

ORIGINAL



0000090177

OPEN MEETING AGENDA ITEM

GLIEGE LAW OFFICES, PLLC  
P.O. Box 1388  
Flagstaff, AZ 86002-1388  
(928) 226-8333  
(928) 606-5260 (cell)

RECEIVED

NOV -6 A 9 52

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

John G. Gliege (#003644)  
Attorney for PSWID, Fred B. Krafczyk, & Michael Greer

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION  
OF PINE WATER COMPANY FOR  
APPROVAL TO (1) ENCUMBER A PART  
OF ITS PLANT AND SYSTEM PURSUANT  
TO A.R.S. §40-285(A); AND (2) ISSUE  
EVIDENCE OF INDEBTEDNESS  
PURSUANT TO A.R.S. §40-302(A).

DOCKET NO. W-03512A-07-0362  
NOTICE OF FILING LETTER FROM PINE  
STRAWBERRY WATER IMPROVEMENT  
DISTRICT

Pine Strawberry Water Improvement District, Fred B. Krafczyk, and Michael Greer hereby file the attached letter dated November 4, 2008 from counsel for the Pine Strawberry Water Improvement District to Mike Gleason, Chairman. This letter is hereby filed in this docket in response to the letter of October 22, 2008 from Chairman, Mike Gleason, and to further update the Commission regarding the above referenced matter pursuant to the Procedural Order in this docket dated September 29, 2008.

RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of November, 2008.

GLIEGE LAW OFFICES, PLLC

John G. Gliege

Arizona Corporation Commission  
DOCKETED

NOV -6 2008

DOCKETED BY

1 Original and thirteen copies of the foregoing  
2 Mailed this 4<sup>th</sup> day of November, 2008 to:

3 Docket Control Center  
4 Arizona Corporation Commission  
5 1200 W. Washington Street  
6 Phoenix, AZ 85007

7 Copies of the foregoing  
8 Mailed this 4<sup>th</sup> day of November, 2008 to:

9 Fennemore Craig, P.C.  
10 Attn: Mr. Jay L. Shapiro  
11 3003 North Central Ave. Ste 2600  
12 Phoenix, AZ 85012-2913  
13 Attorneys for Pine Water Company

14 Honorable Dwight D. Nodes  
15 Assistant Chief Administrative Law Judge  
16 Arizona Corporation Commission  
17 1200 W. Washington Street  
18 Phoenix, AZ 85007

19 Janice Alward, Chief Counsel  
20 Arizona Corporation Commission  
21 1200 W. Washington Street  
22 Phoenix, AZ 85007

23 Mr. Kevin Torrey, Esq.  
24 Legal Division  
25 Arizona Corporation Commission  
26 1200 W. Washington Street  
27 Phoenix, AZ 85007

28 RENSCH WALKER & HARPER, PC  
29 Attn: Michael J. Harper  
111 W. Cedar Lane, Ste C  
Payson, AZ 85541  
928-474-0322  
Attorneys for Cindy Maack

# Gliege Law Offices, PLLC

---

John G. Gliege

November 4, 2008

Mike Gleason – Chairman  
Arizona Corporation Commission  
1200 W. Washington  
Phoenix, AZ 85007

Re: Response to October 22, 2008 letter; Docket No. W-03512A-07-0362

Dear Chairman:

In response to your letter of October 22, 2008 the Pine Strawberry Water Improvement District (PSWID) has instructed me to provide you with responses to the questions you had posed.

The PSWID was established by Resolution of the Board of Supervisors of Gila County dated July 2, 1996, a copy of which is attached hereto. Pursuant to paragraph five (5) of that Resolution the PSWID was formed for purposes of carrying out the provisions of Title 48, Chapter 6, Articles 1 & 4, Arizona Revised Statutes. Said statutes provide that the PSWID has the power to own and operate a domestic water system, A.R.S. §48-909 and §48-1014.

The PSWID is in the process of acquiring the Pine and Strawberry Water Companies from Brooke Utilities through either negotiation or the exercise of the power of condemnation. If the PSWID acquires the water companies it would be able to use the \$300,000.00 for any lawful purpose of the PSWID including the acquisition of the water companies or once acquired the operation and maintenance of public water system.

Should you require any additional information, please contact me.

Sincerely,  
GLIEGE LAW OFFICES PLLC

\_\_\_\_\_/s/John G. Gliege\_\_\_\_\_  
John G. Gliege

MICROFILMED  
INDEXED

FEE, 96-011954 f&a,  
RECORDED AT THE REQUEST OF

When recorded mail to:

OFFICIAL RECORDS OF GILA COUNTY, AZ  
LINDA HAOGBT ORTEGA, RECORDER.  
BY *Deane ... Deputy*

This space reserved for recording information

GILA COUNTY  
BOARD OF SUPERVISORS

DATE JUL 26 1996

DO NOT REMOVE

This is part of the official document

RESOLUTION 96-6-12 ORDER ESTABLISHING AND ORGANIZING  
PINE-STRAWBERRY WATER IMPROVEMENT DISTRICT

96-011954

**RESOLUTION NO.**

**BOARD OF SUPERVISORS  
GILA COUNTY, ARIZONA**

**A RESOLUTION AND ORDER ESTABLISHING AND ORGANIZING  
PINE-STRAWBERRY WATER IMPROVEMENT DISTRICT**

**WHEREAS**, the Clerk of the Board of Supervisors of Gila County set Tuesday, the 2nd day of July, 1996 at the hour of 10:30 a.m. as the time and place for the hearing on the formation of the Pine-Strawberry Water Improvement District and any objections thereto; and

**WHEREAS**, notice was appropriately posted, published and mailed to the property owners pursuant to the provisions of Arizona Revised Statutes §48-905; and

**WHEREAS**, it appears that the petition is signed by the requisite number of owners of real property, and that the public convenience, necessity or welfare will be promoted by the establishment of the Pine-Strawberry Water Improvement District; and

**WHEREAS**, the property included within the boundaries of the Pine-Strawberry Water Improvement District as those boundaries are described in the petition for the formation of the Pine-Strawberry Water Improvement District, will be benefited by the acquisition of its improvements within the Pine-Strawberry Water Improvement District; and

**NOW THEREFORE, IT IS FOUND RESOLVED, DETERMINED AND ORDERED  
AS FOLLOWS:**

1. The Board of Supervisors finds that:
  - a. The Petition is signed by a majority of the owners or by the owners of more than fifty-one percent (51 %) of the real property, which is the requisite number of owners as provided by Arizona Revised Statutes §48-903;
  - b. That the public convenience, necessity or welfare will be promoted by the establishment of the Pine-Strawberry Water Improvement District;
  - c. That notice has been published, posted and mailed pursuant to Arizona Revised Statutes §48-905;
  - d. That the property included within the Pine-Strawberry Water Improvement District will be benefited thereby.

## 96-011954

Pine-Strawberry Water Improvement District  
Resolution and Order Establishing and Organizing  
Page 2

2. That the boundaries of the Pine-Strawberry Water Improvement District shall be those set forth in Exhibits "A", "B", "C", "D", and "E", attached hereto and incorporated herein by reference.
3. That the Improvement District shall be known in all proceedings as the Pine-Strawberry Water Improvement District.
4. That these findings and orders are made after public hearing required by Arizona Revised Statutes §48-905.
5. That by virtue of the authority set forth in Arizona Revised Statutes §48-906 the Pine-Strawberry Water Improvement District is hereby established, formed, organized, and shall be a body corporate with the powers of a municipal corporation for the purposes of carrying out the provisions of Title 48, Chapter 6, Articles 1 and 4, of the Arizona revised Statutes.
6. That the Pine-Strawberry Water Improvement District is to be governing by an elected Board of Directors of seven (7) members who are qualified electors of the District. The first Board of Directors shall be:
  1. Charles Sterbach
  2. William Johnson
  3. Edwin Welge
  4. Melvin Van Vorst
  5. Howard Matthews
  6. Richard Hall
  7. Jerry Fleming
7. That the term of every elected office shall commence on the second day of January following the election of Board members to fill vacancies on the Board, said election to be held on the day, month and year determined by the appointed Board of Directors and each determined year thereafter.
8. That request is hereby made of the department of Property Valuation, State of Arizona, that the establishment of the Pine-Strawberry Water Improvement District become effective for assessment and tax levying purposed for the tax years beginning from and after December 31, 1996.

# 96-011954

Pine-Strawberry Water Improvement District  
Resolution and Order Establishing and Organizing  
Page 3 of 3

- 9. That the Clerk of the Board file with said Department and with the County Assessor Gila County, a certified copy of this resolution on or before November 1, 1996.
- 10. That said filing shall constitute the notice provided to be given pursuant to Arizona Revised Statutes §48-483.

ADOPTED this 2nd day of July, 1996.

**BOARD OF SUPERVISORS  
GILA COUNTY, ARIZONA**



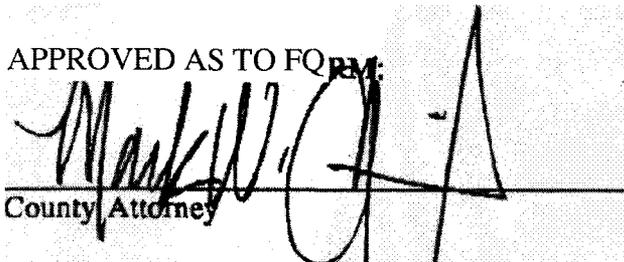
Chairman

ATTEST:



Clerk

APPROVED AS TO FORM:



County Attorney