

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

50

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

COMMISSIONERS

Jeff Hatch-Miller - Chairman
William A. Mundell
Mike Gleason
Kristin K. Mayes
Barry Wong

2007 JAN -2 P 1:55

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

JAN 02 2007

DOCKETED BY 

IN THE MATTER OF THE APPLICATION
OF ARIZONA WATER COMPANY FOR
AN EXTENSION OF ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY AT
COOLIDGE, PINAL COUNTY, ARIZONA

DOCKET NO. W-01445A-04-0453

NOTICE OF FILING COMPLIANCE ITEMS

On December 3, 2004 the Commission entered Decision No. 67439 in the above-captioned docket. Decision No. 67439 approved the Arizona Water Company's (the "Company") application for an extension of its certificate of convenience and necessity for its Coolidge system. It also contained the following ordering paragraphs:

"IT IS THEREFORE ORDERED that the Application of Arizona Water Company for an extension of its Certificate of Convenience and Necessity for the operation of a water utility in the area more fully described in Exhibit A is hereby approved, provided that Arizona Water Company complies with the conditions as set forth in Findings of Fact Nos. 6 and 7 hereinabove."

IT IS FURTHER ORDERED that in the event that Arizona Water Company does not timely file the copies of the required documentation as described in Findings of Fact No. 6 and 7 as required by the preceding ordering paragraph, then the extension of its Certificate of Convenience and Necessity shall be deemed to be null and void without further order of the Arizona Corporation Commission."

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

This matter is now set for hearing on January 8, 2007. On December 8, 2006, the Company filed the prepared direct testimony and exhibits of its witness Michael J. Whitehead. Attached to, and filed with Mr. Whitehead's testimony were a main extension agreement and a certificate of Approval to Construct for one of the developments the Decision involved. Now, attached hereto as Exhibits A and B, are the following compliance items for the Verona development (formerly Cole Farms, as it was known at the time of the entry of the Decision), located in Sections 6 and 7 of Township 6 South, Range 8 East, Pinal County:

1. A Certificate of Approval to Construct issued by the Arizona Department of Environmental Quality, attached hereto as Exhibit A.
2. A Certificate of Assured Water Supply for the Verona Development, attached hereto as Exhibit B.

RESPECTFULLY SUBMITTED this 2nd day of January, 2007.

ARIZONA WATER COMPANY

By: Robert W. Geake
Robert W. Geake
Vice President and General Counsel
ARIZONA WATER COMPANY
Post Office Box 29006
Phoenix, Arizona 85038-9006

1 Original and thirteen (13) copies of the foregoing filed this 2nd day of January, 2007 with:

2 Docket Control Division
3 Arizona Corporation Commission
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 A copy of the foregoing was mailed this 2nd day January, 2007, to:

7 Christopher Kempley, Chief Counsel
8 Legal Division
9 Arizona Corporation Commission
10 1200 West Washington Street
11 Phoenix, Arizona 85007

12 Ernest G. Johnson, Director
13 Utilities Division
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007

17
18
19
20
21
22
23
24
25
26
27
28
By: Robert W. Make

EXHIBIT B

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
CERTIFICATE OF ASSURED WATER SUPPLY

This is to certify that

11 Mile Road Investors, LLC, an Arizona Limited Liability Company, and Coolidge Corner Retail, LLC, an Arizona Limited Liability Company as Owners with Warm Springs Partners, LLC an Arizona Limited Liability Company as Optionee.

have met the requirements of A.R.S. §§ 45-576 and the applicable regulations, and

By powers vested in the Director of the Arizona Department of Water Resources by the State of Arizona, and subject to the conditions contained in the applicable regulations,

Are issued this Certificate of Assured Water Supply for

**Verona at 11 Mile Corner
Section 5, Township 6 South, Range 3 East
GSRB&M Pinal County, Pinal Active Management Area**

Sufficient water of adequate quality will be continuously available to satisfy the water demand of the referenced subdivision for at least one hundred years. The referenced subdivision consists of **1,468** lots as described in the preliminary plat on file with the Department, and has an estimated water demand of **865.4** acre-feet per year. The subdivision will be served groundwater by **Arizona Water Company - Coolidge.**

This Certificate is invalid as to any entity not named above.
This Certificate may be assigned pursuant to A.A.C. R12-15-705.

Certificate Number: 27-401924-0000



ARIZONA DEPARTMENT OF WATER RESOURCES

Sandra Lubritz-Whitney
Assistant Director

12/20/2006
Date

EXHIBIT B

ARIZONA DEPARTMENT OF WATER RESOURCES

Office of Assured and Adequate Water Supply

2nd Floor, 3550 N. Central Ave., Phoenix, AZ 85012

Telephone 602 771-8585

Fax 602 771-8689



December 20, 2006

Janet Napolitano
Governor

Herbert R. Guenther
Director

VIA CERTIFIED MAIL

Christa McJunkin

Fluid Solutions

1121 East Missouri Ave., Suite 100

Phoenix, AZ 85014

**Re: Certificate of Assured Water Supply
Verona at 11 Mile Corner
DWR File No. 27-401924.0000**

Dear Ms. McJunkin:

The Department of Water Resources has determined that the criteria for an Assured Water Supply pursuant to A.R.S. § 45-576 and A.A.C. R12-15-701 *et seq.* have been met, and therefore the Director has decided to issue Assured Water Supply Certificate No.27-401924.0000. Arizona Water Company - Coolidge will provide water supply to the lots. The source of supply will be groundwater. Based on current information, the Department has determined that the subdivision's total projected demand is 865.4 acre-feet per year for 1468 lots, and the groundwater allowance is 497.42 acre-feet per year. The Certificate is attached. The Department suggests you record your Certificate of Assured Water Supply in the appropriate county recorders office. This will provide you with a permanent public record of the Certificate.

This determination is applicable only to the person or entity specified on the Certificate and for the plat reviewed by the Department. Information used in evaluating this application is available for review in the Department's files. Please contact us if questions arise.

Pursuant to A.R.S. § 41-1092.03, the Department is notifying you that the Director's determination and decision to issue the Certificate is an appealable agency action. You are entitled to appeal this action. If you wish to appeal this action, you must file a written appeal within thirty (30) days from receipt of this letter. I am providing you with a summary of the appeal process and an appeal form, should you elect to pursue this option.

Sincerely,

J. Scott Miller, Manager
Office of Assured and Adequate Water Supply

JSM/pmn
Enclosures

Page 2

Subdivision Name: Verona at 11 Mile Corner

File Number: 27-401924.0000

Cliff Neal

CAGR

P.O. Box 43020

Phoenix, AZ 85080-3020

Drew Swieczkowski, Hydrology Division

Pinal AMA Division

EXHIBIT B

ARIZONA DEPARTMENT OF WATER RESOURCES
OFFICE OF ASSURED WATER SUPPLY
3550 NORTH CENTRAL AVE. 2ND FLOOR
PHOENIX, ARIZONA 85012
(602) 771-8585

NOTICE OF INTENT TO SERVE

Subdivision/Development Name ("Subdivision"): Verona at 11 Mile Corner

Subdivision Owner ("Owner"): 11 Mile Road Investors, L.L.C., an Arizona limited liability company

Subdivision Owner ("Owner"): Coolidge Corner Retail, L.L.C., an Arizona limited liability company

Optionee: Warm Springs Partners, L.L.C., an Arizona limited liability company

Municipal Provider: Arizona Water Company -Coolidge Division

If the Municipal Provider has several divisions, please specify service area in which the Subdivision is located

ADEQ Public Water System Number: 11-014 Please indicate the number valid for this Subdivision

Municipal Provider Type:

City or Town;

Irrigation District;

Water Improvement District;

Private Water Company Regulated by the Arizona Corporation Commission ("PWC");

Is the Subdivision within the PWC's existing Certificate of Convenience and Necessity ("CC&N")? Yes No

If "No", has an application for an extension of the CC&N been filed? Yes No

If "Yes" date of submittal: _____

Please include a copy of the application for extension and reference as an attachment.

If the Subdivision is not within the PWC's CC&N, a Certificate of Assured Water Supply will not be issued until the CC&N has been extended to include the Subdivision.

Homeowners' Association ("HOA")

If HOA, please provide the documents that establish the HOA and evidence from the Arizona Corporation Commission ("ACC") that the HOA is "not for public service," and therefore not subject to regulation by the ACC.

Other (Explain) _____

COMPLETE THIS SECTION IF SUBDIVISION IS LOCATED WITHIN AN ACTIVE MANAGEMENT AREA:

ADWR Service Area Right Number: 56-001308 Number can be found on ADWR Annual Reports

Is the Subdivision located within the Municipal Provider's existing operating distribution system? Yes No

If no, will the Municipal Provider be establishing a new service area right to serve the Subdivision? Yes No

If yes, what type of right will be used to establish the service area right? _____

If the Subdivision is not within the Municipal Provider's operating distribution system, the Municipal Provider must begin the process to establish a new or satellite service area right or enter into an agreement with the undersigned Owner to extend water lines to the subdivision before a Certificate of Assured Water Supply will be issued. Please contact your local AMA office for more information on establishing a new service area right.

The undersigned Owner and Municipal Provider certify that: (1) They have entered into an agreement whereby the Municipal Provider agrees to provide the Subdivision an amount of water sufficient to satisfy the water demands of the Subdivision; (2) The aforementioned agreement is binding upon the present and future agents, servants, representatives, successors in interest and assigns of the Municipal Provider and the Owner; and (3) the Subdivision is within 660' of the Municipal Provider's operating distribution system or that the undersigned Owner and Municipal Provider have (a) entered into an agreement to extend water lines to the subdivision, or (b) a new service area right will be established to serve the Subdivision (if subdivision is located within an active management area). This Notice of Intent to Serve is conditioned upon the Municipal Provider's receipt of necessary approvals from the relevant regulatory agencies and the Municipal Provider's receipt of all necessary payments.

If the Municipal Provider is a PWC, then the Municipal Provider further certifies that the Subdivision is within the boundaries of its CC&N, or that a formal request has been filed with the ACC to extend the boundaries to include the Subdivision.

[Signature]
Signature of Authorized Agent of Private Water Company

ENGINEER
Title

11-1-06
Date

[Signature]
Signature of Owner

Title

11/15/06
Date