

ORIGINAL



0000042701

**TACNA WATER MANAGEMENT COM
DOCKET #W-01344A-04-0815**

2993 S ARIZONA AVE
YUMA, AZ 85364
PH 928-341-9885
FX 928-341-0180

AZ CORP COMMISSION
DOCUMENT CONTROL

2006 FEB 15 A 11: 59

RECEIVED

Docket Control
Arizona Corporation commission
1200 W. Washington
Phoenix Az 85007

Re: DOCKET NO. W-01344A-04-0815 Reply to Motion to Intervene, support letter for Tacna Water Management Company's expansion Yuma county Board of Supervisors letter on Franchise, and.

Mohawk Utility Company motion to Intervene Testimony sent to us by certified mail has the wrong Docket # W-01344-04-0815 it should be Docket # W-01344A-04-0815 attached (Document A-1, and A-2). In reviewing Mohawk utility companies, existing CC&N Cadastral maps with a Arizona Corporation Commission (attached document A) does not match their recent filing for an extension of Its CC&N Cadastral maps for existing area (attached document AA). We would like a clarification on this matter please. Attached is a signature sheet of property owners that have been requesting water from Mohawk Utility Company for years these property owners' own approximately 150 to 200 lots (attached signature document B and map documents BB, BB-1, BB-2, BB-3, BB-4). One of the problems with Mohawk Utility Company supplying these lots is that most of these lots are out of the Wellton Mohawk Irrigation and Drainage District boundaries. The Wellton Mohawk Irrigation and Drainage District will not allow District water outside their boundaries at this time.

We have addressed these issues with the Wellton Mohawk Irrigation and Drainage District and have just completed a hydrologic study and recently received approval on our groundwater for an adequate water supply (letter from Arizona Department of Water Resources attached document C) which will allow us to go outside the district boundaries to service customers in these areas. It was determined that sufficient ground water is physically available to meet the projected demand of approximately 1747 acre-feet per year for 100 years. The results of the Arizona Department of water resource's hydrologic review fulfill the requirements of or R12-15-716 (C) and can be cited in applications for statements of water adequacy, analysis of adequate water supply, or designation of adequate water supply.

Addressing other conflict areas mentioned in Mohawk Utility Companies letter. We can only reply that we filed for an extension of our CC&N in 2004 and have property owner requests in all these areas anxious to receive water as soon as possible, which are hindering sales and development of their properties. We are capable and ready to meet their needs upon approval from the Arizona Corporation commission.

We have attached letter (document D) from the Yuma County Board of Supervisors on the progress of our soon to be approved franchise with Yuma County. In speaking with Sue Stallworth with the Yuma County Board of Supervisors and Juan Rubio Planner 2 with the Yuma County Development Services Yuma County does not designate areas for individual utilities companies. In fact, Franchise areas, many times overlap for instance, Gas lines, telephone lines, and electrical lines are allowed to use the same Yuma County right ways.

Sincerely

A handwritten signature in black ink, appearing to read "Don Kelland". The signature is fluid and cursive, with a large initial "D" and "K".

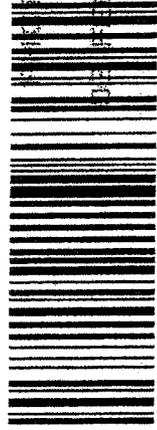
Don Kelland

Tacna Water Management Company

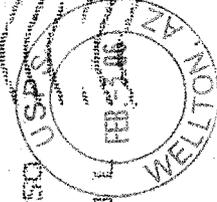
Doc. A-1

MOHAWK UTILITY COMPANY, INC.
Robert C. Rockwell
Colleen Lownds
36140 Antelope Dr./P.O. Box 1194
Wellton, AZ 85356-7120

CERTIFIED MAIL™



7005 1820 0002 7733 6878

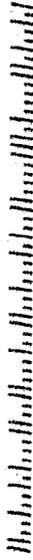


WELLTON, AZ 85356
FEB 05 PM 3:11



Tacna Water Mgmt Co,
2993 S. Arizona Ave
Yuma Az 85364

95364+9231



MOHAWK UTILITY COMPANY, INC.

36140 E. Antelope Dr. / PO Box 1194 Wellton, AZ 85356

(928)785-3422 / (928) 785-4182 [fax]

Email address: mohawkutilities@aol.com

January 25, 2006

Doc. A-2

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

RE: Docket # W-01344-04-0815
Motion to Intervene testimony

"Tacna Water Management Company" referred to as "Tacna Water" and
"Mohawk Utility Company" referred to as "Mohawk."

It is our opinion that Tacna Water is encroaching on areas that Mohawk is already serving and also where Mohawk's water plant is located. In addition to areas that we will be serving in the near future.

Mohawk has recently filed an extension to our CC&N which will address the areas which we feel Tacna Water is encroaching on.

Currently we have the county franchise in some of the areas that Tacna Water has requested in their application. Mohawk is only requesting areas that our currently being served or that we are working on putting water on. Mohawk needs the areas we are requesting in our application to remain viable in the future. It is Mohawk's request that Tacna Water serve areas east of Avenue 39E and Mohawk serve areas west of Avenue 39E.

Mohawk does not believe Tacna Water's track record allows for expansion. Customers are constantly out of water service for periods of 24 hours or longer and some are not even being billed for water use. The quality of water from their well is also questionable with high levels of fluoride and sodium.

Mohawk is growing at a constant rate of about 6 new hook-ups per year. We are currently working with a developer who is going to put in a 160-acre housing project in the near future.

Mohawk's interests are strictly customer targeted. It is not Mohawk's desire to become a "water baron". We just want a fair decision. Mohawk is not against Tacna Water expanding, we just don't want it in Mohawk's area.

Respectfully,



Robert Chris Rockwell
Owner / President

~~Cc:~~ Tacna Water Management

Doc. A-2

Map No. 7

COUNTY: Yuma

Document A

RANGE 17 West

TOWNSHIP 8 South

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	32	33	34	35
36	37	38	39	40	41	42

-  W-2085 (1)
Antelope Water Company
-  W-2341 (1)
Mohawk Utility Company
-  W-1344 (2)
Tacna Water Company
-  Tacna Water Company
Docket No. W-01344A-04-8815
Application for Extension

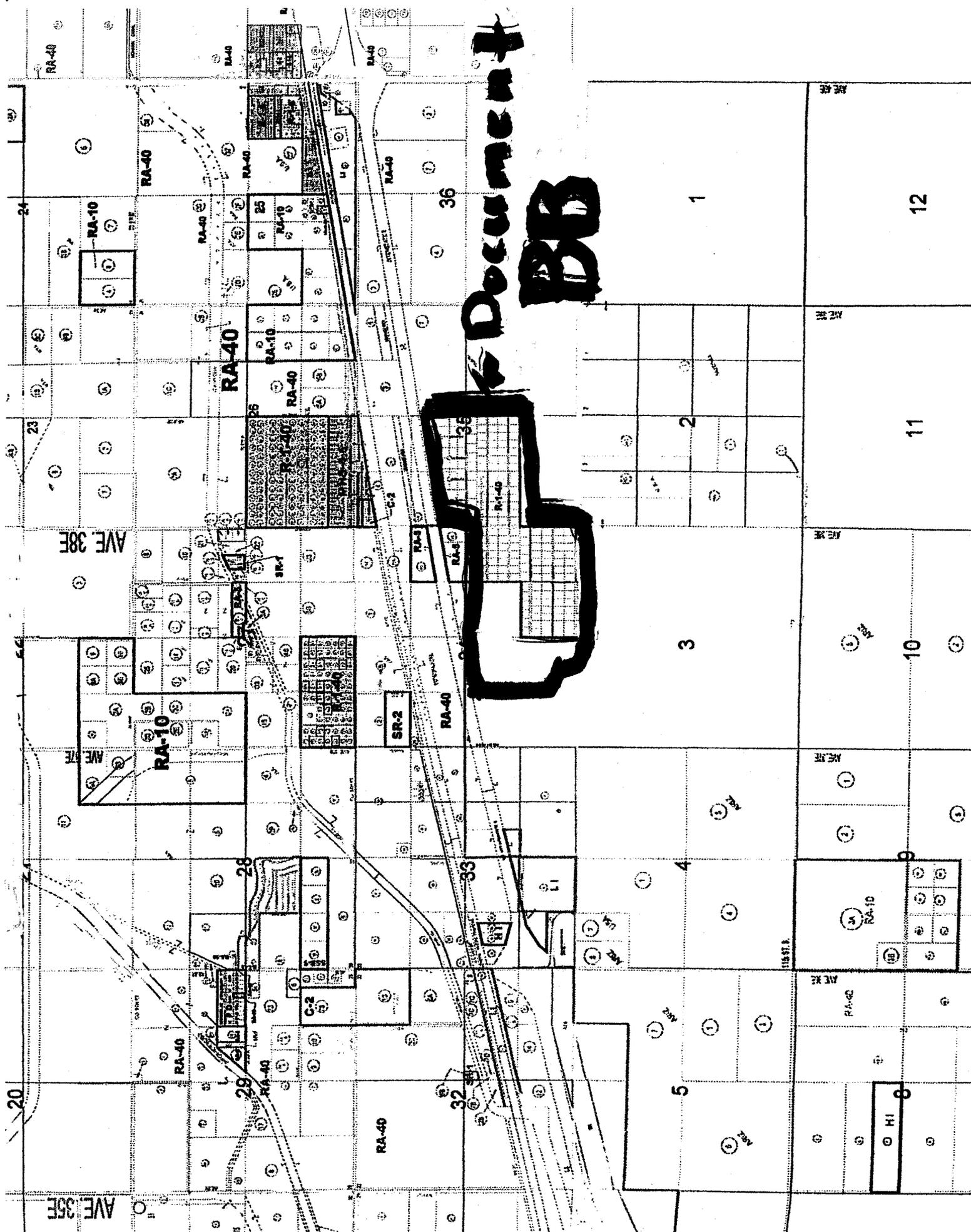
Document B

To Whom It May Concern

The signatures on this petition are landowners south of interstate I-8 in support of the Tacna Water Management Company and Its Extension of Certificate of Convenience and Necessity South of Interstate I-8. This Area Is Not in the Wellton Mohawk Irrigation and Drainage District Boundaries. Wellton Mohawk Irrigation and Drainage District Cannot deliver Water outside Their District Boundaries and Cannot Allow Mohawk Utility Company to Take the Water That Is Supplied by Wellton Mohawk Irrigation and Drainage District to These Areas (Maps Attached). Tacna Water Management Company is completing a hydrologic study with the Arizona Department of Water Resources for adequate water supply. Tacna Water Management Company has existing wells in Tacna to supply these areas, not in the Wellton Mohawk irrigation and drainage district boundaries.

Name (Print)	Signature	Date
Floyd B Frisbee	Floyd B Frisbee	2/9/06
DOLORES L. FRISBEE	Dolores L. Frisbee	2/9/06
Helen R. Southard	Helen R. Southard	2-9-06
Alex Brown	Alex Brown	2-9-06
ELEX R BROWN	ELEX R BROWN	2-9-06

Document BB



Document BB-2

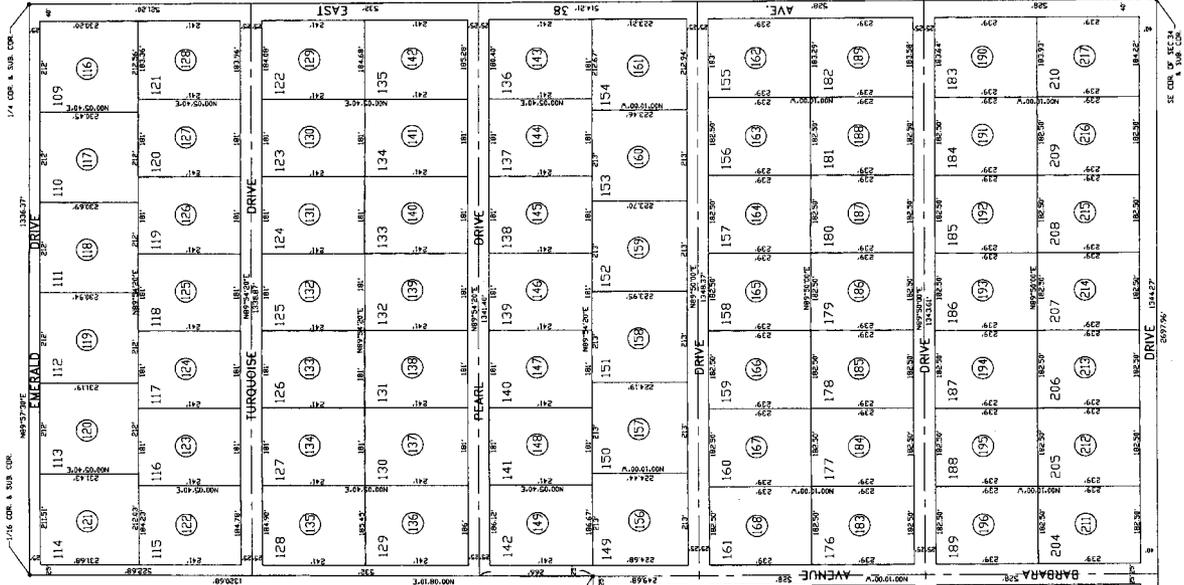
BOOK 205
MAP 40
SHEET 2

TOWNSHIP 8S
RANGE 17W
SECTION 34
SE1/4

YUMA COUNTY ASSESSOR
SCALE 1" = 200'
FOR INFORMATION ONLY NO LIABILITY ASSUMED YUMA COUNTY ASSESSOR
MAP LAST AMENDED 12-16-98 IFT
DRAWN BY ITHIEL TORRES 12-16-98
SUBDIVISIONS ON THIS MAP CITRUS CITY ESTATES UNIT 2



SEE MAP 205-40



CITRUS CITY ESTATES #02
RECORDED IN BOOK 5 OF PLATS PG.50 ON 01-03-99

SEE MAP 205-40

SEE MAP 205-40

SEE MAP 205-41

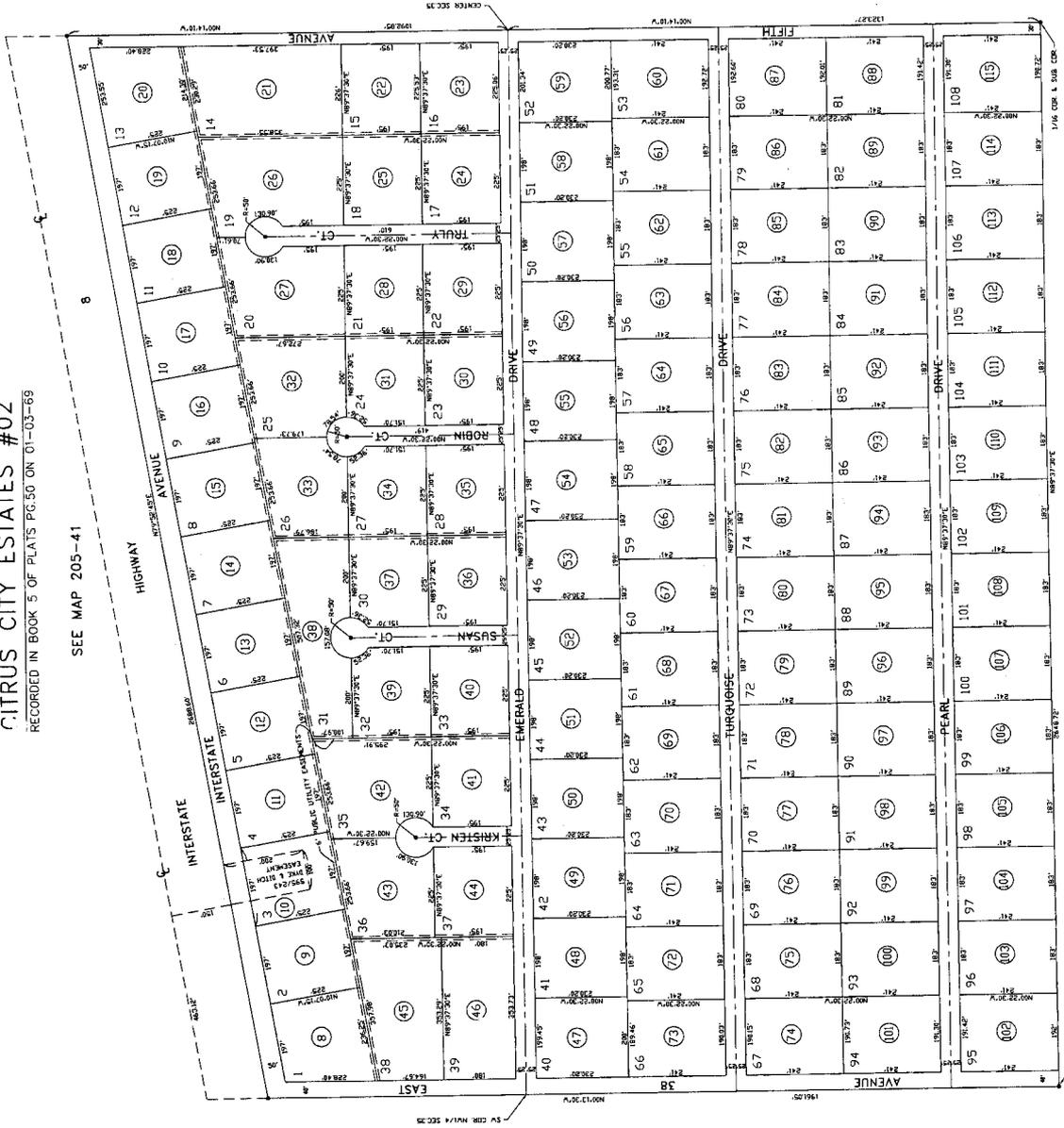
Document BB-3

BOOK 205
MAP 40
SHEET 3

TOWNSHIP 8S
RANGE 17W
SECTION 35

CITRUS CITY ESTATES #02
RECORDED IN BOOK 5 OF PLATS PG.50 ON 01-03-69

SEE MAP 205-41



SEE MAP 205-41

SEE MAP 205-41

YUMA COUNTY ASSESSOR
SCALE 1" = 200'
FOR INFORMATION ONLY NO LIABILITY ASSUMED YUMA COUNTY ASSESSOR
MAP LAST AMENDED 12-17-98 IFT
DRAWN BY IMEL TORRES 12-17-98 SUBDIVISIONS ON THIS MAP CITRUS CITY ESTATES UNIT 2



SEE MAP 205-41

ARIZONA DEPARTMENT OF WATER RESOURCES

Hydrology Division

3550 N. Central Avenue • Phoenix, Arizona 85012-2105

Telephone (602) 771-8535

Fax (602) 771-8680



Janet Napolitano
Governor

Herbert R. Guenther
Director

February 7, 2006

Mr. Don Kelland
Tacna Water Management Company
2993 South Arizona Avenue
Yuma, Arizona 85364

**RE: Tacna Water Company
Application for Physical Availability Demonstration #20-401927.0000**

Dear Mr. Kelland:

The Department has completed review of the report entitled *Hydrologic Study, Tacna Water Company, Water Service Area Expansion*, by Davey-Cairo Engineering Inc., November 20, 2005, and analysis of available hydrologic information. The area of investigation is limited to the proposed water service expansion area. The study area consists of about 9.7 sq. miles (6,203 acres) in Sections 21-28 and 33-36, T8S, R17W, Sections 28 and 29, T8S, R16W and Sections 9 and 10, T9S, R17W G&S R B&M in Yuma County within the Lower Gila Groundwater Basin.

In accordance with A.A.C. R12-15-717(C), it was determined that sufficient groundwater is physically available to meet the projected demand of approximately 1747 acre-feet per year for 100 years under A.A.C. R12-15-717 (B) for adequate water supply purposes in the subject area. It is the Department's conclusion that the estimated one hundred year depth-to-water should not encounter hydrologic bedrock, nor exceed 1200 feet below land surface, the maximum depth allowed by A.A.C. R12-15-717 (B).

The results of the Department's hydrologic review fulfill the requirements of R12-15-716(C) and can be cited in applications for Statements of Water Adequacy, Analysis of Adequate Water Supply, or Designation of Adequate Water Supply. These applications have certain additional requirements based on the assured and adequate water supply criteria referenced in A.R.S. 45-108 and Rule R12-15-701 et. Seq. For further information on these requirements, please contact the Office of Assured and Adequate Water Supply at (602) 771-8500. **If the Department finds that the groundwater supply is not available because the assumptions and information used in determining the physical availability under the current criteria prove incorrect, the Department will modify the availability of groundwater accordingly.**

The Department's determination is an appealable agency action. In order to appeal this decision, you must request an appeal within thirty (30) days from receipt of this letter. I have enclosed a summary of the appeals process and an appeal form should you wish to pursue this option.

If you have any questions regarding the physical availability review, please contact Dan Holden at (602) 771-8541.

Sincerely,

Frank Putman
Assistant Director

FP/KM/ef
202504

cc: Norma Coupaud, Office of Assured and Adequate Water Supply

Document D

OFFICE OF THE
BOARD OF SUPERVISORS
198 Main Street
Yuma, Arizona 85364



Sue Stallworth
Clerk of the Board
Phone: (928) 373-1105
Fax: (928) 373-1120
E-Mail: sue.stallworth@co.yuma.az.us

February 9, 2006

Mr. Don Kelland
President/CEO
Tacna Water Management Company
2993 South Arizona Avenue
Yuma, Arizona 85365

Attention: Steve Kelland, Secretary

Dear Mr. Kelland:

The Yuma County Board of Supervisors by a unanimous vote on February 6, 2006, approved and authorized the publication of the Board's intent to grant a franchise and license to the Tacna Water Management Company.

The publication will run in *The Sun* newspaper on February 20, 27 and March 6, 2006.

On March 20, 2006, the matter will be presented to the Board for action to grant the franchise and license. If, on or before March 20, 2006, more than fifty percent (50%) of the qualified electors of the County petition the Board to deny such privilege, the franchise will not be granted.

If you have any questions, please contact me at (928) 373-1105.

Sincerely,

A handwritten signature in black ink, appearing to read "Sue Stallworth", written over a faint, larger version of the same signature.

Sue Stallworth
Clerk, Board of Supervisors

/ss

c file

P:\Franchises\2006\Notify Tacna Water Co 2-9-06.doc