

ORIGINAL



# MOHAVE COUNTY ATTORNEY

Main Office:  
P.O. Box 7000  
315 N. 4<sup>th</sup> Street  
Kingman, AZ 86402-7000  
Telephone (928) 753-0719  
Fax (928) 753-2669

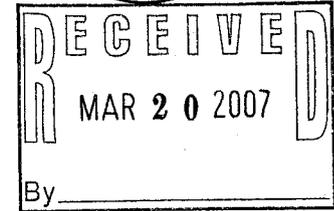
**MATTHEW J. SMITH**  
County Attorney

**JAMES J. ZACK**  
Chief Deputy

Sarah's House Victim Center  
P. O. Box 7000  
1770 Airway Avenue  
Kingman, AZ 86402-7000  
(928) 718-5522



28



Branch Offices:

Bullhead City - (928) 758-0727  
Lake Havasu City - (928) 453-4144

✓ **Civil Division:**

P. O. Box 7000  
700 W. Beale Street  
Kingman, AZ 86402-7000  
Telephone (928) 753-0770  
Fax (928) 753-4290

**William J. Ekstrom, Jr.:** (928) 753-0770, x-4277  
Email: [Bill.Ekstrom@co.mohave.az.us](mailto:Bill.Ekstrom@co.mohave.az.us)

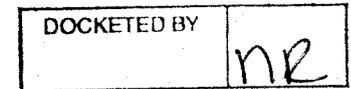
March 12, 2007

Mr. William A. Mundell, Commissioner  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Arizona Corporation Commission  
**VIA FIRST CLASS MAIL DOCKETED**

**MAR 21 2007**

Re: Public Records Request  
Perkins Mountain Water Company, Docket No. W-20380A-05-0490;  
Perkins Mountain Utility Company, Docket No. SW-20379A-05-0489



Dear Mr. Mundell:

Please find enclosed the information which you had requested on February 20, 2007 pursuant to A.R.S. § 39-121.01.

I have discussed this matter with Chris Kempley and members of your staff in an attempt to clarify which records would be germane to your inquiry and have focused on e-mails and written correspondence. We, of course, have boxes of materials which involve area plans and zoning which we will make available for inspection and review.

As a courtesy to yourself and the Commission, we are waiving your cost for copies.

If you require further information or wish to discuss these items, please let me know.

Sincerely,

William J. Ekstrom, Jr.  
Special Deputy County Attorney

RECEIVED  
2007 MAR 21 P 3:26  
AZ CORP COMMISSION  
DOCUMENT CONTROL

Mr. William A. Mundell, ACC Commissioner

March 12, 2007

Page 2 of 2

---

WJE/csl

Enclosures (as stated)

cc: Mohave County Supervisors (via e-mail w/o encls.)  
Mohave County Manager (via e-mail w/o encls.)  
Mohave County Clerk of the Board (via e-mail w/o encls.)

**From:** "Buster Johnson" <buster.johnson@co.mohave.az.us>  
**To:** "Barbara Bracken" <Barbara.Bracken@co.mohave.az.us>  
**Date:** 03/08/2007 8:06:52 AM  
**Subject:** RE:ACC Public Record Request

Nothing for me

[Message delivered by NotifyLink]

-----Original Message-----

From: "Barbara Bracken" <Barbara.Bracken@co.mohave.az.us>  
Sent: Wed, March 07, 2007 3:32 PM  
To: "Pete Byers" <Pete.Byers@co.mohave.az.us>, "Carol Decker-Noli" <Carol.Decker-Noli@co.mohave.az.us>, "Susan Donahue" <Susan.Donahue@co.mohave.az.us>, "Buster Johnson" <Buster.Johnson@co.mohave.az.us>, "Cindy Levesque" <Cindy.Levesque@co.mohave.az.us>, "Bonnie Nickles" <Bonnie.Nickles@co.mohave.az.us>, "Tom Sockwell" <Tom.Sockwell@co.mohave.az.us>  
Cc: "Linda Kelly" <Linda.Kelly@co.mohave.az.us>, "Yvonne Orr" <Yvonne.Orr@co.mohave.az.us>, "Ron Walker" <Ron.Walker@co.mohave.az.us>  
Subject: ACC Public Record Request

Dear Board Members:

Attached is correspondence from Attorney Ekstrom and Commissioner Mundell, ACC, regarding a public record request. Please provide me with any written communication between you and Rhodes Homes or any of its affiliates or personnel. I will in turn forward the information to Bill. If you do not have any written communications, let me know; we are on a short timeline. If you have any questions regarding the request, please contact Bill. Thanks.

Barbara

**From:** Tom Sockwell  
**To:** Barbara Bracken  
**Date:** 03/08/2007 8:23:34 AM  
**Subject:** Re: ACC Public Record Request

Barbara, I have nothing. I have only talked to the man once and that was about two years before he started any work.  
Tom

>>> Barbara Bracken 03/07/2007 3:32 PM >>>  
Dear Board Members:

Attached is correspondence from Attorney Ekstrom and Commissioner Mundell, ACC, regarding a public record request. Please provide me with any written communication between you and Rhodes Homes or any of its affiliates or personnel. I will in turn forward the information to Bill. If you do not have any written communications, let me know; we are on a short timeline. If you have any questions regarding the request, please contact Bill. Thanks.

Barbara

Snell & Wilmer  
— L.L.P. —  
LAW OFFICES

One Arizona Center  
Phoenix, AZ 85004-2202  
602.382.6000 P  
602.382.6070 F  
swlaw.com

Robert J. Metli  
602.382.6568  
rmetli@swlaw.com

January 17, 2006

*Barbara  
Varon  
Correspondence*

Ms. Barbara Bracken  
Clerk of the Board  
Mohave County Board of Supervisors  
PO Box 7000  
Kingman AZ 86402-7000

Re: Franchise Agreement and Franchise for Public Service Corporations for  
Perkins Mountain Utility Company and Perkins Mountain Water Company

Dear Ms. Bracken:

Enclosed please find the originally executed Franchise Agreement and Franchise for Public Service Corporations for Perkins Mountain Utility Company and Perkins Mountain Water Company, respectively. Also enclosed is a check in the amount of \$1,000, which constitutes the application fees for both Perkins Mountain Utility Company and Perkins Mountain Water Company.

The Franchise Agreements have been slightly modified to accurately reflect the utility's financial condition as well as the status of construction of the underlying facilities. Pursuant to Section 4, Terms and Conditions, Subparagraph J, the Franchisee shall submit a **projected financial statement** initially, and then annually thereafter, a complete financial statement to the Board which would reflect the current financial status of the Franchisee. As the utilities have not yet conducted business, there is no hard financial data to support a financial statement at this time.

In Section 14, Liability Insurance Required, Franchisee shall provide **prior to commencing construction**, and at all times thereafter, proof of a minimum of one million dollars in excess liability.

Ms. Barbara Bracken  
Clerk of the Board  
Mohave County Board of Supervisors  
January 17, 2006  
Page 2

We discussed these proposed modifications with the County Attorney, William Ekstrom, Jr., and he had no objections thereto.

We look forward to working with Mohave County in this matter. If I can be of any further assistance, or you need any additional information, please do not hesitate to contact me.

Very truly yours,

Snell & Wilmer



Robert J. Metli

RJM:ch  
Enclosures

# MOHAVE COUNTY BOARD of SUPERVISORS

P.O. Box 7000

Website - [www.co.mohave.az.us](http://www.co.mohave.az.us)

700 West Beale Street

Kingman, Arizona 86402-7000

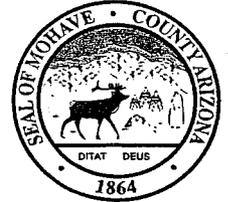
TDD - (928) 753-0726

District 1  
Pete Byers  
(928) 753-0722

District 2  
Tom Sockwell  
(928) 758-0713

District 3  
Buster D. Johnson  
(928) 453-0724

County Manager  
Ron E. Walker  
(928) 753-0729  
FAX (928) 718-4957



Clerk of the Board  
Barbara Bracken  
(928) 753-0731  
FAX (928) 753-0732

February 23, 2006

Robert J. Metli  
Snell & Wilmer  
One Arizona Center  
Phoenix, AZ 85004-2202

Dear Mr. Metli:

Please be advised at the Mohave County Board of Supervisors Meeting held February 6, 2006, the Board acknowledged receipt of the water system franchise request for Perkins Mountain Water Company and the wastewater system franchise request for Perkins Mountain Utility Company

The date set for the Public Hearings on the franchise requests will be March 6, 2006, at the Board of Supervisors Auditorium, 700 W. Beale Street, Kingman, Arizona. The Board Meeting will begin at 9:30 A.M.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

FOR THE BOARD OF SUPERVISORS

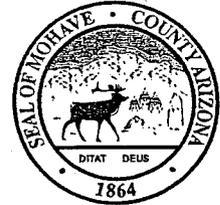
A handwritten signature in cursive script that reads "Barbara Bracken".

Barbara Bracken, Clerk of the Board

# MOHAVE COUNTY BOARD of SUPERVISORS

P.O. Box 7000  
Website - www.co.mohave.az.us

Kingman, Arizona 86402-7000  
TDD - (928) 753-0726



District 1  
Pete Byers  
(928) 753-0722

District 2  
Tom Sockwell  
(928) 758-0713

District 3  
Buster D. Johnson  
(928) 453-0724

County Manager  
Ron E. Walker  
(928) 753-0729  
FAX (928) 718-4957

Clerk of the Board  
Barbara Bracken  
(928) 753-0731  
FAX (928) 753-0732

March 8, 2006

Robert J. Metli  
Snell & Wilmer  
One Arizona Center  
Phoenix, AZ 85004-2202

RE: Perkins Mountain Utility Company and Perkins Mountain Water Company

Dear Mr. Metli:

Please be advised at the Mohave County Board of Supervisors meeting held March 6, 2006, the Board approved Franchise Agreements for Perkins Mountain Utility Company and Perkins Mountain Water Company.

Enclosed are copies of the Franchise Agreements. If you have any questions, please do not hesitate to contact this office.

Sincerely,

**FOR THE BOARD OF SUPERVISORS**

A handwritten signature in cursive script that reads "Barbara Bracken".

Barbara Bracken, Clerk of the Board

Enclosure

XC: Mohave County Finance  
Mohave County Public Works  
Mohave County Planning & Zoning

**Snell & Wilmer**  
L.L.P.  
LAW OFFICES

One Arizona Center  
Phoenix, AZ 85004-2202  
602.382.6000 P  
602.382.6070 F  
swlaw.com

Robert J. Metli  
602.382.6568  
rmetli@swlaw.com

March 6, 2006

Mr. Herbert R. Guenther  
Arizona Department of Water Resources  
3550 North Central Avenue  
Phoenix, AZ 85012

Re: The Villages of White Hills  
Analysis of Adequate Water Supply (ADWR #23-401674)

Dear Mr. Guenther:

We have been retained by Rhodes Homes – Arizona LLC and American Land Management, LLC (“ALM”) (collectively the “Companies”) to protect their vested interest in the priority date established by law for the above referenced Application for an Analysis of Adequate Water Supply (“Application”). This letter is in response to the February 17, 2006, letter you sent to ALM claiming that no priority date has been assigned. This statement is contrary to prior correspondence from the Department and is not supported by the facts. ALM’s hydrogeologist, Errol L. Montgomery & Associates, Inc. (“Montgomery & Associates”) has been working in close cooperation with ADWR to investigate and resolve the hydrology issues related to the Company’s land in Mohave County. This is an ongoing process that is complex and time consuming. ALM has invested a significant amount of time and money toward demonstrating the physical availability of adequate groundwater in the aquifer system in the vicinity of its land.

Montgomery & Associates prepared the Application, along with the accompanying hydrology studies, and submitted it to the Arizona Department of Water Resources (“ADWR” or “the Department”) on March 18, 2005. Additional hydrology test results were filed on May 10, 2005. The Department acknowledged by letter dated August 9, 2005, that it had completed its administrative review of the Application and determined it to be complete pursuant to statute.

The Department then requested information on technical issues pertaining to the hydrology information that was provided as part of the Application. These are substantive issues. The hydrological information provided did not meet the substantive requirements and the Department was requesting supplemental information.

XC: BOS  
Manager  
P+Z  
Ebatrom

DENVER  
LAS VEGAS  
ORANGE COUNTY  
PHOENIX  
SALT LAKE CITY  
TUCSON

**RECEIVED**

**MAR 08 2006**

**CLERK OF THE BOARD**

Mr. Herbert R. Guenther  
Arizona Department of Water Resources  
March 6, 2006  
Page 2

Montgomery & Associates met with ADWR Hydrology Division on September 2, 2005, to determine what specific information ADWR required to complete the substantive review. The Department sent a follow up letter on September 20, 2005, summarizing ADWR's specific concerns as expressed in the September 2nd meeting. ADWR put forth a recommendation that a proposal addressing these concerns be submitted for the Department's review and comment. A proposal was submitted by Montgomery & Associates on behalf of the Companies on December 5, 2005 ("the Proposal").

The proposed supplemental work includes: submittal of additional data for existing wells; pumping tests for an additional new well; and further interpretation of existing data. Furthermore, Montgomery & Associates will be obtaining more data on the extent of the thick clay unit found at depth at the White Hills property and conducting additional analytical modeling for 100-year drawdown using an agreed upon smaller area and range of values for input parameters.

Meanwhile, in January 2006, the Field Services Division of ADWR contacted Montgomery & Associates requesting access to ALM's wells. The Department stated that access to these wells would assist ADWR in conducting water-level and gravity measurements in Mohave County. Data collected from the wells was deemed "invaluable" to the Department. The wells were considered "even more valuable" because there are no other wells in close proximity "and the correlation of holes found to logs available makes them even more valuable." In the spirit of cooperation with ADWR, the Company granted the Department access to the wells on February 1, 2006. The Department has committed to providing to Montgomery & Associates a copy of all data collected on the Detrital, Sacramento and Hualapai basins.

After several months delay, on February 17, 2006, ADWR Hydrology Division sent a letter to Montgomery & Associates confirming that the Proposal addresses the need to obtain and evaluate additional data, including the drilling of boreholes, aquifer testing, analysis of drawdown data and projection of the 100-year impact using an analytical model. The Department considered the proposal acceptable. Therefore, it was somewhat of a surprise to the Companies to receive a letter from ADWR, also dated February 17, 2006, stating that based on the information that is available, the Department feels that it is unlikely that adequate supplies of groundwater are physically available for the proposed uses in the pending application. The Companies believe that the Proposal submitted by Montgomery & Associates to ADWR will provide sufficient information for the Department to make a determination that an adequate supply of groundwater is physically available for the proposed use.

ALM disputes your assertion that the Application, as referenced above, has not been deemed administratively complete and therefore, lacks a priority date. The letter of August 9, 2005, is clear that the Department found the Application to be administratively complete. Regardless of the August 9<sup>th</sup> correspondence, the Application is deemed administratively

Mr. Herbert R. Guenther  
Arizona Department of Water Resources  
March 6, 2006  
Page 3

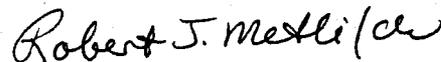
complete by operation of law. Pursuant to state statute, if an agency does not issue a written notice of administrative completeness or deficiencies within the administrative completeness review timeframe as set forth by the Department, the application is deemed administratively complete.<sup>1</sup> The completeness review timeframe for an analysis of water adequacy is 60 days.<sup>2</sup> As noted above, the Application was filed on March 18, 2005. There was no written response from the Department before August 9, 2005, 144 days after the Application was submitted. Even if the supplemental hydrology information submitted on May 10, 2005, were to be considered the Application date, no written response was received from ADWR until 91 days later.

Administrative completeness is defined as an application that contains all components required by statute or rule<sup>3</sup>. The Company provided all the information that is required for a complete application pursuant to ADWR rules<sup>4</sup>. The additional work that ADWR and the Company have agreed to goes far beyond completion of an application. The Company has been working diligently to provide ADWR the supplemental information the Department needs to complete its substantive review. Additional wells are being drilled. Data collecting and testing are ongoing. A supplemental report will be submitted to ADWR with all the information described in the Proposal. ALM has invested and continues to invest a significant amount of time and money into additional studies, wells and testing.

Be advised that we will take whatever steps are necessary to preserve our client's rights. If need be, the Company will request an administrative hearing to address the apparent attempt in your letter to rescind the Company's priority status. ALM is working, however, toward resolving the hydrology issues with ADWR and will continue to work cooperatively with the Department in its goal of assessing the hydrology in that area.

Very truly yours,

Snell & Wilmer



Robert J. Metli

cc: Mr. Carlos Ronstadt, Snell & Wilmer L.L.P.  
Mr. Jim Rhodes, Rhodes Homes  
Mohave County Board of Supervisors

---

<sup>1</sup> A.R.S. §41-1074(C).  
<sup>2</sup> A.A.C. R12-15-401.  
<sup>3</sup> A.R.S. §41-1072(1).  
<sup>4</sup> A.A.C. R12-15-716.

One Arizona Center  
Phoenix, AZ 85004-2202  
602.382.6000 P  
602.382.6070 F  
swlaw.com

Kimberly A. Grouse  
kgrouse@swlaw.com



**RECEIVED**

**JUL 13 2006**

**SUPERVISOR, DIST. 1**

DENVE  
IRVIN  
LAS VEGA  
PHOENI

July 10, 2006

from  
Rete  
Various  
Correspondence

Kristin K. Mayes, Commissioner  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007

Re: Perkins Mountain Water Co. Application for CC&N, Docket No. W-20380A-05-0490;  
Perkins Mountain Utility Co. Application for CC&N, Docket No. SW-20379A-05-0489

Dear Commissioner Mayes:

In your letter dated June 19, 2006, you ask whether Rhodes Homes Arizona, LLC ("Rhodes Homes") is circumventing the law, ARS §40-281, by commencing to construct utility infrastructure. Pursuant to statute, a public service corporation must first obtain a Certificate of Convenience and Necessity ("CC&N") from the Arizona Corporation Commission prior to commencing construction of any plant, line or utility system. Rhodes Homes is not circumventing this law because, in fact, it does not apply to Rhodes Homes. Rhodes Homes is not a public service corporation.

Arizona's constitutional definition of a public service corporation is "all corporations, other than municipal engaged in ... furnishing water for irrigation, fire protection, or other public purposes; ... or engaged in collecting, transporting, treating, purifying and disposing of sewage through a system, for profit...shall be deemed public service corporations." Ariz. Const. Art. XV, §2 (1980). Rhodes Homes does not furnish water service to the public and has no intention of doing so. It is a developer, not a public service corporation.

You also ask in your letter why Rhodes Homes is not in violation of ARS §40-281, especially if Perkins Mountain Water Company ("Perkins") is in any way affiliated with Rhodes Homes. As Commissioner Mundell noted in his letter dated May 24, 2006, Perkins and Rhodes Homes are separate legal entities. The fact that Rhodes Homes and Perkins may have the same business address, are under common control and are affiliated is not indicia of Rhodes Homes acting as a public service corporation<sup>1</sup>. Similar to other corporate entities that have a regulated subsidiary or affiliate, Rhodes

<sup>1</sup> The Arizona Supreme Court found a public service corporation is one which makes its rates, charges and methods of operation a matter of public concern. Such concern must be "clothed with a public interest." *Southwest Gas Corporation v Arizona Corporation Commission*, 169 Ariz. 279, 286, 818 P.2d 714, 721 (Ariz. Ct. App. 1991); *Arizona Corporation Commission v Nicholson*, 108 Ariz. 317, 321, 497 P.2d 815, 819 (Ariz. 1972) (quoting *General Alarm v. Underdown*, 76 Ariz. 235, 262 P.2d 671, 672 (Ariz. 1953)). The Court of Appeals in *Southwest Gas* looked to a set of factors, as many other Arizona courts have, to identify corporations that are clothed with a public interest. The factors stem from *Natural Gas Service Co. v Serv-Yu Cooperative*, 70 Ariz. 235, 237, 219 P.2d 325 (Ariz. 1950). These factors are: 1) What the corporation actually does. 2) A dedication to public use. 3) Articles of incorporation, authorization, and purposes. 4) Dealing with the service a commodity in which the public has been generally held to have an interest. 5) Monopolizing

Kristin K. Mayes, Commissioner

July 10, 2006

Page 2

Homes is not a public service corporation by virtue of its affiliation. Rhodes Homes provides water solely to its own private property from its own private wells. It has no intention of providing water service to any customers. It is in the business of building master planned communities.

It is common practice in this state for developers of master planned communities to build the utility infrastructure and then transfer the assets to an approved public service corporation at a later date, subject to refunds, or in some cases contributed outright. Upon receipt of the assets, the water or wastewater company accounts for such assets as advances or contributions in aid of construction, as is sanctioned by the Commission's regulations. The Del Webb properties in Anthem are but one example of a master planned community that built the infrastructure and then conveyed the assets to the water company. Another example of a developer building infrastructure is the Arizona Gateway Development in the vicinity of Lake Havasu City in Mohave County. The developer constructed all of the water and sewer facilities and then conveyed the assets to the utility. The utility company recorded this plant as a refundable advance pursuant to a Line Extension Agreement.

At the present time, Perkins has not entered into any agreements with Rhodes Homes or any other entity to build or convey assets. If Perkins receives its CC&N, it too will be able to enter into a Line Extension Agreement with Rhodes Homes, subject to Commission approval.

Because developers have several alternatives to a regulated public service corporation for providing water service to a development, often times the water provider is decided as the community is being developed. Depending on the size of the development, these options include a community facilities district, domestic water improvement district, homeowners association or entering into an agreement with a local municipality. The type of entity a developer chooses is a business decision and a multitude of factors are taken into account in making that decision. It is not uncommon for a developer to begin installation of utility infrastructure concurrent with the construction of the initial phases of the development while still determining what entity will provide utility service.

Master planned communities require significant investment, planning and coordination. In many instances, it may be years before the first house is occupied. During those intervening years, developers are within their rights to continue building infrastructure. This is done to ensure that the necessary infrastructure is in place to provide utility services by the time that the first house is occupied, regardless of the ultimate service provider.

Furthermore, the Arizona Department of Environmental Quality's ("ADEQ") own rules state that an approval to construct becomes void if construction does not begin within one year of issuance

---

or intending to monopolize the territory with a public service commodity. 6) Acceptance of substantially all requests for service. 7) Service under contracts and reserving the right to discriminate is not always controlling and 8) Actual or potential competition with other corporations whose business is clothed with public interest. In applying these factors, the court upheld the Arizona Corporation Commission's decision not to regulate El Paso as a public service corporation, despite the fact that El Paso dealt in a commodity which the public generally holds an interest. The court found that El Paso was not monopolizing, had no future plans to monopolize, did not accept "substantially all requests for customers" and did not intend to add any new direct sale customers. *Southwest Gas* at 287.

Kristin K. Mayes, Commissioner

July 10, 2006

Page 3

of an approval to construct. A.A.C. R18-5-505 (E)(1). There is no requirement that the applicant for such approval be a regulated utility.

The utility infrastructure is but one part of the approved plan in Golden Valley. It has been Rhodes Homes intent to build the utility infrastructure since May 2005 when the Rhodes Homes engineer, Stanley Consultants, prepared infrastructure plans and exhibits as part of its Golden Valley Ranch Engineering Report. Stanley Consultants began the process in July 2005 of developing water and wastewater system construction documents in preparation for applying to the ADEQ for approval to construct. To keep construction on schedule, Rhodes Homes applied to ADEQ for approvals to construct on February 28, 2006 for a 24-inch pipeline, March 9, 2006 for a storage tank and March 21, 2006 for a new source well. These approvals were granted on March 22, 2006, April 17, 2006 and April 6, 2006, respectively, and construction of the 24-inch pipeline infrastructure began on March 31, 2006.

We trust that this letter addresses your concerns.

Very truly yours,

Snell & Wilmer L.L.P.



Jeffrey W. Crockett

Kimberly A. Grouse

KAG:bjw

cc: Chairman Hatch-Miller  
Commissioner Spitzer  
Commissioner Mundell  
Commissioner Gleason  
Brian McNeil  
Ernest Johnson  
Lyn Farmer  
Chris Kempley  
Steve Olea  
Heather Murphy  
Parties of Record  
Herb Guenther, Director ADWR  
Pete Byers, Mohave County Supervisor  
Tom Sockwell, Mohave County Supervisor  
Buster Johnson, Mohave County Supervisor

ARIZONA DEPARTMENT OF WATER RESOURCES

Legal Division

3550 North Central Avenue, Phoenix, Arizona 85012

Telephone 602 771-8472

Fax 602 771-8683



April 5, 2006

Janet Napolitano  
Governor

Herbert R. Guenther  
Director

RECEIVED

APR 10 2006

SUPERVISOR, DIST. 1

RECEIVED

APR 07 2006

CLERK OF THE BOARD

Robert J. Metli  
Carlos D. Ronstadt  
Snell & Wilmer L.L.P.  
One Arizona Center, 400 E. Van Buren  
Phoenix, Arizona 85004-0001

RE: The Villages of White Hills  
Analysis of Adequate Water Supply Application No. 23-401674

Dear Mr. Metli and Mr. Ronstadt:

I am responding to your respective letters to Herb Guenther, Director, dated March 6, 2006 and March 17, 2006, regarding the application referenced above. Since the two letters address virtually the same subject matter, I will respond to both letters at this time.

You have asserted that because the application is administratively complete, the application therefore has a priority date for purposes of the Assured and Adequate Water Supply rules. A.A.C. R12-15-701 *et seq.* Although the application in question was deemed administratively complete under A.R.S. § 41-1074(C), the application is *not substantively correct* and, therefore, no priority date has yet been assigned to the application.

According to A.A.C. R12-15-716(D), "the priority date of an application for a water report, designation of adequate water supply, or analysis of adequate water supply shall be the date that a complete *and correct* application is filed with the Director." (Emphasis added.) Pursuant to A.R.S. § 41-1074(C), the application was deemed "administratively complete" on August 9, 2005. The application is not, however, correct.<sup>1</sup> The application is complete *and correct* when the applicant has submitted all the information required to make a determination on the application and the information is verified as acceptable.<sup>2</sup>

Although the application was deemed administratively complete because the Department of Water Resources (Department) did not issue a written notice of administrative completeness or deficiencies within the administrative review time frame, the application did not contain all of

the information requested in the application. In the August 9 letter, the Department requested the additional information needed to review the application and make a determination on the physical availability of groundwater. Until the Department receives that information and verifies it as acceptable,

<sup>1</sup> An application may be complete but incorrect, as in this case. See A.R.S. § 45-578(A) ("The first publication [of notice of an application for a certificate of assured water supply] shall occur within fifteen days after the application is determined *complete and correct* or at any earlier time as the applicant may request after the application is determined *complete*." (Emphasis added)).

<sup>2</sup> See Notice of Proposed Rulemaking, 12 A.A.R. 383, 391, 441, Feb. 10, 2006 (explaining that the proposed rules clarify the procedure for determining the priority date of an application by setting forth the meaning of "complete and correct"). Although the proposed rules are not expressly applicable to the application in question, the change to the rules is not a substantive change, but a clarifying change to explain the Department's current practice.

Robert J. Metli  
Carlos D. Ronstadt  
April 5, 2006  
Page Two

the application is administratively complete but incorrect.<sup>3</sup> Because Application No. 23-401674 is not complete *and correct*, the Department has not yet assigned the application a priority date.

As the March 6 letter correctly states, the Department approved the proposal submitted in December 2005 by Errol L. Montgomery & Associates, Inc., to obtain and analyze more data. The Department is awaiting the results of the proposal before making a final determination on the application. After the additional information is submitted, the Department will review the information to determine whether the application is complete *and correct*. If at that time the Department determines that the application is complete *and correct*, the Department will assign the application a priority date, as provided by rule. The priority date will be the date that the final requested information was submitted, rather than the date the Department determines the application to be complete *and correct*.

The March 6 letter also expressed confusion regarding two letters sent by the Department, both dated February 17, 2006. One letter, issued by the Department's Hydrology Division, approved the December 2005 proposal to obtain additional data in the area. The second letter, signed by the Director, stated that "based on information that is available the Department feels that it is unlikely that adequate supplies of groundwater are physically available for the proposed uses in the pending applications." The two letters do not conflict with one another. The Hydrology Division has acknowledged the Errol L. Montgomery & Associates proposal as an appropriate method to gather additional data. However, based on the data that is *currently* available, it appears that adequate supplies of groundwater are not physically available for the proposed uses in the pending applications.

Finally, the March 17 letter requests a notice of appealable agency action if the Department does not assign a priority date to the application at this time. However, the Department has not yet made a final determination with respect to the application and therefore cannot issue an appealable agency action at this time. See A.R.S. § 41-1092(3).

Please let me know if you need further clarification. As before, the Department wants to ensure that all parties remain updated regarding the availability of water supplies and that all applicants understand the application review process.

Sincerely,



W. Patrick Schiffer  
Chief Counsel

cc: Herbert R. Guenther, Director  
Mr. Jim ~~Rhodes~~, ~~Rhodes~~ Homes  
Mohave County Board of Supervisors

WPS:kad

<sup>3</sup> Even if the Department were to apply its Water Storage Permit Application Guide in this case, the Application Guide states, "An application is deemed complete and correct when all of the information requested in the application has been submitted." In this case, the applicant has not submitted all information requested in the application.

**Snell & Wilmer**  
LLP  
LAW OFFICES

One Arizona Center  
Phoenix, AZ 85004-2202  
602.382.6000 P  
602.382.6070 F  
swlaw.com

Robert J. Metli  
602.382.6568  
rmetli@swlaw.com

XC: BOS  
Manager  
P+Z  
Epstrom

DENVER  
LAS VEGAS  
ORANGE COUNTY  
PHOENIX  
SALT LAKE CITY  
TUCSON

March 6, 2006

**RECEIVED**

**MAR 08 2006**

**CLERK OF THE BOARD**

Mr. Herbert R. Guenther  
Arizona Department of Water Resources  
3550 North Central Avenue  
Phoenix, AZ 85012

Re: The Villages of White Hills  
Analysis of Adequate Water Supply (ADWR #23-401674)

Dear Mr. Guenther:

We have been retained by ~~Rhodes~~ Homes – Arizona LLC and American Land Management, LLC (“ALM”) (collectively the “Companies”) to protect their vested interest in the priority date established by law for the above referenced Application for an Analysis of Adequate Water Supply (“Application”). This letter is in response to the February 17, 2006, letter you sent to ALM claiming that no priority date has been assigned. This statement is contrary to prior correspondence from the Department and is not supported by the facts. ALM’s hydrogeologist, Errol L. Montgomery & Associates, Inc. (“Montgomery & Associates”) has been working in close cooperation with ADWR to investigate and resolve the hydrology issues related to the Company’s land in Mohave County. This is an ongoing process that is complex and time consuming. ALM has invested a significant amount of time and money toward demonstrating the physical availability of adequate groundwater in the aquifer system in the vicinity of its land.

Montgomery & Associates prepared the Application, along with the accompanying hydrology studies, and submitted it to the Arizona Department of Water Resources (“ADWR” or “the Department”) on March 18, 2005. Additional hydrology test results were filed on May 10, 2005. The Department acknowledged by letter dated August 9, 2005, that it had completed its administrative review of the Application and determined it to be complete pursuant to statute.

The Department then requested information on technical issues pertaining to the hydrology information that was provided as part of the Application. These are substantive issues. The hydrological information provided did not meet the substantive requirements and the Department was requesting supplemental information.

Mr. Herbert R. Guenther  
Arizona Department of Water Resources  
March 6, 2006  
Page 2

Montgomery & Associates met with ADWR Hydrology Division on September 2, 2005, to determine what specific information ADWR required to complete the substantive review. The Department sent a follow up letter on September 20, 2005, summarizing ADWR's specific concerns as expressed in the September 2nd meeting. ADWR put forth a recommendation that a proposal addressing these concerns be submitted for the Department's review and comment. A proposal was submitted by Montgomery & Associates on behalf of the Companies on December 5, 2005 ("the Proposal").

The proposed supplemental work includes: submittal of additional data for existing wells; pumping tests for an additional new well; and further interpretation of existing data. Furthermore, Montgomery & Associates will be obtaining more data on the extent of the thick clay unit found at depth at the White Hills property and conducting additional analytical modeling for 100-year drawdown using an agreed upon smaller area and range of values for input parameters.

Meanwhile, in January 2006, the Field Services Division of ADWR contacted Montgomery & Associates requesting access to ALM's wells. The Department stated that access to these wells would assist ADWR in conducting water-level and gravity measurements in Mohave County. Data collected from the wells was deemed "invaluable" to the Department. The wells were considered "even more valuable" because there are no other wells in close proximity "and the correlation of holes found to logs available makes them even more valuable." In the spirit of cooperation with ADWR, the Company granted the Department access to the wells on February 1, 2006. The Department has committed to providing to Montgomery & Associates a copy of all data collected on the Detrital, Sacramento and Hualapai basins.

After several months delay, on February 17, 2006, ADWR Hydrology Division sent a letter to Montgomery & Associates confirming that the Proposal addresses the need to obtain and evaluate additional data, including the drilling of boreholes, aquifer testing, analysis of drawdown data and projection of the 100-year impact using an analytical model. The Department considered the proposal acceptable. Therefore, it was somewhat of a surprise to the Companies to receive a letter from ADWR, also dated February 17, 2006, stating that based on the information that is available, the Department feels that it is unlikely that adequate supplies of groundwater are physically available for the proposed uses in the pending application. The Companies believe that the Proposal submitted by Montgomery & Associates to ADWR will provide sufficient information for the Department to make a determination that an adequate supply of groundwater is physically available for the proposed use.

ALM disputes your assertion that the Application, as referenced above, has not been deemed administratively complete and therefore, lacks a priority date. The letter of August 9, 2005, is clear that the Department found the Application to be administratively complete. Regardless of the August 9<sup>th</sup> correspondence, the Application is deemed administratively

Mr. Herbert R. Guenther  
Arizona Department of Water Resources  
March 6, 2006  
Page 3

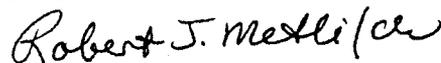
complete by operation of law. Pursuant to state statute, if an agency does not issue a written notice of administrative completeness or deficiencies within the administrative completeness review timeframe as set forth by the Department, the application is deemed administratively complete.<sup>1</sup> The completeness review timeframe for an analysis of water adequacy is 60 days.<sup>2</sup> As noted above, the Application was filed on March 18, 2005. There was no written response from the Department before August 9, 2005, 144 days after the Application was submitted. Even if the supplemental hydrology information submitted on May 10, 2005, were to be considered the Application date, no written response was received from ADWR until 91 days later.

Administrative completeness is defined as an application that contains all components required by statute or rule<sup>3</sup>. The Company provided all the information that is required for a complete application pursuant to ADWR rules<sup>4</sup>. The additional work that ADWR and the Company have agreed to goes far beyond completion of an application. The Company has been working diligently to provide ADWR the supplemental information the Department needs to complete its substantive review. Additional wells are being drilled. Data collecting and testing are ongoing. A supplemental report will be submitted to ADWR with all the information described in the Proposal. ALM has invested and continues to invest a significant amount of time and money into additional studies, wells and testing.

Be advised that we will take whatever steps are necessary to preserve our client's rights. If need be, the Company will request an administrative hearing to address the apparent attempt in your letter to rescind the Company's priority status. ALM is working, however, toward resolving the hydrology issues with ADWR and will continue to work cooperatively with the Department in its goal of assessing the hydrology in that area.

Very truly yours,

Snell & Wilmer



Robert J. Metli

cc: Mr. Carlos Ronstadt, Snell & Wilmer L.L.P.  
Mr. Jim Rhodes, Rhodes Homes  
Mohave County Board of Supervisors

---

<sup>1</sup> A.R.S. §41-1074(C).  
<sup>2</sup> A.A.C. R12-15-401.  
<sup>3</sup> A.R.S. §41-1072(1).  
<sup>4</sup> A.A.C. R12-15-716.

United States Department of the Interior **RECEIVED**



**NATIONAL PARK SERVICE**

LAKE MEAD NATIONAL RECREATION AREA  
601 NEVADA WAY  
BOULDER CITY, NEVADA 89005-2426

NOV 21 2005

SUPERVISOR, DIST. 1

IN REPLY REFER TO:

D18  
xL1425



November 18, 2005

Pete Byers, County Supervisor  
Mohave County Board of Supervisors  
P.O.Box 7000  
Kingman, AZ 86402-7000

Re: Resolution Nos. 2005-609 and 2005-610 - Rhodes Homes Proposed Retreat at Temple Bar and a Major Amendment to the Mohave County General Plan

Dear Supervisor Byers:

The National Park Service has been notified that Rhodes Homes is proposing to develop approximately 3,040 acres within the congressionally authorized boundary of Lake Mead National Recreation Area (Lake Mead NRA). The project is entitled "The Retreat at Temple Bar" and includes 19,078 dwellings, the majority of which are residential units. On September 1, 2005, the National Park Service submitted a letter to the Mohave County Planning and Zoning Department outlining our opposition to the proposed amendments to the Mohave County Plan. In this letter we opposed the amendment for urban density in this area as the parcels are not contiguous and there are access issues, the federal water rights for flows at adjacent natural springs may be affected and the development is not consistent with the General Management Plan for Lake Mead National Recreation Area. We have attached this letter for your reference.

In the review of the supporting clauses for the subject resolutions, the existing general plan recognizes the Growing Smart legislation approved in 2000 which provides guidance for the more effective planning for the impacts of population growth by creating a more meaningful and predictable land planning process and recognizes the value of open space conservation programs. The lands within Lake Mead National Recreation can serve as important open space as the Mohave County General Plan is developed.

The Smart Growth elements calls for the County to work with State and Federal agencies to protect the integrity of public lands, for the development of vacant lands within growth areas, for

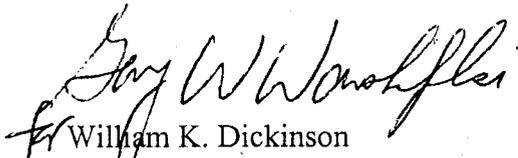
encouraging growth patterns that reduce infrastructure costs and utilize existing public facilities, for consideration of the community or neighborhoods surrounding the proposal site for compatibility with adjacent land uses, and to promote growth in or adjacent to existing urban and suburban areas where adequate. All of these elements are compromised with the approval of this amendment.

The National Park Service initiated acquisition of these lands in partnership with the Trust for Public Lands in 2002. Mr. Rhodes acquired these lands with full knowledge of the existing zoning and Mohave Counties General Plan. We respect Mr. Rhodes' right to pursue development, consistent with existing zoning, although we are opposed to it. We have met with Mr. Rhodes and have jointly agreed to pursue a land exchange for other federal lands within Mohave County in an attempt to protect these lands consistent with Lake Mead NRA purposes. We have tentatively agreed on lands that could be considered in such an exchange. A meeting is set for December 13, 2005 in the Bureau of Land Management State Office to pursue a land exchange. A rezoning of these lands at this time could jeopardize these discussions.

The Mohave County Planning and Zoning staff recommendation was for the denial of this proposed amendment. Their rationale included the sites do not have legal access, residential development conflicts with the Growing Smart Legislation and the National Park Service General Management Plan, and the proposal is in conflict with several policy statements of the Mohave County General Plan.

With this letter the National Park Service extends its opposition to the proposed amendment to the Mohave County General Plan.

Sincerely,

  
William K. Dickinson  
Superintendent

RECEIVED

DEC 29 2005

SUPERVISOR, DIST. 1

**GALLAGHER & KENNEDY**

P.A.

ATTORNEYS AT LAW

JOHN D. DITULLIO  
DIRECT DIAL: (602) 530-8470  
E-MAIL: JDD@GKNET.COM

2575 EAST CAMELBACK ROAD  
PHOENIX, ARIZONA 85016-9225  
PHONE: (602) 530-8000  
FAX: (602) 530-8500  
WWW.GKNET.COM

December 28, 2005

**VIA FEDERAL EXPRESS**

Supervisor Pete Byers  
Supervisor Buster Johnson  
Supervisor Tom Sockwell  
Board of Supervisors Mohave County  
700 West Beale Street  
Kingman, AZ 86402-7000

**Re: Temple Bar General Plan and Area Plan – Rhodes Homes**

Dear Mohave County Supervisors:

As you are aware by now the Temple Bar General Plan and Area Plan matters will come back before you on the December 29<sup>th</sup>, 2005 Board of Supervisors meeting due to normal County procedures. When the Board of Supervisors placed new conditions on all the general plan and area plan applications heard on December 5, 2005, this triggered an automatic re-referral of the plans and new conditions back to the County Planning and Zoning Commission for a second look by that commission.

This second County Planning and Zoning Commission meeting was held on December 19, 2005. The Rhodes Temple Bar application actually picked up another vote and was almost unanimously recommended for passage by the Planning Commission (7 to 1 vote in favor of passage). At the first Planning Commission meeting back in November of 2005, the vote was 5 to 2 in favor of passage with the only dissenting votes coming mainly as a result of a desire to wait and see if an administrative land trade meeting among the necessary Federal government agencies would yield a favorable result. Reports to me indicate that meeting was held on December 13, 2005 and the government agencies required to okay an administrative land trade flatly rejected the proposal. It seems the National Park Service representatives were not on the same page as the other Federal agencies who actually controlled the process. If there is to be a land trade now for Rhodes' Temple Bar land, it would require legislative determination and sponsorship by the state's federal elected officials and have to go through an exceptionally time-consuming, cumbersome and unpredictable process of being part of the Federal legislative process – which process has no guarantee of success.

In light of this very recent development, we kindly request that you take another ponder over the situation involving Temple Bar. This land is actually the closest of our holdings to the largest metropolitan area adjoining Mohave County, the Las Vegas/Henderson metropolitan area. The demands for housing and new centers of development around this area are currently strong and are projected to remain that way in the near future. Rhodes Homes purchased this area of private property with the intent to bring quality sustainable development centers to this area. Wall Street has recently analyzed our company's position and has committed hundreds of millions of dollars to the company in anticipation of rapid growth in new development centers in the Southwest. We strongly believe the Temple Bar area and the County will benefit in the near future from such an intensive economic investment. Please remember that the request before for the Temple Bar land on December 29<sup>th</sup> is only a request to modify the general plan and area plans for this area – an approval action only modifies the County's General Plan and does not authorize development activity. The Temple Bar property will still have to be subject to normal County processes including zoning and subdivision review and approvals and review and approval of development agreements to help guide the development's provision of necessary public infrastructure as it moves forward.

Finally, I would like to bring to your attention some important facts regarding the constraints to a private property owners ability to develop in Mohave County. First, the percentage of private property holdings in the County as a percentage of its total land area is minuscule. The majority of land in the County is controlled by Federal, State and Tribal governments and their agencies. Rhodes Homes has accepted this challenge of aggregation and still has invested millions of dollars in the County and dedicated itself to working through the time consuming problems associated with the patterns of land ownership in the County. Second, quality public infrastructure system creation is very expensive and occurs to a great extent at the beginning of the development cycle. Roads and utility systems must be oversized and built in anticipation of future development, significant areas of land must be dedicated for the provision of public services and financing mechanisms must be established so that new growth pays for new growth. All these requirements require the experience and financial backing of major development interests. Rhodes Homes has committed to working with the County to make quality development occur in Mohave County.

Finally, in the remainder of this letter, I would like to point out some of the benefits of the County attracting quality master planned community developments. We would hope that the new information that has come forth affecting this project would help the Board to accept the twice given Planning Commission's recommendation of passage for this property. We look forward to working with the County for many years to come in providing a new standard of development of the County's new activity centers.

Summary of the Benefits of Master Planned Community Development:

Balanced Mix of Uses. The hallmark of any quality plan is to provide opportunities for the residents to live, work, shop and play within the project. This thoughtful approach is not only convenient for the residents; it will also build town pride and loyalty. A

balanced mix of uses also vastly reduces the number and frequency of off-site trips that could otherwise create congestion. The development plan for this master planned community will offer a variety of housing choices from large custom lots, to conventional starter homes, and may even include some other housing options such as clustered townhouses, patio homes and condominiums.

The plan will also provide for some commercial and employment opportunities as it is anticipated to have significant population growth which will support new non-residential activity close to home. Its proximity to the national recreation area and future northern growth areas of the County and the Henderson metropolitan area will assure opportunities for some significant level of non-residential uses. This development will be an important part of the County's development strategy as it will serve as a pioneering model for new development standards which the County may then require of other new developments. The establishment of new vital residential neighborhoods and active commercial and employment centers will provide for an even more favorable impression of the County and the opportunity it offers to new residents.

Enduring Quality and Sustainability. The plan will incorporate a mix of uses to meet the growth needs of the County and the region. The development planning calls for attractively landscaped streetscapes, spacious and well-appointed entryways, thematic signage, streetlights and subdivision identification. There will also be additional parkland developed as part of the development of the project's neighborhoods. This new development activity will stimulate and bring confidence to the capital markets commitment to Mohave County for all types of development activity not just residential.

The Plan Not Only Pays Its Own Way, It Generates Substantial Benefits For the County As a Whole. With small single use projects; governments must arrange for the design and installation of the necessary public infrastructure and find ways to obtain reimbursement for these costs through impact fees, escalating other existing fees or property taxes. Historically, such costs or growth have been borne in part by existing residents. The owners of Temple Bar will have an opportunity to utilize a system of funding public infrastructure and improvements by placing assessment burdens on only the new residents within the development.

In addition, high quality master planned communities also spin off significant public revenues through sales, construction and property taxes that allow the governments to fund important public improvements and amenities wherever they are needed. As it matures, this project will become home to thousands of new residents and also generate job creation on-site and off-site in surrounding County areas. For jurisdictions to be able to compete for employment, a basic requirement is a potential for the construction of new and affordable housing options to be made available to potential employees.

Improved Competitive Position. Through this proactive comprehensive planning process that occurs when developing master planned communities, the County will be in a

strategically advantageous position to compete against other areas for large-scale and other sized projects staying in or locating in the County. It is an undeniable industry truth that retail and employment follows rooftops. Through advanced planning, first-class infrastructure and coordinated transportation planning, this project will be well situated to eventually capture and stimulate for the County some new high-revenue generating commercial and employment activity.

I am available to answer any questions you all might have regarding the Temple Bar project this holiday week at the following number: 602-481-9536. Best wishes for a happy and healthy New Year.

Very truly yours,

GALLAGHER & KENNEDY, P.A.

By: *John D. DiTullio / ama*  
John D. DiTullio

JDD:ama

cc: Jim Rhodes, President Rhodes Homes

*LAS Consulting, Inc.  
856 E. Sahara Ave. #201  
Las Vegas, NV 89104  
(702) 499-6469-Cell  
(702) 341-8489-Fax*

September 9, 2005

Honorable Pete Byers  
Mohave County Supervisor, District 1  
801 E. Beale  
Kingman, AZ 86401

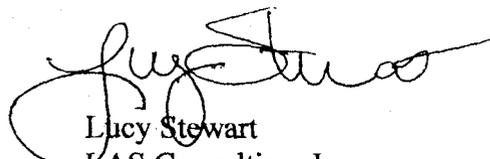
RE: Rhodes Master Planned Communities

Dear Supervisor Byers:

Please find attached the master plans for the five proposed Rhodes communities in Mohave County. I apologize for not getting them to you sooner. We had some minor corrections to make and I wanted to get you the most current copies. Please let me know if you have any questions regarding them. I know you told me you didn't need the bound copies but I am delivering copies to the other supervisors. Since most of the communities are in your district I wanted you to have nice copies too.

I look forward to working with you in the future. Please let me know if you need any additional information.

Yours truly,

  
Lucy Stewart  
LAS Consulting, Inc.

# FAX

---

**TO:** Honorable Pete Byers, County Supervisor, District 1  
**PHONE:** (928) 753-0722  
**FAX:** (928) 753-1679  
**FROM:** Lucy Stewart, LAS Consulting, Inc.  
**PHONE:** (702) 499-6469  
**FAX:** (702) 341-8489  
**DATE:** October 4, 2005  
**SUBJECT:** Rhodes Homes Retreat at Temple Bar Area Plan  
**PAGES:** 3

---

Next week the Planning & Zoning Commission will hear the 5<sup>th</sup> Rhodes' Area Plan amendment, called The Retreat at Temple Bar. The property is really located near Gregg's Hideout. I wanted to explain the situation surrounding this application so you could have a better understanding of the issues. Below are the facts regarding the property:

- 1) The area plan is a request for a master planned community consisting of 3040 privately owned acres.
- 2) The property is located within the boundary of Lake Mead National Park.
- 3) The National Parks Service staff has indicated they would like to acquire this property.
- 4) Jim Rhodes and/or his consultants have met with the National Parks Service staff. Jim Rhodes and/or his consultants agreed to work with the National Parks Service towards acquisition of his property.

- 5) There is limited private land in Mohave County, with the federal and state government owning the majority of land. Because of this Mr. Rhodes will only consider an exchange.
- 6) Mr. Rhodes will move forward with the entitlement of his area plan for the property but agrees to go no further with his plans until the National Parks Service has a chance to try and negotiate an exchange.
- 7) Mr. Rhodes has agreed to exchange acre for acre, without trying to get credit for additional acreage. He also agreed the Parks Service could select the property they wished to exchange for his property.
- 8) Mohave County Staff and the Parks Service is recommending denial of the area plan based on access through the federal land and the Service's desire to acquire the land.
- 9) Mohave County's Planning & Zoning Commission will hear this item on October 12, 2005.

These are the facts to date. Mr. Rhodes is willing to work with the National Parks Service towards an exchange provided there is a sincere attempt by the National Parks Service to acquire his property. Mr. Rhodes believes this project will be a viable community and a tremendous success if built as a master planned community. Mohave County Staff's concerns can be met regarding the development of this property through a variety of methods. There is discussion in the proposed area plan regarding protection of public lands and transitions between the public and private lands. Access can be granted to the property by the federal government; however it requires filing of a special use permit application with the governing agency. As with all of his master planned communities, Mr. Rhodes intends to provide the infrastructure to develop the Retreat at Temple Bar at no cost to Mohave County.

I know this is a confusing situation so I wanted to try and give you a factual account of what has occurred to date. Please let me know if you have any questions regarding this matter. Lucy Stewart

Cc:

Honorable Tom Sockwell, Chair, District 2

Honorable Buster Johnson, County Supervisor District 3

**From:** Ron Walker  
**To:** Barbara Bracken; BILL EKSTROM; Linda Kelly; Mike Matthews; Yvonne Orr  
**Date:** 03/07/2007 4:01:06 PM  
**Subject:** Re: ACC Public Record Request

Barbara, Mike M. should review and collect my emails and my staff can look for other written correspondence from the CM office, and coordinate with Bill to include any that meets the request.

>>> Barbara Bracken 03/07/2007 3:32:33 PM >>>  
Dear Board Members:

Attached is correspondence from Attorney Ekstrom and Commissioner Mundell, ACC, regarding a public record request. Please provide me with any written communication between you and Rhodes Homes or any of its affiliates or personnel. I will in turn forward the information to Bill. If you do not have any written communications, let me know; we are on a short timeline. If you have any questions regarding the request, please contact Bill. Thanks.

Barbara

# Mohave County Information Technology Department

Mike Matthews  
Director

700 W. Beale Street  
P.O. Box 7000  
Kingman, AZ 86402-7000

Phone: (928) 753-0740  
Fax: (928) 753-0778



## Memorandum

To: Bill Ekstrom, Special Deputy County Attorney  
From: Mike Matthews, Information Technology Director  
Date: 03/08/2007  
Re: Public records request

Per your public records request I have searched all emails from or to the County Manager and the individual Board of Supervisor members for any email containing the words Rhodes, Perkins Mountain or Snell and am forwarding you the results.

Adm,

There were no "e-mails between Board members or the manager and individuals affiliated with Rhodes Homes or Perkins Water. I have several between myself and Cris STEVENS + Jon DiTullio which I will provide if you want them. Also I'm certain P&E STAFF has some. *Y/E.*