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MEMORANDUM

TO: Honorable Chair and Board Members
Pima County Board of Supervisors

FROM: Robin Brigode, Clerk of the Board *RB*

DATE: February 18, 2014

RE: Proposed Redington Water Conservation District

On January 27, 2014, a petition to establish the Redington Water Conservation District and a bond in the amount of \$2,800.00 was filed in the Office of the Clerk of the Board. The petition was circulated to the Pima County Attorney's Office and the Pima County Assessor's Office for review and comment. As directed on February 4, 2014, the notice of hearing and petition have been published and posted. The attached petition appears to be in proper form and meets the following requirements:

- The petition has been signed by a majority of the resident owners of real property. The Pima County Assessor's Office has reported that Bayless & Berkalew, Co., is the only resident owner of real property within the proposed boundaries of the district. An affidavit swearing that the petition was signed by the person whose name appears has been filed.
- The petition sets forth the purpose of the organization of the district, a general description of the boundaries, an estimate of the total acreage to be benefited by the proposed district, the number of director's and the means proposed to supply water.
- The petition requests the proposed district boundaries be delineated. After review by the Pima County Assessor's Office, the proposed Legal Description (Exhibit A) and Maps (Exhibit B) have been amended to accurately depict the property owned by the petitioner and attached to the petition.

If the request of the petitioner is to be granted, it is recommended the Board of Supervisors first amend the following specific numbered sections of the petition pursuant to A.R.S. §48-2911:

4. That the District's boundaries are delineated by the legal description in Amended Exhibit A as set forth in the maps attached as Amended Exhibit B;
9. That the Election's Department be directed to conduct an election pursuant to Arizona Revised Statute, Title 16, and that the Board of Supervisors canvass the results of the election and, if appropriate, order the establishment of the district;
10. That the cash bond be recognized in the amount of \$2,800.00;
12. That numbered section 12 be struck from the petition as this is a function of the Board of Directors of the District; and
14. That numbered section 14 be struck from the petition based on the direction given in numbered section 9.

Respectfully submitted.

Attachment

2014-01-21_RedingtonPetition.docx

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**PETITION FOR THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA TO
ESTABLISH REDINGTON WATER CONSERVATION DISTRICT**

Pursuant to Chapter 19 of Title 48 of Arizona Revised Statutes, the undersigned real property owner ("Petitioner") hereby petitions the Board of Supervisors of Pima County, Arizona ("the County"), to conduct a public hearing on this Petition ("this Petition") and after said hearing, to enter a final order ("Resolution") forming an irrigation and water conservation district and directing Petitioner to hold an election for the formation of an irrigation and water conservation district and for the election of the district's initial board of directors.

1. Petitioner proposes to organize an irrigation and water conservation district to be named "Redington Water Conservation District" ("the District").
2. The District is necessary to provide water and acquire power at a reasonable cost.
3. The District will maintain all existing improvements, including easements and right-of-ways, which are used to serve water, at a reasonable cost, to property within the District's boundaries and to adjacent lands having contracts with the District, thus benefitting public convenience and welfare. If necessary, the District will also construct new improvements or replace the existing improvements that are used to provide power to operate groundwater wells and other facilities in order to distribute and serve water, at a reasonable cost, to property within the District's boundaries and to adjacent lands having contracts with the District.
4. Petitioner proposes that the District's boundaries within the County are delineated by legal descriptions in Exhibit A and as set forth in maps attached as Exhibit B. The estimated acreage within these boundaries is Three Thousand Seven Hundred and Fifty (3,750) acres.
5. The improvements include all existing facilities and facilities that may be constructed in the future that are necessary to provide water for the land within the boundaries of the District and to adjacent lands that have water delivery contracts with the District. These facilities may include, but are not limited to, wells, pumps, ditches, pipelines, electrical power lines and distribution equipment, easements, right-of-ways and water treatment facilities.
6. The District shall be a special purpose county improvement district and a municipal corporation for all applicable purposes.

7. Petitioner acknowledges that the formation of the District may result in the levy of ad valorem taxes, assessments and other charges to pay the costs of improvements constructed or acquired by the District and for their operation and maintenance, and that the Property and its owners will be subject to the ordinances, resolutions and other laws of the District. Petitioner also understands and consents that taxes may be levied on a square footage basis.
8. The only owner of all land within the proposed boundaries of the District is named as Petitioner and has signed this Petition. There are no other owners of land within the boundaries of the proposed District other than the Petitioner. In the future, additional lands may be added to the proposed District, but only with the consent of the owner(s) of such additional lands.
9. Petitioner requests that the Board of Supervisors direct Petitioner to conduct an election by all landowners within the proposed district to consider the approval of the formation of the District and electing a three-member Board of Directors (herein so called) who will be elected on an at-large basis pursuant to A.R.S. §48-2915 because the proposed district acreage is less than ten thousand (10,000) acres.
10. Pursuant to A.R.S. § 48-2906(A), Petitioner will provide a cash bond in an amount of Five Hundred Dollars (\$500), as required by the Board of Supervisors.
11. Pursuant to A.R.S. § 48-2907, Petitioner requests that the Board of Supervisors set a hearing on this Petition within three to seven weeks of the date that this Petition is filed.
12. Pursuant to A.R.S. § 48-3041(A), Petitioner requests that the Board of Supervisors order that the voting in the District be done on an acreage basis.
13. Petitioner, which is the only current qualified elector of the proposed district, requests that the Board of Supervisors include the following names on the ballot for the Board of Directors of the District:

Mary G. Smallhouse

10805 North San Pedro River Road
Benson, Arizona 85602

Andrew J. Smallhouse

23805 East Redfield Canyon Road
Benson, Arizona 85602

David C. Smallhouse

Post Office Box 31597
Tucson, Arizona 85751-1597

All of the proposed directors are officers, directors or representatives of Petitioner, which is the sole owner of the property within the proposed boundaries of the District. Thus, all are qualified to serve on the Board of Directors of the District pursuant to A.R.S. § 48-2917. Furthermore, each proposed director is a resident of Pima County, Arizona.

14. Petitioner, which is the only landowner within the proposed District, requests that after the public hearing, the Board of Supervisors direct Petitioner to conduct an election concerning the formation of the proposed District and an election of the initial Board of Directors of the District as soon as legally possible.

WHEREAS, the Petitioner represents and understands that this Petition constitutes a binding obligation and that this Petition has been validly authorized and executed.

WHEREAS, this Petition is signed by the only entity owning real property within the proposed District boundaries, representing all possible electors and all possible property owners.

THEREFORE, Petitioner requests that this Petition be properly filed as provided by law, that the Board of Supervisors orders a hearing on this Petition and after the hearing has been conducted as provided by law, that the Board of Supervisors approves the formation of Redington Water Conservation District; and

THEREFORE, Petitioner further requests that after the approval of the formation of Redington Water Conservation District, that the Board of Supervisors direct the sole Petitioner to conduct an election concerning the formation of the District and the initial Board of Directors that is satisfactory to the Board of Supervisors, and that the Board of Supervisors orders the establishment of the District.

SUBMITTED BY the party listed below, representing the only landowner within the proposed District.

SIGNATURE OF LANDOWNER

BAYLESS & BERKALEW COMPANY,
an Arizona corporation

Signed Jan. 23, 2014

By: Andrew J. Smallhouse
Andrew J. Smallhouse, President

**PETITION FOR THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA TO
ESTABLISH REDINGTON WATER CONSERVATION DISTRICT**

EXHIBIT "A"

Approximately 3,7500 acres, described as follows:

Property of Bayless & Berkalew Co. in T11S-R18E, Pima County, Arizona in the following sections: 3,10,11,14,15,23,26,27,34

AND

Property of Bayless & Berkalew Co. in T12S-R18E, Pima County, Arizona in the following sections: 2,3,11,12,13,24

Otherwise known as the following parcels:

205-20-001D
205-17-0010
205-17-010M
205-24-002A
205-27-001A6

~~~ End of Exhibit "A" ~~~

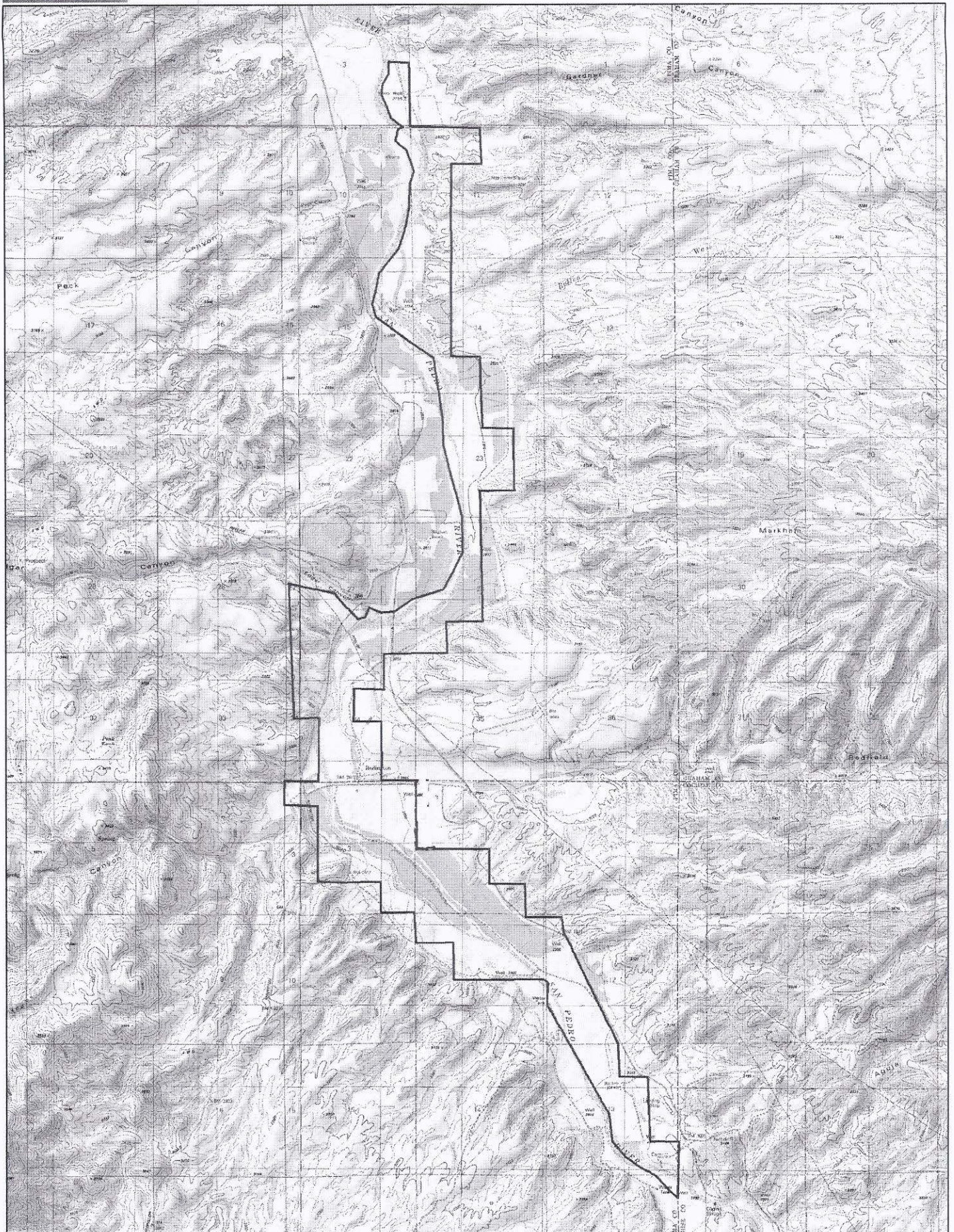
AMENDED AND SUBMITTED FEBRUARY 10, 2014

**PETITION FOR THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA TO  
ESTABLISH REDINGTON WATER CONSERVATION DISTRICT**

**EXHIBIT “B”**

Maps Depicting the Approximately 3,750 Acres of Land  
Described in Exhibit “A”





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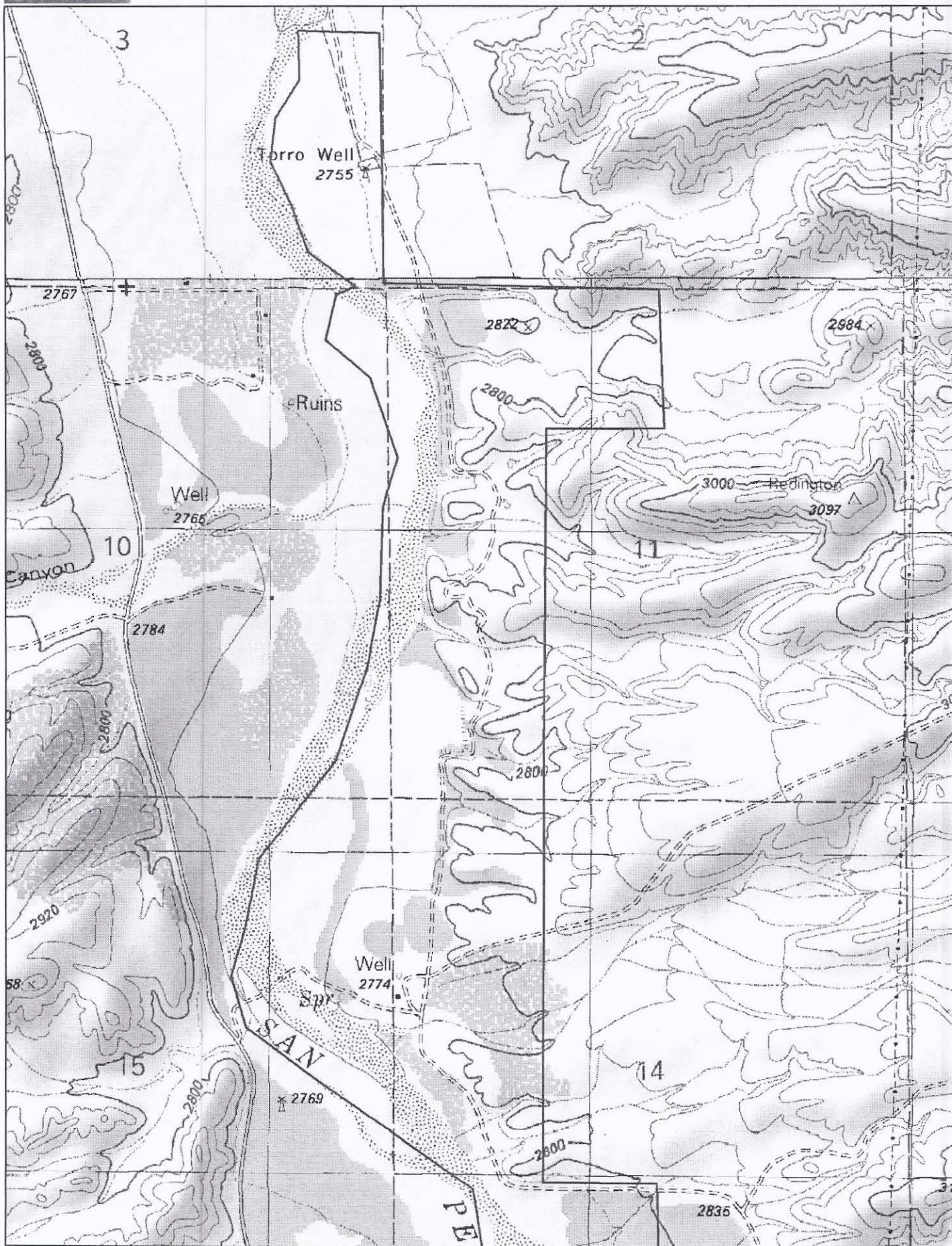


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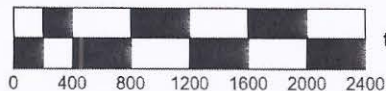
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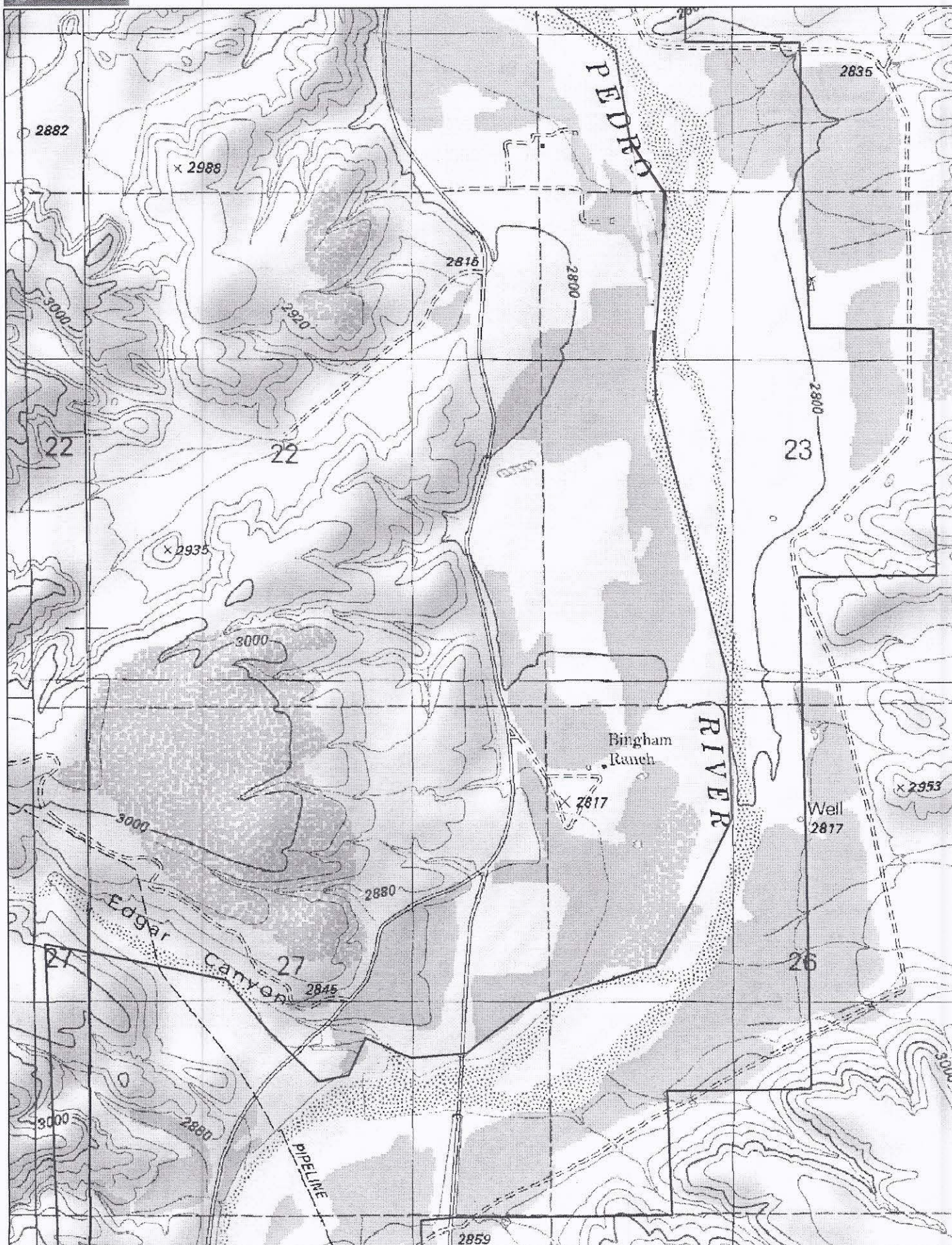


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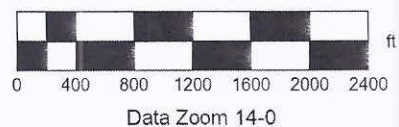




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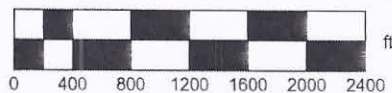
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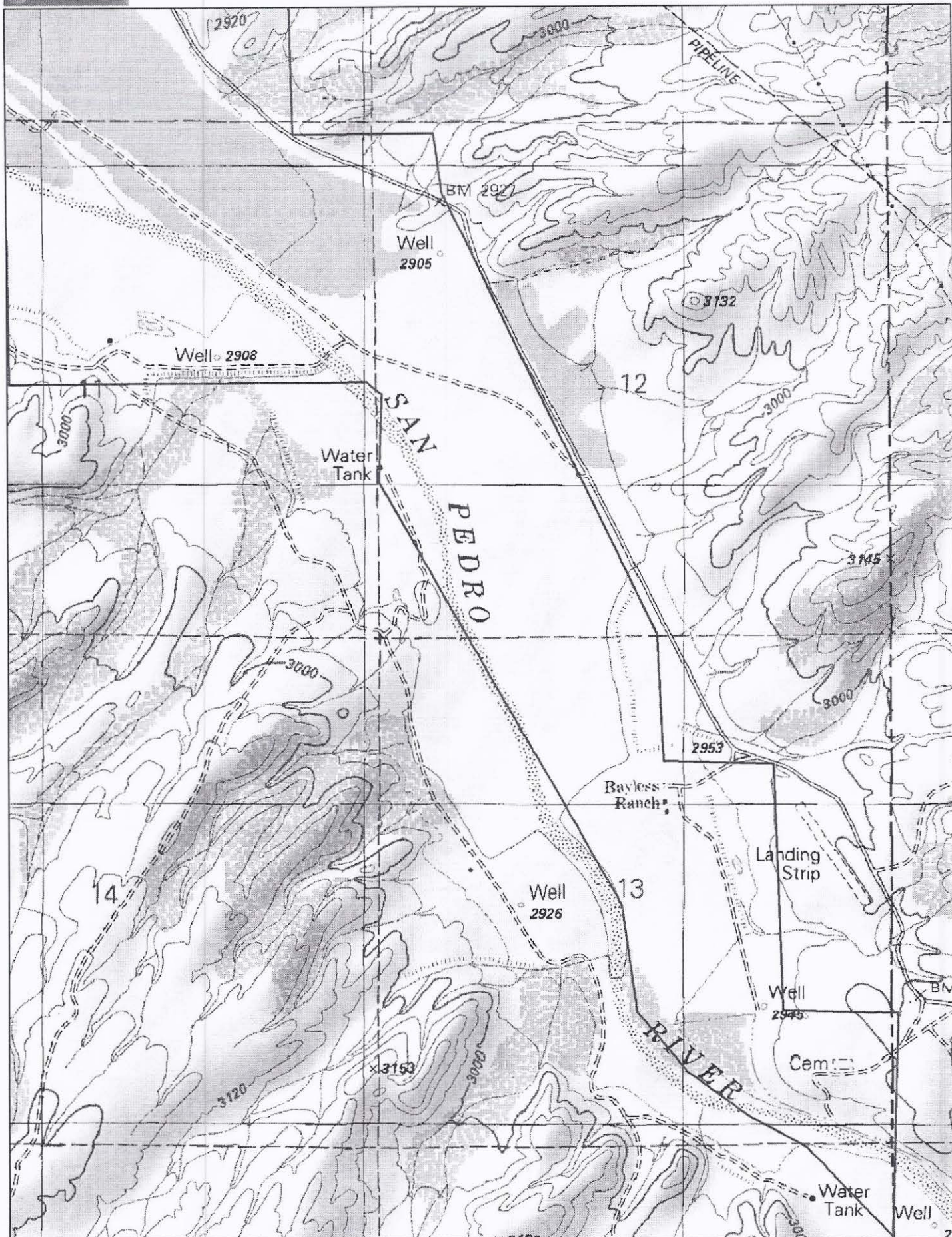


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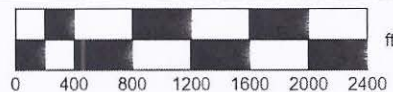




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