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LAWRENCE V. ROBERTSON, JR.
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ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLOMBIA

OF COUNSEL TO
MUNGER CHADWICK, P.L.C.

February 13, 2007

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Re: Empirita Water Company
Docket No. W-03948A-06-0490

RECEIVED
2007 FEB 13 A 8:09
AZ CORP COMMISSION
DOCUMENT CONTROL

To Whom It May Concern:

Enclosed for filing in the above-referenced proceeding and distribution as appropriate are fourteen (14) copies of a February 6, 2007 letter from Lawrence V. Robertson, Jr. to Douglas W. Dunham of the Arizona Department of Water Resources, together with a Notice of Granting License and Approval to Construct. The Notice of Granting License and Approval to Construct were inadvertently omitted in the previous filing of copies of the February 6, 2007 letter to Mr. Dunham.

Also enclosed are two (2) additional copies of the letter. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed stamped and addressed envelope. Thank you for your assistance. Please advise me if you have any questions.

Sincerely,

Angela R. Trujillo
Secretary
Lawrence V. Robertson, Jr.

Arizona Corporation Commission

DOCKETED

FEB 13 2007

DOCKETED BY
NR

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DISTRICT OF COLUMBIA

February 6, 2007

Douglas W. Dunham, Manager
Office of Assured and Adequate Water Supply
Arizona Department of Water Resources
3550 North Central Avenue
Phoenix, Arizona 85012

AZ CORP COMMISSION
DOCUMENT CONTROL

2007 FEB 13 A 8:09

RECEIVED

Re: Application for Modification of Designation of
Adequate Water Supply
Empirita Water Company (DWR #21-402251.0000)
Completeness Review

Dear Mr. Dunham:

This letter and the enclosed copy of an Approval of Construction for the indicated water system facilities at Red Hawk I at J-Six Ranch Subdivision, as issued by the Arizona Department of Environmental Quality on January 29, 2007, are intended to satisfy one of the two remaining prerequisites to the Arizona Department of Water Resources granting the above-referenced Application for Modification of Designation of Adequate Water Supply.

The other remaining prerequisite is the issuance by the Arizona Corporation Commission of a decision granting Empirita Water Company's request for an extension of its certificated water service area, or CC&N. In that regard, a public hearing was held on the water company's application in Tucson on January 11, 2007, in Docket No. W-03948A-06-0490; and, we anticipate that Administrative Law Judge Jane L. Rodda will be issuing her recommended Opinion and Order shortly. As of this juncture, we do not know whether the matter will be on the agenda for the February or March Open Meeting of the Arizona Corporation Commission.

I will keep you advised as to both the timing of issuance and nature of Judge Rodda's recommendations, and at which Open Meeting the same are scheduled to be considered. In the

Douglas W. Dunham
February 6, 2007
Page 2 of 2

interim, if you have any questions regarding the enclosed Approval of Construction, please let either Jim Vermilyea or me know.

Sincerely,



Lawrence V. Robertson, Jr.

Cc: Alan Dulaney – ADWR, w-encl.
Hon. Jane L. Rodda – ACC, w-encl.
Steve Olea – ACC, w-encl.
Robin Mitchell – ACC, w-encl.
Chuck Dickens, w-encl.
Morrison Maierle, Inc., w/o encl.
Empirita Water Company w/o encl.

MORRISON-MAIERLE



Janet Napolitano
Governor

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

Notice of Granting License
Notice of Appealable Agency Action

Attn: Jason C. Mercer, P.E.
8710 N. Thornydale Rd., Suite 140
Tucson, AZ 85742

January 29, 2007

Re: Red Hawk, 91 lots at J-Six Ranch Subdivision
Project ID: 20010284

Dear Applicant:

The ADEQ has granted you a license in response to the above referenced application. A copy of the license is enclosed. ADEQ's review of your application was subject to the requirements of the licensing time frames ("LTF") statute under Arizona Revised Statutes ("A.R.S.") § 41-1072 through § 41-1079. This letter is the written notification of the licensing decision required under ("A.R.S.") § 41-1076 and ("A.A.C.") R18-1-507(A).

ADEQ has determined that it has issued this letter containing ADEQ's licensing decision to you prior to the expiration of the ("A.R.S.") § 41-1073(A) licensing time frames ("LTF") governing your application. This determination may be an appealable agency action under the ("A.R.S.") § 41-1092(3) or a contested case under the ("A.R.S.") § 41-1001(4). You have a right to request a hearing on an appealable agency action or a contested case and to request an informal settlement conference under ("A.R.S.") § 41-1092.06 and ("A.A.C.") R18-1-203. To obtain a hearing on an appealable agency action or a contested case, you must file a notice of appeal within **30 days** of your receipt of this letter.

Please contact the undersigned at (520) 628-6733 if you have questions regarding this Notice or the approved verification of general permit conformance.

Sincerely,

Raymond D. Morgan, P.E.
Arizona Department of Environmental Quality
400 W. Congress, Ste. 433
Tucson, AZ 85701

cc: Empirita Water Company, L.L.C.

Enclosure

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ
86004
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ
85701
(520) 628-6733

Printed on recycled paper



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
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Stephen A. Owens
Director

APPROVAL OF CONSTRUCTION

Project Description: Construction of wells 1 & 2, 50,000 gallon water storage tank, 5,000 gallon
hydropneumatic pressure tank, pumps & piping to serve 91 lots of proposed
Red Hawk at J-Six Ranch Subdivision.

Location: Benson County: Cochise

Project Owner: Empirita Water Co., L.L.C, 2090' N. Kolb Rd., Ste.120, Tucson, AZ 85718

Approval to operate the above-described facilities as represented in the approved plan documents on file with the Arizona Department of Environmental Quality is hereby given subject to the following provisions:

NONE

This approval is based upon the Engineer's Certificate of Completion signed by your registered Professional Engineer, Jason C. Mercer, dated January 26, 2007.

Arizona Revised Statutes require that the operation of the project must be in accordance with the rules of the Arizona Department of Environmental Quality.

Date Approved: January 29, 2007

RDM: mdr

Martin D. McCarthy, P.E., Manager
Compliance Programs Unit
Southern Regional Office

System Number: 02-122

LTF Number: _____

cc: File No.: 20010284

Engineering Review Desk
County Health Department

ADEQ/WQD/FO-001 (REV. 09-04)

Northern Regional Office
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