

ORIGINAL



MEMORANDUM

30AC

TO: Docket Control  
FROM: Ernest Johnson  
Director  
Utilities Division

DATE: March 1, 2006

RE: **ADMINISTRATIVE CLOSURE - CLEMENCEAU WATER COMPANY  
CERTIFICATE OF CONVENIENCE AND NECESSITY (DOCKET NO.  
W-01045A-05-0578)**

This memorandum is being filed per the request of the Hearing Division.

On August 9, 2005, Cottonwood Water Works, Inc. ("Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of the transfer of assets to the City of Cottonwood ("Cottonwood") and the Town of Clarkdale ("Clarkdale") and for the cancellation of its Certificate of Convenience and Necessity ("CC&N") (Docket No. W-01045A-05-0578). The Commission approved both the transfer of assets and the cancellation of the CC&N on December 9, 2005 (Decision No. 68334).

In the course of the hearing, it was stated that Cottonwood had acquired Clemenceau Water Company ("Clemenceau") (Docket No. W-01278A). A review showed that there had not been a Decision to cancel the CC&N of Clemenceau. Staff contacted Cottonwood to determine if documentation was available to verify the acquisition of Clemenceau by Cottonwood. Cottonwood provided the following documents:

1. Stipulated Final Judgment in Condemnation & Order
2. Satisfaction of Judgment
3. Stipulated Final Order of Condemnation

The preceding documents (attached) show that Cottonwood took sole use, possession and ownership of all plant, system and Business of Clemenceau on October 12, 2004. As such, the CC&N for Clemenceau (Docket No. W-01278A) no longer exists.

EGJ:WPG:lmh

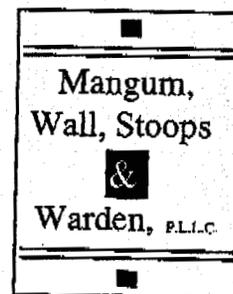
Attachments

AZ CORP COMMISSION  
DOCUMENT CONTROL

2006 MAR - 1 1 P 2: 06

RECEIVED

Mangum, Wall, Stoops & Warden, P.L.L.C.  
 100 N. Elden Street  
 Post Office Box 10  
 Flagstaff, AZ 86002-0010  
 Telephone (928) 779-6951  
 Fax (928) 773-1312



Attorneys at Law

To: Mr. Bill Gehlan  
 Of: Arizona Corporation Commission

FAX NUMBER TRANSMITTED TO: 602-364-2270

From: Steven B. Horton  
 Client/Matter: Cottonwood Water 25-0105  
 Date: February 23, 2006

FAX TRANSMISSION consisting of 34 pages including this page.

**ENCLOSURES WITH THIS FAX:**

1. Stipulated Final Judgment in Condemnation & Order
2. Satisfaction of Judgment
3. Stipulated Final Order of Condemnation

**COMMENTS:** Please call if you have any questions

- Original will **not** follow
- Original will follow by U.S. Mail
- Please call upon receipt
- Response needed by:
- For your approval/suggestions

If there are any problems, or transmission is not clear, please call Sue at (928) 779-6951.

**CONFIDENTIALITY NOTICE:** The documents accompanying this facsimile transmission contain confidential information which is legally privileged. The information is intended only for the use of the recipient named above. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original document to us, and you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this facsimile information is strictly prohibited.

Date Transmitted: \_\_\_\_\_ Time Transmitted: \_\_\_\_\_

OCT 17 2004  
ORIGINAL FILED THIS  
DAY OF  
JEANNE HICKS  
Clerk Superior Court  
WYKE BRUNDRIDGE  
Deputy

1 Robert V. Kerrick (001891)  
Walter A. Ulrich (022734)  
2 GALLAGHER & KENNEDY, P.A.  
2575 East Camelback Road  
3 Phoenix, Arizona 85016-9225  
(602) 530-8000  
4 Attorneys for Plaintiff City of Cottonwood

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 IN AND FOR THE COUNTY OF YAVAPAI

7 CITY OF COTTONWOOD, a political  
subdivision of the State of Arizona,

8 Plaintiff,

9 vs.

10 GEORGE T. SILER, Trustee of THE SILER  
11 FAMILY REVOCABLE TRUST, dated July  
14, 2001; CLEMENCEAU WATER  
12 COMPANY, an Arizona corporation;  
COUNTY OF YAVAPAI; UNKNOWN  
13 OWNERS AND CLAIMANTS; HEIRS AND  
DEVISEES OF ANY OF THE ABOVE-  
14 NAMED DEFENDANTS, IF DECEASED,  
15 Defendants.

No. 820040155

STIPULATED FINAL JUDGMENT  
IN CONDEMNATION

(Hon. Thomas B. Lindberg)

16 This matter came before the Court pursuant to the complaint in eminent domain to  
17 condemn the CLEMENCEAU WATER COMPANY, an Arizona corporation, by and  
18 through GEORGE T. SILER (now ROSALIE M. SILER),<sup>1</sup> Trustee of THE SILER  
19 FAMILY REVOCABLE TRUST, dated July 14, 2001 (hereinafter "Siler/Clemenceau"),

21 <sup>1</sup> By reason of the Suggestion of Death, dated July 28, 2004, the City of Cottonwood and the Court were  
22 officially notified of the passing of George T. Siler and the substitution of Rosalie M. Siler as the surviving  
Trustee of the Siler Family Revocable Trust.

GALLAGHER & KENNEDY, P.A.  
2575 EAST CAMELBACK ROAD  
PHOENIX, ARIZONA 85016-9225  
(602) 530-8000

1 by Plaintiff, CITY OF COTTONWOOD, a municipal corporation ("CITY"). After  
2 considering the complaint, the Court noting the consent of the parties to entry of this  
3 judgment, and by reason the of disclaimer interest filed by the County of Yavapai, it  
4 appearing that there are no persons other than SILER/CLEMENCEAU having any right,  
5 title, claim or interest in and to the property and/or assets which are the subject of this  
6 condemnation proceeding and this Stipulated Final Judgment in Condemnation, and good  
7 cause appearing, hereby finds and concludes as follows:

8 NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that  
9 judgment be, and the same is, hereby entered as follows:

10 1. That the CITY have judgment condemning for its sole use, possession and  
11 ownership all of the plant, system and business of SILER/CLEMENCEAU, including, but  
12 not limited to, all fee and/or leasehold interests in real property legally described as Exhibit  
13 "A" attached hereto, all easements, pumps, wells, waterlines, meters, personal property  
14 and/or other equipment utilized in providing and necessary to provide water service, the  
15 SILER/CLEMENCEAU Certificate of Convenience and Necessity shown as  
16 CLEMENCEAU WATER COMPANY on the maps attached hereto as Exhibit "B", and/or  
17 business, and all tangible, intangible, personal or real property rights or interests in any  
18 way related to SILER/CLEMENCEAU. SILER/CLEMENCEAU shall upon satisfaction  
19 of this Stipulated Final Judgment in Condemnation be forever barred from asserting any  
20 right, title or interest contrary to the sole and exclusive ownership and possessory interest  
21 vested in the CITY in said property;

22

1           2.     That the CITY shall pay, by wire transfer to the account of  
 2     SILER/CLEMENCEAU as and for just compensation for the taking of the  
 3     SILER/CLEMENCEAU property, the total sum of \$575,000.00.

4           3.     That said payment shall constitute full, fair and final just compensation to  
 5     SILER/CLEMENCEAU for the condemnation of its property, and no further payments of  
 6     any kind by the CITY to SILER/CLEMENCEAU shall be required. Each party shall bear  
 7     its own attorneys' fees, costs, and expenses in connection with this action;

8           4.     That SILER/CLEMENCEAU shall, upon payment by the CITY of the sum  
 9     specified in Paragraph 2, promptly execute a Satisfaction of Judgment with regard to the  
 10    Stipulated Final Judgment in Condemnation and deliver same to the CITY, which  
 11    Satisfaction of Judgment shall be promptly filed with this Court;

12          5.     That the Court shall upon the filing of the Satisfaction of Judgment enter the  
 13    Stipulated Final Order of Condemnation in the form attached hereto as Exhibit "C",  
 14    vesting in the CITY, sole use, possession and ownership to all of the property and property  
 15    rights described in paragraph 1, free and clear of any and all claims by, through or on  
 16    behalf of SILER/CLEMENCEAU;

17          6.     That this Stipulated Final Judgment in Condemnation constitutes a final and  
 18    conclusive determination as to all issues raised in the CITY'S complaint, and all matters  
 19    pertaining to just compensation due for the taking of the SILER/CLEMENCEAU property  
 20    and property rights, including, without limitation, any claims for damages of any kind or  
 21    other relief resulting from this proceeding, and shall constitute the final judgment in this  
 22    proceeding in all respects. To the extent necessary, SILER/CLEMENCEAU specifically

1 waives any right it may otherwise possess, in law or in equity, to appeal this Stipulated  
2 Final Judgment in Condemnation.

3 7. That SILER/CLEMENCEAU shall execute such documents and take such  
4 further action as may be reasonably required and necessary to fully implement the intent of  
5 the parties and as may be reasonably required and necessary to fully effectuate the  
6 provisions set forth in this Stipulated Judgment in Condemnation.

7 DONE IN OPEN COURT this 17<sup>th</sup> day of October, 2004.

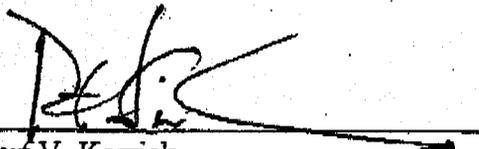
8 sf Thomas B. Lindberg  
9 Hon. Thomas B. Lindberg  
10 Judge of the Superior Court

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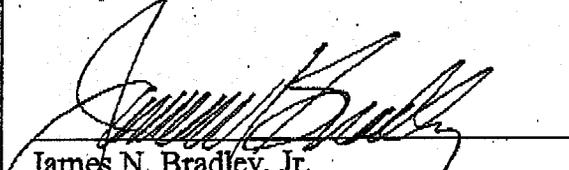
APPROVED AS TO FORM AND CONTENT:

GALLAGHER & KENNEDY, P.A.



Robert V. Kerrick  
Walter A. Ulrich  
2575 East Camelback Road  
Phoenix, Arizona 85016  
Attorneys for Plaintiff City of Cottonwood

ESSER BRADLEY & ASSOCIATES, P.L.L.C.



James N. Bradley, Jr.  
1785 West Highway 89A, Suite 2-1  
P.O. Box 220  
Sedona, Arizona 86339-0220  
Attorneys for Defendants Clemenceau Water  
Company and Rosalie M. Siler, Trustee of the  
Siler Family Revocable Trust, Dated July 14,  
2001, dba Clemenceau Water Company

1 ORIGINAL hand-delivered this 19<sup>th</sup>  
day of October, 2004, to:

2  
3 Hon. Thomas B. Lindberg  
4 Judge of the Superior Court  
5 Verde Valley Justice Center  
6 3505 West Highway 260  
7 Camp Verde, Arizona 86322

8 COPY mailed this 20<sup>th</sup> day of  
9 October, 2004, to:

10 James N. Bradley, Jr., Esq.  
11 1785 West Highway 89A, Suite 2-I  
12 P.O. Box 220  
13 Sedona, Arizona 86339-0220  
14 Attorneys for Defendants Clemenceau Water  
15 Company and Rosalie M. Siler, Trustee of the  
16 Siler Family Revocable Trust, Dated July 14,  
17 2001, dba Clemenceau Water Company  
18  
19  
20  
21  
22

15513-0001/1209867

**EXHIBIT "A"****WELL SITE '1'**

A parcel of land located in the NE¼ and the SE¼ of Section 33, T16N, R3E, G&SRB&M, Yavapai County, Arizona, more particularly described as follows:

Commencing at the NE corner of said NE¼ from which the SE corner of said NE¼ bears S01°37'18"W, a distance of 2641.68 feet; thence S01°37'18"W, a distance of 1320.81 feet to the NE corner of the SE¼ of said NE¼; thence S14°54'57"W, a distance of 138.00 feet; thence S47°37'57"W, a distance of 69.00 feet; thence S46°18'57"W, a distance of 43.00 feet; thence S44°26'57"W, a distance of 48.50 feet; thence S42°42'57"W, a distance of 52.00 feet; thence S31°37'57"W, a distance of 77.50 feet; thence S22°42'57"W, a distance of 74.00 feet; thence S09°45'57"W, a distance of 62.57 feet; thence S02°45'03"E, a distance of 50.00 feet; thence S03°30'03"E, a distance of 77.00 feet; thence S17°52'03"E, a distance of 93.00 feet; thence S24°43'03"E, a distance of 101.00 feet; thence S29°50'03"E, a distance of 102.00 feet; thence S27°35'03"E, a distance of 117.50 feet; thence S24°43'03"E, a distance of 142.50 feet; thence S13°01'03"E, a distance of 52.00 feet; thence S08°44'03"E, a distance of 43.00 feet; thence S00°38'03"E, a distance of 35.00 feet; thence S20°24'57"W, a distance of 26.00 feet; thence S51°54'57"W, a distance of 27.50 feet to the east line of said NE¼; thence S72°20'57"W, a distance of 57.50 feet; thence S89°29'13"W, a distance of 306.16 feet; thence S02°08'22"W, along an existing fence, a distance of 183.62 feet; thence N89°38'56"W, along the north line of the parcel of land described in Book 3343, Page 714, Official Records of Yavapai County, a distance of 341.29 feet; thence S00°34'58"W, along the west line of said parcel, a distance of 225.94 feet; thence N89°20'21"W, a distance of 90.37 feet; thence N89°15'31"W, a distance of 129.28 feet; thence N89°29'51"W, a distance of 118.25 feet; thence S00°34'26"E, a distance of 182.57 feet; thence N87°35'36"W, a distance of 50.07 feet; thence N00°34'26"W, a distance of 86.68 feet to a ½" rebar with cap "LS #19853"; thence N87°48'32"W, a distance of 137.96 feet to a ½" rebar with cap "LS #19853"; thence S02°17'42"W, a distance of 86.04 feet to a ½" rebar with cap "LS #19853"; thence N87°35'36"W, a distance of 173.08 feet; thence N01°58'54"E, a distance of 163.79 feet; thence N01°16'08"E, a distance of 52.60 feet; thence N82°29'38"E, a distance of 91.36 feet; thence S89°12'32"E, a distance of 74.63 feet; thence N01°08'39"E, a distance of 134.38 feet; thence N89°44'29"W, a distance of 371.99 feet; thence N05°33'55"E, along a west line of the parcel of land described in Book 186 of Deeds, Page 412, records of Yavapai County, a distance of 260.79 feet; thence N54°22'25"E, along a west line of last said parcel, a distance of 104.47 feet to the TRUE POINT OF BEGINNING; thence N54°22'25"E, along a west line of last said parcel, a distance of 332.35 feet; thence N34°41'13"E, along a west line of last said parcel, a distance of 114.94 feet; thence N61°37'27"E, along a west line of last said parcel, a distance of 73.98 feet; thence

**EXHIBIT "A" (continued)****WELL SITE '1' (Continued)**

N70°47'21"E, along a west line of last said parcel, a distance of 59.54 feet; thence N32°47'48"E, along a west line of last said parcel, a distance of 39.98 feet; thence S57°27'13"E, along a line of the parcel of land described in Book 2364, Page 481, Official Records of Yavapai County, a distance of 103.56 feet; thence S00°55'24"W, along a line of last said parcel, a distance of 90.06 feet; thence N89°04'01"W, along a line of last said parcel, a distance of 231.75 feet; thence S34°40'20"W, along a line of last said parcel, a distance of 72.12 feet; thence S54°14'08"W, along a line of last said parcel, a distance of 168.41 feet; thence S01°01'34"W, along a line of last said parcel, a distance of 204.27 feet; thence S88°43'58"W, along a line of last said parcel, a distance of 126.51 feet; thence N01°26'18"E, along a line of last said parcel, a distance of 78.13 feet; thence N27°10'13"W, along a line of last said parcel, a distance of 58.67 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 1.2799 acres more or less.

**WELL SITE '2'**

A parcel of land located in the SE¼ of Section 33, T16N, R3E, G&SRB&M, Yavapai County, Arizona, more particularly described as follows:

Commencing at the NE corner of said NE¼ from which the SE corner of said NE¼ bears S01°37'18"W, a distance of 2641.68 feet; thence S01°37'18"W, a distance of 1320.81 feet to the NE corner of the SE¼ of said NE¼; thence S14°54'57"W, a distance of 138.00 feet; thence S47°37'57"W, a distance of 69.00 feet; thence S46°18'57"W, a distance of 43.00 feet; thence S44°26'57"W, a distance of 48.50 feet; thence S42°42'57"W, a distance of 52.00 feet; thence S31°37'57"W, a distance of 77.50 feet; thence S22°42'57"W, a distance of 74.00 feet; thence S09°45'57"W, a distance of 62.57 feet; thence S02°45'03"E, a distance of 50.00 feet; thence S03°30'03"E, a distance of 77.00 feet; thence S17°52'03"E, a distance of 93.00 feet; thence S24°43'03"E, a distance of 101.00 feet; thence S29°50'03"E, a distance of 102.00 feet; thence S27°35'03"E, a distance of 117.50 feet; thence S24°43'03"E, a distance of 142.50 feet; thence S13°01'03"E, a distance of 52.00 feet; thence S08°44'03"E, a distance of 43.00 feet; thence S00°38'03"E, a distance of 35.00 feet; thence S20°24'57"W, a distance of 26.00 feet; thence S51°54'57"W, a distance of 27.50 feet to the east line of said NE¼; thence S72°20'57"W, a distance of 57.50 feet; thence S89°29'13"W, a distance of 306.16 feet; thence S02°08'22"W, along an existing fence, a distance of 183.62 feet; thence N89°38'56"W, along the north line of the parcel of land described in Book 3343,

**EXHIBIT "A" (continued)****WELL SITE '2' (continued)**

Page 714, Official Records of Yavapai County, a distance of 341.29 feet; thence S00°34'58"W, along the west line of said parcel, a distance of 225.94 feet; thence N89°20'21"W, a distance of 90.37 feet; thence N89°15'31"W, a distance of 129.28 feet; thence N89°29'51"W, a distance of 118.25 feet; thence S00°34'26"E, a distance of 182.57 feet; thence N87°35'36"W, a distance of 50.07 feet to the TRUE POINT OF BEGINNING; thence continuing N87°35'36"W, a distance of 142.30 feet to a ½" rebar with cap "LS #19853"; thence N02°17'42"E, a distance of 86.04 feet to a ½" rebar with cap "LS #19853"; thence S87°48'32"E, a distance of 137.96 feet to a ½" rebar with cap "LS #19853"; thence S00°34'26"E, a distance of 86.68 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 0.2776 acres more or less.

**EXHIBIT A**

Including, personal property consisting of all pumps, wells, waterlines, meters, personal property and/or equipment utilized in providing and necessary to provide water service to the above described area, as well as any and all franchise rights and/or rights attributable to the declaration of Siler/Clemenceau's Certificate of Convenience and Necessity and/or business.

Map No. 37

EXHIBIT "B"

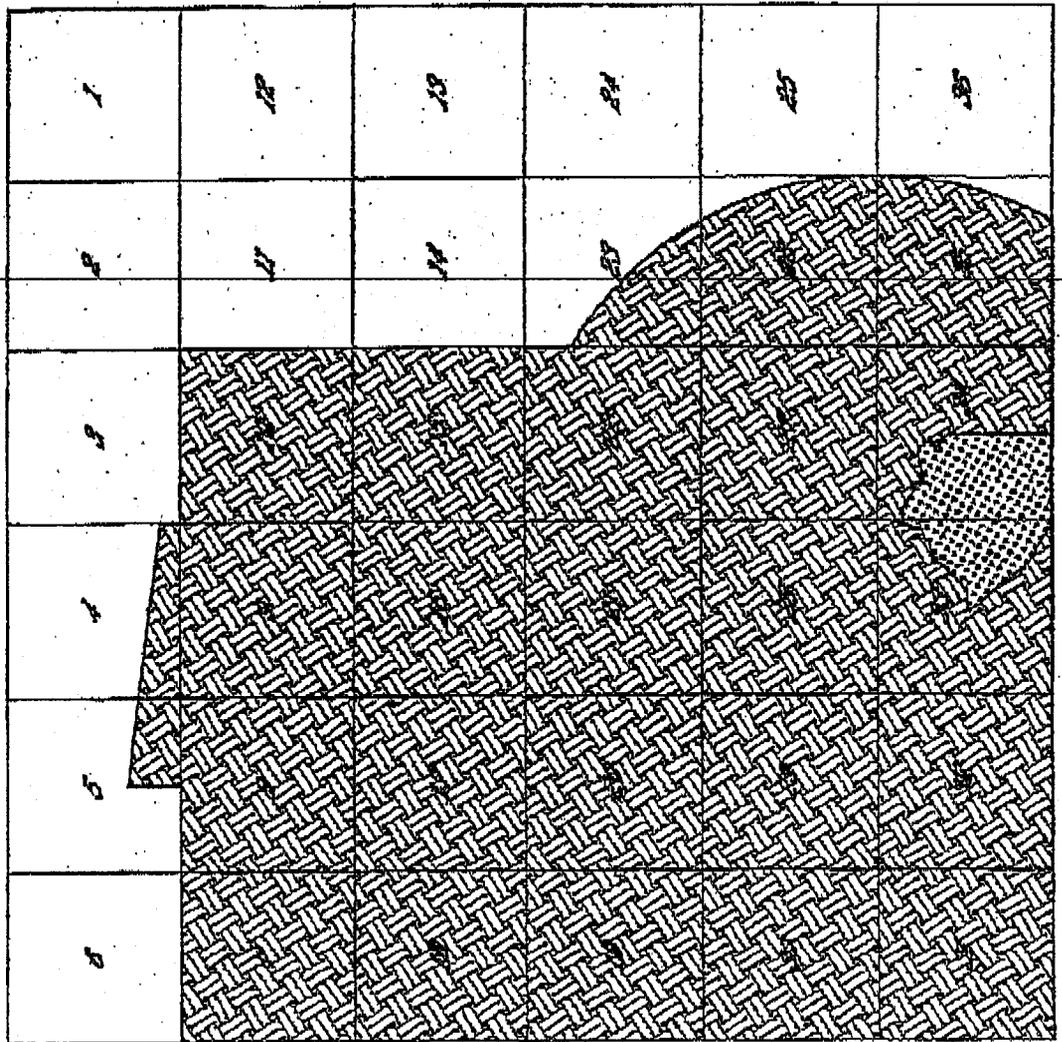
COUNTY: Yavapai

RANGE 3 East

TOWNSHIP 16 North

U-1278 (2)  
 Clemeaceua Water Company

E-1045 (2)  
 Cottonwood Water Works, Inc.



TRACINE 12 NOV 1992

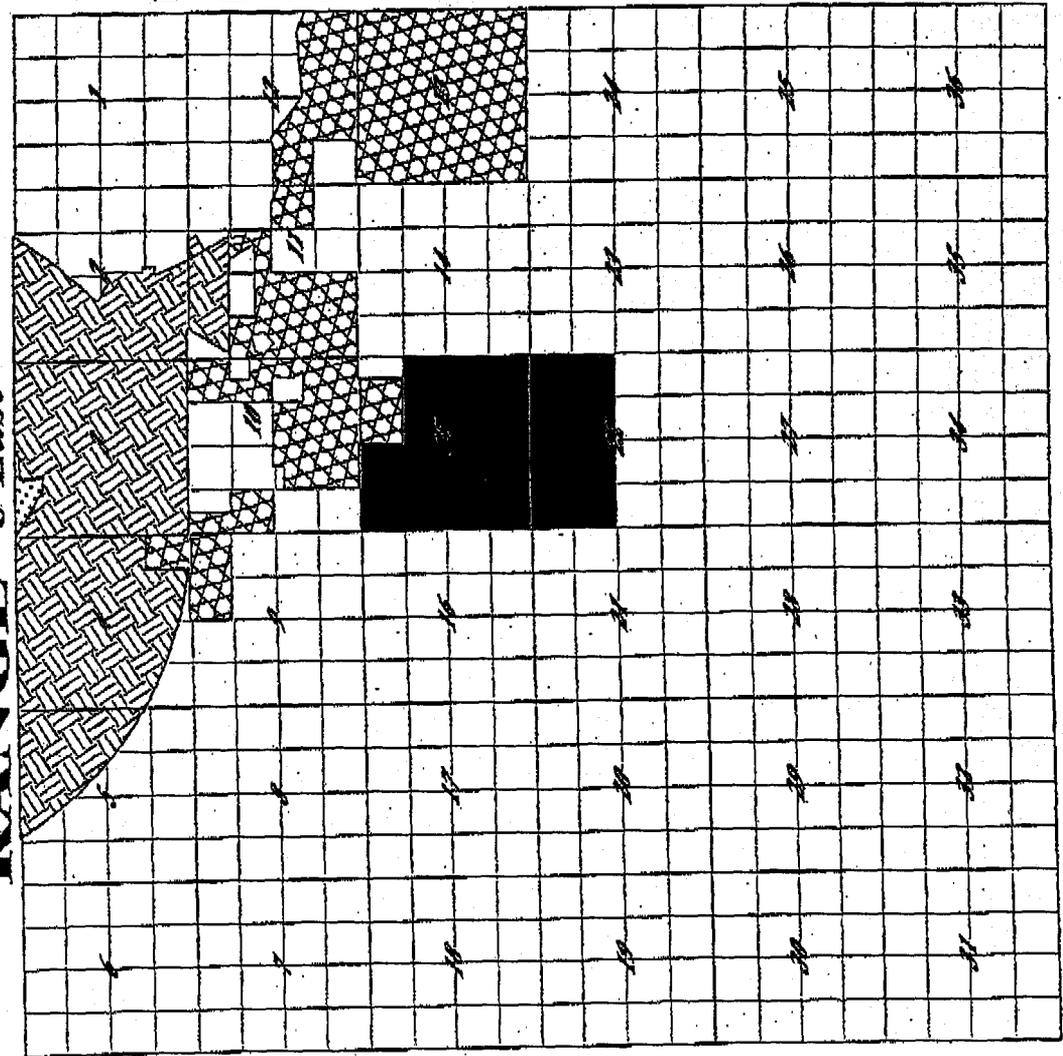
Map No. 26

EXHIBIT "B"

COUINITY = Yavapai

RANGE 3 East

TOWNSHIP 15 North



- 
 W-1278 (2)  
 Clemencean Water Company
- 
 W-2060 (3)  
 Cordes Lakes Water Company  
 (Verde Village)
- 
 W-1045 (2)  
 Cottonwood Water Works, Inc.
- 
 Cordes Lakes Water Company  
 Docket No. W-2060-02-616 - 65854  
 Docket No. W-2060-01-591 - 65407  
 Application for Extension

60

TUESDAY 15 JUN 1999

EXHIBIT "C"

1 Robert V. Kerrick (001891)  
 Walter A. Ulrich (022734)  
 2 GALLAGHER & KENNEDY, P.A.  
 2575 East Camelback Road  
 3 Phoenix, Arizona 85016-9225  
 (602) 530-8000  
 4 Attorneys for Plaintiff City of Cottonwood

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 IN AND FOR THE COUNTY OF YAVAPAI

7 CITY OF COTTONWOOD, a political  
subdivision of the State of Arizona,

No. 820040155

8 Plaintiff,

**STIPULATED FINAL ORDER  
OF CONDEMNATION**

9 vs.

(Hon. Thomas B. Lindberg)

10 GEORGE T. SILER, Trustee of THE SILER  
 11 FAMILY REVOCABLE TRUST, dated  
 July 14, 2001; CLEMENCEAU WATER  
 12 COMPANY, an Arizona corporation;  
 COUNTY OF YAVAPAI; UNKNOWN  
 13 OWNERS AND CLAIMANTS; HEIRS AND  
 DEVISEES OF ANY OF THE ABOVE-  
 14 NAMED DEFENDANTS, IF DECEASED,

15 Defendants.

16  
17 It appearing to the Court that the Stipulated Final Judgment heretofore entered in  
18 the above-entitled action has been fully paid and satisfied; and

19 It further appearing to the Court that, pursuant to the provisions of Paragraph 5 of  
20 the Stipulated Judgment in Condemnation herein, this Court may now enter the Stipulated  
21 Final Order of Condemnation.  
22

GALLAGHER & KENNEDY, P.A.  
2575 EAST CAMELBACK ROAD  
PHOENIX, ARIZONA 85016-9225  
(602) 530-8000

1 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that sole use  
 2 possession and ownership of all of the plant, system and business of the CLEMENCEAU  
 3 WATER COMPANY (also known as SILER/CLEMENCEAU), including, but not limited  
 4 to, all fee and/or leasehold interests in real property described in Exhibit "A" attached  
 5 hereto, all easements, pumps, wells, waterlines, meters, personal property and/or other  
 6 equipment utilized in providing and necessary to provide water service, the  
 7 SILER/CLEMENCEAU Certificate of Convenience and Necessity shown as  
 8 CLEMENCEAU WATER COMPANY on the maps attached hereto as exhibit "B", and/or  
 9 business, and all tangible, intangible, personal, or real property rights or interest in any  
 10 way related thereto, be and the same is hereby condemned for the use and benefit of the  
 11 CITY OF COTTONWOOD ("CITY"), a political subdivision of the State of Arizona, and  
 12 that the ownership of the same be, and is, hereby vested in the CITY, free and clear of any  
 13 and all claims, by, through or on behalf of SILER/CLEMENCEAU.

14 DONE IN OPEN COURT this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

17 \_\_\_\_\_  
 Hon. Thomas B. Lindberg  
 Judge of the Superior Court

19 ///  
 20 ///  
 21 ///  
 22 ///

1 APPROVED AS TO FORM AND CONTENT:

2 GALLAGHER & KENNEDY, P.A.

3

4

---

Robert V. Kerrick  
 Walter A. Ulrich  
 2575 East Camelback Road  
 Phoenix, Arizona 85016  
 Attorneys for Plaintiff City of Cottonwood

7

ESSER BRADLEY & ASSOCIATES, P.L.L.C.

8

9

---

10 James N. Bradley, Jr.  
 1785 West Highway 89A, Suite 2-I  
 11 P.O. Box 220  
 Sedona, Arizona 86339-0220  
 12 Attorneys for Defendants Clemenceau Water  
 Company and Rosalie M. Siler, Trustee of the  
 13 Siler Family Revocable Trust, Dated July 14,  
 2001, dba Clemenceau Water Company

14

15 ///

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1 ORIGINAL hand-delivered this  
\_\_\_\_\_ day of \_\_\_\_\_, 2004, to:

2 Hon. Thomas B. Lindberg  
3 Judge of the Superior Court  
4 Verde Valley Justice Center  
5 3505 West Highway 260  
6 Camp Verde, Arizona 86322

7 COPY mailed this \_\_\_\_\_ day of  
8 \_\_\_\_\_, 2004, to:

9 James N. Bradley, Jr., Esq.  
10 Esser Bradley & Associates, P.L.L.C.  
11 1785 West Highway 89A, Suite 2-I  
12 P.O. Box 220  
13 Sedona, Arizona 86339-0220  
14 Attorneys for Defendant Rosalie M. Siler,  
15 Trustee of the Siler Family Revocable Trust,  
16 Dated July 14, 2001, dba Clemenceau  
17 Water Company

18 \_\_\_\_\_  
19 15513-0001/1161660  
20  
21  
22

**EXHIBIT "D"**

1 Robert V. Kerrick (001891)  
 Walter A. Ulrich (022734)  
 2 GALLAGHER & KENNEDY, P.A.  
 2575 East Camelback Road  
 3 Phoenix, Arizona 85016-9225  
 (602) 530-8000  
 4 Attorneys for Plaintiff City of Cottonwood

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

6 IN AND FOR THE COUNTY OF YAVAPAI

7 CITY OF COTTONWOOD, a political  
subdivision of the State of Arizona,

No. 820040156

8 Plaintiff,

**STIPULATED FINAL ORDER  
OF CONDEMNATION**

9 vs.

(Hon. Thomas B. Lindberg)

10 CORDES LAKES WATER COMPANY, an  
 11 Arizona corporation; COUNTY OF  
 YAVAPAI; UNKNOWN OWNERS AND  
 12 CLAIMANTS; HEIRS AND DEVISEES OF  
 ANY OF THE ABOVE-NAMED  
 13 DEFENDANTS, IF DECEASED,

14 Defendants.

15 It appearing to the Court that the Stipulated Final Judgment in Condemnation

16 heretofore in the above-entitled action has been fully paid and satisfied; and

17 It further appearing to the Court that, pursuant to the provisions of Paragraph 5 of  
 18 the Stipulated Final Judgment in Condemnation, this Court shall now enter the Stipulated  
 19 Final Order of Condemnation.

20 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that sole use,  
 21 possession and ownership of only the Cottonwood portion or segment of the plant,  
 22 system and business of CORDES LAKES WATER COMPANY ("CLWC"), including,

GALLAGHER & KENNEDY, P.A.  
 2575 EAST CAMELBACK ROAD  
 PHOENIX, ARIZONA 85016-9225  
 (602) 530-8000

1 but not limited to, all fee and/or leasehold interests in real property described in Exhibit  
 2 "A" attached hereto, all easements, pumps, wells, waterlines, meters, fixtures, including,  
 3 without limiting the generality thereof, wells, storage tanks, pressure tanks, well pumps,  
 4 booster pumps, air compressors, pump houses, fencing, and fire hydrants, and the  
 5 personal property more particularly described within Exhibit "C" attached hereto, a  
 6 portion of the CLWC Certificate of Convenience and Necessity as shown on the maps  
 7 attached hereto as Exhibit "B", and/or business, and all intangible, personal or real  
 8 property rights or interests related to only the Cottonwood portion of CLWC, and the  
 9 same are, hereby condemned for the use and benefit of the CITY OF COTTONWOOD  
 10 ("CITY"), and that the ownership of the same be, and is, hereby vested in the CITY, a  
 11 political subdivision of the State of Arizona, free and clear of any and all claims by,  
 12 through or on behalf of CLWC, based upon payment of just compensation by the CITY  
 13 to CLWC in the amount of \$5,408,000.

14 **DONE IN OPEN COURT** this \_\_\_ day of \_\_\_\_\_, 2004.

15  
 16 \_\_\_\_\_  
 Hon. Thomas B. Lindberg  
 Judge of the Superior Court

17 ///  
 18 ///  
 19 ///  
 20 ///  
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 22 ///

1 **APPROVED AS TO FORM AND CONTENT:**

2 **GALLAGHER & KENNEDY, P.A.**

3

4 By: \_\_\_\_\_

Robert V. Kerrick  
Walter A. Ulrich  
2575 East Camelback Road  
Phoenix, Arizona 85016  
Attorneys for Plaintiff City of Cottonwood

7

8 **JENNINGS, STROUSS & SALMON, P.L.C.**

9

10 By: \_\_\_\_\_

Douglas G. Zimmerman  
8585 East Hartford Drive, Suite 113  
Scottsdale, Arizona 85255  
Attorneys for Defendant Cordes Lakes Water Company

13

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

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22 ///

1 ORIGINAL hand-delivered this \_\_\_\_  
day of \_\_\_\_\_, 2004, to:

2 Hon. Thomas B. Lindberg  
3 Judge of the Superior Court  
4 Verde Valley Justice Center  
5 3505 West Highway 260  
6 Camp Verde, Arizona 86322

7 COPY mailed this \_\_\_\_ day of  
8 \_\_\_\_\_, 2004, to:

9 Douglas G. Zimmerman, Esq.  
10 Jennings, Strouss & Salmon, P.L.C.  
11 8585 East Hartford Drive, Suite 113  
12 Scottsdale, Arizona 85255-5474  
13 Attorneys for Defendant Cordes Lakes  
14 Water Company

15 \_\_\_\_\_  
16 15513-0001/1164409

17  
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22

ORIGINAL FILED, THIS OCT 20 2006  
DAY OF  
JEANNE HICKS E. DUNN  
Clerk Superior Court  
By \_\_\_\_\_  
Deputy

1 James N. Bradley (014345)  
2 Esser Bradley & Associates, P.L.L.C.  
3 1785 West Highway 89A, Suite 2I  
4 P.O. Box 220  
5 Sedona, Arizona 86339-0220  
6 Attorneys for Defendant Rosalie M. Siler,  
7 Trustee of the Siler Family Revocable Trust,  
8 Dated July 14, 2001, dba Clemenceau  
9 Water Company

10 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
11  
12 IN AND FOR THE COUNTY OF YAVAPAI

13 CITY OF COTTONWOOD, a political  
14 subdivision of the State of Arizona,

No. 820040155

15 Plaintiff,

**SATISFACTION OF JUDGMENT**

16 vs.

(Hon. Thomas B. Lindberg)

17 GEORGE T. SILER, Trustee of THE SILER  
18 FAMILY REVOCABLE TRUST, dated July  
19 14, 2001; CLEMENCEAU WATER  
20 COMPANY, an Arizona corporation;  
21 COUNTY OF YAVAPAI; UNKNOWN  
22 OWNERS AND CLAIMANTS; HEIRS AND  
DEVISEES OF ANY OF THE ABOVE-  
NAMED DEFENDANTS, IF DECEASED,  
Defendants.

Defendant, CLEMENCEAU WATER COMPANY, an Arizona corporation, by and  
through GEORGE T. SILER (now ROSALIE M. SILER), Trustee of THE SILER  
FAMILY REVOCABLE TRUST, dated July 14, 2001 (hereinafter "Siler/Clemenceau"),  
by and through counsel undersigned, hereby acknowledges receipt of the sum of  
\$575,000.00, in full satisfaction of the Stipulated Final Judgment in Condemnation entered

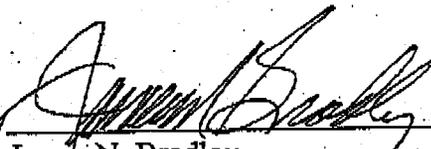
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in the above-captioned matter on October 20, 2004.

DATED this 20th day of October, 2004.

ESSER BRADLEY & ASSOCIATES, P.L.L.C.

By



James N. Bradley  
1785 West Highway 89A, Suite 2I  
P.O. Box 220  
Sedona, Arizona 86339-0220  
Attorneys for Defendant Rosalie M. Siler,  
Trustee of the Siler Family Revocable Trust,  
Dated July 14, 2001, dba Clemenceau  
Water Company

ORIGINAL hand-delivered this  
20th day of October, 2004, to:

Clerk of the Superior Court  
Verde Valley Justice Center  
3505 West Highway 260  
Camp Verde, Arizona 86322

COPY of the foregoing hand-delivered  
this 20th day of October, 2004, to:

Robert V. Kerrick, Esq.  
Walter A. Ulrich, Esq.  
Gallagher & Kennedy, P.A.  
2575 East Camelback Road  
Phoenix, Arizona 85016  
Attorneys for Plaintiff City of Cottonwood

Josiah S. Duce

15513-0001/1212088

3779144 BK 4198 PG 307  
 Yavapai County, Arizona  
 Patsy Jenner-Colon, Recorder  
 10/20/2004 10:45A PAGE 1 OF 11  
 CITY OF COTTONWOOD  
 RECORDING FEE 6.00  
 SURCHARGE 0.00  
 POSTAGE 1.00

When Recorded, Mail to:

Robert V. Kerrick, Esq.  
 GALLAGHER & KENNEDY, P.A.  
 2575 East Camelback Road  
 Phoenix, Arizona 85016



**CAPTION HEADING:**

**STIPULATED FINAL ORDER OF CONDEMNATION**

**DO NOT REMOVE**

**This Is Part Of The Official Document**

ORIGINAL FILED THIS DAY OF  
JEANNE HICKS  
Clerk Superior Court  
By M.E. DUNN  
Deputy

1 Robert V. Kerrick (001891)  
Walter A. Ulrich (022734)  
2 GALLAGHER & KENNEDY, P.A.  
2575 East Camelback Road  
3 Phoenix, Arizona 85016-9225  
(602) 530-8000  
4 Attorneys for Plaintiff City of Cottonwood

PAGE 2 OF 11  
BK 4198 PG 307 FEE#3779144

5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
6 IN AND FOR THE COUNTY OF YAVAPAI

7 CITY OF COTTONWOOD, a political  
subdivision of the State of Arizona,

No. 820040155

8 Plaintiff,

STIPULATED FINAL ORDER  
OF CONDEMNATION

9 vs.

(Hon. Thomas B. Lindberg)

10 GEORGE T. SILER, Trustee of THE SILER  
11 FAMILY REVOCABLE TRUST, dated  
July 14, 2001; CLEMENCEAU WATER  
12 COMPANY, an Arizona corporation;  
COUNTY OF YAVAPAI; UNKNOWN  
13 OWNERS AND CLAIMANTS; HEIRS AND  
DEVISEES OF ANY OF THE ABOVE-  
14 NAMED DEFENDANTS, IF DECEASED,

15 Defendants.

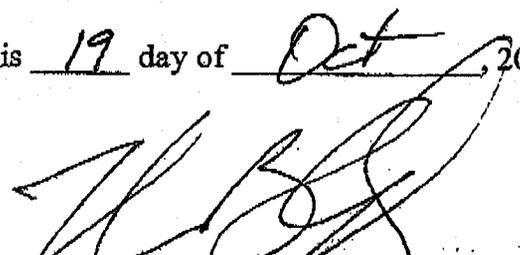
16  
17 It appearing to the Court that the Stipulated Final Judgment heretofore entered in  
18 the above-entitled action has been fully paid and satisfied; and

19 It further appearing to the Court that, pursuant to the provisions of Paragraph 5 of  
20 the Stipulated Judgment in Condemnation herein, this Court may now enter the Stipulated  
21 Final Order of Condemnation.  
22

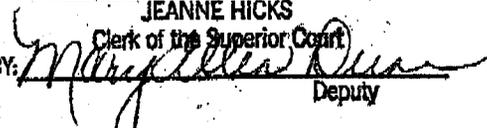
GALLAGHER & KENNEDY, P.A.  
2575 EAST CAMELBACK ROAD  
PHOENIX, ARIZONA 85016-9225  
(602) 530-8000

1 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that sole use  
 2 possession and ownership of all of the plant, system and business of the CLEMENCEAU  
 3 WATER COMPANY (also known as SILER/CLEMENCEAU), including, but not limited  
 4 to, all fee and/or leasehold interests in real property described in Exhibit "A" attached  
 5 hereto, all easements, pumps, wells, waterlines, meters, personal property and/or other  
 6 equipment utilized in providing and necessary to provide water service, the  
 7 SILER/CLEMENCEAU Certificate of Convenience and Necessity shown as  
 8 CLEMENCEAU WATER COMPANY on the maps attached hereto as exhibit "B", and/or  
 9 business, and all tangible, intangible, personal, or real property rights or interest in any  
 10 way related thereto, be and the same is hereby condemned for the use and benefit of the  
 11 CITY OF COTTONWOOD ("CITY"), a political subdivision of the State of Arizona, and  
 12 that the ownership of the same be, and is, hereby vested in the CITY, free and clear of any  
 13 and all claims, by, through or on behalf of SILER/CLEMENCEAU.

14 DONE IN OPEN COURT this 19 day of Oct, 2004.

15  
 16  
 17   
 Hon. Thomas B. Lindberg  
 Judge of the Superior Court

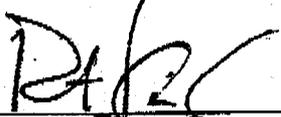
18 STATE OF ARIZONA )  
 County of Yavapai ) SS  
 19 /// I, JEANNE HICKS, Clerk of the Superior  
 Court Of Yavapai County, Arizona, do hereby  
 20 /// certify the foregoing to be a full, true and correct  
 copy of the original documentation on file as  
 the same appears of record in my office.

21 /// DATE: OCT 20 2004  
 JEANNE HICKS  
 Clerk of the Superior Court  
 22 /// BY:   
 Deputy

**SEAL**

1 APPROVED AS TO FORM AND CONTENT:

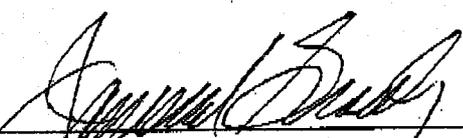
2 GALLAGHER & KENNEDY, P.A.

3 

4 \_\_\_\_\_  
5 Robert V. Kerrick  
6 Walter A. Ulrich  
2575 East Camelback Road  
Phoenix, Arizona 85016

Attorneys for Plaintiff City of Cottonwood

7 ESSER BRADLEY & ASSOCIATES, P.L.L.C.

8 

9 \_\_\_\_\_  
10 James N. Bradley, Jr.  
11 1785 West Highway 89A, Suite 2-I  
P.O. Box 220  
Sedona, Arizona 86339-0220

12 Attorneys for Defendants Clemenceau Water  
13 Company and Rosalie M. Siler, Trustee of the  
14 Siler Family Revocable Trust, Dated July 14,  
2001, dba Clemenceau Water Company

15 ///

16 ///

17 ///

18 ///

19 ///

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22 ///

1 ORIGINAL hand-delivered this  
2 19<sup>th</sup> day of October, 2004, to:

3 Hon. Thomas B. Lindberg  
4 Judge of the Superior Court  
5 Verde Valley Justice Center  
6 3505 West Highway 260  
7 Camp Verde, Arizona 86322

8 COPY mailed this 20<sup>th</sup> day of  
9 October, 2004, to:

10 James N. Bradley, Jr., Esq.  
11 Esser Bradley & Associates, P.L.L.C.  
12 1785 West Highway 89A, Suite 2-I  
13 P.O. Box 220  
14 Sedona, Arizona 86339-0220  
15 Attorneys for Defendant Rosalie M. Siler,  
16 Trustee of the Siler Family Revocable Trust,  
17 Dated July 14, 2001, dba Clemenceau  
18 Water Company

19 Susan E. Price

20 15513-0001/1161660

21  
22

EXHIBIT "A"WELL SITE '1'

A parcel of land located in the NE¼ and the SE¼ of Section 33, T16N, R3E, G&SRB&M, Yavapai County, Arizona, more particularly described as follows:

Commencing at the NE corner of said NE¼ from which the SE corner of said NE¼ bears S01°37'18"W, a distance of 2641.68 feet; thence S01°37'18"W, a distance of 1320.81 feet to the NE corner of the SE¼ of said NE¼; thence S14°54'57"W, a distance of 138.00 feet; thence S47°37'57"W, a distance of 69.00 feet; thence S46°18'57"W, a distance of 43.00 feet; thence S44°26'57"W, a distance of 48.50 feet; thence S42°42'57"W, a distance of 52.00 feet; thence S31°37'57"W, a distance of 77.50 feet; thence S22°42'57"W, a distance of 74.00 feet; thence S09°45'57"W, a distance of 62.57 feet; thence S02°45'03"E, a distance of 50.00 feet; thence S03°30'03"E, a distance of 77.00 feet; thence S17°52'03"E, a distance of 93.00 feet; thence S24°43'03"E, a distance of 101.00 feet; thence S29°50'03"E, a distance of 102.00 feet; thence S27°35'03"E, a distance of 117.50 feet; thence S24°43'03"E, a distance of 142.50 feet; thence S13°01'03"E, a distance of 52.00 feet; thence S08°44'03"E, a distance of 43.00 feet; thence S00°38'03"E, a distance of 35.00 feet; thence S20°24'57"W, a distance of 26.00 feet; thence S51°54'57"W, a distance of 27.50 feet to the east line of said NE¼; thence S72°20'57"W, a distance of 57.50 feet; thence S89°29'13"W, a distance of 306.16 feet; thence S02°08'22"W, along an existing fence, a distance of 183.62 feet; thence N89°38'56"W, along the north line of the parcel of land described in Book 3343, Page 714, Official Records of Yavapai County, a distance of 341.29 feet; thence S00°34'58"W, along the west line of said parcel, a distance of 225.94 feet; thence N89°20'21"W, a distance of 90.37 feet; thence N89°15'31"W, a distance of 129.28 feet; thence N89°29'51"W, a distance of 118.25 feet; thence S00°34'26"E, a distance of 182.57 feet; thence N87°35'36"W, a distance of 50.07 feet; thence N00°34'26"W, a distance of 86.68 feet to a ½" rebar with cap "LS #19853"; thence N87°48'32"W, a distance of 137.96 feet to a ½" rebar with cap "LS #19853"; thence S02°17'42"W, a distance of 86.04 feet to a ½" rebar with cap "LS #19853"; thence N87°35'36"W, a distance of 173.08 feet; thence N01°58'54"E, a distance of 163.79 feet; thence N01°16'08"E, a distance of 52.60 feet; thence N82°29'38"E, a distance of 91.36 feet; thence S89°12'32"E, a distance of 74.63 feet; thence N01°08'39"E, a distance of 134.38 feet; thence N89°44'29"W, a distance of 371.99 feet; thence N05°33'55"E, along a west line of the parcel of land described in Book 186 of Deeds, Page 412, records of Yavapai County, a distance of 260.79 feet; thence N54°22'25"E, along a west line of last said parcel, a distance of 104.47 feet to the TRUE POINT OF BEGINNING; thence N54°22'25"E, along a west line of last said parcel, a distance of 332.35 feet; thence N34°41'13"E, along a west line of last said parcel, a distance of 114.94 feet; thence N61°37'27"E, along a west line of last said parcel, a distance of 73.98 feet; thence

**EXHIBIT "A" (continued)****WELL SITE '1' (Continued)**

N70°47'21"E, along a west line of last said parcel, a distance of 59.54 feet; thence N32°47'48"E, along a west line of last said parcel, a distance of 39.98 feet; thence S57°27'13"E, along a line of the parcel of land described in Book 2364, Page 481, Official Records of Yavapai County, a distance of 103.56 feet; thence S00°55'24"W, along a line of last said parcel, a distance of 90.06 feet; thence N89°04'01"W, along a line of last said parcel, a distance of 231.75 feet; thence S34°40'20"W, along a line of last said parcel, a distance of 72.12 feet; thence S54°14'08"W, along a line of last said parcel, a distance of 168.41 feet; thence S01°01'34"W, along a line of last said parcel, a distance of 204.27 feet; thence S88°43'58"W, along a line of last said parcel, a distance of 126.51 feet; thence N01°26'18"E, along a line of last said parcel, a distance of 78.13 feet; thence N27°10'13"W, along a line of last said parcel, a distance of 58.67 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 1.2799 acres more or less.

**WELL SITE '2'**

A parcel of land located in the SE¼ of Section 33, T16N, R3E, G&SRB&M, Yavapai County, Arizona, more particularly described as follows:

Commencing at the NE corner of said NE¼ from which the SE corner of said NE¼ bears S01°37'18"W, a distance of 2641.68 feet; thence S01°37'18"W, a distance of 1320.81 feet to the NE corner of the SE¼ of said NE¼; thence S14°54'57"W, a distance of 138.00 feet; thence S47°37'57"W, a distance of 69.00 feet; thence S46°18'57"W, a distance of 43.00 feet; thence S44°26'57"W, a distance of 48.50 feet; thence S42°42'57"W, a distance of 52.00 feet; thence S31°37'57"W, a distance of 77.50 feet; thence S22°42'57"W, a distance of 74.00 feet; thence S09°45'57"W, a distance of 62.57 feet; thence S02°45'03"E, a distance of 50.00 feet; thence S03°30'03"E, a distance of 77.00 feet; thence S17°52'03"E, a distance of 93.00 feet; thence S24°43'03"E, a distance of 101.00 feet; thence S29°50'03"E, a distance of 102.00 feet; thence S27°35'03"E, a distance of 117.50 feet; thence S24°43'03"E, a distance of 142.50 feet; thence S13°01'03"E, a distance of 52.00 feet; thence S08°44'03"E, a distance of 43.00 feet; thence S00°38'03"E, a distance of 35.00 feet; thence S20°24'57"W, a distance of 26.00 feet; thence S51°54'57"W, a distance of 27.50 feet to the east line of said NE¼; thence S72°20'57"W, a distance of 57.50 feet; thence S89°29'13"W, a distance of 306.16 feet; thence S02°08'22"W, along an existing fence; a distance of 183.62 feet; thence N89°38'56"W, along the north line of the parcel of land described in Book 3343,

**EXHIBIT "A" (continued)****WELL SITE '2' (continued)**

Page 714, Official Records of Yavapai County, a distance of 341.29 feet; thence S00°34'58"W, along the west line of said parcel, a distance of 225.94 feet; thence N89°20'21"W, a distance of 90.37 feet; thence N89°15'31"W, a distance of 129.28 feet; thence N89°29'51"W, a distance of 118.25 feet; thence S00°34'26"E, a distance of 182.57 feet; thence N87°35'36"W, a distance of 50.07 feet to the TRUE POINT OF BEGINNING; thence continuing N87°35'36"W, a distance of 142.30 feet to a ½" rebar with cap "LS #19853"; thence N02°17'42"E, a distance of 86.04 feet to a ½" rebar with cap "LS #19853"; thence S87°48'32"E, a distance of 137.96 feet to a ½" rebar with cap "LS #19853"; thence S00°34'26"E, a distance of 86.68 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 0.2776 acres more or less.

**EXHIBIT A**

Including, personal property consisting of all pumps, wells, waterlines, meters, personal property and/or equipment utilized in providing and necessary to provide water service to the above described area, as well as any and all franchise rights and/or rights attributable to the declaration of Siler/Clemenceau's Certificate of Convenience and Necessity and/or business.