



BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

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

IN THE MATTER OF THE APPLICATION OF)
 GOODMAN WATER COMPANY, AN ARIZONA)
 CORPORATION, FOR (i) A DETERMINATION)
 OF THE FAIR VALUE OF ITS UTILITY PLANT)
 AND PROPERTY AND (ii) AN INCREASE IN)
 ITS WATER RATES AND CHARGES FOR)
UTILITY SERVICE BASED THEREON.)

DOCKET NO: W-02500A-10-0382

NOTICE OF SUBMITTAL OF
SURREBUTTAL TESTIMONY
BY AN INTERVENOR

By means of this filing, Lawrence Wawrzyniak hereby is submitting copies of Surrebuttal Testimony in response to testimony from Mr. James Shiner of Goodman Water Company and Mr. Mark Taylor of Westland Resources Inc.

RESPECTFULLY SUBMITTED this 13th day of June, 2011.

Lawrence Wawrzyniak

39485 S. Mountain Shadow Dr.
 Tucson, AZ 85739
 Phone: (520) 825-6672
 E-mail: LWawrzyniak05@comcast.net

ORIGINAL and Thirteen (13) copies of the foregoing to be Filed the 13th day of June, 2011 with Docket Control.

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

Arizona Corporation Commission

DOCKETED

JUN 13 2011

DOCKETED BY

1 A copy of the foregoing Notice will be emailed or mailed this same date:

2

3 Jane L. Rodda, Administrative Law Judge

4 Hearing Division

5 Arizona Corporation Commission

6 1200 W. Washington Street

7 Phoenix, AZ 85007

8

9 Janice Alward, Chief Counsel

10 Legal Division

11 Arizona Corporation Commission

12 1200 W. Washington Street

13 Phoenix, AZ 85007

14

15 Ayesha Vohra

16 Legal Division

17 Arizona Corporation Commission

18 1200 W. Washington Street

19 Phoenix, AZ 85007

20

21 Steven Olea, Director

22 Utilities Division

23 Arizona Corporation Commission

24 1200 W. Washington Street

25 Phoenix, AZ 85007

26

27 Jodi A. Jerich, Director

28 Residential Utility Consumer Office

29 1110 West Washington, Suite 220

30 Phoenix, AZ 85007

31

32 Daniel Pozefsky

33 Chief Counsel

34 Residential Utility Consumer Office

35 1110 West Washington, Suite 220

36 Phoenix, AZ 85007

37

38 Lawrence V. Robertson, Jr., Esq.

39 Goodman Water Company

40 P.O. Box 1448

41 Tubac, AZ 85646

42

43 James Schoemperlen

44 Intervenor

45 39695 S. Horse Run Dr.

46 Tucson, AZ 85739

47

48 Tim Coley

49 Residential Utility Consumer Office

50 1110 West Washington, Suite 220

51 Phoenix, AZ 85007

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BEFORE THE ARIZONA CORPORATION COMMISSION

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4 **IN THE MATTER OF THE**
5 **APPLICATION OF GOODMAN WATER**
6 **CORPORATION, FOR (i) A**
7 **DETERMINATION OF THE FAIR**
8 **VALUE OF ITS UTILITY PLANT AND**
9 **PROPERTY AND (ii) AN INCREASE IN**
10 **ITS WATER RATES AND CHARGES**
11 **FOR UTILITY SERVICE BASED**
12 **THEREON.**

DOCKET NO: W-02500A-10-0382

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16
17 **SURREBUTTAL TESTIMONY OF**

18
19 **LAWRENCE WAWRZYNIAK**

20
21 **IN RESPONSE TO TESTIMONY FROM:**

22
23 **MR. JAMES SHINER**
24 **OF THE**
25 **GOODMAN WATER COMPANY**
26 **AND**
27 **MR. MARK TAYLOR**
28 **OF**
29 **WESTLAND RESOURCES, INC.**

30
31 **June 13, 2011**
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Q1. PLEASE STATE YOUR NAME AND ADDRESS.

A1. My name is Lawrence Wawrzyniak. My home address is 39485 S. Mountain Shadow Dr., Tucson, AZ 85739.

Q2. PLEASE INDICATE ANY UNIQUE QUALIFICATIONS.

A2. I have been a member of the Eagle Crest Ranch Homeowners Advisory Committee (HEAC) since 2006 and serving as HEAC Chairman in 2008 and 2009. I am currently Chairman of the Landscape and Maintenance Committee. The HEAC advises the Declarant controlled HOA Board.

Q3. ON WHOSE BEHALF ARE YOU TESTIFYING?

A3. I am testifying on behalf of myself as an Intervenor in this case

Q4. WHAT IS THE PURPOSE OF YOUR SURREBUTTAL TESTIMONY IN THIS CASE?

A4. I am testifying in opposition to positions taken by Goodman Water Company (GWC).

Q5. PLEASE SUMMARIZE THE AREAS WHERE YOU HAVE PROBLEMS WITH POSITIONS TAKEN BY GOODMAN WATER COMPANY.

A5. I disagree with Mr. Shiner that EC Development was the Developer of all of the Building Phases. I also question the validity of the spin that Mr. Shiner puts on the modification of Water Plant No.4 in as much that he states the decisions were made through the result of his ultimate decision-making authority. GWC has yet to produce either Book Entries or Invoices showing DR Horton's payment outside of Contribution in Aid to Construction Payments.

1 Q6. What makes you believe EC Development was not the developer all the
2 finished lots in the Eagle Crest Development?

3 A6. I refer to the Final Plat Maps filed with Pinal County.

4	Phase	Date	Owner
5	Initial Plat	10/25/00	Goodman Ranch Associates (Sears)
6	I	12/18/01	DR Horton
7	II	6/23/03	Fidelity National Title (J. Shiner)
8	III	6/2/04	Fidelity National Title (J. Shiner)
9	IV-A	9/11/06	Dr Horton
10	IV-C	2/12/07	DR Horton
11	V	5/22/07	DR Horton

12 From this filing I disagree with Mr. Shiner's statements that DR Horton
13 preferred to deal with only finished Lots. This is consistent with my
14 experience and involvement with the HEAC that Dr Horton owned and
15 developed the final major phases of Eagle Crest Ranch as I dealt
16 directly with their Project managers and staff. DR Horton was the
17 Declarant of our HOA at the time. Dr Horton would have been in
18 control on how the lots were developed and not EC Development. See
19 Appendix A 1 to 6.

20 **Q7. What else leads you to question the historical sense of control that**
21 **EC Development had on the development of Eagle Crest Ranch?**

22 A7. GWC conducted a tour of the water plants on December 17, 2010 for
23 the benefit of RUCO Staff and our State Senator. I was invited to
24 attend by our Chairperson of the HEAC on December 16, 2010, who in
25 turn was asked by our State Senator to invite some of the homeowners
26 to join him on the tour. During that tour, we stopped at Water Plant
27 #4 and Mark Taylor gave a general description of the equipment and
28 how the plant worked. He indicated that the Plant #4 was purely a
29 Pressure Plant and was built to provide 1200 gpm: 1000 gpm for fire

1 flow and 200 gpm for water delivery. When asked by one of the
2 members in the group why it wasn't the same as the J Zones 1500
3 gpm, Mr. Taylor indicated that to build a system to deliver 1500 gpm
4 was difficult. You would have to put in larger pumps and oversized
5 pipes. There was some discussion about some houses having
6 Automatic Fire Sprinklers and some without but Mr. Taylor was under
7 the assumption that the fire department allowed 1,000 gpm if all the
8 houses had Fire Sprinklers. He summarized that both the hills were
9 1000 gpm and everything below them were 1500 gpm for fire flow.

10 If Mr. Taylor believed that modifying the system to deliver 1500 gpm
11 was difficult, why would he not remember such a significant event as
12 the plant modification? It was obvious that there were four pumps at
13 the water plant and Mr. Taylor's initial drawings only showed three
14 pumps for this plant.

15 There was no mention of the fact that Water Plant #4 was modified
16 and capable of providing 1600 gpm. I was aware of the modification
17 through public information requests with the ADEQ and Golder Ranch
18 Fire District. GWC later admitted to the plant modification through
19 Intervenor Discovery Request 3.04. See Appendix B

20 We also asked GWC for the Cost of the Modification and after sixteen
21 (16) day extension in time, GWC responded that "it appeared that
22 GWC did not pay for the modification". See Appendix C.

23 So now they profess that DR Horton, then a part owner of GWC, paid
24 for the modifications and that Mr. Shiner led the charge and is
25 promoting this abuse of DR Horton's influence to have the water
26 system modified for their personal gain leaving us with the expense of
27 supporting extra infrastructure and increased water storage
28 requirements.

29 Mr. Taylor was not firmly aware of who paid for the modifications and
30 he must have been very involved with the modifications. He states in
31 his Rebuttal Testimony, Page 22, Line 22, "it is my understanding that
32 the Company did not pay for the cost of that upgrade"

1 If this was such a memorable example of Mr. Shiner's decision making
2 authority, why did he not bring this to the attention of RUCO and the
3 State Senator during the tour? Why has GWC not been able to produce
4 the documents supporting their statements that DR Horton paid for
5 the modifications? Where are the book transactions and supporting
6 Invoices for the modifications outside of Contributions to Aid in
7 Construction payments? I would also ask the ACC to investigate if the
8 plant and equipment modification costs were included by GWC in the
9 last rate case W-2500A-06-0281.

10 **Q8. Are there any other issues raised by the other parties to this case**
11 **which you wish to address at this time in your prepared Surrebuttal**
12 **Testimony?**

13 A8. No; not at this time. However, my silence on other matters does not
14 mean that I am in agreement.

15 **Q9. Does this conclude your Surrebuttal Testimony?**

16 A9. Yes, it does.

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APPENDIX A

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RECORDING DATA

STATE OF ARIZONA 1860
COUNTY OF MARICOPA
BOOK 021-3410
PAGE 1 OF 5
RECORDED BY: [Signature]

DECLARATION, TITLE WARRANTY, AND DEDICATION

I, the undersigned, being the owner of the premises described herein, do hereby declare that the same are not subject to any lien, mortgage, or other encumbrance...

OR HORTON INC., A DELAWARE CORPORATION, HEREBY DEDICATES TO THE PUBLIC AN EASEMENT OF NECESSITY AND ACCESS FOR ALL EGRESS AND/OR CONVEYANCE PURPOSES OVER AND ACROSS ALL PRIVATE STREETS DEPICTED ON THIS PLAN...

THE BASIS OF ELEVATION IS PANEL POINT 43 LOCATED SOUTHWESTERLY OF THE NORTHEAST CORNER OF SECTION 32, T10S, R16E, C6888B...

TABLE OF REQUIREMENTS
BASE ZONING OR-3
MINIMUM LOT AREA: 7,000 SQ. FT.
MINIMUM FRONT YARD SETBACK: 20 FT.

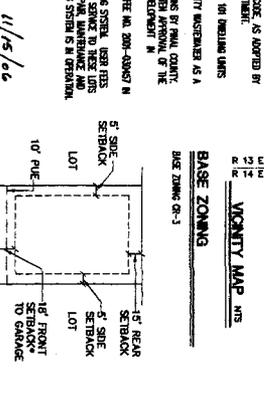
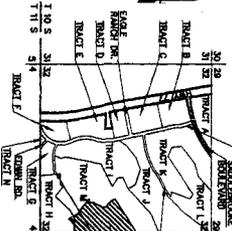
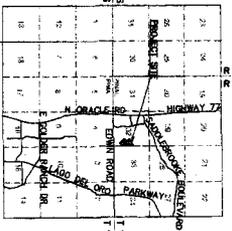
UTILITY & SERVICES PROVIDERS
SEWER - PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT
WATER - COCHISEAN WATER COMPANY

TRACT SUMMARY
TRACT AREA: 199.438 ACRES
USE: PRIVATE STREETS, EGRESS AND ACCESS, SERVICE AREAS

FINAL PLAT OF EAGLE CREST RANCH IV-C

A FINAL REPORT OF PORTIONS OF TRACT H AND M OF EAGLE CREST RANCH TRACTS A THROUGH N, CORNER SECTION 32, T10S, R16E, C6888B, MARICOPA COUNTY, ARIZONA, IS HEREBY FILED FOR RECORD...

OWNER / DEVELOPER: OR HORTON INC., 5205 S. WILLIAMS CIR, #1030, TUCSON, AZ 85711
ENGINEER: ORP ENGINEERING, LLC, 2700 N. HAYDEN AVENUE, SUITE 437, TUCSON, AZ 85715



TYPICAL BUILDING SETBACK AND PUBLIC UTILITY EASEMENT (PUE) (UNLESS OTHERWISE SHOWN ON PLAT MAP) MEASURED FROM THE OUTSIDE OF THE PRIMARY WALL OF HOUSE.

SHEET INDEX

- 1 COVER SHEET
2 SHEET INDEX
3-5 PLAN SHEETS

LEGEND

- 1 LINE NUMBER
2 LINE BEING TYPED BY A REGISTERED LAND SURVEYOR TO BE SET (CORNER)
3 ROUND CORNER AS SHOWN (CORNER OF SUBDIVISION)
4 3/4" ROUND TO BE SET (ON CORNER)
5 3/4" ROUND TO BE SET (ON CORNER)
6 STREET NAME CHANGE
7 STREET NUMBER TO BE SET
8 7' STREET NUMBER TO BE SET
9 SHORT VESSEL TRUNCATE EASEMENT
10 VESSEL TRUNCATE EASEMENT
11 VESSEL TRUNCATE EASEMENT
12 VESSEL TRUNCATE EASEMENT

LAND SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATED HEREIN WERE MADE UNDER MY DIRECTION DURING THE COURSE OF MY PROFESSIONAL SERVICE...

ROBERT ELLIS LEEK, P.E. ENGINEERING, LLC, 2700 N. HAYDEN AVENUE, SUITE 437, TUCSON, ARIZONA 85715

APPROVALS
THIS PLAN HAS BEEN APPROVED AS TO FORM BY: [Signatures]

ACKNOWLEDGMENT
I, the undersigned, being the owner of the premises described herein, do hereby declare that the same are not subject to any lien, mortgage, or other encumbrance...

ORP ENGINEERING, LLC
2700 N. HAYDEN AVENUE, SUITE 437, TUCSON, ARIZONA 85715
PHONE: (520) 286-8544

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2

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APPENDIX B

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**INTERVENOR'S THIRD SET OF DATA REQUESTS TO
GOODMAN WATER COMPANY, INC.
DOCKET NO. W-02500A-10-0382
February 26, 2011**

- 3.01 Please provide a narrative and details on Goodman Water Company's total water works capacity in terms of Equivalent Development/Dwelling Units (EDU's) (a) for total homes planned (b) for total commercial property planned, in the Eagle Crest Ranch development.
- 3.02 Please provide the dates for the earliest date of water service provided to lot numbers 478 to 590 and separately for lot numbers 591 to 617.
- 3.03 Please provide a narrative of the extent of damage to the Goodman Water System that resulted from the recent cold weather. Indicate what water plants were affected, equipment that failed, estimated water lost to leakages, dates and time the failures occurred, time frame for when failure occurred and repairs were completed and associated costs for repairs.
- * 3.04 Please provide a narrative for addressing the attached Water Plant #4 Upgrade for boosting Water Pressure to meet a Fire Flow Capacity of 1,600 GPM for the K Zone that was approved for Construction by the ADEQ on 5/26/04. Include (a) what entity requested the upgrade, (b) what was the total cost of the upgrade, (c) confirm the upgrade was constructed and installed in Water Plant #4, (d) Date the installation was completed and put in service.

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW

P. O. Box 1448
TUBAC, ARIZONA 85646

(520) 398-0411
FAX: (520) 398-0412
EMAIL: TUBACLAWYER@AOL.COM

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

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

March 7, 2011

Lawrence Wawrzyniak
39485 S. Mountain Shadow Dr.
Tucson, AZ 85739

James Schoemperlen
39695 S. Horse Run Dr.
Tucson, AZ 85739

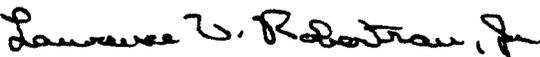
Re: Intervenor's Third Set of Data Requests to Goodman Water Company
Docket No. W-02500A-10-0382

Dear Mr. Wawrzyniak and Mr. Schoemperlen:

Enclosed you will find responses to Intervenor's Third Set of Data Requests in the above-referenced matter.

If you have any questions please feel free to contact me.

Sincerely,


Lawrence V. Robertson, Jr.

cc: Ayesha Vohra (via email only) AVohra@azcc.gov
Marlin Scott, Jr. (via email only) MScottJr@azcc.gov
Gary McMurry (via email only) GMcMurry@azcc.gov
Kelli Perry (via email only) Kelli@searsfinancial.net
Thomas J. Bourassa (via email only) tjb114@cox.net
William A. Rigsby (via email only) brigsby@azruco.gov
Daniel Pozefsky (via email only) DPozefsky@azruco.gov

**GOODMAN WATER COMPANY, INC.'s RESPONSES TO
INTERVENOR'S THIRD SET OF DATA REQUESTS
DOCKET NO. W-02500A-10-0382
MARCH 7, 2011**

3.01 Please provide a narrative and details on Goodman Water Company's total water works capacity in terms of Equivalent Development/Dwelling Units (EDU's) in the Eagle Crest Ranch development.

RESPONSE: Attached as Appendix "A" is a copy of a "worksheet" previously prepared by WestLand Resources, Inc. which outlines the "Planning and Design Criteria EDU's," which were used in connection with the design of the water system for the Eagle Crest Ranch subdivision.

3.02 Please provide the dates for the earliest date of water service provided to lot numbers 478 to 590 and separately for lot numbers 591 to 617.

RESPONSE: The Company's records indicate that the earliest date for the physical delivery of water service to lots located within (i) lot numbers 478 to 590 and (ii) lot numbers 591 to 617 was February 22, 2007 in each instance.

3.03 Please provide a narrative of the extent of damage to the Goodman Water System that resulted from the recent cold weather. Indicate what water plants were affected, equipment that failed, estimated water lost to leakages, dates and time the failures occurred, time frame for when failure occurred and repairs were completed and associated costs for repairs.

RESPONSE: This information will be provided, when fully compiled, as a supplement to the Company's Responses to this Third Set of Data Requests.

3.04 Please provide a narrative for addressing the attached Water Plant #4 Upgrade for boosting Water Pressure to meet a Fire Flow Capacity of 1,600 GPM for the K Zone that was approved for Construction by the ADEQ on 5/26/04. Include (a) what entity requested the upgrade, (b) what was the total cost of the upgrade, (c) confirm the upgrade was constructed and installed in Water Plant #4, (d) Date the installation was completed and put in service.

RESPONSE: Attached as Appendix "B" are copies of (i) a September 2003 communication from Golder Ranch Fire District to D.R. Horton Homes and (ii) a June 28, 2004 communication from Golder Ranch Fire District to D.R. Horton Homes. These documents indicate that the subject upgrade at Water Plant #4 was occasioned by a 1,500 GPM fire flow capacity requirement enforced by the Golder Ranch Fire District against

3.04
Cont

D.R. Horton Homes in connection with homes to be located in the K-Zone. Attached as Appendix "C" is a copy of a September 19, 2003 Memorandum from WestLand Resources, Inc. to the Golder Ranch Fire District indicating that the Company's Water Plant #4 would require an upgrade of "an additional 500-gpm of capacity," in order for the water system to be able to achieve the 1,500 GPM fire flow requirement of the fire district. Attached as Appendix "D" are copies of a (i) May 26, 2004 Approval to Construct and a (ii) October 12, 2004 Approval of Construction, as issued by the Arizona Department of Environmental Quality in connection with the subject upgrade of facilities to Water Plant #4.

The total cost of such upgrade will be provided as a supplement to this data request response.

- 3.05 Please submit copies of the minutes of the Goodman Water Companies board of directors minutes since inception to the Administrative Law Judge assigned to the instant rate case on an in camera basis. We will ask the judge to determine what portions of the same are relevant to the issues to be resolved by the Commission.

RESPONSE: Attached as Appendix "E" is a copy of the Company's Notice of Transmittal of Documents to Assigned Administrative Law Judge for *In Camera* Review, as mailed to the Arizona Corporation Commission's Docket Control. The Company believes that this transmittal and contemporaneous submission of copies of the Minutes of meetings of Goodman Water Company's Shareholders and Board of Directors to Administrative Law Judge Jane L. Rodda is fully responsive to this data request.

Appendix “B”

GOLDER RANCH FIRE DISTRICT

Community Risk Prevention Division

Helping to make our community a better, safer place to live!



September 2003

Jim Morrison, Vice President Construction
D.R. Horton Homes
5255 E. Williams Circle
Suite 1030
Tucson, Arizona 85711

RE: Fire Code Review of Eagle Crest Ranch Development

Dear Mr. Morrison,

There have been recent discussions regarding some Fire Code deficiencies within the Eagle Crest Ranch Development. It is my intention to strive for fire code compliance and continue the good relations between Golder Ranch Fire District and D.R. Horton Homes. The two main issues at hand are as follows; fire flow requirements in relation to dwelling unit square footage, insufficient emergency secondary access. On the final plat for phase 2, I have also identified a concern regarding access for two separate cul-de-sacs with over 25 dwelling units each.

I. Fire Flow

- A. **UFC Appendix III-A / IFC Appendix B – Section 5.1 One- and Two-Family Dwellings** - The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire area which does not exceed 3,600 square feet shall be 1,000 gallons per minute. Fire flow and flow duration for dwellings having a fire area in excess of 3,600 square feet shall not be less than that specified in UFC Table A-III-A-1. **Exception** – A reduction of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.
- B. **UFC Appendix III-A – Section 4 Fire Area** - Defined as the total floor area of all floor levels within the exterior walls, and under horizontal projections of a roof of a building except as modified in Section 4. **Area Separation** – Portions of a building which are separated by one or more four-hour area separation walls constructed in accordance with the Building Code, without openings and provided with a 30-inch parapet, are allowed to be considered as separate fire areas.
- C. **Horizontal Projections of a Roof** – GRFD interpretation and clarification with the latest editions of the fire code - Covered patios and porches that are not open on two or more sides are also considered as Fire Area for defining fire flow requirements.
- D. **Garages** – Garages are included as Fire Area for defining fire flow requirements.
- E. **Fire Area Exceeding 3,600 Square Feet** – The next step in Table A-III-A-1 is 1,750 gallons per minute for buildings not exceeding 4,800 square feet.

GOLDER RANCH FIRE DISTRICT

Community Risk Prevention Division

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- F. **Water Development Plans** – The approved Water Development Plans were approved for 1,000 gpm fire flow and have notation that dwelling units exceeding 3,600 square feet in fire area shall have an automatic fire sprinkler system installed.
- G. **Situation** – The “*Kopopelli*” model consists of 3,682 square feet plus a 652 square foot garage and covered porches/patios open on two or more sides for a total of 4,334 square feet fire area. The “*Windsong*” model consists of 2,998 square feet plus a 676 square foot garage and covered porches/patios open on two or more sides for a total of 3,674 square feet fire area. Both of these models exceed 3,600 square feet and are required to have an automatic sprinkler system installed. D.R. Horton Homes has constructed and completed five (5) dwelling units that exceed 3,600 square feet in fire area, lots 147, 157, 162, 166, and 191. An automatic fire sprinkler system has not been installed in these dwelling units. A sixth dwelling unit exceeding 3,600 square feet is currently under construction, lot 193. An approved automatic sprinkler system has been installed for lot 193. Future lots might be sold and built upon with dwelling units exceeding 3,600 square feet.
- H. **Proposed Solution** – Jim Morrison, D.R. Horton Homes, has expressed the desire of D.R. Horton Homes to not have to install automatic sprinkler systems in the homes exceeding 3,600 square feet and has proposed to increase the available fire flow to 1,500 gallons per minute. Westland Resources has modeled the existing water system and submitted documentation that the system could handle an increase of 500 gpm.
- I. Dwelling units exceeding 3,600 square feet but not exceeding 4,800 square feet would require 1,750 gpm by Table A-III-A-1. Chief Fink and Fire Marshal Schoon have reviewed the situation, and due to an overall 500 gpm improvement for the entire development, agreed to allow the dwelling units to be constructed up to 4,800 in fire area, if 1,500 gpm is available.

GOLDER RANCH FIRE DISTRICT

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III. Long, Dead-End Roads with Single Point of Access

- A. **UFC 1998 Supplement / IFC Appendix D** – Developments of one- or two family dwellings where the number of dwelling units exceeds 30 shall be provided with a minimum of two separate and approved fire apparatus access roads. **Exception:** Where all dwelling units are protected by approved residential sprinkler systems, access from two directions may not be required. **Section 503.1.2 Additional Access.** The code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- B. **Situation** – The latest Final Plat GRFD has reviewed shows two long dead-end cul-de-sacs with a single point of access for each one. One of these roadways, Diamond Bay Drive, serves 104 lots and the other, Mountain Shadow Drive, serves 45 lots.
- C. **Solution** - A second means of access shall be provided for each area or all dwelling units on these two points of access shall be constructed with an approved automatic sprinkler system.

GOLDER RANCH FIRE DISTRICT

Community Risk Prevention Division

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II. Secondary Access

- A. **UFC 1998 Supplement / IFC Appendix D**– Planned Area Developments where the number of dwelling units exceeds 25 shall be provided with separate and approved fire apparatus access roads. Exception – Where all dwelling units are protected by approved automatic sprinkler systems, access from two directions shall not be required. **Section 503.1.2 Additional access.** The code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- B. **Situation** - The Development Plan was shown with two main access points; these being from Oracle Road onto Eagle Crest Boulevard, and from SaddleBrooke Boulevard onto Eagle Crest Boulevard. The SaddleBrooke Boulevard access point would not be installed until such time that the commercial properties on the Northwest corner of the development were started. The development has more than 500 dwelling units planned. The majority of dwelling units were further identified to be accessible from a single main roadway, Eagle Heights Drive. The developer agreed to install a secondary access point adjacent to lot 148 that leads to Edwin Road and it would be gated to allow for emergency use only. Any locking mechanism shall be approved by GRFD and adhere to the standard for approved key boxes of locking mechanisms. The required unobstructed width of fire apparatus access roads is 20 feet. The standard for emergency fire apparatus roads is 14 feet.
- C. **Problem** – The secondary access has been completed. The gate is currently not locked. The gate is obstructed by a three foot high dirt and rock barrier placed between Edwin Road and the gate. The gate width is 14 feet; however, the access consistently narrows down to 9 feet wide as it meets with the development roadway adjacent to lot 148. This secondary access is unusable and does not meet the standard.
- D. **Solution** – Correct the width deficiency, remove the dirt and rock barrier, and install a Knox Lock. A Knox Lock Form will be provided.

GOLDER RANCH FIRE DISTRICT

Community Risk Prevention Division

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June 28, 2004

Leslie Schaefer
D R Horton
5255 E. Williams Circle
Suite 1030
Tucson, AZ 85711

RE: Eagle Crest Ranch, Phase III (Lots 378-419)

Dear MS. Schaefer,

I received your letter describing the road widths and possibly increasing the fire flow to 1,500 gpm in lieu of the required installation of automatic sprinkler systems. The road widths stated are minimum widths and as such do not offer anything to consider in the way of not enforcing the fire code with an alternative method. Your letter was bold enough to suggest that emergency apparatus could utilize a 10' right of way on both sides and illustrated it as a "clear area." With the installation of mailboxes, landscaping, and vehicles of homeowners parked in their driveways, I certainly can not see this as a "clear area."

D R Horton has stated in October 2003 they would increase the fire flow to 1,500 gpm because of constructing dwellings exceeding 3,600 square feet. The Fire Code requirement is 1,750 gpm for dwellings exceeding 3,600 square feet. GRFD agreed to accept an increase to 1,500 gpm for dwellings up to but not exceeding 4,800 square feet. As of June 2004, the improvements have not been accomplished.

Furthermore, the entire development is served by a single access point. An emergency secondary access was constructed in the cul-de-sac of Mountain Shadows Drive to meet the Fire Code. The Fire Code requires minimum clear width of 20 feet. GRFD agreed to accept a 14 foot clear width for the relatively short distance between Mountain Shadows Drive and Edwin Road. The developer constructed an access that is only 9 feet wide with one side having a vertical drop off into a drainage area. The access can not be utilized by fire apparatus. In the October 2003 meeting with D R Horton and GRFD, this was pointed out and was also to be corrected. As of June 2004, the access has not been corrected.

Increasing the available fire flow to 1,500 gpm, and correcting the existing secondary access is paramount to the continuation of this development. Golder Ranch Fire District has been patient and obviously willing to work with D R Horton; however, D R Horton has not been responsive to correcting the deficiencies. Lots 378-419 do require without exception, an additional secondary access or the installation of an automatic sprinkler system in each dwelling.

Sincerely,

Steven L. Schoon
Fire Marshal

Appendix “C”

MEMORANDUM

TO: John Fink, Golder Ranch Fire District

FROM: Kristen Whatley, E.I.T., Westland Resources, Inc.

CC: Mark Taylor, Westland Resources, Inc.
Doron Sears / Jim Shiner, Goodman Ranch Water Company
Pete Herder, DR Horton

DATE: September 19, 2003

RE: **EAGLE CREST FIRE FLOW MODELING**
WESTLAND PROJECT NO. 292.02 A 8000



Westland Resources, Inc. (Westland) has conducted a fire flow analysis for two areas (A & B) within Eagle Crest Phase 2 as shown on Figure 1. The analysis provides information about the available fire flow to the project site, and includes all onsite water mains. The modeling is based on available information about the water system and the Eagle Crest Water System Master Plan, and has not been field verified for calibration. The model assumes that all line valves are fully open and the pipeline sizes are as shown on the base map provided for the system. A C value of 130 has been assumed for pipelines. The modeling assumes that all water system equipment is working properly.

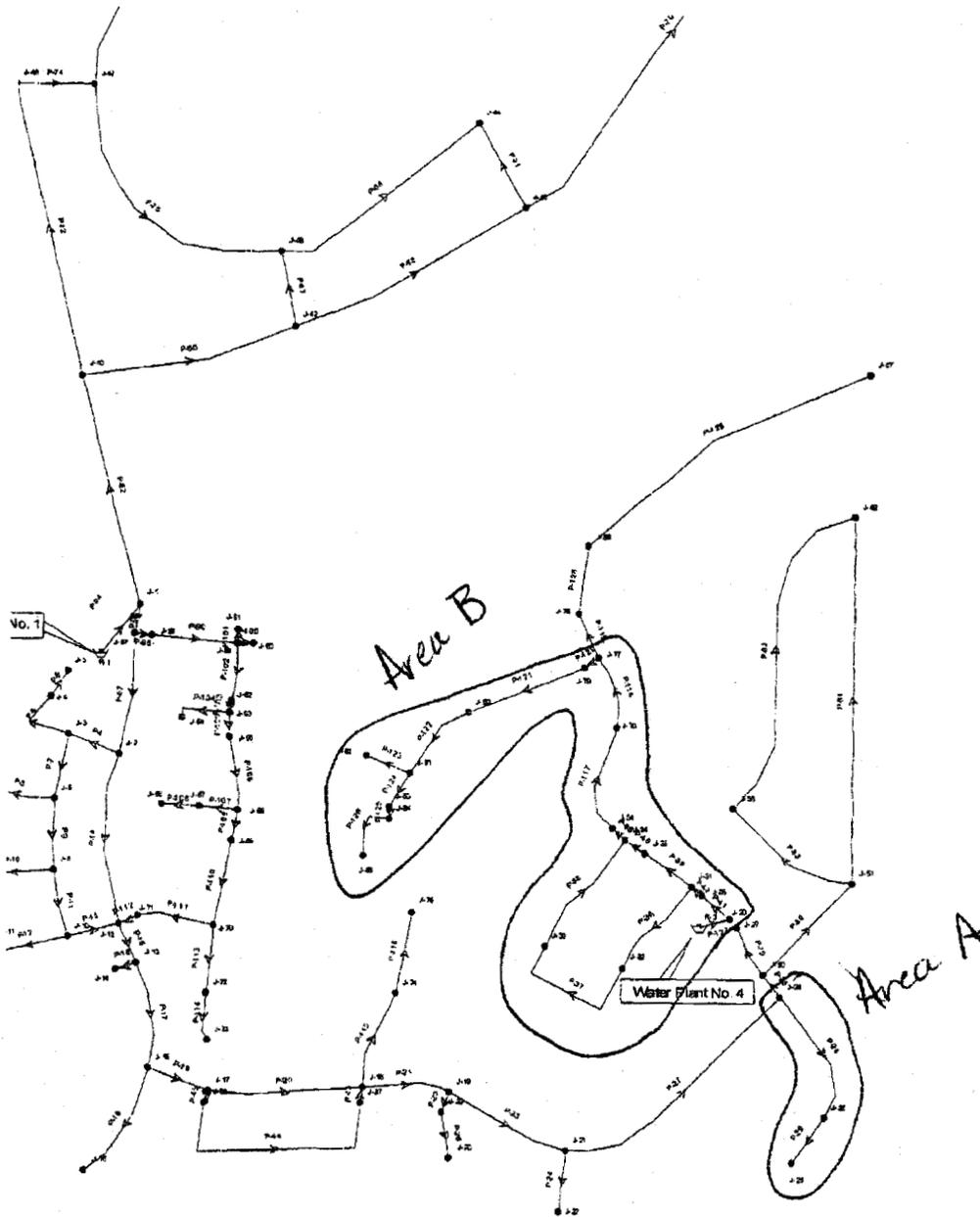
The area marked A is capable of accepting the 1,500-gpm fire flow without reducing overall system pressure below 20 psi during peak day conditions. Modeling results for the fire flow analysis of area A are attached as Exhibits 1 and 2. All junctions within area marked B are capable of accepting the 1,500-gpm fire flow without reducing overall system pressure below 20 psi during peak day conditions. Modeling results for the fire flow analysis of area A are attached as Exhibits 3 and 5. Exhibit 4, Junction Report, shows the overall system pressures during a fire flow at J-84. J-84 controls the fire flow within Area B. Suction pressure at Water Plant No. 4 will significantly drop during a 1500-gpm fire flow, therefore the existing pumps should be analyzed for the proper TDH to deliver the required flow within the K-zone. In addition to modifying the existing pumps, an additional 500-gpm of capacity will need to be added to the existing pumps to provide for the 1,500-gpm fire flow. Pipeline velocities during the 1500-gpm fire flow were below 10 fps which is acceptable during a fire flow event.

Attachments: Figure 1
Exhibits 1-5

WestLand Resources, Inc.
Engineering and Environmental Consultants

FILE

Figure 1
Scenario: 2B-WP1-FF



Appendix “D”

MAY 27 2004



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF APPROVAL TO CONSTRUCT
WATER FACILITIES

ADEQ File No: 20040238	
System Name: Goodman Water Co	System Number: 11130
Project Owner: D.R. Horton	
Address: 5255 E. Williams Cir., #1030, Tucson, AZ 85711	
Project Location: Catalina	County: Pinal
Description: BOOSTER STATION UPGRADES TO PROVIDE FOR A FIRE FLOW OF 1500 GPM AND TOTAL SUPPLY OF 1600 GPM AT THE EAGLE CREST WATER PLANT #4.	

Approval to construct the above-described facilities as represented in the approved documents on file with the Arizona Department of Environmental Quality is hereby given subject to provisions 1 through 5 continued on page 2 through 2

1. This project must be constructed in accordance with all applicable laws, including Title 49, Chapter 2, Article 9 of the Arizona Revised Statutes and Title 18, Chapter 4, Article 5 of the Arizona Administrative Code.
2. Upon completion of construction, the engineer shall fill out the Engineer's Certificate of Completion and forward it to the Central Regional Office located in Phoenix. If all requirements have been completed, that unit will issue a Certificate of Approval of Construction. R18-4-507(B), Ariz. Admin. Code. At the project owner's request, the Department may conduct the final inspection required pursuant to R18-4-507(B); such a request must be made in writing in accordance with the time requirements of R18-4-507(C), Ariz. Admin. Code.
3. This certificate will be void if construction has not started within one year after the Certificate of Approval to Construct is issued, there is a halt in construction of more than one year, or construction is not completed within three years of the approval date. Upon receipt of a written request for an extension of time, the Department may grant an extension of time; an extension of time must be in writing. R18-4-505(E), Ariz. Admin. Code.
4. Operation of a newly constructed facility shall not begin until a Certificate of Approval of Construction has been issued by the Department. R18-4-507(A), Ariz. Admin. Code.

Reviewed by JD1

By: Aolad Hossain 5/26/04
 Aolad Hossain, P.E., Manager Date
 Technical Engineering Unit
 Water Quality Division

cc: File No: 20040238
 Regional Office: Central
 Owner: D.R. Horton
 County Health Department: Pinal
 Engineer: Westland Resources
 Planning and Zoning/Az Corp. Commission
 Engineering Review Database - Etr021

**CERTIFICATE OF APPROVAL TO CONSTRUCT
WATER FACILITIES**

ADEQ File No. 20040238

Page 2 of 2 : Provisions, continued

5. Pipes, fittings, valves, and any other material that comes in contact with drinking water shall comply with NSF Standard 61.



Janet Napolitano
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

1110 W. Washington Street Phoenix, Arizona 85007

29202

APPROVAL OF CONSTRUCTION

Project Description: Booster station upgrades to provide a fireflow of 1500 gpm and total flow of 1600 gpm at the Eagle Crest Water Plant No. 4.

Location: Catalina, Pinal County

Project Owner: Goodman Water Company
Address: 5255 East Williams Circle, #1030, Tucson, Arizona 85711

Arizona Department of Environmental Quality (ADEQ) hereby issues an Approval of Construction for the above-described facility based on the following provisions of Arizona Administrative Code (A.A.C.) R18-4-507 et seq.

On May 26, 2004, ADEQ issued a Certificate of Approval to Construct for the referenced project.

On August 31, 2004, Kara D. Festa, P.E., certified the following:

- a final construction inspection was conducted on August 3, 2004;
- the referenced project was constructed according to the as-built and approved plans and specifications and ADEQ's Certificate of Approval to Construct;
- water system pressure and leakage tests were conducted on August 20, 2004 and the results were within the allowable leakage rates; and
- the system was disinfected according to an ADEQ-approved method.

Microbiological sample from the new piping was analyzed by Turner Laboratories, Inc., ADHS #AZ0066, on July 30, 2004. The sample result was negative for total coliform.

This Approval of Construction authorizes the owner to begin operating the above-described facilities as represented in the approved plan on file with the ADEQ. 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.

jdl

PWS No.: 11-130

ADEQ Project No.: 20040238
LTF No.: 33904

Robert K. Quinn
FOR

Technical Engineering Unit
Drinking Water Section

10/12/09
Date Approved

- c:
- DWCEU Facility File
 - TEU Construction File
 - CRO Approval of Construction File
 - Pinal County Health Department
 - Pinal County Planning & Zoning Department
 - AZ Corporation Commission
 - Engineer

Northern Regional Office
1515 East Cedar Avenue • Suite F • Flagstaff, AZ 86004
(520) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

1

2

3

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APPENDIX C

LAWRENCE V. ROBERTSON, JR.
ATTORNEY AT LAW

P. O. Box 1448
TUBAC, ARIZONA 85646

(520) 398-0411
FAX: (520) 398-0412
EMAIL: TUBACLAWYER@AOL.COM

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

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

March 24, 2011

Lawrence Wawrzyniak
39485 S. Mountain Shadow Dr.
Tucson, AZ 85739

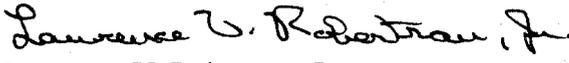
James Schoemperlen
39695 S. Horse Run Dr.
Tucson, AZ 85739

Re: Intervenor's Third Set of Data Requests to Goodman Water Company
Docket No. W-02500A-10-0382

Dear Mr. Wawrzyniak and Mr. Schoemperlen:

Enclosed is Goodman Water Company's Supplemental Response to Individual Intervenor's Data Requests 3.03 and 3.04.

Sincerely,


Lawrence V. Robertson, Jr.

cc: Ayesha Vohra (via email only) AVohra@azcc.gov
Marlin Scott, Jr. (via email only) MScottJr@azcc.gov
Gary McMurry (via email only) GMcMurry@azcc.gov
Kelli Perry (via email only) Kelli@searsfinancial.net
Thomas J. Bourassa (via email only) tjb114@cox.net
William A. Rigsby (via email only) brigsby@azruco.gov
Daniel Pozefsky (via email only) DPozefsky@azruco.gov

**GOODMAN WATER COMPANY, INC.'s SUPPLEMENTAL
RESPONSE TO INTERVENOR'S DATA REQUESTS 3.03 AND 3.04
DOCKET NO. W-02500A-10-0382
MARCH 24, 2011**

3.03 Please provide a narrative of the extent of damage to the Goodman Water System that resulted from the recent cold weather. Indicate what water plants were affected, equipment that failed, estimated water lost to leakages, dates and time the failures occurred, time frame for when failure occurred and repairs were completed and associated costs for repairs.

RESPONSE: See attached March 8, 2011 invoice from Smyth Steel Manufacturing.

X (3.04 Please provide a narrative for addressing the attached Water Plant #4 Upgrade for boosting Water Pressure to meet a Fire Flow Capacity of 1,600 GPM for the K Zone that was approved for Construction by the ADEQ on 5/26/04. Include (a) what entity requested the upgrade, (b) what was the total cost of the upgrade, (c) confirm the upgrade was constructed and installed in Water Plant #4, (d) Date the installation was completed and put in service.

RESPONSE: Further investigation upon this matter indicates that Goodman Water Company does not appear to have paid for the subject cost of upgrade to Water Plant #4.