

INTERVENTION RECEIVED



December 2, 2005

Arizona Corporation Commission
Docket Control
1200 W. Washington St.
Phoenix, AZ 85007

2005 DEC -6 P 12:10

AZ CORP COMMISSION
DOCUMENT CONTROL

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RE: MOTION TO INTERVENE in the Variance to Order (Docket No W-035 14A-04-0729) request of Whispering Pine Fire District related to the water meter moratorium Decision No. 677347 issued under Docket No. W-03514A-05-0352 for the Brooke Utilities, Inc. Payson Water Co. Division-Geronimo System.

To the Arizona Corporation Commission
RE: Payson Water Co., Brooks Water service in Geronimo Estates, Gila County

I am a property owner in the Geronimo Estates subdivision and customer of Payson Water Company. In the matter before you, positions were represented by individuals that I believe may not adequately or accurately represent the full community. I am unaware of any individual who is or can be authorized to speak for the community.

I support the availability of a water supply to the Whispering Pines Fire District Station No. 73, located in Geronimo Estates and have noted that there has been a solution presented in an existing unused meter offered by a property owner for transfer.

I support additional hook-ups to the existing system but only if the water supply is judged sufficient. The assessment should consider a long period of conditions not just the recent conditions. For example, your staff report seems based only on six months of data during this year which to date has had 11.8% precipitation above the 10-year norm of 22.07 inches based on National Weather Service data. Together, 2004 and 2005 experienced precipitation at an average rate 18.7% higher than the 10-year norm. As recently as 2002 the precipitation was just 9.56 inches total, 56.6% lower than the 10-year norm. To protect the interests of the entire community, I urge the commission to act with prudence, and error on the side of caution, when deciding whether or not the current water supply can support additions.

In order to make an appropriate decision, I believe that the commission should consider all the risk factors of the Geronimo water situation. This includes the fact that the original developer of the Elusive Acres water supply has initiated actions that may result in the severance of the Elusive Acres supply from the Geronimo Acres water system. There is available testimony from longtime residents that the old Geronimo well was insufficient for the subdivision when it was the sole water supply. There is risk here that this old well may again be the sole available water supply for the Geronimo Estates subdivision proper and I suggest that this should be considered.

I have been a property owner in Geronimo Estates for 28 years. I believe that Payson Water Co. service and rates have been good, although I do believe that Payson Water Co. should be held responsible for providing a dependable source and delivery infrastructure.

It appears from docket files that the commission has been led to believe that the Geronimo Estates homeowners group may be interested in purchasing the water system if Payson Water Co. cannot or will not explore additional water sources or expanded infrastructure. To my knowledge, there is no entity or group who has expressed this interest or who can legally or appropriately express this interest. I am opposed to any such purchase.

As a Geronimo Estates subdivision property owner and customer of Payson Water Co., I wish to intervene in the case of the Variance of the Order for a water meter filed by the Whispering Pines Fire District under the Docket indicated above.

I hereby certify that a copy of this Notice of Intervention has been mailed to Robert Hardcastle,
Brooke Utilities, Payson Water Co. Division, P. O. Box 82218, Bakersfield, CA 93380-2218.

Respectfully,

A handwritten signature in cursive script that reads "James Dye".

James Dye
HC 8, Box 449
Payson, AZ 85541