

ORIGINAL



0000054162

COMMISSIONERS

RECEIVED

- 1 **JEFF HATCH-MILLER, Chairman**
- 2 **WILLIAM A. MUNDELL**
- 3 **MARC SPITZER**
- 4 **MIKE GLEASON**
- 5 **KRISTIN K. MAYES**

2006 MAY 22 P 3:14

AZ CORP COMMISSION
DOCUMENT CONTROL

57

BEFORE THE ARIZONA CORPORATION COMMISSION

10 IN THE MATTER OF THE APPLICATION
 11 OF BEARDSLEY WATER COMPANY FOR
 12 DELETION OF A PORTION OF ITS
 13 CERTIFICATE OF CONVENIENCE AND
 14 NECESSITY

DOCKET NO. W-02074A-06-0095

**NOTICE OF FILING APPROVALS
 OF CONSTRUCTION AND
 CURTAILMENT TARIFF AND
 REQUEST FOR STAFF
 ASSISTANCE**

BRYAN CAVE LLP
 TWO NORTH CENTRAL AVENUE, SUITE 2200
 PHOENIX, ARIZONA 85004-4406
 (602) 364-7000

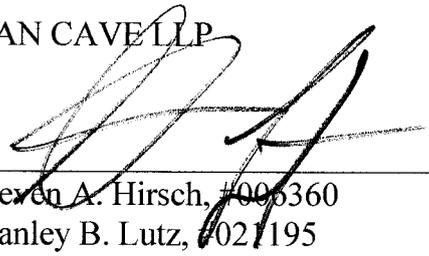
16 In accordance with the directions of Administrative Law Judge Stern, Applicant
 17 Beardsley Water Company ("Beardsley") hereby provides notice of the filing of the
 18 Approvals of Construction received from Maricopa County relating to Beardsley's system,
 19 known as Public Water System number 07-517. Based on this record, and Judge Stern's
 20 directions at the May 8, 2006 hearing, Beardsley requests that Staff immediately seek a
 21 Compliance Status Report from Maricopa County to demonstrate Beardsley's compliance
 22 with Maricopa County Environmental Services Department ("MCESD") requirements.
 23 Beardsley stands ready to provide any additional information or assistance required by Staff.
 24 Applicant further requests that Staff update its Report, as requested by Judge Stern, to
 25 reflect Beardsley's compliance with MCESD requirements. The Approvals of Construction
 26 are attached as Exhibit "A".
 27
 28

BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

1 In addition, Beardsley hereby provides notice that it has, in accordance with Staff's
2 Report and Judge Stern's request, updated its Curtailment Tariff to reflect a complete listing
3 of all applicable Public Water System numbers. A copy of the updated Curtailment Tariff is
4 attached as Exhibit "B". The original was filed with the Corporation Commission on
5 May 9, 2006.

6 DATED this 22nd day of May, 2006.

7 BRYAN CAVE LLP

8
9 By 

10 Steven A. Hirsch, #006360

11 Stanley B. Lutz, #027195

12 Two N. Central Avenue, Suite 2200

13 Phoenix, AZ 85004-4406

14 Attorneys for Beardsley Water Company

15 **ORIGINAL** and 13 copies of the foregoing
16 filed this 22nd day of May, 2006 with:

17 Docket Control Division
18 Arizona Corporation Commission
19 1200 West Washington Street
20 Phoenix, Arizona 85007

21 and

22 **COPY** of the foregoing hand-delivered
23 this 22nd day of May, 2006, to:

24 Marc E. Stern
25 Administrative Law Judge
26 Arizona Corporation Commission
27 1200 W. Washington
28 Phoenix, AZ 85007-2927

...

...

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

Lyn Farmer, Esq.
Chief Hearing Officer
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

Christopher C. Kempley, Esq.
Chief Legal Counsel
Legal Division
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007-2926

Mr. Ernest Johnson
Director, Utilities Division
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007-2927

COPY of the foregoing mailed this
22nd day of May, 2006, to:

Jeffrey W. Crockett, Esq.
Marcie Montgomery, Esq.
Snell & Wilmer LLP
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
Attorneys for Lennar Communities Development, Inc.

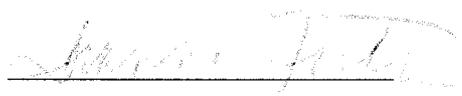


Exhibit A

May 11, 2006 3:30PM

No. 4278 P.P. 2

Environmental Services Department
1001 N. Central, Ste 150
Phoenix, AZ 85004



Division of Water and Waste Management
Subdivision Infrastructure & Planning
(602) 246-1068
FAX (602) 505-8813

RECEIVED
MAY 02 2006

Approval of Construction and/or Verification of General Permit Conformance (one MCESD# per request)

MCESD# 031048 (water / sewer / other type of component) water

Project Name: Dutton Place Unit 3

Project Description: Water Distribution

Applicant Name: SCOTT EWING Job Title: EXPL. V.P.

Company Name: Dutton Place LLC

Mailing Address: PMB 237 Suite 109 7119 E Shea

City: Scottsdale State: AZ Zip Code: 85254

Signature of Applicant: [Signature] Date: _____

Engineer's Certificate of Completion

I, STEVEN M. VERFURTH, a Professional Engineer registered in the State of Arizona, confirm that the project was completed in compliance with the plans and specifications approved by the Department, except as noted on the "as-built" plans. Applicable test results as required are attached.

Seal & Signature: [Signature]

Engineer's Phone: 480/348-0331

Engineer's Fax: 480/348-0338



Department use only

**Approval of Construction and/or
Verification of General Permit Conformance**

For the project as described above, the applicant is granted an Approval of Construction and/or Verification of General Conformance for operation and/or discharge under the terms of General Permit 4.01 in accordance with Title 18, Chapter 9, and Permit Article 5.

By: [Signature]
Steven G. [Name], PE, Program Manager
Subdivision Infrastructure & Planning

Date: 5/11/06

Revised 8/5/05

DO NOT ALTER APPLICATION

May 11, 2006 3:30PM

No. 4278 P. 1

Environmental Services
Department
1001 N. Central, Ste 100
Phoenix, AZ 85004

Division of Water and Waste Management
Subdivision Infrastructure & Planning
(602) 506-1058
FAX (602) 506-2013



RECEIVED
MAY 12 2006

**Approval of Construction and/or
Verification of General Permit Conformance
(one MCESD# per request)**

MCESD# 035149 (water) sewer / other type of component) water

Project Name: Patton Place Unit 4

Project Description: Water Distribution

Applicant Name: SCOTT EWING Job Title: Exec. V.P.

Company Name: Patton Place LLC

Mailing Address: PMB 287, Suite 109 7119 E. Shea

City: Scottsdale State: AZ Zip Code: 85254

Signature of Applicant: [Signature] Date: _____

Engineer's Certificate of Completion

I, STEVEN M. VORFURTH, a Professional Engineer registered in the State of Arizona, confirm that the project was completed in compliance with the plans and specifications approved by the Department, except as noted on the "as-built" plans. Applicable test results as required are attached.

Seal & Signature: [Signature]

Engineer's Phone: 480/348-0331
 Engineer's Fax: 480/348-0338



Department use only

**Approval of Construction and/or
Verification of General Permit Conformance**

For the project as described above, the applicant is granted an Approval of Construction and/or Verification of General Conformance for operation and/or discharge under the terms of General Permit 4.01 in accordance with Title 18, Chapter 8, and Permit Article 2.

By: [Signature]
 Steven G. [Name] Program Manager
 Subdivision Infrastructure & Planning

Date: 5/11/06

Revised 8/6/05

DO NOT ALTER APPLICATION

May 18, 2006: 9:00AM 02-506-5813

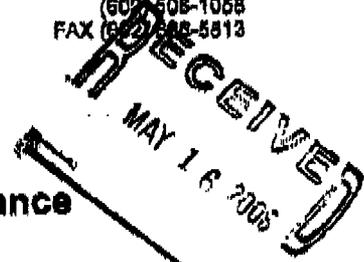
MCESD

No. 4508 P. 1: 02

PWS# 0409517

Environmental Services
Department
1001 N. Central, Ste 150
Phoenix, AZ 85004

Division of Water and Waste Management
Subdivision Infrastructure & Planning
(602) 506-1068
FAX (602) 506-5813



Approval of Construction and/or Verification of General Permit Conformance (one MCESD# per request)

MCESD# 050710 (water sewer / other type of component) waterlines

Project Name: Patton Place unit 4

Project Description
Water Distribution Line Extension

Applicant Name: Scott Owing Job Title: President

Company Name RJ Spinger

Mailing Address PMB 237 Suite 100 7119 E Shea

City Scottsdale State AZ Zip Code 85254

Signature of Applicant [Signature] Date 5/2/06

Engineer's Certificate of Completion

I, STEVEN M. VERFURTH, P.E., a Professional Engineer registered in the State of Arizona, confirm that the project was completed in compliance with the plans and specifications approved by the Department, except as noted on the "as-built" plans. Applicable test results as required are attached.

Seal & Signature [Signature]



Engineer's Phone 480/348-0331
Engineer's Fax 480/348-0338

Department use only

**Approval of Construction and/or
Verification of General Permit Conformance**

For this project as described above, the applicant is granted an Approval of Construction and/or Verification of General Conformance for operation and/or discharge under the terms of General Permit 4.01 in accordance with Title 18, Chapter 9, and Permit Article 2.

By [Signature]
Steven G. Dorst, PE, Program Manager TSC
Subdivision Infrastructure & Planning

Date 5/16/06

Revised 8/5/05

DO NOT ALTER APPLICATION

Exhibit B

TARIFF SCHEDULE

Utility: Beardsley Water Company
Docket No.: W-02074A
Phone No.: (480) 677-6080

Tariff Sheet No.: 1 of 4
Decision No.: N/A
Effective: 12-18-03

CURTAILMENT PLAN FOR BEARDSLEY WATER COMPANY

ADEQ Public Water System #07-007, 07-509, 07-511, 07-517 & 07-528

Beardsley Water Company ("Company") is authorized to curtail water service to all customers within its certificated area under the terms and conditions listed in this tariff.

This curtailment plan shall become part of the Arizona Department of Environmental Quality Emergency Operations Plan for the Company.

The Company shall notify its customers of this new tariff as part of its next regularly scheduled billing after the effective date of the tariff or no later than sixty (60) days after the effective date of the tariff.

The Company shall provide a copy of the curtailment tariff to any customer, upon request.

Stage 1 Exists When:

Company is able to maintain water storage in the system at 100 percent of capacity and there are no known problems with its well production or water storage in the system.

Restrictions: Under Stage 1, Company is deemed to be operating normally and no curtailment is necessary.

Notice Requirements: Under Stage 1, no notice is necessary.

Stage 2 Exists When:

- a. Company's water storage or well production has been less than 80 percent of capacity for at least 48 consecutive hours, and
- b. Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis.

Restrictions: Under Stage 2, the Company may request the customers to voluntarily employ water conservation measures to reduce water consumption by approximately 50 percent. Outside watering should be limited to essential water, dividing outside watering on some uniform basis (such as even and odd days) and eliminating outside watering on weekends and holidays.

TARIFF SCHEDULE

Utility: Beardsley Water Company
Docket No.: W-02074A
Phone No.: (480) 677-6080

Tariff Sheet No.: 2 of 4
Decision No.: N/A
Effective: 12-18-03

Notice Requirements: Under Stage 2, the Company is required to notify customers by delivering written notice door to door at each service address, or by United States first class mail to the billing address or, at the Company's option, both. Such notice shall notify the customers of the general nature of the problem and the need to conserve water.

Stage 3 Exists When:

- a. Company's total water storage or well production has been less than 50 percent of capacity for at least 24 consecutive hours, and
- b. Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis.

Restrictions: Under Stage 3, Company shall request the customers to voluntarily employ water conservation measures to reduce daily consumption by approximately 50 percent. All outside watering should be eliminated, except livestock, and indoor water conservation techniques should be employed whenever possible.

Notice Requirements:

1. Company is required to notify customers by delivering written notice to each service address, or by United States first class mail to the billing address or, at the Company's option, both. Such Notice shall notify the customers of the general nature of the problem and the need to conserve water.
2. Beginning with Stage 3, Company shall post at least two signs showing the curtailment stage. Signs shall be posted at noticeable locations, like at the well sites and at the entrance to major subdivisions served by the Company.
3. Company shall notify the Consumer Services Section of the Utilities Division of the Corporation Commission at least 12 hours prior to entering stage 3.

Once Stage 3 has been reached, the Company must begin to augment the supply of water by either hauling or through an emergency interconnect with an approved water supply in an attempt to maintain the curtailment at a level no higher than Stage 3 until a permanent solution has been implemented.

Stage 4 Exists When:

- a. Company's total water storage or well production has been less than 25 percent of capacity for at least 12 consecutive hours, and

TARIFF SCHEDULE

Utility: Beardsley Water Company
Docket No.: W-02074A
Phone No.: (480) 677-6080

Tariff Sheet No.: 3 of 4
Decision No.: N/A
Effective: 12-18-03

- b. Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis.

Restrictions: Under Stage 4, Company shall inform the customers of a **mandatory** restriction to employ water conservation measures to reduce daily consumption. Failure to comply will result in customer disconnection. The following uses of water shall be prohibited:

- ◆ Irrigation of outdoor lawns, trees, shrubs, or any plant life is prohibited
- ◆ Washing of any vehicle is prohibited
- ◆ The use of water for dust control or any outdoor cleaning uses is prohibited
- ◆ The use of drip or misting systems of any kind is prohibited
- ◆ The filling of any swimming pool, spas, fountains or ornamental pools is prohibited
- ◆ Restaurant patrons shall be served water only upon request
- ◆ Any other water intensive activity is prohibited

Notice Requirements:

1. Company is required to notify customers by delivering written notice to each service address, or by United States first class mail to the billing address or, at the Company's option, both. Such notice shall notify the customers of the general nature of the problem and the need to conserve water.
2. Company shall post at least two signs showing curtailment stage. Signs shall be posted at noticeable locations, like at the well sites and at the entrance to major subdivisions served by the Company.
3. Company shall notify the Consumer Services Section of the Utilities Division of the Corporation Commission at least 12 hours prior to entering stage 4.

Customers who fail to comply with the above Restrictions will be given a written notice to end all outdoor use. Failure to comply within two (2) working days of receipt of the notice will result in temporary loss of service until an agreement can be made to end unauthorized use of outdoor water. To restore service, the customer shall be required to pay all authorized reconnection fees.

If a customer believes he/she has been disconnected in error, the customer may contact the Commission's Consumer Services Section at 1-800-222-7000 to initiate an investigation. Once Stage 4 has been reached, the Company must augment the supply of water by hauling or through

TARIFF SCHEDULE

Utility: Beardsley Water Company

Docket No.: W-02074A

Phone No.: (480) 677-6080

Tariff Sheet No.: 4 of 4

Decision No.: N/A

Effective: 12-18-03

an emergency interconnect from an approved supply or must otherwise provide emergency drinking water for its customers until a permanent solution has been implemented.