



AQUARION
Water Company

Stewards of the Environment

May 13, 2013

VIA ELECTRONIC FILING AND FED EX

Kathryn Keenan
Hearing Officer
Department of Public Health
410 Capital Avenue, MS13PHO
Hartford, CT 06106

Re: Docket No. 13-02-04, Joint Investigation by DPH and PURA Regarding Indian Fields Homeowner's Association's Request to Cease Operations as a Water Company.

Dear Ms. Keenan:

Enclosed please find Aquarion Water Company of Connecticut supplemental response to Late File Exhibit LFE-4.

We certify that this filing is being made electronically and that the electronic filing is complete. Copies have also been provided to the Public Utilities Regulatory Authority and the Office of Consumer Counsel. Should you have any questions concerning the foregoing, please contact me at your convenience at (203) 362-3009.

Sincerely,

McKinley Rowe, CPA
Senior Regulatory
Compliance Specialist

cc: Service List

Aquarion Water Company of Connecticut and
Indian Fields Homeowners Association
Late-Filed Exhibit Supplemental

Docket No: 13-02-04
May 13, 2013

Witness: D. Morrissey/ J. McNiff
Page 1 of 2

Q.) LFE-4 Supplemental: Provide clarification on the well locations and property rights being transferred associated with each well.

A.) LFE-4 Supplemental: IFHA has six wells as shown on the revised map attached as LFE 4 Attachment 1. This map corrects discrepancies in the well numbers that were shown on maps previously filed in this docket, specifically DPH Exhibit 5-2 (page 1 of 1) and DPH Exhibit 7-1 (page 8 of 80).¹

The property rights being transferred associated with each of the wells are as follows:

Well Nos. 1, 4 and 5 - located on land owned in fee by IFHA (4A Apache Drive and 79 Obtuse Road South). The fee-owned land will be conveyed by warranty deed ("Deed") from IFHA to Aquarion.

Well Nos. 3 and 6 - located on privately owned land at 12 Apache Drive and 16 Apache Drive. IFHA has rights for these wells that were conveyed to it as part of the conveyance by which IFHA acquired title to its fee-owned land. These same rights will be conveyed by IFHA to Aquarion in the Deed referenced above.

Well No. 2 - located on privately owned land at 8 Apache Drive. IFHA has an easement for this well. The easement will be assigned to Aquarion.

Supplemental Response

In addition to the responses provided in LFE-4 submitted to the Department on April 23, 2013 (also stated above), Aquarion is providing this response as a supplement. As stated in LFE-4, the parcels that are the locations of Well Nos. 1, 4 and 5 are owned in fee by the Association. The parcels are described as the Second Parcel and Third Parcel

¹ DPH Exhibit 7-1 is a copy of the Water Company Land Permit application. Aquarion will separately file with DPH a correction to the map shown on page 8 of 80, as well as related references as contained in the land permit application. These changes have no substantive effect on the land permit.

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Indian Fields Homeowners Association
Late-Filed Exhibit Supplemental

Docket No: 13-02-04
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Page 2 of 2

in a Committee Deed to Indian Fields Homeowner's Association recorded on January 25, 1983, in Volume 148, Page 230 of the Brookfield Land Records, a copy of which is attached as Exhibit A. The parcels will be conveyed by IFHA to Aquarion at the closing of the transaction. The conveyance will be by Warranty Deed, a draft of which is attached as Exhibit B.

With respect to Well Nos. 3 and 6, IFHA obtained rights to these wells in the above-referenced Committee Deed, at the same time that it acquired title to the fee-owned land. These rights will be conveyed to Aquarion in the Exhibit B Warranty Deed. Please see Page 3, Paragraph 5 of the Warranty Deed, which includes the following language:

Together with the right to Boulder Springs Water Company, its successors and assigns, forever exclusively to take water from the wells located on Lot #11 and on Lot #13 as shown on said map and to enter upon said roads for the purpose of maintaining or repairing said wells and for the purpose of maintaining, repairing or replacing the pipes and electrical wires leading from said wells, as recorded in Volume 104 at Page 842 of the Brookfield Land Records.

With respect to Well No. 2, IFHA obtained a separate easement copy of this Easement is attached as Exhibit C. IFHA will assign this easement to Aquarion at the time of closing, in an Assignment of Easement, a draft of which is attached as Exhibit D.

See Maps 37, 47, 109 and 680 attached as Exhibit E which are referred to in the Committee Deed (Exhibit A), the Warranty Deed to Aquarion (Exhibit B) and the Easement to IFHA (Exhibit C).

VOL. 148 PAGE 230

NO. CV 82 0279195 S : SUPERIOR COURT
CV 82 0279196 S
CV 82 0279197 S

TOWN OF BROOKFIELD : JUDICIAL DISTRICT OF DANBURY

VS. : AT DANBURY

BOULDER SPRING WATER CO., : DECEMBER 16, 1982
ET AL

COMMITTEE DEED

WHEREAS, by a Judgment of Foreclosure by Sale rendered on September 13, 1982 by the Superior Court for the Judicial District of Danbury held at Danbury in a civil action pending, being Docket No. CV 82 0279195 S, CV 82 0279196 S, CV 82 0279197 S wherein the Town of Brookfield is plaintiff and Boulder Spring Water Co. is the defendant, brought by a complaint dated November 21, 1981 claiming a foreclosure of tax liens on premises known as 89 Obtuse Road South, 21 Cherokee Drive, and Apache Drive and Obtuse Road South, Town of Brookfield, County of Fairfield and State of Connecticut; Richard J. Kilcullen of the Town of Brookfield, County of Fairfield, and State of Connecticut was duly appointed Committee and directed to sell said premises and convey same to the purchaser.

8.25 Conveyance Tax received
Ruth B. Burr
Town Clerk of Brookfield"

VENTURA SULLIVAN &
VENTURA, P. C.
ATTORNEYS AT LAW
FIVE HARMONY STREET
P. O. BOX 516
DANBURY, CONNECTICUT 06810
PHONE NO. 65280

WHEREAS, Richard J. Kilcullen has sold said premises in all respects pursuant to said Judgment to Indian Fields Homeowner's Association of the Town of Brookfield, County of Fairfield and State of Connecticut for the sum of \$ 7,500.00 and;

WHEREAS, said sale has been ratified and confirmed by said Superior Court, which appears in the file on record in an action in said Superior Court, to which reference is hereby made.

NOW KNOW YE, THAT I, Richard J. Kilcullen of the Town of Brookfield, County of Fairfield and State of Connecticut in pursuants of the authority and direction given me as aforesaid and in consideration of the sum aforesaid received to my full satisfaction of the said Indian Fields Homeowner's Association, do hereby bargain, sell, transfer and convey unto the said Indian Fields Homeowner's Association, forever, land aforesaid, more particularly bounded and described as follows:

VOL. 148 PAGE 231

FIRST PARCEL:

ALL that certain piece, parcel or tract of land, situate, lying and being in the Town of Brookfield, County of Fairfield, and State of Connecticut, and being shown and designated as "Parcel 'A' ", as shown on a certain map entitled, "Indian Fields, Section 1-A, Prepared for Nineteen Seventy-Six Corporation, Town of Brookfield, County of Fairfield, State of Connecticut, Scale 1" = 100', October 18, 1972" which map was certified substantially correct by C. James Osborne, Jr., R.L.S., of Charles J. Osborne Associates, Newtown, Conn. and New Milford, Conn., and which said map is recorded in the Town Clerk's Office of the Town of Brookfield. Said parcel "A" contains 4.191 acres and is bounded as follows, to-wit:

- NORTHERLY: By Lots 63A and 64A as shown on said map, each in part;
- EASTERLY: By Lots 65A and 66A, as shown on said map, each in part;
- SOUTHERLY: By Navaho Drive, and Lot 67A, as shown on said map, each in part;
- WESTERLY: By said Lot 67A, Cherokee Drive, and property now or formerly of Allen L. and Roberta L. Patton, each in part.

Said premises are subject to (1) any and all provisions of any ordinance, municipal regulation or public or private law. (2) Current Taxes due the Town of Brookfield

SECOND PARCEL:

ALL that certain piece, parcel or tract of land, situate, lying and being shown and designated as Lot #6 on a certain map entitled, "Indian Fields, Section 1, Property of Brook Dale Homes, Inc., Brookfield, Conn., Scale 1" = 100', October 27, 1965, Certified Substantially Correct, Charles J. Osborne, R.L.S., New Milford, Conn." which said map is on file in the Office of the Town Clerk in the Town of Brookfield in Map Book 6 at Page 109, to which reference may be had.

Together with all water mains installed in the roadway shown on said map and together with the right to Boulder Springs Water Company, its successors and assigns forever to enter upon said roadway and dig thereon as necessary to locate, maintain, replace or repair any such water mains.

Together with the right to Boulder Springs Water Company, its successors and assigns forever exclusively to take water from the wells located on Lot #11 and on Lot #13 as shown on said map and to enter upon said roads for the purpose of maintaining or repairing said wells and for the purpose of maintaining, repairing or replacing the pipes and electrical wires leading from said wells.

Said premises are subject to (1) any and all provisions of any ordinance, municipal regulation or public or private law (2) Current taxes due the Town of Brookfield.

THIRD PARCEL:

ALL that certain piece, parcel, or tract of land situate, lying and being in the Town of Brookfield, County of Fairfield and State of Connecticut, on the westerly side of Apache Drive, so-called, being shown and designated as Lot #17 on a certain map entitled, "Indian Fields, Section 1, Property of K & K Corp., Brookfield, Conn. Scale 1" = 100', October 27, 1965, Certified Substantially Correct, Charles J. Osborne, R.L.S., New Milford, Conn.", which map is on file in the office of the Town Clerk in the Town of Brookfield, in Map

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