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AZ CORP COMMISSION  
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RICHARD L. SALLQUIST

July 30, 2007

Arizona Corporation Commission

DOCKETED

JUL 30 2007

**HAND DELIVERY**

Shaunna Lee-Rice  
Arizona Corporation Commission  
Docket Control  
1200 West Washington Street  
Phoenix, Arizona 85007

DOCKETED BY 

Re: Livco Water Company; Docket No. W-02121A-06-0316; Livco Sewer Company;  
Docket No. SW-02563A-06-0316; Decision No. 69258; Compliance Filing

Dear Ms Lee-Rice:

The subject Decision required the Companies' to file the Apache County Franchise upon receipt. Attached hereto are fifteen (15) copies of the Franchise.

In the event you have any questions regarding this matter, please do not hesitate to call.

Sincerely,

Richard L. Sallquist

Cc: Hearing Division  
Legal Division  
Utilities Division  
Rick Kautz

DAVID A. BROWN  
CHAIRMAN OF THE BOARD  
DISTRICT III  
P.O. BOX 428 ST. JOHNS, AZ 85936

TOM M. WHITE, JR.  
VICE CHAIR. OF THE BOARD  
DISTRICT II  
P.O. BOX 994 GANADO, AZ 86505

JIM CLAW  
MEMBER OF THE BOARD  
DISTRICT I  
P.O. BOX 1952 CHINLE, AZ 86503

**BOARD OF SUPERVISORS  
OF APACHE COUNTY**

P.O. BOX 428  
ST. JOHNS, ARIZONA 85936

TELEPHONE: (928) 337-7503  
FACSIMILE: (928) 337-2003



DELWIN P. WENGERT, MANAGER-CLERK  
ST. JOHNS, AZ 85936

**RESOLUTION NO. 2007-11**  
**A RESOLUTION OF THE BOARD OF SUPERVISORS OF**  
**APACHE COUNTY, GRANTING A NON-EXCLUSIVE**  
**FRANCHISE EXTENSION FOR PUBLIC UTILITY**  
**PURPOSES PURSUANT TO A.R.S. §40-283 TO**  
**LIVCO WATER COMPANY AND LIVCO SEWER**  
**COMPANY.**

BE IT RESOLVED by the Board of Supervisors of Apache County as follows:

Section 1. There is hereby granted to Rick Kautz, Livco Water Company and Livco Sewer Company, an Arizona public service corporation, public utility or political subdivision, its successors and assigns ("Franchisee"), the right, privilege and non-exclusive franchise extension to construct, install, maintain and operate on, over, along, across and under the present and future public streets, avenues, alleys, highways, bridges, roads and other public ways in the unincorporated areas of Apache County under the jurisdiction of the Board of Supervisors, all lines, pipes, cables and other facilities customarily associated with the Applicant's business of supplying water service to its customers located within the legal description of :

*See Exhibit "A", attached hereto and incorporated herein by reference.*

Section 2. All facilities to be constructed, repaired, maintained or installed pursuant to this Franchise shall be constructed, installed and maintained in accordance with Apache County standards, specifications, franchise fees permit and insurance requirements for work within the public rights of way, as administered by the Apache County Engineering Department

Section 3. If any facility constructed, repaired, maintained or installed pursuant to this Franchise is found to interfere unduly with vehicular or pedestrian traffic, Franchisee shall, at its own expense and within a reasonable time after notice thereof by the Apache County Engineering Department, remove or relocate the facility so as to eliminate the undue interference.

Section 4. Franchisee shall bear all expenses, including damage and compensation, for any alteration of the direction, surface, grade or alignment of a public road or other public way, made for the purpose of this Franchise.

Section 5. This Franchise is subject at all times to such regulations and limitations on the use of the public roads and other public ways as the Board of Supervisors may deem best for the public safety and welfare from time to time.

Section 6. If the Board of Supervisors takes action to dispose of an unnecessary public roadway pursuant to A.R.S. § 28-7201 et seq., the Board shall include in the instrument of disposal specific and appropriate language to preserve Franchisee's rights of use as they existed before the disposal.

Section 7. The County will provide Franchisee with the construction/repair standards in writing and advise franchisee when there are changes.

Section 8. The County will notify Franchisee before roadwork such as chipsealing or paving is done in Concho Valley or Old Concho to mark valve locations and allow representation at any pre-construction planning meetings for construction or roadwork that may affect Livco's plant.

Section 9. If Franchisee's exercise of its rights under this Franchise causes disturbance of pavement, sidewalk, driveway or other improved surface, or planting or other ground cover, Franchisee shall, at its expense, promptly restore the surface to its prior condition in a manner satisfactory to the Apache County Engineering Department.

Section 10. If Franchisee's facilities within any public road or other public way must be permanently or temporarily relocated due to the relocation, realignment or improvement of the road or way by Apache County or another governmental entity (including a County Improvement District), Franchisee shall cooperate fully and shall bear the expense of relocating its facilities; provided, however, that if Franchisee's facilities were originally installed before the road or way was granted to Apache County or the public, Apache County (or the governmental entity undertaking the relocation, realignment or improvement) shall bear the expense of relocating Franchisee's facilities.

Section 11. To the full extent permitted by law, Franchisee shall indemnify, defend and hold harmless Apache County and its officials, employees and agents from and against any loss, claim, expense or liability arising out of Franchisee's exercise of its rights under this Franchise.

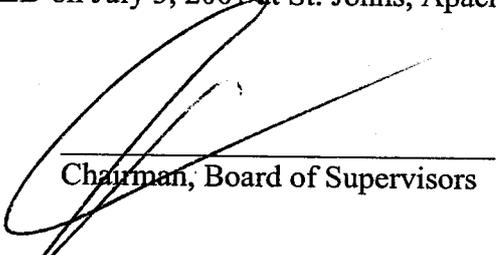
Section 12. This Franchise shall continue and exist for a period of 25 years from the date hereof.

Section 13. The right, privilege and franchise granted herein shall be binding upon and inure to the benefit of Franchisee, its successors and assigns; provided, however, that no transfer or assignment shall be made without the prior written approval of the Board of Supervisors.

Section 14. Any and all franchisees previously granted to Franchisee by the Board of Supervisors, and any and all resolutions and parts thereof that may conflict with the terms hereof, are hereby repealed.

Section 15. If any provision of this Franchise is adjudged to be invalid or unenforceable in whole or part, the remaining provisions shall not be affected.

**PASSED AND ADOPTED** on July 3, 2007 at St. Johns, Apache County, Arizona.

  
\_\_\_\_\_  
Chairman, Board of Supervisors

Attest:

  
\_\_\_\_\_  
Clerk of the Board

**REQUESTED FRANCHISE AREA**

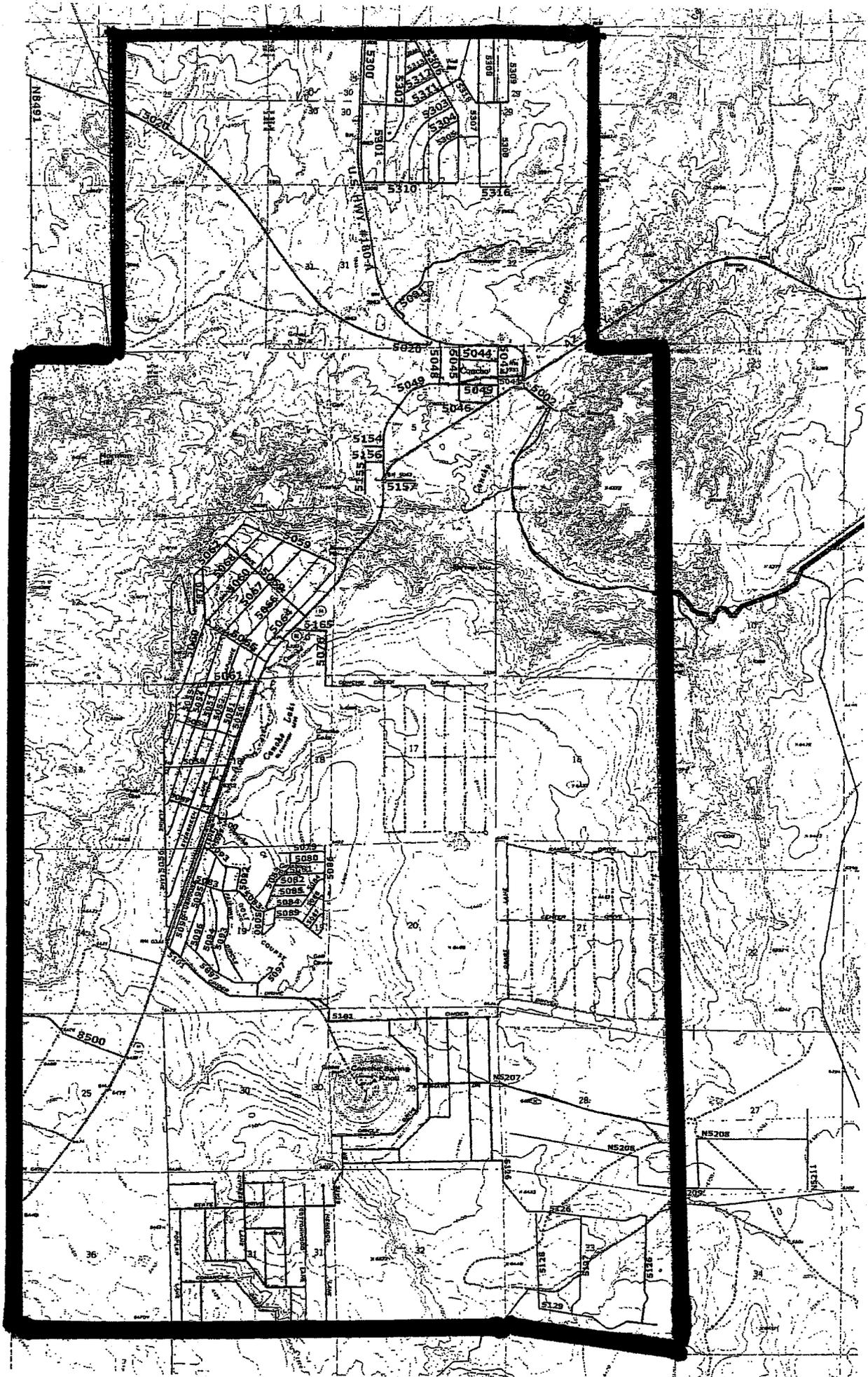
Sections 25 and 36, Township 13 North, Range 25 East, G&SRB&M, Apache County Arizona, and

Sections 29, 30, 31, and 32, , Township 13 North, Range 26 East, G&SRB&M, Apache County Arizona

Sections 1, 12, 13, 24, 25, and 36, Township 12 North, Range 25 East, G&SRB&M, Apache County Arizona

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, Township 12 North, Range 26 East, G&SRB&M, Apache County Arizona

**ATTACHMENT C**



ATTACHMENT D

## EXHIBIT A

LIVCO WATER COMPANY AND LIVCO SEWER COMPANY  
DOCKET NOS. W-02121A-06-0316 AND SW-02563A-06-0316  
AMENDED LEGAL DESCRIPTION

REQUESTED WATER EXPANSION AREA**Parcel 1**

Concho West Shore Subdivision – A portion of Sections 7 and 18, Township 12 North, Range 26 East, Gila and Salt River Base and Meridian, Apache County, Arizona, more particularly described as follows:

Commencing at a point marking the Northeast corner of said Section 18;

THENCE South 86° 00' 07" West along the common boundary between Sections 7 and 18, a distance of 1,874.18 feet to the TRUE POINT OF BEGINNING;

THENCE South 00° 50' 31" West, a distance of 1,378.86 feet to a point on the South boundary of the Northwest Quarter of the Northeast Quarter of Section 18, said point lying South 86° 24' 11" West, a distance of 426.43 feet from the Northeast 1/16 Section corner;

THENCE South 86° 24' 11" West along said 1/16 Section line, a distance of 898.76 feet to a point on the Easterly right-of-way boundary of State Highway 61;

THENCE North 18° 33' 42" East along the highway right-of-way, a distance of 1,437.83 feet to a point of curvature;

THENCE Northerly along the right-of-way boundary and along a curve being concave to the East, having a radius of 3,745 feet, through a central angle of 05° 14' 54", a distance of 343.05 feet;

THENCE South 69° 00' 28" East, a distance of 361.78 feet;

THENCE South 00° 50' 31" West, a distance of 118.16 feet to the TRUE POINT OF BEGINNING.

Containing 23.04 acres, more or less

Subject to any existing easements or restrictions

**Parcel 2**

All of Section 7 except Parcel 1 and those areas previously certificated to the Company

**Parcel 3**

All of Section 29 except those areas previously certificated to the Company

**Parcel 4**

All of Section 33

All located in Township 12 North, Range 26 East, G&SRB&M, Apache County, Arizona

DOCKET NOS. W-02121A-06-0316 AND SW-02563A-06-0316  
AMENDED LEGAL DESCRIPTIONREQUESTED SEWER EXPANSION AREA**Parcel 1**

Concho West Shore Subdivision – A portion of Sections 7 and 18, Township 12 North, Range 26 East, Gila and Salt River Base and Meridian, Apache County, Arizona, more particularly described as follows:

Commencing at a point marking the Northeast corner of said Section 18;

THENCE South 86° 00' 07" West along the common boundary between Sections 7 and 18, a distance of 1,874.18 feet to the TRUE POINT OF BEGINNING;

THENCE South 00° 50' 31" West, a distance of 1,378.86 feet to a point on the South boundary of the Northwest Quarter of the Northeast Quarter of Section 18, said point lying South 86° 24' 11" West, a distance of 426.43 feet from the Northeast 1/16 Section corner;

THENCE South 86° 24' 11" West along said 1/16 Section line, a distance of 898.76 feet to a point on the Easterly right-of-way boundary of State Highway 61;

THENCE North 18° 33' 42" East along the highway right-of-way, a distance of 1,437.83 feet to a point of curvature;

THENCE Northerly along the right-of-way boundary and along a curve being concave to the East, having a radius of 3,745 feet, through a central angle of 05° 14' 54", a distance of 343.05 feet;

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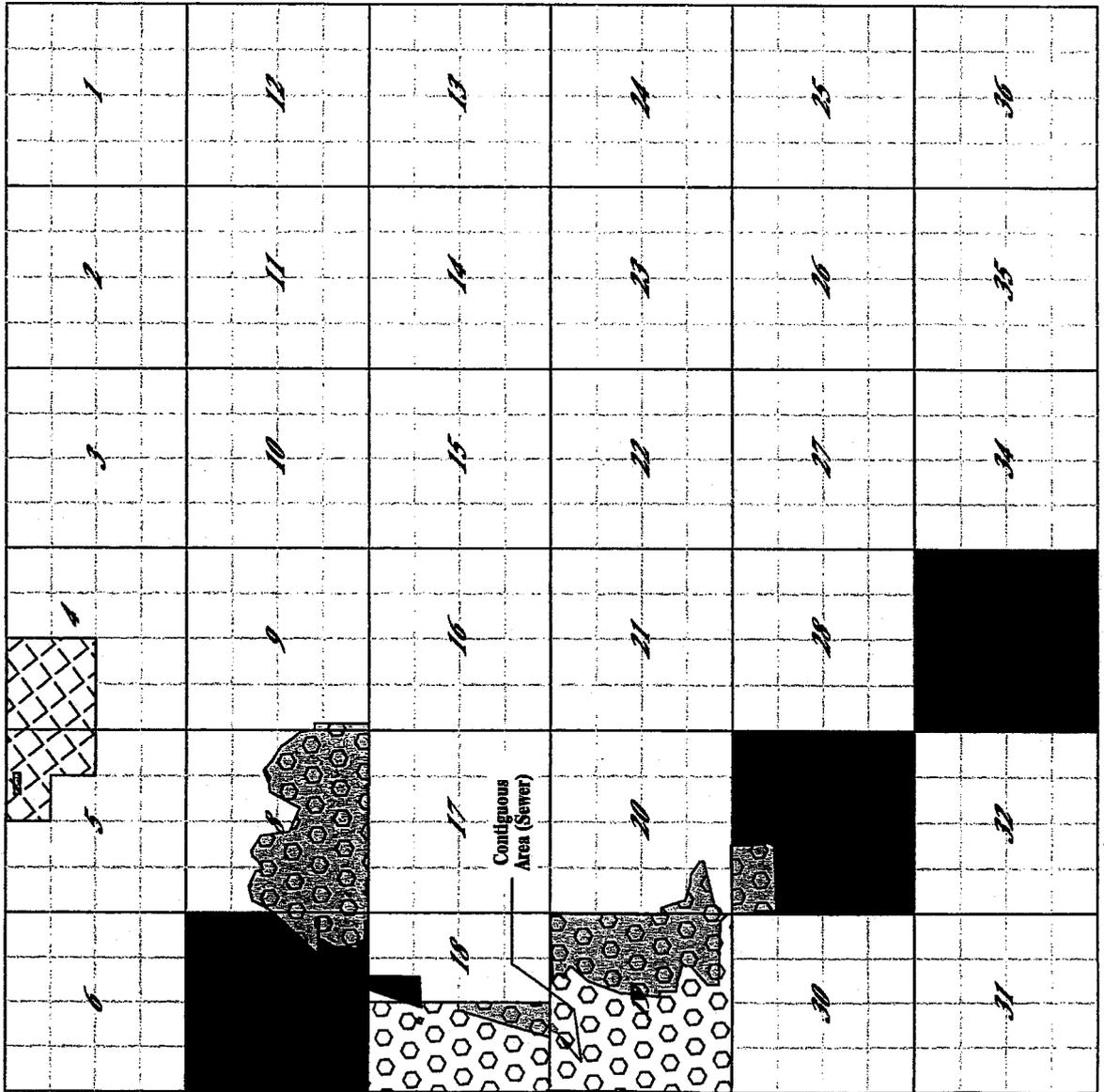
Containing 23.04 acres, more or less

Subject to any existing easements or restrictions

# COUNTY: Apache

## RANGE 26 East

## TOWNSHIP 12 North



-  W-2121 (1)  
Livco Water Company
-  SW-2563 (1)  
Livco Sewer Company
-  W-1913 (1)  
Ruebush, A. C. (Concho Water Supply)
-  Livco Water Company  
Docket No. W-02121A-06-0316  
Application for Extension
-  Livco Sewer Company  
Docket No. SW-02563A-06-0316  
Livco Water Company  
Docket No. W-02121A-06-0316  
Application for Extension