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BEFORE THE ARIZONA CORPORATION COMMISSION

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JEFF HATCH-MILLER  
Chairman  
WILLIAM A. MUNDELL  
Commissioner  
MARC SPITZER  
Commissioner  
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Commissioner  
KRISTIN K. MAYES  
Commissioner

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AZ CORP COMMISSION  
DOCUMENT CONTROL

Arizona Corporation Commission  
**DOCKETED**

JAN 27 2005

DOCKETED BY *CMC*

IN THE MATTER OF THE APPLICATION  
OF JOHNSON UTILITIES COMPANY FOR  
AN EXTENSION OF ITS EXISTING  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY FOR WATER AND  
WASTEWATER SERVICE.

DOCKET NO. WS-02987A-04-0288

STAFF'S RESPONSE TO DIVERSIFIED  
WATER UTILITIES, INC.'S MOTION TO  
INTERVENE

On January 21, 2005, Diversified Water Utilities, Inc. ("Diversified") filed an application to intervene in this case. Diversified's application stated that it should be granted intervention because it has a competing application for the same area. On January 25, 2005, Johnson Utilities Company ("Johnson") filed a response to Diversified's application stating, among other things, that Diversified's supposedly competing application does not, in fact, cover the same area that is at issue in this case. The Utilities Division ("Staff") of the Arizona Corporation Commission reviewed the legal description for Diversified's and Johnson's applications. As described in the attached memorandum from Barb Wells, Staff's mapping expert, Staff concludes that Diversified's application does not overlap with the application in this case. Accordingly, Staff requests that Diversified's application to intervene be denied.

**RESPECTFULLY SUBMITTED** this 27<sup>th</sup> day of January 2005.

*Timothy J. Sabo*  
\_\_\_\_\_  
Timothy J. Sabo  
Attorney, Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
(602) 542-3402

1 The original and thirteen (13) copies  
2 of the foregoing were filed this 27<sup>th</sup>  
day of January 2005 with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 Copies of the foregoing were mailed this  
8 27<sup>th</sup> day of January 2005 to:

9 Jay L. Shapiro, Esq.  
10 Fennemore Craig  
11 3003 North Central Avenue, Suite 2600  
12 Phoenix, Arizona 85012-2913  
13 Attorneys for Johnson Utilities Company

14 William P. Sullivan, Esq.  
15 David M. Lujan, Esq.  
16 Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.  
17 2712 N. Seventh Street  
18 Phoenix, Arizona 85006  
19 Attorneys for Diversified Water Utilities, Inc.

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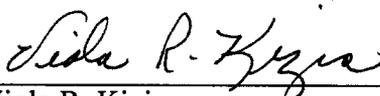
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\_\_\_\_\_  
Viola R. Kizis  
Secretary to Timothy J. Sabo

MEMORANDUM

TO: Tim Sabo  
Attorney  
Legal Division

RECEIVED

JAN 26 2005

FROM: Barb Wells   
Information Technology Specialist  
Utilities Division

LEGAL DIV.  
ARIZ. CORPORATION COMMISSION

THRU: Del Smith   
Engineering Supervisor  
Utilities Division

DATE: January 25, 2005

RE: **JOHNSON UTILITIES COMPANY (DOCKET NO. WS-02987A-04-0288)**  
**JOHNSON UTILITIES COMPANY (DOCKET NO. WS-02987A-04-0869)**  
**DIVERSIFIED WATER UTILITIES, INC. (DOCKET NO. W-02859A-04-0844)**

I am attaching, for your clarification, copies of my memos with maps to Jim Fisher in the above dockets. According to my files, the application for Docket No. W-02859A-04-0844 (Diversified) is not coincident with the application for Docket No. WS-02987A-04-0288 (Johnson). Please let me know if I can be of further assistance.

:bsw

Attachments

cc: Lyndon Hammon  
File

## MEMORANDUM

TO: Jim Fisher  
Executive Consultant II  
Utilities Division

FROM: Barb Wells  
Information Technology Specialist  
Utilities Division

THRU: Del Smith  
Engineering Supervisor  
Utilities Division

DATE: November 30, 2004

RE: **JOHNSON UTILITIES COMPANY (DOCKET NO. WS-02987A-04-02881)**  
**AMENDED LEGAL DESCRIPTION**

The area requested by Johnson has been plotted using two revised legal descriptions, which have been docketed; one on November 5, 2004 and one on November 29, 2004. These legal descriptions are attached and should be used in place of the original description submitted with the application.

Also attached are copies of the maps for your files.

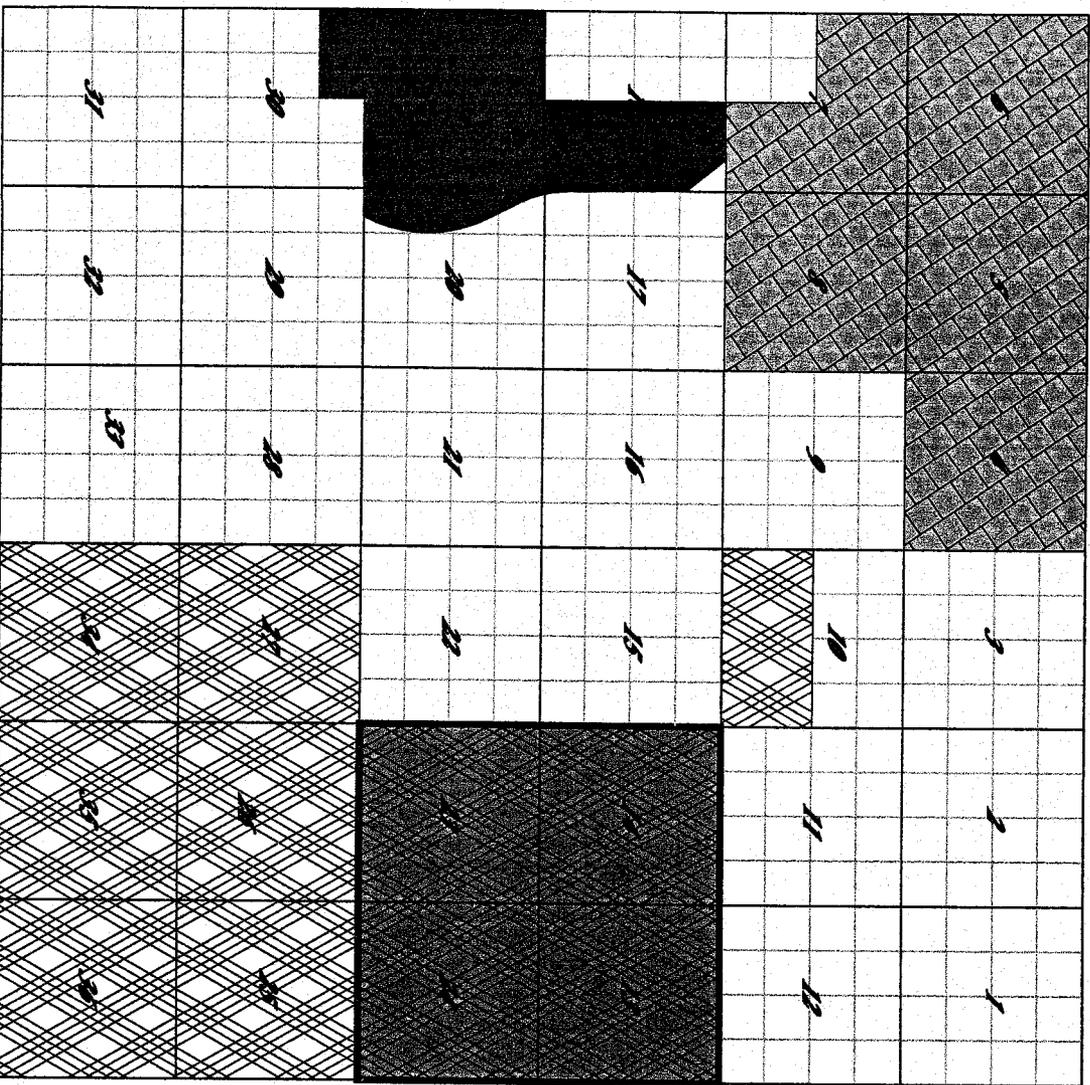
:bsw

Attachments

cc: Docket Control  
Mr. Jay Shapiro  
Deb Person (Hand Carried)  
File

# COUNTY: Pinal

## RANGE 9 East

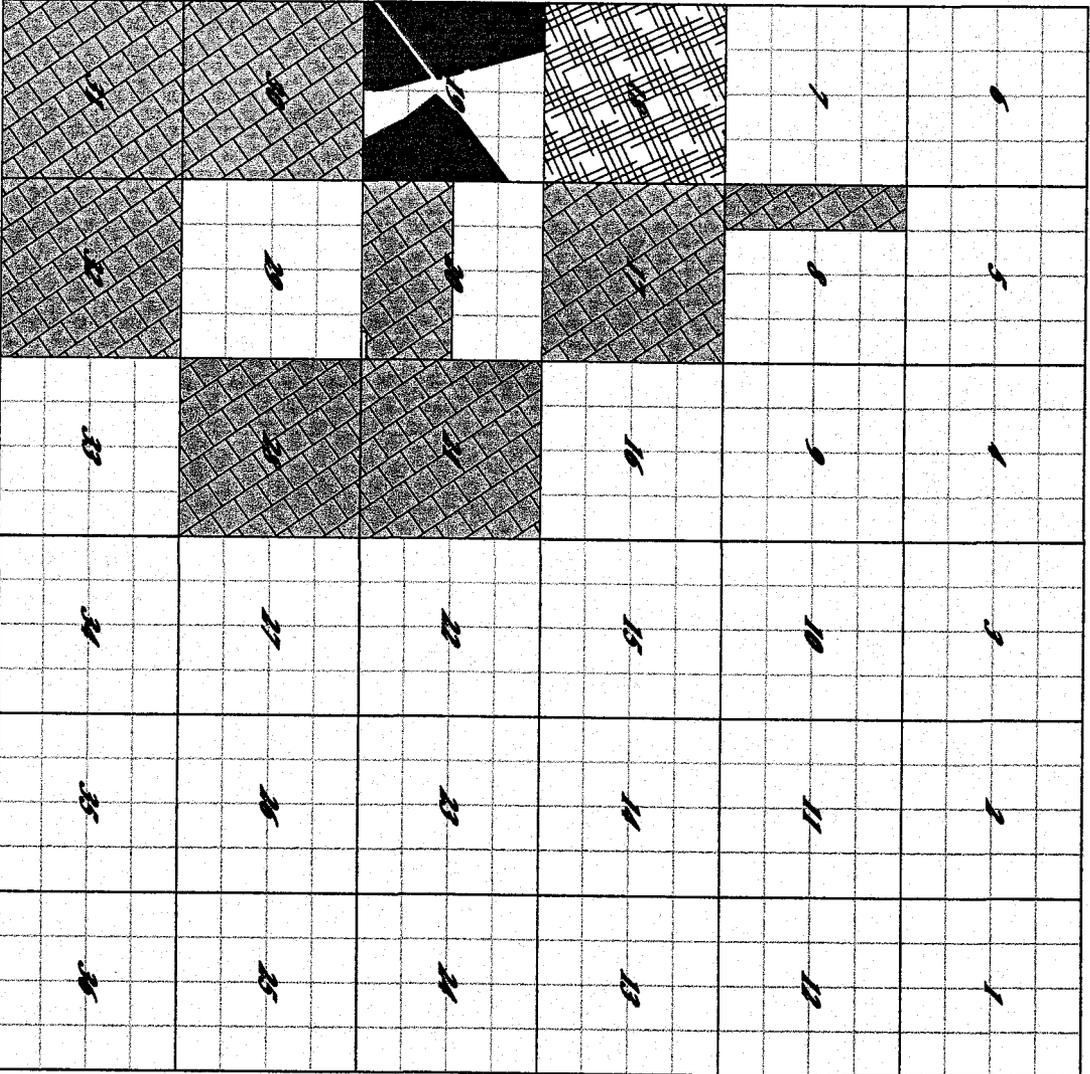


## TOWNSHIP 4 South

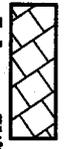
-  C-0005 (4)
  -  Sewer
  -  City of Florence (Nonjurisdictional)
  -  WS-2987 (6)
  -  Sewer
  -  Johnson Utilities Company
  -  Johnson Utilities Company
- Johnson Utilities Company  
 Docket No. WS-2987-04-288  
 Application for Extension for Water & Sewer

# COUNTY: Pinal

## RANGE 9 East



## TOWNSHIP 3 South

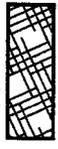


WS-2987 (6)

Johnson Utilities Company



Sewer



W-2859 (3)

Diversified Water Utilities, Inc.



Johnson Utilities Company  
 Docket No. WS-2987-04-288  
 Application for Extension for Water & Sewer



**JACK JOHNSON COMPANY**  
Designing World Destinations

**PULTE-MERRILL RANCH**  
**Legal Description**  
**Johnson Utilities-Expanded 208 Area**

**August 30, 2004**

A portion of land lying within Section 19, and portions of Sections 18, 20 and 30, Township 4 South, Range 9 East of the GILA and SALT RIVER MERIDIAN, County of Pinal, Arizona, more particularly described as follows:

Beginning at the found U.S. G.L.O. 2½" Brass Cap at the North Quarter Corner of said Section 18;

Thence South 89°56'54" East along the Northerly Section Line of said Section 18, a distance of 1705.71 Feet to a point on the Southeasterly Railroad right of way line.

Thence South 39°07'29" East along said right of way line a distance of 1480.55 to the Centerline intersection of Felix Road.

Thence along said Felix Road centerline the following (4) courses.

1. South 00°34'05" East 3478.49 Feet to the beginning of a tangent curve, concave to the left and having a radius of 3000.00 Feet.
2. Thence Southeasterly along the arc of said curve through a central angel of 27°13'48" 1425.76 Feet to a point of tangency.
3. Thence South 27°47'53" East 969.69 Feet to the beginning of a tangent curve concave to right and having a radius of 4000.00 Feet.
4. Thence Southerly along the arc of said curve through a central angle of 55°24'15" a distance of 3867.95 Feet to a point of non tangency also being the point of intersection of the centerline of Felix Road and the Northerly Line of said Section 29.

Y:\742MerrillRanch\04\_Design\Survey\742 - Johnson Utilities 208 Expansion 8-30-04.doc

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EXHIBIT 5C



JACK JOHNSON COMPANY  
Designing World Destinations

Thence South 89°54'02" West, along the Northerly Line of said Section 29, a distance of 775.03 Feet to a found 3" Pinal County Highway Department Aluminum Cap at the SOUTHEAST Section Corner of said Section 19;

Thence North 89°55'22" West along the Southerly Section Line of said Section 19, a distance of 2622.99 Feet to a found US GLO 2 ½" Brass Cap at the Quarter Corner point common to said Sections 30 and 19.

Thence South 00°03'30" West along the North-South Mid Section Line a distance of 1321.64 Feet

Thence North 89°55'37" West a distance of 2636.01 Feet to along the South Line of the North half of the Northwest Quarter of said Section 30.

Thence North 00°26'55" West along the West Section Line of said Section 30 a distance of 1322.38 Feet to a found US GLO 2 ½" Brass Cap at the Northwest Section Corner of said Section 30.

Thence North 00°26'07" West along the Westerly Section Line of said Section 19 a distance of 2646.78 Feet to a found 3" Aluminum Cap at the West Quarter Corner of said Section 19.

Thence continuing North 00°26'00" West along the Westerly Section Line of said Section 19 a distance of 2639.63 Feet to a found US GLO 2 ½" Brass Cap, This monument being disturbed and bent to the North, its position determined at the base of the monument, at the Northwest Section Corner of said Section 19.

Thence South 89°55'13" East along the Northerly Section Line of said Section 19 a distance of 2666.33 Feet to a found US GLO 2 ½" Brass Cap at the Quarter Corner common to said Sections 18 and 19.

Thence North 00°38'49" West along the North-South MID-Section Line of said Section 18 a distance of 2642.84 Feet to a Found 1 ½" Aluminum Cap being the center Quarter Corner of said Section 18.

Thence North 00°38'34" West a distance of 2643.23 Feet to a found US GLO 2 1/2" Brass Cap at the North Quarter Corner of said Section 18, and the Point of Beginning for the herein described tract.

Said description contains 1,134.78 acres, more or less.

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EXHIBIT 5C

**EXHIBIT "A"**

**PARCEL NO. 1:**

The Southwest quarter of Section 19, Township 3 South, Range 9 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying South and East of the MAGMA RAILROAD right-of-way as set forth in Book 51 of Deeds, Pages 648 and 650;

EXCEPT BEGINNING at a point in the South boundary of said Section 19 that bears South 89 degrees, 24 minutes, 28 seconds East, a distance of 2598.58 feet from the Southwest corner of said Section 19;

thence leaving said POINT OF BEGINNING North 01 degrees, 41 minutes, 40 seconds West, a distance of 291.97 feet;

thence North 88 degrees, 18 minutes, 57 seconds East, a distance of 50.00 feet;

thence North 01 degrees, 41 minutes, 03 seconds West, a distance of 244.62 feet;

thence North 08 degrees, 51 minutes, 01 seconds West, a distance of 188.33 feet;

thence North 16 degrees, 01 minutes, 03 seconds West, a distance of 1306.42 feet to the Southeasterly boundary of that area described in the Patent to the MAGMA-ARIZONA RAILROAD COMPANY, an Arizona corporation, recorded as Book 51 of Deeds, Page 648, Pinal County, Arizona, said point bears North 48 degrees, 57 minutes, 32 seconds East, a distance of 2974.04 feet from said Southwest corner of said Section 19;

thence along said Southeasterly boundary North 52 degrees, 36 minutes, 47 seconds East, a distance of 1217.33 feet;

thence leaving said Southeasterly boundary South 37 degrees, 23 minutes, 13 seconds East, a distance of 45.00 feet;

thence South 42 degrees, 53 minutes, 58 seconds West, a distance of 759.02 feet;

thence South 39 degrees, 12 minutes, 50 seconds East, a distance of 1142.16 feet;

thence South 27 degrees, 31 minutes, 05 seconds East, a distance of 1417.99 feet to a point in said South boundary of said Section 19 that bears North 89 degrees, 24 minutes, 28 seconds West, a distance of 1321.01 feet from the Southeast corner of said Section 19;

thence along said South boundary North 89 degrees, 24 minutes, 28 seconds West, a distance of 1499.92 feet to said POINT OF BEGINNING.

PARCEL NO. 2:

The East half of Section 19, Township 3 South, Range 9 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying South and East of the MAGMA RAILROAD right-of-way as set forth as Book 51 of Deeds, Pages 648 and 650:

EXCEPT BEGINNING at a point in the South boundary of said Section 19 that bears South 89 degrees, 24 minutes, 28 seconds East, a distance of 2598.58 feet from the Southwest corner of said Section 19;

thence leaving said POINT OF BEGINNING North 01 degrees, 41 minutes, 40 seconds West, a distance of 291.97 feet;

thence North 88 degrees, 18 minutes, 57 seconds East, a distance of 50.00 feet;

thence North 01 degrees, 41 minutes, 03 seconds West, a distance of 244.62 feet;

thence North 08 degrees, 51 minutes, 01 seconds West, a distance of 188.33 feet;

thence North 16 degrees, 01 minutes, 03 seconds West, a distance of 1306.42 feet to the Southeasterly boundary of that area described in the Patent to the MAGMA-ARIZONA RAILROAD COMPANY, an Arizona corporation, recorded as Book 51 of Deeds, Page 648, Pinal County, Arizona, said point bears North 48 degrees, 57 minutes, 32 seconds East, a distance of 2974.04 feet from said Southwest corner of said Section 19:

thence along said Southeasterly boundary North 52 degrees, 36 minutes, 47 seconds East, a distance of 1217.33 feet;

thence leaving said Southeasterly boundary South 37 degrees, 23 minutes, 13 seconds East, a distance of 45.00 feet;

thence South 42 degrees, 53 minutes, 58 seconds West, a distance of 759.02 feet;

thence South 39 degrees, 12 minutes, 50 seconds East, a distance of 1142.16 feet;

thence South 27 degrees, 31 minutes, 05 seconds East, a distance of 1417.99 feet to a point in said South boundary of said Section 19 that bears North 89 degrees, 24 minutes, 28 seconds West, a distance of 1321.01 feet from the Southeast corner of said Section 19;

thence along said South boundary North 89 degrees, 24 minutes, 28 seconds West, a distance of 1499.92 feet to said POINT OF BEGINNING.

PARCEL NO. 3:

The West half of Section 19, Township 3 South, Range 9 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying North and West of the MAGMA RAILROAD right-of-way as set forth as Book 51 of Deeds, Pages 648 and 650;

EXCEPT BEGINNING at a point in the North boundary of said Section 19 that bears South 89 degrees, 42 minutes, 37 seconds East, a distance of 1393.64 feet from the Northwest corner of said Section 19;

thence along said North boundary South 89 degrees, 42 minutes, 37 seconds East, a distance of 4101.11 feet to the Northeast corner of said Section 19;

thence along the East boundary of said Section 19 South 00 degrees, 19 minutes, 58 seconds East, a distance of 650.81 feet to the Northwesterly boundary of that area described in the Patent to the MAGMA-ARIZONA RAILROAD COMPANY, an Arizona corporation, recorded as Book 51 of Deeds, Page 648, Pinal County, Arizona;

thence along said Northwesterly boundary South 52 degrees, 36 minutes, 47 seconds West, a distance of 4037.77 feet to a point that bears North 45 degrees, 19 minutes, 33 seconds East, a distance of 3071.05 feet from the Southwest corner of said Section 19;

thence North 16 degrees, 01 minutes, 03 seconds West, a distance of 794.87 feet;

thence South 73 degrees, 58 minutes, 57 seconds West, a distance of 74.97 feet;

thence North 16 degrees, 01 minutes, 03 seconds West, a distance of 199.97 feet;

thence North 73 degrees, 58 minutes, 57 seconds East, a distance of 74.97 feet;

thence North 16 degrees, 01 minutes, 03 seconds West, a distance of 2254.57 feet to the said POINT OF BEGINNING; and

EXCEPT BEGINNING at a point that bears South 37 degrees, 32 minutes, 44 seconds East, a distance of 3645.04 feet from the Northwest corner of said Section 19 which point lies in the Westerly right-of-way boundary of the CENTRAL ARIZONA PROJECT CANAL as described in Declaration of Taking recorded as Docket 1112, Page 634 of the Records of Pinal County, Arizona;

thence South 16 degrees, 01 minutes, 03 seconds East, along said Westerly right-of-way boundary, a distance of 110.00 feet;

thence Southwesterly and perpendicular to said Westerly right-of-way boundary, a distance of 80.00 feet;

thence Northwesterly and parallel to said Westerly right-of-way boundary, a distance of 110.00 feet;

thence Northeasterly and perpendicular to said Westerly right-of-way boundary, a distance of 80.00 feet to said POINT OF BEGINNING.

## MEMORANDUM

TO: Jim Fisher  
Executive Consultant II  
Utilities Division

FROM: Barb Wells  
Information Technology Specialist  
Utilities Division

THRU: Del Smith  
Engineering Supervisor  
Utilities Division

DATE: December 14, 2004

RE: **DIVERSIFIED WATER UTILITIES, INC. (DOCKET NO. W-02859A-04-0844)**  
**AMENDED LEGAL DESCRIPTION**

The area requested by Diversified has been plotted using a revised legal description, which has been docketed. This legal description is attached and should be used in place of the original description submitted with the application.

Also attached is a copy of the map for your files.

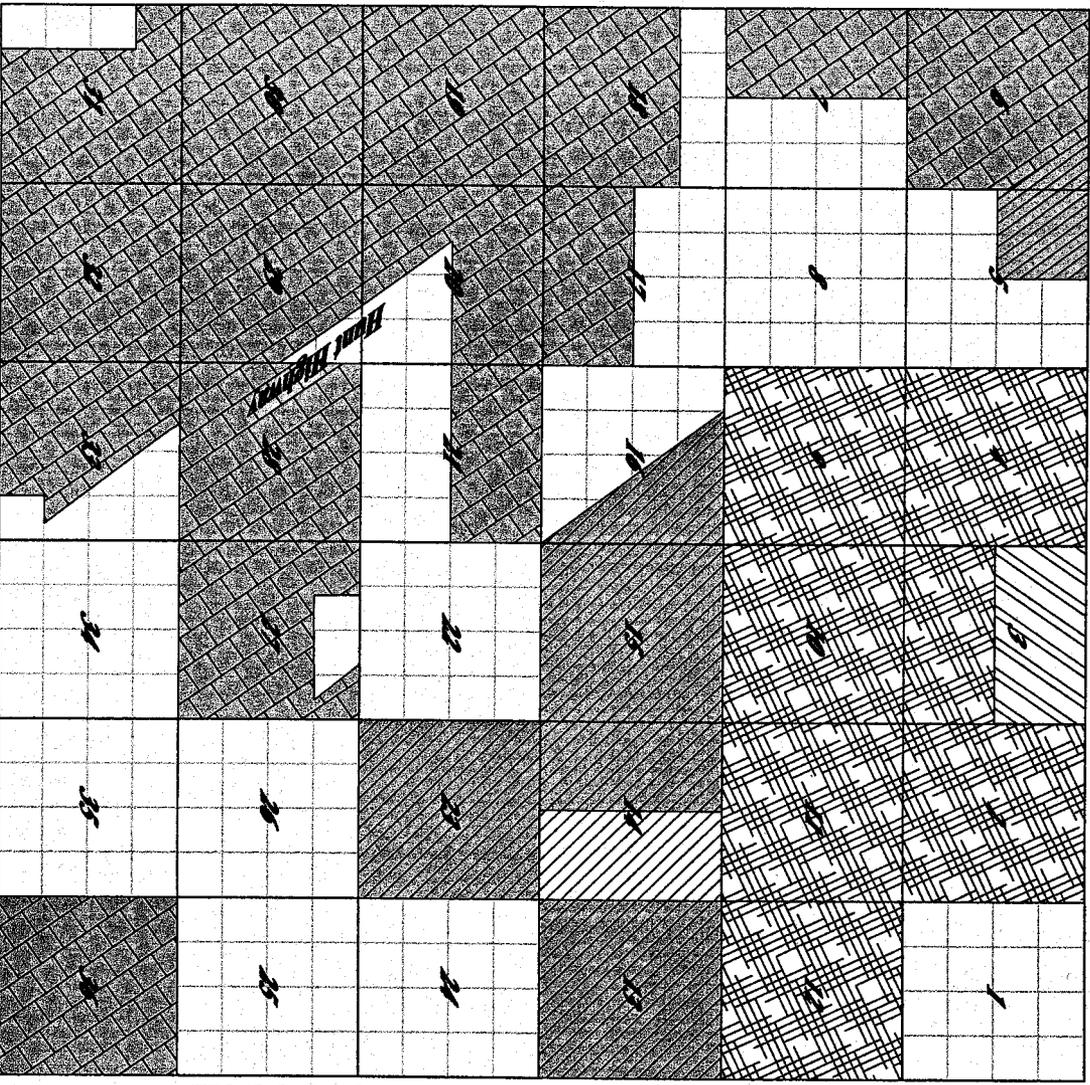
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### Attachments

cc: Docket Control  
Mr. William Sullivan  
Mr. John Chelus  
Deb Person (Hand Carried)  
File

# COUNTY: Pinal

## RANGE 8 East



## TOWNSHIP 3 South

-  W-2859 (3)  
Diversified Water Utilities, Inc.
-  W-2234 (2)  
H<sub>2</sub>O, Inc.
-  WS-2987 (6)  
Johnson Utilities Company
-  W-2425 (2)  
Sun Valley Farms Unit VI Water Company
-  Sewer
-  Diversified Water Utilities, Inc.  
Docket No. W-2859-04-844  
Application for Extension  
Competing Application with Johnson for Sections 13 & 23

Law Offices  
MARTINEZ & CURTIS, P.C.

Michael A. Curtis  
Jay M. Martinez (1943-2000)  
William P. Sullivan  
Susan D. Goodwin  
Larry K. Udall  
Anja K. Wendel  
Kelly Y. Schwab  
Phyllis N. Smiley  
K. Russell Romney  
David M. Lujan  
Ellen M. Van Riper

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AZ Corporation Commission  
Director Of Utilities

2712 North Seventh Street  
PHOENIX, ARIZONA 85006-1090

Telephone (602) 248-0372  
Telecopier (602) 266-8290

OF COUNSEL

Joseph F. Abate  
Thomas Hine

REFER TO FILE NO. 1620-3-2

December 9, 2004

Arizona Corporation Commission  
Docket Control  
1200 West Washington  
Phoenix, AZ 85007

RE: Diversified Water Utilities, Inc.  
Application to Expand its Certificate  
Docket Number W-02859A-04-0844  
Correction of Legal Description

AZ CORP COMMISSION  
DOCUMENT CONTROL

2004 DEC - 9 1 P 3: 02

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Dear Sir or Madam:

Please be advised that the caption and pleading filed in the above referenced matter incorrectly references Township 2 South, Pinal County, Arizona. The area sought to be included within the Certificate of Convenience and Necessity of Diversified Water Utilities, Inc. encompasses all of sections 13, 14, 15, 23 and that portion of section 16 East of the railroad tracks located in Township 3 South, Range 8 East, Pinal County, Arizona. We apologize for any inconvenience that this typographical error may have caused the Commission.

Very truly yours,



William P. Sullivan  
For the Firm

WPS/mw

cc: Scott Gray

1620-3-2\letters\Docket Control re Legal Description

## MEMORANDUM

TO: Jim Fisher  
Executive Consultant II  
Utilities Division

FROM: Barb Wells  
Information Technology Specialist  
Utilities Division

THRU: Del Smith  
Engineering Supervisor  
Utilities Division

DATE: December 14, 2004

RE: **JOHNSON UTILITIES COMPANY (DOCKET NO. WS-02987A-04-0869)**

The area requested by Johnson for an extension has been plotted with no complications using the legal description provided with the application (a copy of which is attached).

Also attached is a copy of the map for your files.

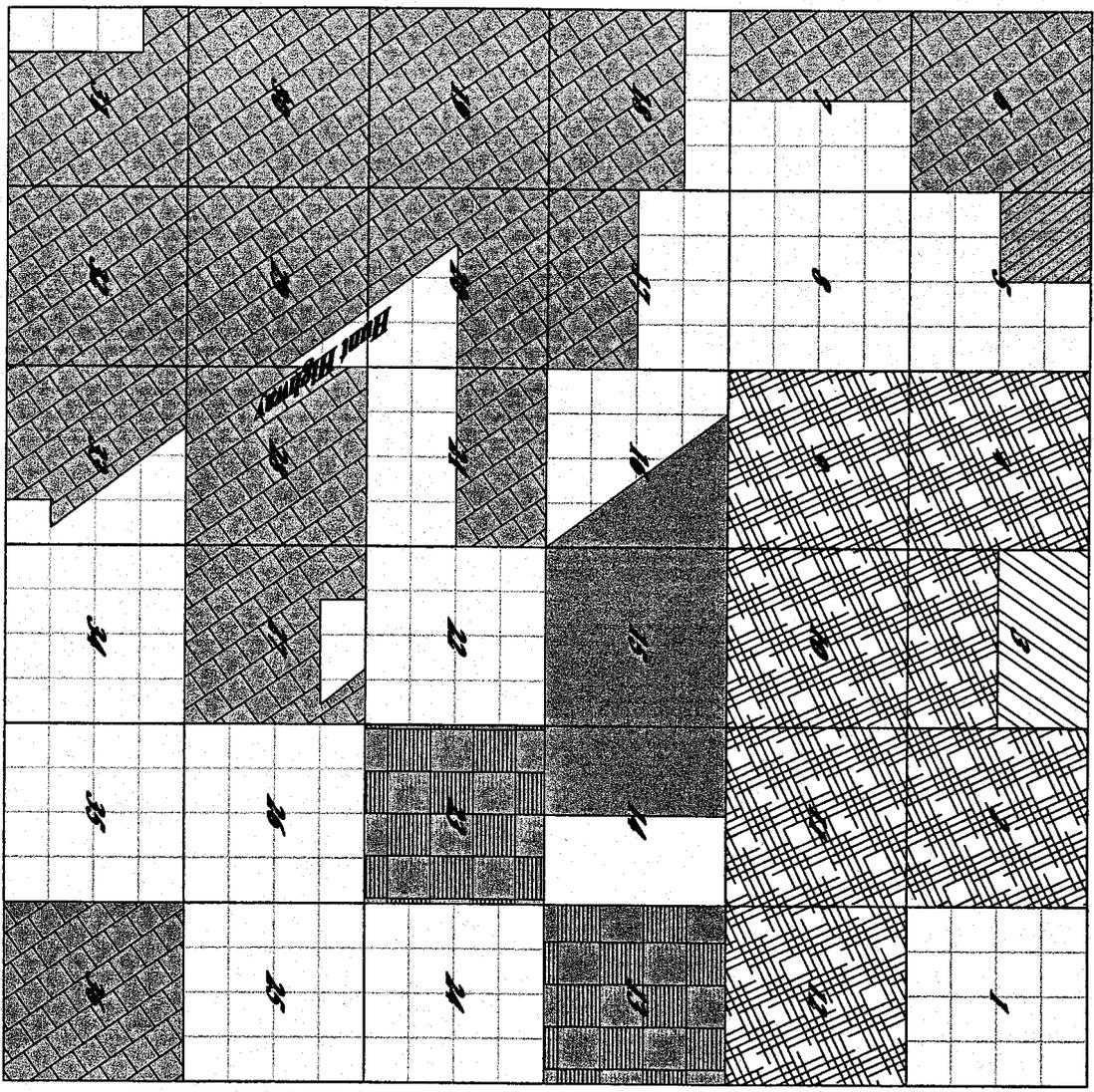
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### Attachments

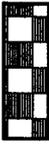
cc: Docket Control  
Mr. Jay Shapiro  
Mr. Lyndon Hammon  
Ms. Deb Person (Hand Carried)  
File

# COUNTY: Pinal

## RANGE 8 East



## TOWNSHIP 3 South

-  W-2859 (3)
-  Diversified Water Utilities, Inc.
-  W-2234 (2)
-  H<sub>2</sub>O, Inc.
-  WS-2987 (6)
-  Sewer
-  Johnson Utilities Company
-  WS-2425 (2)
-  Sun Valley Farms Unit VI Water Company
-  Johnson Utilities Company (Water)
-  Docket No. WS-2987-04-869
-  Application for Extension
-  Competing Application with Diversified for Sections 13 & 23

**Legal Description**  
**Bella Vista Farms**

**Section 23, Township 3 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona**

**Section 13, Township 3 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona**