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Corporation Commission
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DOCKETED BY

ARIZONA CORPORATION
COMMISSION
REGULATORY CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF JOHNSON UTILITIES, L.L.C. DBA
JOHNSON UTILITIES COMPANY FOR AN
EXTENSION FOR ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE WATER AND WASTEWATER
SERVICE TO THE PUBLIC IN THE
DESCRIBED AREA IN PINAL COUNTY,
ARIZONA

Docket No: WS-02987A-99-0583

**FOURTH AMENDED
APPLICATION**

1. On October 15, 1999, Johnson Utilities, L.L.C. ("the Company") filed an Application requesting an extension of its existing Water and Wastewater Certificate of Convenience and Necessity.
2. On November 1, 1999, the Company filed an Amended Application revising the requested expansion area.
3. On June 15, 2000, the Company filed a Second Amended Application revising the requested expansion area.¹
4. On July 5, 2000, the Company filed a Third Amended Application revising the requested expansion area.
5. The Company has received two additional requests from property owners to include properties within the Company's service area (the "Additional Parcels").

¹ On June 7, 2000, the Company also filed an application to extend its certificated area (Docket No. WS-02987A-00-0399). That application was withdrawn.

1 6. The Additional Parcels include the Dobson Farms Parcel (Parcel 21) and a
2 change in the Pecan Farms Parcel (Parcel 20) from a “sewer only” request to a request to
3 provide both water and sewer service. Attached under Tab 1, we have included the
4 “Fourth Revised Attachment 2” which contains the legal description for the Additional
5 Parcels. The Dobson Farms Parcel will add a total of approximately 1920 acres to the
6 Company’s Extension Application.
7

8 7. Under Tab 2, we have attached an updated and complete set of maps. These
9 maps replace all maps previously submitted. The maps show the legal descriptions and
10 depict all parcels covered by the expansion application, including the Additional Parcels,
11 requested to be included in the pending certificate extension.
12

13 8. Parcel 21, the newly added Dobson Farms Parcel, is an uncontested parcel.
14 The Company is the only applicant seeking to serve Parcel 21. Under Tab 3, we have
15 attached a request from the property owner for the Company to provide both water and
16 sewer service.
17

18 9. Parcel 20 is in H2O’s currently certificated area for water service (not
19 wastewater). As a result, the Company also is requesting that the Commission delete that
20 portion of H2O’s current certificate. Initially, the Third Amended Application sought to
21 provide only sewer service for Parcel 20. However, Pecan Farms asked the Company to
22 provide both water and sewer service for the entire development. As a result, this
23 amendment is necessary. Under Tab 4, we have attached a request from the owner of
24
25
26

1 Pecan Farms for both water and sewer service from the Company for the entire 880 acre
2 Pecan Farms development (*i.e.* Parcels 15 and 20).
3

4 10. All other provisions of the original October 15, 1999 Application, November
5 1, 1999 Amended Application, June 15, 2000 Second Amended Application and July 5,
6 2000 Third Amended Application remain the same except that the Company has corrected
7 some typographical errors in the parcel descriptions on Fourth Revised Attachment 2.
8

9 The Company respectfully requests that the Commission supplement the pending
10 Application to include the Additional Parcels described in this Fourth Amended
11 Application, and further requests that this matter be set for hearing at the earliest possible
12 date and consolidated with the H2O Application as to the Pecan Farms parcel that both the
13 Company and H2O wish to serve.
14

15 Respectfully submitted this 25th day of August, 2000.

16 LEWIS AND ROCA LLP
17

18
19
20 
21 Thomas H. Campbell
22 Gregory Y. Harris
23 40 N. Central Avenue
24 Phoenix, Arizona 85004
25 Attorneys for Johnson Utilities Company
26

1 Original and ten (10) copies of
2 the foregoing hand-delivered
3 this 25th day of August, 2000, to:

4 The Arizona Corporation Commisison
5 Docket Control
6 1200 W. Washington Street
7 Phoenix, Arizona 85007

8 Copy of the foregoing hand-delivered
9 this 25th day of August, 2000, to:

10 Arizona Corporation Commission
11 Hearing Division
12 1200 W. Washington Street
13 Phoenix, Arizona 85007

14 Arizona Corporation Commission
15 Legal Division
16 1200 W. Washington Street
17 Phoenix, Arizona 85007

18 Mark DiNunzio
19 Utilities Division
20 Arizona Corporation Commission
21 1200 W. Washington Street
22 Phoenix, Arizona 85007

23 Copy of the foregoing mailed this
24 25th day of August, 2000, to:

25 Richard L. Sallquist
26 Sallquist & Drummond, P.C.
27 2525 E. Arizona Biltmore Circle, Suite 117
28 Phoenix, Arizona 85016

LEWIS
AND
ROCA
LLP

LAWYERS

1 Norman D. James
Karen Errant
2 Fennemore Craig
3 3003 N. Central Avenue
Suite 2600
4 Phoenix, Arizona 85012-2913

5

6

7

8

Betty J. Griffin

9

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1

JOHNSON UTILITIES COMPANY CC&N EXPANSION

PARCEL 1 (Arizona Farms) (2,240 Acres)

Section 1, Township 4 South, Range 8 East, and
Section 4, 5, 6, and
The North one-half of Section 7, all in Township 4 South, Range 9 East of the
Gila and Salt River Meridian ("G. & S. R. M."), Pinal County, Arizona.

PARCEL 2 (Bella Vista Farms) (2,560+ Acres)

Section 13, 15 and 23, and
The West one-half of Section 14. and
That portion lying North and East of the Southern Pacific Railroad right-of-
way in Section 16, all in Township 3 South, Range 8 East G. & S. R. M.,
Pinal County, Arizona.

PARCEL 3 (Bonanza Land Co) (118+ Acres)

Property located in Section 2 and 3, Township 3 South, Range 7 East of the
G. & S. R. M., Pinal County, Arizona, as follows:

The West 2066.42 feet of the North 2669.96 feet of Section 2, Except any
portion lying south of the center line of Hunt Highway
And
The North Quarter of Section 3 lying north of Hunt Highway.
All in Township 3 South, Range 7 East, G. & S. R. M. Pinal County, Arizona,

PARCEL 4 (Whitehead) (160 Acres)

The East one-half of the West one-half of Section 31, Township 3 South,
Range 8 East, G. & S. R. M., Pinal County, Arizona.

PARCEL 5 (Skyline) (500 Acres)

A parcel of land being a portion of Section 12, Township 3 South, Range 7
East and a portion of Section 7, Township 3 South, Range 8 East of the G. &
S. R. M., Pinal County, Arizona, being more particularly described as follows:

All of said Section 12 lying North and East of the Hunt Highway Right-of-
Way except the north 1320 feet of the West 1320 feet lying North and East of
Hunt Highway, and

The West Half of said Section 7 except the Hunt Highway Right-of-Way.

THIRD REVISED ATTACHMENT 2

PARCEL 6 (Cravath) (480 Acres)

Section 1, Township 3 South, Range 7 East, of the G. & S. R. M., Pinal County, Arizona.

PARCEL 7 (Shelton) (160 Acres)

The West half of the West half of Section 8, Township 3 South, Range 9 East G. & S. R. M., Pinal County, Arizona.

PARCEL 8 (Various) (640 Acres)

Section 28, Township 3 south, Range 9 East G. & S. R. M., Pinal County, Arizona.

PARCEL 9 (Walker Butte Granite, L.L.C. and others) (1,600 Acres)

Property located in Sections 22, 23, 25, 27, and 34, Township 4 South, Range 8 East, of the G. & S. R. M., Pinal County, Arizona, as follows:

The East half of Section 22;
The West half of Section 23;
The West half of the Northeast Quarter of Section 23;
The Southeast Quarter of Section 25;
The East half of Section 27;
And
The East half of Section 34;
All in Township 4 South, Range 8 East, G. & S. R. M.,
Pinal County, Arizona

PARCEL 10 (State of Arizona) (1,840 Acres)

Property located in Section 10, 14, 15, 23, 26, and 35, Township 4 South, Range 8 East of the G. & S. R. M., Pinal County, Arizona, as follows:

The Southeast quarter of Section 10;
The Northeast Quarter of Section 14;
The West half of Section 14;
The North half of the Southeast Quarter of Section 14;
The Southwest Quarter of the Southeast Quarter of Section 14;
The East half of Section 15;
The Southeast Quarter of Section 23;

All of Section 26;

And

The North half of Section 35.

All in Township 4 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

PARCEL 11 (El Dorado Holdings) (1,280 Acres)

Section 31, Township 2 South, Range 8 East, and

Section 6, Township 3 South, Range 8 East, both in G. & S. R. M., Pinal County, Arizona.

PARCEL 12 (San Tan Shadows) (465 Acres)

Property located in Section 1, 2, and 12, Township 3 South, Range 7 East of the G. & S. R. M., Pinal County, Arizona, as follows:

All of Section 2 lying North and East of Hunt Highway, except a portion of said Section 2 lying West of the following DESC line beginning at a point which lies 2,066.42 feet from the Northwest Corner of said Section 2, Thence 2,669.96 feet to an intersection with the centerline of Hunt Highway and point of terminus Section 2:

And

The North 1320 feet of the West 1320 of Section 12 lying North of Hunt Highway;

All in Township 3 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

PARCEL 13 (Bureau of Land Management) (800 Acres)

Southeast quarter of Section 12, Township 4 South, Range 8 East;

East half of Section 13, Township 4 South, Range 8 East;

West half of Section 15, Township 4 South, Range 8 East.

All In Township 4 South, Range 8 East, of the G. & S. R. M., Pinal County, Arizona.

PARCEL 14 (Johnson Farms) (160 Acres)

Section 32, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

The Northwest quarter of Section 5, Township 3 South, Range 8 East G. & S. R. M., Pinal County, Arizona.

PARCEL 15 (Pecan Ranch/Ralph Thomas) (640 Acres)

Section 29, Township 2 South, Range 8 East G. & S. R. M., Pinal County, Arizona.

PARCEL 16 (Home Place) (640 Acres)

Section 28, Township 2 South, Range 8 East G. & S. R. M., Pinal County, Arizona.

PARCEL 17 (Ware Farms) (480 Acres)

South half and Northwest quarter of Section 33, Township 2 South, Range 8 East G. & S. R. M., Pinal County, Arizona

PARCEL 18 (various) (160 Acres)

Northeast quarter of Section 33, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

PARCEL 19 (various) (320 Acres) (SEWER ONLY)

Property located in Section 34, Township 2 South, Range 8 East of the G. & S. R. M., Pinal County, Arizona, as follows:

North half of Section 34, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona.

PARCEL 20 (Pecan Ranch/Ralph Thomas) (240 acres) (SEWER ONLY)

Property located on Section 20, Township 2 South, Range 8 East, G. & S. R. M., Pinal County, Arizona, as follows;

The South half of the Southwest Quarter;
The South half of the Southeast Quarter;
The South half of the North half of the Southwest Quarter;
The South half of the North half of the Southeast Quarter;
All in Section 20, Township 2, South, Range 8 East, of the G. & S. R. M., Pinal County, Arizona

PARCEL 21 (Dobson Farms) (1920 acres)

Property located in Section 36, Township 3 South, Range 8 East and Sections 30 and 31, Township 3 South, Range 9 East, of the G. & S. R. M., Pinal County, Arizona. as follows:

All of Section 36, Township 3 South, Range 8 East
All of Sections 30 and 31, Township 3 South, Range 9 East,
All in the G. & S. R. M., Pinal County, Arizona.

2

ATTACHMENT "B"

PINAL	4, 5, 6 & 7	4S	9E
COUNTY	SECTION	TOWNSHIP	RANGE

[Shaded Area]												3	2	1
7	8	9	10	11	12									
18	17	16	15	14	13									
19	20	21	22	23	24									
30	29	28	27	26	25									
31	32	33	34	35	36									

Type or Print Description Here: (PARCEL 1)
 SECTION 4, 5, 6 & N¹/₂ Section 7, T4S, R.9E.

ATTACHMENT "B"

Pinal	2 & 3	35	7E
COUNTY	SECTION	TOWNSHIP	RANGE

6		5		4	
				3	
				2	
				1	
7		8		9	
				10	
				11	
				12	
18		17		16	
				15	
				14	
				13	
19		20		21	
				22	
				23	
				24	
30		29		28	
				27	
				26	
				25	
31		32		33	
				34	
				35	
				36	

Type or Print Description Here: (PARCEL 3)

The W 2066.42 ft of the N 2669.96 ft of Section 2, lying north of Hunt Highway

The NE 1/4, Section 3, lying north of Hunt Highway

ATTACHMENT "B"

PINAL	31	35	8E
COUNTY	SECTION	TOWNSHIP	RANGE

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
1	32	33	34	35	36

Type or Print Description Here: (Parcel 4)
 The E 1/2 of the W 1/2 Sec 31, T 35, R 8E

ATTACHMENT "B"

PINAL	12	35	7E
COUNTY	SECTION	TOWNSHIP	RANGE

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Type or Print Description Here: PARCEL 5
ALL OF SECTION 12 Lying North and East of Hunt Highway
except the North 1320 feet of the West 1320 feet lying
North and East of Hunt Highway, T35, R7E

ATTACHMENT "B"

PINAL	8	35	9E
COUNTY	SECTION	TOWNSHIP	RANGE

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Type or Print Description Here: (PARCEL 7)
 W¹/₂ of the W¹/₂, Section 8, T35, R9E

ATTACHMENT "B"

PINAL	31	25	8E
COUNTY	SECTION	TOWNSHIP	RANGE

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
	32	33	34	35	36

Type or Print Description Here: (PARCEL 11)
 Section 31, T25, R8E

ATTACHMENT "B"

PINAL	6	35	8E
COUNTY	SECTION	TOWNSHIP	RANGE

	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Type or Print Description Here: (PARCEL 11)
 SECTION 6, T35, R8E

ATTACHMENT "B"

Pinal	1, 2, & 12	35	7E
COUNTY	SECTION	TOWNSHIP	RANGE

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Type or Print Description Here: (Parcel 12)
 All of Sec 2, Lying North of Hunt Highway Except the
 W 2066.42 feet of the North 2069.96 feet.
 The N. 1320 ft of the West 1320, Sec 12, Lying North of Hunt
 Highway.

ATTACHMENT "B"

PINAL	33	25	8E
COUNTY	SECTION	TOWNSHIP	RANGE

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Type or Print Description Here: (PARCEL 18)
 NE 1/4, SECTION 33, T 25, R 8E

ATTACHMENT "B"

Pinal	34	25	8E
COUNTY	SECTION	TOWNSHIP	RANGE

6						5						4						3						2						1					
7						8						9						10						11						12					
18						17						16						15						14						13					
19						20						21						22						23						24					
30						29						28						27						26						25					
31						32						33						34						35						36					

Type or Print Description Here: (PARCEL 19)
 N/2 Sec 34, T25, R8E

ATTACHMENT "B"

Pinal	36	35	8E
COUNTY	SECTION	TOWNSHIP	RANGE

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	

Type or Print Description Here: (PARCEL 21)

ALL of Sec 36, T35, R8E

ATTACHMENT "B"

Pinal	30 E 31	35	9E
COUNTY	SECTION	TOWNSHIP	RANGE

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
	29	28	27	26	25
	32	33	34	35	36

Type or Print Description Here: (Parcel 21)
All of Sections 30 E 31, T 35, R 9E.

3

DOBSON-PINAL INVESTMENTS I, L.L.C.

August 22, 2000

George H. Johnson
JOHNSON UTILITIES
5230 E. Shea BOULEVARD
Suite 2000
Scottsdale, AZ 85254

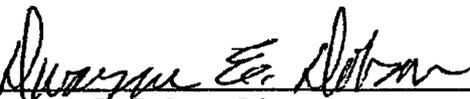
Dear George:

We hereby request Johnson Utilities to provide water and sewer service to the property described on Dobson-Pinal Investments I, L.L.C. Exhibit "A" attached hereto.

We understand this will be supplied subject to the rules and regulations, terms and conditions of all governmental agencies and the approval of the Arizona Corporation Commission and subject to the Arizona Corporation Commission Rules, Regulations, Ordinances and Tariffs.

Very truly yours,

DOBSON-PINAL INVESTMENTS I, L.L.C.,
An Arizona limited liability company

By 
Dwayne E. Dobson, Manager

By 
Vinson C. Dobson, Manager

1200 W. Queen Creek Rd. - Chandler, Arizona 85248
Off. (480) 963-0330 - Fax (480) 963-2893

Dobson-Pinal Investments I, I.L.C. Exhibit "A"

LEGAL DESCRIPTION

Lots 1, 2, 3, 4 and the East half of the West half and the East half of Section 30, Township 3 South, Range 9 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT any portion lying within the following described parcel:

A parcel of land in Section 30, Township 3 South, Range 9 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, being more particularly described as follows:

BEGINNING at a point in the North boundary of said Section 30, that bears North 89° 24' 27" West 2320.63 feet from the Northeast corner of said Section 30;

thence from said point of beginning and leaving said North boundary South 01° 41' 03" East 40.02 feet;
thence North 89° 24' 27" West 100.06 feet;
thence South 01° 41' 03" East 1813.02 feet;
thence South 21° 42' 49" East 551.25 feet;
thence South 41° 44' 21" East 3266.52 feet to a point in the East boundary of said Section 30 that bears South 00° 09' 00" East 4776.80 feet from the Northeast corner of said Section 30;
thence along said East boundary South 00° 09' 00" East 451.89 feet;
thence leaving said East boundary North 41° 44' 21" West 3968.40 feet;
thence North 01° 41' 03" West 2256.36 feet;
thence North 89° 24' 27" West 125.05 feet;
thence North 01° 41' 03" West 40.02 feet to a point in said North boundary of Section 30;
thence along said North boundary South 89° 24' 27" East 500.29 feet to the POINT OF BEGINNING; and

EXCEPT any portion lying within the following described parcel:

A parcel of land in the Southeast quarter of Section 30, Township 3 South, Range 9 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, being more particularly described as follows:

All that portion of said Southeast quarter lying Northeasterly of the following described line:

-CONTINUED-

BEGINNING at a point in the Northeasterly rights-of-way boundary of the Central Arizona Project (Salt River Aqueduct) that bears South 53° 40' 03" East 4043.06 feet from the Northwest corner of said Section 30;

thence from said point of beginning and along said Northeasterly boundary South 41° 44' 21" East 3753.25 feet to a point in said rights-of-way boundary that bears South 43° 28' 34" West 7120.51 feet from the Northeast corner of Section 29, Township 3 South, Range 9 East; and also

EXCEPT any portion lying within the following described parcel:

A parcel of land in Section 30, Township 3 South, Range 9 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more or less, and being more particularly described as follows:

BEGINNING at a point in the South boundary of the North 40 feet of said Section 30 that bears South 89° 44' 31" West 2694.58 feet from the Northeast corner of said Section 30; said point also being a point in the Central Arizona Project (Salt-Gila Aqueduct) rights-of-way boundary;

thence leaving said point of beginning and along said rights-of-way boundary South 01° 41' 03" East 154.90 feet;

thence leaving said rights-of-way boundary South 88° 18' 57" West 24.99 feet;

thence North 01° 41' 03" West 155.90 feet to a point on said South boundary of the North 40 feet of said Section 30;

also being a point in the Central Arizona Project (Salt-Gila Aqueduct) rights-of-way boundary;

thence along said rights-of-way boundary South 89° 24' 27" East 24.99 feet to the POINT OF BEGINNING.

DOBSON LAND & INVESTMENT II, L.L.C.

August 22, 2000

George H. Johnson
JOHNSON UTILITIES
5230 E. Shea BOULEVARD
Suite 2000
Scottsdale, AZ 85254

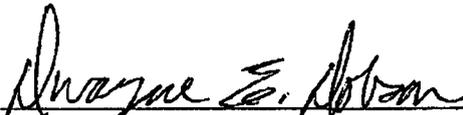
Dear George:

We hereby request Johnson Utilities to provide water and sewer service to the property described on Dobson Land & Investment II, L.L.C. Exhibit "A" attached hereto.

We understand this will be supplied subject to the rules and regulations, terms and conditions of all governmental agencies and the approval of the Arizona Corporation Commission and subject to the Arizona Corporation Commission Rules, Regulations, Ordinances and Tariffs.

Very truly yours,

DOBSON LAND & INVESTMENT II, L.L.C.,
An Arizona limited liability company

By 
Dwayne E. Dobson, Manager

By 
Vinson C. Dobson, Manager

Dobson Land & Investment II, I.I.C Exhibit "A"

LEGAL DESCRIPTION

PARCEL NO. 1:

The East half of Section 31, Township 3 South, Range 9 East of the of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT the North 120 feet of the West 920 feet of the Northeast quarter of Section 31; and

EXCEPT 1/16 of all oil, gas and other hydrocarbons, and minerals which may hereafter be found upon or under said land, as reserved in Deed recorded March 21, 1959 in Docket 8, page 204, records of Pinal County, Arizona.

PARCEL NO. 2:

Lots 1, 2, 3 and 4, East half of the West half of Section 31, Township 3 South, Range 9 East of the of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT 1/16 of all oil, gas and other hydrocarbons and minerals which may hereafter be found upon or under said land as reserved in instrument recorded in Docket 8, page 204, records of Pinal County, Arizona.

PARCEL NO. 3:

The North 120 feet of the West 920 feet of the Northeast quarter of Section 31, Township 3 South, Range 9 East of the of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT 1/16th of all oil, gas and other hydrocarbons and minerals which may hereafter be found upon or under said land as reserved in instrument recorded in Docket 8, page 204, records of Pinal County, Arizona.

DOBSON GROUP LTD. PARTNERSHIP

August 22, 2000

George H. Johnson
JOHNSON UTILITIES
5230 E. Shea BOULEVARD
Suite 2000
Scottsdale, AZ 85254

Dear George:

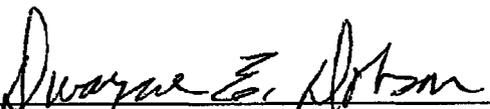
We hereby request Johnson Utilities to provide water and sewer service to the property described on Dobson Group Limited Partnership Exhibit "A" attached hereto.

We understand this will be supplied subject to the rules and regulations, terms and conditions of all governmental agencies and the approval of the Arizona Corporation Commission and subject to the Arizona Corporation Commission Rules, Regulations, Ordinances and Tariffs.

Very truly yours,

An Arizona limited partnership
DOBSON GROUP LIMITED PARTNERSHIP,

By: DOBSON RESOURCES, INC.
Its: Managing Partner

By 
Dwayne E. Dobson, President

By 
Vinson C. Dobson, Secretary

Dobson Group Limited Partnership Exhibit "A"

LEGAL DESCRIPTION

All that portion of Section 36, Township 3 South, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying North and East of the Southern Pacific Railroad right of way;

EXCEPT the North 10 feet of the South 50 feet thereof;

and Except: -

A portion of the Southeast quarter of Section 36, Township 3 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows:

COMMENCING at the Southeast corner of said Section 36;

THENCE South 88 degrees 30 minutes 00 seconds West along the south line of the Southeast quarter of said section 36, a distance of 1338.26 feet;

THENCE North 00 degrees 51 minutes 25 seconds West, a distance of 40.00 feet to a point on the North Right-of-Way line of Arizona Farms Road, said point being the POINT OF BEGINNING for this legal description;

THENCE continuing North 00 degrees 51 minutes 25 seconds West, a distance of 32.26 feet to the Southeast corner of a 6'± wide concrete irrigation ditch;

THENCE continuing North 00 degrees 51 minutes 25 seconds West along the East face of said concrete irrigation ditch a distance of 1857.48 feet;

THENCE North 89 degrees 08 minutes 35 seconds East, a distance of 96.50 feet;

THENCE South 00 degrees 51 minutes 25 seconds East, a distance of 50.00 feet;

THENCE South 89 degrees 08 minutes 35 seconds West, a distance of 77.50 feet;

THENCE South 00 degrees 51 minutes 25 seconds East, 19 feet East of and parallel to the East face of said concrete irrigation ditch a distance of 1839.53 feet to a point on the North Right-of-Way line of Arizona Farms Road;

THENCE South 88 degrees 30 minutes 00 seconds West along said North Right-of-Way line a distance of 19.00 feet to the POINT OF BEGINNING.

4

May 10, 2000

Mr. George H. Johnson
JOHNSON UTILITIES, INC.
5230 East Shea Boulevard
Suite #200
Scottsdale, Arizona 85254

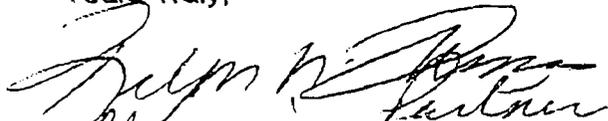
Dear George:

We hereby request Johnson Utilities to provide water and sewer service to the property described as follows:

Approximately 880 acres at the Northeast Corner of Combs & Vineyard commonly known as Pecan Ranch.

We understand this will be supplied subject to the rules and regulations, terms and conditions of all governmental agencies and the approval of the Arizona Corporation Commission and subject to Arizona Corporation Commission Rules, Regulations, Ordinances and Tariffs.

Yours Truly,


Ralph R. Brown
Manager