>Address</b>         | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|--|------------------------|--------------------|-----------------|
| 09904021                        | SMITHEE FAMILY SURVIVORS TRUST           | 209 ELECTRA AV         | BAKERSFIELD CA     | 93308-1321      |
| 09904022                        | PFLUEGER LYNNE                           | 1100 UNION ST # 601    | SAN FRANCISCO CA   | 94109-2019      |
| 09904023                        | STRONG ELIZABETH HART                    | 879 OXFORD WY          | BENICIA CA         | 94510           |
| 09904024                        | JAIME AUGUST A                           | 5221 W 102ND ST # 102L | LOS ANGELS CA      | 90045           |
| 09904025                        | WALKER CHAD D                            | 3407 RAINBOW LN        | HIGHLAND CA        | 92346-2560      |
| 09904026                        | MC KEE RICHARD W & SANDRA J              | 4081 APPLETON ST       | SAN DIEGO CA       | 92117-1102      |
| 09905002                        | WESLEY LORRAINE                          | PO BOX 524             | WEST POINT CA      | 95255-0524      |
| 09905020                        | KELLY GRAHAM M FMLY SURV TR              | 422 D AV               | CORONADO CA        | 92118           |
| 09905021                        | KELLY GRAHAM M FMLY SURV TR              | 422 D AV               | CORONADO CA        | 92118           |
| 09906206                        | AMERICAN CANCER SOCIETY ET AL            | P O BOX 2061           | OAKLAND CA         | 94604           |
| 09906207                        | HIGHWART JACK E & ROSELEE A              | 4110 CARSON            | TORRANCE CA        | 90503           |
| 09906208                        | STATE OF CALIFORNIA                      | 1807 13TH ST STE 103   | SACRAMENTO CA      | 95814           |
| 09908101                        | EL KADDOUM ARISTOTALES F                 | 1453 VALENCIA AV       | PASADENA CA        | 91104           |
| 09908102                        | HAWK BROOK A                             | 233 IRONWOOD ST        | VACAVILLE CA       | 95688-2732      |
| 09908103                        | RICHARD JEFF L                           | 2362 SW 29TH ST        | REDMOND OR         | 97756-9473      |
| 09908105                        | DUFF ROBERT W                            | P O BOX 10147          | COSTA MESA CA      | 92627           |
| 09908106                        | DUNCAN DARLENE Y                         | 2913 SUNVIEW DR        | BAKERSFIELD CA     | 93306           |
| 09908107                        | COHEN NANCY                              | P O BOX 2036           | MURPHYS CA         | 95247           |
| 09908108                        | CAMPIS KATHLEEN G                        | 1149 MEREDITH          | SAN JOSE CA        | 95125           |
| 09908110                        | VALOV WILLIAM                            | 2339 MONTERA           | HACIENDA HTS CA    | 91745           |
| 09908111                        | BARKER CHARLES E DR                      | P O BOX 6708           | INCLINE VLG NV     | 89450           |
| 09908120                        | DIETRICH FREDERICK T & THERESA M FMLY TR | 24 LOS CERROS DR       | GREENBRAE CA       | 94904           |
| 09908121                        | SILVA NORMAN F REV LIV TRUST             | 38 MAPLE HILL DR       | SAN RAFAEL CA      | 94903           |
| 09908123                        | STATE OF CALIFORNIA                      | 1807 13TH ST STE 103   | SACRAMENTO CA      | 95811-7117      |
| 09908124                        | ALLER DANIEL JR & ELIZABETH TR           | 2029 W VIA LE FONTANE  | FRESNO CA          | 93711           |
| 09908125                        | SCIARONI BRIAN L                         | 1206 W STUART AV       | FRESNO CA          | 93711           |
| 09908126                        | PHILPOTT SHERYL & NANNINI K E            | 3195 LENARD PL         | CASTRO VALLEY CA   | 94546           |
| 09908127                        | FRENCH R R                               | P O BOX 7983           | TAHO CITY CA       | 96145           |
| 09908128                        | ARREDONDO LYNNETTE GUTIERREZ             | P O BOX 931            | CHINO CA           | 91708           |
| 09908129                        | JOHNSON E & STANBRO JANE                 | 4200 OAK SPRINGS CT    | ARLINGTON TX       | 76016-4555      |
| 09908130                        | RATCLIFFE LIVING TRUST B                 | 938 E SALEM AV         | FRESNO CA          | 93720           |
| 09908201                        | GRAY TESLA                               | P O BOX 538            | FALLBROOK CA       | 92088           |
| 09908202                        | COON JOHN W                              | 200 ALLISON ST         | SAN FRANCISCO CA   | 94112-4311      |
| 09908225                        | SILVA NORMAN F & DOLORES J TRUST         | 38 MAPLE HILL DR       | SAN RAFAEL CA      | 94903-1720      |
| 09921001                        | CHICCA TR ET AL                          | PO BOX 665             | BUTTONWILLOW CA    | 93206-0665      |

**Appendix H-5. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Process Water Line**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>              | <b>Address</b>       | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|--------------------------------|----------------------|--------------------|-----------------|
| 09921004                        | WEST STAR DAIRY                | 26953 RIVERSIDE ST   | BUTTONWILLOW CA    | 93206           |
| 09921005                        | WEST STAR DAIRY                | 26953 RIVERSIDE ST   | BUTTONWILLOW CA    | 93206           |
| 09921006                        | WEST STAR DAIRY                | 26953 RIVERSIDE ST   | BUTTONWILLOW CA    | 93206           |
| 09921007                        | WEST STAR DAIRY                | 26953 RIVERSIDE ST   | BUTTONWILLOW CA    | 93206           |
| 09922002                        | BERRYMAN RAY I & ESTHER E      | PO BOX 838           | NEWBERG OR         | 97132-0838      |
| 09922003                        | BUNDESEN CECIL                 | 64 CENTURY LN        | PETALUMA CA        | 94952-1218      |
| 09922004                        | WEST STAR DAIRY                | 26953 RIVERSIDE ST   | BUTTONWILLOW CA    | 93206           |
| 09922005                        | WEST STAR DAIRY                | 26953 RIVERSIDE ST   | BUTTONWILLOW CA    | 93206           |
| 09922006                        | BURDICK JOHN K                 | 13705 FOXHILLS DR    | NOVELTY OH         | 44072           |
| 09922007                        | WEST STAR DAIRY                | 26953 RIVERSIDE ST   | BUTTONWILLOW CA    | 93206           |
| 09922008                        | DOYLE KIMBERLY                 | 42330 SEVILLE CI     | QUARTZ HILL CA     | 93536           |
| 09922015                        | RECTOR DENISE D & LISA DAWN    | 15182 VIA MARAVILLA  | CHINO HILLS CA     | 91709           |
| 09922025                        | BIBAYOFF MAXIMILIANO           | 12165 CARON WY       | MADERA CA          | 93636-8520      |
| 09922026                        | SPRAGUE PETER ZACHARY TR       | 3413 JADE AV         | BAKERSFIELD CA     | 93306           |
| 09922027                        | STATE OF CALIFORNIA            | 1715 CHESTER AV      | BAKERSFIELD CA     | 93301           |
| 10006003                        | CHICCA TR ET AL                | P O BOX 665          | BUTTONWILLOW CA    | 93206           |
| 10006007                        | CHICCA TR ET AL                | P O BOX 665          | BUTTONWILLOW CA    | 93206           |
| 10006008                        | CHICCA TR ET AL                | P O BOX 665          | BUTTONWILLOW CA    | 93206           |
| 10019001                        | CAUZZA JOHN B III & LAURA K    | 1600 CORN CAMP RD    | BUTTONWILLOW CA    | 93206           |
| 10019004                        | HOUCHIN WALLACE ET AL          | PO BOX 98            | BUTTONWILLOW CA    | 93206           |
| 10019007                        | CHICCA TERRY                   | P O BOX 665          | BUTTONWILLOW CA    | 93206           |
| 10019008                        | HARRELL ALICE                  | 3613 CANDLEWOOD DR   | BAKERSFIELD CA     | 93306           |
| 10019009                        | HARRELL ALICE                  | 3613 CANDLEWOOD DR   | BAKERSFIELD CA     | 93306           |
| 10019010                        | HARRELL ALICE                  | 3613 CANDLEWOOD DR   | BAKERSFIELD CA     | 93306           |
| 10019014                        | HARRELL ALICE                  | 3613 CANDLEWOOD DR   | BAKERSFIELD CA     | 93306           |
| 10019017                        | HOUCHIN WALLACE H              | PO BOX 98            | BUTTONWILLOW CA    | 93206           |
| 10020002                        | STATE OF CALIFORNIA            | 1807 13TH ST STE 103 | SACRAMENTO CA      | 95814           |
| 10020017                        | CHICCA TERRY                   | P O BOX 665          | BUTTONWILLOW CA    | 93206           |
| 10020019                        | CHICCA TERRY                   | P O BOX 665          | BUTTONWILLOW CA    | 93206           |
| 10020020                        | STATE OF CALIFORNIA            | 801 K ST # 806       | SACRAMENTO CA      | 95814-3500      |
| 10020021                        | STATE OF CALIFORNIA            | 801 K ST # 806       | SACRAMENTO CA      | 95814-3500      |
| 10020023                        | PAUL MICHAEL CHARLES           | 25092 MODOC DR       | LAGUNA HILLS CA    | 92653           |
| 10020025                        | KLEIN ANTHONY J & MARIANNE J   | 1715 CHESTER AV      | BAKERSFIELD CA     | 93301-5210      |
| 10020026                        | GANIERE JAMES W                | P O BOX 60151        | BAKERSFIELD CA     | 93306           |
| 10020027                        | FITZGERALD MILDRED A REV TRUST | 3120 VILLA ESPANA    | SPRING VALLEY CA   | 91978-1124      |

**Appendix H-5. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Process Water Line**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                          | <b>Address</b>             | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|--|----------------------------|--------------------|-----------------|
| 10020028                        | FISCHER GLEN A                             | 1223 CENTENNIAL AV         | CAMARILLO CA       | 93010           |
| 10020029                        | SINDH FMLY TR                              | 4128 W 163RD ST            | LAWNDALE CA        | 90260           |
| 10201008                        | HOUCHIN WALLACE ET AL                      | PO BOX 98                  | BUTTONWILLOW CA    | 93206           |
| 10201010                        | TOY MARGARET H TRS                         | 13302 RED PLUM ST          | CERRITOS CA        | 90703           |
| 10201014                        | CENTER FOR NATURAL LANDS MANAGEMENT        | 215 WEST ASH ST            | FALLBROOK CA       | 92028-2904      |
| 10201015                        | CENTER FOR NATURAL LANDS MANAGEMENT        | 215 WEST ASH ST            | FALLBROOK CA       | 92028-2904      |
| 10201016                        | STATE OF CALIFORNIA                        | 1807 13TH ST STE 103       | SACRAMENTO CA      | 95814           |
| 10201028                        | YARD DOROTHY T                             | 9 THE TR                   | SEA GRIT NJ        | 08750           |
| 10201029                        | YARD DOROTHY T                             | 1715 CHESTER AV            | BAKERSFIELD CA     | 93301-5210      |
| 10203002                        | STATE OF CALIFORNIA                        | 1807 13TH ST STE 103       | SACRAMENTO CA      | 95814           |
| 10203006                        | LUNING ASSCS L P                           | 3300 S LAKESHORE RD        | CHELAN WA          | 98816           |
| 10203007                        | MANSTON GREGG                              | P O BOX 343                | CLAREMONT CA       | 91711           |
| 10203008                        | STATE OF CALIFORNIA                        | 1807 13TH ST STE 103       | SACRAMENTO CA      | 95814           |
| 10203009                        | BIGGS EDWARD ALAN                          | 1300 W NICKERSON # 107     | SEATTLE WA         | 98119           |
| 10203010                        | BIGGS EDWARD ALAN                          | 1300 W NICKERSON # 107     | SEATTLE WA         | 98119           |
| 10203011                        | BIGGS EDWARD ALAN                          | 1300 W NICKERSON # 107     | SEATTLE WA         | 98119           |
| 10203012                        | BIGGS EDWARD ALAN                          | 1300 W NICKERSON # 107     | SEATTLE WA         | 98119           |
| 10203013                        | COHEN NANCY                                | P O BOX 2036               | MURPHYS CA         | 95247           |
| 10203014                        | COHEN NANCY                                | P O BOX 2036               | MURPHYS CA         | 95247           |
| 10203015                        | BIGGS EDWARD ALAN                          | 1300 W NICKERSON # 107     | SEATTLE WA         | 98119           |
| 10203016                        | BIGGS EDWARD ALAN                          | 1300 W NICKERSON # 107     | SEATTLE WA         | 98119           |
| 10204003                        | HOUCHIN WALLACE ET AL                      | PO BOX 98                  | BUTTONWILLOW CA    | 93206           |
| 10204005                        | HOUCHIN L H TR                             | 4045 STOCKDALE HY          | BAKERSFIELD CA     | 93309           |
| 10204006                        | HOUCHIN WALLACE ET AL                      | PO BOX 98                  | BUTTONWILLOW CA    | 93206           |
| 10210001                        | GHILARDUCCI FARMS INC                      | P O BOX 654                | BUTTONWILLOW CA    | 93206           |
| 10210002                        | GHILARDUCCI FARMS INC                      | P O BOX 654                | BUTTONWILLOW CA    | 93206           |
| 10210007                        | WILLOW CREEK RANCH                         | 5100 CALIFORNIA AV STE 120 | BAKERSFIELD CA     | 93309           |
| 10210008                        | TAZIOLI ROBERT & SUSAN REVOCABLE TRUST     | 7901 CALLE TORCIDO         | BAKERSFIELD CA     | 93309           |
| 10210009                        | PETRISSANS GEORGE & MARIE THERESE FMLY TRU | 15790 TWIN OAKS LN         | CHINO HILLS CA     | 91709-7853      |
| 10210010                        | SOUTH CENTRAL FARMERS HEALTH & EDUCATION I | 1702 E 41ST ST             | LOS ANGELES CA     | 90058           |
| 10210011                        | SOUTH CENTRAL FARMERS HEALTH & EDUCATION I | 1702 E 41ST ST             | LOS ANGELES CA     | 90058           |
| 10211007                        | LA FLAME DELIA                             | 144 W FOREST AV            | PAWTUCKET RI       | 02860           |
| 10211008                        | LA FLAME DELIA                             | 3412 SW 27TH AV            | CAPE CORRAL FL     | 33914           |
| 10211009                        | MC ILROY RUFUS B TEST TR                   | 411 ORTH DR                | CENTRAL POINT OR   | 97502-7013      |
| 10211010                        | MC ILROY RUFUS B TEST TR                   | 2180 POPLAR DR # 204       | MEDFORD OR         | 97504-4602      |

**Appendix H-5. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Process Water Line**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                           | <b>Address</b>             | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|---|----------------------------|--------------------|-----------------|
| 10211011                        | KAZERSKI STEVEN HAROLD                      | P O BOX 121458             | CHULA VISTA CA     | 91912-6158      |
| 10211012                        | SAZERSKI STEVEN HAROLD EST                  | P O BOX 121458             | CHULA VISTA CA     | 91912           |
| 10211013                        | RINGHOLM PHILLIP LLOYD ET AL                | 566 SILVERADO DR           | LAFAYETTE CA       | 94549-5539      |
| 10211014                        | RINGHOLM PHILLIP LLOYD ET AL                | 7201 WILCOX PL             | GRANITE BAY CA     | 95746-9316      |
| 10211015                        | WALKER FRANCIS J                            | 2723 HILLSIDE DR           | OLYMPIA WA         | 98501           |
| 10211016                        | BEEMAN WILLIAM O                            | 301 S 19TH AV RM 395       | MINNEAPOLIS MN     | 55455-4407      |
| 10212001                        | HATCH ANN MC KEEVER REV TR                  | P O BOX 898                | REDDING CA         | 96099           |
| 10212002                        | WILLOW CREEK RANCH                          | 5100 CALIFORNIA AV STE 120 | BAKERSFIELD CA     | 93309           |
| 10212004                        | CENTER FOR NATURAL LANDS MANAGEMENT         | 215 WEST ASH ST            | FALLBROOK CA       | 92028-2904      |
| 10212005                        | YOSHIMOTO ZEMMAN                            | 4747 KNOLLCREST CT         | ANTIOCH CA         | 94509           |
| 10212006                        | YOSHIMOTO ZEMMAN                            | 4747 KNOLLCREST CT         | ANTIOCH CA         | 94509           |
| 10213001                        | PACIFIC GAS & ELECTRIC CO                   | P O BOX 770000             | SAN FRANCISCO CA   | 94177           |
| 10213003                        | CLARK RAY W & GLORIA TRS ET AL              | 1715 CHESTER AV            | BAKERSFIELD CA     | 93301-5210      |
| 10213005                        | CLARK RAY W & GLORIA TRS ET AL              | 1715 CHESTER AV STE 100    | BAKERSFIELD CA     | 93301           |
| 10213006                        | POLLARD JAMES D & JUDY A                    | 460 TERRACE DR             | TAFT CA            | 93268           |
| 10213007                        | POLLARD JAMES D & JUDY A                    | 460 TERRACE DR             | TAFT CA            | 93268           |
| 10213009                        | NJAU JOHN N                                 | 3827 GIRARD AV # 3         | CULVER CITY CA     | 90232           |
| 10213010                        | LI HUA                                      | P O BOX 2726               | SUNNYVALE CA       | 94087-0726      |
| 10213015                        | PACIFIC GAS & ELECTRIC CO                   | P O BOX 770000             | SAN FRANCISCO CA   | 94177           |
| 10213016                        | PACIFIC GAS & ELECTRIC CO                   | P O BOX 770000             | SAN FRANCISCO CA   | 94177           |
| 10213017                        | MABBETT LORRAINE C                          | 24303 WOOLSEY CANYON # 132 | WEST HILLS CA      | 91304           |
| 10213018                        | BLANK DOROTHY B ETAL                        | 106 ROSE LN                | BELMONT CA         | 94002-3725      |
| 10213019                        | STATE OF CALIFORNIA                         | 1807 13TH ST STE 103       | SACRAMENTO CA      | 95811-7137      |
| 10213020                        | FERRIS MARCIA M LIV TR                      | 1715 CHESTER AV            | BAKERSFIELD CA     | 93301-5210      |
| 10214002                        | YOUNG WM W JR                               | 100 DIAMOND ST             | SAN FRANCISCO CA   | 94114           |
| 10214003                        | KAZERSKI STEVEN HAROLD                      | P O BOX 121458             | CHULA VISTA CA     | 91912           |
| 10214004                        | GRAND LODGE F & A M MICHIGAN                | 233 E FULTON               | GRAND RAPIDS MI    | 49503           |
| 10214016                        | WECKERLE ROSE B                             | 3687 WAMEGO RD             | PLACERVILLE CA     | 95667           |
| 10214017                        | COTTER HARLEY VIRGIL & WONEVA JEAN          | P O BOX 52                 | ALPAUGH CA         | 93201           |
| 10214018                        | PROTOPAPAS FAMILY TRUST                     | 11913 KETTERING DR         | BAKERSFIELD CA     | 93312-7089      |
| 10214019                        | STUART DAVID THRIFT & MARY ELIZABETH REV TR | 3604 KENNEDY AV            | BAKERSFIELD CA     | 93309-6171      |
| 10214020                        | CONNER ANTOINETTE M                         | 5847 ROUND UP WY           | BAKERSFIELD CA     | 93306           |
| 10214022                        | WELCH JOHN F                                | 1102 SANTOLINA DR          | NOVATO CA          | 94945-1840      |
| 10214023                        | WELCH JOHN F                                | 1102 SANTOLINA DR          | NOVATO CA          | 94945-1840      |
| 10214024                        | SHERRELL BRIAN GENE                         | 7635 JENICA RD             | BAKERSFIELD CA     | 93314           |

**Appendix H-5. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Process Water Line**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                          | <b>Address</b>                 | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|--|--------------------------------|--------------------|-----------------|
| 10214025                        | SHERRELL BRIAN GENE                        | 7635 JENICA RD                 | BAKERSFIELD CA     | 93314           |
| 10220004                        | PETRISSANS GEORGE & MARIE THERESE FMLY TRU | 15790 TWIN OAKS LN             | CHINO HILLS CA     | 91709-7853      |
| 10220005                        | FRANCESCHI MICHAEL                         | 8414 AILANTHUS CT              | BAKERSFIELD CA     | 93311           |
| 10221015                        | MICHAELIS ADRIAN FRANCIS                   | 900 CARLSTON AV                | OAKLAND CA         | 94610           |
| 10221016                        | SHERRELL BRIAN GENE                        | 7635 JENICA RD                 | BAKERSFIELD CA     | 93314           |
| 10221017                        | FAGERBURG MAUD                             | 15935 SPRING OAKS RD # 124     | EL CAJON CA        | 92021           |
| 10221018                        | STUBBS FAMILY TR                           | 11411 TALLADEGA CT             | BAKERSFIELD CA     | 93312           |
| 10221019                        | LUNING ASSCS L P                           | 3300 S LAKESHORE RD            | CHELAN WA          | 98816           |
| 10221020                        | CHANG CHRISTOPHER                          | 10024 VALLEY BL # 202          | EL MONTE CA        | 91731           |
| 10221021                        | GREEN PATRICIA A TRUST & ROBERT F          | 2542 W HALLWOOD BL             | MARYSVILLE CA      | 95901           |
| 10221024                        | STUBBS MAX B & ROASLIE                     | 212 GOODMAN ST                 | BAKERSFIELD CA     | 93305-2904      |
| 10221025                        | STUBBS FAMILY TR                           | 11411 TALLADEGA CT             | BAKERSFIELD CA     | 93312           |
| 10221026                        | DE GABAIN COLET M                          | 1740 ROSEMARY LN               | REDWOOD CITY CA    | 94061-2617      |
| 10221027                        | GANIERE JAMES W                            | P O BOX 60151                  | BAKERSFIELD CA     | 93306           |
| 10221028                        | COTTER HARLEY VIRGIL & WONEVA JEAN         | P O BOX 52                     | ALPAUGH CA         | 93201           |
| 10221029                        | COTTER HARLEY VIRGIL & WONEVA JEAN         | P O BOX 52                     | ALPAUGH CA         | 93201           |
| 10221030                        | DAVIS MELVIN G TR                          | P O BOX 10926                  | BAKERSFIELD CA     | 93389           |
| 10221031                        | DAVIS MELVIN G TR                          | P O BOX 10926                  | BAKERSFIELD CA     | 93389           |
| 10221032                        | GEORGE FAMILY TRUST                        | 208 STONEWOOD CT               | LAS VEGAS NV       | 89107-3250      |
| 10221033                        | GEORGE FAMILY TRUST                        | 208 STONEWOOD CT               | LAS VEGAS NV       | 89107-3250      |
| 10221034                        | COTTER HARLEY VIRGIL & WONEVA JEAN         | P O BOX 52                     | ALPAUGH CA         | 93201           |
| 10221035                        | COTTER HARLEY VIRGIL & WONEVA JEAN         | P O BOX 52                     | ALPAUGH CA         | 93201           |
| 10221036                        | LOONEY ANNIE                               | 205 MAYWOOD WY                 | S SAN FRNCSCO CA   | 94080           |
| 10221037                        | GANIERE JAMES W                            | P O BOX 60151                  | BAKERSFIELD CA     | 93306           |
| 10221038                        | BLANK DOROTHY B ETAL                       | 106 ROSE LN                    | BELMONT CA         | 94002-3725      |
| 10221039                        | HSU CHANEL                                 | PO BOX 50052                   | IRVINE CA          | 92619-0052      |
| 10221040                        | BERNAL ELIZABETH                           | P O BX 564                     | BOULDER CREEK CA   | 95006           |
| 10221041                        | BERNAL ELIZABETH                           | 5018 THURBER LN                | SANTA CRUZ CA      | 95065           |
| 10221042                        | ASSET HOLDING LLC                          | 8390 E VIA DE VENTURA STE F110 | SCOTTSDALE AZ      | 85258-3128      |
| 10221043                        | INTEGRITY PROP LLC                         | 8390 E VIA DE VENTURA STE F110 | SCOTTSDALE AZ      | 85258-3128      |
| 10221044                        | FRANTZ BARBARA                             | 148 SHIRLEY DR                 | MONACA PA          | 15061-2442      |
| 10221045                        | BLOUNT MICHAEL L                           | 4017 PENNSBURG CT              | LAS VEGAS NV       | 89122-3432      |
| 10221046                        | FRANCESCHI GARY FAMILY TRUST               | P O BOX 404                    | BUTTONWILLOW CA    | 93206           |
| 10221047                        | FRANCESCHI GARY FAMILY TRUST               | P O BOX 404                    | BUTTONWILLOW CA    | 93206           |
| 10221048                        | FRANCESCHI GARY FAMILY TRUST               | P O BOX 404                    | BUTTONWILLOW CA    | 93206           |

**Appendix H-5. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Process Water Line**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                          | <b>Address</b>       | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|--|----------------------|--------------------|-----------------|
| 10221049                        | FRANCESCHI GARY FAMILY TRUST               | P O BOX 404          | BUTTONWILLOW CA    | 93206           |
| 10221050                        | BERNAL ELIZABETH                           | P O BX 564           | BOULDER CREEK CA   | 95006           |
| 10221051                        | BERNAL ELIZABETH                           | 5018 THURBER LN      | SANTA CRUZ CA      | 95065           |
| 10222001                        | PETRISSANS GEORGE & MARIE THERESE FMLY TRU | 15790 TWIN OAKS LN   | CHINO HILLS CA     | 91709-7853      |
| 10222004                        | FRANCESCHI MICHAEL                         | 8414 AILANTHUS CT    | BAKERSFIELD CA     | 93311           |
| 10222005                        | RICCOMINI RICKY E & MELINDA                | 11501 BUFFINGTON ST  | BAKERSFIELD CA     | 93312           |
| 10222007                        | CHEVRON USA INC                            | P O BOX 1392         | BAKERSFIELD CA     | 93302-1392      |
| 10222014                        | FRANCESCHI MICHAEL                         | 8414 AILANTHUS CT    | BAKERSFIELD CA     | 93311           |
| 10222021                        | FRANCESCHI MICHAEL                         | 8414 AILANTHUS CT    | BAKERSFIELD CA     | 93311           |
| 10222022                        | FRANCESCHI MICHAEL                         | 8414 AILANTHUS CT    | BAKERSFIELD CA     | 93311           |
| 10222023                        | FRANCESCHI MICHAEL                         | 8414 AILANTHUS CT    | BAKERSFIELD CA     | 93311           |
| 10222024                        | FRANCESCHI MICHAEL                         | 8414 AILANTHUS CT    | BAKERSFIELD CA     | 93311           |
| 10222025                        | ORNELAS JUANITA                            | P O BX 208           | BUTTONWILLOW CA    | 93206           |
| 10222026                        | ORNELAS JUANITA                            | P O BX 208           | BUTTONWILLOW CA    | 93206           |
| 10223005                        | RICCOMINI RICKY E & MELINDA                | 11501 BUFFINGTON ST  | BAKERSFIELD CA     | 93312           |
| 10224002                        | GUIDE DOGS FOR THE BLIND INC               | P O BX 1200          | SAN RAFAEL CA      | 94902           |
| 10224003                        | MICHAELIS ADRIAN FRANCIS ET AL             | 900 CARLSTON AV      | OAKLAND CA         | 94610-1735      |
| 10224004                        | COLEMAN GEORGE                             | 2101 MERIDIAN #1     | APACHE JUNCTION AZ | 85220           |
| 10224005                        | COTTER HARLEY VIRGIL & WONEVA JEAN         | P O BOX 52           | ALPAUGH CA         | 93201           |
| 10224006                        | SANDHU SAM & SUMANJIT                      | 1998 BOX CAR DR      | MONTECA CA         | 95337           |
| 10224015                        | MC ILROY RUFUS B TEST TR                   | 2180 POPLAR DR # 204 | MEDFORD OR         | 97504-4602      |
| 10224016                        | MC ILROY RUFUS B TEST TR                   | 411 ORTH DR          | CENTRAL POINT OR   | 97502-7013      |
| 10224017                        | COLEMAN GEORGE                             | 2101 MERIDIAN #1     | APACHE JUNCTION AZ | 85220           |
| 10224018                        | COLEMAN GEORGE                             | 2101 MERIDIAN #1     | APACHE JUNCTION AZ | 85220           |
| 10224019                        | BROSE RAETHA A                             | 5395 NEW FARM WY     | FLARENCE MT        | 59833           |
| 10224020                        | BROSE RAETHA A                             | 5395 NEW FARM WY     | FLARENCE MT        | 59833           |
| 10224021                        | SWIDECKI JAMIE & LINDA                     | 124 MC DONALD WY     | BAKERSFIELD CA     | 93309           |
| 10224022                        | BERRYMAN E E & BROSE R A                   | 610 MICHIGAN ST      | EAST MISSOULA MT   | 59801           |
| 10224023                        | STONYBROOK CORP                            | P O BOX 62           | KEENE CA           | 93531           |
| 10224024                        | STONYBROOK CORP                            | P O BOX 62           | KEENE CA           | 93531           |
| 10224025                        | NEY HARRY & BETTY                          | P O BOX 51254        | SPARKS NV          | 89435-1254      |
| 10224026                        | NEY HARRY & BETTY                          | 1318 MCFARLANE LN    | HAYWARD CA         | 94544           |
| 10224027                        | ZEDEK FRANK                                | 4543 AVONDALE CI     | FAIRFIELD CA       | 94533           |
| 10224028                        | ZEDEK FRANK                                | 41 UNIONSTONE DR     | SAN RAFAEL CA      | 94903           |
| 10224029                        | WILSON TANYA                               | 7320 MARGE CT APT B  | ANCHORAGE AK       | 99504           |

**Appendix H-5. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Process Water Line**

| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                  | <b>Address</b>          | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|------------------------------------|-------------------------|--------------------|-----------------|
| 10224030                        | WILSON TANYA                       | 7320 MARGE CT APT B     | ANCHORAGE AK       | 99504           |
| 15802001                        | AUDELL DONNA M                     | 258 RIVERVIEW DR        | BUELLTON CA        | 93427           |
| 15802002                        | RICCOMINI RICKY E & MELINDA        | 11501 BUFFINGTON ST     | BAKERSFIELD CA     | 93312           |
| 15802003                        | ZARGARYAN SEVAK                    | 2000 CHILTON DR         | GLENDALE CA        | 91201           |
| 15802011                        | INDIGO MINERALS LLC                | 600 TRAVIS ST # 4900    | HOUSTON TX         | 77002-3009      |
| 15802012                        | LUTTRELL TRENT & CHRISTOPHER ET AL | 3535 STINE RD SP 129    | BAKERSFIELD CA     | 93309-6352      |
| 15802013                        | SHEPHERD NORMAN C FAMILY TRUST     | P O BOX 9               | BUTTONWILLOW CA    | 93206-0009      |
| 15802014                        | SHEPHERD NORMAN C FAMILY TRUST     | P O BOX 9               | BUTTONWILLOW CA    | 93206-0009      |
| 15802018                        | SHEPHERD NORMAN C FAMILY TRUST     | P O BOX 9               | BUTTONWILLOW CA    | 93206           |
| 15802025                        | SHEPHERD NORMAN C FAMILY TRUST     | P O BOX 9               | BUTTONWILLOW CA    | 93206           |
| 15803009                        | TEXAS TEA LTD                      | 1626 W 3RD ST           | PECOS TX           | 79772-2628      |
| 15803011                        | TAZIOLI JAMES REV TRUST            | P O BOX 882             | BUTTONWILLOW CA    | 93206-0882      |
| 15904016                        | HYDROGEN ENERGY INTERNAT LLC       | 700 LOUISIANA ST FLR 32 | HOUSTON TX         | 77002           |
| 15908008                        | DOUGLAS RANCHES LLC                | P O BOX 98              | BUTTONWILLOW CA    | 93206           |
| 15908011                        | DOUGLAS RANCHES LLC                | P O BOX 98              | BUTTONWILLOW CA    | 93206           |
| 15908012                        | JOHNSON SUSAN A                    | P O BOX 453             | BUTTONWILLOW CA    | 93206           |
| 15909004                        | ROMANINI JOHN                      | 8909 VERSAILLES         | BAKERSFIELD CA     | 93311           |
| 15909005                        | DOUGLAS RANCHES LLC                | P O BOX 98              | BUTTONWILLOW CA    | 93206           |
| 15909010                        | MARTINEZ ALBINO & TERESA           | 5302 WASCO WY           | BUTTONWILLOW CA    | 93206           |
| 15909011                        | DOUGLAS RANCHES LLC                | P O BOX 98              | BUTTONWILLOW CA    | 93206           |
| 15909012                        | JOHNSON SUSAN A                    | P O BOX 453             | BUTTONWILLOW CA    | 93206           |
| 15909017                        | TAZIOLI JAMES TR                   | P O BOX 882             | BUTTONWILLOW CA    | 93206-0882      |
| 15909018                        | TAZIOLI JAMES                      | 396 THIRD ST            | BUTTONWILLOW CA    | 93206           |
| 15909019                        | TAZIOLI JAMES TR                   | P O BOX 882             | BUTTONWILLOW CA    | 93206-0882      |
| 15909020                        | TAZIOLI JAMES                      | 12101 STONINGTON ST     | BAKERSFIELD CA     | 93312-5795      |
| 15909026                        | LETT LILLIAN LEIBROCK TRUST        | 413 STARMOUNT LN        | BAKERSFIELD CA     | 93309           |
| 15909027                        | SHEPHERD NORMAN C FAMILY TRUST     | P O BOX 9               | BUTTONWILLOW CA    | 93206           |
| 15910001                        | KOSAREFF JOE                       | 4714 DUNFORD RD         | BUTTONWILLOW CA    | 93206           |
| 15910002                        | BIRCHIM FAMILY TRUST               | 5115 ASTERIA ST         | TORRANCE CA        | 90503-2713      |
| 15910003                        | MILLER DAISY L                     | 986 MEADOWCREST ST      | NEWBURY PARK CA    | 91320-5575      |
| 15910004                        | ALMA INVESTMENT CO                 | 325 S CHESTER AV        | BAKERSFIELD CA     | 93304           |
| 15910005                        | MILLER LIVING TRUST                | 986 MEADOWCREST ST      | NEWBURY PARK CA    | 91320-5575      |
| 15910006                        | PHAN XUAN HOANG                    | 7641 NANCY LN           | STANTON CA         | 90680           |
| 15910007                        | HANNUM HELENA                      | 609 G ST                | BAKERSFIELD CA     | 93304           |
| 15910008                        | MILLS J                            | 346-D AVE SEVILLA       | LAGUNA HILLS CA    | 92653           |

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| <b>Assessor's Parcel Number</b> | <b>Owner Name</b>                         | <b>Address</b>           | <b>City, State</b> | <b>Zip Code</b> |
|---------------------------------|---|--------------------------|--------------------|-----------------|
| 15911020                        | STEWART LULA MAE                          | 2804 PECANGROVE DR       | BAKERSFIELD CA     | 93311-2313      |
| 15912003                        | LIN YU-ZONG & BE JU                       | 18133 2ND ST             | FOUNTAIN VLY CA    | 92708           |
| 15912008                        | HECK WENDELL & BESSIE                     | 5865 ADOHR RD            | BUTTONWILLOW CA    | 93206-9716      |
| 15912009                        | ROMANINI FAMILY L P                       | 8909 VERSAILLES DR       | BAKERSFIELD CA     | 93311-1531      |
| 15912010                        | DOUGLAS RANCHES LLC                       | 5100 CALIFORNIA AV # 120 | BAKERSFIELD CA     | 93309           |
| 15912011                        | DOUGLAS RANCHES LLC                       | 5100 CALIFORNIA AV # 120 | BAKERSFIELD CA     | 93309           |
| 15913003                        | ROBERTSON WILLIAM C & ROBERTA L REV TRUST | 351 E ROBERTS LN         | BAKERSFIELD CA     | 93308           |
| 15913006                        | ROBERTSON WILLIAM C & ROBERTA L REV TRUST | 351 E ROBERTS LN         | BAKERSFIELD CA     | 93308           |
| 15913007                        | ROBERTSON WILLIAM C & ROBERTA L REV TRUST | 351 E ROBERTS LN         | BAKERSFIELD CA     | 93308           |
| 15913011                        | DICK DYKSTRA DAIRIES                      | 10129 SCHAEFER           | ONTARIO CA         | 91761           |
| 15914001                        | LIN YU-ZONG & BE JU                       | 18133 2ND ST             | FOUNTAIN VLY CA    | 92708           |
| 15914002                        | DRAKE CHARLEEN L                          | 8455 RANCHO REAL         | GILRAY CA          | 95020           |
| 15914003                        | GROVES RYAN D                             | 10005 CPOA CABANA CT     | BAKERSFIELD CA     | 93312           |
| 15914004                        | HONG SHIRLEY TRS                          | 427 COTTAGE HOME ST # 2  | LOS ANGELES CA     | 90012-1438      |
| 15914005                        | HERSCHENSOHN JULIE ANN                    | 1918 N 1ST AV            | SEATTLE WA         | 98109-2501      |
| 15914006                        | MILLS J                                   | 346-D AVE SEVILLA        | LAGUNA HILLS CA    | 92653           |
| 15915001                        | STATE OF CALIFORNIA                       | 1807 13TH ST # 103       | SACRAMENTO CA      | 95814-7117      |
| 15915002                        | HARTLEY FRANCES ET AL                     | 679 GRAND AV             | LONG BEACH CA      | 90814           |
| 15915003                        | BERRY PETROLEUM COMPANY                   | 1999 BROADWAY # 3700     | DENVER CO          | 80202           |
| 15915004                        | PLEBANEK DANIEL J                         | 1505 VALLEYVIEW DR       | RACINE WI          | 53144-7748      |
| 15915005                        | MALINA CAROLINA INGRID                    | 8 MENDOSA AV             | SAN FRANCISCO CA   | 94116           |
| 15915007                        | FANNING FAMILY TR                         | 601 BRIARWOOD DR         | BREA CA            | 92821           |
| 15915008                        | GRIMAL ALEXANDER L                        | 1002 WIBLE RD # H        | BAKERSFIELD CA     | 93304-4137      |
| 15915009                        | LIN YU-ZONG & BE JU                       | 18133 2ND ST             | FOUNTAIN VLY CA    | 92708           |
| 15916001                        | FANNING FAMILY TR                         | 1018 EADINGTON DR        | BREA CA            | 92621           |
| 15916002                        | GAUNA JOSE L & SUSANA A                   | 22126 CUBA LIBRE         | CROSBY TX          | 77532           |
| 15916003                        | BOWELL CLARE ELIZABETH KROGMANN TRUST     | 2114 FARM VIEW DR        | CORAOPOLIS PA      | 15108           |
| 15916004                        | MANSTON ROSS                              | P O BOX 343              | CLAREMONT CA       | 91711           |
| 15916005                        | OLIVER JOSEPHINE                          | 16081 E KINGS CYN RD     | SANGER CA          | 93657           |
| 15916006                        | LIN YU-ZONG & BE JU                       | 18133 2ND ST             | FOUNTAIN VLY CA    | 92708           |
| 15916007                        | LIN YU-ZONG & BE JU                       | 18133 2ND ST             | FOUNTAIN VLY CA    | 92708           |
| 15916008                        | ALMA INVESTMENT CO                        | 325 S CHESTER AV         | BAKERSFIELD CA     | 93304           |
| 15916009                        | LIN YU-ZONG & BE JU                       | 18133 2ND ST             | FOUNTAIN VLY CA    | 92708           |
| 15917010                        | STATE OF CALIFORNIA                       | 1807 13TH ST STE 103     | SACRAMENTO CA      | 95811-7137      |
| 15919006                        | BUENA VISTA WATER STORAGE DISTRICT        | P O BOX 756              | BUTTONWILLOW CA    | 93206           |

**Appendix H-5. Assessor's Parcel Numbers and Owner Information Within 500 Feet of Process Water Line**

| <b>Assessor's<br/>Parcel<br/>Number</b> | <b>Owner Name</b>              | <b>Address</b>          | <b>City, State</b> | <b>Zip Code</b> |
|---|--------------------------------|-------------------------|--------------------|-----------------|
| 15919009                                | HYDROGEN ENERGY INTERNAT LLC   | 700 LOUISIANA ST FLR 32 | HOUSTON TX         | 77002           |
| 15930001                                | LANGER JAN H                   | 10900 RUNNING BUCK LN   | AUSTIN TX          | 78750           |
| 15930002                                | MC CALLUM RETA E               | 54747 BENECIA TL        | YUCCA VALLEY CA    | 92284           |
| 15930003                                | KNAUSS D R & ALLEN J W ET UX   | 2252 SAN BERNARDO AV    | HEMET CA           | 92545-2418      |
| 15930004                                | LIND PHYLLIS K & ALDAHL JOHN V | 851 SW 6TH AV # 810     | PORTLAND OR        | 97204           |
| 15930005                                | HERSCHENSOHN JULIE ANN         | 1918 NO 1ST AV          | SEATTLE WA         | 98109           |
| 15930006                                | PLEBANEK DANIEL J              | 9401 18TH ST            | KENOSHA WI         | 53144-7748      |
| 15930007                                | HUBBARD FAMILY TRUST           | 273 ROCKY POINT RD      | PALOS VERDES CA    | 90274           |

**Appendix H-6**  
**Williamson Act Agreements for the Project Site**

Williamson Act Contracts for Project Site, including:

1. Land Use Contract dated December 3, 1970 recorded on February 26, 1971 in Book 4495, Page 523 of Official Records of Kern County as amended by the following:
  - a. Agreement dated May 13, 1971 and recorded May 14, 1971, Book 4525, Page 841 of Official Records
  - b. Agreement dated June 28, 1997, recorded August 11, 1997, Instrument No. 0197104355 of Official Records
  - c. Certificate of Cancellation recorded August 11, 1997, Instrument No. 0197104356 of Official Records
2. Land Use Contract recorded on February 28, 1969 in Book 4250 , page 496 of Official Records of Kern County



FEB-26-71 13062 • 3:27 P D TS FRK 2 10.00

RECORDED AT REQUEST OF:  
 ANNE THURN I.D.  
 CLERK OF THE BOARD  
 COUNTY OF KERN ROOM 600  
 BLDG. 1111 N. MI. 93301

Recorded By RAY A. VERCAMMEN, Kern Co. Recorder

## LAND USE CONTRACT

(California Land Conservation Act of 1965,  
 and Open-Space Land Valuation Law of 1967.)

THIS CONTRACT, entered into this 3<sup>rd</sup> day of December  
 1970 by and between the COUNTY OF KERN, a political subdivision of  
 the State of California, herein referred to as "COUNTY," and  
 PALM FARMS, INC., a California corporation

hereinafter referred to as "OWNER,"

W I T N E S S E T H :

(a) WHEREAS, Owner is the owner of certain real property  
 situate in the County of Kern, State of California, which is devoted  
 to agricultural use and is located within an area which has been  
 designated by the County as an agricultural preserve, and a description  
 of said land, together with a reference to the map showing the location  
 of said agricultural preserve, is set forth in Exhibit "A" attached  
 hereto and incorporated herein by reference; and

(b) WHEREAS, both Owner and County desire to limit the use  
 of such land for the purposes of preserving it pursuant and subject  
 to the conditions set forth in this Contract and in the California  
 Land Conservation Act of 1965, as amended, in order to preserve a  
 maximum amount of the limited supply of agricultural land and to there-  
 by conserve the State's economic resources, to maintain the agricultural  
 economy of the State, and to assure an adequate, healthful and nutri-  
 tious food for future residents of this State and nation; and

(c) WHEREAS, the Owner desires to have the benefits of Article  
 XXVIII of the California Constitution and of Sections 421 through 429,  
 inclusive, of the Revenue and Taxation Code and other provisions of  
 law relating to the valuation and assessment of open-space land subject  
 to enforceable restrictions, as are now or may be from time to time  
 in effect;

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. TERM OF CONTRACT; AUTOMATIC EXTENSION; NOTICE OF INTENT NOT TO RENEW:

(a) This Contract shall be effective as of the 28th day of February next succeeding the date of this Contract, to wit, the date which is first mentioned herein, and shall remain in effect for an initial term of ten (10) years from and including such date and during renewals of this Contract.

(b) Each 28th day of February of each year during which this Contract shall be in effect shall be deemed to be the annual renewal date of this Contract, as mentioned in Sections 51244 and 51245 of the Act. On said annual renewal date a year shall be added automatically to the initial term aforementioned, and the term of this Contract shall be thereby renewed and extended, unless notice of nonrenewal has been given as provided in Section 51245 of the Act.

(c) If the County or Owner gives notice of intent in any year not to renew this Contract, the Contract shall remain in effect for the balance of the term or extended term remaining since the original execution or the last renewal of the Contract, as the case may be.

2. CONTRACT MADE PURSUANT TO LAND CONSERVATION ACT:

This Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200) sometimes referred to herein as the "Land Conservation Act" or "Act," and is subject to all of the provisions thereof.

3. ENFORCEABLE RESTRICTION:

(a) It is mutually agreed that this Contract is and shall be an enforceable restriction within the meaning and for the purposes of Article XXVIII of the Constitution of the State of California, said Land Conservation Act, and said Sections 421 through 429, inclusive, of the Revenue and Taxation Code as are now or may be from time to time in effect; and it is contemplated that this Contract shall be enforced and administered by the County in such a manner as to accomplish the purposes of said Article of the California Constitution and the aforementioned statutes.

(b) It is mutually understood that the County may bring any action in court necessary to enforce this Contract, including, but not limited to, an action to enforce this Contract by specific performance or injunction.

4. CONTRACT MADE IN CONFORMITY WITH UNIFORM RULES ADOPTED BY COUNTY:

(a) This Contract is also made and entered into pursuant to the provisions of the Uniform Rules adopted by the Board of Supervisors of the County governing the administration of agricultural preserves, including but not confined to the land use restrictions and enumeration and definition of compatible uses therein contained.

(b) It is expressly understood and agreed that during the term of this Contract or any renewals thereof the Board of Supervisors of the County may add to those agricultural and compatible uses specified in the Resolution or Resolutions prescribing Uniform Rules governing the administration of the agricultural preserve within which the land described in this Contract is located or may otherwise modify said Uniform Rules, provided, however, that the subsequent elimination or reduction in scope of a compatible use which is so enumerated or defined, or the subsequent imposition of any land use restriction which

is not set forth, in said Uniform Rules as of the date of this Contract, shall not be deemed to effect the land described in this Contract unless and except with the written consent of the Owner.

(c) The Uniform Rules which are applicable to the agricultural preserve in which the land herein described is situated are incorporated herein by reference, including those Uniform Rules as are in effect at the date of this Contract and, subject to the limitations aforementioned in this Article, those amendments or additions thereto which may be subsequently adopted from time to time.

5. EXCLUSION OF USES OTHER THAN AGRICULTURAL AND COMPATIBLE USES:

(a) During the term of this Contract or any renewals thereof the herein described land shall not be used for any purpose other than agricultural uses and those uses compatible with agricultural uses.

(b) As used in this Contract, the following terms shall have these respective meanings:

(1) "Agricultural uses" shall mean the use of land for the purpose of producing an agricultural commodity for commercial purposes.

(2) "Agricultural commodity" shall mean any and all plant and animal products produced in this state for commercial purposes.

(3) "Compatible uses" shall mean those uses enumerated in the Uniform Rules, or as determined by the Land Conservation Act.

(4) "Uniform Rules" shall mean the Uniform Rules adopted by the Board of Supervisors of the County governing the administration of agricultural preserves, as more fully described in Article 3 hereinabove.

## 6. LIMITATION ON STRUCTURES:

During the term of this Contract or any renewals thereof no structure shall be erected upon said land except such structures as may be directly related to agricultural uses and those uses compatible with agricultural uses.

## 7. EFFECT ON PLANNING AND ZONING POWERS:

It is mutually understood and agreed that neither the provisions of this Contract nor of any Uniform Rule adopted by the Board of Supervisors of the County shall in any manner effect, limit or supersede the planning and zoning powers of the County.

## 8. CONTRACT RUNS WITH LAND; EFFECT OF DIVISION OF LAND:

(a) All provisions of this Contract shall run with the land described herein.

(b) This Contract shall be binding upon, and inure to the benefit of, all successors in interest of the owner.

(c) Whenever land under this Contract is divided, the Owner of any parcel of such divided land may exercise, independent of any other Owner of any other portion of such divided land, any of the rights of the Owner in the original Contract, including the right to give notice of nonrenewal and to petition for cancellation. The effect of any such action by the Owner of a parcel created by such division of land under this Contract shall not be imputed to the Owners of the remaining parcels and shall have no effect on the Contract as it applies to the remaining parcels of the divided land.

## 9. ANNEXATION TO CITY:

In event of annexation by a city of any land under this Contract, such city shall succeed to all rights, duties and powers of the County under this Contract, except as otherwise provided in the Land Conservation Act.

## 10. OWNER TO FURNISH INFORMATION:

(a) Owner agrees to furnish the County with such information as the County shall require in order to enable it to determine the continuing eligibility of the land herein described with respect to the terms of the Act, the provisions of this Contract, and under the Uniform Rules relating to the preserve in which said land is situated, from time to time when requested by the County.

(b) Owner agrees that a copy of this Contract may be recorded by the County, and agrees to properly acknowledge all signatures required of Owner herein for such purpose.

## 11. WAIVER OF PAYMENTS:

Owner hereby waives any obligation of County to make any payments to Owner under this Contract and Owner shall not receive any payment from County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the within Contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to Owner as a result of the effect on the method of determining the assessed value of land described herein and any reduction therein due to the imposition of the limitations on its use contained in this Contract.

## 12. CANCELLATION:

This Contract may only be cancelled in accordance with the provisions of Sections 51280-51285 of the Act.

## 13. EFFECT OF REMOVAL OF LAND FROM AGRICULTURAL PRESERVE:

It is agreed that removal of any land under this Contract from an agricultural preserve shall be equivalent of notice of non-renewal by the County, for the purposes of Section 426 of the Revenue and Taxation Code, as now in effect or as it may from time to time be amended, and applicable provisions of the Land Conservation Act.

## 14. EFFECT OF EMINENT DOMAIN OR OTHER ACQUISITION OF LAND:

(a) When any action in eminent domain for the condemnation of the fee title of the entire parcel of land herein described is filed, or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person or whenever there is any such action or acquisition by the federal government or any person, instrumentality or agency acting under authority or power of the federal government, this Contract shall be deemed null and void as to the land actually being condemned or so acquired as of the date the action is filed, and upon the termination of such a proceeding, this Contract shall be null and void for all land actually taken or acquired.

(b) When such an action to condemn or acquire less than all the entire parcel land herein described is commenced, this Contract shall be deemed null and void as to the land actually so condemned or acquired.

(c) The land actually taken by the means aforementioned in this Article shall be removed from this Contract. Under no circumstances shall land be removed from this Contract that is not actually taken by the means aforementioned, except as otherwise provided in the Land Conservation Act, as now in effect or as it may from time to time be amended.

## 15. INCORPORATION OF PROVISIONS OF ACT BY REFERENCE; SUBSEQUENT AMENDMENTS:

(a) The provisions of the Land Conservation Act, including any amendments enacted on or before the date of this Contract, are incorporated herein and made a part of this Contract by reference, and all of the provisions of this Contract shall be subordinate thereto and construed harmoniously therewith.

(b) Any provision contained in any amendments to the Land Conservation Act enacted from time to time subsequent to the date of this Contract and which is procedural or remedial in effect shall also be deemed incorporated herein and made a part of this Contract by reference.

(c) Any provision contained in any amendments to the Land Conservation Act enacted from time to time subsequent to the date of this Contract which has the effect of altering a substantive right or obligation of the Contract shall not be deemed incorporated herein, unless with the mutual consent of the parties hereto or unless otherwise provided in this Contract. Such substantive right or obligation shall include, but is not limited to, the following: increasing or decreasing the term of the Contract; eliminating or altering the right to or grounds for nonrenewal or cancellation of the Contract; or eliminating, adding, or modifying any land use restriction or compatible use of land.

(d) Any provision of any amendments to the Land Conservation Act enacted from time to time subsequent to the date of this Contract which is incorporated by reference herein as provided in this Article shall be substituted in place of any corresponding provision of this Contract and all other provisions of this Contract shall be construed harmoniously therewith.

(e) In event any sections of the Land Conservation Act referred to herein are renumbered, any references to sections herein shall be deemed renumbered accordingly.

16. AMENDMENT BY MUTUAL AGREEMENT:

This Contract may be amended at any time and from time to time by mutual agreement in writing of the parties hereto endorsed hereon or attached hereto, subject to any express provisions to the contrary contained in this Contract or in the Land Conservation Act.

17. NOTICES, MANNER OF GIVING:

(a) Notices to be given to Owner pursuant to this Contract, or as may otherwise be required by law in connection with the administration of this Contract, may be sent by first-class United States Mail addressed to Owner at the address shown below, Owner's signature hereinbelow, and the Owner expressly waives any other method of giving notice to him.

(b) Notices to be given to County pursuant to this Contract may be sent by first-class United States Mail addressed to Board of Supervisors, County of Kern, Kern County Courts and Administration Building, 1415 Truxtun Avenue, Bakersfield, California.

(c) Such notices may also be given by one party to the other by personal service.

(d) By the means mentioned in this Article a party may give to the other notice of a new address, after which notices to be given to such party shall be sent by the means indicated in this Article to such party at such new address.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above writer.

COUNTY OF KERN

By [Signature]  
Vice. Chairman, Board of Supervisors

ATTEST:

Vera K. Gibson, County Clerk and ex-Officio Clerk of the Board of Supervisors

By [Signature]  
Deputy

OWNER PALM FARMS, INC., a California Corp.

By [Signature]  
Fred J. Banducci, President

[Signature]  
Jim Banducci, Secretary

Address: \_\_\_\_\_

4016 Stockdale Highway

Bakersfield, California 93309

ACKNOWLEDGMENTS

County of Kern

STATE OF CALIFORNIA )  
COUNTY OF KERN ) ss

On this 10th day of February, in the year 1970, before me, [Signature], Deputy Clerk, Board of Supervisors of the County of Kern, personally appeared [Signature], known to me to be the Chairman of the Board of Supervisors of the County of Kern, and known to me to be the person who executed the within instrument on behalf of said County, and acknowledged to me that such County executed the same.

WITNESS my hand and Official Seal of the Kern County Board of Supervisors.

VERA K. GIBSON  
Clerk, Board of Supervisors

By [Signature]  
Deputy Clerk

Owner(s)

STATE OF CALIFORNIA, )  
County of Kern ) ss.

On December 3, 1970, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Fred J. Banducci & Jim Banducci known to me to be the President & Secretary of the Palm Farms, Inc. the Corporation that executed the within Instrument, known to me to be the person who executed the within Instrument, on behalf of the Corporation, therein named, and acknowledged to me that such Corporation executed the same.

WITNESS my hand and official seal.

[Signature]  
Notary Public in and for said County and State.

Exp. 3/2/71

OFFICIAL SEAL  
VIOLA GROSSMAN  
NOTARY PUBLIC  
KERN COUNTY

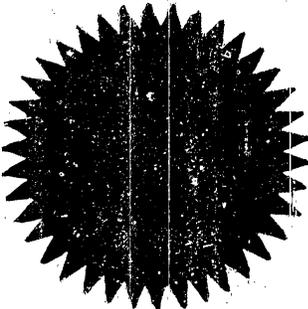


EXHIBIT "A"

DESCRIPTION OF LAND SUBJECT TO CONTRACT,  
AND IDENTIFICATION OF PRESERVE

The land herein described is situated in Preserve No. 389  
the location of which is shown by map adopted by the Board of Super-  
visors of Kern County by Resolution No. 68-93 on 1-30-68  
and by Resolution No. 71-121 on 2-23-71  
The real property which is subject to the foregoing Contract is  
in the County of Kern, State of California, is approximately 1841  
acres, bears Assessor's Parcel Number(s) 159-130-01,

and is more particularly described as follows:

ALL LYING WLY OF C/L WESTSIDE CANAL EXC RD EXCL OF 50% INT M.R. 511A  
SEC 09 T 30 R 24  
Parcel Number: 159-040-01  
ALL EXC ELY OF S1/4 SUBJ TO CANAL EASEMENT & EXC RD EXCL OF 50% INT  
M.R. 554A SEC 10 T 30 R 24

Parcel Number: [REDACTED]  
[REDACTED]

Parcel Number: 159-190-01  
ALL LYING WLY OF C/L OULINE CANAL EXC RD EXCL OF 50% INT M.R. 326A  
SEC 15 T 30 R 24

Parcel Number: 159-030-06  
E1/2 SUBJ TO CANAL EASEMENT EXC RD EXCL OF 50% INT M.R. 314A  
SEC 03 T 30 R 24

Parcel Number: 159-050-01  
S1/4 LYING WLY OF C/L EASTSIDE CANAL EXC CANAL RTW 4.27A & EXC RD EXCL  
OF 50% INT M.R. 83A SEC 11 T 30 R 24

Parcel Number: 159-020-06  
S1/4 LYING WLY OF C/L EASTSIDE CANAL EXCL OF 50% INT M.R. 65A  
SEC 02 T 30 R 24

RECORDERS MEMO. POOR RECORDED  
REPRODUCTION DUE TO QUALITY OF  
PRINT OR TYPE ON ORIGINAL DOCUMENT.



RECORDED AT REQUEST OF:  
AND RETURN TO:  
CLERK OF THE BOARD  
CIVIC CENTER - ROOM 600  
BAKERSFIELD, CALIF. - 93301

BOOK 4525 PAGE 841

AMENDMENT TO LAND USE CONTRACT

THIS AMENDMENT, made and entered into this 13<sup>th</sup> day of May, 1971, by and between the COUNTY OF KERN, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and

Palm Farms, Inc., a California Corporation hereinafter referred to as "OWNER".

WHEREAS, the parties hereto entered into Land Use Contract pursuant to the California Land Conservation Act of 1965 and the Open-Space Land Valuation Law of 1967, dated Feb 26, 1971 and recorded in Book 4495, Page 523 O. R. of Kern County; and

WHEREAS, the Owner wished to have included in said Contract, and there was described in the Contract form originally submitted to the County on or before December 4, 1970, the parcel or parcels of land hereinafter described, but reference thereto was deleted from said Contract, as approved by the Board of Supervisors, solely for the reason the same was not then within an agricultural preserve;

WHEREAS, said parcel has since been and now is included within an agricultural preserve of the County of Kern, and meets the requirements of Chapter 13 of Statutes of 1971, extending the time for signing, accepting and recording Land Use Contracts.

NOW, THEREFORE, IT IS MUTUALLY AGREED between the County and the Owner that the aforementioned Contract is hereby amended by including therein, and making subject to all of the terms and provisions thereof, the parcel of land described in Exhibit "A" which is attached hereto and incorporated herein by reference; and said Contract is hereby ratified and reaffirmed and made a part of this instrument by reference.

IN WITNESS WHEREOF, the Parties have executed this Amendment to Land Use Contract, this 13<sup>th</sup> day of May, 1971.

COUNTY OF KERN

By [Signature]  
Chairman, Board of Supervisors

PALM FARMS, INC.,

[Signature]  
Fred J. Banducci, President

[Signature]  
Jim Banducci, Secretary

ATTEST:

Vera K. Gibson, County Clerk  
and ex-officio Clerk of the  
Board of Supervisors

By [Signature]  
Deputy Clerk

MAY-14-71 35710 • 3153 • D 18 FBK 9 3.60

W-13

Recorded By RAY A. VERCAMMEN, Kern Co. Recorder

ACKNOWLEDGMENTS

County of Kern

STATE OF CALIFORNIA )  
COUNTY OF KERN ) ss

On this \_\_\_\_\_ day of MAY 14 1971, in the year 19\_\_\_\_, before me, [Signature], Deputy Clerk, Board of Supervisors of the County of Kern, personally appeared LEROY M. JACKSON, known to me to be the Chairman of the Board of Supervisors of the County of Kern, and known to me to be the person who executed the within instrument on behalf of said County, and acknowledged to me that such County executed the same.

WITNESS my hand and Official Seal of the Kern County Board of Supervisors.

VERA K. GIBSON  
Clerk, Board of Supervisors

By [Signature]  
Deputy Clerk

Owner(s)

STATE OF CALIFORNIA )  
COUNTY OF KERN ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 19\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of California, with principal office in the County of Kern, duly com-

State of California )  
County of Kern ) ss.

On May 13, 1971 before me, the undersigned, a Notary Public in and for said State, personally appeared FRED J. BANDUCCI, known to me to be the President, and JIM BANDUCCI, known to me to be the Secretary of the corporation, PALM FARMS, INC., that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Marie B. Hughes  
Marie B. Hughes  
My commission expires May 31, 1972.

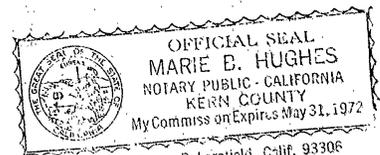


EXHIBIT "A"

DESCRIPTION OF LAND SUBJECT TO AMENDMENT TO LAND USE CONTRACT,  
AND IDENTIFICATION OF PRESERVE

The land herein described is situated in Preserve No. 3  
referred to in Resolution No. 71-338A adopted by the Board of Super-  
visors of Kern County on May 11, 1971.

The real property which is subject to the foregoing Amendment  
to Land Use Contract is in the County of Kern, State of California,  
is approximately 326 acres, bears Assessor's Parcel Number(s) and  
is more particularly described as follows:

AP No. 150-190-01

All lying Wly of C/L outlet canal Pac. Rd. Excl. of 500  
1st. N.R.  
326 acres Sec. 15, T30, R24

RECORDERS MEMO. POOR RECORDED  
REPRODUCTION FILE TO QUALITY OF  
PRINT OR TYPE ON ORIGINAL DOCUMENT.



5/1006  
PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:  
County of Kern  
Clerk of the Board

WHEN RECORDED MAIL TO:

CLERK, BOARD OF SUPERVISORS  
KERN COUNTY ADMINISTRATIVE CENTER  
1115 TRUXTUN AVENUE, 5TH FLOOR  
BAKERSFIELD, CALIFORNIA 93301

James Maples, Assessor-Recorder  
Kern County Official Records

PATTI  
Pages: 8  
8/11/1997  
14:00:00

DOCUMENT #: 0197104355



0197104355

Fees . . . 28.00  
Taxes . . .  
Other . . .  
TOTAL  
PAID . . . 28.00

Stat Types:!

THIS SPACE FOR RECORDER'S USE ONLY

## CONTRACT AMENDING LAND USE CONTRACT

THIS CONTRACT is entered into this 28th day of July,  
19 97, by and between the COUNTY OF KERN, a political subdivision of the State of California,  
hereinafter referred to as "County," and PALM FARMS, INC.  
hereinafter referred to as "Owner."

### WITNESSETH:

(a) WHEREAS, Owner holds title to those certain adjacent parcels of land, hereinafter referred to as Parcel A and Parcel B, situated in the County of Kern, State of California, more particularly described as follows:

SEE EXHIBIT "A"

(b) WHEREAS, said parcels are subject to a certain Land Use Contract, made pursuant to the California Land Conservation Act of 1965 and the Open Space Valuation Law of 1967, dated the 26 day of FEBRUARY, 19 71, between the County and PALM FARMS, INC

recorded in Book 4495, page 523, Official Records of Kern County, and are located in Agricultural Preserve No. 3; and

(c) **WHEREAS**, said Land Use Contract also describes other lands which are not affected by this Contract; and

(d) **WHEREAS**, said parcels are situated in an Exclusive Agriculture District under the provisions of the Zoning Ordinance of Kern County, which prescribes a minimum lot size of twenty (20) acres for the location of one single-family dwelling; and

(e) **WHEREAS**, Parcel A is less than twenty (20) acres; and

(f) **WHEREAS**, Owner proposes to transfer title to Parcel A; and

(g) **WHEREAS**, Owner has applied to the County for a variance from the requirements of Section 19.12.050 of the Zoning Ordinance to allow a single-family dwelling on Parcel A; and

(h) **WHEREAS**, such variance has been granted by the Hearing Officer of a Director's Hearing of the County of Kern, Notice of Decision No. 4-97, subject to certain conditions therein set forth; and

(i) **WHEREAS**, the making of this Contract amending said Land Use Contract is necessary for the purposes of conforming to the conditions to which said variance is subject; and

(j) **WHEREAS**, it is mutually understood and intended by the parties hereto that the restrictions imposed upon Parcel B are in the public interest and are necessary for the continuation and proper administration of the Land Conservation Program in the County of Kern and the proper administration of the Zoning Ordinance of Kern County, and in particular those provisions of said Zoning Ordinance relating to Exclusive Agriculture Districts limiting the density of residential uses upon land in such districts, and that the said restrictions imposed upon Parcel B are beneficial to both Parcel A and Parcel B and should run with the land and be binding for the period of time hereinafter specified; and

(k) **WHEREAS**, Owner proposes to file with the County a petition for cancellation of said

Land Use Contract with respect to Parcel A, to pay the fee heretofore fixed by the Board of Supervisors for the filing of such petitions, and to pay in addition the cancellation fee computed in accordance with the Land Conservation Act in event such cancellation is approved.

**NOW, THEREFORE**, the parties hereto covenant and agree as follows:

1. The certain Land Use Contract dated the 26 day of FEBRUARY, 19 71, recorded in Book 4495, page 523, Official Records of Kern County, is hereby amended, but only with respect to Parcel B, hereinabove described, by incorporating therein the provisions of this Contract.

2. Owner covenants and agrees that during such time as said Land Use Contract shall remain in force and effect with respect to said Parcel B, whether during the original term or any renewal thereof, no dwelling house shall be constructed upon or moved onto said Parcel B.

3. Owner covenants and agrees that in the event any dwelling house to be constructed upon or moved onto said Parcel B contrary to the provisions of this Contract, in addition to any other remedy which it may have at law or in equity, after ten (10) days written notice from the County to Owner, Owner shall undertake and diligently pursue the removal of all persons and chattels from said dwelling house and shall undertake and diligently pursue the demolition of said dwelling house or removal of said dwelling house to other lands where the same may be lawfully located and used, all pursuant to the provisions of the Zoning Ordinance and the ordinances relating to the relocation of building, all of which shall be fully completed within ninety (90) days from the day such notice has been given, at the sole expense of Owner.

4. Owner further covenants and agrees that in the event any dwelling house to be constructed upon or moved onto said Parcel B contrary to the provisions of this Contract, and unless Owner shall diligently and timely perform the covenants of the preceding paragraph, in addition to any other remedy which it may have at law or in equity, after ten (10) days written notice from the County to Owner, the County may in the exercise of its sole discretion enter upon said Parcel B and cause

removal of all persons and chattels from said dwelling house, and/or cause demolition of said dwelling house, and/or cause removal of said dwelling house from said Parcel B, each and all at the sole expense of Owner.

Owner hereby designates and appoints as his agent and attorney-in-fact for the performance of the acts aforementioned such officer of the County of Kern as the Board of Supervisors may from time to time nominate for such purposes, which appointment shall be deemed to be one coupled with an interest.

5. Owner covenants and agrees promptly to reimburse the County on demand for any and all expenses which the County may incur, including the sum of ten percent (10%) of all actual cash outlays on account of its administrative expenses, in the performance by the County of any act mentioned in paragraph 4 above. Owner further covenants and agrees that in the event the County brings any action at law or proceeding in equity for the enforcement of this Contract, or for injunction, or for declaratory relief with respect to the provisions of this Contract or to recover any sum which may become payable to the County under the provisions of this Contract, Owner shall pay the County its costs and reasonable attorney fees incurred therein. Any sum to which the County may become entitled under this paragraph shall bear interest at the rate of seven percent (7%) per annum from the time the County incurs such expense to the date of payment thereof.

6. Owner covenants and agrees to waive any damage or injury which may be caused to any chattel within or about any such dwelling house, to said dwelling house, or to any tree, shrub, crop, structure, pipe, or other improvement on said Parcel B arising from performance of any act mentioned in paragraph 4 above.

7. Owner covenants and agrees to hold harmless, indemnify, and defend the County, its governing board, officers, agents, and employees from any claim, suit, or judgment by any person who may assert ownership of any such dwelling house or any part thereof or anything in or on the same or the right to occupy the same or to occupy any land on which the same may be situated, for any damages

or obligation alleged to arise or result from any act of the County, its governing board, officers, agents, or employees in the performance of any act mentioned in paragraph 4 above.

8. Owner covenants and agrees that the period for commencing any legal proceeding mentioned in paragraph 5 is waived effective for a period of four (4) years from the date of expiration of the time limited for the commencement of such legal proceedings by the Code of Civil Procedure.

9. Owner covenants and agrees that no extension of time for the performance of any act herein required to be done or caused by owner shall be valid unless in writing and approved by the Board of Supervisors of the County.

10. Owner covenants and agrees that any notice required to be given by the County under the provisions of this Contract may be served in person or by ordinary United States mail, postage prepaid, addressed to Owner at the address set forth hereinbelow, or such other address of Owner or any successor in interest as may be shown in a document lodged with the Clerk of the Board of Supervisors requesting a change of such address and making reference to this Contract.

11. Owner covenants and agrees that each and all of the covenants of Owner herein contained shall run with the land herein described as Parcel B and be binding upon the heirs, personal representatives, trustees, successors, and assigns of Owner having or claiming any interest in said Parcel B.

12. It is mutually agreed that the provisions of the Contract shall become operative only at such time as the Board of Supervisors of the County of Kern may have adopted a resolution giving tentative approval of cancellation of said Land Use Contract with respect to said Parcel A and fixing the amount of cancellation fee, and said cancellation fee has been paid in full within the time prescribed in said resolution, and a Certificate of Final Cancellation of the Clerk of the Board of Supervisors has been filed for record. Nothing in this Contract shall be construed as authorizing or implying approval of cancellation of said Land Use Contract with respect to said Parcel A. If the Board of Supervisors determines not to approve cancellation of said Contract with respect to said Parcel A, the County agrees

to enter into a recordable agreement for the purposes of cancellation of this Contract if so requested by Owner.

13. This Contract may be amended by mutual agreement of the parties hereto.
14. It is mutually agreed that this Contract shall be filed for record forthwith.

IN WITNESS WHEREOF, the parties hereto have executed the within Contract the day and year first above written.

ATTEST:

\_\_\_\_\_  
SUE DAVIS  
Clerk of the Board of Supervisors

COUNTY OF KERN

By Steve A. Perry  
Chairman, Board of Supervisors

By Karen Shatswell  
Deputy

OWNER

Palm Farms, Inc.  
HERBERT G. WALKER  
Herbert G. Walker  
Herbert G. Walker

Address: 4801 STOCKDALE HWY

BAKERSFIELD, CA 93309

Approved:

Ted James  
TED JAMES, AICP, Director  
Planning Department

#### CERTIFICATE OF DELIVERY OF DOCUMENT

I am employed by the County of Kern as a Deputy Clerk II of the Board of Supervisors. On 8/4/97, I delivered a copy of the document entitled Contract Amending Land Use Contract to the Chairperson of the Kern County Board of Supervisors.

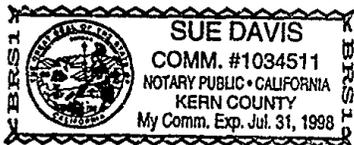
Karen Shatswell  
Deputy Clerk

ACKNOWLEDGEMENT  
(County of Kern)  
All Purpose

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF KERN )

On this 4<sup>th</sup> day of August, in the year 1997,  
before me, Sue Davis, the undersigned,  
personally appeared Kaaren Shatswell,  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s)  
whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they  
executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day  
and year in this Certificate first above written.



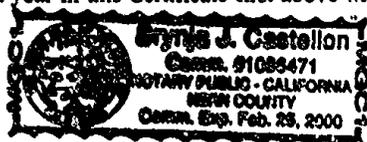
Sue Davis  
Notary Public in and for the State of California

ACKNOWLEDGEMENT  
(Owner(s))  
All Purpose

STATE OF CALIFORNIA )  
 ) ss  
COUNTY OF KERN )

On this 27<sup>th</sup> day of February, in the year 1997,  
before me, Brynja J. Castellon, the undersigned,  
personally appeared Herbert J. Walker,  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s)  
whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they  
executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day  
and year in this Certificate first above written.



Brynja J. Castellon  
Notary Public in and for the State of California

EXHIBIT "A"  
PARCEL A

ALL THAT PORTION OF PARCEL A OF LOT LINE ADJUSTMENT NO. 63-94 IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AS PER CERTIFICATE OF COMPLIANCE RECORDED JANUARY 20, 1995 AS INSTRUMENT NO. 007612 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 30 SOUTH, RANGE 24 EAST, M.D.M.; THENCE N 89° 23' 30" W ALONG THE NORTH LINE OF SECTION 9 TOWNSHIP 30 SOUTH, RANGE 24 EAST, M.D.M., A DISTANCE OF 41.00 FEET TO THE WEST LINE OF SAID PARCEL A OF LOT LINE ADJUSTMENT NO. 63-94; THENCE S 00° 46' 41" W ALONG SAID WEST LINE, A DISTANCE OF 640.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 420.01 FEET TO THE SOUTH LINE OF SAID PARCEL A; THENCE S 89° 14' 01" E ALONG THE SAID SOUTH LINE, A DISTANCE OF 444.00 FEET; THENCE N 00° 46' 41" E, A DISTANCE OF 419.92 FEET; THENCE N 89° 13' 19" W, A DISTANCE OF 444.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 4.28 ACRES MORE OR LESS.

PARCEL B

ALL THAT PORTION OF PARCEL A OF LOT LINE ADJUSTMENT NO. 63-94 IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AS PER CERTIFICATE OF COMPLIANCE RECORDED JANUARY 20, 1995 AS INSTRUMENT NO. 007612 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

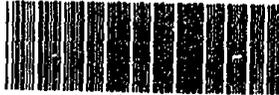
COMMENCING AT THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 30 SOUTH, RANGE 24 EAST, M.D.M.; THENCE N 89° 23' 30" W ALONG THE NORTH LINE OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 24 EAST, M.D.M., A DISTANCE OF 41.00 FEET TO THE WEST LINE OF SAID PARCEL A OF LOT LINE ADJUSTMENT NO. 63-94; THENCE S 00° 46' 41" W ALONG SAID WEST LINE, A DISTANCE OF 1060.94 FEET TO THE SOUTH LINE OF SAID PARCEL A; THENCE S 89° 14' 01" E ALONG THE SOUTH LINE, A DISTANCE OF 444.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 761.04 FEET; THENCE N 00° 23' 43" W, A DISTANCE OF 58.24 FEET; THENCE S 89° 51' 55" E, A DISTANCE OF 369.39 FEET; THENCE N 00° 58' 27" W, A DISTANCE OF 359.53 FEET; THENCE S 54° 20' 18" E, A DISTANCE OF 1215.43 FEET; THENCE N 84° 12' 24" E, A DISTANCE OF 75.09 FEET; THENCE N 02° 38' 35" E, A DISTANCE OF 70.34 FEET; THENCE N 53° 45' 12" W, A DISTANCE OF 1138.62 FEET; THENCE N 89° 13' 3" W, A DISTANCE OF 1250.93 FEET; THENCE S 00° 46' 41" W, A DISTANCE OF 489.27 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 15.72 ACRES MORE OR LESS.

James Maples, Assessor-Recorder  
Kern County Official Records

PATTI  
Pages: 3  
8/11/1997  
14:00:00

DOCUMENT #: 0197104356



\*0197104356\*

Record at the request of  
and return to:  
County of Kern  
Clerk of the Board  
1115 Truxtun Ave. 5th Floor  
Bakersfield CA 93301

Fees . . .  
Taxes . . .  
Other  
TOTAL  
PAID . . .

Stat Types: 1

CERTIFICATE OF CANCELLATION  
WITH RESPECT TO LAND UNDER CONTRACTUAL RESTRICTIONS  
(LAND CONSERVATION ACT OF 1965)

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN:

1. The Board of Supervisors of the County of Kern has given tentative approval of the petition of PALM FARMS INC. BY PORTER-ROBERTSON for cancellation of contractual restrictions contained in a contract recorded February 26, 1971 in Book 4495, Page 523, as to the land hereinafter more fully described, entered into under the Land Conservation Act of 1965, and which land is located in Agricultural Preserve No. 3 in the County of Kern, after public hearing duly noticed and held.

2. The name of the owner of the land herein mentioned, at the time of the tentative cancellation was PALM FARMS INC.

3. In giving such tentative approval, said Board prescribed the conditions and contingencies, including payment of a cancellation fee, to be satisfied prior to issuance and recordation of a certificate of cancellation of said contractual restrictions.

4. Said conditions and contingencies have been satisfied, and said contractual restrictions shall henceforth be deemed cancelled as to the real property in the County of Kern, State of California, as described in the attached Exhibit A:

Dated this 4th day of August, 1997.

SUE DAVIS  
Clerk of the Board of Supervisors  
County of Kern, State of California

By: Kerren Shatwell  
Deputy Clerk



## EXHIBIT "A"

LEGAL DESCRIPTION  
FOR  
CANCELLATION #97-3

CONTRACT AMENDING LAND USE CONTRACT  
AND  
CANCELLATION

ALL THAT PORTION OF PARCEL A OF LOT LINE ADJUSTMENT NO. 63-94 IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AS PER CERTIFICATE OF COMPLIANCE RECORDED JANUARY 20, 1995 AS INSTRUMENT NO. 007612 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 30 SOUTH, RANGE 24 EAST, M.D.M.; THENCE N 89° 23' 30" W ALONG THE NORTH LINE OF SECTION 9 TOWNSHIP 30 SOUTH, RANGE 24 EAST, M.D.M., A DISTANCE OF 41.00 FEET TO THE WEST LINE OF SAID PARCEL A OF LOT LINE ADJUSTMENT NO. 63-94; THENCE S 00° 46' 41" W ALONG SAID WEST LINE, A DISTANCE OF 640.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, A DISTANCE OF 420.01 FEET TO THE SOUTH LINE OF SAID PARCEL A; THENCE S 89° 14' 01" E ALONG THE SAID SOUTH LINE, A DISTANCE OF 444.00 FEET; THENCE N 00° 46' 41" E, A DISTANCE OF 419.92 FEET; THENCE N 89° 13' 19" W, A DISTANCE OF 444.00 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 4.28 ACRES MORE OR LESS.

CONTRACT AMENDING LAND USE CONTRACT ONLY

ALL THAT PORTION OF PARCEL A OF LOT LINE ADJUSTMENT NO. 63-94 IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, AS PER CERTIFICATE OF COMPLIANCE RECORDED JANUARY 20, 1995 AS INSTRUMENT NO. 007612 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 30 SOUTH, RANGE 24 EAST, M.D.M.; THENCE N 89° 23' 30" W ALONG THE NORTH LINE OF SECTION 9, TOWNSHIP 30 SOUTH, RANGE 24 EAST, M.D.M., A DISTANCE OF 41.00 FEET TO THE WEST LINE OF SAID PARCEL A OF LOT LINE ADJUSTMENT NO. 63-94; THENCE S 00° 46' 41" W ALONG SAID WEST LINE, A DISTANCE OF 1060.94 FEET TO THE SOUTH LINE OF SAID PARCEL A; THENCE S 89° 14' 01" E ALONG THE SOUTH LINE, A DISTANCE OF 444.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 761.04 FEET; THENCE N 00° 23' 43" W, A DISTANCE OF 58.24 FEET; THENCE S 89° 51' 55" E, A DISTANCE OF 369.39 FEET; THENCE N 00° 58' 27" W, A DISTANCE OF 359.53 FEET; THENCE S 54° 20' 18" E, A DISTANCE OF 1215.43 FEET; THENCE N 84° 12' 24" E, A DISTANCE OF 75.09 FEET; THENCE N 02° 38' 35" E, A DISTANCE OF 70.34 FEET; THENCE N 53° 45' 12" W, A DISTANCE OF 1138.62 FEET; THENCE N 89° 13' 9" W, A DISTANCE OF 1250.93 FEET; THENCE S 00° 46' 41" W, A DISTANCE OF 489.27 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 15.72 ACRES MORE OR LESS.



RECORDED AT REQUEST OF:  
AND RETURN TO:  
CLERK OF THE BOARD  
CIVIC CENTER - ROOM 600  
BAKERSFIELD, CALIF. - 93301

FEB-28-69 12609 • 4:00P • D 18 FBK 2 6.80

Recorded By RAY A. VERCAMMEN, Kern Co. Recorder  
LAND USE CONTRACT

(Pursuant to California Land Conservation Act of)  
(1965 and Open-Space Land Valuation Law of 1967 )

THIS CONTRACT, made and entered into this 27TH day of FEBRUARY,  
1969, by and between the COUNTY OF KERN, a political subdivision of  
the State of California, hereinafter referred to as "COUNTY", and 6<sup>80</sup>

MARTIN SNOW, JR.

, hereinafter referred to as "OWNER",

W I T N E S S E T H :

WHEREAS, Owner is the owner of certain real property situate in  
the County of Kern, State of California, which is presently devoted to  
agricultural use, which property is particularly identified and described  
in Exhibit "A" attached hereto and by this reference incorporated herein  
and made a part of this Contract; and

WHEREAS, said property is classified as "prime agricultural land"  
as defined in Section 51201(c) of the Government Code and is located  
in Agricultural Preserve number 3 heretofore established  
by Resolution of the Board of Supervisors of the County of Kern, which  
Preserve contains not less than 100 acres; and

WHEREAS, both Owner and County desire to limit the use of said  
property to agricultural uses in order to continue in existence a maxi-  
mum of prime agricultural lands for the production of food and fiber  
and to discourage premature and unnecessary conversion of such land from  
agricultural uses, recognizing that such land has definite public value  
as open space, and that the preservation of such land in agricultural  
production constitutes an important physical, social, esthetic and  
economic asset to County and is necessary for the maintenance of the  
agricultural economy of County and the State of California, and Owner  
desires to take advantage of the provisions of Chapter 1711, Statutes  
of 1967; and

WHEREAS, the placement of said property in an Agricultural Preserve

and the execution and approval of this Contract is deemed to be a determination by all parties concerned that the highest and best use of the property during the term of this Contract and all renewals thereof is for the production of agricultural commodities for commercial purposes;

NOW, THEREFORE, the parties, in consideration of the mutual covenants and conditions set forth herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. This Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 of Part 1 of Division 1 of Title 5 of the California Government Code commencing with Section 51200) and is subject to all the provisions thereof and by this reference the provisions of said Act are incorporated herein and made a part hereof.

2. During the term of this Contract or any renewals thereof the above-described land shall not be used for any purpose other than the production of agricultural commodities for commercial purposes and compatible uses in accordance with the land use restrictions included in the Resolution prescribing uniform rules for the administration of the Agricultural Preserve within which the land is located, which uniform rules and land use restrictions are by this reference incorporated in and made a part of this Contract. No structures shall be erected upon said land except such structures as may be directly related to authorized uses of the land. Pursuant to the provisions of Section 423 of the Revenue and Taxation Code (Chapter 1711, Statutes of 1967) it is understood by the parties that the uses of the lands which are the subject of this Contract contemplated by County and legally available to Owner are those uses herein specified to which uses Owner agrees to devote the said land during the period of this Contract.

3. During the term of this Contract, and extensions thereof, the Board of Supervisors of County may add to those agricultural and compatible uses specified in the Resolution prescribing uniform rules for the administration of the Preserve within which the land is located

or otherwise modify said uniform rules and land use restrictions after calling a hearing thereon and publishing notice pursuant to Section 6061 or the Government Code; provided, however, said Board shall not eliminate a permitted compatible use during the term of this Contract without the written consent of Owner. It is understood that neither the provisions of this Contract nor of any Resolution defining the land uses permitted hereunder can limit or supersede the planning and zoning powers of County.

4. Upon the filing of any action in eminent domain for the condemnation of the fee title of any land described herein, or of less than a fee interest which will prevent said land being used for any authorized agricultural or compatible use, or upon the acquisition in lieu of condemnation of the fee title of any land described herein or such acquisition of less than a fee interest which will prevent the land being used for any authorized use, this Contract is null and void upon such filing or acquisition as to the portion of the land described herein so taken or acquired, and also as to such portion of the herein-described land as is severed by such taking or acquisition in such a manner as to prevent continued use of the severed portion for authorized agricultural or compatible uses, and the condemning agency shall proceed as if this Contract never existed.

5. This Contract shall be effective as of the 28th day of February next succeeding the date which is first mentioned herein, and shall remain in effect for an initial term of ten (10) years therefrom and during renewals of this Contract. Each 28th day of February of each year during which this contract shall be in effect shall be deemed to be the annual renewal date of this Contract, as mentioned in Sections 51244 and 51245 of the Government Code. On said annual renewal date a year shall be added automatically to the initial term aforementioned unless notice of nonrenewal is given as provided in Section 51245 of the Government Code.

6. Owner hereby waives any obligation of County to make any payments to Owner under this Contract and Owner shall not receive any payment from County in consideration of the obligations imposed hereunder, it being recognized and agreed that the consideration for the execution of the within Contract is the substantial public benefit to be derived therefrom and the advantage which will accrue to Owner as a result of the effect on the method of determining the assessed value of land described herein and any reduction therein due to the imposition of the limitations on its use contained herein.

7. The within Contract shall "run with the land" described herein, and shall be binding upon and inure to the benefit of the heirs, executors, administrators, trustees, successors and assigns of the parties hereto.

8. This Contract may not be cancelled by either Owner or County acting unilaterally and may only be cancelled on the mutual agreement of all parties to the Contract, and the State, proceeding in accordance with the provisions of Section 51280 through Section 51286 of the Government Code.

9. It is agreed that removal of any land under this Contract from an Agricultural Preserve, either by change of boundaries of the preserve or disestablishment of the preserve, shall be deemed the equivalent of a notice of nonrenewal by County for purposes of Section 422 of the Revenue and Taxation Code.

10. Notices to be given to Owner pursuant to this Contract may be sent by U. S. Mail addressed to Owner at the address shown below Owner's signature hereinbelow. Notices to County may be sent by U. S. Mail addressed to Board of Supervisors, County of Kern, Kern County Civic Center, 1415 Truxtun Avenue, Bakersfield, California.

By the means mentioned in this paragraph a party may give notice of a new address, after which notices to be given to such party shall be sent by U. S. Mail addressed to such party at such new address.

IN WITNESS WHEREOF, the parties hereto have executed the within  
Contract the day and year first above written.

COUNTY OF KERN

By John Hall  
Chairman, Board of Supervisors

ATTEST:  
Vera K. Gibson, County  
Clerk and ex-Officio Clerk  
of the Board of Supervisors

By E. F. Kimbriel  
Deputy

OWNER

Martin Strong

Address: RTE 1, Box 41

Buttsworth

ACKNOWLEDGMENTS

County of Kern

STATE OF CALIFORNIA )  
                                  ) ss  
COUNTY OF KERN )

On this \_\_\_\_\_ day of FEB 28 1969, in the year 19\_\_\_\_, before me, E. F. Kimbriel, Deputy Clerk, Board of Supervisors of the County of Kern, personally appeared JOHN HOLT, known to me to be the Chairman of the Board of Supervisors of the County of Kern, and known to me to be the person who executed the within instrument on behalf of said County, and acknowledged to me that such County executed the same.

WITNESS my hand and Official Seal of the Kern County Board of Supervisors.

VERA K. GIBSON  
Clerk, Board of Supervisors

By: E. F. Kimbriel  
Deputy Clerk

Owner(s)

STATE OF CALIFORNIA )  
                                  ) ss  
COUNTY OF KERN )

On this 27th day of February, in the year 1969, before me, the undersigned, a Notary Public in and for the State of California, with principal office in the County of Kern, duly commissioned and sworn, personally appeared Martin Snow, Jr. known to me to be the person described in, whose name is, \_\_\_\_\_ subscribed to and who executed the within instrument, and acknowledged that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this Certificate first above written.

Marella Williams  
Notary Public in and for the  
State of California.

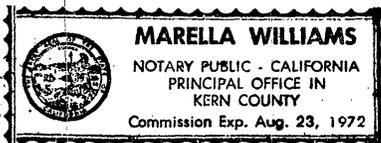


EXHIBIT "A"

Identification and Description of Real Property

PARCEL 159-050-04-01 95 ACRES  
S $\frac{1}{2}$  LYING W $\frac{1}{2}$  OF C/L OF EASTSIDE CANAL, SECS 10/11 T30 R24

PARCEL 159-040-02 73 ACRES  
E $\frac{1}{2}$  OF SE $\frac{1}{4}$  SECS 10/11 T30 R24

Notary Public  
RD 5  
ST. LOUIS, MO  
DEPUTY

FEB 29 11 25 AM 1969

FILED  
BOOK  
PAGE



**Appendix H-7**

**Certificate of Tentative Cancellation and Related Documents**



Clerk of the Board

**COPY**  
KERN COUNTY

NOTICE OF EXEMPTION  
(CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970)

JUL 13 2010

ANN K. BARNETT  
AUDITOR CONTROL CLERK  
BY [Signature] DEPUTY

TO WHOM IT MAY CONCERN:

1. The Board of Supervisors of the County of Kern has approved the following described project in the County of Kern, State of California:

- a. Applicant or sponsoring agency or department: Hydrogen Energy California, LLC, by Manatt, Phelps, and Phillips, LLP;
- b. Name of Project: Cancellation of Land Use Restrictions, Land Conservation Act, Agricultural Preserve No. 3 (Zoning Map No. 120) and Contract Amending Land Use Contract;
- c. Location of Project: South side of Adohr Road, west of Tupman Road, northwest of Tupman;
- d. Description of Project: Cancellation of approximately 491 acres a acre parcel of a Land Use Contract.

2. The form of such approval and the date thereof is:

Resolution No.: 2010-168      Adopted: June 29, 2010

3. The Board of Supervisors of the County of Kern has determined that pursuant to Section 15271 of the State CEQA Guidelines, said project is Statutorily Exempt from the requirements of the Environmental Quality Act of 1970, and no environmental documents are required or need be considered in connection with such action.

Dated this 9th day of July, 2010.

KATHLEEN KRAUSE  
Clerk of the Board of Supervisors  
County of Kern, State of California

[Signature]  
Deputy Clerk

Telephone No. 868-3585

BD/kjw  
#194719

**COPY**

Notice of Environmental Document  
Posted by County Clerk on 7/13/10  
and for 30 days thereafter, Pursuant to  
Section 21152(C), Public Resources Code

1089



CERTIFICATE OF TENTATIVE CANCELLATION  
WITH RESPECT TO LAND UNDER CONTRACTUAL RESTRICTIONS  
(LAND CONSERVATION ACT OF 1965)

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN:

1. The Board of Supervisors of the County of Kern has given tentative approval of the petition of Hydrogen Energy California, LLC, by Manatt, Phelps, and Phillips, LLP, for cancellation of contractual restrictions contained in a contract recorded on February 26, 1971, in Book, 4495, Page 523, as to the land hereinafter more fully described, entered into under the Land Conservation Act of 1965, and which land is located in Agricultural Preserve No. 3 in the County of Kern, after public hearing duly noticed and held.

2. The name of the owner of the land herein mentioned, at the time of cancellation was John B. Cauzza, III; Laura B. Cauzza; and Jomistro Properties, LLC.

3. The amount of the cancellation fee determined by said Board to be paid as deferred taxes upon such cancellation, in accordance with paragraph (b) of section 51283 of the Government Code, and certified by said Board as being due pursuant to said Act, is the sum of \$306,969.

4. Pursuant to the provisions of Government Code section 51283.4, the Board has established the following conditions and contingencies, and has declared that a Certificate of Cancellation of said contract with respect to said parcel of land will be issued and recorded within thirty (30) days after being notified by the landowner that each and all of said conditions and contingencies is satisfied:

- (a) Payment in full of the cancellation fee hereinabove mentioned;
- (b) Unless said cancellation fee is fully paid, or a Certificate of Cancellation is issued, within one year from the date of recordation of the Certificate of Tentative Cancellation, such fee shall be recomputed as of the date the landowner notifies this Board that he has satisfied the conditions and contingencies, as provided in subdivision (b) of Government Code section 51283.4, and the landowner shall pay any additional fee arising from such re-computation as a further condition to issuance of a Certificate of Cancellation; provided, however, that the landowner shall not be entitled to refund of any cancellation fee previously paid even if the recomputed fee is less;

- (c) Landowner shall obtain all permits, if any, necessary to commence the project of the proposed alternative use; and
- (d) The cancellation shall not become effective until the California Energy Commission issues a permit based on its environmental review for Project Docket No. O8-AFC-8.

5. Pursuant to subdivision (c) of Government Code section 51283.4, if any landowner has been unable to satisfy the foregoing conditions or contingencies, he shall notify this Board of the particular conditions or contingencies he is unable to satisfy; and within thirty (30) days after receipt of such notice, and upon a determination by this Board that the landowner is unable to satisfy the foregoing conditions or contingencies, this Board shall execute a Certificate of Withdrawal of said tentative approval of the cancellation of contract and cause the same to be recorded; however, the landowner shall not be entitled to the refund of any cancellation fee previously paid.

6. The real property to which the foregoing tentative cancellation proceedings applies is situated in the County of Kern, State of California, and is described in Exhibit "A" attached hereto and made a part hereof by this reference.

Dated this 29th day of June, 2010, by order of the Board of Supervisors of the County of Kern.

KATHLEEN KRAUSE  
Clerk of the Board of Supervisors  
County of Kern, State of California

  
Deputy Clerk



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# LEGAL DESCRIPTION

## EXHIBIT "A"

### FOR CANCELLATION OF A LAND USE CONTRACT

**Parcel 1:**

That portion of Parcel B of Certificate of Compliance, in the County of Kern, State of California, recorded January 20, 1995 as Instrument No. 007612, Official Records of said county, being described as those portions of Sections 9 and 10, Township 30 South, Range 24 East, Mount Diablo Meridian, described as follows:

**Commencing** at the Point of Beginning (P.O.B.) of said Parcel B, as depicted on Exhibit "B", Attachment "A"; thence along the northerly line of said Parcel B South 89°21'55" East 451.37 feet (L1) to the **True Point of Beginning (T.P.O.B.)**; thence along the northerly and easterly lines of said Parcel B the following five courses:

- 1) South 89°21'55" East 1263.39 feet (L2) to the north quarter corner of said Section 10;
- 2) Thence South 89°21'45" East 2643.65 feet to the northeast corner of said Section 10;
- 3) Thence South 00°45'43" West 2640.11 feet to the east quarter corner of said Section 10;
- 4) Thence North 89°24'15" West 1321.11 feet (L3);
- 5) Thence South 00°44'00" West 2359.90 feet to a point on a line parallel with and 280.00 feet northerly of the southerly line of said Section 10;

thence leaving said easterly line of Parcel B North 89°27'40" West 3160.86 feet; thence North 44°27'40" West 1196.25 feet to a point on the southerly prolongation of that certain course described as "North 00°46'41" East 1108.72 feet" in Parcel B of said Certificate of Compliance; thence along said course and its southerly prolongation North 00°46'41" East 3100.91 feet; thence along the southerly line of said Parcel A the following two courses:

- 6) South 89°14'01" East 1205.04 feet (L4);
- 7) Thence North 00°23'43" West 56.24 feet (L5);

thence along said southerly line of Parcel A and its easterly prolongation South 89°51'55" East 539.75 feet (L6); thence North 00°00'00" East 233.53 feet (L7) to its intersection with a point on the Southwesterly line of Parcel A described in said Instrument No. 007612 as "North 54°20'18" West, 1215.43 feet" said point of intersection being referred to hereafter as Point "A" for this description;

1 thence along the southwesterly, southeasterly and northeasterly lines of said Parcel A the following three  
2 courses:

3 8) South 54°20'18" East 998.71 feet (L8);

4 9) Thence North 64°12'24" East 75.09 feet (L9);

5 10) Thence North 02°38'35" West 70.34 feet (L10);

6 thence North 53°45'12" West 1085.95 feet (L11) to its intersection with the northerly prolongation of the  
7 aforementioned line described as "North 00°00'00" East 233.53 feet (L7)"; thence along said

8 prolongation North 00°00'00" East 482.28 feet (L12); thence North 67°30'00" West 333.64 feet (L13) to  
9 the **True Point of Beginning**.

10  
11 Contains 488.067 acres.

12  
13 See Exhibit "B", Attachment "A" attached hereto and made a part hereof.

14  
15 **Parcel 2:**

16  
17 That portion of Parcel A of Certificate of Compliance, in the County of Kern, State of California,  
18 recorded January 20, 1995 as Instrument No. 007612, Official Records of said county, being described as  
19 those portions of Sections 9 and 10, Township 30 South, Range 24 East, Mount Diablo Meridian,  
20 describes as follows:

21  
22 **Beginning** at the aforementioned Point "A" as described hereinabove and depicted on Exhibit "B",  
23 Attachment "B"; thence along the southwesterly, southeasterly and northeasterly lines of said Parcel A  
24 the following three courses:

25 1) South 54°20'18" East 998.71 feet (L8);

26 2) Thence North 64°12'24" East 75.09 feet (L9);

27 3) Thence North 02°38'35" West 70.34 feet (L10);

28 thence North 53°45'12" West 1085.95 feet (L11) to its intersection with the northerly prolongation of the  
29 aforementioned line described as "North 00°00'00" East 233.53 feet (L7)" of Parcel 1 hereinabove

30 described; thence along said prolongation South 00°00'00" West 162.77 (L14) feet to the **Point of**

31 **Beginning**.

32  
33 Contains 3.081 acres.

34

1 See Exhibit "B", Attachment "B" attached hereto and made a part hereof.

2

3

4 This legal description is not intended for use in the division and /or conveyance of land in violation of the  
5 Subdivision Map Act of the State of California.

6

7 This legal description has been prepared by me or under my direction:

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11

*David E. Woolley*  
\_\_\_\_\_  
David E. Woolley, P.L.S. 7304

*07/12/2010*  
\_\_\_\_\_  
Date

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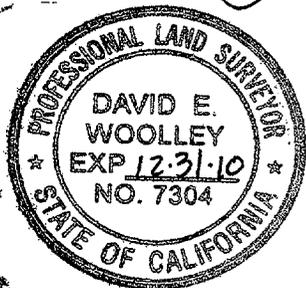
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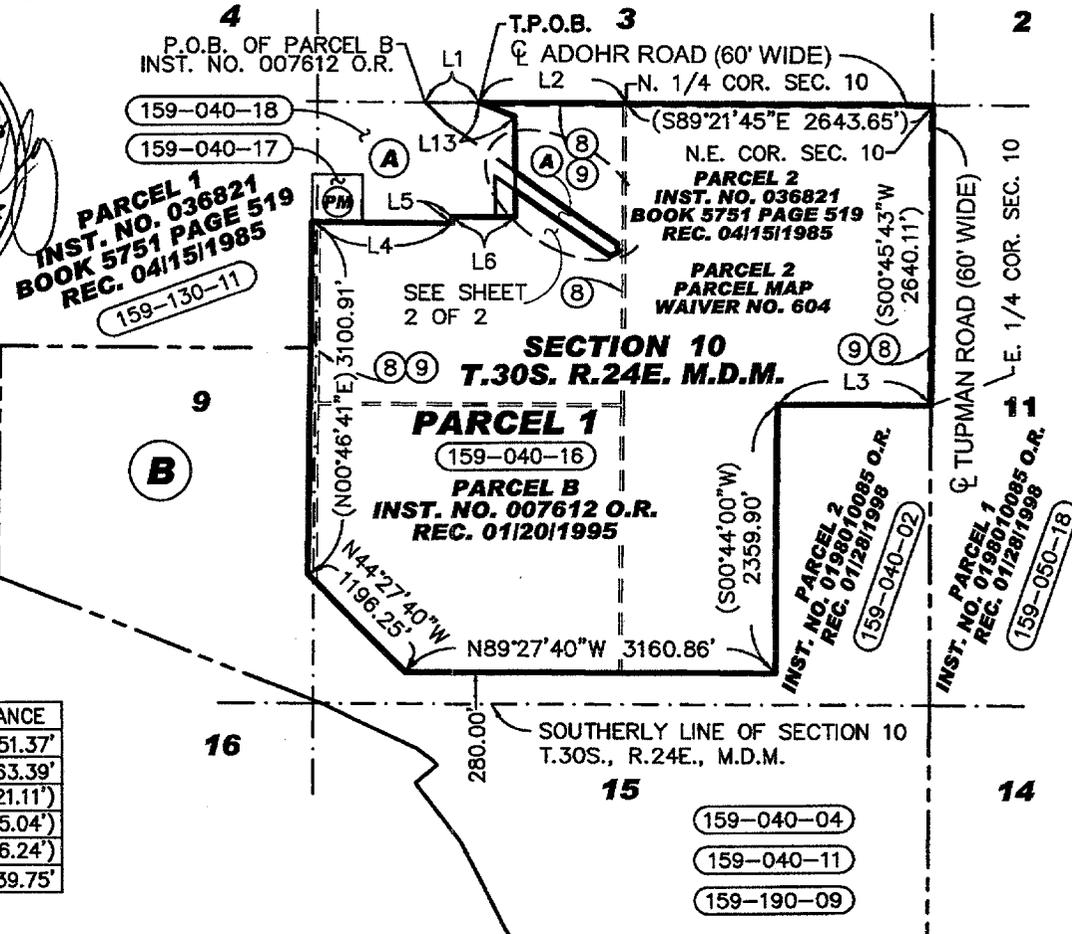
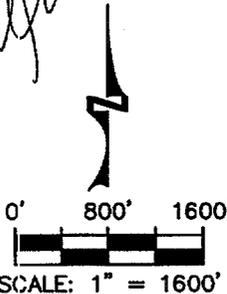
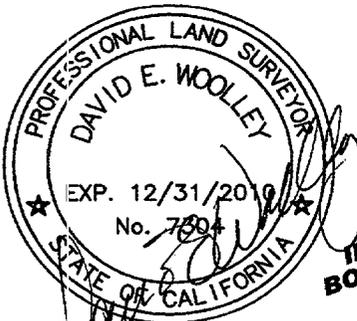
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**LINE TABLE**

| LINE | BEARING       | DISTANCE   |
|------|---------------|------------|
| L1   | (S89°21'55"E) | 451.37'    |
| L2   | (S89°21'55"E) | 1263.39'   |
| L3   | (N89°24'15"W) | (1321.11') |
| L4   | (S89°14'01"E) | (1205.04') |
| L5   | (N00°23'43"W) | (56.24')   |
| L6   | (S89°51'55"E) | 539.75'    |

**RECORD REFERENCE**

( ) INDICATES RECORD DATA PER CERTIFICATE OF COMPLIANCE, REC. 01/20/199 AS INST. NO. 007612 O.R.

**LEGEND**

- (A) PARCEL A OF INST. NO. 007612 O.R., REC. 01/20/1995
- (B) PARCEL B OF INST. NO. 007612 O.R., REC. 01/20/1995
- (PM) PARCEL MAP NO. 10341, P.M.B. 49/7-8
- 10** SECTIONAL NUMBER OF T30S, R24E, M.D.M.
- (159-040-16) ASSESSORS PARCEL NUMBER
- LAND USE BOUNDARY LINE
- PROPERTY LINE
- - - - - SECTION LINE
- - - - - AFFECTING EASEMENT LINES, SEE EASEMENT NOTES.

**EASEMENT NOTES**

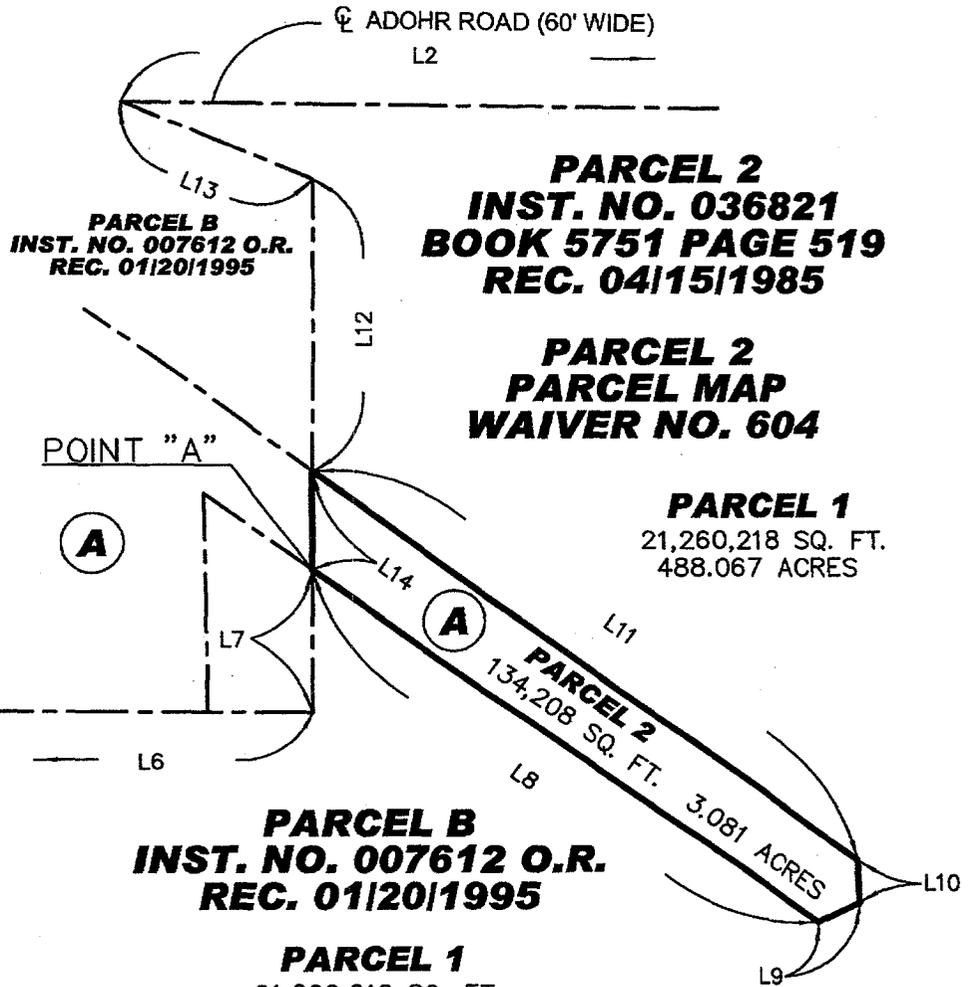
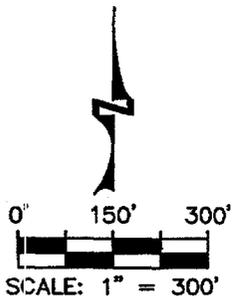
BY: FIRST AMERICAN TITLE COMPANY COMMITMENT NO. 1003-3112060  
 9201 CAMINI MEDIA, SUITE 100 TITLE OFFICER - TONY DAMO  
 BAKERSFIELD, CA 93311 DATED: JULY 22, 2008  
 (661) 617-1468

THE FOLLOWING ITEMS WERE FOUND IN SAID COMMITMENT AND ARE REFERENCED ON THIS MAP. PLOTTABLE ITEMS ARE INDICATED HEREON.

- (8) PROPERTY AND PROPERTY RIGHTS IN FAVOR OF MILLER & LUX, INC., A CORPORATION, DATED JULY 30, 1936, RECORDED OCTOBER 10, 1936 IN BOOK 666, PAGE 250, OFFICIAL RECORDS. THIS ITEM AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED HEREON.
- (9) EASEMENT FOR PUBLIC ROADS AND INCIDENTAL PURPOSES, RECORDED MAY 16, 1939 IN BOOK 871, PAGE 98 OF OFFICIAL RECORDS. THIS ITEM AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED HEREON.

ITEM #'S SHOWN HEREON ARE STATED AS EXCEPTIONS ON ABOVE REFERENCED COMMITMENT. NO RESPONSIBILITY FOR THE COMPLETENESS, ACCURACY, OR CONTENT OF SAID REPORT IS ASSUMED BY THIS MAP. ALL EASEMENTS NOT AFFECTED, NON PLOTTABLE AND BLANKET, CONTAINED IN THE ABOVE REFERENCED REPORT ARE NOT SHOWN OR INDICATED HEREON.

|  |  |                   |
|--|--|-------------------|
| Sections 9 and 10, T30S, R24E, Mount Diablo Meridian<br>County of Kern, State of California                                      | <b>HECA PROJECT</b>  | Scale: 1" = 1600' |
|  |  | Date: 02/17/10    |
| <i>D. Woolley &amp; Associates</i><br>2832 Walnut Avenue, Suite A<br>Tustin, California 92780<br>(714) 734-8462 www.dwoolley.com | <b>EXHIBIT "B",<br/>ATTACHMENT "A"</b><br>FOR CANCELLATION OF<br>A LAND USE CONTRACT | Drafted: BJM      |
|  |  | Reviewed: DEW     |
|  |  | Task No. DWA-8255 |
|  |  | Sheet: 1 of 2     |



**PARCEL 2**  
**INST. NO. 036821**  
**BOOK 5751 PAGE 519**  
**REC. 04/15/1985**

**PARCEL 2**  
**PARCEL MAP**  
**WAIVER NO. 604**

**PARCEL 1**  
 21,260,218 SQ. FT.  
 488.067 ACRES

**PARCEL 2**  
 134,208 SQ. FT.  
 3.081 ACRES

**PARCEL B**  
**INST. NO. 007612 O.R.**  
**REC. 01/20/1995**

**PARCEL 1**  
 21,260,218 SQ. FT.  
 488.067 ACRES

**LINE TABLE**

| LINE | BEARING       | DISTANCE   |
|------|---------------|------------|
| L1   | (S89°21'55"E) | 451.37'    |
| L2   | (S89°21'55"E) | 1263.39'   |
| L3   | (N89°24'15"W) | (1321.11') |
| L4   | (S89°14'01"E) | (1205.04') |
| L5   | (N00°23'43"W) | (56.24')   |
| L6   | (S89°51'55"E) | 539.75'    |
| L7   | N00°00'00"E   | 233.53'    |
| L8   | S54°20'18"E   | 998.71'    |
| L9   | N64°12'24"E   | (75.09')   |
| L10  | N02°38'35"W   | (70.34')   |
| L11  | N53°45'12"W   | 1085.95'   |
| L12  | N00°00'00"E   | 482.28'    |
| L13  | N67°30'00"W   | 333.64'    |
| L14  | S00°00'00"W   | 162.77'    |

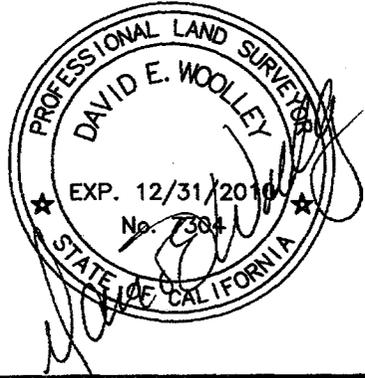
**RECORD REFERENCE**

( ) INDICATES RECORD DATA PER  
 CERTIFICATE OF COMPLIANCE,  
 REC. 01/20/199 AS INST. NO. 007612 O.R.

**LEGEND**

(A) PARCEL A OF INST. NO. 007612 O.R.,  
 REC. 01/20/1995

- SECTIONAL NUMBER OF T30S, R24E, M.D.M.
- LAND USE BOUNDARY LINE
  - PROPERTY LINE
  - SECTION LINE
  - AFFECTING EASEMENT LINES,  
 SEE EASEMENT NOTES.



|  |   |                   |
|--|---|-------------------|
| Sections 9 and 10, T30S, R24E, Mount Diablo Meridian<br>County of Kern, State of California                                      | <b>HECA PROJECT</b><br><br><b>EXHIBIT "B",</b><br><b>ATTACHMENT "B"</b><br>FOR CANCELLATION OF<br>A LAND USE CONTRACT | Scale: 1' = 300'  |
|  |   | Date: 02/17/2010  |
| <b>D. Woolley &amp; Associates</b><br>2832 Walnut Avenue, Suite A<br>Tustin, California 92780<br>(714) 734-8462 www.dwoolley.com |   | Drafted: BJM      |
|  |   | Reviewed: DEW     |
|  |   | Task No. DWA-8255 |
|  |   | Sheet: 2 of 2     |

**NOTICE OF DECISION ON TENTATIVE CANCELLATION OF  
CONTRACTUAL RESTRICTIONS ON LAND UNDER  
WILLIAMSON ACT CONTRACT**

**(LAND CONSERVATION ACT OF 1965)**

**NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN:**

1. On June 29, 2010, at the hour of 2:00 p.m., the Board of Supervisors of the County of Kern, in its chambers located at 1115 Truxtun Avenue in the City of Bakersfield, gave tentative approval of the petition of Hydrogen Energy California, LLC, by Manatt, Phelps, and Phillips, LLP, for cancellation of contractual restrictions as to a parcel of land consisting of approximately 491 acres of a Land Use Contract recorded on February 26, 1971, in Book 4495, Page 523, which contractual restrictions were entered into under the Land Conservation Act of 1965, after public hearing duly noticed and held.

2. The name of the owner of the land herein mentioned, at the time of tentative cancellation, was John B. Cauzza, III; Laura B. Cauzza; and Jomistro Properties, LLC.

3. The real property to which the foregoing tentative cancellation proceedings applies is situated in the County of Kern, State of California, and is described in Exhibit "A" attached hereto and made a part hereof by this reference.

4. Pursuant to the provisions of subdivision (a)(2) of Government Code section 51282, the Board found and determined that the proposed cancellation was in the public interest, and further found and determined:

- (a) Other public concerns, which include public concerns of energy supply, energy security, global climate change, water supply, hydrogen infrastructure, substantially outweigh the objectives of the Williamson Act Land Use Contract;
- (b) There is no available and suitable proximate noncontracted land for the use proposed on the contracted land and the site was selected based upon the proximity to a carbon dioxide storage reservoir, existing natural gas transportation, electric transmission, and brackish groundwater supply infrastructure that could support the proposed power generation.

The petitioner asked for such cancellation on the grounds for the purpose of allowing approval and construction of an integrated gasification combined cycle power generating facility by the applicant. This cancellation action is not to become effective until

the California Energy Commission issues a permit based on its environmental review for Project Docket No. 08-AFC-8.

Dated this 29th day of June, 2010, by order of the Board of Supervisors of the County of Kern.

KATHLEEN KRAUSE  
Clerk of the Board of Supervisors  
County of Kern, State of California

  
Deputy Clerk

BD/kjw  
#194718  
10.2750

EXHIBIT "A"

The parcel of land as to which such cancellation is asked consists of approximately 491 acres, located at the south side of Adohr Road, west of Tupman Road, northwest of Tupman, California.



**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF KERN, STATE OF CALIFORNIA**

---

In the matter of:

Resolution No. 2010-168

**TENTATIVE CANCELLATION OF LAND USE  
RESTRICTIONS, LAND CONSERVATION ACT  
(WILLIAMSON ACT) (GOV. CODE § 51282);  
(HYDROGEN ENERGY CALIFORNIA, LLC by  
MANATT, PHELPS, AND PHILLIPS, LLP)**

---

I, **KATHLEEN KRAUSE**, Clerk of the Board of Supervisors of the County of Kern, State of California, do hereby certify that the following resolution, on motion of Supervisor Maben, seconded by Supervisor Rubio, was duly passed and adopted by said Board of Supervisors at an official meeting hereof this 29th day of June, 2010, by the following vote, to wit:

**AYES: McQuiston, Maben, Maggard, Watson, Rubio**

**NOES: None**

**ABSENT: None**

**KATHLEEN KRAUSE**  
Clerk of the Board of Supervisors  
County of Kern, State of California

  
Deputy Clerk



---

**RESOLUTION**

Section 1. WHEREAS:

(a) Hydrogen Energy California, LLC, by Manatt, Phelps, and Phillips, LLP, has filed with this Board a petition for cancellation of contractual land use restrictions contained in a contract recorded on February 26, 1971, in Book 4495, Page 523, which restrictions were entered into under the Land Conservation Act of 1965 (Williamson Act)

#2010-168

on the land herein described, located in Agricultural Preserve No. 3 under authority of Government Code section 51282; and

(b) The parcel of land as to which such cancellation is asked consists of approximately 491 acres, located at the south side of Adohr Road, west of Tupman Road, northwest of Tupman, California; and

(c) The Planning and Community Development Department has investigated possible environmental impacts of the cancellation and found the cancellation to be Statutorily Exempt from the requirements for preparation of environmental documents pursuant to Section 15271 of the State CEQA Guidelines; and

(d) The petitioner asks such cancellation on the grounds or for the purposes following: The proposed cancellation is being sought in order to facilitate approval and construction of an integrated gasification combined cycle power generating facility by the applicant; and

(e) Notice of hearing on said matter has been duly given in accordance with law and section 51284 of the Government Code, including sending a copy of the hearing notice and landowner's petition for cancellation to the Director of Conservation for the State of California, and said hearing has been duly conducted and evidence having been received, and all persons desiring to be heard in said matter having been given an opportunity to be heard; and

(f) No owner of any property located in the County of Kern has protested the proposed cancellation; and

(g) Pursuant to the provisions of section 51283 of the Government Code, the County Assessor has determined the full cash value of the parcel of land with respect to which cancellation is requested, as though it were free of the contractual restriction, and has certified to this Board that the amount thereof is \$2,455,750 and that the most recently announced County assessment ratio is 100%, and that the cancellation fee is 12.5% of this value, or \$306,969, and has certified that there are no additional deferred taxes under Government Code section 51283; and

(j) Staff has recommended that the cancellation shall not become effective until the California Energy Commission issues a permit following its environmental review for Project Docket No. O8-AFC-8.

Section 2. NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Kern, State of California, as follows:

1. This Board finds the facts recited herein are true, further finds that this Board has jurisdiction to consider, approve, and adopt the subject of this Resolution, and hereby incorporates and makes all the findings recommended by Staff, whether verbally or in their written reports pertaining hereto.

2. This Board finds and determines that the applicable provisions of the California Environmental Quality Act of 1970, the State CEQA Guidelines and the Kern County Guidelines have been duly observed in conjunction with said hearing and the considerations of this project and all of the previous proceedings related hereto.

3. This Board finds and determines that this project is Statutorily Exempt under Section 15271 of the State CEQA Guidelines.

4. In accordance with subdivision (e) of Government Code section 51282, the petition for cancellation was accompanied by a proposal for a specified alternative use of the land, as mentioned in recital (d) above.

5. Pursuant to the provisions of subdivision (a) (2) of Government Code section 51282, this Board finds and determines that the proposed cancellation is consistent with the purposes of sections 51280 et seq. and further finds and determines:

- (a) Other public concerns, which include public concerns of energy supply, energy security, global climate change, water supply, hydrogen infrastructure, substantially outweigh the objectives of the Williamson Act Land Use Contract;
- (b) There is no available and suitable proximate noncontracted land for the use proposed on the contracted land and the site was selected based upon the proximity to a carbon dioxide storage reservoir, existing natural gas transportation, electric transmission, and brackish groundwater supply infrastructure that could support the proposed power generation.

As used in this section, "proximate, noncontracted land" means land not restricted by contract pursuant to the Williamson Act, which is sufficiently close to the contracted land that it can serve as a practical alternative for the use which is proposed for the contracted land; "suitable for the proposed use" means that the salient features of the proposed use can be served by land not restricted by contract pursuant to the Williamson Act, whether a single parcel or a combination of contiguous or discontinuous parcels; and "contracted land" means the land subject to the proposed cancellation.

6. This Board does hereby determine that the amount of the cancellation fee which the owner shall pay to the County Treasurer as deferred taxes upon such cancellation, in accordance with paragraph (b) of section 51283 of the Government Code,

is the sum of \$306,969.00 and does hereby certify said sum to the County Auditor; and finds and determines there are no additional deferred taxes due under section 51283.1 of the Government Code.

7. Pursuant to the provisions of Government Code section 51283.4, this Board does hereby establish the following conditions and contingencies, and declares that a certificate of cancellation of contract with respect to said parcel of land will be issued and recorded within thirty (30) days after being notified by the landowner that each and all of said conditions and contingencies is satisfied:

- (a) Payment in full of the cancellation fee hereinabove mentioned;
- (b) Unless said cancellation fee is fully paid, or a certificate of cancellation is issued, within one year from the date of recordation of the certificate of tentative cancellation, such fee shall be recomputed as of the date the landowner notifies this Board that he has satisfied the conditions and contingencies, as provided in subdivision (b) of Government Code section 51283.4, and the landowner shall pay any additional fee arising from such re-computation as a further condition to issuance of a certificate of cancellation; provided, however, that the landowner shall not be entitled to refund of any cancellation fee previously paid even if the recomputed fee is less;
- (c) Landowner shall obtain all permits necessary to commence the project of the proposed alternative use, including a permit issued by the California Energy Commission following its environmental review for Project Docket No. O8-AFC-8.

8. Pursuant to subdivision (c) of Government Code section 51283.4, if the landowner has been unable to satisfy the foregoing conditions and contingencies, he shall notify this Board of the particular conditions or contingencies he is unable to satisfy; and within thirty (30) days after receipt of such notice, and upon a determination by this Board that the landowner is unable to satisfy the foregoing conditions and contingencies, this Board shall execute a certificate of withdrawal of said tentative approval of the cancellation fee previously paid.

9. Pursuant to subdivision (a) of Government Code section 51283.4, this Board may, at the request of the landowner, amend the tentatively approved specified alternative use mentioned in paragraph 3 above, if it finds that such amendment is consistent with all findings made pursuant to subdivision (2) of Government Code subsection 51282(a).

10. The real property to which the foregoing tentative cancellation proceedings applies is situated in the County of Kern, State of California, and is described in Exhibit "A" attached hereto and made a part hereof by this reference.

11. The Clerk of this Board shall execute the form of the Certificate of Tentative Cancellation prepared by County Counsel, and cause it to be filed for record, all in accordance with subdivision (a) of Government Code section 51283.4.

12. The Clerk of this Board shall cause a Notice of Exemption as required by CEQA, prepared by County Counsel, to be filed with the County Clerk upon request.

13. The Clerk of this Board shall publish a Notice of Decision as required by Government Code section 51284, and send a copy of the published Notice of Decision to the California State Director of Conservation at 801 "K" Street, Sacramento, California 95814.

14. The Clerk of this Board shall also transmit copies of this Resolution to the following:

- (a) Assessor
- (b) Auditor-Controller
- (c) Treasurer
- (d) Director of Planning Department
- (e) County Counsel
- (f) Hydrogen Energy California, LLC
- (g) Manatt, Phelps, and Phillips, LLP

BD/kjw  
#194711v2  
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|                   |
|-------------------|
| COPIES FURNISHED: |
| <i>See Above</i>  |
| <i>7-13-10 Jd</i> |



1 thence along the southwesterly, southeasterly and northeasterly lines of said Parcel A the following three  
2 courses:

3 8) South 54°20'18" East 998.71 feet (L8);

4 9) Thence North 64°12'24" East 75.09 feet (L9);

5 10) Thence North 02°38'35" West 70.34 feet (L10);

6 thence North 53°45'12' West 1085.95 feet (L11) to its intersection with the northerly prolongation of the  
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15 **Parcel 2:**

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19 those portions of Sections 9 and 10, Township 30 South, Range 24 East, Mount Diablo Meridian,  
20 describes as follows:

21  
22 **Beginning** at the aforementioned Point "A" as described hereinabove and depicted on Exhibit "B",  
23 Attachment "B"; thence along the southwesterly, southeasterly and northeasterly lines of said Parcel A  
24 the following three courses:

25 1) South 54°20'18" East 998.71 feet (L8);

26 2) Thence North 64°12'24" East 75.09 feet (L9);

27 3) Thence North 02°38'35" West 70.34 feet (L10);

28 thence North 53°45'12' West 1085.95 feet (L11) to its intersection with the northerly prolongation of the  
29 aforementioned line described as "North 00°00'00' East 233.53 feet (L7)" of Parcel 1 hereinabove

30 described; thence along said prolongation South 00°00'00" West 162.77 (L14) feet to the **Point of**

31 **Beginning**.

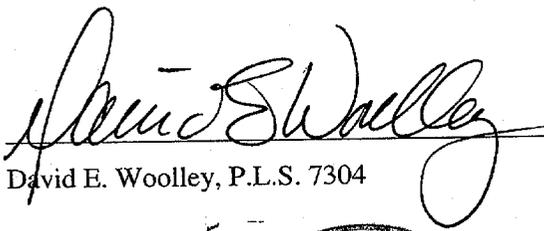
32  
33 Contains 3.081 acres.

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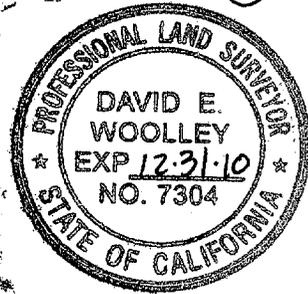
See Exhibit "B", Attachment "B" attached hereto and made a part hereof.

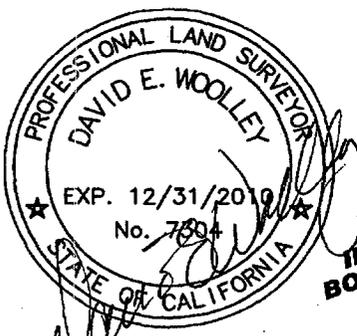
This legal description is not intended for use in the division and /or conveyance of land in violation of the Subdivision Map Act of the State of California.

This legal description has been prepared by me or under my direction:

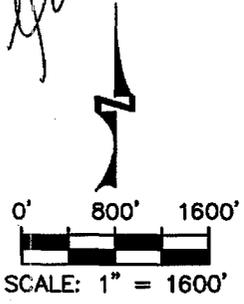
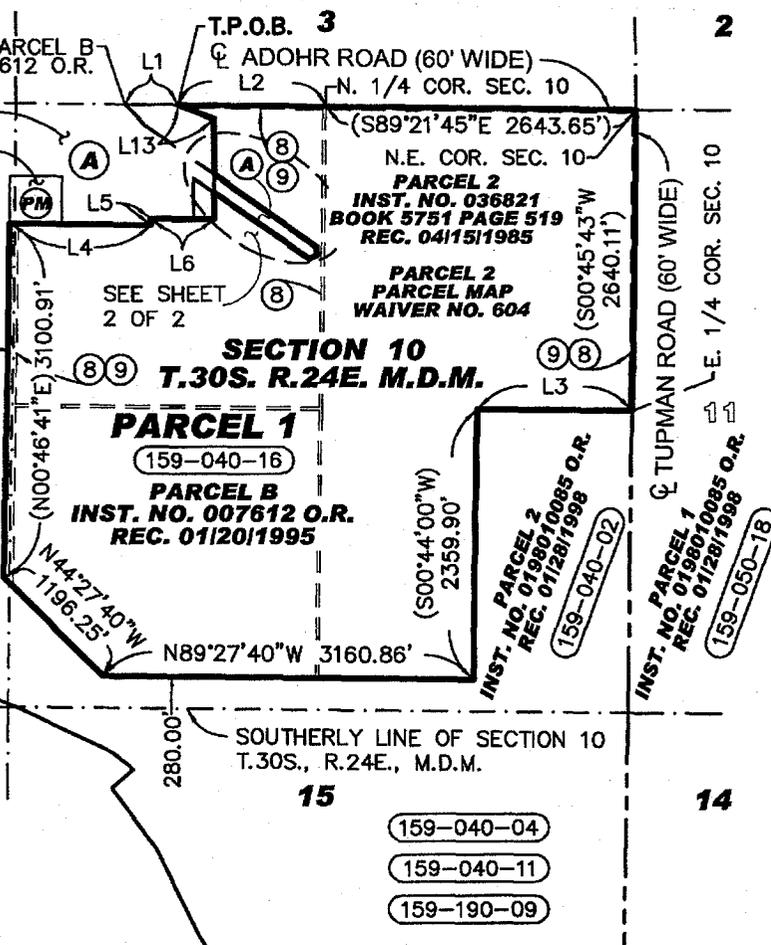
  
David E. Woolley, P.L.S. 7304

07/12/2010  
Date





**PARCEL 1**  
**INST. NO. 036821**  
**BOOK 5751 PAGE 519**  
**REC. 04/15/1985**  
 159-040-18  
 159-040-17  
 159-130-11



**LINE TABLE**

| LINE | BEARING       | DISTANCE   |
|------|---------------|------------|
| L1   | (S89°21'55"E) | 451.37'    |
| L2   | (S89°21'55"E) | 1263.39'   |
| L3   | (N89°24'15"W) | (1321.11') |
| L4   | (S89°14'01"E) | (1205.04') |
| L5   | (N00°23'43"W) | (56.24')   |
| L6   | (S89°51'55"E) | 539.75'    |

**RECORD REFERENCE**

( ) INDICATES RECORD DATA PER CERTIFICATE OF COMPLIANCE, REC. 01/20/199 AS INST. NO. 007612 O.R.

**LEGEND**

- (A) PARCEL A OF INST. NO. 007612 O.R., REC. 01/20/1995
- (B) PARCEL B OF INST. NO. 007612 O.R., REC. 01/20/1995
- (PM) PARCEL MAP NO. 10341, P.M.B. 49/7-8
- 10** SECTIONAL NUMBER OF T30S, R24E, M.D.M.  
 (159-040-16) ASSESSORS PARCEL NUMBER
- LAND USE BOUNDARY LINE
- PROPERTY LINE
- SECTION LINE
- AFFECTING EASEMENT LINES, SEE EASEMENT NOTES.

**EASEMENT NOTES**

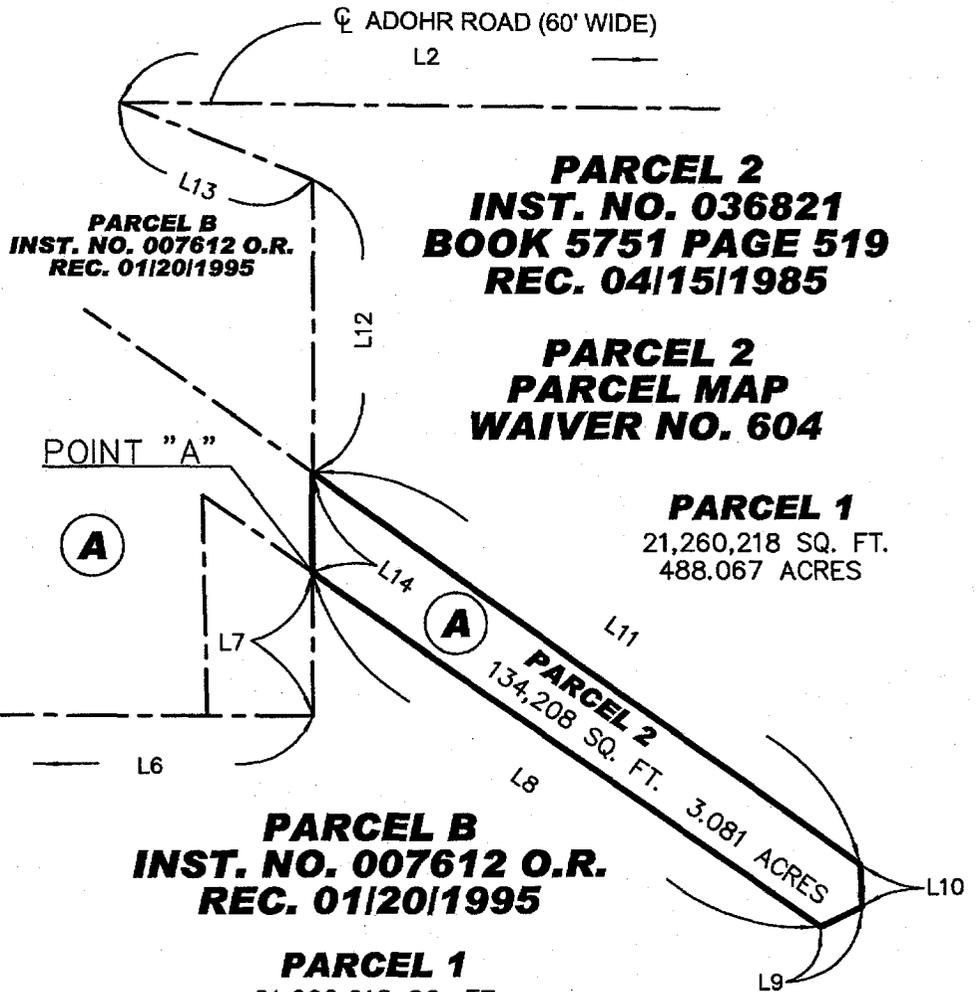
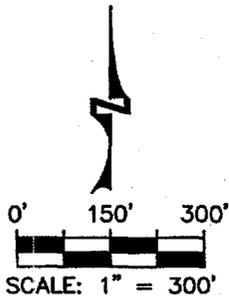
BY: FIRST AMERICAN TITLE COMPANY COMMITMENT NO. 1003-3112060  
 9201 CAMINI MEDIA, SUITE 100 TITLE OFFICER - TONY DAMO  
 BAKERSFIELD, CA 93311 DATED: JULY 22, 2008  
 (661) 617-1468

THE FOLLOWING ITEMS WERE FOUND IN SAID COMMITMENT AND ARE REFERENCED ON THIS MAP. PLOTTABLE ITEMS ARE INDICATED HEREON.

- (8) PROPERTY AND PROPERTY RIGHTS IN FAVOR OF MILLER & LUX, INC., A CORPORATION, DATED JULY 30, 1936, RECORDED OCTOBER 10, 1936 IN BOOK 666, PAGE 250, OFFICIAL RECORDS. THIS ITEM AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED HEREON.
- (9) EASEMENT FOR PUBLIC ROADS AND INCIDENTAL PURPOSES, RECORDED MAY 16, 1939 IN BOOK 871, PAGE 98 OF OFFICIAL RECORDS. THIS ITEM AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED HEREON.

ITEM #'S SHOWN HEREON ARE STATED AS EXCEPTIONS ON ABOVE REFERENCED COMMITMENT. NO RESPONSIBILITY FOR THE COMPLETENESS, ACCURACY, OR CONTENT OF SAID REPORT IS ASSUMED BY THIS MAP. ALL EASEMENTS NOT AFFECTED, NON PLOTTABLE AND BLANKET, CONTAINED IN THE ABOVE REFERENCED REPORT ARE NOT SHOWN OR INDICATED HEREON.

|  |  |                   |
|--|--|-------------------|
| Sections 9 and 10, T30S, R24E, Mount Diablo Meridian<br>County of Kern, State of California                                      | <b>HECA PROJECT</b>  | Scale: 1" = 1600' |
|  |  | Date: 02/17/10    |
| <i>D. Woolley &amp; Associates</i><br>2832 Walnut Avenue, Suite A<br>Tustin, California 92780<br>(714) 734-8462 www.dwoolley.com | <b>EXHIBIT "B",<br/>ATTACHMENT "A"</b><br>FOR CANCELLATION OF<br>A LAND USE CONTRACT | Drafted: BJM      |
|  |  | Reviewed: DEW     |
|  |  | Task No. DWA-8255 |
|  |  | Sheet: 1 of 2     |



**LINE TABLE**

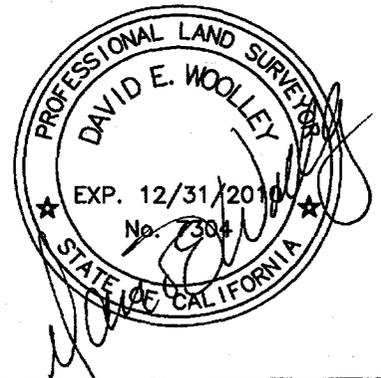
| LINE | BEARING       | DISTANCE   |
|------|---------------|------------|
| L1   | (S89°21'55"E) | 451.37'    |
| L2   | (S89°21'55"E) | 1263.39'   |
| L3   | (N89°24'15"W) | (1321.11') |
| L4   | (S89°14'01"E) | (1205.04') |
| L5   | (N00°23'43"W) | (56.24')   |
| L6   | (S89°51'55"E) | 539.75'    |
| L7   | N00°00'00"E   | 233.53'    |
| L8   | S54°20'18"E   | 998.71'    |
| L9   | N64°12'24"E   | (75.09')   |
| L10  | N02°38'35"W   | (70.34')   |
| L11  | N53°45'12"W   | 1085.95'   |
| L12  | N00°00'00"E   | 482.28'    |
| L13  | N67°30'00"W   | 333.64'    |
| L14  | S00°00'00"W   | 162.77'    |

**RECORD REFERENCE**

( ) INDICATES RECORD DATA PER CERTIFICATE OF COMPLIANCE, REC. 01/20/199 AS INST. NO. 007612 O.R.

**LEGEND**

- (A) PARCEL A OF INST. NO. 007612 O.R., REC. 01/20/1995
- SECTIONAL NUMBER OF T30S, R24E, M.D.M.
- LAND USE BOUNDARY LINE
- PROPERTY LINE
- SECTION LINE
- AFFECTING EASEMENT LINES, SEE EASEMENT NOTES.



Sections 9 and 10, T30S, R24E, Mount Diablo Meridian  
County of Kern, State of California

**HECA PROJECT**

**EXHIBIT "B",  
ATTACHMENT "B"**  
FOR CANCELLATION OF  
A LAND USE CONTRACT

|           |            |
|-----------|------------|
| Scale:    | 1' = 300'  |
| Date:     | 02/17/2010 |
| Drafted:  | BJM        |
| Reviewed: | DEW        |
| Task No.  | DWA-8255   |
| Sheet:    | 2 of 2     |

**D. Woolley & Associates**  
2832 Walnut Avenue, Suite A  
Tustin, California 92780  
(714) 734-8462 www.dwoolley.com

**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**

**Lorelei H. Oviatt, AICP, Director**

2700 "M" STREET, SUITE 100  
BAKERSFIELD, CA 93301-2323

Phone: (661) 862-8600

FAX: (661) 862-8601 TTY Relay 1-800-735-2929

E-Mail: [planning@co.kern.ca.us](mailto:planning@co.kern.ca.us)

Web Address: [www.co.kern.ca.us/planning](http://www.co.kern.ca.us/planning)



**DEVELOPMNET SERVICES AGENCY**

**Ted James, AICP, DSA DIRECTOR**

Planning and Community Development Department  
Engineering, Survey and Permit Services Department  
Roads Department

## FAXSIMILE TRANSIMITTAL SHEET

FAX SERVICE FROM: KERN COUNTY PLANNING and COMMUNITY DEVELOPMENT DEPARTMENT

SENT BY: Kathe Malouf (661) 862-8948  
Name of Sender

\*\*\*\*\*

Date: 6-4-10

FAX NO. (650) 213-4602

TO: Manatt, Phelps, Phillips  
Company

ATTN: Camas Steinmetz

4 TOTAL PAGES (Including this cover sheet)

COMMENTS: Comment letter from Department  
of Conservation. Please call if you  
have questions

May-27-2010 14:13

From-DIVISION OF LAND RESOURCE PROTECTION

18183273430

T-230 P.001/003 F-451

NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

May 27, 2010

**VIA FACSIMILE (661) 862-8601**

Ms. Kathe Malouf, Supervising Planner  
Kern County, Planning Department  
2700 M Street, Suite 100  
Bakersfield, CA 93301-2323

Dear Ms Malouf:

**SUBJECT:** Cancellation of Land Conservation (Williamson Act) Contract;  
Landowner: Clifford & Brown; Applicant: Hydrogen Energy California LLC;  
APN 159-040-16, -18

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act. The Department has reviewed the application submitted by the Kern County Planning Department (County) regarding the referenced cancellation and offers the following recommendations.

**Project Description**

The petition proposes to cancel 491.15 acres of agricultural land subject to Williamson Act Contract in order to build an Integrated Gasification Combined Cycle power generating facility (project) by Hydrogen Energy California LLC. The project will produce low-carbon baseload electricity by capturing carbon dioxide (CO<sub>2</sub>) and transporting it for enhanced oil recovery (EOR) and sequestration (permanent storage). The applicant's application is now pending before the California Energy Commission (CEC) to construct the project.

The Project will gasify petroleum coke ("petcoke"), or blends of petcoke and coal, as needed, to produce hydrogen to fuel a combustion turbine operating in combined cycle mode. The gasification block feeds a 390-gross-megawatt (MW) combined cycle plant. The net electrical generation output from the Project will provide California with approximately 250 MW of low carbon, baseload power to the grid. The gasification block will also capture approximately 90 percent of the carbon from the raw syngas at steady-state operation, which will be transported to the Elk Hills Field for CO<sub>2</sub> EOR and sequestration.

The project site is located in a sparsely populated agricultural area near the Elk Hills Oil Field. The site is located on land that lacks irrigation supplies, consists of poor soils and

May-27-2010 14:13

From-DIVISION OF LAND RESOURCE PROTECTION

18169273430

T-230 P.002/003 F-451

Ms. Kathe Malouf, Supervising Planner  
May 27, 2010  
Page 2 of 3

receives minimal rainfall in an average year. The land is not currently in agricultural production. The Project Site is contiguous land bound by Adohr Road to the north, Tupman Road to the east, an irrigation canal to the south, and the Dairy Road right-of-way to the west. The project is located within Kern County.

### **Cancellation Findings**

Government Code (GC) section 51282 states that tentative approval for cancellation may be granted only if the local government makes either of the following findings:

- 1) Cancellation is consistent with purposes of the Williamson Act, or
- 2) Cancellation is in the public interest.

The Department has reviewed the petition, and offers the following comments with regards to the submitted public interest findings:

#### **2) Cancellation is in the Public Interest**

For the cancellation to be in the public interest, the Board must make **both** of the following findings:

- 1) Other public concerns substantially outweigh the objectives of the Williamson Act, and
- 2) There is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

### **Department Comments on Cancellation Public Interest Findings:**

#### **a) Other public concerns substantially outweigh the objectives of the Williamson Act:**

The petition states that the public concerns of energy supply, energy security, global climate change, water supply, hydrogen infrastructure, and the economy substantially outweigh the objectives of the Williamson Act. Based on these points, plus the fact that the site is located on land that lacks irrigation supplies, consists of poor soils, receives minimal rainfall, and is not currently in agricultural production, the Department concurs with this particular finding.

#### **b) There is no available and suitable proximate noncontracted land for the use proposed on the contracted land:**

According to the petition, the project site was selected based upon, among other things, the available land, proximity to a carbon dioxide storage reservoir, and the existing natural gas transportation, electric transmission, and brackish groundwater supply infrastructure that could support the proposed 250 MW of baseload low-carbon power generation. The project site was also chosen for its

May-27-2010 14:13

From-DIVISION OF LAND RESOURCE PROTECTION

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F-451

Ms. Kathe Malouf, Supervising Planner  
May 27, 2010  
Page 3 of 3

reasonable proximity to the Interstate 5, State Routes (SR) 58 & 119, and Stockdale Highway. The geology in the vicinity of the project site makes it one of the premier locations in the United States for CO<sub>2</sub>, EOR and sequestration. The Department concurs with this particular finding.

Based on the facts presented the cancellation application appears to meet the public interest findings, and the Department would have no objection to its approval by the Kern County Board of Supervisors.

Thank you for the opportunity to provide comments on the proposed cancellation. Please provide our office with a copy of the Notice of the Public Hearing on this matter ten (10) working days before the hearing and a copy of the published notice of the Board's decision within 30 days of the tentative cancellation pursuant to GC section 51284. If you have any questions concerning our comments, please contact Sharon Grewal, Environmental Planner at (916) 327-6643.

Sincerely,



Dan Otis  
Program Manager

CC: Kern County Farm Bureau  
801 South Mount Vernon Avenue  
Bakersfield, CA 93307-2888

California Energy Commission  
Siting, Transmission and Environmental Protection Division  
1516 Ninth Street,  
Sacramento, CA 95814-5512

**KERN COUNTY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT****Board of Supervisors****STAFF REPORT**Date: June 29, 2010FILE: Cancellation #10-1  
Map #120  
S.D.: #4 - Watson**TITLE:** Cancellation of Land Use Restrictions, Land Conservation Act, Agricultural Preserve No. 3 (Zoning Map No. 120) and Contract Amending Land Use Contract**PROPOSAL:** Cancellation of a an approximate 491-acre portion of a Land Use Contract within Agricultural Preserve No. 3**APPLICANT:** Hydrogen Energy California, LLC by Manatt, Phelps, and Phillips, LLP (PP09271)**LAND OWNERS:** John B. Cauzza, III; Laura B. Cauzza; Jomistro Properties, LLC**PROJECT SIZE:** Approximately 491 acres**LOCATION:** South side of Adohr Road, west of Tupman Road, northwest of Tupman**GENERAL PLAN DESIGNATION:** 8.1 (Intensive Agriculture)**SURROUNDING LAND USE/ZONING:** North, East, and West - Irrigated crops/A (Exclusive Agriculture); South - Irrigated crops and Westside Canal/A

**PROJECT ANALYSIS:** The land owners and applicant are requesting the cancellation of an approximate 491-acre portion of a Williamson Act Land Use Contract that was recorded on February 26, 1971, in Book 4495, at Page 523 of Official Records. This petition for cancellation is being sought in order to facilitate approval and construction of an integrated gasification combined cycle power generating facility by the applicant. As proposed, the facility will produce low-carbon baseload electricity by capturing carbon dioxide (CO<sub>2</sub>) and transporting it for enhanced oil recovery and CO<sub>2</sub> sequestration. The applicant, is a direct affiliate and successor-in-interest to Hydrogen Energy International, LLC, which has an option to purchase the project site from the land owners, along with an additional 628 adjacent acres, and currently has an application (application for Certification 08-AFC-8) pending before the State of California Energy Commission to seek approval of the project.

The project will gasify petroleum coke (petcoke), or blends of petcoke and coal, as needed, to produce hydrogen to fuel a combustion turbine operating in combined cycle mode. The gasification block feeds a 390 (gross) megawatt combined cycle plant. The net electrical generation output from the project would provide California with approximately 250 megawatts of low-carbon, baseload power to the grid. The gasification block will also capture approximately 90 percent of the carbon from the raw syngas at steady-state operation, which will be transported to the Elk Hills Field for CO<sub>2</sub> enhanced oil recovery and sequestration.

The project site is bound by Adohr Road to the north, Tupman Road to the east, an irrigation canal to the south, and the Dairy Road right-of-way to the west.

Approvals for this facility are currently being sought, by the applicant, through the State of California Energy Commission (CEC). Staff had originally intended to wait until all State approvals had been granted before presenting this case in front of your Board; however, CEC staff has asked that the County adopt a decision on the cancellation prior to the State hearing. A project level Environmental Impact Report is being prepared by CEC staff for the facility request.

Section 51282 of the California Government Code states that your Board may grant a tentative approval for cancellation of a contract only if one of the following findings can be made:

- (1) That the cancellation is consistent with the purposes of Chapter 7.
- (2) That cancellation is in the public interest.

The applicant states that approval of this project would be in the public interest and, therefore, according to Section 51282(a)(2)(c), must offer adequate justification for your Board to also find:

- (1) Other public concerns substantially outweigh the objectives of Chapter 7.
- (2) There is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

#### **APPLICANT'S JUSTIFICATION FOR SUPPORTING THE CANCELLATION**

The applicant asserts that the public concerns of energy supply, energy security, global climate change, water supply, hydrogen infrastructure, and the economy substantially outweigh the objectives of the Williamson Act Land Use Contract. Specifically the applicant cites the following with regards to the first finding:

The project will demonstrate a first of a kind combination of proven technologies at commercial scale that can provide baseload low-carbon power that will make an essential contribution to addressing each of these concerns. Furthermore, the applicant states, the project's production of low-carbon energy and its associated benefits may serve as a model to be implemented elsewhere in the world. The applicant states that the project will advance public interest on a variety of levels, including:

- **Supplying electricity** – The project will provide approximately 250 megawatts of new, baseload low-carbon generating capacity, enough to power more than 150,000 homes. The CEC estimates that the State will need to add more than 9,000 megawatts of capacity between 2008 and 2018 to meet demand.
- **Capturing Greenhouse Gas Emissions** – The project will prevent the release of more than two million tons per year of greenhouse gases to the atmosphere by sequestering them underground. Existing conventional power plants release carbon dioxide into the atmosphere, rather than capturing and sequestering it. The project will employ state-of-the-art emission control technology to achieve near zero sulfur emissions and avoid flaring during steady-state operations. This will help the State to meet its important greenhouse gas reduction targets as established by AB 32, AB 1925, and SB 1368. The applicant further states that the project is designed to support Executive Order S-3-05 which sets a State target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.
- **Water Supply and Agricultural Production** – The project will conserve fresh water sources by using brackish groundwater for its water needs. The brackish groundwater will be supplied by Buena

Vista Water Storage District, a water district with impaired groundwater sources not suitable for agricultural or drinking use. Project consumption of the sources is expected to benefit local agriculture by removing salts from the groundwater sourcing the Buena Vista Water Storage District which will result in an improved groundwater quality. As a result, the project will facilitate efforts by the Water District to improve local groundwater quality and agriculture in localized areas.

- **Protecting Energy Security and Domestic Energy Supplies** – The project will conserve domestic energy supplies by using petcoke, a local energy source that is currently exported overseas for fuel. Conservation of this domestic energy supply will enhance energy security. The project will also reduce stress on the United States natural gas supplies by using petcoke to generate electricity. Petcoke is a byproduct from the oil refining process and is abundantly available. In addition, the project will produce additional energy from existing California oilfields by injecting CO<sub>2</sub> for enhanced oil recovery which could increase field reserves by up to 25 percent.

- **Promoting Hydrogen Infrastructure** – The project will increase the supply of hydrogen available to support the State's goal of energy independence as expressed in California Executive Order S-7-04 which mandates the development of a hydrogen infrastructure and hydrogen transportation in California. The project is poised to supplement the quantities of hydrogen necessary for these future energy and transportation technologies, and support California's roles as a world leader in clean energy.

- **Stimulating the Local and California Economy** – The project will boost the local and California economy with an estimated 1,500 jobs associated with construction and approximately 100 permanent positions associated with project operations. In addition, estimated indirect and induced effects of construction that will occur within Kern County could result in more than 4,000 jobs, representing a long-term economic benefit to Kern County.

The project has been awarded federal funds by the State Department of Energy and the study of the project has the financial support of Southern California Edison Company. The California Public Utilities Commission has determined that the project is consistent with a variety of State policies.

Given these public concerns that will be addressed by the project, the applicant asserts that there is substantial evidence to support the finding set forth in Government Code Section 51282(c)(1) that "other public concerns substantially outweigh the objects of the Williamson Act Land Use Contract."

Regarding the second finding, there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contract land be put, the applicant states that the project site is located in a sparsely populated agricultural area near the Elk Hills Oil Field. The project site is contiguous land bounded by Adohr Road to the north, Tupman Road to the east, an irrigation canal to the south, and the Dairy Road right-of-way to the west. There are only a few homes within a mile of the project site and the unincorporated community of Tupman is 1.5 miles from the site. Primary access will be from Interstate 5, to Stockdale Highway west to Dairy Road then south to Adohr Road. The topography of the project site is flat.

The applicant asserts that the project site was selected based upon the available land, proximity to a carbon dioxide storage reservoir and the existing natural gas transportation, electric transmission, and brackish groundwater supply infrastructure that could support the proposed 250 megawatts of baseload low-carbon power generation. The site was also selected for its reasonable proximity to Interstate 5, State Route 58, State Route 119, and Stockdale Highway.

There is no noncontracted land proximate to the project site which is both available and suitable for the project. As such, the finding set forth in Government Code Section 51282(c)(2) is satisfied. With regard to availability, the applicant maintains that virtually all land in the proximity of the project site is either under Williamson Act Land Use Contracts or in the Tule Elk Reserve State Park. With regard to suitability, the applicant states that there are no alternative sites that meet the highly specific site selection requirements of the project. The applicant states that prior to selecting the current project site, they submitted an initial application for certification in July, 2008, for which a different location was proposed, the applicant decided to move the project when it was discovered that the first site had undisclosed sensitive biological resources on the original site. Subsequently, the applicant was required to conduct an alternative site analysis to identify an alternative site which ultimately became the current project site. Other sites were considered in the vicinity of Buttonwillow and Tupman; however, the alternative sites were rejected for various reasons, including topography, distance from the proposed carbon dioxide custody transfer point, sensitive environmental receptors, and/or land availability. Additionally, each of the alternative sites, with one exception were encumbered by a Williamson Act Land Use Contract. The applicant asserts that, in summary, no alternative sites were identified on either contracted or noncontracted land that were both available and suitable for the project.

#### **COMMENTS OF THE STATE DEPARTMENT OF CONSERVATION**

The petition for cancellation was submitted to the State Department of Conservation, and in a response letter dated May 27, 2010 (attached), the State Department of Conservation states that, based on the facts presented in the cancellation application, it appears to meet the public interest findings and the Department stated that it would have no objection to approval by your Board. The Department notes that the petition states that the public concerns of energy supply, energy security, water supply, hydrogen infrastructure, and economy substantially outweigh the objectives of the Williamson Act Land Use Contract. Based on the applicant's points, the State Department of Conservation concurred with the finding.

Additionally, the Department concurred with the applicant's points regarding the second finding that there is no available and suitable proximate noncontracted land for the use proposed on the contracted land.

#### **PLANNING DEPARTMENT'S CONCLUSION**

It is Staff's opinion that there is adequate justification for your Board to find that the public interests that will be furthered by the implementation of the project outweigh the objectives of preserving the site for agricultural use under the Williamson Act Land Use Contract. The siting of facilities to provide an alternative low-carbon source of power will protect the health and safety of the State's expanding population. The project site will not be converted to urban use, therefore, approval of this request should not affect urban development patterns. Because the employees at the proposed facility should not require new commercial amenities near the project site, surrounding agricultural land and uses should not be disrupted.

Staff has reviewed the request with regard to conformance with State and local requirements of the Agricultural Preserve program and confirms that the project complies with all noted provisions. Staff notes that the CEC is the Lead Agency (for licensing thermal power plants 50 megawatts and larger) under the California Environmental Quality Act (CEQA) and has a certified regulatory program under CEQA. Under its certified program, the CEC is exempt from having to prepare an Environmental Impact Report (EIR). Its certified program, however, does require environmental analysis of the project, including an analysis of alternatives and mitigation measures to minimize any significant adverse effect the project may have on the environment.

For the purposes of complying with CEQA, Staff is utilizing Section 15271, in your Board's consideration of the cancellation request. Section 15271 is an exemption for certified State regulatory programs which states in part:

"CEQA does not apply to actions undertaken by a public agency relating to any thermal power plant site or facility, including the expenditure, obligation, or encumbrance of funds by a public agency for planning, engineering, or design purposes, or for the conditional sale or purchase of equipment, fuel, water (except groundwater), steam, or power for such a thermal power plant, if the thermal power plant site and related facility will be the subject of an EIR or Negative Declaration or other document or documents prepared pursuant to a regulatory program certified pursuant to Public Resource Code Section 21080.5, which will be prepared by:

- (1) The State Energy Resources Conservation and Development Commission.
- (2) The Public Utilities Commission.
- (3) The city or County in which the power plant and related facility would be located."

The Kern County Assessor's Office has reviewed this request and has calculated the required cancellation fee based upon the site's fair market value. This cancellation will not become effective until the applicant has submitted the required cancellation fee of \$306,969 to the Clerk of the Board.

**PUBLIC INQUIRY OR CORRESPONDENCE:** Kern County Assessor's Office; State Department of Conservation

**CEQA ACTION:** Statutory Exempt, Section 15271

**DEPARTMENT RECOMMENDATION:** Adopt resolution approving cancellation subject to payment of cancellation fee; direct Clerk of the Board to issue a Tentative Certificate of Cancellation which requires the payment of cancellation fees; issue a Certificate of Cancellation subject to the payment of cancellation fees

**BASIS FOR APPROVAL AND RECOMMENDED FINDINGS:**

- (1) Based on facts presented by the applicant, this Board finds that other public concerns, which include public concerns of energy supply, energy security, global climate change, water supply, hydrogen infrastructure, substantially outweigh the objectives of the Williamson Act Land Use Contract.
- (2) Based on facts presented by the applicant, there is no available and suitable proximate noncontracted land for the use proposed on the contracted land and the site was selected based upon the proximity to a carbon dioxide storage reservoir, existing natural gas transportation, electric transmission, and brackish groundwater supply infrastructure that could support the proposed power generation.
- (3) This Board has found the project to be statutory exempt from the requirement for preparation of environmental documents pursuant to, Section 15271 of the State CEQA Guidelines.

SFC:KM:sc  
Attachments

Cancellation #10-1  
Map #120  
T: 06/17/10 - H: 06/29/10

ANTHONY ANSOLABEHERE  
Assistant Assessor

JAMES W. FITCH  
ASSESSOR-RECORDER

JEANI SMITH  
Assistant Recorder

ASSESSOR'S OFFICE  
Telephone (881) 868-3485  
1115 Truxtun Avenue  
Bakersfield, CA 93301-1639



RECORDER'S OFFICE  
Telephone (881) 868-6400  
1655 Chester Avenue  
Bakersfield, CA 93301-5232

April 14, 2010

Board of Supervisors  
Administration Building  
1115 Truxtun Avenue  
Bakersfield, California 93301

Re: Cancellation of Land Use Contract  
Applicant: Hydrogen Energy California LLC  
Assessor's Parcel Number: Portion of 159-040-16 (488.07 Acres)  
Portion of 159-040-18 ( 3.08 Acres)  
Williamson Act Cancellation: 10-1

**Honorable Board:**

In accordance with provisions of Section 51283 of the Government Code, the Assessor certifies the fair market value and cancellation fee for the above property or a portion thereof.

CANCELLATION VALUE

\$2,455,750

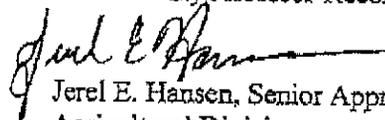
CANCELLATION FEE

\$306,969

The Department of Conservation and or owner may request a formal review from the Assessor of the certified value as specified in Section 51203 of the Government Code. Any request must be made within 45 days of the date of this notice.

Sincerely,

JAMES W. FITCH  
Kern County Assessor-Recorder

  
Jerel E. Hansen, Senior Appraiser  
Agricultural Division

- cc: Department of Conservation
- cc: Camas Steinmetz
- cc: Hydrogen Energy California LL
- cc: Property Landowners
- cc: County Planning Department

NATURAL RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, GOVERNOR



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

May 27, 2010

**VIA FACSIMILE (661) 862-8601**

Ms. Kathe Malouf, Supervising Planner  
Kern County, Planning Department  
2700 M Street, Suite 100  
Bakersfield, CA 93301-2323

Dear Ms Malouf:

**SUBJECT:** Cancellation of Land Conservation (Williamson Act) Contract;  
Landowner: Clifford & Brown; Applicant: Hydrogen Energy California LLC;  
APN 159-040-16, -18

The Department of Conservation (Department) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act. The Department has reviewed the application submitted by the Kern County Planning Department (County) regarding the referenced cancellation and offers the following recommendations.

**Project Description**

The petition proposes to cancel 491.15 acres of agricultural land subject to Williamson Act Contract in order to build an Integrated Gasification Combined Cycle power generating facility (project) by Hydrogen Energy California LLC. The project will produce low-carbon baseload electricity by capturing carbon dioxide (CO<sub>2</sub>) and transporting it for enhanced oil recovery (EOR) and sequestration (permanent storage). The applicant's application is now pending before the California Energy Commission (CEC) to construct the project.

The Project will gasify petroleum coke ("petcoke"), or blends of petcoke and coal, as needed, to produce hydrogen to fuel a combustion turbine operating in combined cycle mode. The gasification block feeds a 390-gross-megawatt (MW) combined cycle plant. The net electrical generation output from the Project will provide California with approximately 250 MW of low carbon, baseload power to the grid. The gasification block will also capture approximately 90 percent of the carbon from the raw syngas at steady-state operation, which will be transported to the Elk Hills Field for CO<sub>2</sub> EOR and sequestration.

The project site is located in a sparsely populated agricultural area near the Elk Hills Oil Field. The site is located on land that lacks irrigation supplies, consists of poor soils and

Ms. Kathe Malouf, Supervising Planner  
May 27, 2010  
Page 2 of 3

receives minimal rainfall in an average year. The land is not currently in agricultural production. The Project Site is contiguous land bound by Adohr Road to the north, Tupman Road to the east, an irrigation canal to the south, and the Dairy Road right-of-way to the west. The projected is located within Kern County.

### Cancellation Findings

Government Code (GC) section 51282 states that tentative approval for cancellation may be granted only if the local government makes either of the following findings:

- 1) Cancellation is **consistent** with purposes of the Williamson Act, **or**
- 2) Cancellation is in the **public interest**.

The Department has reviewed the petition, and offers the following comments with regards to the submitted public interest findings:

#### 2) Cancellation is in the Public Interest

For the cancellation to be in the public interest, the Board must make **both** of the following findings:

- 1) Other public concerns substantially outweigh the objectives of the Williamson Act, and
- 2) There is no proximate noncontracted land which is available and suitable for the use proposed on the contracted land, or, development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

### Department Comments on Cancellation Public Interest Findings:

#### a) Other public concerns substantially outweigh the objectives of the Williamson Act:

The petition states that the public concerns of energy supply, energy security, global climate change, water supply, hydrogen infrastructure, and the economy substantially outweigh the objectives of the Williamson Act. Based on these points, plus the fact that the site is located on land that lacks irrigation supplies, consists of poor soils, receives minimal rainfall, and is not currently in agricultural production, the Department concurs with this particular finding.

#### b) There is no available and suitable proximate noncontracted land for the use proposed on the contracted land:

According to the petition, the project site was selected based upon, among other things, the available land, proximity to a carbon dioxide storage reservoir, and the existing natural gas transportation, electric transmission, and brackish groundwater supply infrastructure that could support the proposed 250 MW of baseload low-carbon power generation. The project site was also chosen for its

Ms. Kathe Malouf, Supervising Planner  
May 27, 2010  
Page 3 of 3

reasonable proximity to the Interstate 5, State Routes (SR) 58 & 119, and Stockdale Highway. The geology in the vicinity of the project site makes it one of the premier locations in the United States for CO<sub>2</sub>, EOR and sequestration. The Department concurs with this particular finding.

Based on the facts presented the cancellation application appears to meet the public interest findings, and the Department would have no objection to its approval by the Kern County Board of Supervisors.

Thank you for the opportunity to provide comments on the proposed cancellation. Please provide our office with a copy of the Notice of the Public Hearing on this matter ten (10) working days before the hearing and a copy of the published notice of the Board's decision within 30 days of the tentative cancellation pursuant to GC section 51284. If you have any questions concerning our comments, please contact Sharon Grewal, Environmental Planner at (916) 327-6643.

Sincerely,



Dan Otis  
Program Manager

CC: Kern County Farm Bureau  
801 South Mount Vernon Avenue  
Bakersfield, CA 93307-2888

California Energy Commission  
Siting, Transmission and Environmental Protection Division  
1516 Ninth Street,  
Sacramento, CA 95814-5512

**APPLICANT'S PETITION  
FOR CANCELLATION**

**LEGAL DESCRIPTION****EXHIBIT "B"****FOR CANCELLATION OF A LAND USE CONTRACT****Parcel 1:**

That portion of Parcel B of Certificate of Compliance, in the County of Kern, State of California, recorded January 20, 1995 as Instrument No. 007612, Official Records of said county, being described as those portions of Sections 9 and 10, Township 30 South, Range 24 East, Mount Diablo Meridian, described as follows:

**Commencing** at the Point of Beginning (P.O.B.) of said Parcel B, as depicted on Exhibit "B", Attachment "A"; thence along the northerly line of said Parcel B South 89°21'55" East 451.37 feet (L1) to the **True Point of Beginning (T.P.O.B.)**; thence along the northerly and easterly lines of said Parcel B the following five courses:

- 1) South 89°21'55" East 1263.39 feet (L2) to the north quarter corner of said Section 10;
- 2) Thence South 89°21'45" East 2643.65 feet to the northeast corner of said Section 10;
- 3) Thence South 00°45'43" West 2640.11 feet to the east quarter corner of said Section 10;
- 4) Thence North 89°24'15" West 1321.11 feet (L3);
- 5) Thence South 00°44'00" West 2359.90 feet to a point on a line parallel with and 280.00 feet northerly of the southerly line of said Section 10;

thence leaving said easterly line of Parcel B North 89°27'40" West 3160.86 feet; thence North 44°27'40" West 1196.25 feet to a point on the southerly prolongation of that certain course described as "North 00°46'41" East 1108.72 feet" in Parcel B of said Certificate of Compliance; thence along said course and its southerly prolongation North 00°46'41" East 3100.91 feet; thence along the southerly line of said Parcel A the following two courses:

- 6) South 89°14'01" East 1205.04 feet (L4);
- 7) Thence North 00°23'43" West 56.24 feet (L5);

thence along said southerly line of Parcel A and its easterly prolongation South 89°51'55" East 539.75 feet (L6); thence North 00°00'00" East 233.53 feet (L7) to its intersection with a point on the Southwesterly line of Parcel A described in said Instrument No. 007612 as "North 54°20'18" West, 1215.43 feet" said point of intersection being referred to hereafter as Point "A" for this description;

1 thence along the southwesterly, southeasterly and northeasterly lines of said Parcel A the following three  
 2 courses:  
 3 8) South 54°20'18" East 998.71 feet (L8);  
 4 9) Thence North 64°12'24" East 75.09 feet (L9);  
 5 10) Thence North 02°38'35" West 70.34 feet (L10);  
 6 thence North 53°45'12" West 1085.95 feet (L11) to its intersection with the northerly prolongation of the  
 7 aforementioned line described as "North 00°00'00" East 233.53 feet (L7)"; thence along said  
 8 prolongation North 00°00'00" East 482.28 feet (L12); thence North 67°30'00" West 333.64 feet (L13) to  
 9 the **True Point of Beginning**.

10  
11 Contains 488.067 acres.

12  
13 See Exhibit "B", Attachment "A" attached hereto and made a part hereof.

14  
15 **Parcel 2:**

16  
17 That portion of Parcel A of Certificate of Compliance, in the County of Kern, State of California,  
18 recorded January 20, 1995 as Instrument No. 007612, Official Records of said county, being described as  
19 those portions of Sections 9 and 10, Township 30 South, Range 24 East, Mount Diablo Meridian,  
20 describes as follows:

21  
22 **Beginning** at the aforementioned Point "A" as described hereinabove and depicted on Exhibit "B",  
 23 Attachment "B"; thence along the southwesterly, southeasterly and northeasterly lines of said Parcel A  
 24 the following three courses:  
 25 1) South 54°20'18" East 998.71 feet (L8);  
 26 2) Thence North 64°12'24" East 75.09 feet (L9);  
 27 3) Thence North 02°38'35" West 70.34 feet (L10);  
 28 thence North 53°45'12" West 1085.95 feet (L11) to its intersection with the northerly prolongation of the  
 29 aforementioned line described as "North 00°00'00" East 233.53 feet (L7)" of Parcel 1 hereinabove  
 30 described; thence along said prolongation South 00°00'00" West 162.77 (L14) feet to the **Point of**  
 31 **Beginning**.

32  
33 Contains 3.081 acres.

1 See Exhibit "B", Attachment "B" attached hereto and made a part hereof.

2

3

4 This legal description is not intended for use in the division and /or conveyance of land in violation of the  
5 Subdivision Map Act of the State of California.

6

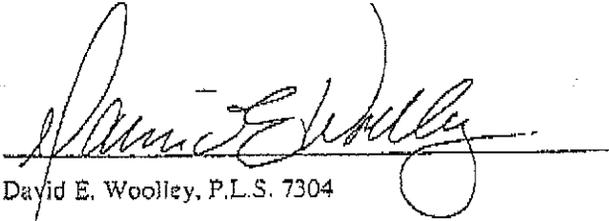
7 This legal description has been prepared by me or under my direction:

8

9

10

11



12 David E. Woolley, P.L.S. 7304



02-16-2010

13 Date

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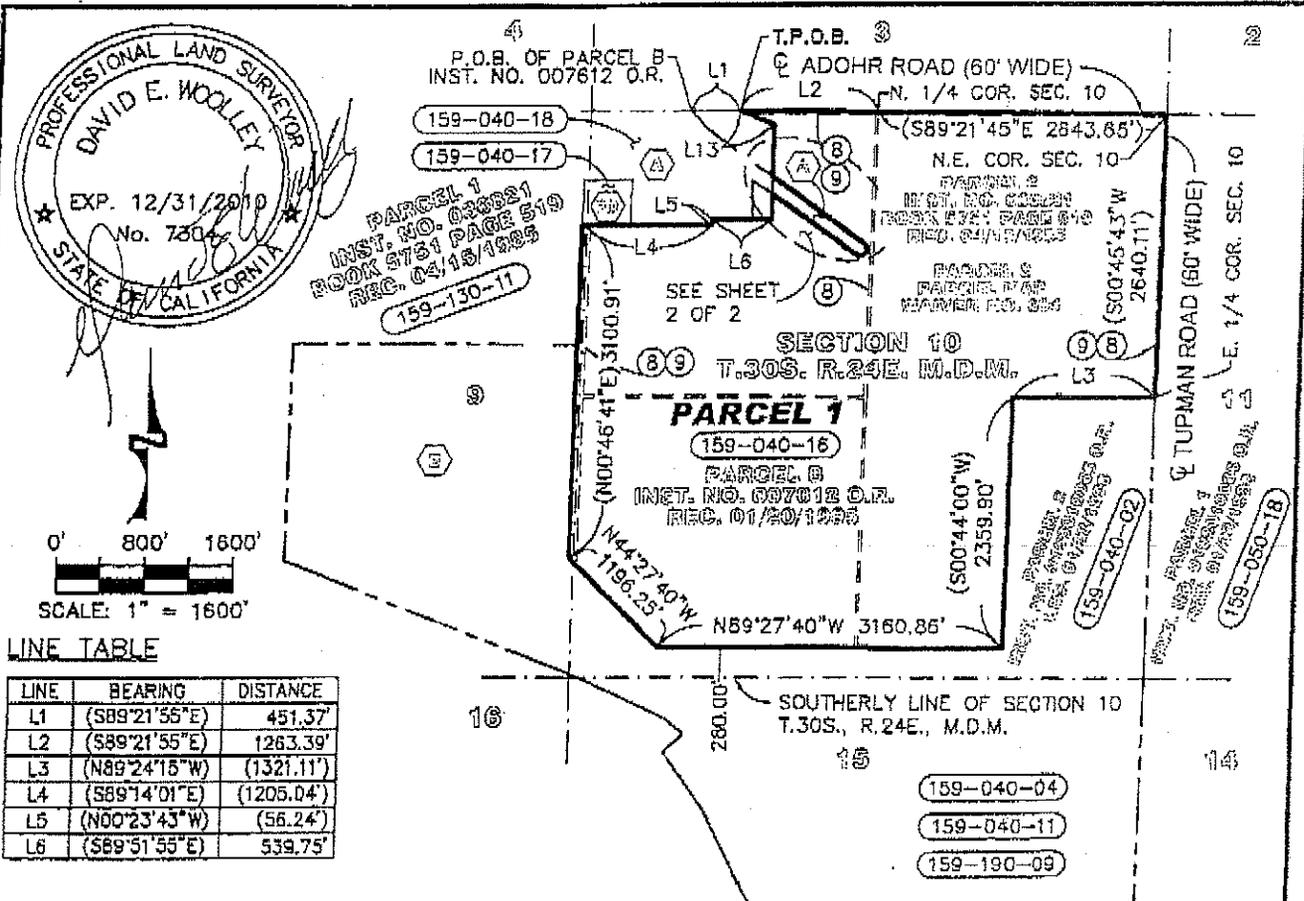
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LINE TABLE

| LINE | BEARING       | DISTANCE   |
|------|---------------|------------|
| L1   | (S89°21'55"E) | 451.37'    |
| L2   | (S89°21'55"E) | 1263.39'   |
| L3   | (N89°24'15"W) | (1321.11') |
| L4   | (S89°14'01"E) | (1205.04') |
| L5   | (N00°23'43"W) | (56.24')   |
| L6   | (S89°51'55"E) | 539.75'    |

**RECORD REFERENCE**

( ) INDICATES RECORD DATA PER CERTIFICATE OF COMPLIANCE, REC. 01/20/199 AS INST. NO. 007612 O.R.

**LEGEND**

- (A) PARCEL A OF INST. NO. 007612 O.R., REC. 01/20/1995
- (B) PARCEL B OF INST. NO. 007612 O.R., REC. 01/20/1995
- (C) PARCEL MAP NO. 10341, P.M.B. 49/7--8
- (10) SECTIONAL NUMBER OF T30S, R24E, M.D.M.
- (159-040-16) ASSESSORS PARCEL NUMBER
- LAND USE BOUNDARY LINE
- PROPERTY LINE
- SECTION LINE
- AFFECTING EASEMENT LINES, SEE EASEMENT NOTES.

**EASEMENT NOTES**

BY: FIRST AMERICAN TITLE COMPANY COMMITMENT NO. 1003-3112060  
 9201 CAMINI MEDIA, SUITE 100 TITLE OFFICER - TONY DAMO  
 BAKERSFIELD, CA 93311 DATED: JULY 22, 2008  
 (861) 617-1458

THE FOLLOWING ITEMS WERE FOUND IN SAID COMMITMENT AND ARE REFERENCED ON THIS MAP. PLOTTABLE ITEMS ARE INDICATED HEREON.

- (8) PROPERTY AND PROPERTY RIGHTS IN FAVOR OF MILLER & LUX, INC., A CORPORATION, DATED JULY 30, 1936, RECORDED OCTOBER 10, 1936 IN BOOK 666, PAGE 250, OFFICIAL RECORDS. THIS ITEM AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED HEREON.
- (9) EASEMENT FOR PUBLIC ROADS AND INCIDENTAL PURPOSES, RECORDED MAY 16, 1939 IN BOOK 871, PAGE 98 OF OFFICIAL RECORDS. THIS ITEM AFFECTS THE SUBJECT PROPERTY AND IS PLOTTED HEREON.

ITEM #'S SHOWN HEREON ARE STATED AS EXCEPTIONS ON ABOVE REFERENCED COMMITMENT. NO RESPONSIBILITY FOR THE COMPLETENESS, ACCURACY, OR CONTENT OF SAID REPORT IS ASSUMED BY THIS MAP. ALL EASEMENTS NOT AFFECTED, NON PLOTTABLE AND BLANKET, CONTAINED IN THE ABOVE REFERENCED REPORT ARE NOT SHOWN OR INDICATED HEREON.

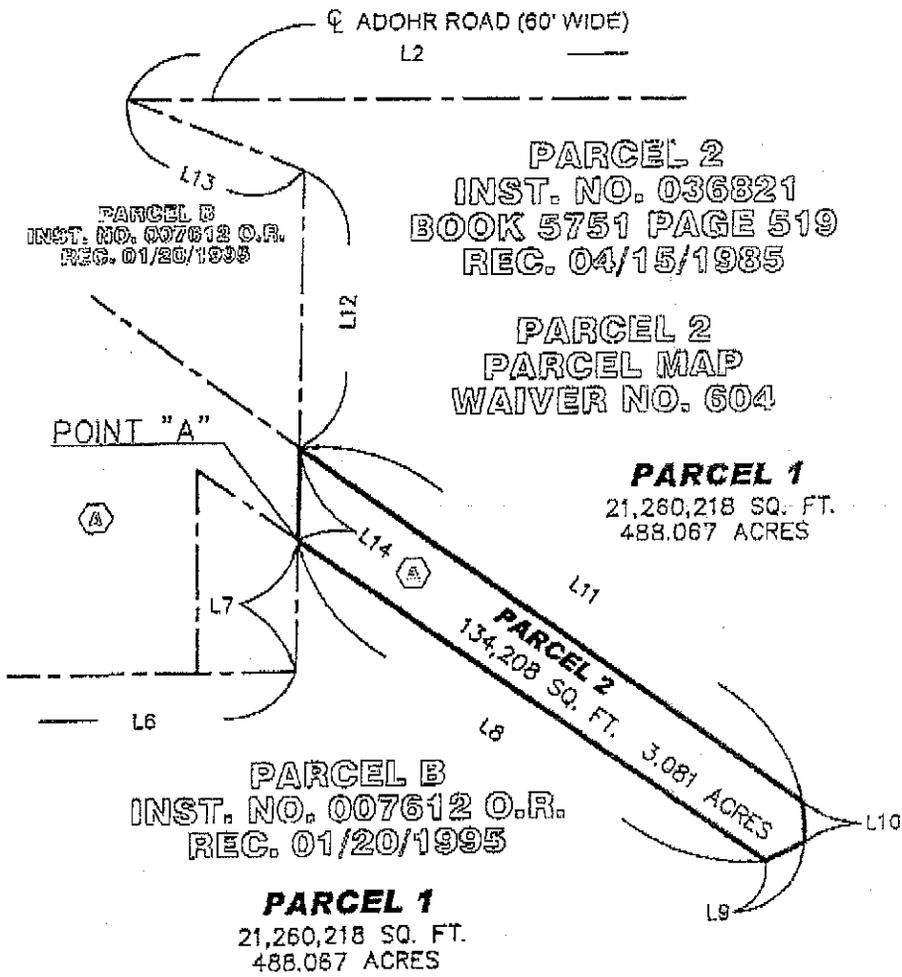
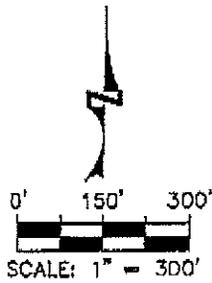
Sections 9 and 10, T30S, R24E, Mount Diablo Meridian  
 County of Kern, State of California

**D. Woolley & Associates**  
 2832 Walnut Avenue, Suite A  
 Tustin, California 92780  
 (714) 734-8462 www.dwoolley.com

**HECA PROJECT**

**EXHIBIT "B"**  
**ATTACHMENT "A"**  
 FOR CANCELLATION OF  
 A LAND USE CONTRACT

|           |            |
|-----------|------------|
| Scale:    | 1" = 1500' |
| Date:     | 02/17/10   |
| Drafted:  | BJM        |
| Reviewed: | DEW        |
| Task No.  | DWA-8255   |
| Sheet:    | 1 of 2     |



**LINE TABLE**

| LINE | BEARING       | DISTANCE   |
|------|---------------|------------|
| L1   | (S89°21'55"E) | 451.37'    |
| L2   | (S89°21'55"E) | 1263.39'   |
| L3   | (N89°24'15"W) | (1321.11') |
| L4   | (S89°4'01"E)  | (1205.04') |
| L5   | (N00°23'43"W) | (56.24')   |
| L6   | (S89°51'55"E) | 539.75'    |
| L7   | N00°00'00"E   | 233.53'    |
| L8   | S54°20'18"E   | 998.71'    |
| L9   | N64°12'24"E   | (75.09')   |
| L10  | N02°38'35"W   | (70.34')   |
| L11  | N53°45'12"W   | 1085.95'   |
| L12  | N00°00'00"E   | 482.28'    |
| L13  | N87°30'00"W   | 333.64'    |
| L14  | S00°00'00"W   | 162.77'    |

**RECORD REFERENCE**

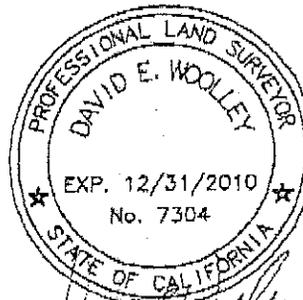
( ) INDICATES RECORD DATA PER CERTIFICATE OF COMPLIANCE, REC. 01/20/199 AS INST. NO. 007612 O.R.

**LEGEND**

(A) PARCEL A OF INST. NO. 007612 O.R., REC. 01/20/1995

SECTIONAL NUMBER OF T30S, R24E, M.D.M.

- LAND USE BOUNDARY LINE
- PROPERTY LINE
- SECTION LINE
- AFFECTING EASEMENT LINES, SEE EASEMENT NOTES.



Sections 9 and 10, T30S, R24E, Mount Diablo Meridian  
County of Kern, State of California

**HECA PROJECT**

**EXHIBIT "B",  
ATTACHMENT "B"**  
FOR CANCELLATION OF  
A LAND USE CONTRACT

|           |            |
|-----------|------------|
| Scale:    | 1" = 300'  |
| Date:     | 02/17/2010 |
| Drafted:  | BJM        |
| Reviewed: | DEW        |
| Task No.  | DWA-8255   |
| Sheet:    | 2 of 2     |

*D. Woolley & Associates*  
2832 Walnut Avenue, Suite A  
Tustin, California 92780  
(714) 734-8462 www.dwoolley.com

## Exhibit "C"

### I. Reasons for Which the Proposed Cancellation is Being Requested

This Williamson Act cancellation over the 491.15 acre portion of APN Nos. 159-040-16-00 and 159-040-18-00 described and depicted in Exhibit "B" (the "Project Site") is being requested by the Project Site's Owners in order to facilitate construction of an Integrated Gasification Combined Cycle power generating facility by Hydrogen Energy California LLC of the project ("Project") on the Project Site. The Project will be the first of a kind. It will produce low-carbon baseload electricity by capturing carbon dioxide ("CO<sub>2</sub>") and transporting it for enhanced oil recovery ("EOR") and sequestration (permanent storage)<sup>1</sup>. Hydrogen Energy California LLC ("HECA"), a direct affiliate and successor-in-interest to Hydrogen Energy International LLC ("HEI"), which has an option to purchase the Project Site together with an additional 628 surrounding acres, has an application now pending before the California Energy Commission ("CEC") to construct the Project. HEI is jointly owned by BP Alternative Energy North America Inc. and Rio Tinto Hydrogen Energy LLC.

The Project will gasify petroleum coke ("petcoke") (or blends of petcoke and coal, as needed) to produce hydrogen to fuel a combustion turbine operating in combined cycle mode. The gasification block feeds a 390-gross-megawatt ("MW") combined cycle plant. The net electrical generation output from the Project will provide California with approximately 250 MW of low-carbon, baseload power to the grid. The gasification block will also capture approximately 90 percent of the carbon from the raw syngas at steady-state operation, which will be transported to the Elk Hills Field for CO<sub>2</sub> EOR and sequestration.

Highlights of the Project are as follows:

- The Project is being designed to operate with petcoke from California refineries and/or coal. Petcoke is a by-product of the refining process of heavy oils, and is predominantly exported overseas for use as fuel.
- The feedstock will be gasified to produce a synthesis gas (syngas) that will be processed and purified to produce a hydrogen-rich gas, which will be used to fuel the combustion turbine for electric power generation. A portion of the product

<sup>1</sup> The carbon dioxide will be compressed and transported via pipeline to a custody transfer point for injection and use at the nearby Elk Hills Field. The CO<sub>2</sub> EOR process involves the injection and reinjection of carbon dioxide to reduce the viscosity and enhance other properties of the trapped oil, thus allowing it to flow through the reservoir and improve extraction. During the process, the injected carbon dioxide becomes sequestered in a secure geologic formation. This process is referred to herein as CO<sub>2</sub> EOR and sequestration.

(hydrogen-rich fuel) will also be used to supplementally fire the heat recovery steam generator that produces steam from the combustion turbine exhaust heat.

- Approximately 90 percent of the carbon in the raw syngas will be captured in a high-purity carbon dioxide stream during steady-state operation, compressed, and transported by pipeline to a custody transfer point and then injected into deep underground hydrocarbon reservoirs for CO<sub>2</sub> EOR and sequestration.
- The power produced by the Project will have a low-carbon-emission profile, significantly lower than would otherwise be produced by traditional fossil-fueled sources, including natural gas.
- Project greenhouse gas emissions (e.g., carbon dioxide) and sulfur emissions will be reduced through CO<sub>2</sub> EOR and sequestration and state of the art emission control technology.
- The gasification block feeds a 390-gross-megawatt (MW) combined cycle plant. The net electrical generation output from the Project will provide approximately 250 MW of low-carbon, baseload power to the grid, feeding major load sources.
- The water source for the Project will be brackish groundwater supplied by the Buena Vista Water Storage District ("BVWSD"), and will be treated onsite to meet Project standards. Potable water may be supplied by West Kern Water District for drinking and sanitary purposes.
- There will be no direct surface water discharge of industrial wastewater or storm water. Process wastewater will be treated onsite and recycled within the gasification and power plant systems. Other wastewaters from cooling tower blowdown and raw water treatment will be collected and directed to one of two on-site plant wastewater zero liquid discharge units.
- The Project is designed with state-of-the-art emission-control technology. The Project will feature near zero sulfur emissions during steady-state operation. The Project is also designed to avoid flaring during steady-state operation, and to minimize flaring and sulfur emissions during startup and shut-down operations.

## **II. Cancellation Complies with Government Code Section 51282(a)(2)**

### **A. Other public concerns substantially outweigh the objectives of the Williamson Act**

As discussed in detail below, the public concerns of energy supply, energy security, global climate change, water supply, hydrogen infrastructure, and the economy substantially outweigh the objectives of the Williamson Act. As such, the finding set forth in Government Code Section 51282(c)(1) is satisfied.

The Project will demonstrate a first of a kind combination of proven technologies at commercial scale that can provide baseload low-carbon power that will make an essential contribution to addressing each of these concerns as discussed below. Furthermore, the Project's production of low-carbon energy and its associated benefits may serve as a model to be implemented elsewhere in the world. Among the many public interests the Project will advance at the local, statewide, regional, national, and global levels, are the following:

- **Supplying Electricity.** The Project will provide approximately 250 MW of new, baseload low-carbon generating capacity, enough to power over 150,000 homes. The CEC estimates that the State will need to add over 9,000 MW of capacity between 2008 and 2018 to meet demand (CEC 2007).
- **Capturing Green House Gas Emissions.** The Project will prevent the release of more than 2 million tons (roughly equivalent to the carbon dioxide output of 500,000 automobiles) per year of greenhouse gases to the atmosphere by sequestering them underground. Existing conventional power plants release carbon dioxide into the atmosphere, rather than capturing and sequestering it. The Project will employ state-of-the-art emission control technology to achieve near-zero sulfur emissions and avoid flaring during steady-state operations. This will help California meet its important greenhouse gas reduction targets as set forth and exemplified by AB 32<sup>2</sup>, AB 1925<sup>3</sup>, and SB 1368<sup>4</sup>. The Project is also designed to support Executive Order S-3-05 which sets a State target of reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.
- **Water Supply and Agricultural Production.** The Project will conserve fresh water sources by using brackish groundwater for Project water needs. The brackish groundwater will be supplied from BVWSD, which is a local water district with impaired groundwater sources not suitable for agricultural or drinking use. Project consumption of these impaired sources should beneficially affect local agriculture by

<sup>2</sup> Assembly Bill 32 (AB 32) was passed to reduce greenhouse gas emissions to 1990 levels by 2020. AB 32 requires the California Air Resources Board ("CARB") to assign emissions targets to each sector in the California economy, and to develop regulatory and market methods to ensure compliance, which takes effect in 2012. The California Public Utilities Commission ("CPUC") and CEC are to develop specific proposals to CARB for implementing AB 32 in the electricity sector, possibly including a cap-and-trade program.

<sup>3</sup> AB 1925, a law passed in 2006, required the CEC to provide a report to the California legislature by November 2007 "with recommendations for how the State can develop parameters to accelerate the adoption of cost-effective geologic carbon sequestration strategies." This type of legislation clearly demonstrates California's commitment to supporting and encouraging in-state carbon capture and sequestration technology.

<sup>4</sup> Senate Bill 1368 (SB 1368), passed in 2006, establishes an Emission Performance Standard for greenhouse gas emissions from power plants used to serve baseload power in California, which was set by the CPUC at 1,100 pounds of carbon dioxide per megawatt hour of electricity. The intended effect of SB 1368 is to encourage low-carbon power production. The Project's greenhouse gas emissions will be well below this threshold requirement.

removing salts from the groundwater sourcing the BVWSD, thereby improving the groundwater quality. As a result, the Project will facilitate efforts by the BVWSD to improve local groundwater quality and agriculture in localized areas.

- **Protecting Energy Security and Domestic Energy Supplies.** The Project will conserve domestic energy supplies by using petcoke, a local energy source that currently exported overseas for fuel. Conservation of this domestic energy supply will enhance energy security. The Project will also reduce stress on U.S. natural gas supplies by using petcoke to generate electricity. Petcoke is a by-product from the oil refining process and is abundantly available. In addition, the Project will produce additional energy from existing California oil fields by injecting CO<sub>2</sub> for enhanced oil recovery, which could increase field reserves by up to 25 percent.
- **Promoting Hydrogen Infrastructure.** The Project will increase the supply of hydrogen available to support the State's goal of energy independence as expressed in California Executive Order S-7-04, which mandates the development of a hydrogen infrastructure and hydrogen transportation in California. The Project is poised to supplement the quantities of hydrogen necessary for these future energy and transportation technologies, and support California's role as a world leader in clean energy.
- **Stimulating the Local and California Economy.** The Project will boost the local and California economy with an estimated 1,500 jobs associated with construction and approximately 100 permanent positions associated with Project operations. In addition, estimated indirect and induced effects of construction that will occur within Kern County could result in more than 4,000 jobs. This will represent a long-term economic benefit to Kern County.

The Project has been awarded federal funds by the Department of Energy and the study of the Project has the financial support of Southern California Edison Company. The California Public Utilities Commission ("CPUC") has determined that the Project is "consistent with a variety of state policies". CPUC Resolution E-4227A at 3. Also, in a recent decision, the CPUC stated that: "Edison demonstrated the relevance and necessity of the [Project] study research in detail, describing the potential emissions reductions, environmental and economic benefits to California, and the Project study's potential to enhance the application of other current research." D.09-09-049.

Given these significant public concerns that will be addressed by the Project, substantial evidence supports the finding set forth in Government Code Section 51282(c)(1) that "other public concerns substantially outweigh the objects of the Williamson Act."

**B. There is no proximate non-Contracted land which is both available and suitable for the use to which it is proposed the Contracted land be put**

The Project Site is located in a sparsely populated agricultural area near the Elk Hills Oil Field. The Project Site is contiguous land bounded by Adohr Road to the north,

Tupman Road to the east, an irrigation canal to the south, and the Dairy Road right-of-way to the west. There are only a few homes within a mile of the Project Site and the unincorporated community of Tupman is 1.5 miles from the site. Primary access will be from Interstate 5, to Stockdale Highway west, to Dairy Road then south to Adohr Road. The topography of the Project Site is flat. The geology at the Project Site has been determined suitable for power plant construction.

The Project Site was selected based upon, among other things, the available land, proximity to a carbon dioxide storage reservoir, and the existing natural gas transportation, electric transmission, and brackish groundwater supply infrastructure that could support the proposed 250 MW of baseload low-carbon power generation. The Project Site was also chosen for its reasonable proximity to Interstate 5, State Routes (SR) 58 and 119, and Stockdale Highway. The geology in the vicinity of the Project Site makes it one of the premier locations in the United States for CO<sub>2</sub> EOR and sequestration.

There is no non-contracted land proximate to the Project Site which is both available and suitable for the Project. As such, the finding set forth in Government Code Section 51282(c)(2) is satisfied. With regard to availability, according to County Planning Department records (including the 2009 Kern County Williamson Act Map), virtually all land in the proximity of the Project Site is either under Williamson Act or in the Tule Elk Reserve State Park.

With regard to suitability, as concluded in HEI's Revised Application for Certification ("*Revised AFC*"), there are no alternative sites that meet the highly specific site selection requirements of the Project discussed above. Prior to selecting the Project Site, HEI submitted its initial AFC (08-AFC-8) to the CEC on July 30, 2008, which proposed the Project on a different site. HEI subsequently decided to move the Project when it discovered the existence of previously undisclosed sensitive biological resources at the prior site. As a result, HEI was required to conduct an alternative site analysis to identify an alternative site for the Project, which has now become the Project Site. In the process, several possible alternative sites in the vicinity of the unincorporated communities of Buttonwillow and Tupman were considered. However, the alternative sites were rejected for various reasons, including (1) topography, (2) distance from the proposed carbon dioxide custody transfer point, (3) lengths of linear facilities, (4) sensitive environmental receptors and/or (5) land availability. In addition, each of these sites (with one exception), like the Project Site, were contracted under the Williamson Act.

In summary, no alternative sites were identified on either contracted or non-contracted land that were both available and suitable for the Project. As such, the finding set forth Government Code Section 51282(c)(2) that "[t]here is no proximate non-Contracted land which is both available and suitable for the use to which it is proposed the Contracted land be put" is supported by substantial evidence.