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AZ CORP COMMISSION
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**Report on the Status of ADEQ Compliance
Requirements of ACC Decision No. 67823**

As it relates to:

**In the Matter of the Application of Pine Water
Co. for a Determination of the Current Fair
Value of Its Utility Plant and Property, A Rate
Increase and For Approval to
Incur Long-Term Debt**

ACC Docket No. W-03512A-03-0279

ACC Decision No. 67823

By

Robert T. Hardcastle, President
Brooke Utilities, Inc.

A handwritten signature in black ink, appearing to be 'RTH', enclosed in a rectangular box.

Background: Regulatory Requirement

At the Open Meeting of May 3, 2005 the Arizona Corporation Commission (the "Commission") considered Pine Water Co.'s ("PWCo.") Application of Pine Water Co. for a Determination of the Current Fair Value of Its Utility Plant and Property, A Rate Increase and For Approval to Incur Long-Term Debt (the "Application"). The Commissioners of the Commission unanimously executed the Application on May 5, 2005 as Decision No. 67823 (the "Decision") which took effect in accordance with the terms and conditions of the Decision.

The Application required numerous compliance items as detailed on pages 12-14 including a report prepared by PWCo. discussing the current disposition of certain pending issues related to the Arizona Department of Environment Quality ("ADEQ"). These requirements are enumerated on page 14 at lines 5 through 7 of the Decision and read as follows:

- IT IS FURTHER ORDERED that Pine Water Co. shall file within 90 days of the effective date of this Decision a report discussing how these ADEQ matters have been resolved and what efforts the Company has taken to ensure that similar deficiencies are not likely to reoccur."

Pending ADEQ Matters

The ADEQ matters referenced in the applicable ordering paragraph concerned the following issues:

- (a) need for as-built drawings;
- (b) existing NOV for the Bloom and Weekes wells;
- (c) repair of outstanding plant facilities.
- (d) avoidance of similar plant deficiencies in the future

This Report on the Status of ADEQ Compliance Requirements of ACC Decision No. 67823 (the "Report") is PWCo.'s timely reply to this regulatory requirement.

As- Built Drawings

In 1994 ADEQ entered into Consent Order No. D-36-94 (the "Consent Order") with the owners of E&R Water Co., Inc. ("E&R"). Brooke Utilities, Inc. ("Brooke") did not own E&R until August 1996 and was unaware of the pendency of the Consent Order. Subsequent to Brooke's ownership of E&R it transferred the assets and certificate of convenience and necessity ("CC&N") to PWCo. subject to the Commission's approving Decision No. 60972 in 1998. Subsequent to Brooke's ownership of E&R ADEQ had conducted no less than three previous field inspections of the plant and facilities of PWCo. without providing any comments concerning the Consent Order. Not before ADEQ's NOV correspondence of November 2, 2004 had ADEQ advised PWCo. of the pendency of the Consent Order.

One provision of the Consent Order required PWCo. to develop a detailed set of "as-built" drawings of the plant and facilities of PWCo.'s water systems. Immediately following the issuance of the Decision, and in accordance with its requirements, PWCo. contacted ADEQ to discuss the unreasonableness and expense associated with this requirement. A teleconference meeting date of May 17 was established for this purpose.

During the May 17 teleconference involving Mr. Caulkins, Mr. Finton, Mr. Hardcastle of Brooke, and Brooke's Operations Manager, Mistie Jared, the issue of as-built drawings related to PWCo.'s water systems was thoroughly discussed. As a result of that discussion ADEQ modified its requirements clarifying that the Consent Order could be satisfied if PWCo. submitted "schematic" drawings instead of

as-built drawings. At the conclusion of the teleconference PWCo. committed to developing set of "schematic" drawings of its water systems and submitting to ADEQ before June 27, 2005.

On June 1, 2005 ADEQ issue a letter confirming our telephonic discussion of May 17 and the clarifying requirement of "schematic" drawings in lieu of as-built drawings of PWCo.'s water systems (see Exhibit 1).

Subsequently on June 10 Mr. Hardcastle forwarded a further clarifying letter to ADEQ regarding acknowledgement of its commitment to produce the "schematic" drawings of PWCo.'s water system (see Exhibit 2). Also contained in ADEQ's June 1 correspondence was information concerning required plant improvements and existing deficiencies. Mr. Hardcastle's June 10 letter provided PWCo.'s understanding of ADEQ's modified requirements and classification of plant improvements into three categories.

Almost two weeks prior to its commitment PWCo. submitted the "schematic" drawings to ADEQ for review and approval (see Exhibit 3). It is the expectation of PWCo. that its submittal of the "schematic" drawings of its water system will entirely satisfy the requirements of the Consent Order. Accordingly, PWCo.'s correspondence requested ADEQ's immediately closure of the Consent Order.

Current Status: Despite PWCo.'s diligent and frequent follow-up regarding the approval status of this matter ADEQ has not provided any response. During the May 17 teleconference ADEQ's Mr. Caulkins referred to the "time clock" provisions of Title 18 of the Arizona Administrative Code that require ADEQ's response not more than sixty days after receipt. Mr. Caulkins cautioned PWCo. that its reply should not likely be expected before the regulatorily required response date.

Existing NOV for the Bloom and Weekes Wells

On November 2, 2004 ADEQ issued a Notice of Violation ("NOV") for approved drawings of the Bloom and Weekes wells located in its water systems. More specifically, ADEQ required an Approval to Construct ("ATC") and Approval of Construction ("AOC") of these water sources. The requirement of an AOC for these wells was reiterated in ADEQ's correspondence of June 1 (see Exhibit 1, page 2, and item 2) as a "mandatory" compliance item.

Even prior to the May 17 teleconference with ADEQ PWCo. was working on resolution of this matter. On May 14 PWCo.'s engineering contractor submitted engineering drawings for both well sources (see Exhibit 4). In response to PWCo.'s engineering drawings ADEQ issued an ATC for the Bloom and Weekes wells under ADEQ File No. 20050255 (see Exhibit 5). As part of ADEQ's ATC it included item number 2 requiring an Engineer's Certificate of Completion (the "Certificate") be submitted as well. PWCo.'s engineering contractor submitted the subsequently required Certificate immediately thereafter on May 25 (see Exhibit 6).

Unexpectedly, PWCo. received ADEQ's latest correspondence of July 14 requiring disinfection and flushing certificates of the Bloom and Weekes wells before an AOC can be issued (see Exhibit 7). PWCo. believes ADEQ's latest compliance request is in error and unnecessary because of the retroactive status of issuance of this AOC. PWCo.'s engineer has had telephonic discussions regarding this matter and informed ADEQ of the retroactive status of the AOC. Surprisingly, ADEQ was not aware of this point. As a consequence of their telephonic discussion ADEQ has modified its previous requests for disinfection and flushing certificates to currently require PWCo.'s latest Total Coliform test results. PWCo. has provided this required information to its engineering contractor who, in turn, submitted same to ADEQ during the week ending July 29, 2005.

Current Status: ADEQ's issuance of the AOC remains pending.

Repair of Outstanding Plant Deficiencies

ADEQ's NOV dated November 2, 2004 also contained significant information concerning plant and infrastructure deficiencies. Numerous items contained in the NOV were characterized as "required" that PWCo. believes should have been characterized as "recommendations".

During PWCo.'s May 17 teleconference with ADEQ many of the plant deficiencies were thoroughly discussed. As a result of the teleconference it became clear to PWCo. that ADEQ's NOV comments were somewhat over zealous in their seriousness. During the teleconference PWCo. requested ADEQ clarify the importance of many of these issues into a prioritized list of mandatory and non-mandatory items.

As a result of PWCo.'s request for clarification during the May 17 teleconference ADEQ appropriately responded in their June 1 correspondence (see Exhibit 1, pages 2 and 3) with a prioritized list of PWCo. plant deficiencies. As expected by PWCo. only two "mandatory" items were included on ADEQ's prioritized schedule. One item included on the schedule had already been resolved as was noted as "done & closed". The remaining mandatory item included the Bloom and Weekes well AOC's discussed above.

ADEQ further prioritized only four items as "Must Do". These items included the following:

- (1) repair or construct well slabs
- (2) secure wells and storage tanks
- (3) identify/sign each well
- (4) install security gate on storage tank fences

In response to these ADEQ "Must Do" compliance items PWCo. has accomplished the following:

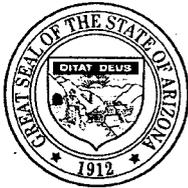
- (1) repaired, rebuilt, or constructed three well slabs and plans on completing all required well slabs by the end of 2005;
- (2) has secured all storage tanks except three which are scheduled for completion by years end;
- (3) properly identified all well sites except five sites which will be complete by years end;
- (4) completed all security gates on storage tank fences.

All other plant improvements contained in the ADEQ June 1 correspondence were prioritized as "recommendations". This list of "recommended" system improvements is consistent with PWCo.'s understanding of the requirements of ADEQ's NOV.

Future Avoidance of Similar Deficiencies

During the period following the Decision PWCo. and Brooke have been intently focused on management of the water systems so that customers can receive as few service interruptions as possible. Thus far during 2005, all Brooke water systems have maintained Stage 1 water conservation service levels throughout the peak demand period.

At the conclusion of the peak demand season, on or about October 1, PWCo. and BUI will develop a revised inter-Company plant inspection report that provides advance notice of any conditions requiring pro-active attention. PWCo. expects to implement this internal inspection system before the end of the year and avoid plant deficiencies in the future like those included on ADEQ's NOV.



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

FS-05-631
June 1, 2005

Exhibit 1

Robert Hardcastle
Brooke Utilities, Inc.
P.O. Box 82218
Bakersfield, California 93380

Re: Condition Clarification of the November 2, 2004 Notice of Violation

Dear Mr. Hardcastle:

As a result of our teleconference call on May 17, 2005, I am sending you this letter to clarify several issues in the November 2, 2004 Notice of Violation (NOV) issued to Pine Water Co – Pine, PWS 04-034 and PWS 04-043.

In the teleconference, you indicated that ADEQ was requiring Brooke Utilities to submit as-built drawings for the complete water system. I have reviewed the November 2, 2004 inspection report and Consent Order D-36-94 for references to system schematics and as-built plans. The inspection report references as-built plans in the first paragraph of the Summary of Field Observations section on page 2 and again on page 3. The page 2 reference is in regard to the requirements in the Consent Order and the page 3 reference is stating that the facility does not have as-built plans, but it is not making any requirement for submitting as-built plans. The requirement for submitting as-built plans in the Consent Order's Compliance Schedule B.1 reads as follows:

Submit to the Department as-built plans signed and sealed by a professional engineer registered in the State of Arizona. Such plans shall pertain to changes to the existing water system made since May 1, 1990; four inter-ties; all new-source facilities including, but not limited to, the Jones Well, Brookview Wells, Portal Wells, the booster systems, and any other additions.

Even in the Consent Order, there was no requirement for complete system as-built plans, only for the portion of the system that has the new construction. With the long elapsed time of the Consent Order and constructed operating units, I do not see where as-built plans would be beneficial at this time. To resolve this issue, the Consent Order will need to be closed.

There is one requirement in the Consent Order that is still valid and needs to be resolved. Paragraph B.2 in the Compliance Schedule reads as follows:

Submit to the Department schematic plans for the complete system known to UMOS as of May 1, 1990, and any improvements thereon.

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Robert Hardcastle
June 1, 2005
Page 2

ADEQ still does not have an accurate schematic of the water system. As an inspector, I would prefer as-built plans, but I realize that these do not exist and they would be difficult to develop. Therefore for inspection purposes, accurate system schematics will have to do. Once Brooke Utilities submits a system schematic, I will be recommending that the Enforcement Unit close Consent Order D-36-94.

The NOV to Pine Water Company contained a Notice of Opportunity to Correct (NOC) section that listed as a violation the failure of Brooke Utilities to sign each well to notify individuals not to trespass and to allow identification of the well. This prior inspector recommendation was raised to an NOC for the following reasons:

- 1) Onsite representatives have led ADEQ inspectors to different wells at different times and locations; therefore, an accurate inventory of sources/names has been difficult to establish (ie., Portals III and Portals 3) and 2) MAP samplers have been unable to identify point of entry locations in the water system, which has resulted in erroneous system sampling.

Brooke Utilities requested a checklist that identifies the priority status of the various items. The following is a list of the items that Pine Water Company needs to accomplish:

MANDATORY ITEMS

1. Submit Consumer Confidence Report for Strawberry (done & closed)
2. Obtain an AOC for Weeks and Bloom wells.

MUST DO (in time)

1. Repair or construct well slabs.
2. Secure wells and storage tanks.
3. Identify/sign each well.
4. Install a secure gate on storage tank fences.

RECOMMENDATIONS (possible to escalate)

1. Submit microbiological site sampling plan (this is a mandatory violation, but only listed as a recommendation at this time because the system is changing)
2. Rebuild Portals III well so that it is not in a vault (will go to a mandatory violation if the well starts experiencing positive coliforms)
3. Replace Strawberry View #1 storage tank (could become a violation if visibly leaking and the system is experiencing a water shortage)

4. Clean well slabs and buildings (could become a violation if the system experiences positive coliforms)
5. Extend Brookview #3 well casing.
6. Keep storm water from washing dirt into the bedding rings.
7. Screen target cable openings.
8. Install a well vent on the Canyon Tanks well.
9. Replace missing storage tank bedding material.
10. Place a splash pad under the overflow pipe on the Canyon Tanks.
11. Install a lockable hatch on the south Canyon Tank.
12. Place the Portals #2 electrical splice inside the electrical box.
13. Remove floating material in the storage tanks.
14. Remove the manzanita around the Portals II tank.
15. Repair the electrical conduit on top of the Pine Ranch storage tank.
16. Replace the bedding material in the Pine Ranch storage tank.
17. Repair leaking 2,000 gallon pressure tank at Strawberry Pines.
18. Watch for corrosion problems in the Strawberry Creek Foothills tank.
19. Consider a more even chlorine distribution arrangement in Strawberry.
20. Consider employing more than one certified operator.

During the teleconference Mr. Hardcastle commented that the November 2, 2004 inspection report was significantly more extensive than previous inspections by the inspector. The inspector agrees with this observation and was trying to make sure that all aspects of the system were inspected and documented. Even with this extra effort, the inspector has since discovered that three (3) wells in the Strawberry area were not included in the inspection report. The inspector believes that the three wells are Strawberry Ranch #2, Strawberry Ranch #3 and Strawberry Creek Foothills. All three wells were in good shape and no violations were observed at any of the wells.

Robert Hardcastle
June 1, 2005
Page 4

If you need any additional information or help, please feel free to contact me at (800) 234-5677
ext. 771-7667.

Sincerely,



Patrick Finton
Water Quality Field Services Unit

cc: Mistie Jared, Brooke Utilities, Inc., P.O. Box 82218, Bakersfield, CA 93380
Marlin Scott, Jr., AZ Corporation Commission, 1200 W Washington, Phx, AZ 85007
WQFSU Reading File

Brooke Utilities, Inc.

P. O. Box 82218 • Bakersfield, California 93380-2218
Customer Call Center • P.O. Box 9016 • San Dimas, California 91773-9016 • (800) 270-6084

FILE COPY

Exhibit 2

ROBERT T. HARDCASTLE
(661) 633-7526
Fax (781) 823-3070
RTH@brookeutilities.com

June 10, 2005

VIA FACSIMILE (602) 771-4505

Patrick Finton
Arizona Department of Environmental Quality
1110 West Washington St.
Phoenix, AZ 85007

Re: **November 2, 2004 Notice of Violation, Pine Water Co., Inc., Pine, AZ**

Dear Mr. Finton,

Thank you for your recent correspondence of June 1, 2005 regarding the above referenced matter. We are pleased to see ADEQ's practical conclusion regarding the issue of as-built plans of the former E&R Water Co. water system in Pine.

I have discussed the importance of this matter with our operations staff. We will complete schematic water system plans of the Pine water systems and submit same to ADEQ not later than June 27, 2005. Upon receipt of these documents we will look forward to ADEQ timely closing Consent Order D-36-94 related thereto.

Further, page 2 of your correspondence titled "Mandatory Items" needs additional clarification. Item 1 thereof has been closed. As it relates to remaining Item 2 please be advised that our engineering firm, Tetra Tech, submitted an application and plans to ADEQ on or about May 21, 2005 for review and issuance of an Approval of Construction ("AOC") for the Bloom and Weekes wells. As you will recall this action was done in accordance with our commitment provided during the May 17, 2005 conference call. Since that date we have inquired into the confirmed receipt, status, and expected approval date of this submittal to ADEQ without reply. In this regard, please provide the following at your earliest convenience:

- (1) confirmation of receipt of subject application and plans for issuance of an AOC for the Bloom and Weekes wells;
- (2) confirm ADEQ file number 20050255 as the applicable reference for this matter
- (3) projected issuance date of an AOC for this matter.

Patrick Finton
Arizona Department of Environmental Quality
June 10, 2005

Also, in the interest of clarify it would be helpful if you would more precisely define your expectation of "in time" as it relates to the "Must Do" items referenced in your correspondence. We want to be ensured that our understanding of this term is consistent with ADEQ's.

We look forward to your earliest convenient reply.

Sincerely,

FILE COPY
[Handwritten signature]

Robert T. Hardcastle
President

cc:

RTH correspondence file
MJ, DS
JC, ADEQ
MS, ACC

Brooke Utilities, Inc.

P. O. Box 82218 • Bakersfield, California 93380-2218
Customer Call Center • P.O. Box 9016 • San Dimas, California 91773-9016 • (800) 270-6084

FILE COPY

ROBERT T. HARDCASTLE
(661) 633-7526
Fax (781) 823-3070
RTH@brook UTILITIES.COM

June 15, 2005

Patrick Finton
Arizona Department of Environmental Quality
1110 West Washington St.
Phoenix, AZ 85007

Exhibit 3

Re: November 2, 2004 Notice of Violation, Pine Water Co., Inc., Pine, AZ

Dear Mr. Finton,

In accordance with our previous correspondence dated June 10 please find enclosed two (2) schematic copies of Pine Water Co.'s operations maps. In our opinion this submittal completely satisfies the mandatory requirements of your November 4, 2004 Notice of Violation as well as the requirements under your subsequent June 1, 2005 correspondence. Accordingly, we request that ADEQ immediately close Consent Order D-36-94 and notify us of your action.

Thank you for your assistance in this matter.

Sincerely,


FILE COPY

Robert T. Hardcastle
President

cc:

RTH correspondence file
MJ, DS
JC, ADEQ
MS, ACC

Exhibit 4



TETRA TECH, INC.

431 South Beeline Highway, Payson, AZ 85541
Tel: 928.474.4636 Fax: 928.474.4867

TRANSMITTAL

TO: Arizona Department of Environmental Quality, Engineering Review Desk
1110 W. Washington St.
Phoenix, Arizona 85007

FROM: Dan Fitzpatrick

DATE: 03/14/05

ATTN: _____ **PROJECT:** Pine Wells Development

PHONE: (602) 771-2300 **JOB NO:** 1333.0007

Fax Number: _____ Number of pages sent (including this cover): _____ pages. If you do not receive all pages or if transmission is not clear, please call Tetra Tech, Inc at (928) 474-4636.	
Messenger - Delivery	____ Pickup ____ Other ____
Standard Mail	
<input checked="" type="checkbox"/> FedEx Overnight	<u>792870109870</u>

WE ARE SENDING YOU:

Copies	Description
1	Application for Approval to Construct Drinking Water Facilities
2	Design Reports for well Nos. 55-571532 and 55-565901
4	Sets of Improvement Plans

If enclosures are not as noted, please notify us promptly.

THESE ARE TRANSMITTED:

For Approval As Requested
 For Your Use For Review and Comment

REMARKS:

COPY TO: Mistie Jared//Brooke Utilities, Inc.

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF APPROVAL TO CONSTRUCT
DRINKING WATER FACILITIES

Exhibit 5

Page 1 of 2

ADEQ FILE NO.: 20050255	LTF NO.: 35841
SUPPLYING SYSTEM NAME: Pine Water Company	PUBLIC WATER SYSTEM NO.: 04-034
PROJECT NAME: Pine Well Development - Weekes Well and Bloom Well	
PROJECT OWNER: Brooke Utilities, Inc.	
ADDRESS: P. O. Box 82218, Bakersfield, CA 93380	
LOCATION: S30 T12N R9E and S25 T12N R8E	COUNTY: Gila
PROJECT DESCRIPTION: Construct well houses and connect to the Pine Water System Weekes Well (DWR Reg. No. 55-563901) and Bloom Well (DWR Reg. No. 55-571532).	

Approval to Construct the above-described facility as represented in approved plan documents on file with the Arizona Department of Environmental Quality is hereby given subject to the following provisions:

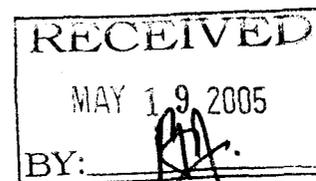
1. This project must be constructed in accordance with all applicable laws, including Title 49, Chapter 2, Article 9 of the Arizona Revised Statutes and Title 18, Chapter 5, Article 5 of the Arizona Administrative Code.
2. Upon completion of construction, the engineer shall fill out the Engineer's Certificate of Completion, and forward it to ADEQ's Office - Phoenix. If all requirements have been completed, that office will issue a Certificate of Approval of Construction. R18-5-507(B), Ariz. Admin. Code. At the project owner's request, the Department *may* conduct the final inspection required pursuant to R18-5-507(B); such a request must be made in writing in accordance with the time requirements of R18-5-507(C), Ariz. Admin. Code.

Provisions 3 through 5 are continued on Page 2 of 2 total pages

KA:MAH:mah
50255w4m.55t

By: Kwame Agyare 5/12/05
Kwame A. Agyare, Acting Manager Date Approved
Technical Engineering Unit
Drinking Water Section
Water Quality Division

cc: File No: 20050255, 35841
County Health Department: Gila
Drinking Water Field Engineering/Inspection Unit - Phoenix
Planning & Zoning: Gila County
Ralph Orland Bossert, P.E.
Engineering Review Database
Romann Diaz, Manager, Field Service Unit



CERTIFICATE OF APPROVAL TO CONSTRUCT DRINKING WATER FACILITIES:
ADEQ FILE NO. 20050255: PINE WELLS DEVELOPMENT - WEEKES WELL AND BLOOM WELL
PAGE 2 OF 2: PROVISIONS, CONTINUED

3. This certificate will be void if construction has not started within one year after the Certificate of Approval to Construct is issued, there is a halt in construction of more than one year, or construction is not completed within three years of the approval date. Upon receipt of a written request for an extension of time, the Department may grant an extension of time; an extension of time must be in writing. R18-5-505(E), Ariz. Admin. Code.
4. Operation of a newly constructed facility shall not begin until a Certificate of Approval of Construction has been issued by the Department. R18-5-507(A), Ariz. Admin. Code.
5. Before construction of a modification, expansion, or alteration of this distribution system begins, a separate Approval to Construct applicable to each addition must be obtained. R18-5-505(B), Ariz. Admin. Code.

Exhibit 6



TETRA TECH, INC.

431 South Beeline Highway, Payson, AZ 85541
Tel: 928.474.4636 Fax: 928.474.4867

TRANSMITTAL

TO: Arizona Department of Environmental
Quality, Engineering Review Desk

FROM: Dan Fitzpatrick, PE

1110 W. Washington St.

DATE: 05/25/05

Phoenix, Arizona 85007

ATTN: _____

PROJECT: Pine Wells Development

PHONE: (602) 771-2300

JOB NO: 1333.0007

	Fax Number: _____ Number of pages sent (including this cover): _____ pages. If you do not receive all pages or if transmission is not clear, please call Tetra Tech, Inc at (928) 474-4636.
	Messenger - Delivery ____ Pickup ____ Other ____
X	Standard Mail
	FedEx Overnight

WE ARE SENDING YOU:

Copies	Description
1	Engineer's Certificate of Completion
2	Copy of the Certificate of Approval to Construct Drinking Water Facility

If enclosures are not as noted, please notify us promptly.

THESE ARE TRANSMITTED:

X For Approval

X As Requested

____ For Your Use

____ For Review and Comment

REMARKS:

COPY TO: Mistie Jared//Brooke Utilities, Inc.



Jane Dee Hull
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

3033 North Central Avenue • Phoenix, Arizona 85012-2809
(602) 207-2300 • www.adeq.state.az.us



Jacqueline E. Schafer
Director

July 14, 2005

Dan C. Fitzpatrick, P.E.
TETRA TECH, INC.
431 S. Beeline Highway
Payson, AZ 85541
Fax: (520) 474-4867

Exhibit 7

**RE: Engineering Review File No. 20050255
Pine Well Development - Weekes Well and Bloom Well
Gila County, Arizona**

Dear Mr. Fitzpatrick:

As the assigned reviewer for the referenced project, I have determined that the following must be supplied Per A.A.C. R18-5-507, before an Approval of Construction (AOC) can be issued by the department:

Provide well and piping disinfection, flushing, and bact & chlorine test data.

Although I cannot assure you that AOC issuance can be accomplished by any particular date, I can assure you that your prompt response will accelerate that process. If you have any questions about this letter, please call me at 1-800-234-5677, extension 4589, or 602-207-4589.

Sincerely,

Mohamed A. Hegazy, Ph.D., P.E.
Technical Engineering Unit, DWS, WQD

MAH:mah
50255D4M.57L

cc: Design Review File 20050255
Brooke Utilities, Inc., P.O.Box 82218, Bakersfield, CA 93380

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(520) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733