



BEFORE THE ARIZONA CORPORATION

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COMMISSIONERS

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2005 OCT 12 P 4:40

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
PALO VERDE UTILITIES COMPANY FOR AN
EXTENSION OF ITS EXISTING CERTIFICATE
OF CONVENIENCE AND NECESSITY.

Docket No. SW-03575A-04-0767

IN THE MATTER OF THE APPLICATION OF
SANTA CRUZ WATER COMPANY FOR AN
EXTENSION OF ITS EXISTING CERTIFICATE
OF CONVENIENCE AND NECESSITY.

Docket No. W-03576A-04-0767

**MOTION FOR SUBSTITUTION
NUNC PRO TUNC OF ATTACHMENT "A"
(LEGAL DESCRIPTION AND MAP)
TO DECISION NO. 67830**

Palo Verde Utilities Company, LLC and Santa Cruz Water Company (together "the Companies"), through undersigned counsel, moves for an order nunc pro tunc substituting the attached legal description and map for Attachment "A" to Decision No. 67830. In support of this motion, the Companies state as follows:

1. The Recommended Opinion and Order in these dockets included a map and an "Amended" Legal Description of the proposed CC&N extension area as Attachment "A". The map and legal description had been attached to the Staff Report.

2. On April 28, 2005, shortly after the Recommended Opinion and Order was docketed, Commission Staff filed a Motion for Substitution of Legal Description and Amended Map. In the motion, Staff requested that a "Substituted" legal description and amended map be substituted in place of the legal description and map that had been attached to the Staff Report.

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1 The Companies supported the motion. Copies of the "Substituted" legal description and amended
2 map are attached to this Motion.

3 3. However, the correct "Substituted" legal description and amended map were not
4 attached to the signed Decision No. 67830. Rather, the original "Amended" legal description and
5 map were inadvertently attached as Attachment "A" to Decision No. 67830.

6 4. The Companies request an order nunc pro tunc substituting the attached
7 "Substituted" legal description and amended map for the current Attachment "A" to Decision No.
8 67830. Commission Staff supports this request.

9 WHEREFORE, Palo Verde Utilities Company and Santa Cruz Water Company request
10 that the Commission grant the Motion for Substitution Nunc Pro Tunc of Attachment "A" (Legal
11 Description and Map) to Decision No. 67830.

12 RESPECTFULLY submitted this 12th day of October 2005.

13 ROSHKA DEWULF & PATTEN, PLC

14 By 

15 Michael W. Patten
16 One Arizona Center
17 400 East Van Buren Street, Suite 800
18 Phoenix, Arizona 85004

19 Original + 15 copies of the foregoing
20 filed this 12th day of October 2005, with:

21 Docket Control
22 ARIZONA CORPORATION COMMISSION
23 1200 West Washington
24 Phoenix, Arizona 85007

25 Copies of the foregoing hand-delivered/mailed
26 this 12th day of October 2005, to:

27 Dwight Nodes, Esq.
Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

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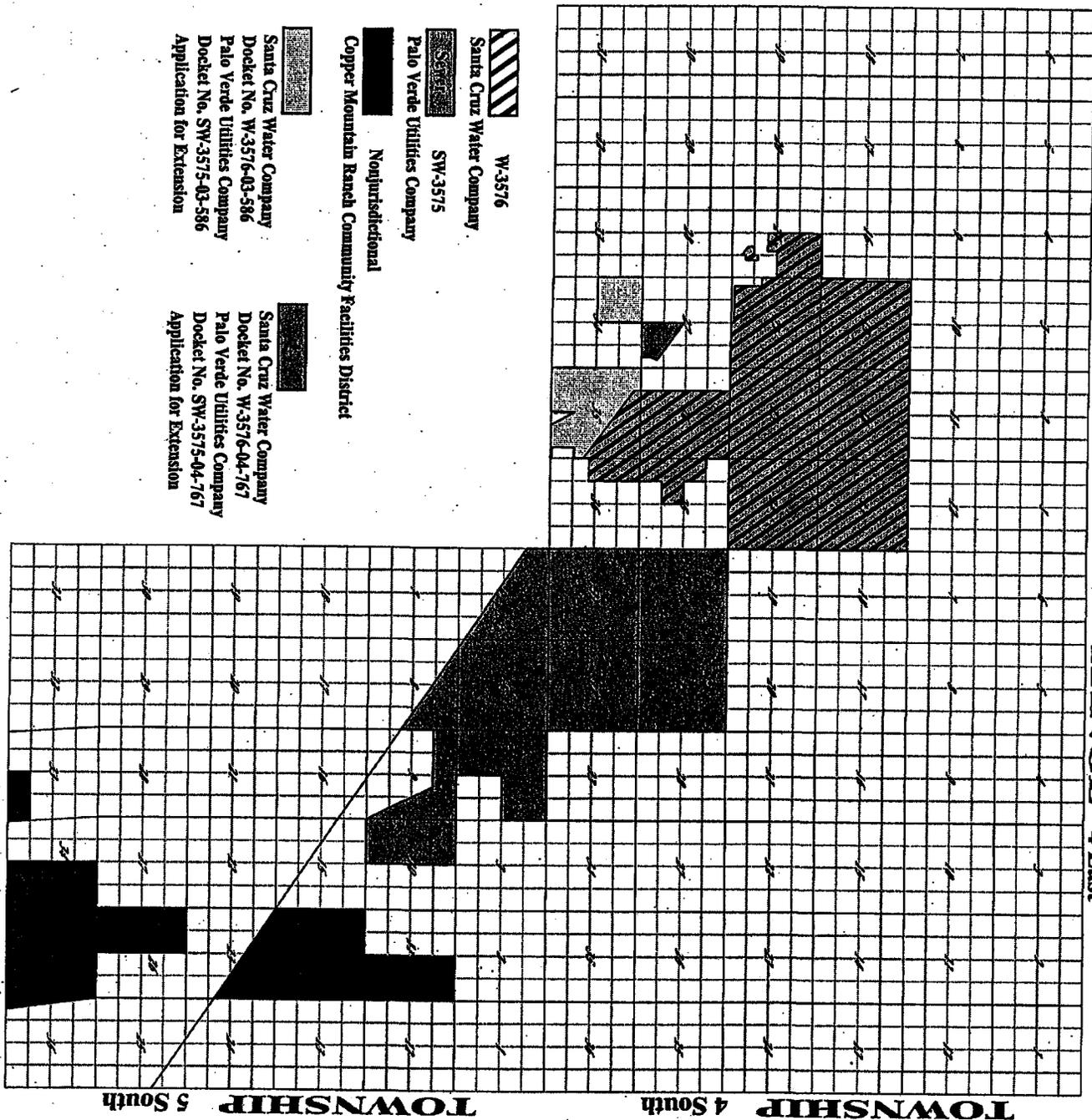


ATTACHMENT

COUNTY of Pinal

RANGE 3 East

RANGE 4 East



-  **W-3576**
Santa Cruz Water Company
 -  **SW-3575**
Santa Cruz Water Company
 -  Palo Verde Utilities Company
 -  Nonjurisdictional
 -  Copper Mountain Ranch Community Facilities District
-
-  **W-3576**
Santa Cruz Water Company
Docket No. W-3576-03-586
 -  **SW-3575**
Santa Cruz Water Company
Docket No. SW-3575-03-586
Application for Extension
 -  Palo Verde Utilities Company
Docket No. SW-3575-04-767
Application for Extension
 -  Palo Verde Utilities Company
Docket No. W-3576-04-767
Application for Extension

TOWNSHIP 4 South **TOWNSHIP 5 South**

EXHIBIT "3"
(SUBSTITUTED)
LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR PORTION OF EXPANSION EAST OF CURRENT SERVICE AREA:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 4 SOUTH, RANGE 4 EAST, GILA & SALT RIVER BASE & MERIDIAN, PINAL COUNTY, ARIZONA, SAID NORTHWEST CORNER OF SAID SECTION 30 BEING THE TRUE POINT OF BEGINNING;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 30 AND CONTINUING EASTERLY ALONG THE NORTH LINE OF SECTION 29, TOWNSHIP 4 SOUTH, RANGE 4 EAST, TO THE NORTHEAST CORNER OF SAID SECTION 29;

THENCE SOUTHERLY ALONG THE EASTERLY LINES OF SAID SECTION 29 AND SECTION 32, TOWNSHIP 4 SOUTH, RANGE 4 EAST, TO THE SOUTHEASTERLY CORNER OF SAID SECTION 32;

THENCE EASTERLY ALONG THE NORTH LINE OF SECTION 4, TOWNSHIP 5 SOUTH, RANGE 4 EAST, TO THE NORTHEAST CORNER OF SAID SECTION 4;

THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID SECTION 4 TO THE EAST QUARTER CORNER THEREOF;

THENCE WESTERLY ALONG THE EAST-WEST MIDSECTION LINE OF SAID SECTION 4 TO THE CENTER OF SAID SECTION 4;

THENCE SOUTHERLY ALONG THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 4 TO THE SOUTH QUARTER CORNER THEREOF;

THENCE EASTERLY ALONG THE COMMON EAST-WEST SECTION LINE BETWEEN SAID SECTION 4 AND SECTION 9, TOWNSHIP 5 SOUTH, RANGE 4 EAST TO THE SOUTHEASTERLY CORNER OF SAID SECTION 4;

THENCE CONTINUING EASTERLY ALONG THE NORTH LINE OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 4 EAST TO THE NORTH QUARTER CORNER OF SAID SECTION 10;

THENCE SOUTHERLY ALONG THE NORTH-SOUTH MIDSECTION LINE OF SAID SECTION 10 TO THE SOUTH QUARTER CORNER OF SAID SECTION 10;

THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 10 TO THE SOUTHWEST CORNER OF SAID SECTION 10;

THENCE NORTHWESTERLY ALONG A LINE DESCRIBED AS FOLLOWS:
BEGINNING AT THE COMMON SOUTHERLY SECTION CORNER BETWEEN
THE AFOREMENTIONED SECTIONS 9 AND 10, THENCE NORTHWESTERLY
ON A LINE TOWARDS THE NORTH QUARTER CORNER OF SAID SECTION 9
TO A POINT, SAID POINT BEING DESCRIBED AS THE INTERSECTION OF SAID
NORTHWESTERLY LINE AND AN EAST-WEST LINE LYING 1397.53 FEET
SOUTH, AND PARALLEL TO THE NORTH LINE OF SAID SECTION 9;

THENCE WESTERLY ALONG THE LINE WHICH LIES 1397.53 FEET
SOUTHERLY OF THE NORTH LINE OF SECTION 9 TO THE WEST LINE OF
SAID SECTION 9;

THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 9 TO THE
INTERSECTION OF THE WEST LINE OF SAID SECTION 9 AND THE
NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD;

THENCE NORTHWESTERLY ALONG THE UNION PACIFIC RAILROAD RIGHT-
OF-WAY TO THE INTERSECTION OF SAID RAILROAD RIGHT-OF-WAY AND
THE WEST LINE OF SECTION 6, TOWNSHIP 5 SOUTH, RANGE 4 EAST;

THENCE NORTHERLY ALONG THE WEST LINE OF SAID SECTION 6 TO THE
NORTHWEST CORNER THEREOF;

THENCE CONTINUING NORTHERLY ALONG THE WEST LINES OF SECTIONS
31 AND 30, TOWNSHIP 4 SOUTH, RANGE 4 EAST, TO THE NORTHWEST
CORNER OF SAID SECTION 30 AND THE TRUE POINT OF BEGINNING.

**LEGAL DESCRIPTION FOR PORTION OF EXPANSION SOUTH OF THE
UNION PACIFIC RAILROAD:**

THAT PORTION OF SECTION 26 AND SECTION 27, TOWNSHIP 4 SOUTH,
RANGE 3 EAST, GILA & SALT RIVER BASE AND MERIDAN, PINAL COUNTY,
ARIZONA, DESCRIBED AS FOLLOWS:

THE SOUTHWEST QUARTER OF SAID SECTION 26 AND THE SOUTHEAST
QUARTER OF SAID SECTION 27 LYING SOUTHERLY OF THE SOUTHERLY
RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; EXCEPT THAT
PORTION OF SAID SOUTHWEST QUARTER OF SECTION 26 AND THE
SOUTHEAST QUARTER OF SECTION 27 LYING WITHIN THE FOLLOWING
DESCRIBED PARCEL:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 26,
TOWNSHIP 4 SOUTH, RANGE 3 EAST, FROM WHICH THE SOUTHWEST
CORNER OF SAID SECTION 26 BEARS S89°05'38"W A DISTANCE OF 2635.13
FEET;

THENCE S89°05'38"W ALONG THE SOUTH LINE OF THE SOUTHWEST
QUARTER OF SAID SECTION 26 TO THE INTERSECTION OF THE SOUTH LINE
OF THE SOUTHWEST QUARTER OF SAID SECTION 26 WITH THE SOUTHERLY
RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD A DISTANCE OF
1811.49 FEET;

THENCE N53°52'12"W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO A POINT 30 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 26 A DISTANCE OF 49.81 FEET AND THE POINT OF BEGINNING;

THENCE S89°05'38"W AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 26 TO A POINT ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 27 THAT BEARS N00°03'29"E A DISTANCE OF 30.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 27 A DISTANCE OF 783.38 FEET;

THENCE S89°05'38"W AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 26 A DISTANCE OF 0.23 FEET;

THENCE N89°51'46"W AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 27 A DISTANCE OF 569.55 FEET;

THENCE N24°43'54"W ALONG THE WEST LINE OF THE SANTA ROSA WASH EASEMENT RECORDED IN FEE NUMBER 2003-008603 A DISTANCE OF 121.99 FEET;

THENCE N00°47'54"W ALONG THE WEST LINE OF SAID EASEMENT A DISTANCE OF 428.42 FEET;

THENCE N20°03'27"E ALONG THE WEST LINE OF SAID EASEMENT TO THE INTERSECTION OF THE WEST LINE OF SAID EASEMENT WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD A DISTANCE OF 421.29 FEET;

THENCE S53°52'12"E ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 27 A DISTANCE OF 597.88 FEET;

THENCE S53°52'12"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 969.05 FEET TO THE POINT OF BEGINNING.