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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

BOB STUMP, Chairman
GARY PIERCE, Commissioner
BRENDA BURNS, Commissioner
SUSAN BITTER SMITH, Commissioner
BOB BURNS, Commissioner

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY

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

DOCKET NO. W-01732A-05-0532

**NOTICE OF FILING LETTER OF
ASSURED WATER SUPPLY FOR
WILLOW VALLEY ESTATES 21**

In Decision No. 68610 the Commission entered its Order extending the water Certificate of Convenience and Necessity of Willow Valley Water Co., Inc. to include an area described in the Order and further ordering that the water company file with Docket Control, as compliance items in this Docket (a) a Notice of Filing indicating that Willow Valley Water Co., Inc. has submitted for Staff review and approval a copy of the fully executed main extension agreements for water facilities for the extension area and (b) copies of the Developer, McKellips Land Corporation's Letters of Adequate Water Supply for the extension area. With the filing of this Notice, the compliance items required by Decision No. 69610 with respect to the three subdivisions which are the subject of this matter will all have been filed.

In Decision No. 71174 (June 30, 2009) the Commission found that McKellips Land Corporation ("MLC") should be granted intervenor status in this proceeding as a party directly and substantially affected by the proceedings. MLC being uncertain about which of the compliance items required by Decision No. 68610 had previously been filed with Docket Control, filed a Notice of Filing Executed Main Extension Agreements and Letters on September 30, 2013, together with the following compliance items which were attached and identified as these Exhibits:

Exhibit "A" - Line Extension Agreement dated August 31, 1995, approved October 25, 1995, for Willow Valley Estates 20, Tract 4134A;

1 Exhibit "B" – Letter of Adequate Water Supply (Report #22-300085) from Arizona Department
2 of Water Resources for Willow Valley Estates 20, Tract 4134A;

3 Exhibit "C" – Line Extension Agreement dated September 26, 2003, for Willow Valley Estates
4 20, Tract 4134B;

5 Exhibit "D" – Letter of Adequate Water Supply (Report #22-400791) from the Arizona
6 Department of Water Resources for Willow Valley Estates 20, Tract 4134B; and,

7 Exhibit "E" – Water Facilities Extension Agreement dated December 2, 2010, for Willow Valley
8 Estates 21, Tract 4228 (formerly known as Willow Valley Estates 20, Tract 4134B).

9 MLC is filing with this Notice the following compliance item which is the last compliance
10 item ordered by the Commission in Decision No. 68610 required in connection with the above
11 described subdivisions:

12 Exhibit "A" – Letter of Adequate Water Supply (Report #53-700814.0000) issued September 3,
13 2014, by the Arizona Department of Water Resources for Willow Valley Estates 21, Tract 4228,
14 (previously known as Willow Valley Estates 20, Tract 4134C or simply as "Tract C" in these
15 proceedings). A copy of this exhibit was mailed directly to Director Steven M. Olea by the
16 Department of Water Resources.

17 There is currently pending before the commission a Motion for Extension of Time and
18 Confirmation of Compliance with Order and a Supplement to the Motion collectively requesting
19 Commission enter its order (a) confirming that compliance with the LAWS deadline in Decision
20 No. 68610 (March 23, 2006) has been met as it affects that portion of the expanded CC&N
21 encompassing the Mohave County subdivisions described as Willow Valley Estates 20, Tract
22 4134A and Tract 4134B and (b) extending the LAWS deadline in Decision No. 68610 by one
23 year to September 30, 2014, as it affects that portion of the expanded CC&N encompassing the
24 property described as Willow Valley Estates 21, Tract 4228. The only remaining compliance
25 item is being filed with this Notice and if the Commission grants the pending Motion for
26 Extension of Time to September 30, 2014, it will allow MLC and the Willow Valley Water Co.,

1 Inc. to finally be in compliance with Decision No. 68610 as it relates to the above referenced
2 subdivisions.

3 RESPECTFULLY SUBMITTED this 10th day of September, 2014.

4 CARSON MESSINGER PLLC

5 By 

6 Michael Nevels
7 4808 N. 22nd Street, Suite 200
8 P.O. Box 33907
9 Phoenix, Arizona 85067
10 Attorneys for McKellips Land Corporation

11 Original and 13 copies of the foregoing
12 filed this 11th day of September, with:

13 Docket Control
14 Arizona Corporation Commission
15 1200 West Washington Street
16 Phoenix, Arizona 85007

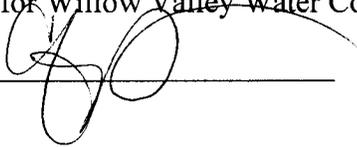
17 Copy of the foregoing hand-delivered and/or
18 mailed this 11th day of September, 2014 to:

19 Lyn Farmer, Esq.
20 Chief Administrative Law Judge
21 Hearing Division
22 Arizona Corporation Commission
23 1200 West Washington
24 Phoenix, Arizona 85007

25 Janice Alward, Esq.
26 Chief Counsel, Legal Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Steven M. Olea
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Timothy J. Sabo, Esq.
Roshka DeWulf & Patten, PLLC
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004
Attorneys for Willow Valley Water Co., Inc.

By 



JANICE K. BREWER
Governor

MICHAEL J. LACEY
Director

ARIZONA DEPARTMENT of WATER RESOURCES
3550 North Central Avenue, Second Floor
Phoenix, Arizona 85012-2105
602.771.8500
azwater.gov

Via US Mail & electronic mail

September 3, 2014

G. Wayne McKellips, Jr.
4808 N 22nd St, Suite 200
Phoenix, AZ 85016

Water Report #53-700814.0000
Subdivision Name: Willow Valley
Estates 21, Tract 4228
Owner: McKellips Land Corporation, Inc.
an Arizona corporation
Number of lots: 24
County: Mohave
Township 18 North, Range 22 West,
Section 21
Annual Water Demand: 7.34 acre-feet/year

Water provided by: Willow Valley
Water Company

Water Type: Colorado River Water

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

Basin: Lake Mohave

Dear Mr. McKellips,

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

Adequacy of the 100-year water supply was reviewed by the Department with regard to physical, legal and continuous availability, water quality, and financial capability. Information available to the Department indicates that the applicant has satisfied the adequate water supply requirements as set forth in A.A.C. R12-15-701 *et seq.* Therefore, the Department of Water Resources finds the water supply to be adequate to meet the subdivision's projected needs. Any material change to the subdivision plat or its water supply plans may invalidate this decision. See A.A.C. R12-15-708.

EXHIBIT A

This letter is being forwarded to the Arizona Department of Real Estate as required by A.R.S. § 45-108. This law requires the developer to hold the recordation of the subdivision's plat until receipt of the Department's report on the subdivision's water supply. By copy of this report, the Mohave County Recorder is also being officially notified of the developer's compliance with the law.

Pursuant to A.R.S. § 41-1092.03, the Department is notifying you that the Director's determination and decision to issue this Water Report is an appealable agency action. You are entitled to appeal this action. If you wish to appeal this action, you must file a written appeal within thirty (30) days from receipt of this letter. I am providing you with a summary of the appeal process and an appeal form, should you elect to pursue this option.

If you have any questions, please contact the Office of Assured & Adequate Water Supply at 602-771-8599.

Sincerely,



Andrew J. Craddock
Program Manager
Recharge, Assured & Adequate Water Supply

AJC/rbo

cc: Via Electronic Mail:

Mohave County Planning and Zoning
Mohave County Recorder
Mark Clark, Mohave Valley Irrigation & Drainage District
Carla Randolph, Arizona Department of Real Estate
Steve Olea, Arizona Corporation Commission
Linda Taunt, Arizona Department of Environmental Quality
Cynthia Stefanovic, Arizona State Land Department