

W-04254A
Montezuma Rimrock Water Company,
L.L.C.
PO Box 10
Rimrock AZ 86335
Patricia D. Olsen
(928) 592-9211

Flood Control District - The Board of Supervisors resolved into the Board of Directors of the Yavapai County Flood Control District and following consideration of this item reconvened as the Board of Supervisors. Consider approval, and give the Flood Control District Administrator permission to sign, Change Order #1 to the Professional Services Contract with Rockwell Engineering, Inc. for the Lake Montezuma Area Projects Study. Yavapai County Flood Control District minutes, January 19, 2010. No comments from the public

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Minutes – Verde January 20, 2010 Page 2 **NEW BUSINESS**

6. **Use Permit; APN: 405-25-517; H#9139.**

THESE MINUTES CONTAIN PUBLIC COMMENT

Applicant: Montezuma Rimrock Water Co. LLC

Agent: Patricia Olsen

Project: Well #4

Request: Consideration of a Use Permit to allow the placement of a well site to serve the Montezuma Rimrock Water Company system on site on an approximate legal non-conforming .22 acre (9,999 sq. ft.) lot in a R1L-10 (Residential; Single Family Limited; 10,000 minimum) zoning district. Located on Lot 500 in Lake Montezuma Estates Unit 2 on the west side of Tiemann Lane approximately 180 feet northwest of Bentley Drive in the Community of Beaver Creek.

Located in SEC 36 TWN15N R5E G&SRB&M

Tammy DeWitt, Planner made the staff presentation noting that staff had received one (1) additional letter of opposition subsequent to the preparation of the Commission packets.

Chairman Reilly opened the discussion to the Commission.

Commissioner McClelland asked if staff had received anything from the Lake Montezuma Estates POA. Ms. DeWitt responded negatively. Commissioner McClelland asked if there were water lines from this well to the properties being serviced. Ms. DeWitt responded that the lines from this well went to Well #1. Commissioner McClelland asked if this well supplemented the main well. Ms. DeWitt replied affirmatively, noting that a larger tank and the arsenic treatment facility would be located at Well #1 and that had been approved administratively as there was no opposition to that Administrative Review with Comment application. Commissioner McClelland asked if the

residents had known at that time that the water would be coming from this area. Ms. DeWitt responded negatively noting that each well site application had been processed separately. Commissioner Garner requested confirmation that what was being looked at today was not a water issue, as that was beyond the Commission's purview, but was simply the land use for the lot itself. Ms. DeWitt replied affirmatively.

Commissioner Kerkman asked if the fire hydrants mentioned during the staff presentation also served the properties of the people who were in opposition. Ms. DeWitt responded affirmatively.

Commissioner Lindner asked if staff had read the opposition letter the Commission received just prior to the meeting. Ms. DeWitt replied affirmatively, noting that there was also a letter from that person in the Commission packet. Commissioner Lindner asked in regards to land use issues if staff had seen anything that would add to what was being looked at today as might pertain to a possible recommendation for approval of this item, more specifically if the letter brought out anything that had not already been discussed. Ms. DeWitt replied negatively.

Commissioner Kerkman asked if any of the wells had been drilled with permits. He expressed the opinion that it was not appropriate to make a determination on a land use issue if the wells had been drilled without permits. Ms. DeWitt responded that there was a residential well on the property and that the applicant had confirmed that she had obtained a permit to re-drill the well from the Environmental Unit. Commissioner Minutes – Verde January 20, 2010 Page 3

Kerkman asked if it was permitted as a commercial well or a private well. Ms. DeWitt said she did not have that information and she would need to research that.

Commissioner Garner commented in regards to casing sizes, etc. that the current well had been deepened from the residential well that was on-site previously but that as there was only single-phase power available to the site the ability to produce a tremendous amount of water would be limited by the pump size that could be operated in the well.

Commissioner Barnert asked if that information addressed the two (2) letters from Mr. Dougherty as to whether or not this was a commercial enterprise. He expressed the opinion that regardless of pump size or the type of power that it still appeared to be a different use and that would be a land use question. Ms. Link deferred to the applicant. Ms. DeWitt commented that in the Zoning Ordinance, a water company was allowed in an R1L Zoning District under one (1) acre. She noted that there were four (4) separate wells to service the water company and as such each would be looked at individually. Ms. DeWitt said that the well sites had been processed through the Administrative Review with Comment and that Well #1 had been approved administratively but that the other three (3) had been denied due to opposition, thereby requiring the Use Permit process.

Commissioner McClelland requested clarification in regards to the different wells. Ms. DeWitt explained that Well #1 where the arsenic treatment facility would be located had been approved administratively, Wells #2 and #3 were denied administratively and would come before the Commission in a future Use Permit request, Well #4 was denied administratively and was the site under consideration in the current Use Permit request.

Commissioner McClelland asked if this parcel was being taxed as vacant land. Ms. DeWitt responded that she did not have that information and she would need to research that.

Commissioner Lindner asked if staff had discussed with the applicant perhaps doing different/additional screening such as landscaping to address the concerns of the neighbors. Ms. DeWitt replied that some of the neighbors had stated that they would not mind vegetative screening however the question was if it could be kept alive. She said that could be added to the stipulations if the Commission so chose. Commissioner Lindner said with regards to the opposition that having an additional vegetative component might be something to be considered.

There being no further questions of staff, Chairman Reilly asked the applicant to address the Commission.

Patricia Olsen, Owner/Operator Montezuma Rimrock Water Company (MRWC) addressed the Commission's concerns as follows: MRWC purchased the Montezuma Estates Water Company from the Property Owners Association in July 2005, MRWC believed it to be a legally operating water company, MRWC would be agreeable to working with the County to provide either slats for the existing chain link fence or other recommended screening per County requirements, the current fencing including the barbed wire was a Federal requirement for all public water utilities. She stated that in December 2009 MRWC's main well went down; there was no viable back-up supply available at that time or currently. Ms. Olsen commented that the four (4) fire hydrants in the community were currently unable to meet fire flow requirements. She said the Montezuma Rimrock Fire Department was willing to assist MRWC financially with installation of additional fire hydrants within the community, the needed booster pumps for fire flow and possibly the storage tank which would meet the 500 G.P.M. for 60 minutes required for fire flow. Ms. Olsen noted that in order to receive the assistance Minutes – Verde January 20, 2010 Page 4

from the Fire Department MRWC must be able to provide the water. She stated that MRWC had no intentions of installing water tanks or structures on the site in question noting that the parcel was located within a floodplain. Ms. Olsen said that the well had been deepened by KP Ventures and it had been left to the well driller to fill out all required permitting; MRWC had just discovered that the well had been permitted as a residential rather than a commercial well which was an oversight on their part. She noted that although there was only single-phase electric available at the site, the well provided 800 G.P.M. at the time it was deepened however the maximum amount of water pumped from that well would be 190 G.P.M. which due to friction loss would end up being 150 G.P.M. Ms. Olsen concluded by stating that MRWC was willing to consider any and all fencing, slats, or hedging requirements and noted that she had sent a request to the Property Owners Association to solicit a letter of support but had not yet received any response from them. Commissioner McClelland asked when the well was drilled. Ms. Olsen replied it was deepened in August 2006. Commissioner McClelland asked if it was capable at that time of 800 G.P.M., why was it not capable of that now. Ms. Olsen responded that it only had single-phase power. Commissioner McClelland asked if it had ever had 800 G.P.M. capability. Ms. Olsen replied that it could pump 800 G.P.M. if it had the power but it had not ever done so. Commissioner McClelland asked if Ms. Olsen had not reviewed the paperwork at that time. Ms. Olsen said that was an oversight on her part, she had left the permitting up to the well driller at his request. Commissioner McClelland asked if Ms. Olsen had tried some other means of contacting the Lake Montezuma Estates Property Owners Association in addition to sending a letter. Ms. Olsen replied that she had sent them an e-mail and had tried calling but had not received a response. Commissioner Lindner requested clarification regarding whether the well in question was technically a commercial or residential well. Ms. Olsen replied that MRWC was using it as a commercial well.

Commissioner Kerkman asked in regards to Ms. Olsen's statement that MRWC did not intend to have any storage tanks on this site, if the existing tanks would provide the necessary fire flow requirements. Ms. Olsen replied negatively noting that the additional tanks needed would be placed at Well #1. Commissioner Kerkman asked if that would require another Use Permit. Ms. DeWitt responded negatively noting that Well #1 had been approved administratively through the Administrative Review with Comment.

Elise Link, Planning Manager asked if landscaping were to be required around the fencing how MRWC would be able to keep it in a live state. Ms. Olsen replied that they would install irrigation. She commented that with water as scarce as it was it would be best to go with the slats.

Chairman Reilly requested confirmation that the Fire Department would be assisting MRWC in putting in booster pumps to be able to assure fire flows. Ms. Olsen replied affirmatively. Chairman Reilly requested confirmation that Well #4 was currently registered as a residential well. Ms. Olsen replied affirmatively. Chairman Reilly asked if it was going to be a commercial well would it need to be re-registered with ADWR. Ms. Olsen said she did not believe that was required. Chairman Reilly commented that if the Commission was going to recommend approval or denial one of the things that needed to be verified was whether the use was legal from all standpoints. He suggested that the applicant work with staff to get that information between now and the Board of Supervisors meeting. Ms. Olsen concurred. Ms. Link commented that compliance with Minutes – Verde January 20, 2010 Page 5

all applicable codes was in the stipulations so staff would ensure that the operation was in compliance with those [ADWR] codes.

Commissioner Lindner asked if Ms. Olsen anticipated that the Property Owners Association would show up at the Board of Supervisors meeting in opposition. Ms. Olsen said that she had spoken to the Association's president, Mr. Culture, and he had in the past stated his support for the water company and she expected that would continue, however, she would continue to pursue obtaining a letter of support before the next meeting.

Ms. DeWitt mentioned that the Property Owners Association had been notified in October 2009 at the time of the Administrative Review with Comment. It was sent to the Beaver Creek Regional Council and the Lake Montezuma Property Owners Association who forwarded it to the Montezuma Estates Property Association at that time. Commissioner Lindner asked if they had been sent an update letter. Ms. DeWitt replied that had been sent to the Beaver Creek Regional Council and the Lake Montezuma Property Owners Association who then forwarded it to the Montezuma Estates Property Owners Association when the Use Permit was applied for.

Ms. Olsen commented that it was imperative that the well go online, due to the fact that the main well had been in operation for thirty (30) years without any maintenance. She explained that the well had gone down and it was discovered that the well had collapsed below the pump level so denial of the Use Permit would be disastrous to the community and the water company.

Commissioner Lindner expressed his concern regarding the residential wells in the area and asked if there was any way that Well #4 not be the primary well, but be used as a supplement only. Ms. Olsen said that the main well, #1, was in the same aquifer as #4 so MRWC would not be taking water from one area for another. She said Wells #2 and #3 were in a different aquifer and were not viable for fire flow. Ms. Olsen noted that when Well #4 went online it would only be pumping six (6) hours per day. Commissioner Lindner asked what the gallon usage of the well would be. Ms. Olsen responded that during high usage MRWC used 1.5 million G.P.M. Commissioner Lindner asked what that would be per day. Ms. Olsen estimated it would be approximately 50,000 gallons per day. She said she understood the concern regarding drawing down the water table but those were shallow wells. Ms. Olsen said that MRWC did a hydrologic study on Well #4 and that there was an aquitard, a layer of clay, there that separated the surface water from the deeper water. She noted that the aquifer used by Well #1 and Well #4 was replenished by the water from Flagstaff and was dependent on snow melt. Commissioner Lindner commented that the estimation of 50,000 gallons per day seemed somewhat low. Ms. Olsen concurred that it was not a high amount and stated that Well #4 was drilled to 400' depth.

There being no further questions of the applicant, Chairman Reilly opened the floor to public participation.

Opposition –

John Dougherty (5225 N. Bentley Drive) said that he lived across the street from the proposed well site. He expressed his concerns regarding the chain link/barb wire fence, the residential well now being used as a commercial well, and depletion of his well. Mr. Dougherty expressed his displeasure that the documentation he had provided to staff a week ago was not in the Commission packet or in the staff report. Mr. Dougherty stated that he had witnesses and photographs that he had submitted when the well was dug in 2006 because the possibly contaminated test water from the well was placed into the Minutes – Verde January 20, 2010

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wash on his property behind his house and may have contaminated his domestic well. He stated that the Assessor's records showed the property to be vacant and as such was being taxed as vacant land. Mr. Dougherty said he strongly objected to the application and requested a recommendation of denial.

Commissioner Garner asked how long he had lived on his property. Mr. Dougherty replied he had built the house in 1997 and was there before the water company existed. Commissioner Garner asked if he knew there was a well on that lot. Mr. Dougherty responded that he knew there was a domestic well there that was shared by three (3) residents at that time. Commissioner Garner concurred saying he was familiar with the area and believed that the residents had abandoned their cooperative system some time ago. Mr. Dougherty said he did not have any information in regards to that but that the current well had been upgraded without permits and without permission from the County.

Commissioner Kerkman asked if Mr. Dougherty had considered abandoning his well and hooking onto the community water system. Mr. Dougherty responded negatively, noting that he had a major investment in his well and water treatment system and he had very little trust in the current water company. He said MRWC was delivering arsenic-contaminated water and they did not have the financial wherewithal to upgrade the system to where they would not be facing a violation of State and Federal arsenic delivery regulations. Mr. Dougherty said that they had not extended the courtesy of a mitigation offer but instead dumped the waste water from the test well onto his land. Commissioner Kerkman commented that aside from the objections presented, hooking onto the system was an alternative.

Commissioner Lindner commented that Mr. Dougherty might have a legal issue with the water company if they contaminated his land but that was not something the Commission could address. He asked since Mr. Dougherty was one of the close neighbors and the applicant had asked for a waiver on the screening, would he provide some input regarding ways to create visual separation of the site through landscaping. Mr. Dougherty expressed the opinion that plants, hedges, trees, etc. would not be sufficient, that the water company would not maintain them in an adequate manner and as such the only long-term suitable screening would be a block wall although he was not endorsing screening as a solution since he felt the application should not be approved at all.

Commissioner Lindner commented that Use Permits and the attendant County regulations would ensure through the stipulations that vegetative screening would be maintained and concurred that this was a residential area and there should be separation but he was not sure that requiring a block wall was within the Commission's purview. Ms. DeWitt explained that protective screening was generally something that could not be seen through, i.e. wood fence, block wall, etc. and that chain link with overlapping slats was an option that the applicant had agreed to and would be required to maintain. Commissioner Lindner asked if the Commission could require a combination of that and vegetation. Ms. DeWitt replied affirmatively.

Commissioner Garner commented in regards to the 2006 arsenic levels in the wells that it was before the government standard was reduced from 50 mg per liter in 2007 so in 2006 the arsenic levels were still within Federal standards.

Commissioner Lindner described an experience with a local water company and his well whereby he was required to deepen the well with no recourse and commented that it was a fairly common issue. Minutes – Verde January 20, 2010 Page 7

Commissioner Kerkman asked if Mr. Dougherty was a member of the Montezuma Homeowners Association. Mr. Dougherty replied negatively. Commissioner Kerkman asked if his property was within their jurisdiction. Mr. Dougherty replied affirmatively noting that the primary purpose of the Association was to deliver water to people without domestic wells and since he had a domestic well there was no need for him to join the Association.

Ivo Buddeke (5280 Bentley Drive) said his property was directly across from Well #4. He stated that he was speaking first as a board member of Montezuma Property Owners Association. Mr. Buddeke said that the Board had been informed of the improvements to the well and there were questions in regards to the arsenic levels brought up at the Board meetings over the summer. He noted that the issue had been raised at the October meeting, they contacted Ms. Olsen and requested that she either come and talk to the Board about her plans for expansion, construction along the Bentley Drive corridor and plans to bring the levels of arsenic into compliance with EPA regulations and that they had not gotten a reply from her. Mr. Buddeke noted that the Board had been hampered over the holidays by medical issues and as such there was no December meeting. He said that they had received a letter from Ms. Olsen in early January but that the Board meets the last Saturday of every month so they had not yet discussed this item. Mr. Buddeke said that in general the Board had in the past supported the idea of a water company serving the property owners within the community. Mr. Buddeke said he was now speaking as the owner of the property directly across from Well #4. He said he had not been notified when the well was deepened but that he had been a witness to the pouring of the water from the drilling/testing onto Mr. Dougherty's property. Mr. Buddeke said that they had also not been contacted in 2007 when there was a fire hose run up Bentley Drive, placed in the irrigation ditch [showed location on the overhead screen] and the water was pumped into the irrigation ditch, however, the owner of that property moved the hose out onto the road which resulted in his property being flooded. He expressed the opinion that there was definitely a lack of communication with the property owners around this well and also the others since as a member of the Board he had received calls from property owners around Well #1 regarding the lack of communication in the plans for construction/improvements of the well sites. Mr. Buddeke concluded by stating that as a property owner directly across from this he opposed the application based on the fact that it would diminish his property values.

Commissioner Garner asked if Mr. Buddeke had a residence on his property. Mr. Buddeke replied affirmatively.

Commissioner Lindner asked Mr. Buddeke to address the discussion regarding the potential addition of a landscaping proposal. Mr. Buddeke responded that if the Commission decided to approve the permit he would certainly ask for the highest and best screening of the commercial activities on the lot to protect his property values. Commissioner Lindner asked if he would still be in opposition to the application. Mr. Buddeke replied that if the site was screened to preserve his property values he would support it.

Ms. Olsen commented that she had only been asked to attend the Property Owners Association meeting, not to attend and discuss the arsenic issue/construction plans. She noted that Mr. Buddeke had asked her about the construction plans as an individual and that she had discussed them with him at his home. Ms. Olsen said that MRWC had permission to drain the test water into the irrigation ditch and the hydrant hose had been removed from the irrigation ditch leading to the flooding of Mr. Buddeke's property.

Commissioner Lindner asked if MRWC was amenable to screening with 5 gallon juniper trees. Ms. Olsen responded that she believed that was a fair compromise and that she Minutes – Verde January 20, 2010 Page 8

had seen those used in other utility locations. Commissioner Lindner commented that was a low water usage type of landscaping that seemed to do well in Arizona or perhaps pine trees in 5 gallon containers.

Ms. Link suggested that rather than using really specific language regarding type of vegetation, spacing, size, etc. that the stipulation include language to the effect that the landscape plan "needs to be approved by staff" because it would be difficult to enforce otherwise. She expressed the opinion that would allow flexibility for both the applicant and staff.

Commissioner Kerkman suggested the use of language to the effect of "drought tolerant plants". He commented that he was generally opposed to the use of vegetation for screening due to community concerns regarding water consumption.

Commissioner McClelland expressed the opinion that a slatted fence was preferable but that it might be nice to have some trees on the outside of the fence to break-up the appearance of the fence. She said she believed that a 5 gallon tree would not solve the problem for many years and that solid fence screening was necessary, possibly supplemented with vegetation.

Chairman Reilly commented that the new wording in the stipulation addressed her concern [*"drought tolerant plants to be maintained by the water company"*]. Commissioner McClelland asked if that was in addition to the solid screening. Ms. DeWitt replied affirmatively.

Commissioner Garner expressed the opinion in regards to the concern about the aesthetics of the neighborhood that the water company could afford a drip system that utilized a minimum amount of water. He commented that there was a trend in other water districts not to utilize trees for screening due to their water consumption. Commissioner Garner said that in this case there was the opportunity to satisfy the neighbors and that the stipulation should be worded so it would provide enough screening to be aesthetically balanced with the community.

There being no further public comment, the floor was closed to public participation and returned to the Commission for further discussion.

Chairman Reilly expressed the opinion that communication needed to be improved on both sides and suggested that a time limit be put on the Use Permit to allow time for the landowners and the water company owner to address the issues.

Commissioner Garner asked if he was recommending a ten (10) year timeframe on the Use Permit itself. Chairman Reilly responded that he was suggesting a timeframe of three (3) years for it to come back to the Commission for review.

Ms. DeWitt explained that if a Use Permit was granted for a three (3) year period it would come back for administrative approval through the Board of Supervisors; it would not come back before the Commission unless there was opposition.

Ms. Link commented that the Commission could phrase the stipulation so that the Use Permit would come back to the Commission and then at that time if the Commission felt that the communication issue had been addressed and the applicant was operating in good faith of the Use Permit the Commission could recommend approval on a permanent basis. Minutes – Verde January 20, 2010 Page 9

Commissioner Kerkman said his preference would be to defer this application in order to provide an opportunity for the property owners to get together. He expressed his surprise that there was not a great deal of participation from the property owners who have a vested interest in seeing an adequate water supply be available to the entire community.

Chairman Reilly referred to the overhead screen noting that the properties with the green check marks had indicated their support. Commissioner Kerkman responded that was within the 300' notification but the well affected the entire community and that the water flow, particularly for fire protection, had a huge impact on property insurances, etc. and he expressed his concerns regarding the lack of involvement of all of the affected property owners. -

Ms. Link commented that she understood that the applicant was on a conservative timeframe, however, there would be merit/justification for deferral as that would allow time for the issues, e.g. screening, additional support, ADWR information, etc. to be addressed.

Chairman Reilly stated that it was due to the conservative timeframe that he had suggested the limited Use Permit.

Commissioner Barnert expressed the opinion that deferral seemed to be the best option. He asked staff in reference to the area map if there was an additional property that should have an "X" and expressed concern regarding the twenty percent (20%) opposition rule. Ms. DeWitt mentioned that property owner had not submitted a letter of opposition. Commissioner McClelland commented that Mr. Buddeke had indicated he would be in favor if the fence issue was addressed to his satisfaction. Mr. Buddeke stated that he was in opposition at this point.

Commissioner McClelland said that the Commissioners in the Verde had taken a straw poll and they were in favor of deferring the application.

Action #1: Commissioner Barnert made a motion to defer hearing application H#9139, Use Permit for thirty (30) days to the next regularly scheduled Verde Commission meeting on February 17, 2010.

Commissioner Kerkman seconded the motion.

Commissioner Garner encouraged the applicant to bring back a site plan to the Commission that reflected the vegetation they intended to install.

Ms. Olsen requested clarification regarding the deferral. Commissioner Garner explained that MRWC would have to come back before the Commission in thirty (30) days. Ms. Olsen commented that MRWC was under requirement by ADEQ to have arsenic treatment in place by April 30, 2010 and said that deferring the application for thirty (30) days would put them in violation. Commissioner Garner asked if the arsenic system was currently in place. Ms. Olsen replied negatively noting that they were waiting on the outcome of this hearing and had planned to start construction in February. Commissioner Garner commented that MRWC would need a mechanism in place to treat the water effectively no matter what flow was available. Ms. Olsen stated that the arsenic system required the 150 G.P.M. in order to operate.

Ms. Link/Ms. DeWitt explained that if deferred for thirty (30) days the application would come back before the Commission in February and then go before the Board of Supervisors in March. Minutes – Verde January 20, 2010 Page 10

Voting ensued. The motion carried unanimously and this item will be re-heard by the Planning and Zoning Commission on February 17, 2010.

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Misinformation & Need for Clarification:

Ivo wants to buy the Water Company

MEPOA wants to buy the Water Company

Arizona Water is being petitioned to buy the Water Company

Water will be shut off to residents

The cost of providing bottled water to residents is \$50K and the responsibility of MEWC.

WMRC is insolvent

Arsenic levels are a problem only for ME

Water in wells is dropping 1 foot per month

WMRC circumvented the process

Treatment facility will be located in floodplain

Well is located in floodplain

Denying a use permit for this parcel is not akin to denying water to this community. There is another commercial water company in the immediate area that could provide safe drinking water if this company fails to obtain state permits and the WIFA loan.

The need for a zoning variance from Yavapai County could have been avoided if the company had chosen to install its production well on commercial lots along Beaver Creek Road, in close proximity to the company's two other well sites.

The company is not in good standing with regulators and, crucially, its request for financing to build an arsenic treatment system that includes this parcel has been suspended indefinitely.

Without the financing, the company cannot meet the necessary environmental regulations to use this parcel and will likely miss crucial April 30 state imposed deadlines to have an arsenic treatment system operating.

Denying a use permit for this parcel is not akin to denying water to this community. There is another commercial water company in the immediate area that could provide safe drinking water if this company fails to obtain state permits and the WIFA loan.

From: Sara Konrad <skonrad@azwifa.gov>

To: patsy@montezumawater.com

Cc: Judy Navarrete <jnavarrete@azwifa.gov>

Sent: Wed, February 3, 2010 10:11:19 AM

Subject: Environmental Information Document for Montezuma Rimrock Water Company.

As you are aware, the Categorical Exemption previously issued for this project may not have been warranted as WIFA has recently received information that the project does not qualify under one or more of the categories in R18-15-107 (B). WIFA must further verify conditions surrounding this project. To do so, you will need to prepare an Environmental Information Document (EID). I have attached the template for that document prescribing the required format. To expedite WIFA's review and development of an Environmental Assessment (EA) from the EID, it is vital that the EID thoroughly address each of the sections in the document. Specifically for this project, the following issues have been raised and the Environmental Information Document must specifically address each with a formal letter from the appropriate federal or state agency:

1. The project is known or expected to directly or indirectly affect cultural resources: Montezuma's Well (National Park Service, U.S. Department of the Interior)
2. The project is known or expected to directly or indirectly affect habitats of endangered or threatened species: Southwest Willow Flycatcher in Wet Beaver Creek (U.S. Fish and Wildlife and/or AZ Game and Fish)
3. The project is known or expected to directly or indirectly affect the 100 year floodplain (FEMA).

If it so happens that these issues are not significant, then WIFA can, upon receipt of the EID, issue a Finding of No Significant Impact (FONSI). At that point, WIFA will publicly notice the FONSI for a period of 30 calendar days and receive and review any comments. If these issues are significant, then an Environmental Impact Statement will be required, and WIFA will contact you about proceeding with that process.