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BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE FORMAL COMPLAINT OF SPARTAN HOMES AND CONSTRUCTION, INC. AGAINST FAR WEST WATER AND SEWER, INC.

DOCKET NO. WS-03478A-08-0256

NOTICE OF FILING

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Far West Water and Sewer, Inc. ("Company") hereby submits this Notice of Filing transcripts in the above-referenced matter. Specifically filed herewith are the following:

- Transcript and Exhibits from Brian Householder's deposition held on 1. January 16, 2009; and
- Exhibits from Mark Kaveney's deposition held on November 21, 2008. The 2. deposition transcript was filed on November 20, 2009 as Exhibit 1 to the Direct Testimony of Andrew J. Capestro.

DATED this 1st day of December, 2009.

FENNEMORE CRAIG, P.C.

Arizona Corporation Commission DOCKETED

DEC - 1 2009

DOCKETED 69

By

Norman D. James Patrick J. Black 3003 North Central Avenue **Suite 2600**

Phoenix, Arizona 85012

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2	ORIGINAL and 13 copies filed this <u>/s+</u> day of <u>December</u> , 2009 with:
3	Docket Control
4	Arizona Corporation Commission 1200 West Washington Street Phoenix, Arizona 85007
5	,
6	this <u>ls+</u> day of <u>December</u> , 2009 to:
7	Janice Alward, Chief Counsel
8	Legal Division Arizona Corporation Commission
9	1200 West Washington Street Phoenix, Arizona 85007
10	Steven M. Olea, Director
11	Utilities Division Arizona Corporation Commission 1200 West Washington Street
12	Phoenix, Arizona 85007
13	COPY sent via Federal Express this 30th day of Navember, 2009 to:
14	
15	Belinda Martin, Administrative Law Judge Hearings Division
16	Arizona Corporation Commission 400 West Congress
	Tucson, Arizona 85701-1347
17	COPY sent via U.S. mail
18	this 30th day of November, 2009 to:
19	Jeffrey W. Crockett
20	Bradley S. Carroll SNELL & WILMER, LLP
21	400 East Van Buren One Arizona Center
22	Phoenix, Arizona 85004 Attorneys for Spartan Homes and Construction, Inc.
23	•
24	By: Mana san jore
25	2261787.1
26	

Transcript and Exhibits from BRIAN HOUSEHOLDER deposition held on January 16, 2009

BEFORE THE ARIZONA CORPORATION COMMISSION IN THE MATTER OF THE FORMAL COMPLAINT OF SPARTAN HOMES AND CONSTRUCTION, INC., Complainant, Docket No. WS-03478A-08-0256 FAR WEST WATER AND SEWER. INC... Respondent. DEPOSITION OF BRIAN HOUSEHOLDER Phoenix, Arizona Friday, January 16, 2009 9:38 a.m. REPORTED BY: Kristin A. Woodall, RPR Certified Court Reporter Certificate No. 50196 PREPARED FOR: ASCII (Copy)

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Brian HouseholderFormal Complaint of Spartan Homes and Construction v. Far West Water and Sewer

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	Page
1	DEPOSITION OF BRIAN HOUSEHOLDER was taken on
2	January 16, 2009, commencing at 9:38 a.m., at the law office
3	of Fennemore Craig, 3003 North Central Avenue, Suite 2600,
4	Phoenix, Arizona, before KRISTIN A. WOODALL, RPR, a Certifie
5	Court Reporter in the State of Arizona.
6	
7	COUNSEL APPEARING:
8	Mr. Andrew J. Capestro
9	P.O. Box 791 Rancho Santa Fe, California 92067
10	Attorneys for Far West Water and Sewer, Inc.
11	Fennemore Craig Mr. Patrick J. Black
12	3003 North Central Avenue Suite 2600
13	Phoenix, Arizona 85012 Attorneys for Far West Water and Sewer, Inc.
14	Snell & Wilmer
15	Mr. Jeffrey W. Crockett
	One Arizona Center 400 East Van Buren
16	Phoenix, Arizona 85004 Attorneys for Spartan Homes and Construction, Inc.
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rian	HouseholderFormal Complaint of Spartan Homes and Construction v. Far West Mater and Sewer 11/25/200
	Page 5
1	BRIAN HOUSEHOLDER,
2	called as a witness herein, having been first duly sworn
3	by the Certified Court Reporter, was examined and
4	testified as follows:
5	
6	EXAMINATION
7	BY MR. CAPESTRO:
8	Q. Can I have your full name, please?
9	A. Brian Powell Householder. Powell is P-O-W-E-L-L.
10	Q. Powell come from your mother's name?
11	A. I have no idea. I'm not sure.
12	Q. You don't have relatives over in Utah, do you?
13	A. No.
14	Q. I note from your documentation that you that
15	Spartan Homes purchased the subject property in February of
16	2004.
17	A. Correct.
18	Q. Did you form Spartan Homes?
19	A. Yes.
20	Q. As a corporation?
21	A. Correct.
22	Q.` When did you form it?
23	A. I think '97.
24	Q. And you said that your wife is the president?
25	A. Correct.

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Page 6 Q. And you're the vice president? Q. And is it a -- I assume that it's some type of stock corporation. Is it a C-corporation or an S-corporation? A. I think it's an S-corporation, if I recall. Q. Are you and your wife the only owners of Spartan Homes? A. Yeah, yes. Q. No other stockholders? 10 A. No. 11 Q. Prior to February 27th of 2004, did you have an interest in the subject property yourself? 13 A. Yeah, Yes, I did. 14 You owned the property individually? A. The subject property? 16 O. Uh-huh. 17 A. The corporation purchased it. Q. Corporation purchased it according to this February 27th, 2004? 20 A. Correct. 21 Q. Was this a transfer from another entity or 22 vourselves to Spartan Homes at that time? 23 A. No, we purchased it from a private party. 24 Q. Who was the private party? A. I don't recall the name. I do know that one of

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the women that owned the property either owns or used to own
Yuma Venture RV Park which is the adjacent property to this
property.
```

- Q. I noticed in one of the documentation, documents that you forwarded to me it was addressed to you at Yuma
- $\ensuremath{\text{G}}$ Territorial Engineers. Do you work for Yuma Territorial
- Engineers?
- A. No.
 - Q. Are you an engineer?
- 10 A. No.

13

19

- Q. What is your background?
- A. In the construction field?
 - Q. That's correct.
- 14 A. I've been in construction since I was 19 or 20
- years old, and I worked for various construction companies and
- took on supervisory positions as I got older, and then I went into manufactured homes, sales, and then a company opened a
- inco managardaga nomos, caras, and snow a compan, apone
- 18 $\,\,$ sales lot in Yuma I think in the early '90s.
 - Q. What company?
- 20 A. At that time they were Western American Homes,
- 21 and then I managed that lot for them for a time. And then they
- $_{\rm 22}$ $\,$ sold to Clayton Homes and I kept managing there, and then I
- $^{\rm 23}$ $^{\rm }$ decided from that point to go ahead and leave that company and
- 24 become a contractor.
 - Q. Do you have a contractor's license?

Brian Householderformal Complaint of Spartan Homes and Construction v. Far West Water and Sewer

Page 8

A. Correct.

- Q. And what type of contractor's license do you
- 3 have?

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- A. I have a general residential and I have a general
- commercial. I believe the residential is a B and the
- 6 $\,$ commercial is a B-2. And I also hold I believe it's a C-4.
- 7 It's an engineering license. It's not for engineers. It's
- $^{\rm B}$ actually -- and I'm fairly certain it is a C-4, could be
- mistaken on that, but allows me to do underground electrical,
- $^{10}\,$ $\,$ underground sewer, and septic installs and electrical.
- 11 Q. When you talk about underground sewer, you mean 12 collection systems?
- 13 A. No. It would be more along the lines of, I'll
- give you an example, the RV lots that they develop in the foothills would have sewer runs for RVs, water runs for RVs.
- 16 and electrical pedestals, and septic tank installs and/or
 17 septic tank installs. So I was licensed to do all that.
- Q. You said that you started building or being in the building trades and worked your way up from the time you
 - were 19 or 20, but I don't know how old you are right now.
- 21 A. I'm 44.
 - Q. So 24 or 25 years that you've been doing this?
- 23 A. Correct.
 - Q. When did you first obtain a commercial
- 25 contractor's license?

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22

24

Page 9 A. In '97. 1 2 Q. And when did you first obtain a residential contractor's license? A. '97. Q. And the same for the engineering? A The engineering could have been '97 or '98 because I think I did it a little while later than the first two. 9 Q. Before I go any further, I jumped right into the 10 deposition, but I did fail to ask you because you came in 11 saying you were tired, that you had to take some aspirin. Is 12 there any reason you cannot give your deposition today? A. No. 13 14 ο. Are you under any type of medication other than 15 Excedrin, I think you said? 16 A. No. 17 O. Have you had any alcohol to drink today? 18 A. No. I haven't. 19 Q. No other drugs, even nonprescription? 20 Α. 21 O. Have you ever had your deposition taken before? 22 A. Once. 23 Q. And in what type of matter was that? A. It was a construction matter with a party that 25 didn't want to pay for services.

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O. And was this for construction you had accomplished? A. It was kind of wrapped around myself and a concrete contractor and the homeowner. 5 O. Were you testifying as a plaintiff or as an expert? A. As a plaintiff. How long ago was that? Α. I'd say late '90s, early 2000s I guess. I can't 10 recall exactly. 11 Q. Have you ever testified in trial? 12 A. No. O. Now. Spartan Homes was formed I believe in 1997 I think you testified. 15 A. Uh-huh. 16 Q. What is the main work of Spartan Homes? 17 A. Most recently it was residential construction. 18 When I first got licensed, I didn't know where the opportunities lied. So I was focusing on new construction, 20 remodels, and developing RV lots. 21 Q. Before the development of Sierra Ridge, had you 22 ever done a subdivision? 23 A. No. No, I had not. 24 Q. When I talk about subdivision, that's anything more than one house.

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A. It wasn't classified as a subdivision because I 2 didn't have to go through the processes of a subdivision, but I 3 did purchase a 10-acre property out on the mesa by the peanut 4 patch and the zoning allowed two-acre lots. So I split those into five two-acre lots, and I contacted the utility companies and pulled all the utilities into the site and I provided electrical and telephone and cable. I believe cable was there to each one of the five lots. Q. When you said you provided utilities to the lots, 10 did that include water and sewer? A. No. Out there water is provided by wells. So the homeowner was required to do their own well, and then 12 13 septic tanks were used in that area. 14 O. For the -- first of all, when was this? 15 A. Probably around 2001 to 2002. 16 Q. Did you deal with APS out there for electrical? 17 A. Yes. 18 O. Did you have to sign a line extension agreement 19 with APS? 20 Α. 21 O. You said that you brought cable out there? 22 A. I said I believe we brought cable into each one 23 of the lots and telephone. 24 Q. Did you sign a line extension agreement with the 25

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Page 12 A. No. 2 Q. Or the cable company? A. No. Q. So there was no types of line extension agreements that you signed for any type for this subdivision? A. No. Q. Now, for each of the lots, did you just develop the lots or did you build on them also? A. I built on two of the five lots. 10 Q. Do you still own any of the lots? 11 A. No. Q. Were the lots owned by Spartan Homes? 13 A. Yes. 14 MR, CAPESTRO: Off the record. 15 (Discussion off the record.) 16 Q. (By Mr. Capestro) Between 1997 and 2004 when you

> A. Between 75 and a hundred I would imagine. Q. And all of these were done under your

purchased this property, how many homes did Spartan Homes

21 contractor's license? 22

A. Correct.

Q. Since the purchase of the property of Sierra Ridge in 2004, has Spartan Homes built any homes other than

homes on the Spartan property -- I mean the Sierra Ridge

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build?

17

18

19

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23

24

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telephone company?

Page 13 property? 2 A. From 2004 --Q. February. A. February 2004 through early 2005, I hadn't constructed any homes on that property. So I was finishing up or completing homes up to that point, but once I started actually breaking ground on houses in the subdivision, I only had a few, if any, homes outside of that subdivision to work on So all of my focus at that time was on Sierra Ridge. 10 O. Now, there are 62 homes in Sierra Ridge at the 11 present time? A. 63. Q. Did you build them all? 13 14 Α. 15 O. Since the creation of Spartan Homes in 1997, have you continued to work for other businesses or contractors? 16 17 A. Personally or via Spartan Homes? 18 O. Personally. 19 A. No. 20 O. Prior to 1997, going backwards, who was the most 21 recent before 1997 of a contractor that you worked for? 22 A. Let's see. I can't recall. I'd have to dig 23 through some records. Q. Did you work for any entity that was a developer 25 of land?

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A. I imagine a few of the companies I worked for developed land, but I wasn't directly involved with their operations for developing the property, no. O. So was there any land other than the 10 acres that you testified about and the Sierra Ridge property that you were in any way part of the development of land? A. No. Q. This was your first one? A. Correct. 10 O. Your wife is the president of Spartan. Does she 11 work --12 A. Yes. Q. -- with Spartan on a day-to-day basis? 13 14 What does she do? ο. 16 A. Besides being a co-decision maker, she basically 17 receives invoices and pays, you know, the accounts receivable. She's the accounts receivable and accounts payable person and just assists me with various paperwork that we may or may not 20 have to do. 21 Q. Do you have any bylaws that have been written for 22 Spartan Homes? A. Yeah, yes. 23 24 Q. Do those bylaws show who has the authority to sign on behalf of Spartan Homes?

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A. Yeah, they show that both of us do.

O. Do you need two signatures or just one?

A. I believe we have it set it as either/or.

Q. Does your wife have any type of contractor's

license?

11

13

15

A. No.

Q. Has she worked for any developers?

A. No.

Q. According to your filed testimony, you started

10 looking for property somewhere in 2003?

A. I started what?

Q. Looking for property to buy in 2003.

A. It's probably a little bit before that, but,

14 yeah, right around 2002/2003.

O. How did you find the Sierra Ridge property?

16 A. I actually looked at it a couple years before I

17 purchased it, but I couldn't -- I didn't have the finances

available to work within the bank's parameters for a loan.

19 So, you know, as things progressed, I eventually 20

got to a point with the bank to where I think that I could go 21 out and do something. So I approached the owner and we went

22 back and forth for a while and came to an agreement.

23 Q. Did you have any type of option to purchase this

24 property prior to its purchase in February of 2004?

A. We entered into an agreement several months

Page 16

 1 before that. I had given them an earnest deposit. And before

I did that, we had known each other, she and I, for a couple

years. And so I told her I needed to do some legwork on it

with the bank to make sure I could make this thing work.

So she actually worked with me for several months as I was doing legwork getting some information on the property

from various entities and the bank. And once it was determined

that it was feasible to do the project, I went ahead and

entered into an agreement to purchase the property. And then

10 she gave me so many months to close escrow, and that's right

11 around that time frame, that February 2004 date.

Q. Do you know when you entered into an agreement?

A. I don't know specifically. I know it was

3.4 probably the mid part of 2003 or something like that.

15 O. I notice that you -- in your testimony that you 16

said that you contacted Francisco Galindo in July of 2003?

A. Correct.

Q. Which is several months before you purchased the

19 property?

13

17

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21

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23

A. Before we closed on the property.

20

Q. Right.

A. Correct.

Q. So basically I'm asking whether or not at that

24 time did you have an agreement to purchase the property?

A. I think at that time I was -- I don't know if we

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Page 17 had a written agreement, but it was more of just a personal understanding between the seller and myself that I could do some legwork on it to see if it was feasible with the bank and just see, you know, what the costs were going to be to make sure I could afford it, what the lender's parameters were. Specifically, I can't tell you if she and I had a 7 written agreement at that time. I think it came just a little bit after that because I remember right around that same time frame I was talking to all the utility companies and the County 10 and just trying to get a grasp on what all the details were 11 with the utilities that are available, et cetera. Q. When you're talking about talking to all the 13 utility companies, what utility companies did you talk to? 14 A. Well, there's obviously Far West Water. 15 O. Okav. A. APS is the electric company. Southwest Gas is 16 17 the gas company. At that time Adelphia I believe was the cable company. Qwest was the telephone company. I had to consult 19 with the County to see, check zoning. So those are your 20 primary, I think the only utilities that are out there. 21 Q. Who did you contact with APS? 22 A. Initially, I can't recall. 23 Q. Did you enter into some type of line extension agreement with APS? 25 A. Yes.

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O. And when did you do that? 2 I believe it was in '05. O. Were you charged any type of fee by APS? A. No. O. Was there any requirement for a certain number of 6 hook-ups in that agreement? A. Yes Do you have a copy of that agreement? A. I don't, no, not with me. I have a copy, but I 10 don't have it with me today, no. 11 Q. So APS savs we don't charge you if you have a number of hook-ups, but if you don't have the hook-ups you have 13 to pay us? 14 A. Correct. 15 Q. And do you know how much per lot it would be that 16 if you didn't have the right number of hook-ups you'd be 17 18 A. It was really close to \$2,000. O. \$2,000 a lot? 20 A. Yeah. 21 Q. Now, if you pay the amount per lot, do you have a 22 way to get that money back from APS? 23 A. Well, there was no requirement to pay it because 24 if I didn't meet a certain number of lots in a certain time frame, then I would have to pay for any lots that didn't get Griffin & Associates 602-264-2230 pgriffin@griffinreporters.com

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<u> </u>	

Page 19

hooked up under the number they gave me. Q. And is that -- is there something in the

3 agreement, if you remember, that says that once those lots are hooked up APS will pay you back so much per year?

A. No, it's not like that at all.

O. It's just a forfeited amount?

A. Correct. I can tell you specifically if you'd

like to know.

O. Yeah.

A. It was 84 lots.

11

A. If I didn't hit 84 lots within a certain time

13 frame from point A of signing the agreement to point B, any

14 number under 84 there would be a charge, and that charge was

15 right around. I think it was 2,000 a lot. So I missed it by 21

16 lots

20

24

9

10

17 Q. And that agreement was set forth -- your

requirement to pay was set forth in the agreement that you

19 executed in 2005?

A. Yes.

21 Q. Okay. Can you make a copy of that available to

22 your counsel?

23 A. Sure.

MR. CAPESTRO: Can we get a copy of that?

MR. CROCKETT: Yes. That's the APS agreement?

Page 20 1 MR. CAPESTRO: Uh-huh, the APS agreement. MR. CROCKETT: Okav. Q. (By Mr. Capestro) Did you have any type of 4 written agreement with Southwest Gas? Q. Did you have to pay any upfront fee with them? Α. ٥. And what was that? A. 49,000. And it might have been a few hundred 10 dollars over that, but it was right around 49,000. Q. And when did you sign that? A. It was either late '04 or early '05 also. 13 Q. Can you also get a copy of that agreement to counsel? 15 A. Correct. 16 MR. CAPESTRO: And we could get a copy of that, 17 MR. CROCKETT: Yes, sir. 19 Q. (By Mr. Capestro) Any agreement with Adelphia? 20 A. 21 Q. And Qwest? 22 A. No. 23 Q. And was there any other utilities other than Far 24 West? A. No.

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		Page 21
1	Q.	When Southwest Gas told you that there would be a
2	fee, did you	contact any governmental agency to see if that was
3	appropriate?	
4	A.	No.
5	Q.	You didn't contact the ACC?
6	A.	No.
7	Q.	When APS told you that there would be a fee if
8	you didn't hi	t a certain number, did you contact anybody with
9	the governmen	t?
10	A.	No.
11	Q.	You just accepted those?
12	A.	Yes.
13	Q.	You have produced looks like a copy of a fax
14	addressed to	Brian. Why don't you take a look at this. Do you
15	recognize tha	t document?
16	A.	Yeah, yes.
17		MR. CAPESTRO: Why don't we number this.
18		(Exhibit No. 1 marked for identification.)
19	Q.	(By Mr. Capestro) for the record, Exhibit 1 is a
20	document that	shows a date that says JU 29 2003, and it shows
21	that it's fro	m Far West Water and Sewer, Incorporated, and it's
22	addressed to	Brian from a person by the name of Murphy
23	Campbell.	
24		I note on the top of that document below the
25	heading for E	ar West Water and Sewer, Incorporated, there's
~~	in & Associates	602-764-2230 pariffin@ariffinreporters.co

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Page 22 some handwriting. Is that your handwriting? A. Yes, it is. 3 Q. And what does that signify? A. I don't know. I can't recall. O. Can I take a look at it again? A. Yeah. It looks like it's edocket.azcc.gov. Do you know when that was put on this document? A. I don't know exactly when. I can just tell you 10 that it's my writing. 11 Q. Was it done close to the time you received this? A. No. I believe that was done after all the disputes came about with this process that we're involved with Q. Do you know if you've gone to a website called 16 edocket.azcc? 17 A. I don't know if I did follow up with that what I wrote down or not, no. I couldn't tell you for sure. O. You don't believe that you wrote this down about 20 the same time that you received it from Murphy Campbell? 21 A. No. 22 Q. Prior to receiving this document, had you talked 23 directly with Murphy Campbell? A. I spoke to him I think once on the phone. And if it wasn't him, it would have just been a person at the office

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as I was inquiring as to the process for working with Far West Water for services at that site.

Q. Did you ask either Murphy Campbell or the person you talked to on the phone for any information in writing?

A. As I recall, when I just called up, they asked questions. It was just why don't you just give us your fax number and we'll fax you over a procedural guideline and stuff that we're going to need from you.

Q. It doesn't show what development on there. Do 10 you remember if you told the person on the phone where your development was? 11

13 Q. The document that was attached to it also talks 14 about contacting Dusty Thomas. Did you ever talk to Dusty 15 Thomas?

16 A. I've talked to him in the past, but not regarding 17 that fax right there.

Q. When did you talk to Dusty Thomas?

A. I think the first time I talked to Dusty Thomas is when it was after I had already made an agreement to purchase the property and/or maybe close the property and the availability of sewer mysteriously disappeared.

23 Q. Well --

MR. CROCKETT: Mr. Capestro, could I just ask a

question?

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Page 24 MR. CAPESTRO: Sure. MR. CROCKETT: You mentioned the document 3 attached to the cover sheet. Is it your intent to identify the rest of that document with Exhibit 1? MR. CAPESTRO: I realized as I was asking the question that I had not attached it, and I would suggest that -- I don't know if that's an extra page or not. MR. CROCKETT: And we are looking at a document on our side of the table, Mr. Capestro, that's Exhibit 3 to 10 Mr. Householder's direct testimony. I assume that's the same document you're working with. MR. CAPESTRO: I have not compared it. This is one of the documents that you produced in response to our request for discovery. I'm assuming that it's the same, I 15 just have not compared it.

MR. CROCKETT: My apologies, one last question. 17 I think you mentioned that the document references Dusty --MR. CAPESTRO: Thomas.

MR. CROCKETT: Thomas,

MR, CAPESTRO: Page 2 of the attachment.

MR. CROCKETT: I see that. Thank you.

MR. CAPESTRO: Why don't we make Exhibit 1 three pages. Make it four pages. Can you take a look at that? Are

all those four pages together? They were not numbered. 25

MR. CROCKETT: Let's go off the record for a

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was no sewer capacity?

A. No

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Q. Who was it?

A. Mark Kavenev.

conversations with Murphy Campbell?

about the procedures that are attached?

O. And was it Mr. Thomas that told you that there

Q. After the memo of Exhibit 1, did you have any

A. I may have talked to him one other time shortly after this, but it may not have been him. It may have been

another male at the office and it was just -- I forget what it

was pertaining to, but it was just a short conversation about I

procedures and received Exhibit 1 you didn't talk to anybody

procedures other than receiving this memo from Mr. Campbell?

Murphy Campbell or another male there about these proceedings.

office, and that's why I said I believe I talked to either

Q. So I assume after you asked about development

A. No, that's not a good assumption. I talked to

Q. Okay. Before Mr. Kaveney started working for Far

A. After I received this memo, I made a call to the

think the development procedures or something like that.

Mark Kaveney about it and then I talked to my engineer.

West Water, did you talk to anybody about development

Page 25 minute if we could. 2 (Discussion off the record.) (Recess taken from 10:11 a.m., to 10:17 a.m.) 4 O. (By Mr. Capestro) Before we took a break, you said you did have a discussion with Dusty Thomas. A. I've spoken to him in the past, yeah. O. And you said you talked to him at some time when the sewer capacity mysteriously disappeared. Is that what you 10 A. Yes, uh-huh. 11 O. When did you talk to him? A. I can't be specific as to a date. I don't know. 13 I can't remember, you know. 14 Q. Well, was it after you received Exhibit 1? 15 Α. Yes. 16 O. Was it before you purchased the property in February of 2004? 17 18 A. It would have been after I purchased the 19 property. So to home in on the time frame, it would have been 20 in the spring of -- the spring to the summer of 2004. 21 Q. You're looking at some notes to refresh your 22 memory. What notes are you looking at? 23 A. My filed testimony, pre-filed testimony. 24 Q. It's your testimony that you're looking at? 25 A. Correct, veah.

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24 And I don't know how long after I received this I made that call, and I'd also consulted with Francisco Galindo of Yuma 602-264-2230 pgriffin@griffinreporters.com Griffin & Associates

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- Territorial Engineering.
 - Q. When you had this conversation, was there more
- 3 than one conversation about procedures or just one?
 - A. With the Far West Water employee?
- Q. Right.
- A. I believe it was just the one at this stage.
- Did you ask at that time Whether or not there
- were any costs associated with the procedures that were being
- put in there?
- 10 A. At this time, no. When I received this, no.
- 11 Let me rebut that. There was a time. Right
- after I received this. I did discuss with somebody at Far West 13
 - Water that there was going to be minimal hook-up fees.
- 14 Q. Who did you talk to?
- 15 A. Well, it was that phone call. That's why I'm
- 16 saying I believe it was Murphy Campbell. I didn't have this
- conversation with the gentleman in person. So as I recall it 18
- was him.

17

22

- 19 O. Now, let's get back to this comment about the
- 20 sewer capacity disappearing, and I believe you said that you
- 21 learned that from Mr. Kaveney?
 - A. Yes.
- 23 Q. Was that your first conversation with
- 24 Mr. Kavenev?
- 25 A. No.

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Q. When was the first time you talked to Mr. Kavenev?

- A. I can't be specific, but it would have been
- sometime probably between August and October of 2003, sometime
- in that time frame there.
- Q. Was Mr. Campbell still with Far West Water at that time?
 - I do not know.
- O. In either of the conversation with Mr. Campbell
- 10 or this male that you don't know or Mr. Kaveney, did you ever
- 11 ask whether or not the property you were looking at was within
- Far West's CC&N for sewer?
 - A. No.
 - Q. At that time, did you know what a CC&N was?
 - A. I did not.
- 16 Q. When you talked to Mr. Campbell, did you tell him
- 17 where the property was situated?
 - A. I can't recall.
- 19 O. When you talked to the male, did you tell that
- 20 male where it was situated?
 - A. I can't recall.
 - O. When you first talked to Mr. Kaveney, did you
- 23 tell him where this property was situated?
 - A. I know when I talked to Mark he knew where the
- property was because we were specifically talking about details

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- regarding water and sewer availability. So I know that he knew where the property was at.
- O. When you first talked to Mr. Kaveney, did you have any documents to show him such as plans or legal descriptions or anything like that?
- A. No. just told him the crossroads. So it's a very
- small area out there, but he knows where everything's at.
 - O. Was Mr. Kavenev the first person you told where the property was situated?
 - A. I can't recall.
 - O. What prompted you to talk to Mr. Thomas?
- A. Well, actually I was directed to talk to
- 13 Mr. Thomas by Mark Kaveney.

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- O. Okav.
- 15 A. And it was regarding initially there was sewer 16 capacity for the development and then there wasn't. At that 17 point in time, I inquired about utilizing septic systems on the 18 lots, and my first inquiry went to Yuma County to Rick Stacks 19 because we had already started designing a subdivision for 20 6,000 square foot lots, and I knew that 6,000 square foot lots 21 wouldn't cut if for septics.
- 22 And at that point in time, I know that ADEQ was 23 going through some changes for septic tanks whereby they were scrutinizing them in different ways than they had in the past 2.5
 - as far as like the designs that were available, the lot size

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- that were available. So there was a lot of that going on.
- So when I talked to Rick Stacks, I started 2
- 3 pursuing that as a possibility of, you know, providing some
- type of sewer, slash, septic for each lot. And somehow or
- another, the conversation came up with Mark about a package plant. He had mentioned a package plant, and I didn't really
- have any experience with that. So I didn't know what the
- details were involved.
- So he asked me to call Dusty Thomas. So I called
- 10 Dusty, and we spoke probably for about a half an hour to an
- 11 hour what a package plant was, what the details were involved
- with getting one because I thought maybe it was one of those
- things where you could put it on -- I could put it on the
- backside of the property and dedicate, you know, a couple acres
- 15 to it and that could be a relief for sewage for my property.
 - Well, it turned out that that conversation
- 17 actually went nowhere because it wasn't going to be viable.
- Number one, Dusty had mentioned that. After we talked about
- the theoretical possibilities of doing it and the things that
- 20 are involved with it, I was also within the franchise district
- 21 of Far West Water. So he said that he didn't think that it 22
- would pass. And then we talked about, you know, how to dispose 23
- sewage and the details involved with kind of being your own 24 sewer company and all this stuff and I just -- it was way too
- much to be involved for that small of a parcel and it didn't

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- make any sense financially or personally.
- So after that conversation, that pretty much shed

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- 3 light on going back to the septic situation.
- Q. Mr. Thomas told you that your property was in the
- franchise district for Far West Water?
 - A. Yeah.
 - Q. And he used those terms?
- Α. Pretty much, yeah.
- Q. Said you really couldn't have your own package
- 10 plant because you were within their franchise?
- 11 A. That's what my understanding was. The way that
- he explained it was a person couldn't go within like the city 12
- 13 of Yuma and open up their own water company and start servicing
- 14 different areas in the city of Yuma, and that's just like the
- 15 foothills area. I couldn't go out there or any individual or
- 16 company couldn't just come right out to the foothills and just
- 17 start opening up sewer treatment plants and water treatment
- plants and start, you know, serving customers within a certain
- 19 area which in this case was Far West area.
- 20 Q. How many conversations did you have with
- 21 Mr. Thomas?
- 22 A. I think it was just that one. There may have
- 23 been a follow-up. There may have been a follow-up with him
- 24 regarding just that conversation, you know, if I had a
- follow-up question I didn't have answered right or something

Page 32

- 1 like that, but that was it. That one conversation was
 - basically the only communication I ever had with that quy.
 - O. Do vou know when it was?
 - A. I can't recall, no.
 - O. Was it in 2004, 2005?
 - A. It wasn't in 2005. It was in 2004. It would
 - have had to have been sometime in that same time frame in the
 - summer to the fall of 2004, somewhere in that time frame.
 - O. Did you ask Mr. Thomas as to why there was no
- 10 longer capacity for sewer for your subdivision?
- 11 A. No. I just was told that there wasn't.
- O. Did you ask Mr. Thomas whether or not he could
- 13 intercede to have you hooked up anyway?
- 14 A. No. When they told me there wasn't any, I
- assumed there wasn't any. The explanation was they could only 16
- do so many thousands of gallons a day and they just didn't have 17 capacity for any more hook-ups.
 - Q. When you said "they" --
 - A. Far West Water, I'm sorry.
 - Q. But who is "they?" That's not just the company.
- 21 There had to be a person that was talking to you. Was that
- 22 Mr. Kavenev?
- 23 A. Basically the conversation with Kaveney and Dusty
- 24 Thomas was there's no capacity. Initially, it was Mark
- Kavenev.

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O. Okav.

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- A. He initially said there was no capacity, and
- 3 obviously I was concerned because I had already closed on this
- property, and it was very expensive property and, you know,
- there's a certain time frame whereby you'd like to start
- 6 development. And now all of a sudden there's no sewer
- available and that threw a monkey wrench in my spokes.
- Q. Before you purchased the property, did you
- receive anything in writing other than Exhibit A from Far West
- 10 Water and Sewer?
- 11 A. Yeah. I think there were a couple of documents
 - that they had given me.
- 13 Q. Is it anywhere in your documents that you
- 14 produced?
- A. I can't recall if it was before I closed or right
- 16 after I closed, but I can look I guess.
- 17 Q. And in your memory, what type of documents were
- 18 these?

21

- 19 A. Let me back up. Did you say before I closed on
- 20 the property or after?
 - O. Before.
- 22 A. I don't recall anything before I closed on the
- 23 property from Far West Water. Let me ask you to rephrase the
- question or restate it, please.
- 25 Q. Okay. Before you closed on the property in

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- February of 2004, did you receive anything in writing from Far
- West Water and Sewer other than Exhibit 1?
- A. The best way for me to answer that is it's
- possible. And without me being able to thumb back through the documents to look at specific dates as to whether or not I got
- them right before we closed or right after. I couldn't answer
- that right now.

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- Q. You closed in February of 2004.
 - A, Uh-huh
- 10 Q. During the rest of the year of 2004, did you
- 11 receive any documentation from Far West Water and Sewer?
- A. I can't recall whether I did or did not without
- 13 looking through documents to verify dates.
 - Q. When you produced documents in response to a
- 15 request from Far West Water and Sewer, did you produce all the 16
 - documents that you could find at that time?

 - Q. And do you believe that there's some documents
- that you did not produce?
 - A. No.
- 21 So if this other correspondence that you say you
- 22 may or may not have, if you have the correspondence, it would
- 23 be in your production of documents that you gave to Far West
- 24 Water and Sewer on January 6th?
 - A. Correct. And right now I'm looking for these

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- documents that I've given you.
- 2 O. Okav.
- A. Here's a letter from -- that's dated January 8th,
- 2004, and it's to myself from Mark Kaveney.
- Q. Okav.
- A. So I would say that this document right here, I
- can't specifically remember receiving this from Mark Kaveney.
- Q. What exhibit is that?
 - A. It's Exhibit 4 in my testimony, yeah.
- 10 Q. Okay. Now, you said you don't remember ever
- receiving this letter?
- 12 A. I had the letter in my file, but it wasn't
- 13 signed. So I don't know if Mark handed it to me or if he
- 14 mailed it unsigned or whatever, but I remember receiving a
- 15 letter outlining costs involved. So I'm going to assume that
- 16 this is the letter right here.
- 17 Q. I note that the last page of Exhibit 1 has a Far
- West Water and Sewer logo on the top.
- 19 A. Okay.
- 20 Did you receive a letter from Mr. Kaveney or
- 21 somebody else like the letter of January 8, 2004, that actually
- 22 had a Far West Water and Sewer logo?
- 23 A. I received a letter from Mark Kaveney similar to
- this one in 2005. 25 Q. I'm talking about this Exhibit 4 that you have to

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- your testimony. This does not have a logo on it. So is this
 - the letter you said that you received or did you receive to
 - your knowledge something else?
 - A. No, the Exhibit 4 is the letter that I received.
 - O. But you don't remember receiving it, or did I get
 - that wrong?
- A. No, I didn't say I don't remember. I'm saying
- that this document right here with these figures on it, I
- recall the figures. I recall a document outlining costs. And
- 10 so this January 8th, 2004, document is the document 1 $\ensuremath{^{'}} m$
- 11 referring to when I talk about that.
- Q. Does the Exhibit 4 in anywhere show what
- 13 development it's referring to?
 - A. No.

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- 15 O. Does Exhibit 4 in anywhere say that it actually
- 16 does have sewer capacity?
 - A. No.
- 18 Q. Did you have discussions with Mr. Kaveney prior
- 19 to January 2004?
 - A. Yes.
- 21 Q. And this letter of January of 2004 was prior to
- 22 the time that you purchased the property?
- 24 Q. In response to receiving this letter, what action
- did you take?

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Page 37 A. I didn't take any action. I was actually surprised that the costs were what they were because initially I was told the costs were substantially less than that. Q. Did you know at the time you received this letter that there was going to be a fee for Southwest Gas? A. No. Q. Did you know at the time that you received this letter that there was a penalty for not having enough hook-ups for APS? 10 A. No. 11 Q. But you questioned this one? 12 A Excuse me. let me back up on Southwest Gas. I 13 may have known about Southwest Gas having a charge upfront, but 14 I know that APS did not have a charge -- I don't know the 15 situation with APS at that time, but I know that I think it was 16 Southwest Gas, on the date of this letter, I can't be specific 17 whether it was before or after that letter, but sometime at 18 some point in time Southwest Gas informed me that there was 19 going to be a cost involved. 20 Q. On Exhibit 4 to your testimony, do you remember 21 whether or not it was mailed to you or hand-delivered to you by 22 somebody? 23 A. I can't recall. 24 Q. The first line says, "As per your request."

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Page 38 Q. What was your request? A. Just any costs, just to verify any costs that Were involved with developing the property. Q. Had you received any particular cost from Mr. Campbell before this? A. No MR. CAPESTRO: Just a moment. Off the record. (Discussion off the record.) (By Mr. Capestro) I believe you stated that you 10 were surprised at the numbers in Exhibit 4; is that correct? 13 O. Because they were different from what you had 13 been told before? 1.4 A. Correct. 15 O. What had you been told before and by whom? A. I don't recall by whom, if it was exactly Murphy 16 17 Campbell or Mark Kaveney, but the costs that I had recalled were \$50 and \$25. I can't remember if the 50 was for the sewer and water, but the water or sewer both, and/or, water and/or 20 sewer both 50 and 25. 21 Q. So the letter in Exhibit 4 was in response to you 22 asking the question again?

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because you have to attribute for them and you have to also in some cases inform your lender. And so when I got these new

costs, I was surprised.

Q. Well, had Mr. Kaveney told you on the phone about

these costs?

A. I hadn't been informed of these costs until I would assume when I got this letter.

O. And you don't remember asking him to send you a

letter? 10

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A. Not specifically, no.

Q. And do you remember getting anything in writing 12 showing that these fees of 25 and \$50 would be charged?

14 Between the time that you had Exhibit 1, received 15 Exhibit 1 from Mr. Murphy Campbell and this letter that's shown

16 as Exhibit 4, how many times did you have any conversations 17

with Mr. Kavenev?

A. I don't know, probably between five and ten.

Q. How many of them were in person?

Between three and five. A.

21 O. Were they at his office or were these social

22 occasions?

23 A. Well, Mark Kaveney and I didn't know each other.

24 So it obviously wasn't a social occasion. So it wasn't at his

office. Mark and I always met in the field.

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Q. Other than Sierra Ridge, did you work with

Mr. Kaveney on any other project?

3 A. Never.

23 24

Q. When you were building homes, did you ever meet

A. No. I don't know why it says, "As per your

request," but, you know, when you go through a process of developing property, you like to know what all your costs are

Mr. Kaveney other than at Sierra Ridge?

A. No.

Q. When you were building homes other than at Sierra

Ridge, did you build any of them within the city of Yuma?

A. Yes.

10 Q. Did the City of Yuma charge any fee for sewer,

11 upfront fee? 12

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A. I don't recall sewer. I recall water meter

hook-ups. Sewer hook-ups, I can't recall.

Q. And what were the water meter hook-ups?

A. I'd sav around a thousand dollars.

Q. That's just a guess?

A. Yeah. I did a few homes in the city of Yuma. So

as time went on over the few years, I know that their rates

19 went up. So, I mean, what could have been the first water

2.0 meter might have been under a thousand eventually creeped up to

21 a thousand, maybe 1200 bucks or something like that. So, you

22 know, they just were going through in that period of time, I

23 mean, there was a lot of activity with construction, so ... 24 Q. Do you know what the water fee hook-up is, if

there is one, for the City of Yuma at the present time?

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Page 41 A. No 2 O. Do you know what the sewer fee is at the present time? A. I don't. Q. The fees set forth in Exhibit 4, I believe that that's somewhere around \$900; is that correct? A. For the water line tap fee, it's 900 and sewer it says 950. 9 Q. Okay. So at that time the City was charging a 10 water fee of approximately the same amount, around a thousand 11 12 A. Yeah, I would say, yeah. 13 Q. Okay. And you don't remember at that time 14 whether or not there was a sewer fee? 15 A. I can't recall. 16 O. When was the first time you met Mr. Kaveney? 17 A. It would have been the late summer to the fall of 18 '03. 19 O. Did you meet Mr. Kaveney at the project? 20 A. The first time I met him it was at the site. The 21 first time I spoke to him I can't recall if it was in person or 22 on the phone. 23 Q. Now, you've talked to him a number of times. Do

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O. Okav. Does that include times after you started building homes or are all these times before you started building homes? A. From the first time that I became acquainted with Mark, either in person or on the phone sometime in mid to late '03, I talked to him not continually, but I talked to him more frequently as we were developing the property. And then after we were developing the property, it got to the development of the property as far as water, 10 sewer, putting the roads in, starting to construct houses, I 11 don't recall any conversations. If there were any, it was just maybe one or two, probably until -- when I started actually physically constructing houses out there. I didn't talk to Mark for a while. I was knee-deep in getting a lot of other things 15 aoina. 16 O. When was the first time that you delivered any 17 plans concerning this development to Far West Water and Sewer? 18 A. I can't be sure when. And I didn't deliver the plans. The engineer did. So it would be a question for him. 20 Q. You never brought any to him? 21 Α, O. How did Mr. Kaveney know what you were going to 23 be doing out there without plans? 24 A. Just discussed it with him. 25 Q. Did you tell him how many lots there were going

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A. I don't remember specifically telling him how

3 many lots there were going to be initially, no.

those -- I believe you said up to 10 times?

A. Between five and ten.

Q. Did Mr. Kaveney ever tell you prior to your

5 exhibits concerning capacity dated in January of '05, did he

ever tell you before that time that Far West had the capacity

to serve you?

A. You said January of '05. Did you mean '04?

O. Huh-uh. The first letter I have for capacity is

10 January '05.

11

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A. Oh, the capacity. Oh, okay. I thought you meant

this letter here, okav.

13 So you asked me prior to that did he tell me --

14 did he reference that they had capacity?

Q. That's correct.

16 A. Yes.

17 Q. When?

A. It was prior to this letter, January of 2004.

O. What did he say to you?

A. Just through all of the different various

21 discovery process I was going through with all the utilities.

22 it came about that there was not only water, but sewer was

23 available to the property and that there was capacity available

24

Q. And at this time it was before he received any

Page 44

plans?

A. Correct.

Q. And at this time it was before Mr. Kaveney knew

the number of lots that were going to be there?

A. I can't tell you if he knew the number of lots

that were going to be there or not. I'm not sure.

MR. CAPESTRO: Let's mark this as the next

exhibit.

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(Exhibit No. 2 marked for identification.)

10 MR. CROCKETT: Can we take a five-minute break?

11 MR. CAPESTRO: Sure.

(Recess taken from 10:58 a.m. to 11:03 a.m.)

Q. (By Mr. Capestro) Show you Exhibit No. 2.

Α.

O. Do you recognize that document?

16 A. Yes, I do.

Q. And what is that?

A. That is a preliminary layout of lot designs for

Sierra Ridge.

Q. What is the date on that?

Α. The fax from Yuma Territorial Engineering to

22 myself is November 20th, 2003.

23 And I'd like to clarify something. 24

A. When you -- in a previous question you had asked

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1	Page 45 me about submitting plans to Far West Water or Mark Kaveney.
2	
_	Q. Correct.
3	A. Prior to a certain date.
4	Q. Uh-huh.
5	A. The plans that I thought that you were referring
6	to were blueprint plans like plats on a 2-foot by 3-foot, you
7	know, like a finished product.
8	Q. Okay.
9	A. And so a copy of this preliminary layout was
10	given to Mark just as a reference point as to what we were
11	trying to do there.
12	Q. When you say "this," you're referring to
13	Exhibit 2?
14	A. Correct.
15	Q. Now, I see it says option B on it.
16	A. Uh-huh.
17	Q. Was there an option A?
18	A. Option A had, and I couldn't find it, but it had
19	a similar layout, but the streets were more cut up and I didn't
20	like it. So it was disregarded. So this was the one that
21	stayed in the file as the main one they were going to proceed
22	with.
23	Q. How many lots do you have in Sierra Ridge I?
24	A. 113.
25	Q. And this one shows 206 lots.

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A. Correct. Q. Is that the entire development? A. For Phase I, yes. There's a vacant 10 acres at this time in the back, which is Phase II. That's platted for O. I'm trying to come up to the 206 lots. A. Okav. ٥. So you have 113 lots. A. Uh-huh. 10 Q. And then you've got 60 lots. 11 A. Correct. That's 173. Q. Where are the other -- where's the rest of the 13 2062 14 A. This layout had to be changed when I was told that the sewer capacity was no longer available. So we had to 16 revert back to a different design to accommodate the 17 possibility of using septic systems. So I lost the yield on the lots. 19 O. And you no longer have A? A. No. 20 21 Q. And you believe you gave a document like this to 22 Mr. Kavenev? 23 A. I did. 24 MR. CAPESTRO: Off the record. 25 (Discussion off the record.) Griffin & Associates

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(Exhibit No. 3 marked for identification.) Q. (By Mr. Capestro) Option B, what's shown there, I

3 believe we were asking if that's Phase I, II, III, whatever it

A. This would be Phase I, which the way this is 6 situated is utilizing almost identically the same amount of land that we have out there right now for Phase I.

Q. Which is 113 lots, not 206?

A. Correct,

10 Q. Show you Exhibit 3. Do you recognize this

11 document?

13

15

22

23

24

12 A. Yeah.

Q. This is signed by I believe Edwina Vogal?

14 A. Vogan.

O. After receipt of this document, did you talk to

16 Ms. Vogan?

17 A. Let me see the document, please. I can't recall if I specifically talked to her after the date of this

19 document.

20 Q. And it says Edwina Vogan is a regional WQP

21 coordinator at ADEQ, correct?

A. Uh-huh.

Q. Had you sent her something to review?

A. The scenario behind that letter has to do with

our request to have -- to utilize septic systems on the 113

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lots. And initially, I'm going to speak -- Rick Stacks is going to have to specifically answer these questions if you

want them real specific. I'm going to speak in general terms

5

13

Q. Okay.

A. Rick Stacks of Yuma County Health Department,

going back to right around this time frame here, was from what

I recall was like a delegated authority for ADEQ in the Yuma

County area. And so when the inquiries with Yuma County came

10 about for use of the septic systems on the lots, Rick Stacks

had indicated that he could sign off on behalf of ADEQ because

12 he was a delegated authority for our area.

So he worked with our engineer or my engineer

14 from Yuma Territorial with I guess what they call a 208 form.

15 And at that time, I wasn't very familiar with it at all about

16 this process. So Rick Stacks had actually signed off on the

17 whole deal, and then it came about that somehow or another it

had to go through the office up here at ADEO.

19 So looking back on it, it would have been -- and

20 I was out of the loop with most of this documentation as far as

21 like Yuma Territorial giving it to Rick Stacks, Rick Stacks 22

giving it back to Yuma Territorial, you know, what was required 23

to get things going. Francisco Galindo handled that from Yuma

Territorial.

And it came about that evidently there was a

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- miscommunication between this Edwina Vogan and maybe another
- person up here at ADEO in the Phoenix office and Rick Stacks
- whereby the paperwork should have come to ADEO up here first
- and then go down to Rick Stacks second, but it went to Rick
- Stacks first and came to ADEO second, but it didn't seem to be
- a big deal to them. So I just went with the flow and just did
- whatever they wanted me to do to get all the paperwork handled
- to get the septic systems approved.
 - O. Do you know what a 208 plan is?
- 10 A. Not exactly, no.
- 11 O. Do you know if that has anything to do with
- septic systems?

13

34

15

16

- A. I'm not sure. I believe it does.
- Q. It's addressed to Brian Householder, Yuma
- Territorial Engineering. Is the address incorrect?
 - A. I don't know why she put that there.
- 17 O. And she refers to you as Brian. So did you have
- some conversations with her other than this?
- 19 A. I don't even know. Let me see that real guick.
- 20 See, this letter went to Francisco Galindo's office at Yuma
- 21 Territorial. So my name I guess was on the paperwork, but she
- 22 was communicating with this letter to Yuma Territorial
- 2.3 Engineering because they had their fax number on the
- documentation I guess because that fax number at the top there
- is not mine. That's Yuma Territorial's. It's 539-0150. So 25

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why Edwina sent it there, I'm not really sure.

Q. I'd like you to read this into the record for me,

- please.
 - A. You would like me to read it?
 - Q. Uh-huh.
- A. "Hi, Brian. Thank you for being so patient.
- Here's an update. I tried to call Jennifer Albers," it's
- A-L-B-E-R-S, "to get her comment on the Sierra Ridge
- subdivision, but she is out of the office all week. Part of
- 10 the 208 review is the collaboration between partners in the
- 11 planning process, which in this case is Yuma County (the
- Designated Planning Agency) and the City of Yuma, the
- Designated Management Agency (DMA). Yuma County has provided
- their comment and support for this project, due to the nature
- of proposed dry sewering. I need to have an official comment
- from the City of Yuma because the project will be located in
- the City's planning area, even though the area is currently
- being served by a private utility. The City will ultimately be responsible for wastewater management for that area in the
- future. If I could have until Tuesday when I return to the
- 21 office to complete the 208 I would appreciate that. I am also
- having" -- excuse me. "I am also waiting on information
- 23 concerning the stage of development for the new plant. If you
- 24 have any questions, you may reach me at 602-771-4606 or at
- emv@azdeq.gov. Thank you, Edwina Vogan."

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- Q. Even though it went to Yuma Territorial
- Engineers, at some time you saw this document?
- 3 A. Yes.
 - Q. Do you remember when you saw it for the first
- time?

17

- A. Not a specific day, but I'm sure it was right
- around that time frame because we were trying to process the
- paperwork to get everything through the County and ADEQ for the
- utilization of septic systems.
- 10 Q. Do you know what the comment referred to when the 11 City will ultimately be responsible for wastewater management
- for the area in the future? 13
 - A. Yes.
 - What does that mean?
- 15 A. I specifically remember talking to Edwina Vogan 16 and Rick Stacks about this.
 - Q. What is that?
- A. I guess this is a statewide requirement. I guess
- 19 each municipality has to have a plan, a master plan, and I
- 20 think the City of Yuma's went out to at that time was 2010 and
- 21 they -- and I can't be specific on this. I'm just speaking in
- 22 general terms here. The City of Yuma when they formulate these
- 23 plans, they have to incorporate areas they may annex in the
- 24 future, et cetera, et cetera. 25
 - So I guess the area of the foothills is within

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- 1 this master plan. This is what my understanding was. And
- being that this property, specifically this property was also
- in this foothills area that was in the master plan, if there
- was anything to be done with the dry sewering, the City of Yuma
- would have to look at it. And if it was going to be a property
- that they may annex, then they would have a say in I guess the process.
- Ultimately, that's not what the case was. The
- City of Yuma contacted me and if I remember right the guy's
- 10 name was Hank Baer. I think he's the supervisor of the sewer
- division. And they said that they will not be annexing
- anything in that area, that they kind of drew their line I think at 9 E or 9 1/2 E and that was it, that since they would
- probably never consider annexing that portion of the foothills
- that they would just sign off on whatever the ADEO needed them
- to sign off on so we could proceed forward with the private
- 18 Q. Did you contact Mr. Baer?
 - A. I can't remember if he called me or I called
- 20

17

21

23

- Q. Did he ever sign off for ADEQ?
- 22 A. I have no idea.
 - Q. There's another comment in here. "I am also
- 24 waiting for information concerning the stage of development for
- the new plant." Do you have any idea what new plant she was

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to a year and have to go through a big process.

1 relatively short with Rick Stacks and Francisco handling the

paperwork for the septics and then all of a sudden we have this

thing come up, and I didn't know how long the delay was going

to be. Obviously I wouldn't want to sit on it for six months

talking about whether or not they were going to take it over

was no doubt in my mind that they weren't going to take that

over with -- the City of Yuma wasn't going to -- there was no

property or any other properties from that conversation with

Hank Baer from about Avenue 9 or 9 1/2 E coming to the east.

Q. One moment. I'm looking for a document he

Q. (By Mr. Capestro) Exhibit No. 4 is another

(Exhibit No. 4 marked for identification.)

doubt in my mind that they had any interest at all in that

Q. When you're talking about how long would it take, are you talking about approval of your septic tanks or are you

A. No, the approvals for the septic tanks. There

talking about?

- A. She's talking about the new sewer plant that the City of Yuma has recently developed over on Avenue 6 E.
 - O. And 40th?
 - A. And 40th.
- Q. Is that where your sewage was going to ultimately go if they annexed?
- 8 A. I can't speculate on annexation or where the sewer would go, no. I didn't have that conversation.
- 10 Q. When did you have the conversation with Mr. Baer 11 saving they were not going to annex?
- 12 A. Just shortly after that letter. Well, let's put 13 it this way. He didn't specifically say they wouldn't annex 14 that because he can't speak on behalf of annexation. He can 15 only speak on typically where they're going to serve sewer in 16 that region out there.
- 17 And, you know, when I spoke to him, I don't know if he had to report to somebody else within the City of Yuma or 19 not. He just called me up and just said that this is something 20 that they're not even eyeballing. So it's not going to be a 21 problem for them to sign off on it.
- 22 My concern was at that time I remember just 23 thinking, okay, is this going to take a month, six months for 24 these guys to get this thing through. How long is this going

to take because it went pretty, you know, the time frame was

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20 document that you produced based upon our request. Can you 21 take a look at that document? Do you recognize it? 22 A. Yes, I do.

with the new plant?

10

11

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23

2.4

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25

- Q. When did you obtain a copy of this document?
- A. Can't be for sure, but I think it was in the
- summer of 2006 or maybe the fall of 2006.

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produced.

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- Q. How did you obtain it?
- I contacted ADEQ and I wanted some records. A.
- Q. What did you ask for?

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- A. I actually asked them for SMRF reports, and they
- photocopied stuff in the file because I paid them to photocopy
- file documents, and that was in the stuff that they photocopied for me.
- 8 What file did you ask them to photocopy?
- 9 A. This was all done on the phone. So I can't
- 10 remember exactly what I asked them to copy, but I just told
- 11 them who I was and what the situation was and I wanted
- information on the Palm Shadows Sewer Treatment Plant.
- 13 Q. You referred to SMRF reports. What's a SMRF 14 report?
- 15 A. Well, the documents that I got from ADEQ showed 16 flow readings, daily flow readings that were to be reported to 17 ADEQ on a quarterly basis.
 - Q. Is that a SMRF report?
- 19 A. That's my understanding, yeah. That's S-M-R-F.
- 20 Q. Besides Exhibit 4, and you just testified you
- 21 received some quarterly reports, what else did you receive from
- 22 ADEO?

18

- 23 A. I received what?
- 24 Q. You said you received some reports. You referred
- to them as SMRF reports.

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- A. Oh, okay.
- Q. What else did you receive?
- A. Well, the SMRF reports had one page would be flow
- readings for that month. And, you know, along with that
- document, I think they had testing if I'm not mistaken for
- various bacteria and stuff like that that may or may not have
- been present. I can't recall what labs were testing, but I
- remember labs that were showing test results for different
- things. That document that you're holding right now.
- Q. Any other memos?
 - A. No, not that I can recall.
- Q. In response to our request for documents you
- produced this memorandum. Is there a reason you did not
- 14 produce the SMRF reports?
 - A. I don't have them anymore.
- Q. Okay. Now, when you talked to Mr. Hank Baer, you
- 17 believe it was right after this memo sometime in November of 18
 - A. Uh-huh. ves.
 - Q. Take a look again at Exhibit No. 4, and is there
- 21 a date on that page?
 - A. January 26, 2005.
 - Q. Would you read the last paragraph?
 - A. It says "Palm Shadows" --
 - Q. The last, very last paragraph itself.

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O. And that's a memo from whom?

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Page 57 1 A. This one or this one? That one, very last paragraph. A. "Facility desires to close this facility and connect with a 1/2 mile pipeline to the City of Yuma. They are proposing to maintain control and maintenance of the sewer 6 lines and to meter this to Yuma. They maintain that the plant was originally built to be a temporary facility for these purposes and now is the time to connect to Yuma. They would need to get a general permit for collection systems and lift 10 stations for these purposes." 11 Q. Now, this is after your conversation with Hank Baer? 13 A. Yeah, quite some time. 14 So but you've testified it was clear in your mind 15 that the City of Yuma would never take this over? A. From that conversation I had with him. very 16 17 clear. 18 Q. You've also produced --19 (Exhibit No. 5 marked for identification.) 20 (By Mr. Capestro) That's Exhibit No. 5. Did you 21 also receive that document from ADEO? 22 A. Now that I see it, this came with that package, 23 that packet I mentioned. Q. Okay. 24 25 A. I just forgot about it.

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It's a memo from Donald Bell to Mark Kavenev. O. Can you read the memo from Mr. Kaveney to Mr. Bell? 5 A. It says, "Hi, Don. FYI, I just got approval from our company to approach the City of Yuma regarding taking our wastewater from the Palm Shadows WWTP service area. I have notified our liaison for the City and he said he would start negotiations. He hopefully will have something in a week or 10 so. He along with the rest of us realize the importance of 11 sending this flow to the City by this summer. Hopefully, all will go as smooth as possible. If this does fall into place, we will be looking at a closure at Palm Shadows." 14 Q. Now, that was from Mr. Kaveney to Mr. Bell? 15 Α. Q. And it's dated 2-10-05? 16 17 A. That's correct. Q. This again is after your conversations with Mr. Baer? 20 A. Correct. 21 Q. Did you have any conversations with Mr. Kaveney 22 about his belief that they were going to hook up the flows that 23 now go to Palm Shadows to the City of Yuma? 24 A. I never had any conversations with him regarding that at all until it would have been like right around the

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summer 2006 after we were told that we cannot construct any more houses.

Q. Let's go back a bit. Earlier you said that Far

West told you they didn't have capacity, and you had conversations with both Mr. Kaveney and with Mr. Thomas about

6 lack of capacity and you going into maybe your own package

plant or septic tanks; is that correct?

A. That's right.

9 Q. And then sometime later Mr. Kaveney tells you now 10 we have capacity, meaning Far West, correct?

A. Correct.

12 Q. And he never mentioned to you that the way he was 13 getting capacity was going to the City?

14 A. Never. Matter of fact, it's in my prefiled

15 testimony that I was shocked and I even asked Mark, I was like

16 how did you guys all of a sudden find capacity?

Q. And what did he tell you?

A. He said, "Don't worry about it. We have it."

Q. Just like that?

Just like that,

Q. And this was after you had questioned him upon

22 fees; is that correct?

17

19

20

21

23

24

Q. And that was after you had contacted the ACC

questioning what he was doing?

Page 60

A. Pertaining to?

ο.

A. Correct.

Q. And that was after the memo that said he didn't

5 have capacity?

A. Correct. I had no privy to these memos. What

was going on behind closed doors was not public information,

so ...

13

20

23

24

O. Were the two of you friends in some way?

10 A. No.

Q. Do you know why he changed his attitude?

A. Toward what?

Q. Capacity versus no capacity?

Α. I don't know. You'd have to talk to him.

O. You were at his deposition.

16 A. Correct.

17 Q. He said that you asked him to do him a favor.

A. I asked him to do me a favor?

19 O. Correct.

Okay. What was that?

21 Give a letter that he had capacity so you could 0.

22 move forward.

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A. That's not true at all.

O. You heard his testimony?

A. I heard his testimony, but that's not true.

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Brian Householder Formal Complaint of Spartan Homes and Construction v. Far West Water and Sewer Page 61 Q. So he was not doing you a favor? A. Not under those circumstances he sure wasn't 3 doing me a favor 4 Q. He also testified that Mr. Thomas told him to do it. Did you ask Mr. Thomas to do you a favor? A. First of all, I don't recall the testimony that 7 you're referring to. So you're going to have to be more specific on that. O I believe that Mr. Kaveney said that he did this 10 on instructions from Mr. Thomas. I may or may not be right, but that's my belief of what he said. 12 A. Okav 13 Q. My question is did you ask Mr. Thomas to do you a 14 favor? 15 A. Never. 16 (Exhibit No. 6 marked for identification.) 17 Q. (By Mr. Capestro) Show you Exhibit No. 6. What 18 is that document? 19 A. The header on this says County Approval 20 Subdivision to be -- the word's whited out. It says S-E-R-V 21 blank. I think it would mean Served By Individual On-Site 22 Wastewater Treatment Facilities. 23 O. What's the date on that?

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25

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was signed by apparently RJ Stacks? O. What did you do with that document, if anything? A. I didn't do anything with this document. I just saw that it existed and that's it. Q. And do you know if this document was sent to anvbody? A. I know this document was sent to Yuma Territorial Engineering. 10 O. Okav. 11 A. And I believe that Yuma Territorial Engineering and/or this document went to the Phoenix department at ADEQ. 13 Beyond that, I have no idea if anybody else was sent this. 14 Q. Why would it go to ADEQ, do you know? 15 This is the document that I referenced earlier 16 pertaining to that Edwina Vogan exhibit, and this document here 17 is the document whereby Rick Stacks, there was a question of whether or not he had the delegated authority to be the signer to allow septic systems. And then it was to go to Phoenix or 2.0 not or the Phoenix department of ADEQ was to sign it first and 21 Rick was to sign it second. So this was a part of that little circle there where there was some confusion between the Yuma 23 County Health Department, Rick Stacks specifically, and the

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Phoenix department at ADEQ as to who had authority to --Q. This apparently is a form --

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A. This was signed on 10-8-04.

O. Did you see a document, that document after it

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A. -- to start this process. O. This apparently is a form that Mr. Stacks would fill out. A. It's not apparently. It is. Q. Okay. And take a look at the bold type in the middle --Q. -- of it where it starts with "An approval"? A. Uh-huh. 10 Q. Would you read that, please? A. "An approval of sanitary facilities for 12

Environmental Quality before application can be made to the 14 delegated agency to obtain approval of septic system or other 15 individual on-site wastewater treatment facilities for specific 16 lots within the subject subdivision."

subdivision must be issued by the Arizona Department of

17 Q. That's sufficient. Isn't that pretty clear that ADEO has to approve it before a delegated authority can act?

A. It's very clear. It's very clear. 19

20 Q. So were you testifying that Mr. Stacks wasn't 21 sure if he could approve it or not?

A. What I'm testifying to is when the inquiry went 23 to Yuma County about the possibility of utilizing septic 24 systems, the process started through Rick Stacks. And Yuma

Territorial Engineering was involved in the process, and we

24

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Page 64 were basically, through the inquiry process and the paperwork process, we were told that this right here is what we needed to do. Somehow or another, I don't know if it was Rick Stacks, I believe Rick Stacks contacted the Phoenix department of ADEO and found out that he had things -- had the process a little bit backwards. And so he rerouted the process through the ADEQ department which got Edwina Vogan and whoever else in her department involved, and subsequently they did whatever 10 paperwork that went along with this document to make it whole. 11 Q. Would you read the last sentence of that paragraph also? 13 A. "According to A.A.C. R18-9-A301(D)" -- is that I 14 15 MR, CROCKETT: Letter I. 16 THE WITNESS: The letter I in parentheses, lower 17 case letter E in parentheses, looks like lower case I in parentheses, comma, "no residential construction can proceed 19 until a septic system or other individual on-site wastewater 20 treatment facilities have been issued a provisional 21 verification of general permit conformance." 22 O. (By Mr. Capestro) Did you receive a provisional 23 verification of general permit conformance? 24 A. I believe so.

Q. Is that in some of the documents that you have

Page 65 here? 2 A. I believe I gave you those when I delivered them to your office. MR. CAPESTRO: These are three in order. 5 (Exhibit Nos. 7 and 8 marked for identification.) Q. (By Mr. Capestro) You've got 7 and 8 together. A. Okav. Q. Take a look at No. 8. A. 10 Q. What is that? 11 A. It says waste quality -- or excuse me. Water 12 Quality Management Plan Consistency Review Form. O. Is that a form that you filled out? A. I didn't fill this out, no. 14 15 Q. Now, I stapled those two together because I 16 believe you said they went together. Do we have it in the 17 correct order? 18 A. I'm going to say yes. Q. It doesn't have numbers on it. 20 A. Yeah. 21 Q. I'm not sure if one goes after the other. 22 A. Yeah. I'm going to say, yes, they go together. 23 Q. Take a look at No. 7. 24 25 Q. And that's three pages and those have numbers 1,

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 1 2, and 3 on the bottom. And apparently page number 3 is 2 identical to the page number 2 on your other document. A. I don't see any duplicates on any of these pages. 5 O. They're not the same? A. No. O. Take a look at 8 again. What is it that you have that shows that those two are together as part of the same? A. If you read the bottom here, you can see that 10 even though the date is cut off they're dated it looks to be 11 December 0 something, 2004, and the time on this one here says 12 10:22 and this one says 10:22. So that's how I came that those were together. 14 Q. Would you take a moment between -- let's go off 15 the record. Let's make sure we have these in the right order. That's the way they came to me, and I don't see numbers on one 17 versus the other and I can't tell the way they were produced. 18 A. I did the best I could. I mean, I can go to ADEO and ask them to give me these documents in order for you if you 20 want me to or you can request it from them or whatever and then 21 you can get everything matched up, but I did the best I could. 22

This is what I had in my file. So I just matched them up the 23 best I could for you. 24 Q. Well, the problem is one way it looks like it's 25 an approval of a 208 plan.

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A. It's a 2 what?

Q. 208 plan. It's not inconsistent with a 208. The

other way, it has a septic system on the top and the other one

has a blank. I'm trying to find out whether or not there was

an actual approval for your septic tanks, and I can't tell with

the numbering on those documents.

A. Oh, I understand. I'm sorry, I can't. The only

thing I can say is if you look at the --

MR. CROCKETT: Wait, wait. Are we back on

10 the record? 11

THE COURT REPORTER: I never went off.

12 MR. CROCKETT: We're fine.

THE WITNESS: The only thing I can say is if you

14 look right here, this is a perfect match for date, time, and

15 everything. So that's why I came up with these two being

16 together and this one's checked approved. 17

Q. (By Mr. Capestro) What is approved?

A. Well, who signed this, Edwina Vogan?

Q. Yes.

A. She checked approved as the project is and then

21 it says not inconsistent with the certified 208 plan.

Q. Right. So is that for the water or is that for

23 sewer?

18

19

20

22

24 A. This is so I can utilize septic. It says here

25 conventional septic tank on each lot. Brian Householder Formal Complaint of Spartan Homes and Construction v. Far West Water and Sewer

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Q. If those two go together?

A. Excuse me?

Q. If those two go together?

A. Oh, yeah, I agree.

Q. Okay. Now, let's go back to I believe it's 6,

the one there.

A. Okav.

Q. There's something in handwriting by whoever

filled this out.

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10 A. Uh-huh.

Q. Do you know whose handwriting that is?

12 A. Rick Stacks.

Q. Are you able to read the comments?

Yeah, I think I can read them. They're blurry,

15 but I can read them.

Q. Would you read them into the record?

17 A. "Collection of storm water will take place in

18 retention basins located throughout subdivision. No onsite

retention will take place. Sewer is not available in the

20 foreseeable future, initialed RS."

21 Q. Who, if you know, who told Mr. Stacks that sewer

22 is not available in the foreseeable future?

A. I have no clue. You'd have to ask him.

Q. But near the time that this was signed on

25 10-8-04, you were aware that sewer was not available for the

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foreseeable future?

2 A. Why he wrote foreseeable future, I'm not really sure why he wrote that sentence on there. The only thing I know is the Far West Water representative came back to me and just said that there wasn't any capacity and I was moving forward with septic systems, this is what Rick Stacks wrote down. I don't know why he wrote it. I don't know who he talked to about this. You'd have to ask him.

- O. And when Mr. Kaveney told you now there is, you didn't question it?
- 11 A. Oh, yeah, I questioned it. I sure did question 12 it.
 - Q. Did you ask him where was it coming from?
- 14 Well, my question was because I was kind of 15 ticked off in a sense because we had capacity and then all of a 16 sudden we didn't, which, you know, that's the way the cookie 17 crumbles so we just go with it. And I spent several thousand dollars to do perc tests for septics. I lost a big yield on my 19 lots, a big yield which financially just, you know, hurts. I 20 had to develop plans to accommodate smaller lots. I paid to 21 develop those and those were flush, and I went and developed 22 new and bigger plans to fit bigger lots and to make it make 2.3 sense. And I had gone through the whole process, paid fees,
- time involved with the stopping and going from sewer not
- 25 available, available, not available, whatever, to doing septic

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- tanks. And then all of a sudden, I get a call out of the blue that says we've got capacity for you. I was like that's nice.
- Well. I guess I'll take it, you know, obviously, but I was
- like, you know, how do you all of a sudden come up with
- capacity? I've gone through all this paperwork here and I've
- taken all this time and spent all this money and now all of a
- sudden we have capacity. He just said, "Don't worry about it.
- You got it." So that's how it went down.
- Q. Did you get any bids from anyone for the cost of 10 septic tanks installed?
- 11 A. I was going to do it myself under my license.
- Q. Did you get any bids for the actual cost of a
- 13 septic tank?
- A. The cost, the wholesale cost of the materials?
- 15 Yeah, the septic tank and materials. 0.
 - A. Leach lines and rock and whatnot?
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tank?

- A. Yeah, I had contacted a few entities that sold the tanks and leach lines and whatnot.
 - Q. How much would it have cost you for materials?
- 21 Let's see. Probably between 800 and a thousand Α.
- 22 bucks, maybe \$1100, something like that.
- 23 Q. You could get the tank and all the materials for
- 24 all that?
- 25 A. Yeah, Back then, I think the tanks were running

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installed nitrate-removing septic tanks in the past?

A. Never have. It wasn't required.

might not come up. I want to clarify that.

Q. I heard a long answer that it may come up and

A. Like I said, at this particular time as I recall,

Q. I got the impression earlier that you may have

I know not for this one. For any project?

Q. Have you ever priced a nitrate-removing septic

A. No. I've had discussion with a gentleman from

Bill's Backhoe and Darren at PU Septic and I know that they're

A. I think it adds probably -- I don't know

Q. Once you received approval to go ahead with a

A. I had already gone through all the platting

specifically. We didn't talk dollars, but I think several

sewer system, did you leave the lots the same size?

Q. As you did for the septic tanks?

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it wasn't required.

٥.

thousand dollars.

A. No.

a little bit more expensive.

Yeah. A.

A. Yes.

Q. Why?

O. Any idea how much?

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4-, 5-, 600 bucks and you got leach lines and the rock material and paper, you know, and a few other miscellaneous things that

- don't amount to a whole lot of money. So that's about right.
- Q. Were you at any time required to have
- nitrate-removing septic tanks?
- A. For this project or just anytime at all in the past?
 - For this project.
- A. No, that was never discussed, but this is one of 10 those things where times were kind of turbulent for septic
- tanks and there was discussion with Rick Stacks as to the
- sizing of leaching lines were changing. It was all in the
- 13 midst of these things that ADEQ was reviewing and they were
- 14 basically trying to get away from septic tanks as what it comes
- 15 down to from what I understand. They didn't want to do them if
- 16 they didn't have to, but they would because it was allowed.
- 17 And so at that point in time when I was at this
- 19 mentioned it and he didn't have a time frame as to when it may
- 20
- 21 about it and it was kind of swirling in the air at that time.
- 22 Q. Are you saying that there was no requirement for
- 23 a nitrate-removing septic tank for this project?
- 24
- 25 vou.

stage right here, it wasn't a requirement, but Rick had come up or may not come up. We had just kind of briefly talked

- A. I just answered that question, Andy. I just told

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processes with the County, paperwork for the subdivision through every entity that was required and the time involved with going, you know, getting in front of the Board of Supervisors and processing the paperwork with the County and anybody else that was involved with this platting process. And 6 I had already spent money to have some of this stuff done here, which is shown on Exhibit 2. Then I had to shift gears to go to what we have now as far as like the development, you know, 10 At this point in time, we had gone way deep into 11 the process for developing the property. I mean, we're 12 knee-deep in it, and I also have a lender to consider. I have a time frame with the lender whereby I have a land loan that. you know, we're looking to transfer into a development loan. 15 So I have to consider that. 16 So I was looking at, you know, everything that 17 had been processed, approved, the money I've already spent, 18 more money I had to spend, the time involved with the delay

trying to do this septic tank deal, and I just decided, you 20 know, I'm just going to go with this right now because it's 21 sitting right here in front of me and I can go right now, I don't have to wait another eight months or a year or more to 23 get back in front of the County supervisors to re-plat this 24

Q. When did you first provide plans and

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specifications to the County showing the bigger lots, do you A. I couldn't answer that. O. Was that in 2004? A. It would have been the latter part, middle to latter part of '04 I guess because this is right around the time Rick Stacks is signing paperwork. So we were getting that whole process going. So we were shifting gears and starting to redesign the plat on the subdivision to get this thing 10 rolling. So I guess it would have been around that time 11 O. Did you have any letter of water adequacy from 13 ADWR at that time? 14 A. ADWR, let's see. So the answer to that question is ves. I just wanted to verify that's what that document 16 was. I didn't know for sure if that was it. 17 MR. CAPESTRO: Why don't you mark this as next in 18 order. 19 (Exhibit No. 9 marked for identification.) 20 Q. (By Mr. Capestro) Take a look at that document. 21 Do you recognize that document? A. Yes. 23 Q. And what is that document? 24 A. It's an Arizona Department of Water Resources Office of Assured and Adequate Water Supply.

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Q. What's the date on it?

August 16th, 2004. A.

Q. Prior to that date, did you receive any

documentation from Far West Water concerning an assured supply

of water?

Let me tell you right now the documents that you gave me start in 2005. I don't have 2004.

A. Can I go off the record real quick?

Q. You can do anything you want.

(Discussion off the record.)

THE WITNESS: Can you restate your question,

please?

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13 Q. (By Mr. Capestro) Did you receive any 14

documentation from Far West Water and Sewer prior to August of 2004 concerning water supply and the ability to service you?

16 A. I can't recall.

MR. CAPESTRO: Off the record.

(Discussion off the record.)

(Recess taken from 12:05 p.m. to 1:03 p.m.)

20 Q. (By Mr. Capestro) Do you know when you started

21 building your first home at Sierra Ridge?

A. I think it was in the summer of '05.

23 O. And by that time --

A. It may have been April or May, but sometime

between April, May, June, July, somewhere in there.

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Q. Your plot was already approved by that time by the County?

A. Yeah, I had to go through whatever process they required. And they actually -- once we got to a certain point,

although all the roads and the curbs weren't in, once I got to a certain point, they told me that I was able to submit for

building permits and I could build as the roads were being put

in. Kind of, that was kind of their --

Q. Did you file a public report?

A. Yeah, everything was completed.

Q. When you said that you could start doing things

while you're still putting the roads in, did you have to file a

13 bond to be able to do that?

Yeah, I think it was an insurance bond for like

15 over a million bucks.

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16 (Exhibit No. 10 marked for identification.)

17 Q. (By Mr. Capestro) Would you take a look at that

document, and it's part of the documents that you submitted in

19 my request for document production. What is that?

20 A. It says -- the header says Yuma County, Arizona,

21 Department of Development Services. It says Discharge

22 Authorization For a Sewage Collection System.

Q. Now, does it have a completion date on there?

A. The word completion is not on here anywhere I

think for completion date. There's an affirmation date.

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- Q. What is that?
- 2 Α. July 16th, 2005.
- 3 O. What's the date of the approval by, I believe it
- was approved by Mr. Stacks?
- A. The date that he signed this and did whatever he
- did with it was dated 4-12-2007.
- 7 Q. Do you know why that was issued in April of
- 2007?

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- 9 I have a roundabout answer for you, but if you want specifically to know why, you would have to contact Rick 10 11
- Q. Well --
- A. Do you want me to give you my roundabout?
 - Best I can do.
- 15 A. The County, once I start my one-year warranty
- period with them from what I understand from the time the 16
- 17 warranty period is started and completed, when the warranty
- 18 period is completed, then they process paperwork. And then
- 19
- from what a gentleman by the name of Arturo at the Yuma County 20 explained to me, because I was surprised to see this date on
- 21 this document also, was that they then take this paperwork with
- 22 a bunch of other paperwork that they have compiled and they
- 2.3 give it to the Board of Supervisors. And after, you know, Rick signs it, it goes to the Board of Supervisors for approval or
- whatever and then they process it and it takes whatever time it 25

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- takes to get there.
- O. So, in other words, you're saying that it was
- completed prior to the date on there as April 12th, 2007?
 - A. Oh. veah.
 - Q. And that's for the sewer?
- A. Sewage collection system, right.
- O. Do you know when the sewage collection system was
- completed?

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- Well, we have leakage tests on here April 5th, A.
- 10 '05. So it would have been somewhere in that time frame.
 - (Exhibit No. 11 marked for identification.)
- 12 O. (By Mr. Capestro) Follow-up as to when it was the 13 sewer was completed. I want to show you Exhibit 11. Have you
- 14 seen that before?
 - A. Yeah, I've seen this before.
 - O. Okay. And that is a letter from whom?
- 17 A. This is from Rex Noll who is the owner of Noll
- 18 Construction to Yuma Territorial Engineering.
 - O. And what is that letter about?
 - A. Would you like me to read it?
 - Q. Would you, please?
- 22 "Dear Sir." Back up, it's regarding Sierra Ridge Α.
- 23 Subdivision sewer and water construction. "Dear Sir, this
- 24 letter is being forwarded to you to certify that all water and
- sewer construction at the above-mentioned subdivision was

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- constructed according to the plans that you provided and there
- was no deviation from the plans. Therefore, you may complete
- your letter of certification for the subdivision."
 - Q. What's the date of that letter?
 - A. It's dated December 8th, '05.
- Q. Is that the date of completion of the water and

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- A. I don't believe so. I think it was quite a few
- months before that.
- 10 Q. I'm trying to figure out whether or not
- everything was completed in December and you were starting
- 12 construction before that or not, and that's why I have been
- 13 questioning the ones in '07 and at the end of '05. Did you
- 14 start construction of homes before the water and sewer system
- 15 was completed?
 - A. You can't.
- Q. So do you know why there was a letter dated 17
- 12-5-05?
- 19 A. I don't know why he dated that. You'd have to 20 ask Rex Noll and Yuma Territorial Engineering why that date is
- 21 pertaining to that date. But realistically, if you read this
- 22 letter, it doesn't say when the water and sewer construction
- 23 was completed. You're just going off the date of the letter.
- 24 O. That's right. There's no date in there at all
- and that's what I'm trying to ask.

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A. So ...

(Exhibit No. 12 marked for identification.)

(By Mr. Capestro) What is that document?

- A. Once again, the header is Yuma County, Arizona,
- Department of Development Services. It says the Approval of
- Construction. In parentheses it has the letters AOC.
- - O. And is that for water?
- O. Can I see it? Once again, it's signed April
- 10 12th, '07. Do you know why it was signed at that time?
- 11 A. It goes back to the same explanation I gave you
- on Exhibit No. 10.
 - O. Same thing?
- O. It looks like a copy was sent to ADEQ. Do you
- know if that was the first notification ADEO got that it was
- 17
 - A. I don't know.
- O. It also shows that the -- you had received a
- 20 certificate of approval to construct of the water on 12-9-04.
- 21 Do you see it?
 - A. Yeah.
- 23 Q. Okay. On 12-9-04, did you have anything in
- 24 writing on the water once again from Far West Water saying that
- they would accept you into the system?

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1	A.	I can't recall.
2	Q.	If you had a copy of it right now, would it have
3	been in the	documents that you produced?
4	A.	If I had a copy, yes.
5	Q.	Okay.
6		(Exhibit Nos. 13 and 14 marked for
7	identificati	on.)
8	Q.	(By Mr. Capestro) No. 13?
9	A.	It's a Water Service Agreement and Sewer Service
10	Agreement.	
11	Q.	Okay. And that was for Sierra Ridge I and II?
12	Α.	Correct.
13	Q.	And then Exhibit No. 14 is Sierra Ridge Number
14	III?	
15	A.	That's correct.
16	Q.	Now, I understand from your testimony that I and
17	II became I	and II became III became II; is that correct?
18	A.	I and II became I and III became II, that's
19	correct.	
20	Q.	Did you ever notify anybody at Far West Water and
21	Sewer that y	ou combined I and II together and then you changed
22	III to II?	
23	Α.	Just to clarify, I didn't combine them, the
24	County did.	
25	Q.	Okay.
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Page 82 A. They made that executive decision. And the answer to your question is yes. O. Who did you notify? A. Mark Kaveney. Q. Did you ask for a new certificate for I and a new certificate for II? A. No. Just Sierra Ridge I and II pertained to 113 lots. So, as I recall, it wasn't really an issue. O. Have you ever worked for the Jacobson Companies? 10 A. Never. 11 Q. If you take a look at the very top of these, it looks like it's faxed from Jacobson Companies? 13 A. Yeah, I saw that. 14 Any idea why it was faxed from Jacobson 15 Companies? 16 A. I don't know. I was given these from Mark 17 Kaveney, So I imagine he probably got the faxes from Jacobson Companies. I don't know. 19 O. Did Jacobson Companies fill these out? 20 A. I sat there and watched Mark fill in the blanks. 21 So just from what I've seen of all the documents with Mark 22 Kaveney, this is all his handwriting. 23 Q. I believe he's testified that it's his handwriting.

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Q. So you didn't pick these up from Jacobson? 2 A. Oh. no. 3 Q. And that your engineer doesn't work for Jacobson? A. Well, you'd have to ask him. As far as I know, the answer to that question would be no, but has he worked for him in the past or did he work for him on the side, I don't know. 9 (Exhibit No. 15 marked for identification.) 10 Q. (By Mr. Capestro) What is that letter? 11 A. This letter is -- this letter came about because 12 Far West Water refused to give us sewer hook-ups on homes that 13 we'd already started -- that had been permitted and began

construction that were contracted for by private parties prior 15 to indication that there were not going to be any more building 16 permits allowed for construction on anything feeding into the 17 Palm Shadows Sewer Treatment Plant.

18 Q. Look at page 2 of that document. What property 19 is that?

20 A. It's lot number 51 in Sierra Ridge.

21 Q. Was that ultimately hooked up for sewer and 22 water?

23 A. Yes, it was.

Q. Next one, what lot is that?

2.5 A. Lot 71, Sierra Ridge.

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A. Yeah, so ...

Page 84 1 Q. Was that hooked up for water and sewer? 2 A. Yes. 3 Q. Next one? A. Lot 81. Q. Was that hooked up for water and sewer? A. Yes. Q. Next one? Lot 105. A. Q. And was that hooked up? 10 Q. I don't think that should have been attached. Is that Mr. Shapiro's? Yeah. 13 Did you request in writing that any other lots be 14 hooked up? 15 A. Prior to this or after? 16 Q. After that. What's the date on the letter? 17 A. It's dated 6-1-06. And the answer to your question is I don't know if I requested any other sewer tie-ins 19 with a letter after this date. I don't know if these were my 20 final four or if I had other ones in progress. I can't 21 recall. 22 Q. Okay. Do you know of any lots that you requested 23 sewer hook-up in writing that were not hooked up? A. No. Everything ultimately was hooked up in due time.

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Page 85 (Exhibit No. 16 marked for identification.) (By Mr. Capestro) No. 16, is that a document you prepared? A. Yes. Q. Is that your handwriting on it? A. Yes O. What was the source of lots and numbers that you have on there for you to be able to prepare that document? A. Well, from the time that it was indicated to 10 myself and a few other developers that tie into the Palm 11 Shadows Sewer Treatment Plant, we were told there was no more capacity. Therefore, no more building permits would be 13 allowed. I mean, that's pretty much point blank the way it 14 was. And if we wanted to have a building permit, the County said that we had to go to the Far West Water office, receive a 16 letter that basically stated they had capacity, and that they 17 would in turn authorize a building permit. But this wasn't going to happen because they were at capacity and they had 19 percolation pond problems, et cetera. 20 But over the course of due time, being that I 21 live out there and I kind of, you know, work the area, I would 22 see houses being constructed which actually didn't sit real 23 well with me, you know, because I figured no capacity is no

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capacity.

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of issue?

Page 86 A. So, in my mind, I'm trying to think, figure out, you know, if Company A, Company B, Company C, Company D, or whoever is not allowed to hook up or do any more construction, why are we allowing anybody else to do it? 5 O. Now you -- can you read your handwriting on there? A. Uh-huh. Q. Can you read that into the record, please? It just says, "Per our conversation, Far West 10 continues to allow hook-ups to Palm Shadows and these site 11 addresses are included in the hook-ups after this supposed shut-down, " question mark, question mark, question mark. "No capacity is no capacity. So why and how is this going on and why can't Jacobson, Newson, and myself hook up if this is going 15 on? Please get back to me with an explanation. Thank you." 16 Q. Did Mr. Stacks get back to you? 17 A. Yeah, it was kind of a brief conversation. It 18 was pretty much if these homes are coming in with letters or whatever, then they are allowed to give building permits to 20 them I quess. So, I mean, it was one of those things that I 21 think he was just kind of following procedure with Far West and 22

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O. Uh-huh.

Q. Did he respond to you with permit numbers and date of issue?

A. No. Actually, I told him I would actually go down to the Yuma County Department of Development Services and get with another person, and he said that he doesn't handle that. I would have to get with somebody else. So I just kind of let it ride and just see where this thing goes and decided

just not to spend the time on it just yet. 10 Q. You've said that, you know, how come Jacobson and 11 Newson can't hook up. Do you know if any of those properties were owned by Jacobson Companies?

A. Some of them may or may not have been, but I wasn't really sure. So the comment just went on there because I knew that at the time Jacobson was not, as were Newson Homes and myself, were not being able to gain any permits because there was no permission from Far West Water. There was no capacity, but I was just watching this construction going on. So I don't know who owned what. I was just writing down

addresses. 21 Do you know if any of those were from Newson? ο. 22 A. I know that there were three that were recently 23 built by Newson Homes. I also know that from a conversation 24 with I think Rick Stacks, also may have been somebody else at the County, that they had classified those three homes as

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O. I see you have not only addresses but you have

some other comments on there, and that's permit number and date

models. And so, therefore, they were able to build the homes and construct them and whatnot because they were models. So I don't know what the -- how that works. I don't even know if those three addresses were on here either, Andy. I'm just not

Q. Do you know if Happy Trails is on septic or on sewer?

A. I'm not sure about that.

Do you know if any of those properties there are on the city water?

13 A. Everything on this list right here is not on city sewer. There are some properties in Vista Del Sol that were on city water. There were a few houses being constructed in Vista Del Sol which is city water and Far West water, slash, Palm 15 Shadows sewer.

16 O. Do you know which ones?

17 A. I'd have to go back and review which one of these 18 landed in that Vista Del Sol, but I know there's a few on here.

20 O. Then you have a note on the bottom that says 21 Rancho Rialto. What does that mean?

22 A. Well, from the time I got shut down, and once 23 again I'm going back to no capacity is no capacity, right 24 across Avenue 12 B, which is, you know, a couple hundred feet right from my entrance to my subdivision, I'm watching, you

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know, manufactured home after manufactured home over the course ² of the next few years just rolling right in there hooking up and people living in them. So I'm trying to figure out if there's no capacity, how are we having new construction? I consider that new consideration because it didn't exist at the Q. Do you know what the sewer and water setup is in Rancho Rialto? A. I talked to the owner. 10 ο. Yeah. 11 A. About what it was and without him being specific

12 about what it was, he did say that the sewer system, that he's 13 tied into Palm Shadows. Q. But do you know if he's on a commercial main

15 going in there or if he's on separate? 16 A. I'm not really sure about that.

Q. And the water itself, do you know if he's on a

17 18 commercial main or separate?

A. I'm not sure about that either.

O. Do you know if any of these homes that you said were built were in the same situation as you were which already

22 had a permit and just completed construction? 23 A. It's a possibility, but the reason these 24 addresses are on here I would lean strongly toward it's more of 28 an improbability than a possibility.

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(Exhibit No. 17 marked for identification.) Q. (By Mr. Capestro) What is this document? It just has my name and address at the top of it. I don't know what it is and I don't know who generated it. I didn't generate that document. Q. I see a KAV on the bottom, A. My indication from my legal counsel is that you, your company, provided this to him when he requested the data 10 O. I just thought there might be some other reason 11 that you included that. 12 A. You asked me for things that I had in the Palm Shadows, so I gave it back to you. 14 (Exhibit No. 18 marked for identification.) 15 Q. (By Mr. Capestro) No. 18, do you recognize that 16 letter? 17 A. Yes, I do. 18 Q. And that's a letter from Jay Shapiro? A. That's correct. 20 Q. What's the date on that letter? 21 Á. May 10th, 2006. 22 O. Did you respond to that letter in writing? 23 A. Yeah, after a few phone calls I did. 24 Q. And what was your response to him? 25 A. It was mixed. I think there was an email

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Brian Householder Formal Complaint of Spartan Homes and Construction v. Far West Water and Sewer

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somewhere in our documents here. Q. Did you produce that? Something you gave us or something or ... MR. CAPESTRO: I don't remember seeing it. MR. CROCKETT: There is --MR. CAPESTRO: May have been in Mark's documents. MR. CROCKETT: I think the email that Mr. Householder is referring to was in the documentation that Far West Water and Sewer produced in connection with 11 discovery. 12 MR. CAPESTRO: I'm aware of that one. I was 13 wondering if there was something else that he produced or if 14 that's the only documentation. 15 MR. CROCKETT: I am not aware of anything that he 16 produced responsive to Mr. Shapiro in writing.

19 THE WITNESS: Uh-huh. MR. CROCKETT: That sounds like a paraphrase of 21 some of the contents of that email. 22

conversation was nice but everything else deteriorated?

MR. CAPESTRO: Is that the one where our first

MR. CAPESTRO: That's softer. 23 (By Mr. Capestro) Did you ever send any 24

documentation to Mr. Shapiro so that he would proceed to 25 putting together a line extension agreement?

Brian Householder Formal Complaint of Spartan Homes and Construction v. Far West Water and Sewer

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A. No, I did not.

Did you send any money to Mr. Shapiro? A. No.

Q. In your direct testimony, you talked about having 5 losses.

A. Uh-huh.

Q. How did you calculate your losses?

Well, I can start with the leases that I had extended over a period of time, you know, was led to believe

10 that we would be back online in a few months and that didn't

11 happen. The 41,900 and some odd dollars to APS which would

have not been a payment had I been able to proceed as normal.

you know, process of building the homes. 15 cancelled 14

contracts.

15 Q. Let's stop right there for a second, 15 cancelled 16 contracts. Do you have those contracts?

17 A. I've got them in -- I think my real estate agent 18 has contracts, yeah. I don't know if we discarded them. I'm 19 not sure. I'm pretty sure we got them though.

20 Q. If you have them, can you give them to counsel

21 and have him produce them?

22 A. Sure.

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24

Q. How did you cancel the contracts, through letters?

25 A. It was -- some of it was verbal, I mean, and some

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17

18

- of it -- I think most of it was verbal. I don't remember
- sending anybody a letter, just get on the phone. When you go
- through that process of working with somebody to build them a
- house and you basically work with them for hours to build them
- a house, you pretty much get to know them personally and so a
- phone call was more appropriate.
- Q. How does this work, that you have a contract to
- build on a lot that you own and you transfer ownership after
- the building's through or do you transfer ownership to them to
- 10 heain with?
- 11 A. They don't receive ownership until they close escrow. The title company does the transferring of the
- 13 paperwork and whatnot.
- 1.4 O. So is the close of escrow before or after the 15
- building has gone up?
- 16 A. The close of escrow is after the building is
- 17 constructed.
- O. And when a building is constructed, do you
- 19 finance it or does the buyer finance it?
- 20 A. If they're paying cash, they will fund the house
- 21 themselves. Or if they've gone to a lender and they've
- 22 received some type of an approval, then there would be a
- 23 financing situation involved with the lender. I did not
- finance any homes with any of the prospective home buyers.
 - O. When the prospective home buyer had financing,

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- would that be with a deed of trust against the property?
 - - O. Is there any security for that financing?
- A. For myself or for the homeowner?
 - O. For the lender to the homeowner.
- A. No. that's basically not how the process works.
 - O. Tell me how it works.
- Prospective homeowner goes to a lender. They go through a process of approval. They receive their approval and
- 10 that approval is gained normally because the buyer's worthy of
- 11 receiving a loan from the lender. That's pretty much normal
- 12
- lending process.
- 14 of escrow, the homeowner will put forth any funds that they've

And then the home's constructed, and at the close

- 15 worked out with the lender for down payment or their equity.
- 16 And then the escrow company will receive those funds, and the
- lender will provide the balance of the funds to the title 18 company through usually wire transfers. And then the title
- company handles all the transferring of the funds and the
- 20 paperwork from myself or whoever the lot owner is to the
- 21 buyer.

13

17

- 22 O. During construction, do you receive construction
- 23 draws from the lender?
- 24 A. I did early on and I did receive some on some of
 - the latter homes, but I was also through the process of just

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- cash flow and just normal business processing, you know, on a
- daily basis I was able to fund a few homes myself. So I didn't
- have to pay the lender any construction fees.
- Q. Why would you be paying the lender construction
- fees if the --
- A. Because the lender -- let's say the home costs
- \$100,000, \$150,000 to construct and I don't have that money in
- my possession. So I'm going to go to the lender and I'm going
- to get a construction loan to build that house. They're going
- 10 to fund me X amount of dollars on that house.
 - O. I probably --
 - A. You understand?
- 13 I understand that. My question is when you have
- a construction loan out there that the buyer has obtained, do
- 15 you receive construction draws?
- 16 A. I didn't have the homeowners do construction
- 17 loans.

18

- O. You build it on your own dime?
- 19 A. It's six of one, half dozen of the other, however
- 20 you want to do it. If I have the homeowner go get a
- 21 construction loan, the paperwork process and the time involved
- 22 with that for them to qualify for that loan is substantially
- 23 more complicated and more difficult for the buyer and it's more
- 24 confusing for them. 25
 - So when I built a home, I had calculated my

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- 1 pricing to include construction costs. So when the homeowners
- came in and they purchased a home, they didn't have to worry
- about the construction financing. I had a line of credit with
- my lender. And when the homeowner came online, we took their
- loan approval and we gave it to my lender and then they said, okay, on model X for this Customer A here, we're going to fund
- you X amount of dollars. And then it would be no different
- than if I was building an individual's home 60 miles from
- there, it's a draw system. And then when the home funds, it
- 10 funds.

3.1

15

16

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21

22

24

- Q. And your lender had security on your project?
- 12 A. Right.
- 1.3 Q. And there would be release of that particular lot
- 14 with the home upon close of escrow?
 - A. That's right.
 - Q. And the money that was owed to your lender would
- 17
 - A. That was part of their collateral.
- 19 Q. It was a collateral of your lender, not the
- 20 collateral for the buyer --
 - Α. That's right.
 - Q. -- until after the close of escrow?
- 23 On the contracts that you said that you
- cancelled, did you have any deposits?
 - A. On most of them, ves.

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11/25/2009

prian	Householder Formal Compl	aint of Spartan Homes and Construction v. Far West Water and Sewer 11/25/200
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1	Q.	And what happened to those deposits?
2	A.	Just returned them.
3	Q.	And how much would a normal deposit be?
4	A.	We're kind of flexible, but I would take no less
5	than a thous	and, but we would ask for 5,000.
6	Q.	And was there any start dates or completion dates
7	on any of the	ose contracts?
8	Α.	I gave the homeowner a window of time, but from
9	my past expe	rience you don't promise something you can't
10	deliver. So	basically we gave them a window of time, but there
11	were some st	ipulations in there I think for delays beyond my
12	control, wear	ther, earthquake, fire, flood, whatever.
13	Q.	Were any of the contracts that you had to return
14	signed in 200	05?
15	Α.	There might have been a few, yeah.
16	Q.	But you're going to get copies to your counsel?
17	Α.	Right.
18	Q.	Were there any contracts that were signed after
19	October 26th	of 2006?
20	Α.	No. We were effectively shut down by then.
21		MR. CAPESTRO: Off the record.
22		(Recess taken from 1:41 p.m. to 1:57 p.m.)
23	Q.	(By Mr. Capestro) Mr. Householder?
24	Α.	Yes.
25	Q.	You got Exhibit 10 in front of you?
L,		

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A. Correct. Q. Do you see the name of the wastewater treatment plant on that document? A. Far West Desert Dunes. O. Do you know what that is? A. I have no idea. Q. And do you see the capacity? Α. It savs 3 MGD. O. 3 million gallons a day? A. Yeah. 11 Q. Do you know what either one of those references refer to? A. I know what 3 MGD is. 14 Q. Do you know which plant has 3 MGD? 15 It would probably be the City of Yuma plant, but I don't know why -- I mean. I didn't obviously --17 Q. This is --A. -- produce this. O. This is something signed by Mr. Stacks. 20 A. 21 Q. Did you give him any of this information? A. No. I don't know what this is. I mean, I know 23 what this is, but I don't know what that --24

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Q. I thought you got frustrated, decided to build yourself a new 3 million gallon a day plant, and called it Far

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Brian Householder Formal Complaint of Spartan Homes and Construction v. Far West Water and Sewer

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1 West Desert Dunes. A. I figured -- I wouldn't have done that. Yeah, I 3 have no idea why that's there and who put it there. (Exhibit Nos. 19 and 20 marked for 5 identification.) (Discussion off the record.) Q. (By Mr. Capestro) Exhibit No. 19. MR. BLACK: Is that a new one? MR. CAPESTRO: Yeah, 10 THE WITNESS: Okay. 11 Q. (By Mr. Capestro) What is this? A. Is this a new exhibit? 13 Q. That's a new exhibit. 14 A. This is from the Department of Development Services Yuma County. It says Provisional Verification of 16 General Permit Conformance For Sewage Collection System, Sierra 17 Ridge Number I and II, got my name on it, signed by Rick 18 Stacks, dated December 9th, 2004. 19 O. Do you know what sewer plant they're referring to 20 in that one? 21 A. Well, the only thing I can tell you is what's

written down here. I can tell you it's more than likely Palm

that and the reason I'm saying that is because the treatment

facility permitted design flow says 50,850 gallons per day and

Shadows, but you're going to have to talk to Rick Stacks about

Brian Householder Formal Complaint of Spartan Homes and Construction v. Far West Water and Sewer

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that's what is on the capacity assurance information that Mark
filled out is that number.

Q. The design flow on Palm Shadows is 200,000 per

4 day.

A. Yeah, I know, but this 50,000, whether it's the treatment facility or it's what -- that's the number that my

subdivision is going to I think at max capacity, going to flow

8 to wherever it's flowing.

Q. In other words, you don't really know?

A. Oh, I don't know. I'm just speculating here, but once again, that's going to be Rick Stacks can explain that.

 $^{12}\,$ $\,$ I'm sure he'll have an explanation.

Q. I thought you may have given him something with 50,000 on it.

No. 20.

16 A. Certificate of Approval to Construct Water

17 Facilities.

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Q. Did you ever give a copy of that to Mr. Kaveney?

19 A. I can't recall, and I can't recall whether or not

20 Rick Stacks did and/or Yuma Territorial Engineering. So I

21 don't know.

24

 22 Q. You don't have any correspondence showing that it 23 was forwarded on to them?

A. I don't have any correspondence myself, no.

MR. CAPESTRO: All right. Patrick?

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24

11/25/20

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                 MR. BLACK: No, no, no.
2
                 MR. CAPESTRO: He refuses to start badgering you
    for another hour, so I guess we're through.
                 THE COURT REPORTER: Did you want to read and
 5
    sign?
                 MR. CROCKETT: Read and sign gives you the
    opportunity to read it and if there's anything in there that
     needs to be corrected. Yes, read and sign.
10
                  (The deposition was concluded at 2:04 p.m.)
11
12
13
14
15
16
17
                                            BRIAN HOUSEHOLDER
19
20
21
22
23
24
25
       GRIFFIN AND ASSOCIATES 602,264,2230
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Page 102 1 STATE OF ARIZONA COUNTY OF MARICOPA) 3 BE IT KNOWN, that the foregoing deposition was 4 taken by me pursuant to stipulation of counsel; that I, Kristin A. Woodall, RPR, a Certified Court Reporter, in the State of Arizona, and by virtue thereof authorized to administer an oath; that the witness before testifying was duly sworn by me to testify to the whole truth; that the questions propounded by counsel and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to print by computer-aided transcription under my direction; that signature was requested; that the foregoing 101 pages are a full, true, 13 and accurate transcript of all proceedings and testimony had and adduced upon the taking of said deposition, all to the best 15 of my skill and ability. 16 I FURTHER CERTIFY that I am in no way related to 17 nor employed by any of the parties hereto nor am I in any way interested in the outcome hereof. 19 DATED at Gilbert, Arizona, this 20th day of 20 January, 2009. 21 22 23 KRISTIN A. WOODALL, RPR 24 Certified Court Reporter 25 Certificate No. 50196

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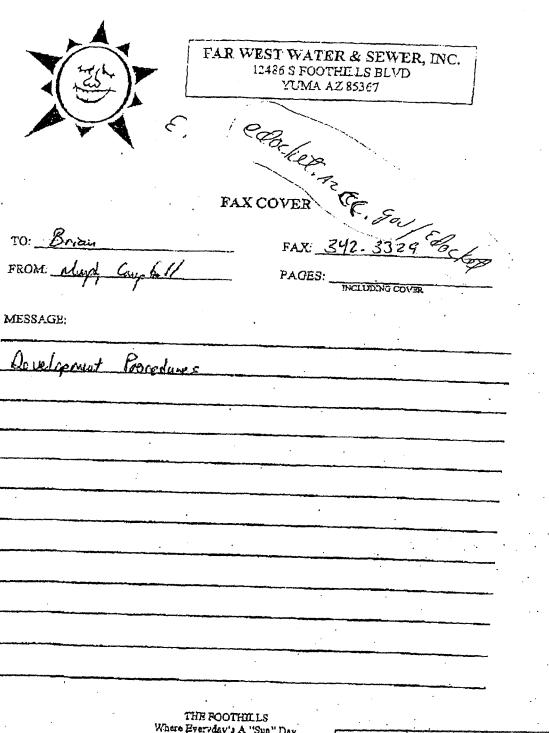
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Far West Water & Sewer, Inc. Docket No. WS-03478A-08-0256

Brian Householder Deposition Exhibits

Exhibit 1



Where Everyday's A "Sun" Day

	H	ruse	ho	Her
Exhibit	No.			
DATE			110	09
Kristin A. Woodali, RPR				

FAR WEST WATER & SEWER, INC.

DEVELOPMENT POLICY & PRODEDURES 2003

TO: ALL DEVELOPERS REQUESTING WATER/SEWER SERVICE TO FAR WEST FACITILITIES

Far West Water & sewer is authorized and governed by the Arizona Corporation Commission to provide water & sewer utility service within its Certificate of Convenience and Necessity (CC&N) area. Far West does not perform engineering services for developers desiring connection to their facilities. Far West Water & Sewer, prior to service connections for water or sewer, must receive the following:

Water:

- · Signed Main Extension Agreement with Developer
- · Cost Breakdown of Line Extension & Services
- Engineer's Design Report
- Subdivision Plat (Recorded)
 - o 3 copies on Engineering Paper
 - o 1 disk copy using AutoCad
- ADEQ Certificate of Approval to Construct
- ADEQ Approval of Construction
- ADWR Water Adequacy Report
- Yuma County Disinfection Test Results
- As-Built Drawings
 - o Disk Copy using AutoCad
 - o 1 Copy on Engineering Paper
- Engineer's certification of completion and copies of all pressure test results

Sewer:

- Engineer's Design Report
- Subdivision Plat (Recorded)
 - o 2 copies on Engineering Paper
 - o 1 disk copy using AutoCad
- ADEQ Certificate of Approval to Construct
- ADEQ Approval of Construction
- AS-Built Drawings
 - o Disk Copy using AutoCad
 - o 1 Copy on Engineering Paper
- Engineer's certification of completion and copies of all leakage test results using latest ADEO's testing procedure.
- Sewer line certification must be performed after all utilities (gas, phone, cuble, electric) are completed and backfilled. No service will be activated until such certification is received.

Engineer-of-record is responsible for compliance with all regulations and testing.

2

5203427163

Approved Construction Materials

Water:

- All valves to be Waterous/AFC
- · All fire hydrants to be Waterous
- · All brass fittings (corporation stops, angle stops) to be James Jones
- All main pipe to be either blue C-900 or DIP
- · All service line piping to be Schedule 40 PVC or greater

Valves to be placed at each intersection of main lines and no further apart than 600 feet.

Sewer:

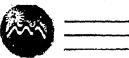
. All main line piping to be green SDR-35 or DIP

After sewer line testing has been completed, any water used must not be released to the existing collection system. All new lines will be flushed and cleaned of any sand or debris prior to using existing collection system.

Construction Notification & Coordination

Far West Water & Sewer is to be notified prior to start of construction and when testing is being conducted. Far West personne! will conduct periodic inspections and notify the engineer-in-charge if any discrepancies or problems are noticed. Far West personnel will have the authority to witness and verify any tests should they desire. Failure to notify Far West during testing will require tests to be redone and verified.

Your adherence to this policy is appreciated. Should you have any questions, please feel free to contact either Murphy Campbell or Dusty Thomas at 342-1238.



FAR WEST WATER & SEWER, INC.

Check List for Development
Far West Water & Sewer, Inc. Service Area

Prior to Construction:

- Submit a set of Yuma County approved plans to Far West Water & Sewer, Inc. for review.
- 2. Obtain an "Approved Materials List" from Far West Water & Sewer, Inc.
- 3. Contact Far West Water & Sewer, Inc. at least 48hrs prior to the start of construction to schedule a pre-construction meeting.
- 4. Water:

Submit the following:

- ADEQ Certificate of Approval to Construct
- ADWR Water Adequacy Report
- 5. Sewer:

Submit the following:

- ADEQ Approval of Construction (Sewer)
- ADEQ Certificate of Approval to Construct

During Construction:

- 1. Contact Far West Water & Sewer, Inc. for inspections of the following:
 - A. All live line taps
 - B. All blocking (before & after pouring)
 - C. Prior to backfill of main lines
 - D. Prior to backfill of sewer lines and manholes
- . 2. Contact Far West Water & Sewer, Inc. when performing pressure test.
- Contact Far West Water & Sewer, Inc. for final walk-thru inspection upon completion.

Post Construction:

 Receive a signed acceptance letter from Far West Water & Sewer, Inc. (see attached)

12486 S. Foothills Blvd. • Yurna, Arizona 85367 • Tel 928-342-1238 • Fax 928-342-7108



FAR WEST WATER & SEWER, INC.

(Date)

Yuma County Development Services 2703 S. Avenue B Yuma, AZ 85364

RE: (Name of Development)
(Address)
Far West Water & Sewer, Inc Acceptance Letter

To Whom It May Concern:

Far West Water & Sewer, Inc. is granted the Certificate of Convenience and Necessity (CC&N) by the Arizona Corporation Commission to provide water and sewer utility services to: (Name of Development).

All necessary documents, test results, and as-builts have been received by Far West Water & Sewer, Inc., and as such Far West Water & Sewer, Inc. accepts the completed improvements in (Name of Development) into the water and wastewater system. Utility services can be requested for all lots as needed.

Should you have any questions or concerns, please contact me at 928-342-1238.

Sincerely,

Murphy Campbell General Superimendent

12486 S. Foothills Blvd. • Yuma, Arlzona 85367 • Ital 928-342-1258 • Fax 928-342-7108

Far West Water & Sewer, Inc. Docket No. WS-03478A-08-0256

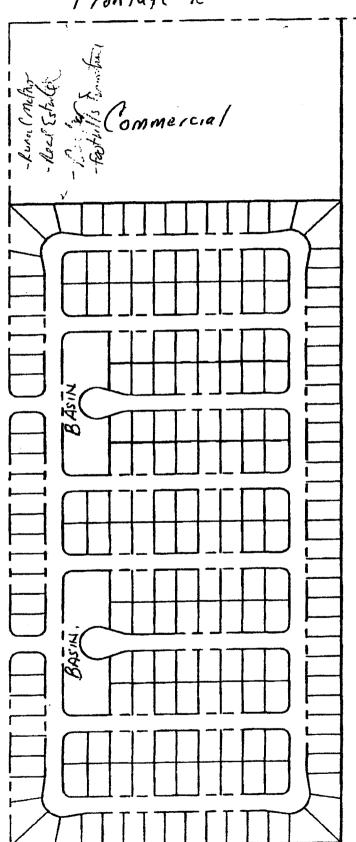
Brian Householder Deposition Exhibits

Exhibit 2

p. 2

FWWS. 1.1 (f)

Frontage Rd.



OPTION B 206 LOTS 6000 SF (MIN).

	Н	ous	the	010	U.
Exhibit	No.	3			
DATE			lle	09	
	Kristi	n A. Wo	odali	, APF	}

Brian Householder Deposition Exhibits

facsimile TRANSMITTAL

to:

Brian Householder, Yuma Territorial Engineering, P.C.

fax #:

1-928-539-0150

re

Sierra Ridge Units 1 and 2 208 review

date:

November 23, 2004

pages:

I pages, including this cover sheet.

Hi Brian,

Thank you for being so patient. Here's an update. I tried to call Jennifer Albers to get her comment on the Sierra Ridge subdivision, but she is out of the office all week. Part of the 208 review is the collaboration between partners in the planning process, which in this case is Yuma County (the Designated Planning Agency) and the City of Yuma, the Designated Management Agency (DMA). Yuma County has provided their comment and support for this project, due to the nature of proposed dry sewering. I need to have an official comment from the City of Yuma because the project will be located in the City's planning area, even though the area is currently being served by a private utility. The City will ultimately be responsible for wastewater management for that area in the future. If I could have until Tuesday when I return to the office to complete the 208 I would appreciate that. I am also waiting on information concerning the stage of development for the new plant. If you have any questions, you may reach me at (602) 771-4606 or at emv@azdeq.gov. Thank you, Edwina Vogan

Exhibit No. 3

DATE 114 PA

Kristin A. Woodall, RPR

From the desk of...

Edwina Vogan Regional WQP Coordinator ADEQ 1110 W. Washington St. Phoenix, AZ 85007

> 602-771-4606 602-771-4528

Brian Householder Deposition Exhibits



Date:

January 26, 2005

To:

fil

From: Donald Bell, acting Unit Manager

Subject: Treatment Plants Operated by Far West Utilities and their permitting needs.

I met today, January 26, 2005, with Mark Kaveney, the General Superintendent of Far West Utilities, and with Cliff Devilig, inspector of Water Quality Compliance Unit, here in Phoenix offices Conference Room #5515B from 8:30 to 10:00 am. We discussed the following needs for their permits:

Far West Sewer Plant (Marwood) –APP No. P-102829 permitted for a flow of .34 from an activated sludge Standard Santec plant and they want to construct a clear Solutions modified SBR type WWTP for a designed flow of .5 MGD. The facility received an APP modification on */15/02 for the original plant with Class B Reclaimed water classified in that permit. The Type 2 Reclaimed Water Permit No R-102829 was also issued to Far West Water Co. for this site for Class B water, which would have required a water balance for the .34 volume. Nitrogen is reserved in the discharge monitoring requirements, and the fecal coliform requirements and turbidity appear to be for Class A Reclaimed water (electronic copy reviewed)? There is no GW monitoring required, however a site for a Point of Compliance (POC) was chosen.

ADEQ would need a significant Amendment application for this change. That application should include, among the normal items and fees, the following information:

- -\$1000 fee for initial handling:
- -Hydrology information indicating the depth to groundwater, direction of flow, and the formation composition below the WWTP and the Reclaimed water sites.;
- -Engineering design report for the new treatment system;
- -Contingency plans and O&M manuals.
- -Two plan maps showing the location of the WWTP, the direction of groundwater flow, the discharge to the reclaimed water system, the sampling points, north arrow, other pertinent landscape items, reclaimed water site.
- -Reclaimed water permit application will be required, after the permit is completed, to provide the water balance for the extra volume of effluent.

Section 14 WWTP APP No P-105014 permitted for a designed flow of >150 MGD (now about .070MGD) and has a 208 plan approval for .450 MGD. Plant has been constructed with one .150 MGD unit and they originally planned to just add units as needed. However, the company now prefers to build a new WWTP with an increased designed flow. They also plan to reduce the treatment to provide for a Class B reclaimed water for the golf courses.

Far West Utilities January 26, 2005 Page 2 of 3

For this purpose they could provide all the changes with one application. However, that application may need to be for a new permit to provide for the new treatment, and to provide for the change to Class B, which is a lower classification than B+ which this plant has presently received. This could be an amendment but we are currently not allowing a reduced reclaimed water Quality? The new permit would show an increased designed flow and a Class Be treatment capability.

Del Oro WWTP APP No. P-101816 has a permitted flow of .070 MGD for an extended aeration type standard Stantec plant. They have an emergency waiver to construct the new SBR Plant up to .150 MGD and they currently have a flow of approximately .160 MGD. Coming to a plant designed for .450 MGD.

They have applied for a significant amendment (May 19, 2003) to change the treatment, increase the flow, re-classify the reclaimed water down to class B. Reclaimed water is currently permitted through the Royal WWTP Reuse permit and is delivered to a common storage pond. That WWTP will be closed and flows directed to this plant. A new Reclaimed Water permit for Class B will be required for this permitted flow after the permit is issued, and that application will require a water balance.

Del Rev WWTP Inventory No. 101814 [there is no APP] is an extended aeration standard Stantec plant with a design flow of .375 MGD. The plan is to take the treatment flow to the Del Rey Plant and to close the Royal Plant (currently flowing about .04 MGD), change the treatment to a CLEAR Solutions SBR type WWTP with enough flow to handle both current flows plus additions. They also plan to change the Reclaimed classification to B instead of B+. There presently is no APP listed under 101814.

They will need to apply for a new WWTP Individual Permit for the change of treatment, for the change of classification, and for the inclusion of flows from both plants. They will need a General APP for the Sewer lines and the lift stations involved. They will need to get a reclaimed water permit and that could be applied for by the Del Oro Golf Course since they are the users of the reclaimed water.

Royal WWTP APP No P-100221 for the extended aeration standard Stantec type plant for a flow of .20 and it currently flows about .004 MGD. They desire to transfer this flow to the Del Rey plant[see above]. They need the general permit for the sewer lines and lift stations to carry the sewage and they need a closure permit for this facility immediately after the transfer.

There is supposedly a reuse permit, but I can find no electronic copy? There is no APP or application for one.

Far West Utilities January 26, 2005 Page 3 of 3

Seasons WWTP APP No. P-103618 operates a secondary WWTP with a permitted capacity of .050 MGD. The Sludge is hauled offsite to their sludge drying beds location. Discharge is to a percolation pond which is divided into three parts and is cleaned and scarified as needed.

The facility desires to convert to a .150 MGD Clear Solutions SBR type facility. Old permit was written in 1998. No Reuse. Will wish to classify to reuse. Inflow .050 in winter and .012 in the summer.



Palm Shadows WWTP APP No 103608 is an Extended aeration standard Stantec plant with a permitted flow of .200 MGD. Actual flows are approx .150 Mgd. percolation ponds are not percolating (drilling tests indicate they are located over a clay deposit) and they are having trouble in the winter time with Nitrogen and overflow exceedances.

Facility desires to close this facility and connect with a ½ mile pipeline to the City of Yuma. They are proposing to maintain control and maintenance of the sewer lines and to meter this to Yuma. They maintain that the plant was originally built to be a temporary facility for these purposes and now is the time to connect to Yuma. They would need to get a General permit for collection systems and lift stations for these purposes.

Brian Householder Deposition Exhibits

From:

Subject:

Donald Bell

To:

Kaveney, Mark Re: Paim Shadows

1 doub

Thanks for the update. I will file this. when you know which direction you will be taking for sure, I will send forms and you can get started.

Thanks, Don Bell

>>> "Mark Kaveney" <mkaveney@thefoothillsonline.com> 2/10/2005 1:12:41 PM >>> Hi Don,

FYI. I just got approval from our company to approach the City of Yuma regarding taking our wastewater from the Palm Shadows WWTP service area. I have notified our liason for the City and he said he would start negotiations. He hopefully will have something in a week or so. He, along with the rest of us realize the importance of sending this flow to the City by this Summer. Hopefully, all will go as smooth as possible. If this does fall into place, we will be looking at a Closure at Palm Shadows.

Sincerely, Mark Kaveney

Exhibit No.

DATE___

Kristin A. Woodall, RPR

Brian Householder Deposition Exhibits

Atting Joff Challett Ne Sieces holge

COUNTY APPROVAL 'SUBDIVISION TO BE SERV. BY INDIVIDUAL ON-SITE WASTEWATER TREATMENT FACILITIES (ADEO Form 113-S)

This form is to be filled out, signed and SUBMITTED TO ADEQ in accordance with Arizona Administrative Code (A.A.C.) R18-5-408(E)(3) with any Application for Approval of Sanitary Facilities for Subdivision for which the proposed method of wastewater treatment requires owners of some or all lots within the proposed subdivision to install Individual On-Site Wastewater Treatment Facilities.

install Individual On-Site Wastewater Treatment Facilities.
1. SUBDIVISION NAME: Sierra Ridge Subdivision Phase I & II (SPECIFIC AS TO UNIT OR PHASE NUMBER)
2. TOTAL NUMBER OF LOTS IN PROPOSED SUBDIVISION: 113
3. TOTAL NUMBER OF LOTS PROPOSED FOR INDIVIDUAL ON-SITE WASTEWATER TREATMENT FACILITIES: 113
3. COUNTY STATEMENT OF CONCEPTUAL APPROVAL:
Plans and supporting data for the above project have been reviewed by the
Yuma County Development Services Dept. of Environmental Heal (NAME OF COUNTY HEALTH DEPARTMENT OR OTHER DELEGATED AGENCY)
and county approval of Sierra Ridge Phase I & II subdivision for the use of individual on-site wastewater treatment and disposal systems is granted. AN APPROVAL OF SANITARY FACILITIES FOR SUBDIVISION MUST BE ISSUED BY THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY BEFORE APPLICATION CAN BE MADE TO THE DELEGATED AGENCY TO OBTAIN APPROVAL OF SEPTIC SYSTEM OR OTHER INDIVIDUAL ON-SITE WASTEWATER TREATMENT FACILITIES FOR SPECIFIC LOTS WITHIN THE SUBJECT SUBDIVISION. ACCORDING TO A.A.C. R18-9-A361(D)(1)(e)(f), NO RESIDENTIAL CONSTRUCTION CAN PROCEED UNTIL A SEPTIC SYSTEM OR OTHER INDIVIDUAL ON-SITE
WASTEWATER TREATMENT FACILITIES HAVE BEEN ISSUED A PROVISIONAL VERIFICATION OF GENERAL PERMIT CONFORMANCE
County Comments: Collection of Sternwater will Take
Place in retration bosin's located throughout
Subdivision - No ONSITE TETENTION Will Take P Place - SENTA IS NOT QUE While in the forestable form RS
Continued on Attachment DNo DYes (Pages)
Name of County Official (type or print) Cars 1576.65, 16.5.
Signature of County Official
Address
City Yu.n. 6, Az- zip Code 85364
Date 10.8.04

ADEQ/WQD-113-S (REV.2/02) J:\WEDR\APPLICATIONS-Subdivisions\CountyConceptualApprovalOfOnsiteSubdivision-113S

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, ENGINEERING REVIEW DESK 1110 West Washington Street (5415B-3), Phoenix, Arizona 85007 (602)771-4677 1(800)234-5677x4677

Brian Householder Deposition Exhibits

FWWS 1.6(b)

facsimile TRANSMITTAL

to:

Yuma Territorial Engineering

Fred Stevens

fax #:

1-928-329-9097 539-0150

70

208 review for Sierra Ridge Units 1 and 2

date:

December 3, 2004

pages:

3 pages, including this cover sheet.

Mr.Stevens,

Enclosed is the 208 review for the Sierra Ridge subdivision. If you have any questions, you may reach me at (602) 771-4606 or at emv@azdeq.gov. Thank you, Edwina Vogan

Exhibit No. 7
DATE | ILL 09
Kristin A. Woodall, RPR

From the deak of ...

Edwina Vogan Regional WOP Coordinator ADEQ 1110 W. Washington St. Phoenix, AZ 85007

> 602-771-4606 602-771-4528

This facility review is based on information obtained from the 208 Water Quality Management Plan Consistency Review Form, which is completed by the permit writer, and the associated Water Quality Management Plan (WQMP) and amendments, if any, to the WQMP.

Permit Writer: Unknown Permit Type: General APP 4.81

DPA: Yuma County

Permit Writer: Unknown Permit Type: Gene	eral APP 4.01 DPA: Yums County
Parising Indiananatan	Explanation (Provide a brief description, and reference the page number and COG WQMP)
Facility Information Facility Name and Permit Number:	Sierra Ridge Subdivision Phases I and II - No Eng. Review # - 113 lots on 32.3 acres. Located in the planning area of the City of Yuma. Not listed in the December 2001 Yuma County 2010 Comprehensive Plan, nor the January 1999 Section 208 Wastewater Facilities Plan for the City of Yuma.
Facility Location (Watershed, Lat/Long or Township, Range & Section)	T95, R21W, S9, Colorado/Lower Gila Watershed.
a. New Facility b. Existing Facility c. New Subdivision	C.
Design Capacity	50. 850 apd - (208 form).
e. Expansion (%) b. No Change	N/A
Treatment Method	Individual septic systems (208 form).
No change the improvement to technology thigh density onsites	N/A
Effluent Disposal Method(s) (if discharge is to a surface water/lake, provide name of surface water)	Septic tank efficient to leach lines (206 form).
Change in location Change in method Additional locations	N/A
Sludge Handling	Each owner will be responsible for operation and maintanance of their system - from NOID Gen. Permit Application (GAP).
Entity Type a. municipality/public utility b. private utility c. semi public (sanitary district) d. other (Homeowners Association, privately owned lot)	d. Individuel septic systems.
Service Area (attach map & legal description)	See attached map in NOID- GAP.
a. new b. expansion	N/A
Pisnning Area (attach map & legal description)	NA .
n, new b. expansion	NIA
Designated Management Agency a. is the facility of DMA b. distance to nearest DMA c. ordinance requiring hookup	b. and c. The proposed subdivision is located in the planning area of the City of Yuma (the City), the DMA, and also in the area of the Designated Planning Agency (DPA), Yuma County. The City and Yuma County collaborate on planning decisions for the planning area. For further discussion of this project, see category Other.

;	Special Conditions		1		Explanatio	n		
Discharge to a unique	water?	· · · · · · · · · · · · · · · · · · ·	NA					
Discharge to an Impai	ired/not attaining wa	ter?	N/A					
Pollutant load allocati	ons specified in a Ti	ADL?	N/A			· · · · ·		
Located in a nitrogen	management area?		No.					
Change in ownership?	(Plma County only)		N/A			*		
Other (e.g., compliance	issues, sité specific si	lendards, etc.)	Snado usere Subdivi condui The de that withook u	oject will be located a ws WWTP, but plant - (Form 115 - Applica risions). According to at a leastbillity study for veloper has stated th en sewer becomes a o at that time. ADEQ cent sewer when the a	capacity is alm tion for Appro a most recent of a conversion at the subdivis valiable, the su recommends	eady convert of Sile-mail, in of the pinon will (ubdivision the	mmitted anitary / Palm Si plant to a be dry a on will be	to other Facilities for hadows will slift station, ewered so sable to
			1					
ased on Section 208 of QMP, this application etermination By: onsistent	the Federal Water Police Formit is determined to the Month of the Mont	Chi		Oute: 204 Coordinator	18-0-108(B)(10 3 / 1) 4 Unit Mana			erified Area Manger

Brian Householder Deposition Exhibits

	Householder
Exhibit N	0 8 + 100
DATE	111414
	(ristin A. Woodall, RPR

WATER QUALITY MANAGEMENT PLAN (208) CONSISTENCY REVIEW FORM

ADEQ PERMIT WRITER:	EXT. NUMBER	DEPT
WATER PROGRAM PERMITS REQUIRED FOR #		
Stormwater Provisional Verification		
FACILITY STATUS (Circle as applicable): No	w Existing Expa	nded Upgraded Renewal
ACILITY INFORMATION:		
	nty: Yuma	
ownship: 9 South Ringe: 2	1 West Section	9
08 Agency (Circle as applicable) CAAG LA	PAZ MAG MOHAVI	S NACOG PAG SEAGO
YPE OF FACILITY (Circle as applicable): Wher (specify)————————————————————————————————————	WTP Sewer Line	On-site System
restment Method Summary - shidge & effluent (peach lot.		
noral Method Summery - shripe & efficient (ples	Convent	ional Leach Lines on
posal Method Summary - sludge & effluent (ples	Convent se be specific):	cional Leach Lines on
erage Daily Design Flow (gallons per day or month	50,850 ly/daily average):	Gallons Per Day
ach tou.	50,850 ly/daily average):	Gallons Per Day
erage Daily Design Flow (gallons per day or month EVICE COMMUNITY (Circle as applicable): M Subdivision Hotel/MoselOther:	50,850 ly/daily average): lobile Home Park Reca	Gallons Per Day cational Vehicle Park Town
erage Daily Design Flow (gallons per day or month	50,850 ly/daily average): lobile Home Park Reco	Gallons Per Day

77 01 1007 50 370

FOR ADEQ WATERSHED MANAGEMENT USE ONLY — DO NOT WRITE BELOW LINE
Designated Management Agency:
For purpose of the Federal Water Pollution Control Act Section 208, Arizona Administrative Code R18-9-804(I) and (J) and/or R18-9-108 (B)(10), and/or the Certified Area Water Quality Management Plan, this action has been found to be (check, applicable response and fill-in blanks):
APPROVED, as the project is:
Consistent with the RPA certified 208 Plan for:
Not inconsistent with the certified 208 Plan for: 208 Man (2/3/94. Consistent with a County or City Comprehensive or General Plan (in affective of appropriate 208 Plan) Condition(s) of Approval:
NOT APPROVED. See attached explanation, total number of pages
DEC/WQD-208 Page 2 (AWEDRIFORMS 208) 208CONSLFRM) 6/30/01

Brian Householder Deposition Exhibits

ARIZONA DEPARTMENT OF WATER RESOURCES

Office of Assured and Adequate Water Supply 500 North Third Street, Phoenix, Arizona 85004-3921

Telephone 602 417-2465

Fax 602 417-2467

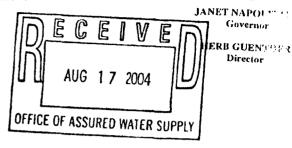
August 16, 2004

Mr. Roy Tanney Arizona Department of Real Estate 2910 N. 44th Street Phoenix, Arizona 85018

Water Adequacy Report #22-401419 Subdivision Name: Sierra Ridge Owner: Brian Householder

Number of lots: 171 County: Yuma

Township 09 S Range 21 W Section 09



Water provided by: Far West Water & Sewer

Water Type: Colorado River water

Current water depth: N/A Estimated 100-year depth: 0 - 0 Current decline rate: N/A

Basin: Yuma

Dear Mr. Tanney:

Pursuant to A.R.S. § 45-108, the Department of Water Resources has reviewed the available information pertaining to the water supply for the above-referenced subdivision. This letter constitutes the Department's report on the subdivisions water supply as required by A.R.S. § 45-108(A).

Adequacy of the 100-year water supply was reviewed by the Department with regard to physical, legal and continuous availability, and to determine if the water supply is of adequate quality. Information available to the Department indicates that the applicant has satisfied the adequate water supply requirements as set forth in A.A.C. R12-15-715 et seq. Therefore, the Department of Water Resources finds the water supply to be adequate to meet the subdivision's projected needs. Any change to the subdivision or its water supply plans may invalidate this decision.

This letter is being forwarded to your office as required by A.R.S. § 45-108. This law requires the developer to hold the recordation of the subdivision's plat until receipt of the Department's report on the subdivision's water supply. By copy of this report, the Yuma County Recorder is being officially notified of the developer's compliance with the law. If you have any questions, please contact Alan Dulaney at (602) 417-2465.

Sincerely,

Frank Putman

Acting Assistant Director

FP/AD/ef 700051

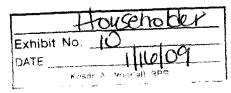
cc:

Yuma County Planning and Zoning

Yuma County Recorder Francisco Galindo Alan R. Dulaney, ADWR

Exhibit No DATE Kristin A. Woodall, RPR

Brian Householder Deposition Exhibits





Yuma County, Arizona

DEPARTMENT OF DEVELOPMENT SERVICES

2351 W. 26th Street, Yuma, Arizona 85364 Phone: (928) 817-5000 Fax: (928) 817-5020

Monty M. Stansbury, AICP Director

DISCHARGE AUTHORIZATION

FOR A SEWAGE COLLECTION SYSTEM
Type 4.01 GENERAL PERMIT

Permittee Inform	ation:				County:	Yuma				
Name Brian	Household	der			ADEQ File No.	PR04-04	97			
Address 11858	B Via Loma	Vista			Project Name:	Sierra R	idge #1	& 2		
Yuma	, AZ 85367				LTF#:					
Project Type(s)		Project Lo	cation:	S. Aven	ue 12E & South	Frontage I	Road			
☑ Gravity										
☐ Lift Station		Project De		n: Insta l	l new waterline	and sewer	line fo	r 113 lot	residenti	al
Force Main			•••							
Other:										
Design Document Approved for Con		WWTP Name:	Far WP		sert Dunes	Treatmen Permitted	l Design	Flow:	3 MGD	
Document	Date	APP Numb	er P10	5005		System C Affirmation	apacity on Date	, :	07/16/2	005
Request for Discharge Authorization	04/11/07	Sewage Co System Cap Affirmation	llection pacity		07/16/2005					
Deflection Tests Uniform Slope	04/05/05	Location of	Downst	tream En	d of System Pr	oposed He	rein:	7		
Tests		Township	95	Range	21 W	Section	9	7/4	1/4	1/4
Leakage Tests	04/05/05	Latitude	32°		40'		9.0"N			
As-built Plans		Longitude	1140		25'		34.5"W			
Other Document(s):		Description 113 lot resid			by Project: Ins on	tali new wa	terline :	and sew	er line fo	r
Discharge Authoric Code Title 18, Cha lacility at the loca requirements of A Chapter 9)	pter 9, Art Ition speci	icle 3, Part / fied herein (A, Section	on A301. erms and	The permittee	is authori f the gene	ized to eral per	discharg	e from t applical	the ble
	<u>.s.</u>	***************************************	Enviro		Health Manage	<u>r</u>	0	4/12/200		
Rick Stacks,	, R.S.			Ti	tle			Dat	e	

Monty M. Stansbury, AICP Planning Director Planning & Zoning Fax: (928) 817-5157

Curtis Cansler Chief Building Official Building Safety Fax: (928) 817-5050 Rager A Patterson, P.E.
County Engineer/FCM
Engineering Division/Flood Control District
Fax (928) 817-5109

Brian Householder Deposition Exhibits

12-8-05

To: Yuma Territorial Engineering

From: Noll Construction

Re: Sierra Ridge Subdivision Sewer & Water Construction

Dear Sir,

This letter is being forwarded to you to certify that all Water & Sewer Construction at the above-mentioned subdivision was constructed according to the plans that you provided and there was no deviation from the plans. Therefore, you may complete your letter of certification for the subdivision.

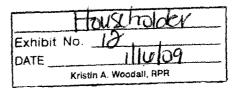
Cordially

Rex Noll

Exhibit No.

Kristin A. Woodali, RPR

Brian Householder Deposition Exhibits





Yuma County, Arizona DEPARTMENT OF DEVELOPMENT SERVICES

2351 W. 26th Street, Yuma, Arizona 85364 Phone: (928) 817-5000 Fax: (928) 817-5020

Monty M. Stansbury, AICP Director

APPROVAL OF CONSTRUCTION (AOC)

Project Name:

Sierra Ridge #1 & 2

Project Description:

Install 2,947 If 6" and 3,836 If of 8" water line

Location:

S. Avenue 12E & South Frontage Road

Project Owner:

Brian Householder

Address:

11858 Via Loma Vista

Yuma County Development Services (YC DDS) hereby issues an Approval of Construction for this facility based on the following provisions of the Arizona Administrative Code (A.A.C.) R18-4-507 et seq.

On 12/09/2004, (YC DDS) issued a Certificate of Approval to Construct for the referenced project.

On 04/12/2007, Certificate of Completion and testing results were submitted to YC DDS

On 04/11/2005, Francisco Galindo, P.E. certified the following:

- A final construction inspection was conducted on 04/09/2005
- The referenced project was constructed according to the approved plans and specifications and YC DDS's Certificate of Approval to Construct;
- Water system pressure and leakage tests were conducted on 04/05/2005 and the results were within the allowable leakage rates;
- The water distribution system was disinfected according to an ADEQ-approved method; and
- Microbiological samples were collected and analyzed by Agri-Trend, The sample results were negative for total coliform.

This Approval of Construction authorizes the owner to begin operating the above-described facilities as represented in the approved plans on file with YC DDS. Be advised that A.A.C. § R18-4-124 requires the owner of a public water system to maintain and operate all water production, treatment and distribution facilities in accordance with ADEQ Safe Drinking-Water Rules.

YC DDS File Number: PR04-0497

Rick Stacks, R.S.

04/12/2007

Date Approved

Environmental Health Manager

cc:— County Planning and Zoning Department ADEQ - DWFEIU

Facility File YC DDS

P:\Bidg_Safety\Env_Health\EH Letters\Plans Review\AOC's\2007\Sierra Ridge 1&2 (113)(04).doc

Brian Householder Deposition Exhibits

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF WASTE AND WATER QUALITY MANAGEMENT 2005 N. Central Avenue - Phoenix, Arizona 85004

WATER SERVICE AGREEMENT AND SEWER SERVICE AGREEMENT

To be filled out and signed, where appropriate, and submitted with application

	SIERIZA RIDGE #1 + 42
	NAME OF SUBDIVISION
а	nd the Far West Water & Sewer Inc.
_	NAME OF WATER SYSTEM OR MUNICIPALITY
	provide water service to each and every lot in accordance with the design shown on the attached plats one subdivision.
aı	he undersigned hereby agrees to inspect this project during construction to assure compliance with plans nd specifications approved by the Arizona Department of Environmental Quality and upon completion sha responsible for maintenance and operating the system.
:	THE GENERAL SUPPLINTENDENT SIGNATURE
	TYPE OR PRINT SIGNATURE
	Address 12486 S Footbille Rhyd
	Address 12486 S. Foothills Blvd. Cky Yuma, Arizona 85367
anc	NAME OF SUBDIVISION I the Far West Water & Sewer Inc.
	i di Fredi Franci di Sewel Ille.
	NAME OF SEWER SYSTEM OR MUNICIPALITY
The	rovide sewer service to each and every lot in accordance with the design shown on the attached plats of subdivision. undersigned hereby agrees to inspect this project during construction to assure compliance with plans specifications approved by the Arizona Department of Environmental Quality and upon completion shall esponsible for maintenance and operating the system.
The and be n	rovide sewer service to each and every lot in accordance with the design shown on the attached plats of subdivision. undersigned hereby agrees to inspect this project during construction to assure compliance with plans specifications approved by the Arizona Department of Environmental Quality and upon completion shall esponsible for maintenance and operating the system. 8-05 Name MARK IMPREC AMPLEC AMPLEC
The and be n	rovide sewer service to each and every lot in accordance with the design shown on the attached plats of subdivision. undersigned hereby agrees to inspect this project during construction to assure compliance with plans specifications approved by the Arizona Department of Environmental Quality and upon completion shall esponsible for maintenance and operating the system. 8-05 Name MARK KARES SIGNATURE
The and be n	rovide sewer service to each and every lot in accordance with the design shown on the attached plats of subdivision. undersigned hereby agrees to inspect this project during construction to assure compliance with plans specifications approved by the Arizona Department of Environmental Quality and upon completion shall esponsible for maintenance and operating the system. Name MACK KARRET SUPPLY SIGNATURE Tripe or Print Supply Texpers Address 12486 S. Foothills Blvd.
The and be n	rovide sewer service to each and every lot in accordance with the design shown on the attached plats of subdivision. undersigned hereby agrees to inspect this project during construction to assure compliance with plans specifications approved by the Arizona Department of Environmental Quality and upon completion shall esponsible for maintenance and operating the system. Name MARK WENEY SUPERIN SIGNATURE Title GENERY SUPERIN ENPERT

Brian Householder Deposition Exhibits

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF WASTE AND WATER QUALITY MANAGEMENT 2005 N. Central Avenue - Phoenix, Arizona 85004

001

WATER SERVICE AGREEMENT AND SEWER SERVICE AGREEMENT

To be filled out and signed, where appropriate, and submitted with application

	SIERIA RIOGE #3
	NAME OF SUBDIVISION
and the	Far West Water & Sewer Inc.
wyall Windowski (Mindowski Mindowski	NAME OF WATER SYSTEM OR MUNICIPALITY
to provide wat the subdivision	er service to each and every lot in accordance with the design shown on the attached plats on.
and specificati	ed hereby agrees to inspect this project during construction to assure compliance with plans one approved by the Arizona Department of Environmental Quality and upon completion shator maintenance and operating the system.
1-28-05	Name MARK KAUGUEY TYPE OR PRINT SIGNATURE THIS GENERAL SUPPLYSTENDEST
	TYPE OR PRINT SIGNATURE
	Address 12486 S. Foothills Blvd.
	Cky Yuma, Arizona 85367
	SIETLIUME 43
and the	NAME OF SUBDIVISION
	NAME OF SUBDIVISION Far West Water & Sewer Inc. NAME OF SEWER SYSTEM OR MUNICIPALITY
to provide sewer the subdivision. The undersigned and specification	NAME OF SUBDIVISION Far West Water & Sewer Inc.
to provide sewer the subdivision. The undersigned and specification be responsible for	Far West Water & Sewer Inc. NAME OF SEWER SYSTEM OR MUNICIPALITY T service to each and every lot in accordance with the design shown on the attached plats of the hereby agrees to inspect this project during construction to assure compliance with plans as approved by the Arizona Department of Environmental Quality and upon completion shall or maintenance and operating the system. Name MACH PLANENT TOTAL AND THE PROPERTY TOTAL AND
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to provide sewer the subdivision. The undersigned and specification be responsible for the subdivision.	Far West Water & Sewer Inc. NAME OF SEWER SYSTEM OR MUNICIPALITY If service to each and every lot in accordance with the design shown on the attached plats of the service to each and every lot in accordance with the design shown on the attached plats of the service to each and every lot in accordance with the design shown on the attached plats of the service to each and every lot in accordance with the design shown on the attached plats of the service with plans approved by the Arizona Department of Environmental Quality and upon completion shall be maintenance and operating the system. Name MACK CAENEY SIGNATURE TYPE OR PRINT SIGNATURE Address 12486 S. Faothills Blvd. City Yuma, Arizona 85367

Brian Householder Deposition Exhibits

6-1-06

To: Far West Water

Attn: Mark Kaveney / Jay Shapiro

From: Brian Householder - SPARTAN Homes & Const., Inc.

Re: Sewer Tie-Ins @ Sierra Ridge - lots 51,71,81 &105

Gentleman.

Cordia

SPARTAN Homes & Const., Inc requests of Far West Water & Sewer Co. to inspect & grant the sewer tie-ins @ the following job sites @ Sierra Ridge. These four homes were permitted in February or early March 2006, which is well in advance of the PALM SHADOWS capacity issues and the "Authorization Letter Request" requirement, which arose Late April / Early May 2006. Home buyers have construction loan interest payments, loan locks expiring, leases, and sales of existing homes pending. I believe you have the capacity to allow these sewer tie-ins, therefore it is in everyone's best interest to accommodate this request as soon as possible.

Exhibit No. L

DATE -

Kristin A. Woodsil, R

Brian Householder, VP - SPARTAN Homes & Construction, Inc.

Attn. Jeff Crockoff

FWWS 1.1

Spartan Homes and Construction Sierra Ridge

Spartan Homes and Construction requests the permission of Far West Water and Sewer Co. to grant tie in to sewer for this single family residence.

Lot # 51 in Sierra Ridge subdivision.

Address: 11266 S. Sally Drive.

Thank you,

Jeff Clarkson

FWWS 11

Spartan Homes and Construction Sierra Ridge

Spartan Homes and Construction requests the permission of Far West Water and Sewer Co. to grant tie in to sewer for this single family residence.

Lot # 71 in Sierra Ridge subdivision.

Address: 11351 S. Avenida La Primera.

Thank you,

Jeff Clarkson

FWWS 1.1

Spartan Homes and Construction Sierra Ridge

Spartan Homes and Construction requests the permission of Far West Water and Sewer Co. to grant tie in to sewer for this single family residence.

Lot #81 in Sierra Ridge subdivision.

Address: 11317 S. Lynn Drive.

Thank you,

Jeff Clarkson

Spartan Homes and Construction Sierra Ridge

Spartan Homes and Construction requests the permission of Far West Water and Sewer Co. to grant tie in to sewer for this single family residence.

Lot # 105 in Sierra Ridge subdivision.

Address: 12150 E. 35th Street.

Thank you,

Jeff Clarkson

Brian Householder Deposition Exhibits

Exhibit 16

ntelleggetetelige (vergetet, m dis tante sim e	Householder	-
Exhibit	No. 10 tuotoa	-
DATE	HUICH	l
	Kristin A. Woodali, RPR	J

	Address	Permit #	Date of Issue	Attribustaches
	Avenida Compadres		<u> </u>	IN: KICILS
	Avenida Compadres			1 ALE , STAD
11479	Avenida Compadres			J AC 1 lu
				$\mathcal{M}_{\mathcal{C}}$
10195	E. 35th Street			Brian Householder
10203	E. 35th Street			
10213	E. 35th Street			1 phot
11625	E. 35th Street] > 1/0 ^{1/5}
11626	E. 35th Street] how H
				1 Maidre
10204	35th Place			1 /6/21
10214	35th Place			'
10224	35th Place			
10234	35th Place			, .
10244	35th Place			1 a more contin
10146	35th Place		-	1 /11 OUR CONVERSED /
10219	35th Place			L L 1
10229	35th Place			En Want continuée 10
10239	35th Place			FAIL.
10121	35th Place			Pen our conversation, Fan West continues to Allow Look-up & to Palm
10112	E. 36th Street	<u> </u>		Shorlows of these site
10182	E. 36th Street			il lawed these si
				Addresses one included
10213	E. 36th Place			Mouses one included
10214	E. 36th Place	<u> </u>		Addicated " CI
		· · · · · · · · · · · · · · · · · · ·		in the Harbups after
10116	E. 37th Street			
10175	E. 37th Place			the supposed shut-down
10185	E. 37th Place			
10212	E. 37th Place			No capacity is no
10253	E. 37th Place			The Company is in
				1
11713	Chapparal Drive			capacity - so why
11723	Chapparal Drive			The state of the s
11733	Chapparal Drive			show is this going on,
11823	Chapparal Drive			
11833	Chapparal Drive			and why eart Treckson,
11853	Chapparal Drive			10,1
Nat'l Bank	at 40th Street			NOW SUN & Myself hook. Up
appy Trails	at Fortuna Rd.			it this is going an?
9. (1)2				please set back to me wife explaints or the layer
+ RAWIND		. , 1	6	Mean & In here
20-40-7	of 6 Hepan Alar	Hades N. Ly	;	explaint of the ing

Нарру

Brian Householder Deposition Exhibits

Exhibit 17

Brian Householder 11858 Via Loma Vista Yuma AZ 85367 928-342-3329

SIERRA RIDGE 1

PALM SHADOWS WWTP

LOT#	PAID	DATE	CONNECTION DATE:	
1			8/16/2005	
2			9/14/2005	
3			9/7/2005	
4			9/9/2005	
5			6/8/2005	
6			11/17/2005	
7			8/16/2005	
8			8/16/2005	
9			9/9/2005	
10	T		1/13/2006	
11			2/23/2006	
12			1	
13			7	
14	1		9/7/2005	
15	1			
16	1		7	•
17	1	1		
18			7	
19			7	
20	1		7	
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22	1		7	규르
23	1		1	¥
24	1		· ·	Exhibit No.
25			† • •	NO. 17
26	 		†	
27			1	13 175
28	<u> </u>		4/20/2006	18 -
29			2/23/2006	
30	 		1/17/2006	136 01
31	 		1	13 CT D
32	1		7	1 18 12
33	T		4/17/2006	1414
34			1	
35	T		1	
36	1		4/10/2006	-
37	<u> </u>		1	
38	 		1	
39	1		1	
40	 		9/9/2005	
41	 	- 	12/21/2005	
42	 		9/7/2005	
43	 		8/15/2005	
44	 		4	
45	ļ		8/16/2005	
45 46	 		9/30/2005	
46	I	L	8/16/2005	

Brian Householder 11858 Via Loma Vista Yuma AZ 85367 928-342-3329

SIERRA RIDGE 1

LOT#	PAID	DATE	
47			10/31/2005
48			11/16/2005
49			2/23/2006
50			10/31/2005
51	1		2/23/2006
52			
53			
54			
55			•
56			9/9/2005
57			
58			8/16/2005
59			8/16/2005
60			8/15/2005
61			8/16/2005
62			1/11/2006
63			4/20/2006
64			1/11/2006 :
65			11/21/2005
66			11/17/2005
67			11/17/2005
68			3/7/2006
69	<u> </u>		
70	<u> </u>		3/8/2006
71			3/7/2006
72	<u> </u>		
73	ļ		A 1999 AND 10 10 10
74	<u> </u>		9/7/2005
75	ļ		1/11/2006
76	 	·	11/17/2005
77	 		n in many
78	 		9/9/2005 5/9/2005
79	 		9/2/2005
80			12/0805 2/23/2006
81 82	 		2/23/2000
83	 		1/11/2006
84	 		9/26/2005
85	 		9/20/2000
86	 		2/22/2006
87	 		2/23/2006
	 		•
88	 		
89	 		
90			
91	<u> </u>		
92	1		

Brian Householder 11858 Via Loma Vista Yuma AZ 85367 928-342-3329

SIERRA RIDGE 1

PALM SHADOWS WWTP

LOT#	PAID	DATE	CONNECTION DATE:	
93	7		•	
94			2/23/2006	
95			3/8/2006	
96			3/8/2006	
97				
98				
99			2/23/2006	
100			•	
101	-		•	
102				
103			2/9/2006	
104			3/8/2006	
105		•	3/8/2006	
106	1			
107				
108	1			
109				
110	 		3/7/2006	
111			3/7/2006	
112	 			
113	- 		9/9/2005	

Total Owed \$ 107,350.00 113 Lots
Total Paid \$ \$
Balance Due \$ 59,850.00 63 Lots

Brian Householder Deposition Exhibits

Exhibit 18

FENNEMORE CRAIG, P.C.

3003 North Central Avenue, Suite 2600 Phoenix, Arizona 85012-2913 (602) 916-5000

Jay L. Shapiro Direct Phone: (602) 916-5366 Direct Fax: (602) 916-5566 jshapiro@fclaw.com

Law Offices
Phoenix (602) 916-5000
Tucson (520) 879-6800
Nogales (520) 761-4215
Lincoln (402) 323-6200

May 10, 2006

Mr. Brian Householder Spartan Homes & Construction 11858 Via Loma Vista Yuma, AZ 85367 Re:

Extension of Water and Sewer Utility Service by Far West Water & Sewer Company to Sierra Ridge Development, Phases I and II

Dear Mr. Householder:

This firm represents Far West Water & Sewer Company ("Far West"). Far West has asked us to take the lead in negotiating an agreement to extend service to the Sierra Ridge subdivision (the "Development"). We understand that the Development is located within Far West's CC&N and is expected to contain 113 and 60 lots in Phases I and II, respectively.

The first step is an engineering analysis to determine the effect of extending water and sewer service to the Development. A system-wide engineering analysis is already underway and Far West needs a development plan for the Development as soon as possible so it can include the Development in its analysis. Thereafter, Far West will be able to allocate the costs of off-site facilities necessary to serve the Development on a pro-rata basis. Far West understands that you have already designed and constructed the on-site facilities necessary for Far West to provide water and wastewater utility service. Those on-site facilities will have to be conveyed to Far West, following approval by Far West and all applicable governing jurisdictions.

The parties will enter into written facilities extensions agreements, one for water and one for sewer. These agreements will govern the formal conveyance of the on-site facilities via bill of sale along with all necessary warranties, easements and rights-of-way. The agreements will also address the Development's allocated share of the cost of off-site facilities as well as refunds of any and all advances in aid of construction for facilities construction. Additional advances in aid of construction based on a percentage of the facilities costs will be made for administration and overhead, including third-party costs for engineering and inspection, accounting and legal. After all the necessary arrangements have been made and all approvals obtained, service can be extended subject to individual water and sewer utility service applications being required for each new customer to receive service.

FENNEMORE CRAIG, P.C.

Mr. Brian Householder May 10, 2006 Page 2

Prior to the commencement of preparation of an extension agreement, Far West requires a deposit in the amount of \$15,000 for administrative and overhead costs including legal, engineering and related fees associated with the extension of water and sewer utility service to the Development. The deposit will be credited against the total amount of administrative costs that will be required under the extension agreements. This deposit will also be included in the amount advanced and will be subject to refund.

The deposit should be forwarded directly to the attention of Debbie Smith on behalf of Far West along with a copy of this letter signed by the developer acknowledging receipt and acceptance of the terms and conditions contained herein. As mentioned, Far West will also need a copy of the most recent development plan.

Finally, you inquired about the status of additional capacity for Far West's Palm Shadows treatment facility. Far West is in the process of designing and installing improvements that will allow additional wastewater flows to be treated at Palm Shadows, among other Far West treatment facilities. Far West presently estimates the Palm Shadows facility will be able to serve additional connections in the Fall of 2006. Your full and timely cooperation in the process outlined herein will help Far West meet this goal.

Meanwhile, please feel free to contact me if you have any questions or require any additional information.

Very truly yours,

Ohan Diffunction

Blay L. Shapiro

JSHA/mlh

cc: Andrew Capestro
Mark Kaveney

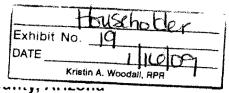
ACKNOWLEDGED AND APPROVED:

Spartan Homes & Construction, Inc.

By:

Brian Householder Deposition Exhibits

Exhibit 19





DEPARTMENT OF DEVELOPMENT SERVICES

Ulrector (928) 329-206-1 FAX: (928) 726-11

2703 S. Avenue B · Yuma, Arizona 85364

Provisional Verification of General Permit Conformance for Sewage Collection System General Permit 4.01

Applicant	Information		File No. PR04-0497
Name	Brian House	eholder [.]	Project Name: Sierra Ridge #1 & 2
Address	11858 Via L	oma Vista	
	Yuma, AZ. 8	35367	
	ct Type(s)		Project Location (street names/intersections) S. Avenue 12E & South Frontage Road
X Gravi	•		
I i			Project Description:
X Other			Install 5,944 If 8" PVC sewer line to serve a 113 residential subdivision
	r System Nam		Treatment Facility Permitted Design Flow:
	r System Num		50850 gallons per day
	entory Numbe		System Capacity Affirmation, Date:
	uments Appro	ved for Construction	n Site Information:
Document		Date	County: Yuma
Notice of In Discharge	tent to	10/05/2004	Location of Downstream End of system proposed herein:
Site Plan	,	10/06/2004	
Design Plau		10/06/2004	Latitude: 32 40' 9.0"N
Operation & Maintenance		10/06/2004	Longitude: 114 25' 34.5"W
Other Docur	uent(s):		Legal Description of area served by project:
			Township: 9S Range :21W Section: 9
applicant is au equested gene administrative omplete const	ithorized to concern permit and a Code Title 18, fifting and suit hill conform w	izona Administrative Co struct the facility at the applicable requirement Chapter 9. The applica bmit the applicable verif ith the approved design	ance: This Provisional Verification of General Permit Conformance is code Title 18, Chapter 9, Article 3, Part A, Section A301. The elocation specified herein under terms and conditions of the ats of Arizona Revised Statutes Title 49, Chapter 2, and Arizona ant has two years from the approval date of this document to ification documents specified in A.A.C. R18-9-E301(E). In documents. Vironmental Health Manager 12/09/2004
<u> </u>	ck Stacks, R.S.		Title Date

Morely M. Stansbury Planning Director Planning & Zoning (928) 329-2300 FAX (928) 317-8302

Curtis Cansier Chief Building Official Building Safety (928) 329-2292 FAX (928) 726-5801

TDD (928) 329-2304 Roger A. Patterson, P.E. County Engineer/FCM Engineering Division (928) 329-2300 FAX (928) 726-5626

Flood Control District (928) 329-2302 FAX (928) 726-5626

Brian Householder Deposition Exhibits

Exhibit 20



Yuma County, Arizona

Kristin A. Woodall, RPR

Harold Aldrich
Director
(928) 329-2300

DEPARTMENT OF DEVELOPMENT SERVICES

Exhibit No. DATE

> (928) 329-2300 FAX: (928) 726-5626

2703 S. Avenue B . Yuma, Arizona 85364

CERTIFICATE OF APPROVAL TO CONSTRUCT WATER FACILITIES

YCDDS FILE NO:	PR04-0497		
SYSTEM NAME:	Far West		
SYSTEM NUMBER	14004		
PROJECT NAME:	Sierra Ridge #1 & 2		, .
PROJECT OWNER:	Brian Householder		
OWNER'S ADDRESS:	11858 Via Loma Vista, Yuma, AZ. 85367		
PROJECT LOCATION:	S. Avenue 12E & South Frontage Road	٠.	• •
PROJECT DESCRIPTION:	Install 2,947 If 6" and 3,836 If of 8" water line		

Approval to construct the above-described facilities, as represented in the approved plan documents on file at the Yuma County Department of Development Services (YCDDS), is hereby given subject to the following Provisions:

- 1. Notice shall be given to the Yuma County Department of Development Services when construction of the project begins to allow for inspection during construction per A.R.S. Section 49-104.B.10.
- 2. The Project Owner shall retain a professional engineer as soon as possible to provide detailed construction inspections of this project. Upon completion of construction the engineer shall fill out the Engineers Certificate of Completion (attached), and forward it to the Yuma County Department of Development Services—If all requirements have been completed this office will issue a Certificate of Approval of Construction.
- 3. Operation of a newly constructed facility shall not begin until this Department has issued a Certificate of Approval of Construction.
- 4. In accordance with the requirements of Arizona Administrative Code Section R18-4-119, fittings and valves shall conform to NSF Standard 61 and or bear the NSF-pw seal of approval.
- 5. A "Final Design Report" containing information as stipulated in Engineering bulletin 10 chapter 1, section D. 1, shall be submitted to ADEQ and YCDDS by the engineer upon completion of the waterline. Use of the waterline is contingent upon approval of the "Final Design Report".

The State law, A.R.S. §49-104.B.10, requires that construction of the project must be in accordance with rules and regulations of the Arizona Department of Environmental Quality. If construction has not started within one year of the date of this approval, this certificate will be void and a written extension of time shall be required.

Diel Crashe D

December 9, 2004

Roger A. Patterson, P.E.

nty Engineer# Ct#

Rick Stacks, R.S.

Environmental Health Manager

P:\Bldg_Safety\Env_Health\EH Leners\Plans Review\ATC's\2004\Sierra Ridge #1&2 Wf. (113)(12) doc

Poro F7 Mony M. Stansbury Planning & Zoning (928) 329-2300 FAX (928) 317-8302 Curtis Cansler Chief Building Official Building Safety (928) 329-2292

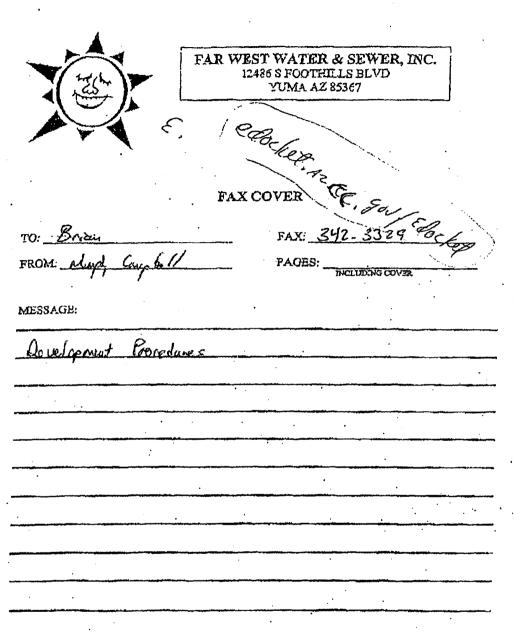
FDD (926) 329-230 Engineering Division (926) 329-2300 Flood Control District (928) 329-2302 EAX (008) 206, 6000

Exhibits from MARK KAVENEY deposition held on November 21, 2008

Mark Kaveney
Deposition Exhibits

Exhibit 1

2261782.1



THE FOOTHILLS Where Everyday's A "Sun" Day



ЗРАВТАИ НОМЕS

Jan 28 08 02:17p

FAR WEST WATER & SEWER, INC.

DEVELOPMENT POLICY & PRODEDURES 2003

TO: ALL DEVELOPERS REQUESTING WATER/SEWER SERVICE TO FAR WEST FACITILITIES

Far West Water & sewer is authorized and governed by the Arizona Corporation Commission to provide water & sewer utility service within its Certificate of Convenience and Necessity (CC&N) area. Far West does not perform engineering services for developers desiring connection to their facilities. Far West Water & Sewer, prior to service connections for water or sewer, must receive the following:

Water:

- · Signed Main Extension Agreement with Developer
- · Cost Breakdown of Line Extension & Services
- Engineer's Design Report
- Subdivision Plat (Recorded)
 - o 3 copies on Engineering Paper
 - 5 1 disk copy using AutoCad
- ADEQ Certificate of Approval to Construct
- ADEQ Approval of Construction
- ADWR Water Adequacy Report
- · Yuma County Disinfection Test Results
- · As-Built Drawings
 - o Disk Copy using AutoCad
 - o 1 Copy on Engineering Paper
- Engineer's certification of completion and copies of all pressure test results

Sewer:

- Engineer's Design Report
- Subdivision Plat (Recorded)
 - o 2 copies on Engineering Paper
 - o 1 disk copy using AutoCad
- ADEQ Certificate of Approval to Construct
- ADEQ Approva! of Construction
- AS-Built Drawings
 - o Disk Copy using AutoCad
 - o 1 Copy on Engineering Paper
- Engineer's certification of completion and copies of all leakage test results using latest ADEQ's testing procedure.
- Sewer line certification must be performed after all utilities (gas, phone, cable, electric) are completed and backfilled. No service will be activated until such certification is received.

Engineer-of-record is responsible for compliance with all regulations and testing.

Approved Construction Materials

Water:

- All valves to be Waterous/AFC
- All fire hydrants to be Waterous
- All brass fittings (corporation stops, angle stops) to be James Jones
- All main pipe to be either blue C-900 or DIP
- · All service line piping to be Schedule 40 PVC or greater

Valves to be placed at each intersection of main lines and no further apart than 600 feet.

Sower:

All main line piping to be green SDR-35 or DIP

After sewer line testing has been completed, any water used must not be released to the existing collection system. All new lines will be flushed and cleaned of any sand or debris prior to using existing collection system.

Construction Notification & Coordination

Far West Water & Sewer is to be notified prior to start of construction and when testing is being conducted. Far West personne! will conduct periodic inspections and notify the engineer-in-charge if any discrepancies or problems are noticed. Far West personnel will have the authority to witness and verify any tests should they desire. Failure to notify Far West during testing will require tests to be redone and verified.

Your adherence to this policy is appreciated. Should you have any questions, piease feel free to contact either Murphy Campbell or Dusty Thomas at 342-1238.

5203427103

FAR WEST WATER & SEWER, INC.

Check List for Development
Far West Water & Sewer, Inc. Service Area

Prior to Construction:

- Submit a set of Yuma County approved plans to Far West Water & Sewer, Inc. for review.
- 2. Obtain an "Approved Materials List" from Far West Water & Sewer, Inc.
- Contact Far West Water & Sewer, Inc. at least 48hrs prior to the start of construction to schedule a pre-construction meeting.
- 4. Water:

Submit the following:

- ADEQ Certificate of Approval to Construct
- ADWR Water Adequacy Report
- 5. Sewer:

Submit the following:

- ADEQ Approval of Construction (Sewer)
- ADEQ Certificate of Approval to Construct

During Construction:

- 1. Contact Far West Water & Sewer, Inc. for inspections of the following:
 - A. All live line taps
 - B. All blocking (before & after pouring)
 - C. Prior to backfill of main lines
 - D. Prior to backfill of sewer lines and manholes
- 2. Contact Far West Water & Sewer, Inc. when performing pressure test.
- Contact Far West Water & Sewer, Inc. for final walk-thru inspection upon completion.

Post Construction:

 Receive a signed acceptance letter from Far West Water & Sewer, Inc. (see attached)

12486 S. Foothills Blvd. • Yuma, Arizona 85367 • Tel 928-342-1238 • Fax 928-342-7108

SPARTAN HOMES

Jan 28 08 02:18p



FAR WEST WATER & SEWER, INC.

(Date)

Yuma County Development Services 2703 S. Avenue B Yuma, AZ 85364

RE: (Name of Development) (Address)

Far West Water & Sewer, Inc Acceptance Letter

To Whom It May Concern:

For West Water & Sewer, Inc. is granted the Certificate of Convenience and Necessity (CC&N) by the Arizona Corporation Commission to provide water and sewer utility services to: (Name of Development).

All necessary documents, test results, and as-builts have been received by Far West Water & Sewer, Inc., and as such Far West Water & Sewer, Inc. accepts the completed improvements in (Name of Development) into the water and wastewater system. Utility services can be requested for all lots as needed.

Should you have any questions or concerns, please contact me at 928-342-1238.

Sincerely,

Murphy Campbell General Superimendent

12486 S. Foothills Blvd. • Yuma, Arizona 85367 • Iel 928-342-1238 • Fax 928-342-7108

a.q

928-342-3329

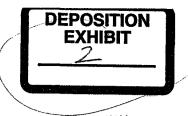
SPARTAN HOMES

Jan 28 08 02:18p

Mark Kaveney
Deposition Exhibits

Exhibit 2

2261782.1





Yuma County, Arizona DEPARTMENT OF DEVELOPMENT SERVICES

Harold Aldrich Director (928) 329-2300 FAX: (928) 726-5626

2703 S. Avenue B . Yuma, Arizona 85364

CERTIFICATE OF APPROVAL TO CONSTRUCT WATER FACILITIES

YCDDS FILE NO:	PR04-0497	
SYSTEM NAME:	Far West	
SYSTEM NUMBER	14004	· · · · · · · · · · · · · · · · · · ·
PROJECT NAME:	Sierra Ridge #1 & 2	
PROJECT OWNER:	Brian Householder	
OWNER'S ADDRESS:	11858 Via Loma Vista, Yuma, AZ. 85367	•
PROJECT LOCATION:	S. Avenue 12E & South Frontage Road	
PROJECT DESCRIPTION:	Install 2,947 If 6" and 3,836 If of 8" water line	••.•

Approval to construct the above-described facilities, as represented in the approved plan documents on file at the Yuma County Department of Development Services (YCDDS), is hereby given subject to the following Provisions:

- 1. Notice shall be given to the Yuma County Department of Development Services when construction of the project begins to allow for inspection during construction per A.R.S. Section 49-104.B.19.
- 2. The Project Owner shall retain a professional engineer as soon as possible to provide detailed construction inspections of this project. Upon completion of construction the engineer shall fill out the Engineers Certificate of Completion (attached), and forward it to the Yuma County Department of Development Services. If all requirements have been completed this office will issue a Certificate of Approval of Construction.
- 3. Operation of a newly constructed facility shall not begin until this Department has issued a Certificate of Approval of Construction.
- 4. In accordance with the requirements of Arizona Administrative Code Section R18-4-119, fittings and valves shall conform to NSF Standard 61 and or bear the NSF-pw seal of approval.
- 5. A "Final Design Report" containing information as stipulated in Engineering bulletin 10 chapter 1, section D.1, shall be submitted to ADEQ and YCDDS by the engineer upon completion of the waterline. Use of the waterline is contingent upon approval of the "Final Design Report".

The State law, A.R.S. §49-104.B.10, requires that construction of the project must be in accordance with rules and regulations of the Arizona Department of Environmental Quality. If construction has not started within one year of the date of this approval, this certificate will be void and a written extension of time shall be required.

Rick Stacks, R.S.

mb

December 9, 2004

Environmental Health Manager

P:\Bldg_Safety\Env_Health\EH Letters\Ptans Review\ATC's\2004\Sierra Ridge #1&2 WL (113)(12).doc

Mony M. Stansbury
Planning Director
Planning & Zoning

Curtis Canster Chief Building Official Building Safety 1928 129-2292

Engineering Division (928) 329-2308

Roger A. Patterson, P.E.
County Engineer/FCIM
Flood Control District

(928) 329-2302

Mark Kaveney
Deposition Exhibits

Exhibit 3

2261782.1



Yuma County, Arizona DEPARTMENT OF DEVELOPMENT SERVICES

Harold Aldrich Director (928) 329-2380 FAX: (928) 726-5626

2703 S. Avenue B • Yuma, Arizona 85364

Provisional Verification of General Permit Conformance for Sewage Collection System General Permit 4.01

Applicant	Information:	*	File	No. PR04-0497			
Name	Brian Househo	older	Pro	ject Name: Sie	rra Ridge #1 & 2		• •
Address	11858 Via Lon	aa Vista		•.		•	4
	Yuma, AZ. 853	357	<u></u>				
Proje	ect Type(s)		Pro S. A	ject Location (sevenue 12E & S	street names/inte South Frontage R	rsections) load	
X Gray	ity						
Lift :	Station			ject Description			9
Force	emain			dential subdivi	PVC sewer line to	o serve a 113	1
X Othe			resi	Gential Subdivi			
	ter System Name	· Far West	1	Treatment Fa	cility Permitted	Design Flow:	
	ter System Num				ons per day		. 1
	ventory Numbe				city Affirmation,	Date:	
Davis D	comments A GDE	ved for Construction	Site	Information:	· · · · · · · · · · · · · · · · · · ·		
Design Design Documen		Date	Co	unty: Yuma		•	
			<u> </u>	-			
Notice of	Intent to	10/95/2004			stream End of sys	stem proposed	
Discharge	P		ner	ein:			,
Site Plan		10/06/2004	<u> </u>				
Design Pl	an	10/06/2004		titude:	32 40' 9.0"N		
Operatio	n &	10/06/2004	Lo	ogitude:	114 25' 34.5"\	W	4
Mainten:	nce Flan		<u> </u>				
Other Do	cument(s):				of area served by		
				wnship: 9S	Range :21W	Section: 9	
issued in a applicant requested Administr	secordance with A is authorized to congeneral permit an eative Code Fitle 1		inte intention: Arizo as twittion discusses	s, Chapter 9, Al specified herein to ona Revised Stat o years from the ocuments specifi	under terms and co under terms and co utes Title 49, Chap approval date of t led in A.A.C. R18-9	entitions of the orditions of the oter 2, and Ariz his document t	ona o



Roger A. Patterson, P.E. County Engineer/FCM

Mark Kaveney
Deposition Exhibits

Exhibit 4

2261782.1

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF WASTE AND WATER QUALITY MANAGEMENT 2005 N. Central Avenue - Phoenix, Arizona 85004

WATER SERVICE AGREEMENT AND SEWER SERVICE AGREEMENT

To be tilled out and signed, where appropriate, and submitted with application

	the state of the s
•	SIERRA BIDGE 41 + 42
	NAME OF SUBDIVISION
	Far West Water & Sewer Inc.
and the	NAME OF WATER SYSTEM OR MUNGOPALITY
the subdivision.	service to each and every lot in accordance with the design shown on the attached plats of
and specifications	hereby agrees to inspect this project during construction to assure compliance with plans s approved by the Arizona Department of Environmental Quality and upon completion shall ir maintenance and operating the system.
1-28-05	- Name MALK KAUGUEY TO LOW TYPE OR PRINT SIGNATURE Tillo (7 ENEM SUPERWIENDEN) Address 12486 S. Foothills Blvd. City Yuma, Arizona 85367
	TYPE OR PRINT SIGNATURE
•	TRIO (7 ENEIM SUVERWIENDEN)
	Address T298b S. PUGLINIS DAVI.
	REEMENT An unconditional agreement has been made between the owners of:
	SIEPHIA RIGHE HT & #2
	Far West Water & Sewer Inc.
and the	I'M BYELL FEARD & DOWN MIV.
and the	NAME OF SEWER SYSTEM OR MANUCIPALITY
to provide sewer: the subdivision. The undersigned and specifications	
to provide sewer the subdivision. The undersigned and specifications be responsible for	NAME OF SEWER SYSTEM OR MUNICIPALITY SERVICE to each and every lot in accordance with the design shown on the attached plats of hereby agrees to inspect this project during construction to assure compliance with plans is approved by the Arizona Department of Environmental Quality and upon completion shall ir maintenance and operating the system.
to provide sewer the subdivision. The undersigned and specifications be responsible for	NAME OF SEWER SYSTEM OR MUNICIPALITY SERVICE to each and every lot in accordance with the design shown on the attached plats of hereby agrees to inspect this project during construction to assure compliance with plans is approved by the Arizona Department of Environmental Quality and upon completion shall ir maintenance and operating the system.
to provide sewer the subdivision. The undersigned and specifications be responsible for	Service to each and every lot in accordance with the design shown on the attached plats of hereby agrees to inspect this project during construction to assure compliance with plans approved by the Arizona Department of Environmental Quality and upon completion shall remaintenance and operating the system. Name MARK KARKE STATUSE
to provide sewer: the subdivision. The undersigned and specifications be responsible for	Service to each and every lot in accordance with the design shown on the attached plats of hereby agrees to inspect this project during construction to assure compliance with plans approved by the Arizona Department of Environmental Quality and upon completion shall remaintenance and operating the system. Name MARK LAKEY SCHATURE
to provide sewer: the subdivision. The undersigned and specifications be responsible for	Service to each and every lot in accordance with the design shown on the attached plats of hereby agrees to inspect this project during construction to assure compliance with plans approved by the Arizona Department of Environmental Quality and upon completion shall remaintenance and operating the system. Name MARIC (CAPER STEELES SIGNATURE TRIE GENERAL SUPERWIENDES Address 12486 S. Foothills Blvd.
to provide sewer: the subdivision. The undersigned and specifications be responsible for	Service to each and every lot in accordance with the design shown on the attached plats of hereby agrees to inspect this project during construction to assure compliance with plans approved by the Arizona Department of Environmental Quality and upon completion shall remaintenance and operating the system. Name MARK LAKEY SCHATURE
to provide sewer: the subdivision. The undersigned and specifications be responsible for	Service to each and every lot in accordance with the design shown on the attached plats of hereby agrees to inspect this project during construction to assure compliance with plans approved by the Arizona Department of Environmental Quality and upon completion shall remaintenance and operating the system. Name MARIC (CAPERT SIGNATURE TIPE OR PRINT SUPERM TEMPENT Address 12486 S. Foothills Blvd.

Sep-30-86 04:08pc Froe-Jacobson CL Ales

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T-593 P 002/002 F-151

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF WASTE AND WATER QUALITY MANAGEMENT 2005 N. Central Avonue - Proenix, Arizona 85004

WATER SERVICE AGREEMENT AND SEWER SERVICE AGREEMENT

To be filled out and signed, where appropriate, and automated with application

between the o	AGREENENT - An unconditional agreement which is effective this date has been made
DDIMOCITATE	
	SIERRA BIDGE #1 < #Z
	MANE OF SUBDIVISION
4.44	Far West Water & Sower Inc.
and the	NAME OF WATER STSTEM OR MUNICIPALITY
to provide wa the subdivisio	for service to each and every lot in accordance with the design shown on the attached plats of ${f x}$.
and specifical	ned hereby agrees to inspect this project during construction to assure compliance with plans tions approved by the Arizona Department of Environmental Quality and upon completion sha a for maintenance and operating the system.
1-28-0	5 - Name Mark Kaughter Mich
	TYPE OR PROST SIGNATURE
	The same and the s
	THE GENERAL SUPERWIENDENT
	TIME GENERAL SOFTWIST SIGNATURE TIME GENERAL SOFTWIST DENT Address 12486 S. Foothills Blvd. Chy Yuma, Arizona 85367 AGREEMENT An unconditional agreement has been made between the owners of:
	AGREEMENT An unconditional agreement has been made between the owners of
TER SERVICE I	AGREEMENT An unconditional agreement has been made between the owners of: . 5 i E72i14 P196E #1 is #2 NAME OF SUBDIVISION
	AGREEMENT An unconditional agreement has been made between the owners of: . 5 i E7212 P196E #1 & #2
end the	AGREEMENT An unconditional agreement has been made between the owners of: SIETCILA PARE OF SUBDIVISION FOR West Water & Sewer Inc. NAME OF SEWER SYSTEM OR MARKETPARTY wer service to each and every lot in accordance with the design shown on the attached plats of
end the to provide settre subdivision The undersigned specifical	PAGREEMENT An unconditional agreement has been made between the owners of: SIETCICA PAGE #1 * #2 NAME OF SUBDIVISION Far West Water & Sewer Inc. NAME OF SEWER SYSTEM OR MARKEPARTY wer service to each and every lot in accordance with the design shown on the attached plats of the condition of the accordance with the design shown on the attached plats of the condition of the condition of the conditions with plans.
and the lo provide set the subdivision and specificate responsible.	AGREEMENT An unconditional agreement has been made between the owners of: SIETCILA PLINE HI & HZ NAME OF SUBDIVISION Far West Water & Sewer Inc. NAME OF SEWER SYSTEM OR RESERVENTY wer service to each and every lot in accordance with the design shown on the attached plats of the continuous design shown on the continuo
and the lo provide set the subdivision and specificate responsible.	PAGREEMENT An unconditional agreement has been made between the owners of: SIETCICA PAGE HI & #2 NAME OF SUBDIVISION Far West Water & Sewer Inc. NAME OF SEWER SYSTEM OR MARKETPARTY wer service to each and every lot in accordance with the design shown on the attached plats of the continuous agrees to inspect this project during construction to assure compliance with plans tions approved by the Arizona Department of Environmental Quality and upon completion shall be for maintenance and operating the system. Name MARK LANGER MARK SENATURE
and the lo provide set the subdivision and specificate responsible.	AGREEMENT An unconditional agreement has been made between the owners of: SIETCILA PLICE HI & FZ NAME OF SUBDIVISION FOR West Water & Sewer Inc. NAME OF SEWER SYSTEM OR MARKETPARTY wer service to each and every lot in accordance with the design shown on the attached plats of the continuous difference of the project during construction to assure compliance with plans alons approved by the Arizona Department of Environmental Quality and upon completion shall be for maintenance and operating the system.

Mark Kaveney
Deposition Exhibits

Exhibit 5

2261782.1

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY DIVISION

1110 WEST WASHINGTON STREET - PHOENIX, ARIZONA 85007

DRINKING WATER SERVICE AGREEMENT

To be completed and signed, where appropriate, and submitted with the APPLICATION FOR APPROVAL OF SANITARY FACILITIES FOR SUBDIVISIONS

	SIERRA KIDGE 4112	
	NAME OF SUBDIVISION	
and:	CAIL WEST WASER 9 SEWER, INC	
	Hamb of Water System or Municipality	
o provide water service	e to each and every lot in accordance with the design shown on the attached plats of the subdivi-	sion.
The undersigned hereby approved by the Arizon	y agrees to inspect this project during construction to assure compliance with plans and specificat a Department of Environmental Quality and upon completion shall be responsible for maintenance	tions
The undersigned hereby opproved by the Arizon	y agrees to inspect this project during construction to assure compliance with plans and specificat a Department of Environmental Quality and upon completion shall be responsible for maintenance	tions
The undersigned hereby approved by the Arizon	Name MACK LANGUET SIGNATURE Title GENERAL SUPERVENDENT SIGNATURE	tions
The undersioned hereby	v agrees to inspect this project during construction to assure compliance with plans and specifical a Department of Environmental Quality and upon completion shall be responsible for maintenance: Name MARK LAUENEY SIGNATURE	tions

j:\WPDR\Applications-DrinkingWater\DrinkingWaterServiceAgreement (10/03)



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY DIVISION

1110 WEST WASHINGTON STREET - PHOENIX, ARIZONA 85007

DRINKING WATER SERVICE AGREEMENT

To be completed and signed, where appropriate, and submitted with the APPLICATION FOR APPROVAL OF SANITARY FACILITIES FOR SUBDIVISIONS

DRINKING WA	TER SERVICE AGREEMENT - An unconditional agreement which is effective netween the owners of:		
Sierra Rido	re Subdivision Phase 1 and 2 NAME OF SUBDIVISION		
and: Far West Wa	ter & Sewer, Inc.		
	name of water system or municipality		
to provide water service	to each and every lot in accordance with the design shown on the attached plats of the subdivision.		
approved by the Arizona loperation of the system:	rigrees to inspect this project during construction to assure compliance with plans and specifications. Department of Environmental Quality and upon completion shall be responsible for maintenance and		
Date 1-04	Name MARK KAUEVEY MI ACCOUNTS		
Title GENERAL SUPERWIENDENT			
Address 12486 S. FOOTMUS BLUP			
	City Yuma AZ 85367		
j:\WEDR\Applications-DrinkingWater	Drinking:WaterServiceAgreement (10/03)		

Mark Kaveney
Deposition Exhibits

Exhibit 6

2261782.1



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY CAPACITY ASSURANCE

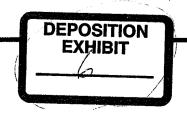
for Sewage Collection System

J:\shared\WEDR\APPLICATIONS-CollectionSystems\Notice Of Intent To Discharge -CAPACITY ASSURANCE for Sewage Collection System 2/27/03

Instructions: The owner or operator of the downstream sewage collection system must complete and submit this Capacity
Assurance Form to comply with Arizona Administrative Code (AAC) R18-9-E301(C)(2) when the proposed sewage collection system is under different ownership or control.

1a. Proposed System or Expansion Design Flow: Project Name	1b. Proposed Sewage Collection System: Name: MARK KAVENEY Position: GENERAL SUPPLYTENDENT Responsible Agency: FAIL WAST WATER & SEWER Address: [2484 3. Fostmus Rung YUMA A 2 85367 Telephone No.305-0302 Fax No.305-0990			
2a. Downstream Sewage Collection System Capacity:	2b. Downstream Sewage Collection System:			
Capacity Downstream from point were new system or	Name: MARK KAVENEY			
expansion is conected: , 200 (MGD).	Position: GENEVAL SUPERATENAT			
	Responsible Agency: FAR WEY WATER SEWER			
Total flow approved to be connected upstream from point of	Address: 12486 5. FOOTHILL PLUO			
connection: X -O (MGD).	YUMA AC 85367			
A CONNEGION IS AT HIGHEST				
UPSTEAM POINT	Telephone No. 305-0362 Fax No. 305-096			
Capacity is expressed in million gallons per day (MGD). Design Flow is based on the design flow for the proposed new system, such as a subdivision submitted in accordance with AAC R18-9-E301, or system expansion.				
3. Capacity Assurance: To be completed by owner/operator identified in Item "2b" above. 1. WARL LANGET , certify that the sewer collection system identified in item "2b" can maintain the performance standards required under A.A.C. R18-9-E301(B) for the increased flow from the proposed system or expansion identified in item "1a". I am aware that there are significant penalties for submitting false information including permit revocation as well as the possibility of fine and imprisonment for knowing violations.				
771 (A) 1-29-05 Signature Date				

1110 West Washington Street, 5415B-3 Phoenix, Arizona 85007 (602)771-4677 1(800)234-5677 Ext. 771-4677



Mark Kaveney
Deposition Exhibits

Exhibit 7

2261782.1

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Sewage Treatment Facility CAPACITY ASSURANCE

J.\shared\WEDR\APPLICATIONS-CollectionSystems\Notice Of Intent To Discharge -CAPACITY ASSURANCE for Sewage Treatment Facility 2/27/03

Instructions: The owner or operator of the downstream sewage treatment facility must complete and submit this Capacity Assurance Form to comply with Arizona Administrative Code (AAC) R18-9-E301(C)(1).

1. Sewage Treatment Facility:	2. Owner/Operator for Facility Operation:			
Name: Parm SHADOWS WUTP	Name: WARK KAVENET			
APP (Aquifer Protection Permit) Number: P 103668	Position: (TENERAL SUPPLIATENTENT			
AZPDES Permit Number:	Firm Name: FAR WEST WATER! SEWERL			
ADEQ Site Code:	Address: 12486 S. FOOTHUS BLUD			
Address: 9700 E. YOM ST	Yuma AZ 85367			
Yuma az 85367				
	Telephone No. 305-0302 FaXNo. 305-0990			
Telephone NoFax No				
3. Facility Capacity:	4. Proposed Subdivision or other project:			
Current 208 Plan* Approved Capacity: 200 (MGD)	Name: SIERRA RIDGE 142			
Constructed Capacity: (MGD)	Design Flow: 024 (MGD)			
APP Approved Cepacity: 1200 (MGD)	Provide list of all previously approved subdivisions, commercial			
	and industrial customers and associated design flows.			
Operational Flow: (MGD)	Total Design Flow Connected to Facility: 153 (MGD)			
*Areawide Wastewater Management Plan, per Section 208 of the Clean Water Act (State only capacity indicated in current approved plan on file with the Designated Management Agency)				
Capacity is expressed in million gallons per day (MGD) based on the monthly average capacity of the facility. Operational Flow is expressed in MGD based on the maximum monthly average flow for the last 12 months. Design Flow is based on the design flow for the proposed subdivision as submitted in accordance with AAC R18-9-E301.				
5. Facility Plan and Schedule to Construct Additional Capacity: (Provide detail if total design flow connected to facility is greater than APP approved capacity)				
·				
6. Capacity Assurance: To be completed by owner/operator identified in item "2" above.				
i, White Valence to the facility by the sewer collection system serving the proposed subdivision will not cause any flow or effluent quality limits of the facility's individual permit to be exceeded. I am aware that there are significant penalties for submitting false information including permit revocation as well as the possibility of fine and Imprisonment for knowing violations.				
20164) 1-29-05 Signature Date				

1110 West Washington Street, 5415B-3 Phoenix, Arizona 85007 (602)771-4677 1(800)234-5677 Ext. 771-4677



Mar 03 05 06:09p

YUMA TERRITORIAL ENGINEERING

VISION AND EXCELLENCE IN CIVIL ENGINEERING

FAX TRANSMITTAL		
To:	FROM:	
Mark Kavency	Fred Stevens Jr., ELT.	
COMPANY:	DATE:	· · · · · · · · · · · · · · · · · · ·
FAR WEST WA'THE & SEWER CO.	March 3, 2005	
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING CO	VER:
(928) 342-7108	2	
SUBJECT:	YTE JOB NUMBER	
Siema Ridge	0434	
□ URGENT □ FOR REVIEW	O PLEASE COMMENT O PLEASE REPLY	FOR YOUR INFO.
NOTES/COMMENTS:		
Mark,	·	
Please receive the attached coppectords.	y of the revised capacity assurance form I sent to	o ADEQ for your
If you have any questions, pleas	se call our office at 928-329-9097.	

1420 S. 5TH AVENUE • YUMA, ARIZONA 85364 • PHONE (928) 329-9097 • FAX (928) 539-0150



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Sewage Treatment Facility CAPACITY ASSURANCE

Extract/WEDRIAPPLICATIONS-CollectionSystems/Notice Of Intere To Discharge -CAPACITY ASSURANCE for Sewage Treatment Pacific 2-7 2-10

Instructions: The owner or operator of the downstream sewage treatment facility must complete and submit this Capacity Assurance Form to comply with Arizona Administrative Code (AAC) R18-9-E301(C)(1).

1. Sewage Treatment Facility:	2. Owner/Operator for Facility Operation:			
Name Parm SHADOWS WUTP	Name: Walk KAVENET			
Name: 1071-128	Position: (TENERAL SUPCILITENTENT			
APP (Aquifer Protection Permit) Number: P_103608	Firm Name: FAR WEST WATER SEVER			
AZPOES Permit Number:	Address: 12486 S. FOOTHER RLVD			
ADEQ Site Code:				
Address: 9700 E. 40th 5T	Yuma AZ YSICT			
YMA AZ 85367				
	Telephone No. 305-0302 Fax No. 305-0990			
Telephone NoFax No				
3. Facility Capacity:	4. Proposed Subdivision or other project:			
Current 208 Plan* Approved Capacity: 200 (MGD)	Name: 51ERFA F109E 142			
Constructed Capacity: 200 (MGD)	Design Flow:			
1	(woo)			
AZPDES Discharge Limit: (MGD)	Provide list of all previously approved subdivisions, commercial and industrial customers and associated design flows.			
	Total Design Flow Connected to Facility: • 18 0 (MGD)			
Operational Flow:	1			
"Areavide Wastewater Management Plan, per Section 208 of the Clean Water Act (State only capacity Indicated in current approved plan on file with the Designated Management Agency)				
Capacity is expressed in million gallons per day (MGD) based on the monthly average capacity of the facility. Operational Flow is expressed in MGD based on the maximum monthly average flow for the last 12 months. Design Flow is based on the design flow for the proposed subdivision as submitted in accordance with AAC R18-9-E301.				
Facility Plan and Schadule to Construct Additional Capacity: (Provide detail if total design flow connected to facility is greater than APP approved capacity)				
Capacity Assurance: To be completed by owner/operator identified in Item 2" above.				
. Affirm that the additional volume of sewage delivered to the facility by the sewer collection system serving the proposed subdivision will not cause any flow or effluent quality limits of the facility's individual permit to be exceeded. I am eware that there are significant penalties for submitting false information including permit revocation as well as the possibility of fine and imprisonment for knowing violations.				
1-25-05 Sonature Date				

1110 West Washington Street, 5415B-3 Phoenix, Arizona 85007 (602)771-4677 1(800)234-5677 Ext. 771-4677

Mark Kaveney
Deposition Exhibits

Exhibit 8

FAR WEST WATER & SEWER, INC. MEMORANDUM

TO:

DUSTY THOMAS

FROM:

MARK KAVENEY

SUBJECT:

SIERRA RIDGE - TENTATIVE

DATE:

JULY 2, 2004

CC:

FILE

Dusty,

The attached tentative plat is unsatisfactory due to the available sewage capacity that remains at the Palm Shadows WWTP. Along with the already committed sewage capacity, we are having serious issues with the effluent disposal capabilities. Last winter we experienced, on two occasions, effluent pond overflow. This condition will only be worse this coming season. We are currently looking into a temporary fix to our effluent disposal needs for the upcoming season, and hope to find a permanent resolve in the near future. If you have any questions, please contact me.

Thank You,

Mark Kaveney



Mark Kaveney
Deposition Exhibits

Exhibit 9

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF WASTE AND WATER QUALITY MANAGEMENT 2005 N. Central Avenue - Phoenix, Arizona 85004

WATER SERVICE AGREEMENT AND SEWER SERVICE AGREEMENT

To be filled out and signed, where appropriate, and submitted with application

between the owner	
	SIERPA RIDGE #3
	NAME OF SUBDIVISION
and the	Far West Water & Sower Inc.
and die	NAME OF WATER SYSTEM OR MUNICIPALITY
the subdivision.	service to each and every lot in accordance with the design shown on the attached plats of
and specifications	hereby agrees to inspect this project during construction to assure compliance with plans is approved by the Arizona Department of Environmental Quality and upon completion share maintenance and operating the system.
1-28-05	- Name MARK KAUGUEY MICL SIGNATURE
	TYPE OR PRINT SIGNATURE
	THE GENT SYETUNTENTENT
	Address 12400 S. FOULHRS DIVG.
ER SERVICE AGR	TILE (1 EVENT SUFFLUE TEMENT SIGNATURE Address 12486 S. Foothilds Blvd. Cly Yuma, Arizona 85367 EEMENT An unconditional agreement has been made between the owners of:
ER SERVICE AGR	EFMENT An unconditional agreement has been made between the owners of: SIEPIUA PUME 43
ER SERVICE AGR	EEMENT An unconditional agreement has been made between the owners of:
	SIEPIUM PUME 43 NUMBERS OF SUBDIVISION
	EFMENT An unconditional agreement has been made between the owners of: SIEPIUA PUME 43
and the	SIETLIA PUNE 43 NAME OF SUBDIVISION FAR West Water & Sewer Inc. NAME OF SUBDIVISION MANUERALITY
and the to provide sewer: the subdivision. The undersigned and specifications	SIETLIA PUME 43 NAME OF SUBDIVISION FAR West Water & Sewer Inc. NAME OF SUBDIVISION WINDEPARTY Service to each and every lot in accordance with the design shown on the attached plats of the hereby agrees to inspect this project during construction to assure compliance with plans
and the to provide sower: the subdivision. The undersigned and specifications be responsible for	SIETLIA PUME 43 NUMBER OF SUBDIVISION Far West Water & Sewer Inc. NAME OF SUBDIVISION WINDEPARTY Service to each and every lot in accordance with the design shown on the attached plats of the sewer system or management of the sewer system or management of the system. Thereby agrees to inspect this project during construction to assure compliance with plans approved by the Arizona Department of Environmental Quality and upon completion share maintenance and operating the system.
and the to provide sower: the subdivision. The undersigned and specifications be responsible for	SIETLIA (ZIME 43 NAME OF SUBDIVISION Far West Water & Sewer Inc. NAME OF SUBDIVISION WINDEPAUTY Service to each and every lot in accordance with the design shown on the attached plats of the substance of the substance with the design shown on the attached plats of the substance with plans approved by the Arizona Department of Environmental Quality and upon completion sharmaintenance and operating the system.
and the to provide sower: the subdivision. The undersigned and specifications be responsible for	SIETLIA PUME 43 NUMBER OF SUBDIVISION Far West Water & Sewer Inc. NUMBER OF SUBDIVISION Far West Water & Sewer Inc. NUMBER OF SUBDIVISION WINDEPAUTY Service to each and every lot in accordance with the design shown on the attached plats of the substance of the substance with plans approved by the Arizona Department of Environmental Quality and upon completion sha

DEPOSITION EXHIBIT

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY WATER QUALITY DIVISION

1110 WEST WASHINGTON STREET - PHOENIX, ARIZONA 85007

DRINKING WATER SERVICE AGREEMENT

To be completed and signed, where appropriate, and submitted with the APPLICATION FOR APPROVAL OF SANITARY FACILITIES FOR SUBDIVISIONS

	SIEHRA MOLE #3
	name of Subdivision
nd:	FAIL WEST WATER & SEWER, INC.
	NAME OF WATER SYSTEM OR MUNICIPALITY
provide water serv	rice to each and every lot in accordance with the design shown on the attached plats of the subdivis
proved by the Arizo	ona Department of Environmental Quality and upon completion shall be responsible for maintenance
oproved by the Arizo peration of the syste	ona Department of Environmental Quality and upon completion shall be responsible for maintenance
pproved by the Arizo	ona Department of Environmental Quality and upon completion shall be responsible for maintenance em: Name Mark Caree Mark Signature Signature Market Market
pproved by the Arize peration of the syste	Name Make Caver Superior Signature Title GEVEN SUPERIOR BLV Address 12406 5 FOOTHULL BLV
pproved by the Arizo peration of the syste	Name MARK KAVENEY NO GLOS TYPE OR PRINT SUPERINT SUPERINT Title GENERAL SUPERINTENPENT



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY CAPACITY ASSURANCE

for Sewage Collection System

J:\simmed\WEDR\APPLICATIONS-CollectionSystems\Notice Of Intent To Discharge -CAPACITY ASSURANCE for Sewage Collection System 2/27/03

Instructions: The owner or operator of the downstream sewage collection system must complete and submit this Capacity
Assurance Form to comply with Arizona Administrative Code (AAC) R18-9-E301(C)(2) when the proposed sewage collection system is under different ownership or control.

1a. Proposed System or Expansion Design Flow: Project Name_SIERRA RIGGE 3	1b. Proposed Sewage Collection System: Name: MARK KAVENEY Position: GENETAL SURGUNTENDENT Responsible Agency: Ext. WEST WHICK & SEWER Address: 12486 S. Fo-Thius Blue Yung Az 85367
Design Flow: 013 (MGD)	728 928 928 928 Telephone No. 305-099 0
2a. Downstream Sewage Collection System Capacity: Capacity Downstream from point were new system or expansion is conected:	2b. Downstream Sewage Collection System: Name: MARIA ICAVENEY Position: GENERAL SURPLANCAPET Responsible Agency: FAIL WENT WATER 1 SEWEY Address: 12476 S. FOOTTRUS BLUD YUMA A1 85567 Telephone No. 305-63 @ Fax No. 305-0996 Flow is based on the design flow for the proposed new system, 301, or system expansion.
3. Capacity Assurance: To be completed by owner/operator	identified in Item "2b" above. that the sewer collection system identified in Item "2b" can 118-9-E301(B) for the increased flow from the proposed system a significant penalties for submitting false information including

1110 West Washington Street, 5415B-3 Phoenix, Arizona 85007 (602)771-4677 1(800)234-5677 Ext. 771-4677

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

Sewage Treatment Facility CAPACITY ASSURANCE

I:\shared\WEDR\APPLICATIONS-CollectionSystems\Notice Of Intent To Discharge -CAPACITY ASSURANCE for Sewage Treatment Facility 2/27/03

Instructions: The owner or operator of the downstream sewage treatment facility must complete and submit this Capacity Assurance Form to comply with Arizona Administrative Code (AAC) R18-9-E301(C)(1).

1. Sewage Treatment Facility:	2. Owner/Operator for Facility Operation:
Name: Vaun SHAPOWS WWTP	Name: MARY KAVEVEY
APP (Aquifer Protection Permit) Number: P_103608	Position: (NEMEMAL SURCIUMENTEMENT
AZPDES Permit Number:	Firm Name: Grands Worken & South, Inc.
ADEQ Site Code:	Address: 12486 S. Formus RUP
Address: 9700 E. 4014 ST	Yung az 85367
YUMA AZ 85367	
	Telephone No. 365-03-2 Fax No. 365-099 0
Telephone No Fax No	
3. Facility Capacity:	4. Proposed Subdivision or other project:
Current 208 Plan* Approved Capacity: 1200 (MGD)	Name: SIEMA MIRE #3
Constructed Capacity: 1200 (MGD)	Design Flow: , 013
APP Approved Capacity: 1200 (MGD)	(mou) Provide list of all previously approved subdivisions, commercial
AZPDES Discharge Limit:/A(MGD)	and industrial customers and associated design flows.
Operational Flow: , 092 (MGD)	Total Design Flow Connected to Facility: 153 (MGD)
*Areawide Wastewater Management Plan, per Section 208 of the Clean Water Act (State only capacity indicated in current approved plan on file with the Designated Management Agency)	213.87 GAD/Lot
Capacity is expressed in million gallons per day (MGD) based on to expressed in MGD based on the maximum monthly average flow for the proposed subdivision as submitted in accordance with AAC R1	r the last 12 months. Design Flow is based on the design flow for
 Facility Plan and Schedule to Construct Additional Capa greater than APP approved capacity) 	city: (Provide detail if total design flow connected to facility is
6. Capacity Assurance: To be completed by owner/operator id	entified in Item "2" above.
, More you after the sewer collection system serving the proposed subdivision individual permit to be exceeded. I am aware that there are significant revocation as well as the possibility of fine and imprison	mificant penalties for submitting false information including
mich	1-29-05
Signature	Date

1110 West Washington Street, 5415B-3 Phoenix, Arizona 85007 (602)771-4677 1(800)234-5677 Ext. 771-4677

Mark Kaveney
Deposition Exhibits

Exhibit 10

APR-06-2005 13118

Y C DEV. SERVICES

528 728 5801

P. 02/92

Novid Abstrict Director (\$28) 339-2200 FAX: (\$30) 728-5826



Yuma County, Arizona DEPARTMENT OF DEVELOPMENT SERVICES

2703 S. Avenue B - Yuma, Arizona 85384

CHLORINE RESIDUAL TEST

LOCATION: Sierra Ridge Subdivision, Yuma, AZ 85367

DATE: 29 March 2005

TIME: 1000

ADEQ NUMBER: WL-SR05-0027

W1.-SR05-0028

PIPE LENGTH: 3000' 3000'

PIPE SIZE: 6"

ים

NAME OF CONTRACTOR: Noll Construction Co.

Note: A total of ten (10) tests were conducted on this system,

ADDRESS: 12471 S Prontage Rd, Yuma, AZ 85367

THE FOLLOWING IS THE RESULTS OF THE TEST:

TIME	PPM
ONE MINUTE	>200
TWO MINUTES	>200
Three minutes	>200
FOUR MINUTES	>260
FIVE MINUTES	· >200

SIGNATURE:

Steven Milatead

Environmental Health Technician



(VIII) X24-7802 FAC (128) 317-8302

Ratery and a part of the part

700 0070 200 (1864) 330-5386

Food Control Dievin (MAI 200-ANA) (MAI (MAI) 710-162-TOTAL P. 02

PAGE 01

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84/87/2885 14:12

Mark Kaveney
Deposition Exhibits

Exhibit 11

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AGRI-TREND LLC 4341 East 30th Place • Yuma, Arizona 85365 • (928) 317-1127 • Fax: (928) 317-1329

Rex Noll 12471 South Frontage Rd. Yuma, AZ 86367

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	Rex Noll				
Sampler Name					
Sierra R	idge Sub Lot # 85				
Sampling Site ID					
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Mark Kaveney
Deposition Exhibits

Exhibit 12

YUMA TERRITORIAL ENGINEERING, P.C. 1420 S. 5th Avenue Yuma, Arizona 85364

Ph. (928) 329-9097 Fax (928) 539-0150

WATER LINE PRESSURE TEST **VERIFICATION**

Project Information
Project Name Sierra Ridge Subdivision Phase I
Contractor Name Noll Construction Co.
Project # <u>0434</u>
Date 4/5/05
Initial Pressure 150 psi
Initial Time 12:03 P.M.
Final Pressure 150 psi
Final Time 2:03 P.M.
Additional Information Entire System was tested at one time. No Leakage observed.





Mark Kaveney
Deposition Exhibits

Exhibit 13

YUMA TERRITORIAL ENGINEERING, P.C.

VISION AND EXCELLENCE IN CIVIL ENGINEERING

	F	AX T	RANSM	ITTAL			
TO:			PRONE				
Brian Hou	Brian Householder Francisco Galindo						
COMPANY:			DATE:				
Spartan Homes and Construction			A]	April 11, 2005			
FAX NUMBER:			TOTAL NO. OF PAGES INCLUDING COVER:				
342-3329			9				
SUBJECT:			Y/E JOS	NUMBER			
Sierra Ridg	Sierra Ridge Sewer Testing 0434						
□ urgent	□ FOR REVIEW	□ PLEAS	E COMMENT	DPLEASE REPLY	FOR YOUR INFO.		
NOTES COMMENT	τ,						

Included are the waterline pressure test results gravity sewer exfiltration test results for the entire subdivision except for the sewer sections described in the Engineer's Certificate of Testing.

1420 S. 5TH AVENUE • YUMA, ARIZONA 85364 • PHONE (928) 329-9097 • FAX (928) 539-0150 e-mail: ytey@c2t2.com





YUMA TERRITORIAL ENGINEERING P.C. Vision and Excellence in Civil Engineering

ENGINEER'S CERTIFICATE OF TES

Project Name: Sierra Ridge Subdivision Phase 1

Contractor's Name: Noll Construction Co.

Project Location: S. Frontage Road and Avenue 12E

Yuma Territorial Project No. 0434

Construct approximately 5,460 LF of 8" PVC sewer line, 3,315 LF 6" Project Description: PVC waterline, 3,709 LF 8" PVC waterline.

This is to certify the I, Francisco Galindo, a Professional Engineer registered in the State of Arizona (Registration No. 23226) to the best of my knowledge and belief or that of my inspector, know that testing on the above-described project has been substantially completed, and materials used and installed are in conformance with the approved plans and specifications.

Exfiltration, pressure testing, and bacteriological, chlorination residual results are included. Deflection testing of the sewer lines is still required. 170 LF of 8" sewer main located at the north end of Sally Drive and 382 LF of 8" sewer main located in both Cul-de-sacs on Sally Dr. still require low-pressure air testing.

Testing and were witnessed by:

Francisco Galindo, P.E., Fred Stevens Jr., E.I.T., Vidal Ochoa, Yuma Territorial Engineering.

Date of this Certification

Signature

Engineer's Address: Yuma Territorial Engineering, P.C.

1420 S. 5th Avenue Yuma, Arizona 85364

1420 SOUTH 5TH AVENUE - YUMA, ARIZONA 85364 - PHONE: (928) 329-9097 - FAX: (928) 539-0150

Mark Kaveney
Deposition Exhibits

Exhibit 14

SEWER LINE TESTING DATE 3/31/05

LOCATION Sally Drive MH #19 to MH #20 LENGTH 280 LF DURATION(8 MIN) SIZE: 8" PVC

START TIME:

9:47 AM

INITIAL PRESSURE:

5.0 PSI Passed

FINAL TIME:

9:55 AM

FINAL PRESSURE:

5.0 PSI

LOCATION 35TH Street MH #19 to MH #5 LENGTH 416.22 LF DURATION (13 MIN) SIZE: 8" PVC

Passed

Passed

Passed

START TIME:

INITIAL PRESSURE:

10:20 AM

5.0 PSI

10:33 AM

FINAL TIME: FINAL PRESSURE:

5.0 PSI

LOCATION 34th Place MH #20 to MH #6 LENGTH 416.23 LF DURATION(13 MIN) SIZE: 8" PVC

START TIME:

12:28 PM

INITIAL PRESSURE:

5.0 PSI

FINAL TIME:

12:41 PM

FINAL PRESSURE:

5.0 PSI

LOCATION La Primera Av. MH #6 to MH #7 LENGTH 280 LF DURATION(8 MIN) SIZE: 8" PVC

START TIME:

1:03 PM

INITIAL PRESSURE:

5.0 PSI

FINAL TIME:

1:11 PM

FINAL PRESSURE:

5.0 PSI

LOCATION 33RD Place MH #8 to MH #9 LENGTH 260 LF DURATION (8 MIN)

SIZE: 8" PVC

START TIME:

2:36 PM

INITIAL PRESSURE:

5.0 PSI

Passed

FINAL TIME:

2:44 PM

FINAL PRESSURE:

5.0 PSI

DEPOSITION EXHIBIT

KAV0027

SEWER LINE TESTING DATE 3/31/05

LOCATION 33RD Place MH #9 to MH #10 LENGTH 156.23 LF DURATION(8 MIN) SIZE: 8" PVC

START TIME:

3:00 PM

INITIAL PRESSURE:

5.0 PSI

FINAL TIME:

3:08 PM

FINAL PRESSURE:

5.0 PSI

LOCATION Sally Drive MH #10 to MH #11 LENGTH 260 LF DURATION(8 MIN)

SIZE: 8" PVC

START TIME:

3:26 PM

INITIAL PRESSURE:

5.0 PSI

Passed

Passed

Passed

FINAL TIME:

3:34 PM

FINAL PRESSURE:

5.0 PSI

LOCATION 33RD Street MH #11 to MH #12 LENGTH 340 LF DURATION(9 MIN)

SIZE: 8" PVC

START TIME:

3:51 PM

INITIAL PRESSURE:

4.0 PSI

FINAL TIME:

4:00 PM

FINAL PRESSURE:

4.0 PSI

LOCATION 33RD Street MH#12 to MH#13 LENGTH 341.23 LF DURATION(9 MIN) SIZE: 8" PVC

START TIME:

4:19 PM

INITIAL PRESSURE:

5.0 PSI

Passed

Passed

FINAL TIME:

4:28 PM

FINAL PRESSURE:

5.0 PSI

LOCATION Helen Drive MH #13 to MH #14 LENGTH 260 LF DURATION: (8 MHN)

SIZE: 8" PVC

START TIME:

4:43 PM

INITIAL PRESSURE:

5.0 PSI

FINAL TIME:

4:51 PM

FINAL PRESSURE:

5.0 PSI

KAV0028

SEWER LINE TESTING DATE 3/31/05

LOCATION 33RD Place MH #14 to MH #8 LENGTH 270 LF DURATION(8 MIN) SIZE: 8" PVC

START TIME:

5:05 PM

INITIAL PRESSURE:

5.0 PSI

5-12 DN

FINAL TIME: FINAL PRESSURE:

5:13 PM 5.0 PSI

LOCATION Helen Drive MH #15 to MH #16 LENGTH 500 LF DURATION(13 MIN) SIZE: 8" PVC

START TIME:

6:06 PM

INTITIAL PRESSURE:

4.0 PSI

Passed

Passed

Passed

FINAL TIME:

6:19 PM

FINAL PRESSURE:

4.0 PSI

LOCATION Lynn Drive MH#9 to MH#21 LENGTH 190 LF DURATION(8 MIN) SIZE: 8" PVC

START TIME:

6:38 PM

INITIAL PRESSURE:

4.5 PSI

FINAL TIME:

6:46 PM

FINAL PRESSURE:

4.5 PSI

SEWER LINE TESTING DATE 4/05/05

LOCATION La Primera Av. MH #5 to MH #6 LENGTH 280LF DURATION(8 MIN) SIZE: 8" PVC

START TIME:

12:12 PM 5.0 PSI

INITIAL PRESSURE:

Passed

FINAL TIME:

12:20 PM

FINAL PRESSURE: 4.0 PSI

LOCATION La Primera Av. MH#7 to MH# 8 LENGTH 448.13 LF DURATION(13 MIN) SIZE: 8" PVC

START TIME:

INITIAL PRESSURE:

10:28 AM 5.0 PSI

Passed

Passed

FINAL TIME:

10:41 PM

FINAL PRESSURE:

4.0 PSI

LOCATION Hellen Drive MH #14 to MH #15 LENGTH 500 LF DURATION(16 MIN) SIZE: 8" PVC

START TIME:

1:04 PM

INITIAL PRESSURE:

5.0 PSI

FINAL TIME:

1:20 PM

FINAL PRESSURE:

5.0 PSI

Mark Kaveney
Deposition Exhibits

Exhibit 15

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY CERTIFICATE OF APPROVAL OF SANITARY FACILITIES FOR SUBDIVISION

SUBDIVISION: Sierra Ridge-Phase 1&2, (Lots 1 - 113)

LOCATION: South Avenue 12E. & South Frontage Road

TOWN: Foothills

COUNTY: Yuma

SECTION 9 TOWNSHIP 9S RANGE 21W

SUBDIVIDER: Brian Householder, 11858 Via Loma Vista

Water Supply By: Far West Water Company (PWS No. 14-004)

Sewage Disposal By: Palm Shadows WWTP (P103608)

Garbage Disposal By: Suburban Sanitation

The sanitary facilities of water supply, sewage disposal and garbage disposal as represented by the approved plan documents on file with the Arizona Department of Environmental Quality are hereby approved subject to the following Provision:

No "discharge" to the "waters of the United States" pursuant to Sections 301, 309, 402, 404, and 502 of the federal Clean Water Act (CWA) are authorized by this approval. If this project results in discharge to these waters, CWA permits are necessary before commencing the discharge, pursuant to the Code of Federal Regulations Titles 33 and/or 40. Any construction in a watercourse shall comply with all terms and conditions of the Section 404 Permit program which is administered by the U.S. Army Corps of Engineers.

This Certificate of Approval does NOT constitute an Individual or General Aquifer Protection Permit for the sewage collection system incorporated in this subdivision (see separate Provisional Verification of General Permit Conformance).

Stephen A. Owens, Director Arizona Department of Environmental Quality

for Michele Ribertson, Manager

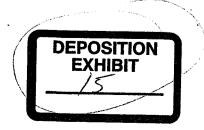
Residential and Industrial Wastewater Unit Water Permits Section, Water Quality Division Date Approved

CERTIFICATE DISTRIBUTION

Original Certificate and Plat:

Engineering Review File No. 20040788

Engineer: Fred Survens, Yuma Territorial Engineering



Mark Kaveney
Deposition Exhibits

Exhibit 16



Yuma County, Arizona DEPARTMENT OF DEVELOPMENT SERVICES

2351 W. 26th Street, Yuma, Arizona 85364 Phone: (928) 817-5000 Fax: (928) 817-5020

Monty M. Stansbury, AICP

Director

APPROVAL OF CONSTRUCTION (AOC)

Project Name:

Sierra Ridge #1 & 2

Project Description:

Install 2,947 If 6" and 3,836 If of 8" water line

Location:

S. Avenue 12E & South Frontage Road

Project Owner:

Brian Householder

Address:

11858 Via Loma Vista

Yuma County Development Services (YC DDS) hereby issues an Approval of Construction for this facility based on the following provisions of the Arizona Administrative Code (A.A.C.) R18-4-507 et seq.

On 12/09/2004, (YC DDS) issued a Certificate of Approval to Construct for the referenced project.

On 04/12/2007, Certificate of Completion and testing results were submitted to YC DDS

On 04/11/2005, Francisco Galindo, P.E. certified the following:

- A final construction inspection was conducted on 04/09/2005
- The referenced project was constructed according to the approved plans and specifications and YC DDS's Certificate of Approval to Construct;
- Water system pressure and leakage tests were conducted on 04/05/2005 and the results were within the allowable leakage rates;
- The water distribution system was disinfected according to an ADEQ-approved method: and
- Microbiological samples were collected and analyzed by Agri-Trend, The sample results were negative for total coliform.

This Approval of Construction authorizes the owner to begin operating the above-described facilities as represented in the approved plans on file with YC DDS. Be advised that A.A.C. § R18-4-124 requires the owner of a public water system to maintain and operate all water production, treatment and distribution facilities in accordance with ADEQ Safe Drinking Water Rules.

YC DDS File Number: PR04-0497

Rick Stacks, R.S.

04/12/2007 Date Approved :

Environmental Health Manager

cc:-- County Planning and Zoning Department ADEQ - DWFEIU Facility File YC DDS

P:/Bidg Safety/Env Health/EH Letters/Plans Review/AOC's/2007/Sierra Ridge 1&2 (113)(04).doc

Monty M. Stansbury, AICP Planning Director Planning & Zoning Fax: (928) 817-5157

Curtis Cansler Chief Building Official Building Safety Fax: (928) 817-5050

Roger A. Patterson, P.E. Engineering Division/Flood Control District Fax: (928) 817-5109

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0510-885-826

Yuma TerritorialEngineers

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Mark Kaveney
Deposition Exhibits

Exhibit 17

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FAR WEST WATER & SEWER, INC.

April 14, 2005

Yuma County Development Services 2703 S. Avenue B Yuma, AZ 85364

RE:

Far West Water & Sewer, Inc. Acceptance Letter Sierra Ridge Units 1 & 2

•

To Whom It May Concern:

Far West Water & Sewer, Inc. is granted the Certificate of Convenience and Necessity (CC&N) by the Arizona Corporation Commission to provide water and sewer utility services to Sierra Ridge Units 1 & 2.

All necessary documents, test results, and as-built drawings have been received by Far West Water & Sewer, Inc., and as such, Far West Water & Sewer, Inc. accepts the completed improvements into the water and wastewater system. Utility services can be requested for all lots as needed.

Should you have any questions or concerns, please contact me at 928-342-1238.

Sincerely,

M

Mark Kaveney
General Superintendent

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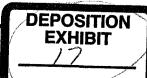
13157 E. 44th Street . Yuma, Arizona 85367 . Tel 928-342-1238 . Fax 928-342-7108

Received 04-15-05 01:10pm

From-9283423329

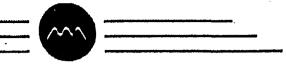
To-Yuma County Developm

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Mark Kaveney
Deposition Exhibits

Exhibit 18



FAR WEST WATER & SEWER, INC.

October 8, 2006

Mr. Brian Householder Sierra Ridge

RE: Main Line Extension Agreement

Dear Brian.

I am in the midst of generating a Main Line Extension Agreement for you regarding Sierra Ridge 1 & 2. This agreement will pay you back for the infrastructure you installed in your subdivision. The payback is based on usage over a period of 10 years for water, and 20 years for sewer. The water agreement falls under ACC rules and regulations, and must be submitted by Far West Water & Sewer for ACC approval. The sewer agreement is strictly between the Developer and Far West Water & Sewer, not governed by the ACC. Upon completion of the agreements; I will request your signature so I can submit to the ACC.

As I have been generating the Main Line Extension Agreement, I have noticed that I am missing some of the required documents to complete the agreement. You submitted to me in March of this year the "Engineers Estimated Costs" for Sierra Ridge. What I need from you or your engineer is the "Actual" costs for the infrastructure that you installed. This would include, but not be limited to, any and all invoices relative to this project. It would be of great help if you or your engineer could separate the water from the sewer, as this will allow for a more timely generation of the agreement. Also, I noticed that all of the documents you have already submitted to me are regarding Sierra Ridge 1. No where is there any indication of Sierra Ridge 2.

I would like to get this Main Line Extension Agreement implemented as soon as possible, as I am sure you would like to see the same. Your help and cooperation in this matter will be beneficial to both of us and greatly appreciated.

If you should have any other questions or concerns, please contact me at (928) 342-1238.

Sincerely,

Mark Kaveney

General Superintendent

DEPOSITION EXHIBIT

13157 E. 44th Street •

Yuma, Arizona 85367 •

Tel 928-342-1238

Fax 928-342-7108

Mark Kaveney
Deposition Exhibits

Exhibit 19

COMMISSIONERS

JEFF HATCH-MILLER - Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES



BRIAN C. McNEIL

ARIZONA CORPORATION COMMISSION

February 8, 2005

Mr. Mark Kaveney
Far West Water & Sewer, Inc.
12486 South Foothills Boulevard
Yuma, Arizona 85367

Dear Mr. Kaveney:

The enclosed Main Extension Agreement between Far West Water & Sewer, Inc., and AB-SUB Development, Inc. has met the provisions of A.A.C. R14-2-406, or company approved tariffs, and is approved, excepting those provisions, if any, not within the jurisdiction of the Arizona Corporation Commission.

A copy of this agreement will remain on file in the Utilities Division's Central Files.

Sincerely,

Brackley D. Morton

Bradley G. Morton
Public Utility Consumer Service Analyst II
Utilities Division

BGM:cal

Enclosures

cc: Brian Bozzo

DEPOSITION EXHIBIT

1200 WEST WASHINGTON STREET: PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347



FAR WEST WATER & SEWER.

WATER MAIN EXTENSION AGREEMENT

This agreement, made and entered into this 31 day of January, 2005, by and between Far West Water & Sewer, Inc. (hereinafter referred to as "the Company", and AB-SUB Development, Inc. (hereinafter referred to as "the Applicant") whose address is

> 11463 S. Foothills Blvd Yuma, .AZ 85367

WITNESSETH:

1. The Company will inspect, approve, and accept, subject to Policy #1215-96, an extension to its water distribution facilities as follows:

Estrella at Mesa Del Sol Unit 2

- A. Map of extension area attached
- Estimated Start Date: August 2004
- С. Estimated Completion Date: January 2005
- 2. Applicant will install water line improvements according to Far West Water's specifications and practices. Upon receipt of Far West Water Acceptance Letter for the improvements, and the signing of this agreement, the Company will agree to repay to the Applicant as a Refundable Advance in Aid of Construction, the total amount of \$166,364.00). (One hundred sixty six thousand three hundred sixty four and xx/100.) Receipt of which is hereby acknowledged by the Company, which which is hereby acknowledged by the Company, which represents (description and cost involved):
 - Α. Materials: 5478' 6" C900, 16 6" valves, 2007' 8" C900, 7 8" valves, 1410' 12" C900, 3 12" valves, 8 fire hydrants, 126 services, 5 type "B" blowoffs
 - В. Labor: See attached cost sheet
- 3. Refunds for advances in aid of construction pursuant to this agreement shall be made in accord with the following method: The Company shall each year pay to the party making an advance under a main extension agreement, or that party's assignees or successors in interest where the Company has received

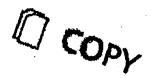
Only the cover page of this agreement is being filed with the ACC on November 30, 2009.

A full copy of the agreement has been provided to counsel for Spartan Homes and is being provided to the Hearing Officer.

Mark Kaveney
Deposition Exhibits

Exhibit 20

FAR WEST WATER & SEWER, INC



SEWER MAIN EXTENSION AGREEMENT

This agreement, made and entered into this 25 day of January, 2005, by and between Far West Water & Sewer, Inc. (hereinafter referred to as "the Company"), and H&S Developers (hereinafter referred to as "the Applicant") whose address is

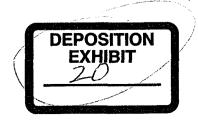
12486 S. Foothills Blvd Yuma, AZ 85367

WITNESSETH:

1. The Company will inspect, approve, and accept an extension to its sewer collection facilities as follows:

Dominos Lift Station

- A. Map of extension area attached
- B. Estimated Start Date: July 1999
- C. Estimated Completion Date: July 1999
- 2. The Applicant will install sewer line improvements according to Far West Water's specifications and practices. Upon receipt of Far West Water Acceptance Letter for the improvements, and the signing of this agreement, the Company will agree to repay to the Applicant as a Refundable Advance in Aid of Construction, the total amount of \$10,000.00). (Ten thousand and xx/100.) Receipt of which is hereby acknowledged by the Company, which represents (description and cost involved):
 - A. Materials: 1 Sewage lift station
 - B. Labor: See attached cost sheet
- Refunds for advances in aid of construction pursuant to this agreement shall be made in accord with the following method: The Company shall each year pay to the party making an advance under a main extension agreement, or that party's assignees or other successors in interest where the Company has received notice and evidence of such assignment of succession, an amount equal to five per cent (5%) of the total gross annual revenue from sewer fees to each bonafide



Only the cover page of this agreement is being filed with the ACC on November 30, 2009.

A full copy of the agreement has been provided to counsel for Spartan Homes and is being provided to the Hearing Officer.

Far West Water & Sewer, Inc. Docket No. WS-03478A-08-0256

Mark Kaveney
Deposition Exhibits

Exhibit 21

2261782.1

COUNTY APPROVAL 'SUBDIVISION TO BE SERV. BY INDIVIDUAL ON-SITE WASTEWATER TREATMENT FACILITIES (ADEQ Form 113-S)

This form is to be filled out, signed and SUBMITTED TO ADDQ in accordance with Arizona Administrative Code (A.A.C.) R18-5-408(E)(3) with any Application for Approval of Santiary Pacifities for Subdivision for which the proposed method of wastewater treatment requires owners of some or all lots within the proposed subdivision to install Individual On-Site Wastewater Treatment Facilities.

install Individual On-Site Wastewater Treatment Facilities.
1. SUBDIVISION NAME: Sierra Ridge Subdivision Phase I & II (SPECIFIC AS TO UNIT OR PHASE NUMBER)
2. TOTAL NUMBER OF LOTS IN PROPOSED SUBDIVISION: 113
3. TOTAL NUMBER OF LOTS PROPOSED FOR INDIVIDUAL ON-SITE WASTEWATER TREATMENT FACILITIES: 113
3. COUNTY STATEMENT OF CONCEPTUAL APPROVAL:
Plans and supporting data for the above project have been reviewed by the
Yuma County Development Services Dept. of Environmental Health (NAME OF COUNTY HEALTH DEPARTMENT OR OTHER DELEGATED AGENCY)
and county approval of Sieffa Ridge Phase I & II subdivision for the use of individual do-site wastewater treatment and disposal systems is granted. An Approval of Sanitary Facelities for Shedivision must be essued by the abuzona department of enveronmental quality eripore application can be made to the delegated agency to obtain approval of septic system or other individual on-site wastewater treatment facilities for specific lots within the subject subdivision. According to a.a.c. rif-9-audiqui(a)(a), no residential construction can proceed until a septic system or other nonvidual on-site wastewater treatment facelities have been sseed a provisional versecation of general fermit conformance.
County Comments Collection of Stern Water will Take.
flace in Minution bosin's located Throughout
Place in PETINTION hospies located throughout Subdivision - No ONSITE PETENTION Will Take P. P.S. Place. SEARL 15 NOT QUE Table in the bresselfe form PS
Continued on Attachment DNo DYes (Pages)
Name of County Official (type or print) - (1516, 155, 16.5.
Signature of County Official D. C. Control of County Official
Title of County Official R.J. Stacks, R.S. Environmental Health Manager
Address 2717 S. Avenul B
City Yulma, AZ- Zip Code 8:364
Date 10.8.04

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, ENGINEERING REVIEW DESK.
1110 West Washington Street (5415B-3), Phoenix, Arizona 85007 (602)771-4677 1(800)234-5677;4677

ADEQ/WQD-113-S (REV.2/02) 1:1WEDR/APPLICATIONS-Subdivisions/County/Contemplate/Approval/090 asia:Subdivision-113S

Yuma TerritorialEngineers 928-539-0150

DEPOSITION EXHIBIT

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Far West Water & Sewer, Inc. Docket No. WS-03478A-08-0256

Mark Kaveney
Deposition Exhibits

Exhibit 22

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Signature:

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12486 Foothills Blvd., Yuma, AZ 85367 Office (928) 342-1238

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PROVISIONS: This approved release must be presented at Final Inspection by Yuma County. The issuance of this release shall not be construed to release the owner or the owner's agents from the obligation to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction.

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this release and all information is correct. I further certify that I have read, understand and will comply with all of the provisions outlined above.

Owner or Agent:

Signature:

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Owner or A	gent:	Signature:		Date:	

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	in the Samuel Company			
FAR WEST SEWE 12486 Foothills Blvd., Yuma, AZ 85			49	797
Office (928) 342-1238			TAICIDE	
				ON RELEASE
Owner's Name:	Address:	City	: State/Zip	: Tel. No:
Job Address:	Subdivis	ion#:	•	Lot#: 1
1234 JAN	MA DR.	Site	PA PULL	E
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3 p.m. ONLY. Site must be	e excavated. Pipe must	be cut and cle	ar. Service must be	e ready to connect.
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PROVISIONS: This approved release shall not be construed to of all laws and ordinances, incluconstruction.	release the owner or the o	wner's agents fro	m the obligation to co	mply with the provision
I hereby certify that I an tion is correct. I further certify	n the owner or duly author	ized owner's ager	nt, that I have read thi	s release and all informa

Signature:

Owner or Agent:

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	WEST SEWER hills Blvd., Yuma, AZ 85367			4965)
Office (92	28) 342-1238		. IN	SPECTION	RELEASI
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12486 Foothills Blvd., Yuma, AZ 853 Office (928) 342-1238		INSI	PECTION	RELEAS
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	Subdivision	#:	Lo	ot#:
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Contractor's Name: A FAR WEST SEWER INS 3 p.m. ONLY. Site must be	PECTION: Allow 24 hr excavated. Pipe must be	s. for inspection. No	Monday through	Friday, 8 a.m. 1
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FAR WEST SEWER

12486 Foothills Blvd., Yuma, AZ 85367 Office (928) 342-1238 Sewer Plant (928) 345-0672

INSPECTION RELEASE

5773

Owner's Name: Address: City: State/Zip: Tel. No:

Job Address: Subdivision#: Lot#:

11269 Sqll, PC SR Sk

Contractor's Name: Address: City: State/Zip: Tel. No:

FAR WEST SEWER INSPECTION: Allow 24 hrs. for inspection. Monday through Friday, 8 a.m. to 3 p.m. ONLY. Site must be excavated. Pipe must be cut and clear. Service must be ready to connect.

Date: 11-15-05 Approved By FWS: Pass Bracky Skinbard

PROVISIONS: This approved release must be presented at Final Inspection by Yuma County. The issuance of this release shall not be construed to release the owner or the owner's agents from the obligation to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction.

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this release and all information is correct. I further certify that I have read, understand and will comply with all of the provisions outlined above.

Owner or Agent:

Signature:

ADDRESS 1440 E. 335 PL SHOWD BE CONTRACTOR FILMINATOR PHONER 343-9729 REQUEST DATE 9/34 /55 INTITIAL B. PASS OR FAIL THE 257 INSPECTION DATE 9-26 COMMENT NO INSPECTION FILES FAR WEST SEWER 12466 Feotbills Bird. Yuma, AZ 85367 Office 0283 943-0672 Owner's Name: Address: Subdivision#: Lot#: 1440 E. 35 PL State/Zip: Tel. No: Subdivision#: Lot#: 158 PRA PLOKE Contractor's Name: Address: City: State/Zip: Tel. No: Contractor's Name: Address: City: State/Zip: Tel. No: Approved By FWS: PASS DATE Of the substance of this release shall not be construed to release the owner or the owner's agents from the obligation to comply with the provisi of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance construction. Thereby certify that I am the owner or duly authorized owner's agent, that I have read this release and all inforn iton is correct. I further certify that I am the owner or duly authorized owner's agent, that I have read this release and all inforn iton is correct. I further certify that I am the owner or duly authorized owner's agent, that I have read this release and all inforn iton is correct. I further certify that I am the owner or duly authorized owner's agent, that I have read this release and all inforn iton is correct. I further certify that I am the owner or duly authorized owner's agent, that I have read this release and all inforn iton is correct. I further certify that I am the owner or duly authorized owner's agent, that I have read this release and all inforn iton is correct. I further certify that I have read, understand and will comply with all of the provisions outlined above Owner or Agent: Date:						
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Contractor's Name: Address	s: City:	State/Zip:	343-9929
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12486 Foothills Blvd., Yuma, AZ 8. Office (928) 342-1238	5367	٠.	INSPECT	rion :	RELEASE
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Owner's Name:	Address:	City:	State/Zip:	Tel. No:
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Contractor's Name: A	ddress:			343 9920
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Date: 1-18-06 Approved By FWS: 1255 Stander Standard Sta

PROVISIONS: This approved release must be presented at Final Inspection by Yuma County. The issuance of this release shall not be construed to release the owner or the owner's agents from the obligation to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction.

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this release and all information is correct. I further certify that I have read, understand and will comply with all of the provisions outlined above.

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SIERRA PIDONE

ADDRESS 11287 AVAMDA LA PRIMAPA

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FAR WEST SEWER

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12486 Foothills Blvd., Yuma, AZ 85367 Office (928) 342-1238

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Owner's Name:	Address:	. C	City: S	state/Zip:	Tel. No:
Job Address:	Subdivi	sion#:		Lo	t#:
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PROVISIONS: This approved release must be presented at Final Inspection by Yuma County. The issuance of this

PROVISIONS: This approved release must be presented at Final Inspection by Yuma County. The issuance of this release shall not be construed to release the owner or the owner's agents from the obligation to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction.

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Owner or Agent:

Signature:

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ADDRESS 11293 AVANDA VA PRIMARA

CONTRACTOR FILMINATOR

PHONE#343-9929

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FAR WEST SEWER

12486 Foothills Blvd., Yuma, AZ 85367 Office (928) 342-1238

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Contractor's Name:	Address:	City: St	ate/Zip: Te	1. No: 3-9929
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PROVISIONS: This approved release must be presented at Final Inspection by Yuma County. The issuance of this release shall not be construed to release the owner or the owner's agents from the obligation to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction.

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this release and all information is correct. I further certify that I have read, understand and will comply with all of the provisions outlined above.

Owner or Agent:

Signature:

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12486 Fo	oothills Blvd., Yuma, AZ 853	*		4 962	
Office	(928) 342-1238		INS	SPECTION	RELEASE
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Signature:

Owner or Agent:

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ĭ	hereby certify that I	I am the owner or duly authorize ify that I have read, understand	ed owner's agent, that I and will comply with a	have read this relea Il of the provisions	se and all information outlined above.
Owner o	r Agent:	Signature:		Date:	

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PROVISIONS: This approved release must be presented at Final Inspection by Yuma County. The issuance of this release shall not be construed to release the owner or the owner's agents from the obligation to comply with the provisions of all laws and ordinances, including federal, state and local jurisdictions, which regulate construction and performance of construction.

I hereby certify that I am the owner or duly authorized owner's agent, that I have read this release and all information is correct. I further certify that I have read, understand and will comply with all of the provisions outlined above.

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I hereby certify that I am the owner or duly authorized owner's agent, that I have read this release and all informa-

tion is correct. I further certify that I have read, understand and will comply with all of the provisions outlined above.

Signature:

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Owner or Agent:

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FAR WEST SEWER

COMMENT

12486 Foothills Blvd., Yuma, AZ 85367 Office (928) 342-1238 5987

INSPECTION RELEASE

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I hereby certify that I am the owner or duly authorized owner's agent, that I have read this release and all information is correct. I further certify that I have read, understand and will comply with all of the provisions outlined above.

Owner or Agent:

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Brian Householder 11858 Via Loma Vista Yuma AZ 85367 928-342-3329

SIERRA RIDGE 1

LOT#	PAID	DATE	4004/2007
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48			11/16/2005
49			2/23/2006
50			10/31/2005
51	•		2/23/2006
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62			4/20/2006
63			1/11/2006
64			11/21/2005
65			11/17/2005
66			11/17/2005
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68			3/1/2000
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72			-{
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Brian Householder 11858 Via Loma Vista Yuma AZ 85367 928-342-3329

SIERRA RIDGE 1

PALM SHADOWS WWTP

LOT#	PAID	DATE	CONNECTION DATE:
93			
94			2/23/2006
95			3/8/2006
96			3/8/2006
97		·	
98			
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110			3/7/2006
111			3/7/2006
112			
113			9/9/2005

Total Owed \$ 107,350.00 113 Lots

Total Paid \$

<u>Balance Due</u> \$ 59,850.00 63 Lots

Brian Householder 11858 Via Loma Vista Yuma AZ 85367 928-342-3329

SIERRA RIDGE 1

PALM SHADOWS WWTP

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Far West Water & Sewer, Inc. Docket No. WS-03478A-08-0256

Mark Kaveney
Deposition Exhibits

Exhibit 23

2261782.1

January 8, 2004

Mr. Brian Householder

RE: Water and Sewer Fees

Dear Mr. Householder.

As per your request, the following are the required fees for establishing water and sewer service within your proposed development:

Sewer Capacity Fee: \$950.00 per lot

Water Line Tap Fee: \$900.00 per lot

The Water and Sewer main lines shall be installed at the expense of the developer. This expense will be paid back to the developer over a ten year period through a Line Extension Agreement. The Water and Sewer mains shall carry a one year warranty by the developer. After the one year warranty period, the Water and Sewer mains shall be deeded to Far West Water and Sewer, Inc.

As the lots are developed, the following fees will be required:

Water meter installation fee: \$330.00 Account establishment fee: \$25.00

Sewer Service establishment fee: \$20.00

Account establishment fee: \$30.00

Please note that Sewer service requires a minimum fee of \$240.00 per year. This is payable at \$20.00 per month. Water base fees are \$15.53 per month plus a usage fee of \$1.63721 per 1000 gallons.

If you should have any other questions or concerns, please contact me at (928) 342-1238.

Sincerely,

Mark Kaveney General Superintendent



Far West Water & Sewer, Inc. Docket No. WS-03478A-08-0256

Mark Kaveney
Deposition Exhibits

Exhibit 24

2261782.1

July 9, 2004

Mr. Brian Householder Sierra Ridge

RE: Intent to Serve Sewer Service

Dear Mr. Householder,

Far West Water and Sewer, Inc. will provide sewer service to the Sierra Ridge proposed development and enter into a sewer service agreement after the following requirements have been met:

Far West Water & Sewer, Inc. has assured that the Palm Shadows WWTP has adequate capacity for the proposed development; and

Far West Water & Sewer, Inc. has assured that the Palm Shadows WWTP has an adequate and ADEQ approved means of wastewater effluent disposal.

If you should have any other questions or concerns, please contact me at (928) 342-1238.

Sincerely,

Mark Kaveney General Superintendent

