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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission
DOCKETED

MAY 19 2005

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COMMISSIONERS

2005 MAY 19 P 1:15

AZ CORP COMMISSION
DOCUMENT CONTROL

JEFF HATCH-MILLER, CHAIRMAN
MARC SPITZER
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTEN K. MAYES

IN THE MATTER OF DIVERSIFIED
WATER UTILITIES, INC. TO EXPAND ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO INCLUDE ALL OF
SECTION 13, 14, 15, 23 AND THAT
PORTION OF SECTION 16 EAST OF
RAILROAD TRACKS ALL IN T3S, R83,
PINAL COUNTY, ARIZONA.

DOCKET NO.: W-02859A-04-0844

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

DOCKET NO.: WS-02987A-04-0869

**PROOF OF PUBLICATION AND
CERTIFICATION OF MAILING TO
PROPERTY OWNERS**

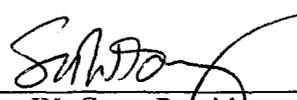
Pursuant to the January 25, 2005 Procedural Order, Diversified Water Utilities, Inc., an Arizona public service corporation ("Applicant"), hereby submits this Proof of Publication and Certification of Mailing in the above-captioned matters on behalf of Applicant and Johnson Utilities Company ("Co-Applicant").

On April 18, 2005, legal Public Notice of Hearing was published in The Tribune as required by the Procedural Order. The Affidavit of Publication, signed by Sharon Grzyb of The Tribune, is attached hereto as Exhibit 1. Publication was made prior to any continuation of these proceedings. Because publication of the Public Notice of Hearing had occurred prior to any continuation of these proceedings, Applicant hereby certifies and avows that it also served the legal Notice of Public Hearing to the eight (8) property owners within the requested extension area on April 19, 2005, by Certified Mail/Return Receipt Requested. Copies of signed Return Receipts are attached hereto as Exhibit 2.

///

1 DATED this 19th day of May, 2005.

2 DIVERSIFIED WATER UTILITIES, INC.

3
4 By: 

5 Scott W. Gray, President
6 2850 E. Camelback Road, Suite 200
7 Phoenix, Arizona 85016-4316

8 PROOF OF AND CERTIFICATE OF MAILING

9 I hereby certify that on this 19th day of May, 2005, I caused the foregoing document
10 to be served on the Arizona Corporation Commission by delivering the original and fifteen (15)
11 copies of the above to:

12 Docket Control
13 Arizona Corporation Commission
14 1200 W. Washington Street
15 Phoenix, Arizona 85007

16 Copies of the foregoing hand-delivered/mailed
17 this 19th day of May, 2005, to:

18 Dwight Nodes
19 Assistant Chief Administrative Law Judge
20 Arizona Corporation Commission
21 1200 W. Washington Street
22 Phoenix, Arizona 85007

23 Ernest G. Johnson
24 Director, Utilities Division
25 Arizona Corporation Commission
26 1200 W. Washington Street
27 Phoenix, Arizona 85007

28 Christopher Kempley
29 Chief Counsel, Legal Division
30 Arizona Corporation Commission
31 1200 W. Washington Street
32 Phoenix, Arizona 85007

33 Richard Sallquist
34 Sallquist & Drummond, P.C.
35 4500 S. Lakeshore Drive, Ste. 339
36 Tempe, AZ 85282
37 Attorneys for Johnson Utilities Company

38 William P. Sullivan
39 Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
40 2712 North 7th Street
41 Phoenix, Arizona 85006-1090
42 Attorneys for Diversified Water Utilities, Inc.

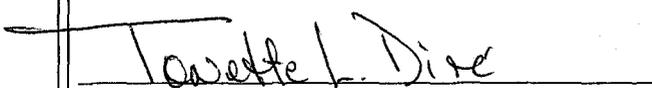

Tawette L. Dixie

EXHIBIT “1”

Tribune

Legal Advertising
120 W. First Avenue Mesa, Arizona 85210
Phone (480) 898-6470, Fax (480) 898-6463
Affidavit of Publication

Account Number: 0213107

P.O. Number: NOTICE OF PUBLIC HEARING

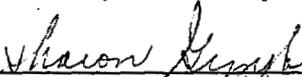
Invoice Number: 140142

Price: \$ 136.55

STATE OF ARIZONA
County of Maricopa

I, Sharon Grzyb, Legal Representative, acknowledge that the attached ad was published in a newspaper of general circulation. The dates of the publication are as follows: APRIL 18, 2005

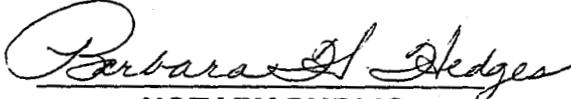
The Tribune (East Valley & Scottsdale Editions)



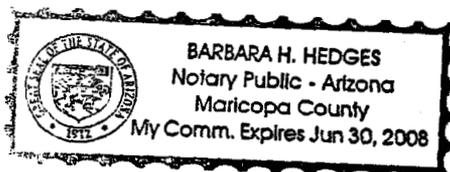
Sharon Grzyb, Legal Representative

STATE OF ARIZONA
COUNTY OF MARICOPA

On APRIL 18 , 2005 , Sharon Grzyb personally appeared before me, whom I know personally to be the person who signed the above document and he/she proved he/she signed it



NOTARY PUBLIC



**PUBLIC NOTICE OF HEARING ON THE
APPLICATIONS OF DIVERSIFIED WATER
UTILITIES, INC. AND
JOHNSON UTILITIES COMPANY
FOR EXTENSION OF THEIR CERTIFICATES OF
CONVENIENCE AND NECESSITY TO PROVIDE
WATER SERVICE
(W-02859A-04-0844 and WS-02987A-04-0869)**

On November 24, 2004 and December 3, 2004, Diversified Water Utilities, Inc. ("Diversified") and Johnson Utilities Company ("Johnson"), respectively, filed applications with the Arizona Corporation Commission ("Commission") for extensions of their Certificates of Convenience and Necessity ("CC&Ns") to provide water service to an area in Pinal County, Arizona. The applications have been consolidated for purposes of hearing. If their respective applications are granted, either Diversified or Johnson would be the exclusive provider of water to the proposed areas, and would be required by the Commission to provide service under rates and charges and terms and conditions established by the Commission. The applications are available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, and at the offices of Diversified, 2850 East Camelback Road, Suite 200, Phoenix, Arizona 85016, and at the offices of Johnson, 5230 East Shea Boulevard, Suite 200, Scottsdale, Arizona 85254.

The Commission will hold a hearing on this matter beginning on **July 20, 2005, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comment will be taken on the first day of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission, which motion should be sent to all parties of record, and which, at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Applicants, a shareholder of the Applicants, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicants or their counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before May 20, 2005. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. Failure to intervene will not preclude any potential customer from appearing at the hearing and making a statement on such person's own behalf. You will not, however, receive any further notice of the proceeding unless requested by you.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail Lhogan@admin.cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

April 18, 2005/140142

EXHIBIT “2”

PUBLIC NOTICE OF HEARING ON THE
APPLICATIONS OF DIVERSIFIED WATER UTILITIES, INC. AND
JOHNSON UTILITIES COMPANY
FOR EXTENSION OF THEIR CERTIFICATES OF
CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE
(W-02859A-04-0844 and WS-02987A-04-0869)

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Diversified Water Utilities, Inc.

Corporate Office
(602) 840-9400 2850 E. Camelback Rd., Suite 200
Phoenix, AZ 85016-4316
fax (602) 840-6030

Customer Service Office
(480) 677-6080 3880 S. De Niza
Apache Junction, AZ 85219-7357
fax (480) 677-6082

Quality Water
Quality Service

April 19, 2005

Member, AWWA
AWPCA
WUAA
EVWF

CERTIFIED MAIL – 7004 0750 0000 8115 3049
RETURN RECEIPT REQUESTED

Jeff Schneidman
Plattner Schneidman & Schneider, P.C.
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016

Re: Public Notice of Hearing

Dear Jeff:

Enclosed is the Public Notice of Hearing on the Applications of Diversified Water Utilities, Inc. and Johnson Utilities Company for Extension of Their Certificates of Convenience and Necessity to Provide Water Service (W-02859A-04-0844 and WS-02987A-04-0869) ("Public Notice") for submittal to your client acquiring an interest in the real property subject to the Public Notice.

The Public Notice is being provided as a result of your disclosure at the Arizona Corporation Commission Hearing held on April 18, 2005 about the ABCW Trust purchasing an interest in the real property subject to the Public Notice. It is our understanding that the purchaser is a trust under the name of ABCW Trust and that the Connelly Wolfswinkle family members are the beneficial parties and/or trustees. We have sent notices directly to them for their other ownership interests in other real property within the Public Notice and wanted to provide you a copy to assure that all bases were covered.

Please submit the Public Notice to your client. If any information contained in this letter is incorrect, please contact me immediately. Please excuse any incorrect spelling of the entity name for your client if I did not set it forth properly. If you have any questions, please feel free to give me a call.

Sincerely,

Scott W. Gray
President

SWG:tld
Enclosure

cc: William Sullivan, Esq.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jeff Schneidman
 Plattner Schneidman & Schneider
 4201 N. 24th St., Ste. 100
 Phoenix, AZ 85016

2. Article Number

(Transfer from service label)

7004 0750 0000 8115 3049

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X 

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

4-21-05

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i>	
	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Salt River Project AG Improvement & Power District P.O. Box 52025, M/S PAB363 Phoenix, AZ 85072-2025	B. Received by (Printed Name) <i>M. Benitez</i>	C. Date of Delivery APR 21 2005
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7004 0750 0000 8115 2981	
	PS Form 3811, February 2004 Domestic Return Receipt 102595-C	

PS Form 3811, February 2004 Domestic Return Receipt 102595-C

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>Stanna Shurt</i>	
	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Wolfcor, L.L.C. 3850 E. Baseline Rd., #123 Mesa, AZ 85206	B. Received by (Printed Name)	C. Date of Delivery 4-21-5
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7004 0750 0000 8115 3001	
	PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>Stanna Shurt</i>	
	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Wolfkin Farms Partnership 3850 E. Baseline Rd., #123 Mesa, AZ 85206	B. Received by (Printed Name)	C. Date of Delivery 4-21-5
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7004 0750 0000 8115 2998	
	PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Cynn Strode</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Cynn Strode</i> C. Date of Delivery <i>4-21</i></p>
<p>1. Article Addressed to:</p> <p>Gillespie Properties, Inc. 1121 W. Warner Rd., #109 Tempe, AZ 85283</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>PS Form 3811, February 2004</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7004 0750 0000 8115 3018</p> <p>Domestic Return Receipt 102595-02-M-1540</p>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Holland</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Holland</i> C. Date of Delivery <i>4/21</i></p>
<p>1. Article Addressed to:</p> <p>Mark Winkleman State Land Commissioner Arizona State Land Department 1616 W. Adams Phoenix, AZ 85007</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>PS Form 3811, August 2001</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7004 0750 0000 8115 3063</p> <p>Domestic Return Receipt 102595-02-M-1540</p>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Lynn Strobe</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Lynn Strobe</i> <i>7-21</i></p>
<p>1. Article Addressed to:</p> <p>Vintage Farms, Inc 1121 W. Warner Rd., #109 Tempe, AZ 85254</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p>PS Form 3811, February 2004</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>5-02-M-1540</p>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Binu Wolburkel</i></p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Binu Wolburkel</i> <i>7/25/05</i></p>
<p>1. Article Addressed to:</p> <p>Lobollanta Dairy, Inc. 1711 N. Val Vista Dr. Mesa, AZ 85213</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p>PS Form 3811, February 2004</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>7004 0750 0000 8115 3025</p> <p>Domestic Return Receipt 102595-02-M-1540</p>