

ORIGINAL



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LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW

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TUBAC, ARIZONA 85646

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ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
NEVADA, TEXAS, WYOMING,
DISTRICT OF COLOMBIA

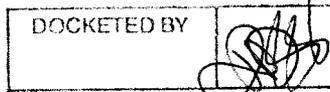
OF COUNSEL TO
MUNGER CHADWICK, P.L.C.

March 1, 2011

Arizona Corporation Commission
DOCKETED

MAR 3 2011

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007



RECEIVED
2011 MAR -3 A 10:53
ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Re: Empirita Water Company
Docket No. W-03948A-06-0490

To Whom It May Concern:

Enclosed for filing in the above-referenced proceeding are the original and thirteen (13) copies of a Motion For Further Extension Of Compliance Filing Date Deadline ("Motion") on behalf of Empirita Water Company.

Also enclosed are two (2) additional copies of the Motion. I would appreciate it if you would "filed" stamp the same and return them to me in the enclosed stamped and addressed envelope.

Thank you for your assistance. Please advise me if you have any questions.

Sincerely,

Angela R. Trujillo
Assistant to
Lawrence V. Robertson, Jr.

BEFORE THE ARIZONA CORPORATION COMMISSION
RECEIVED

COMMISSIONERS

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

2011 MAR -3 A 10: 53

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION) DOCKET NO. W-03948A-06-0490
OF EMPIRITA WATER COMPANY, L.L.C.)
FOR AN EXTENSION OF ITS CERTIFICATE) MOTION FOR FURTHER
OF CONVENIENCE AND NECESSITY) EXTENSION OF COMPLIANCE
) FILING DATE DEADLINE

I.

MOTION FOR FURTHER EXTENSION OF COMPLIANCE

FILING DATE DEADLINE

Pursuant to A.A.C. Rule R14-3-106(K), Empirita Water Company, LLC (“Empirita”) hereby requests that the Commission enter an appropriate form of order or decision extending from September 3, 2011 to September 3, 2013 the deadline by which Empirita is required to file an Approval of Construction (“AOC”) from the Arizona Department of Environmental Quality (“ADEQ”) for the water system facilities needed to serve the Redhawk II subdivision in Cochise County, Arizona. The circumstances surrounding this request are set forth below.

II.

CIRCUMSTANCES SURROUNDING MOTION

On April 16, 2009, Empirita filed a Motion for Extension of Compliance Filing Date Deadline in which it requested a two (2) year extension of the deadline for filing an AOC from ADEQ for those water systems facilities necessary to serve the Redhawk II subdivision. A copy of that filing is attached hereto as Appendix “A” and incorporated herein by this reference as a part of the background circumstances surrounding the instant Motion. On August 6, 2009 the Commission issued Decision No. 71222 in which it approved the two (2) year extension of the deadline for filing the AOC for Redhawk, II, which had been requested by Empirita in its April

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1 16, 2009 filing. A copy of Decision No. 71222 is attached hereto as Appendix "B" and
2 incorporated herein by reference as further background. As may be noted therefrom, the current
3 deadline for filing the AOC for the Redhawk II subdivision is now September 3, 2011.

4 The instant Motion is occasioned by a prolongation of the effects of the recent severe
5 economic recession on the real estate development and homebuilding industries in Southern
6 Arizona. The dramatic decline in new home construction which began in 2008 has continued in
7 Empirita's service area and surrounding environs, and in turn has delayed the development
8 timeline for Redhawk II. However, as may be noted from Appendix "C" hereto, the developer of
9 Redhawk II (i) intends to continue and complete the development of that subdivision as soon as
10 economic conditions allow; (ii) continues to have a need for potable water service from a
11 centralized water system for that project; and, (iii) continues to desire that Empirita be the water
12 service provider.

13 As noted in both its April 16, 2009 request and in Decision No. 71222, Empirita has
14 already completed construction of a 150,000 gallon storage reservoir to provide water service to
15 future residents of the Redhawk II subdivision. All that remains to activate the system is (i)
16 installation of pumps, pipes and electric equipment; and, (ii) enclosure of the storage reservoir.
17 The estimated cost of these additional facilities is \$60,000. However, Empirita prefers not to
18 proceed with such expenditures at this time, given the absence of an immediate need for these
19 facilities, and the physical deterioration which can occur when unused equipment is exposed to
20 the elements.^{1 and 2}

21 **III.**

22 **REQUEST FOR RELIEF**

23 Accordingly, by means of this Motion, Empirita is requesting that the Commission issue
24 an appropriate order or decision extending the deadline date for filing an AOC from ADEQ for
25 the "water plant additions needed to serve the Redhawk II development" from September 3,
26

27 ¹ Empirita's existing water system facilities are capable of satisfying the initial demand for service as Redhawk II
begins to develop; and, the above-referenced facilities could be installed within 30-60 days following identification
of a need for the same.

28 ² In addition, it is Empirita's understanding that ADEQ does not inspect nor issue AOCs for partially completed
project work.

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1 2011 to September 3, 2013. In that regard, Empirita is aware that, in connection with the
2 Commission Staff's support for Empirita's April 16, 2009 initial request for an extension of the
3 original subject compliance deadline, the Commission's Staff recommended that no further
4 extensions be granted. However, Empirita hopes that the Commission's Staff will reconsider its
5 previous position in that regard, given that the depressed conditions in the development and
6 homebuilding industries have persisted beyond what may have been anticipated in the summer of
7 2009.

8
9 Dated this 2nd day of Mach 2011.

10 Respectfully submitted,

11 

12 Lawrence V. Robertson, Jr.
13 Attorney for Empirita Water Company, L.L.C.

14 The original and thirteen (13) copies of the
15 foregoing Motion are being mailed
16 this 2nd day of March 2011 to:

16 Docket Control
17 Arizona Corporation Commission
18 1200 West Washington
19 Phoenix, Arizona 85007

19 A copy of the foregoing Motion will be
20 emailed/mailed this same date to:

21 Ernest Johnson, Director
22 Utilities Division
23 Arizona Corporation Commission
24 1200 West Washington Street
25 Phoenix, Arizona 85007

24 Janice Alward, Chief Counsel
25 Legal Division
26 Arizona Corporation Commission
27 1200 West Washington Street
28 Phoenix, Arizona 85007

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1 Lyn A. Farmer,
2 Chief Administrative Law Judge
3 Hearing Division
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

5 Kim Battista, Director
6 Utilities Division Compliance Section
7 Arizona Corporation Commission
8 1200 West Washington Street
9 Phoenix, Arizona 85007

8 Jim Vermilyea
9 Empirita Water Company L.L.C.
10 2090 N. Kolb Road Suite 120
11 Tucson, Arizona 85715

11 
12 _____

Appendix “A”

**Empirita Water Company, LLC
Docket No. W-03948A-06-0490
Motion for Further Extension**

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 APR 16 A 9:51

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION) DOCKET NO. W-03948A-06-0490
OF EMPIRITA WATER COMPANY, L.L.C.)
FOR AN EXTENSION OF ITS CERTIFICATE) MOTION FOR EXTENSION OF
OF CONVENIENCE AND NECESSITY) COMPLIANCE FILING DATE
) DEADLINE

I.

MOTION FOR EXTENSION OF COMPLIANCE FILING DATE DEADLINE

Pursuant to A.A.C. Rule R14-3-106(K), Empirita Water Company, LLC ("Empirita") hereby requests that the Commission enter an appropriate form of order or decision extending from September 3, 2009 to September 3, 2011 the deadline by which Empirita is required to file an Approval of Construction ("AOC") from the Arizona Department of Environmental Quality ("ADEQ") for the water system facilities needed to serve the Redhawk II development in Cochise County, Arizona. The circumstances surrounding this request are set forth below.

II.

CIRCUMSTANCES SURROUNDING MOTION

On March 29, 2007 the Commission issued Decision No. 69399 in the above-captioned and above-docketed proceeding. Therein the Commission granted Empirita an Order Preliminary to extend its pre-existing certificated water service area to provide water service to an additional area in Cochise County and a new area Pima County, in order to meet the water service requirements for anticipated new residential development. Decision No. 69399 specified five (5) compliance conditions that were pre-requisites to the willingness of the Commission to grant Empirita's original July 28, 2006 Application for an Extension of its Certificate of Convenience and Necessity ("CC&N"). Those five (5) compliance conditions were subsequently satisfied by Empirita; and, on September 3, 2008, the Commission issued Decision

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Tubac, Arizona 85646
(520) 398-0411

1 No. 70476 in which it granted Empirita the CC&N extension requested by Empirita in the
2 aforementioned July 28, 2006 Application.

3 Decision No. 69399 also contained a post-CC&N extension compliance condition. More
4 specifically, the Tenth Ordering Paragraph of Decision No. 69399 provided as follows:

5 "IT IS FURTHER ORDERED that Empirita Water Company,
6 LLC shall file with Docket Control, as a compliance item in this
7 docket, copies of the AOC issued by ADEQ for the water plant
8 additions needed to serve the Redhawk II development within one
9 year from the effective [i.e. September 3, 2008] date of the order
granting the CC&N." [Decision No. 69399 at page 12, lines 10-
13]

10 Decision No. 70476, which granted the requested CC&N extension, carried the above-quoted
11 compliance condition forward with the following language in the Third Ordering Paragraph of
12 that decision:

13 "IT IS FURTHER ORDERED that Empirita Water Company,
14 LLC shall file all remaining compliance items in Decision No.
15 69399 in the times specified and if Empirita fails to do so, the
CC&N extension described by Exhibit A shall be considered null
and void after due process." [Decision No. 70476 at page 3, lines
16 20-22] [emphasis added]

17 As a consequence, Empirita is currently subject to a compliance condition that it file an AOC
18 from ADEQ for the "water plant additions needed to serve the Redhawk II development" by
19 September 3, 2009.

20 As the Commission is aware, the State of Arizona has recently experienced a dramatic
21 decrease in the rate of new home construction and the development of residential subdivisions.
22 Not surprisingly, that decrease has impacted the previously anticipated development timeline for
23 the Redhawk II subdivision in Cochise County, as attested to by an April 14, 2009 letter from the
24 developer of that project to Empirita. A copy of that letter is attached hereto as Appendix "A,"
25 and is incorporated herein by this reference. As may be noted therefrom, the developer of
26 Redhawk II continues to have a need for water service for that project, and it continues to desire
27 that Empirita be its water service provider. All that has changed since the filing of Empirita's
28 CC&N extension Application on July 28, 2006 is the timeline for development of Redhawk II;

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1 and, the alteration of that timeline has been occasioned by economic circumstances beyond the
2 direct control of both the developer of Redhawk II and Empirita.

3 Despite the foregoing, Empirita has completed construction of the previously
4 contemplated 150,000 gallon storage reservoir, which will ultimately be used to serve the future
5 residents of Redhawk II. A copy of paid invoices attesting to that fact is attached hereto as
6 Appendix "B" and incorporated herein by this reference. However, Empirita believes that it
7 would not be financially prudent to install the booster station and related remaining facilities¹
8 needed to provide service to Redhawk II until an actual demand materializes, which Empirita
9 does not foresee occurring between now and the aforementioned September 3, 2009 compliance
10 due date for filing the AOC from ADEQ.²

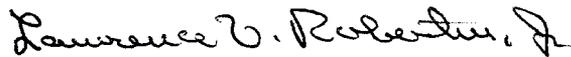
11 III.

12 REQUEST FOR RELIEF

13 Accordingly, by means of this Motion, Empirita is requesting that the Commission issue
14 an appropriate order or decision extending the deadline date for filing an AOC from ADEQ for
15 the "water plant additions needed to serve the Redhawk II development" from September 3,
16 2009 to September 3, 2011. Empirita recognizes, and hopes, that the contemplated residential
17 development in Redhawk II may begin to occur at an earlier date than indicated above.
18 However, out of an abundance of caution, given the present uncertainties of the state and
19 national economy, and in order to avoid the necessity of seeking a second extension of the
20 compliance filing deadline, Empirita is requesting a two (2)-year extension, rather than a one (1)-
21 year extension of the current September 3, 2009 compliance filing due date.

22 Dated this 15th day of April 2009.

23 Respectfully submitted,

24 

25 Lawrence V. Robertson, Jr.

26 _____
27 ¹ Empirita's existing water system facilities are capable of satisfying the initial demand for service as Redhawk II
begins to develop; and, the above-referenced booster station and related facilities could be installed within 30-60
days following identification of a need for the same.

28 ² In that regard, it is Empirita's understanding that ADEQ does not inspect nor issue AOCs for partially completed
project work.

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Attorney for Empirita Water Company, L.L.C.

The original and thirteen (13) copies of the foregoing Motion are being mailed this 15th day of April 2009 to:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

A copy of the foregoing Motion will be emailed/mailed this same date to:

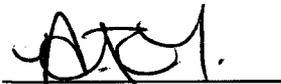
Ernest Johnson, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Janice Alward, Chief Counsel
Legal Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Jim Vermilyea
Empirita Water Company L.L.C.
2090 N. Kolb Road Suite 120
Tucson, Arizona 85715

Lyn A. Farmer,
Chief Administrative Law Judge
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Kim Battista, Director
Utilities Division Compliance Section
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007



Appendix “A”

Thunder Ranch Estates, L.L.C.
2850 E. Skyline, Suite 100
Tucson, Arizona 85708

April 14, 2009

Jim Vermilyea, Manager
Empirita Water Company, LLC
2090 N. Kolb Road, Suite 100
Tucson, Arizona 85715

Re: Empirita Water Company, LLC
Motion For Extension of Compliance Filing Date Deadline

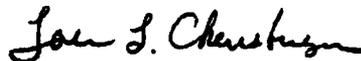
Dear Mr. Vermilyea:

This letter will confirm our recent discussions regarding the national and local economic circumstances which have affected Thunder Ranch Estates' schedule for development of its Redhawk II subdivision in Cochise County, Arizona. As is the case with other subdivisions throughout the State of Arizona, sales of our single-family residential lots have ceased for the moment; and, we currently do not anticipate any significant resumption in sales activity before mid-2010.

However, Redhawk II continues to have need for a centralized potable water provider to serve the requirements of future residents of Redhawk II; and, Thunder Ranch Estates continues to desire that Empirita Water Company be that water provider.

In that regard, it is our understanding that the water company needs to request of the Arizona Corporation Commission an extension of the deadline by which certain compliance filings must be made related to its provisions of water service to Redhawk II. You may use this letter in support of such request.

Sincerely,



Lou L. Christensen
Thunder Ranch Estates, LLC

Appendix “B”

Cashion Tank & Steel Co.

P O Box 306
 12505 West Buckeye Road
 Cashion, AZ 85329
 USA

Voice: 823-932-3380
 Fax: 823-932-1116

INVOICE

Invoice Number: 1987
 Invoice Date: Apr 15, 2009
 Page: 1

Bill To:

Thunder Ranch Estates Unlte IV LLC
 2850 E. Skyline Drive
 Tucson, AZ 85718
 USA

Ship to:

Customer ID

Thunder

Customer PO

Customer PO

Shipping Method

Courier

Payment Terms

C.O.D.

Ship Date

Due Date

4/15/09

Quantity

Item

Description

Unit Price

Amount

		150,000 gallon water storage tank 47'8" x 12' 100% complete		115,000.00
		10/17/07 CK# 1134		-45,000.00
		10/20/08 CK# 1040		-69,500.00
		11/26/08 CK# 1809		-10,500.00

Subtotal	0.00
Sales Tax	
Total Invoice Amount	0.00
Payment/Credit Applied	
TOTAL	0.00

Check/Credit Memo No:

Cashion Tank & Steel Co.

P O Box 306
 12505 West Buckeye Road
 Cashion, AZ 85329
 USA

INVOICE

Invoice Number: 1933
 Invoice Date: Oct 9, 2008
 Page: 1

Voice: 623-932-3380
 Fax: 623-932-1116

Bill To:
Thunder Ranch Estates Unite IV LLC 2850 E. Skyline Drive Tucson, AZ 85718 USA

Ship to:

Customer ID	Customer PO	Payment Terms	
Thunder		C.O.D.	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	Courier		10/9/08

Quantity	Item	Description	Unit Price	Amount
		150,000 gallon water storage tank 47'6" x 12' 85% complete Ck# 1134		115,000.00
		Less sandblast and paint		-45,000.00
				-10,500.00

Subtotal	59,500.00
Sales Tax	
Total Invoice Amount	59,500.00
Payment/Credit Applied	
TOTAL	59,500.00

Check/Credit Memo No:

PRIMER
EXTERIOR
FINISH
5 FINISH COAT

Lic. No. 75820

CASHION TANK & STEEL CO.

SPECIALIZING IN TANK CONSTRUCTION & ERECTION

P.O. Box 306
Cashion, AZ 85329

Phone: 623-932-3380
FAX: 623-932-1116

October 10, 2007

RE: Red Hawk

Attn: Jim Vermilyea 520-490-1218 520-885-5010 Fax

We propose to furnish labor and materials to build one 150,000 gallon water storage tank to AWWA standards 47'6" diameter by 12' high on your prepared site in Benson, AZ.

The tank will include the following:

- | | |
|---|-------------------------|
| 3/16" plate roof | 1/4" plate bottom |
| 3/16" 1 st & 2nd plate ring | Gaugeboard |
| Ladder inside & outside | (1) - 24" top manway |
| Fittings to the first flange | (2) - 30" shell manways |
| Vent | |
| Gravel ring 3/16" x 8" - Customer to haul and install | |

The tank will be sandblasted and painted to AWWA Inside System #1 Epoxy and Outside System #1 with your choice of color outside. We must have access to at least three sides of the tank and room for a 40' trailer and crane and be able to drive to the site with the same.

Our price on the tank will be \$115,000.00 with a 40% down payment. On completion of the on-site erection, an additional 85% of the balance is to be paid or as billed. The remaining is to be paid upon completion of the painting.

Cashion Tank & Steel will have liability insurance for at least \$1,000,000 and workmen's compensation as required by State. Customer will supply all permits and clearances.

Sincerely,

ACCEPTED BY:

Shirley Olson
Cashion Tank & Steel

DATE: 10/11/07

Price is subject to price and availability of steel at time of order.

\$59,500
This
Balance

Appendix “B”

**Empirita Water Company, LLC
Docket No. W-03948A-06-0490
Motion for Further Extension**

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

Arizona Corporation Commission
DOCKETED

AUG 06 2009

DOCKETED BY
nr

IN THE MATTER OF THE APPLICATION OF
EMPIRITA WATER COMPANY, LLC FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-03948A-06-0490

DECISION NO. 71222

**ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NOS. 69399 AND
70476**

Open Meeting
July 28, and 29, 2009
Phoenix, Arizona

BY THE COMMISSION:

* * * * *

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On March 29, 2007, in Decision No. 69399, the Commission granted an Order Preliminary for Empirita Water Company, LLC ("Empirita" or "Company") to extend its Certificate of Convenience and Necessity ("CC&N") upon completion of the requirements contained in Findings of Fact Nos. 43 and 45 in the Decision.

2. On September 3, 2008, in Decision No. 70476, the Commission granted Empirita the CC&N extension, and required that Empirita complete the remaining compliance items in Decision No. 69399 in the times specified, or the extension would be null and void after due process.

3. The only remaining compliance item required pursuant to Decision 69399, is the requirement to file the Approval of Construction ("AOC") for the water plant additions needed to serve the Redhawk II development within one year of the date of Decision No. 70476, or September

1 3, 2009.

2 4. On April 16, 2009, Empirita filed a Motion For Extension of Compliance Filing Date
3 Deadline, seeking to extend the deadline to file the AOC for the Redhawk II subdivision by two
4 years, until September 3, 2011. The Company states that the request was occasioned by the dramatic
5 decline in new home construction, which affected the development timeline for the Redhawk II
6 subdivision. The Company provided a letter from the developer of Redhawk II which indicated a
7 continued need for water service and expressed the desire that Empirita be the water provider.
8 Empirita provided a copy of the invoice for the installation of a 150,000 gallon storage reservoir that
9 will ultimately be used to serve the future residents of Redhawk II. Empirita states that it does not
10 believe it would be financially prudent to install the booster station and related remaining facilities
11 needed to provide service to Redhawk II until an actual demand materializes.

12 5. On June 3, 2009, the Commission's Utilities Division ("Staff") filed a Memorandum
13 in Response to the Company's motion for an extension of the deadline to file the AOC.

14 6. Staff recommends that in light of the continued need and request for service from the
15 developer, the Company's motion for extension of time to file the AOC be extended until September
16 3, 2011. Staff further recommends that no further extensions of time be granted in this matter.

17 7. Under the circumstances, the Company's request for an extension to file the AOC for
18 the Redhawk II subdivision is reasonable and should be granted.

19 **CONCLUSIONS OF LAW**

20 1. Empirita is a public service corporation within the meaning of Article XV of the
21 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

22 2. The Commission has jurisdiction over Empirita and the subject matter of the motion.

23 3. An extension of time to comply with the requirements of Decision No. 69399, as
24 discussed herein, is fair and reasonable and in the public interest.

25 **ORDER**

26 IT IS THEREFORE ORDERED that that the deadline for Empirita Water Company, LLC to
27 file the Approval of Construction, as required by Decision Nos. 69399 and 70476, is extended to
28 September 3, 2011.

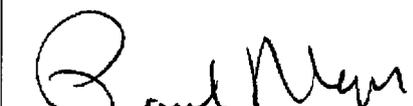
1 IT IS FURTHER ORDERED that all other provisions of Decision Nos. 69399 and 70476
2 shall remain in effect.

3 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

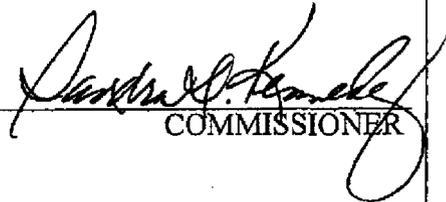
4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

5 
6 CHAIRMAN

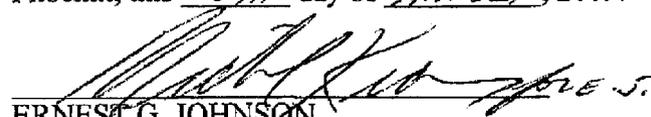

COMMISSIONER

7 
8 COMMISSIONER


9 COMMISSIONER


COMMISSIONER

10 IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,
11 Executive Director of the Arizona Corporation Commission,
12 have hereunto set my hand and caused the official seal of the
13 Commission to be affixed at the Capitol, in the City of
14 Phoenix, this 6TH day of AUGUST, 2009.


15 ERNEST G. JOHNSON
16 EXECUTIVE DIRECTOR

17 DISSENT _____

18 DISSENT _____

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SERVICE LIST FOR:

EMPIRITA WATER COMPANY, LLC

DOCKET NO.:

W-03948A-06-0490

Lawrence V. Robertson, Jr.
P.O. Box 1448
Tubac, Arizona 85646
Attorney for Empirita Water Company

Jim Vermilyea, Manager
Empirita Water Company, LLC
2090 North Kolb Road, Suite 120
Tucson, Arizona 85715

Mary McCool
3111 W. Clark Road
Benson, AZ 85602

Janice Alward, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Ernest Johnson, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

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Appendix “C”

**Empirita Water Company, LLC
Docket No. W-03948A-06-0490
Motion for Further Extension**

RED HAWK AT J-6 RANCH
2850 E. SKYLINE DR. STE 100
TUCSON ARIZ. 85718

Mar. 2 2011

Re. Red Hawk water service

To Whom it may concern,

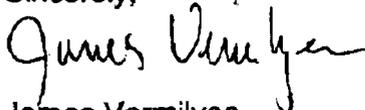
Red Hawk @ J-6 Ranch is a large lot Subdivision located in Southeastern Arizona, which provides utilities and paved roads to it's customers. For that reason, we as the developer, find it essential that we are able to provide good potable water to the lot owners.

As soon as economic conditions allow, we have every intention to continue development as originally planned.

The Empirita Water Co. has provided an adequate water supply to our completed properties and is in the ideal location to service the balance of the project.

Hopefully this letter expresses our intrest in this matter, and should you need futher information, please contact us at your earliest convenience.

Sincerely,



James Vermilyea
Project Manager