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BEFORE THE ARIZONA CORPORATI

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Arizona Corporation Commission

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AUG 17 2012

DOCKETED BY JM

COMMISSIONERS

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

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AZ CORP COMMISSION DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
 OF WILLOW VALLEY WATER COMPANY, INC.
 FOR AN EXTENSION OF ITS CERTIFICATE OF
 CONVENIENCE AND NECESSITY.

DOCKET NO. W-01732A-05-0532

JOINDER IN McKELLIPS LAND CORPORATIONS' MOTION FOR EXTENSION OF TIME

Pending before the Commission is the motion for extension of time (Motion) filed by Intervenor McKellips Land Corporations (MLC) on March 15, 2012. MLC requests an extension of time for the utility (Willow Valley Water Co., Inc.) to obtain a Letter of Assured Water Supply (LAWS), a document that only a landowner – not the utility – can obtain.

Willow Valley is concerned with the multiple extensions required by MLC, and Willow Valley did not wish to take an affirmative position on whether the Motion should be granted, although Willow Valley did not oppose the Motion. However, Commission Staff has advised Willow Valley that they do not recognize MLC's legal right to file the Motion, although the Commission has granted previous motions for extension of time by MLC (*see e.g.* Decision No. 72295). Therefore, Willow Valley reluctantly joins in MLC's Motion, so that a decision can be reached in the matter.

This matter dates back to 2006, when the Commission issued Decision No. 68610, approving an extension to Willow Valley's CC&N for three Parcels known as Parcels "A", "B", and "C". "Parcel C" is owned by MLC. The decision required Willow Valley to submit "copies of the Developer's Letter of Adequate Water Supply, stating that there is adequate water." Willow Valley has submitted the LAWS for Parcels A and B, but MLC has suffered a series of setbacks in obtaining the LAWS for Parcel C.

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ONE ARIZONA CENTER
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PHOENIX, ARIZONA 85004
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1 Although MLC has yet to obtain the LAWS, it has obtained an allocation of Colorado River
2 water from the Mohave Valley Irrigation and Drainage District (District). See Exhibit A, District
3 letter dated April 16, 2012. It is Willow Valley's understanding that water allocation from the
4 District will serve as the basis of the LAWS for Parcel C.

5 As noted above, Willow Valley has no control over MLC or its ability to obtain the LAWS
6 for Parcel C, and Willow Valley is concerned about the multiple extensions of time in this docket.
7 However, Willow Valley is also mindful that MLC has expended significant resources and efforts
8 in reliance on the CC&N for Parcel C. Therefore, Willow Valley believes that one final extension
9 of time is appropriate. Willow Valley suggests that the deadline to obtain the LAWS for Parcel C
10 be extended until September 30, 2013.

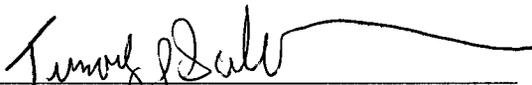
11 This Joinder shall serve as Notice under the Main Extension Agreement (Agreement)
12 between Willow Valley and MLC for Parcel C, that Willow Valley hereby terminates the
13 Agreement in accordance with Section 11 of the Agreement for failure to complete the project with
14 reasonable diligence, unless the LAWS is submitted on or before September 30, 2013. This Notice
15 should ensure that no further extensions are requested by MLC.

16 Should the Commission decide to deny the Motion, or if the Motion is granted but MLC
17 fails to file the LAWS on or before September 30, 2013, the CC&N for Parcel C should be
18 cancelled, but the CC&Ns for Parcels A and B should remain in effect, because: (1) Willow Valley
19 already submitted the LAWS for Parcels A and B, and (2) customers are already being served.

20 Accordingly, Willow Valley joins in MLC's Motion as set forth above.

21 RESPECTFULLY SUBMITTED this 17th day of August 2012.

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26
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By 
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Attorneys for Willow Valley Water Co.

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1 Original and 13 copies of the foregoing
2 filed this 17th day of August 2012 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 Copy of the foregoing hand-delivered/mailed
8 this 17th day of August 2012:

9 Lyn Farmer, Esq.
10 Chief Administrative Law Judge
11 Hearing Division
12 Arizona Corporation Commission
13 1200 West Washington
14 Phoenix, Arizona 85007

15 Janice Alward, Esq.
16 Chief Counsel, Legal Division
17 Arizona Corporation Commission
18 1200 West Washington
19 Phoenix, Arizona 85007

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26 By *Rebbie Amara*

27

Exhibit

"A"

MOHAVE VALLEY IRRIGATION & DRAINAGE DISTRICT

1460 Commercial Street
Mohave Valley, Arizona 86440
Phone: (928) 768-3325 • Fax: (928) 768-5239
Email: office@mvidd.net • Website: MVIDD.net

April 16, 2012

Mr. G. Wayne McKellips, Jr.
McKELLIPS LAND CORPORATION
233 West Royal Palm Road
Phoenix, Arizona 85021

**RE: Willow Valley Estates 21, Tract 4228
(Formerly Willor Valley Estates 20, Tract 4134-C)
Request for Water Allocation Extension**

Dear Mr. McKellips:

At the March 6, 2012 Regular Board Meeting of the Mohave Valley Irrigation & Drainage District (the "District" or "MVIDD"), your request for a one year extension of the preliminary water allocation of 10.1 acre feet for the above-referenced development was approved. This preliminary allocation will expire on April 10, 2013.

Any subsequent extension requests must be accompanied by proof that you have moved forward in obtaining the approvals required for the development of this property. These requests must be made in writing 30 days prior to the expiration date of April 10, 2013 or the water allocation will revert back to the District upon expiration.

When your project is ready to be submitted to the Mohave County Board of Supervisors for final approval you may request your Conditional Final Allocation from the MVIDD. The only condition will be proof of final plat approval by the Board of Supervisors. In order to be placed on the MVIDD agenda you will be required to submit a final allocation request letter, a copy of the plat plan you are submitting to the Board of Supervisors (11" X 14" is sufficient) and a check in payment of any outstanding fees. Upon receipt of these items and the approval of the MVIDD Board, a letter of conditional final allocation will be submitted to you. Upon receiving proof that your final plat has been approved by the Board of Supervisors, your final ADWR letter will be issued.

Mr. G. Wayne McKellips
April 16, 2012
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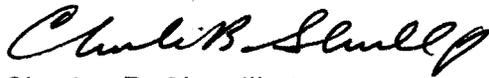
The District guarantees delivery of such water to the lots in the development subject to the availability of such water in the District and the terms and conditions of the November 14, 1968 contract between the District and the United States of America providing to the District 41,000 acre feet of Colorado River water.

Upon expiration of the twelve (12) month period from the allocation date of April 10, 2013 and without a request for further extension of this date, this preliminary allocation will expire. Should this preliminary allocation expire, the District will be relieved from any and all commitment to provide water. In the event of such an allocation expiration, all fees paid to date will be forfeit and you will be required to re-apply for another preliminary allocation and pay any and all fees in conjunction with said application.

Should you have any questions with regard to this matter, or if we may be of further assistance, please do not hesitate to contact the MVIDD office.

Sincerely,

**MOHAVE VALLEY IRRIGATION
& DRAINAGE DISTRICT**



Charles B. Sherrill, Jr.
Chairman

CBS:cp