F. ANN RODRIGUEZ, RECORDER RECORDED BY: MMW

DEPUTY RECORDER

0503 PE1

W FLOWING WELLS IRRIGATION DIST 3901 N FAIRVIEW AVE TUCSON AZ 85705



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NOTICE OF FLOWING WELLS IRRIGATION DISTRICT FEE AND ASSESSMENT POLICIES

The Flowing Irrigation District ('District'), an Arizona municipal corporation organized and operating in Pima County, Arizona, encompasses the land described on Exhibit A hereto. By resolution(s) of its Board of Directors, the District has established policies regarding fees, charges and assessments for the establishment of service, maintenance of accounts and delivery of water to members of the District. These policies are outlined as follows:

- 1. The Board of Directors shall establish charges for the establishment of service, disconnection, change of address, late penalties, delivery and use of water, and any other necessary and proper fees or assessments from time to time by resolution of the Board. A schedule of currently adopted fees and assessments will be maintained at the District office and may be obtained upon request from the District, 3901 North Fairview Avenue Tucson, Arizona 85705. The District may charge such reasonable and appropriate costs for copying and mailing the fee schedule as it may determine.
- 2. Bills for water fees, service charges or assessments shall be due upon receipt and shall become delinquent on the 10th day of the month, or at such other time as is specifically established by the District. When a bill becomes delinquent, one notice will be mailed to the customer or property owner in whose name the account is recorded, informing him of the delinquency and setting a deadline for which payment must be received or other satisfactory arrangements for payment made. If payment is not received by the deadline set forth in the notice, service may be terminated without further notice. Once service to any water user has been terminated to enforce payment of a delinquent account, the customer or property owner will be charged a delinquent fee. All charges on the account must be paid before service will be restored. An additional fee will be charged in all cases where a customer or property owner restores service without authorization of the District and without payment of the delinquent charges and the District terminates service and locks the meter or meter box to enforce payment of the delinquent charges. Additional charges may be made if the customer or property owner causes damages to any District property or facilities. Service will not be restored to the property until the original delinquent bill and all additional fees or charges properly assessed have been paid.
- 3. If any customer or property owner, upon receipt of a bill for fees or assessments or upon receipt of a notice of delinquency, believes that any charges have been assessed against his account or his property erroneously, the customer or property owner may bring or send the bill or notice to the District business office, together with a written explanation of the facts and circumstances which the customer or property owner believes indicates that the bill is erroneous. The District will review the account and the information furnished by the customer or property owner and notify the customer or property owner of its findings regarding such facts and circumstances. If the customer or property owner delivers his explanation at least 72 hours prior to the deadline for payment, the District will notify the customer or property owner of its decision prior to taking any action to terminate service. If the customer or property owner

delivers his explanation within 72 hours of the payment deadline, or after the deadline, the customer or property owner must make full payment to ensure continuation of service. If the District determines the billing to be in error, a new bill will be issued and a refund or credit issued, as may be appropriate.

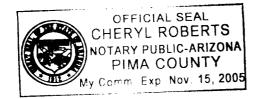
- 4. All fees and assessments for water and the provision of water service shall become a lien upon the land to which the water was delivered until such fees and assessments are paid in full. Failure to pay such fees or assessments may result in foreclosure and sale of the land pursuant to the requirements of Arizona Revised Statutes, Sections 48-3155 through 48-3158, as amended, which statutes provide, among other things, for the notice of sale, sale at public auction, recovery of assessment then due and unpaid with interest, penalties and costs of sale and the right to commence an action in a court of competent jurisdiction for recovery of any delinquent assessment or installment.
- 5. These policies may be revised or amended by the Board of Directors from time to time. The District is under no obligation to record the policies or subsequent revisions or amendments. Detailed policies and procedures for the implementation of these policies has been established by the District and are on file in the District office. Written policies and procedures of the District may be reviewed in the District office and copies may be obtained by providing a written request and payment of a reasonable fee for the copies, as established by the District.

FLOWING WELLS IRRIGATION DISTRICT

W. David Crockett

Its: Superintendent

SUBSCRIBED AND SWORN To before me this 9th day of January 2003, by W. David Crockett, superintendent of Flowing Wells Irrigation District.



Cheryl Roberts
Notary Public

LEGAL DESCRIPTION FLOWING WELLS IRRIGATION DISTRICT

The following described property lying in T13S, R13E, G&SRM, Pima County, Arizona:

The portions of Section 21 described as the South 1/2 of the Northeast 1/4 and that portion of the Southeast 1/4 lying North and East of the eastern boundary of the Southern Pacific Railroad right-of-way;

The portions of Section 22 described as the South 1/2, the South 1/2 of the North 1/2 and all of the North 1/2 of the Northeast 1/4 lying South of the South bank of the Rillito Creek;

The portions of Section 23 described as all of the West 1/2 lying South of the South bank of the Rillito Creek and the South 100.00 feet of the North 1009.56 feet of the West 171.88 feet of the Northeast 1/4 of the Northwest 1/4;

The West 1/2 of Section 26;

The portions of Section 27 described as the East 1/2; the portions of the Northwest 1/4, the North 1/2 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 lying North and East of the East boundary of the Southern Pacific right-of-way; the portion of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 lying North and East of the North bank of the Santa Cruz River; and the portion of the Southeast 1/4 of the Southwest 1/4 lying South and West of the western boundary of the Southern Pacific Railroad right-of-way;

Excepting:

The portions of Section 27 described as the portion lying North and East of the North bank of the Santa Cruz River and lying South and west of the eastern boundary of the ADOT Interstate 10 right-of-way. (Excluded from the District 07-12-2000)

Excepting:

That portion of the West 561.64 feet of the South one-half of the Southwest quarter of the Southwest quarter, Section 27, Township 13 South, Range 13 East, GSRB&M, known as Pima County Tax Parcel No. 106-11-0260. (Excluded from the District 09-12-2001)

The portions of Section 28 described as the portion of the East 1/2 of the Northeast 1/4 lying North and East of the East boundary of the Southern Pacific Railroad right-of-way;

The portions of Section 34 described as the North 1/2 of the Northeast 1/4, the Southwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4, except those portions lying within the Southern Pacific Railroad right-of-way; and that portion of the Southeast 1/4 of the Northwest 1/4 lying North of the North bank of the Santa Cruz River;

The portion of Section 35 described as the North 1/2 of the Northwest 1/4.

Exhibit A

