

**STATE OF ARIZONA  
DEPARTMENT OF WATER RESOURCES  
CERTIFICATE OF ASSURED WATER SUPPLY**

This is to certify that

**TNHC Mountain Shadows, LLC, a Delaware limited liability company,  
owner as to Lots 132, 133 and 134,**

has met the requirements of A.R.S. §§ 45-576 and the applicable regulations, and

By powers vested in the Director of the Arizona Department of Water Resources by the  
State of Arizona, and subject to the conditions contained in the applicable regulations,

Is issued this Certificate of Assured Water Supply for

**Mountain Shadows Resort  
Township 2 North, Range 4 East, Section 8  
GSRB&M Maricopa County, PHOENIX Active Management Area**

Sufficient water of adequate quality will be continuously available to satisfy the water demand of  
the referenced subdivision for at least one hundred years. The referenced subdivision consists of  
**235 lots** as described in the preliminary plat on file with the Department, and has an estimated  
water demand of **45 acre-feet per year**. The subdivision will be served **groundwater** by  
**EPCOR - Paradise Valley**.

This Certificate is invalid as to any entity not named above.  
This Certificate may be assigned pursuant to A.A.C. R12-15-705.

**Certificate Number: 29-700839.0001**  
Original Issue Date: November 12, 2015



**ARIZONA DEPARTMENT OF WATER RESOURCES**

*Richard B. Oberdorfer*  
Program Manager

*March 18, 2016*  
Date

TYPE A CERTIFICATE

**DOUGLAS A. DUCEY**  
Governor



**THOMAS BUSCHATZKE**  
Director

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

March 18, 2016

VIA CERTIFIED MAIL  
Nathan Miller  
Southwest Groundwater Consultants, Inc.  
3033 N. 44th Street  
Suite 120  
Phoenix AZ 85018

**Re: Certificate of Assured Water Supply  
Mountain Shadows Resort  
DWR File No. 29-700839.0001**

Dear Mr. Miller:

The Arizona Department of Water Resources (Department) has determined that the criteria for an Assured Water Supply pursuant to A.R.S. § 45-576 and A.A.C. R12-15-701 *et seq.* have been met, and therefore the Director has decided to issue Assured Water Supply Certificate No. 29-700839.0001. EPCOR - Paradise Valley will provide the water supply to the lots. The source of supply will be groundwater. Based on current information, the Department has determined that the subdivision's total projected demand is 45 acre-feet per year for 235 lots, and the groundwater allowance for the 100-year period is 90 acre-feet. The Certificate is attached. The Department suggests you record your Certificate of Assured Water Supply in the appropriate county recorder's office. This will provide you with a permanent public record of the Certificate.

This determination is applicable only to the person or entity specified on the Certificate and for the plat reviewed by the Department. Information used in evaluating this application is available for review in the Department's files. Please contact us if questions arise.

Pursuant to A.R.S. § 41-1092.03, the Department is notifying you that the Director's determination and decision to issue the Certificate 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.

Sincerely,  
  
Richard B. Obenshain, Manager  
Recharge, Assured & Adequate Water Supply Programs

RBO/ble

Enclosures

Page 2

Subdivision Name: Mountain Shadows Resort

File Number: 29-700839.0001

Candi Cox, CAGR

Carla Randolph, Arizona Department of Real Estate

Thomas Broderick, Arizona Corporation Commission

Linda Taunt, Arizona Department of Environmental Quality

Heide A. Kocsis, Az. State Land Department

# ARIZONA DEPARTMENT OF WATER RESOURCES

## NOTICE OF RIGHT TO APPEAL AGENCY ACTION

### **I. Right to Request Hearing**

You have the right to request a hearing on the agency action described in the enclosed letter. To request a hearing, you must file a notice of appeal with the Docket Supervisor, Arizona Department of Water Resources, 3550 North Central Avenue, Fourth Floor, Phoenix, Arizona 85012 within thirty (30) days from the date of your receipt of this letter. A Notice of Appeal form is enclosed. Pursuant to A.R.S. § 41-1092.03, the grounds for appeal by a party who will be adversely affected by the agency action and who exercised a right to comment on the action provided by law or rule is limited to the issues raised in the party's comments.

If you file a timely notice of appeal, a hearing will be scheduled and you will be given written notice of the time and place for the hearing at least thirty (30) days before the hearing date. The date scheduled for the hearing may be advanced or delayed on the agreement of the Department and the parties to the action or on a showing of good cause. **If no party files a notice of appeal within thirty days from the date of receipt of the enclosed letter, the agency action described in the letter will become final and will not be subject to judicial review.**

### **II. Right to Request Informal Settlement Conference**

If you file a timely notice of appeal as described above, you will have the right to request an informal settlement conference. A request for an informal settlement conference must be in writing and must be filed with the Docket Supervisor, Arizona Department of Water Resources, 3550 North Central Avenue, Fourth Floor, Phoenix, Arizona 85012 not later than twenty (20) days before the hearing date. The enclosed Notice of Appeal form includes a place for you to request an informal settlement conference. If you file a timely request for an informal settlement conference, the Department will give you written notice of the time and place for the settlement conference. An informal settlement conference must be held within fifteen (15) days after the request is filed.

If an informal settlement conference is held, a person with the authority to act on behalf of the Department will represent the Department at the conference. The parties participating in the settlement conference will waive their right to object to the participation of the Department's representative in the final administrative decision. Statements, either written or oral, made by the appellant at the conference, including a written document, created or expressed solely for the purpose of settlement negotiations, are inadmissible in any subsequent administrative hearing.

### **III. Agency Contact Person**

If you have any questions regarding the appeals process, or the process for requesting an informal settlement conference, please contact the Docket Supervisor at (602) 771-8472.

ARIZONA DEPARTMENT OF WATER RESOURCES

NOTICE OF APPEAL OF AGENCY ACTION

1. Party filing this notice of appeal:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No: (\_\_\_\_) \_\_\_\_\_

2. The following action of the Department of Water Resources is being appealed:  
(Please attach a copy of the letter which advised you of the action.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The following is a concise statement of the reason(s) for the appeal:

(If you need additional space, please attach a separate page. Note: Pursuant to A.R.S. § 41-1092.03, the grounds for appeal by a party who will be adversely affected by an agency action and who exercised a right to comment on the action provided by law or rule is limited to the issues raised in the party's comments.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Pursuant to A.R.S. § 41-1092.06, the appealing party may request an informal settlement conference. Such a request must be made no later than 20 days before the hearing. If an informal settlement conference is requested, the conference will be held within 15 days after the request is received by the agency.

The person filing this notice of appeal requests an informal settlement conference at this time  
(check one):

Yes \_\_\_\_\_ No \_\_\_\_\_

Note: A person who participates in an informal settlement conference waives the right to object to the participation of the Department's representative in the final administrative decision. A.R.S. § 41-1092.06(B).

5. \_\_\_\_\_ Date: \_\_\_\_\_  
Signature of filing party

\_\_\_\_\_ Include title if applicable  
Print or type name

**FILING OF FORM:** A party who desires to file a notice of appeal must complete this form and file it with the Docket Supervisor, Arizona Department of Water Resources, 3550 North Central Avenue, Fourth Floor, Phoenix, Arizona 85012 within thirty (30) days after the date the party received notice of the appealable agency action.