

-BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH-

IN THE MATTER OF THE)
APPLICATION OF DEEPWATER)
DISTRIBUTION COMPANY FOR AN)
EXEMPTION FROM PUBLIC)
SERVICE COMMISSION)
REGULATION)

DOCKET NO. _____

APPLICATION

To the Public Service Commission of Utah Salt Lake City, Utah.

1. Exact name of applicant (company name):

Deepwater Distribution Company, Inc

2. Principal office address, phone number and email address:

P.O. Box 2443, Park City, Utah 84060 (435) 640-7111
Sean@SeanJBrown.com; 5234 N. Grandview Rd. Midway, UT (physical only)

3. Name of state in which applicant is incorporated and date of incorporation Utah,. A certified copy of the Articles of Incorporation and By-Laws should accompany this application unless a copy is on file with the Commission. If not incorporated, describe the type of organization and state in which it is organized.

4. The officers and directors (or partners) of applicant are as follows:

Name and Principal
Office Held

Business Address

Sean J. Brown, President

P.O. Box 2443
Park City, Utah 84060

Gary Brad Lewis, Secretary

P.O. Box 2443
Park City, Utah 84060

Robert Powel, Vice President/Treas.

P.O. Box 2443
Park City, Utah 84060

5. The type of service (water, sewer or both) which applicant proposes to render is:

water

6. Applicant is in compliance with and agrees to comply with all regulations and requirements of all state and local government agencies. Copies of all required permits and approvals are made a part of this application. Applicant will be receiving through its water distribution system water from a Commission approved supplier or has attached to this application proof of ownership of sufficient water rights, of sufficient storage, of an approved source with sufficient water flow and of an approved point of diversion.

Applicant has sufficient water rights, with sufficient storage, from an approved source with sufficient water flow and approved point(s) of diversion. Applicant has received its concurrence letter from Division of Drinking Water for its Preliminary Evaluation Report. Applicant submitted its Drinking Water Source Protection Plan a few weeks ago and is currently in the review process with Drinking Water. Applicant's engineer is in the final stages of preparing the water system master plan for submittal to Drinking Water. Once applicant receives approval from DDW, it will then apply for its conditional use permit with Wasatch County Planning Commission.

7. If the applicant is conducting operations at the present time, furnish the following information:

- (a) A description of the nature and extent of the service rendered.

Culinary grade water to residential customers in and around Brighton Estates, Utah. A single developed source (Deepwater Well #1) and a storage tank to be developed with delivery system. Other source and storage facilities will be developed pending demand.

- (b) The date applicant commenced rendering such service.

Well drilled in October, 2001 (Services 3 connections to Date)

8. The areas which the applicant proposes to serve, and those presently served, if any, are as described below (legal description) and as shown on a map attached hereto (for public utilities a map should also be part of the tariff).

Township 2 South, Range 4 East: NW1/4, NE1/4, SW1/4, SE1/4 of Section 32; NW1/4, NE1/4, SW1/4, SE1/4 of Section 33; Township 3 South, Range 4 East: NW1/4, NE1/4 of Section 4; and NW1/4, NE1/4 of Section 5

9. How many connections will the company serve and type (residential/commercial)?

Approximately 220-450 residential connections are possible but not probable due to supply of water rights in the area

10. The names of any water companies that are providing (or proposing to provide) similar service near or in any part of the area covered by this applicant are as follows:

None but possibly The Well Corp. Inc.

WHEREFORE, applicant prays that the Commission grant an Exemption from Public Service Commission Regulation to the water company as described above.

I, Sean Brown, swear that the information provided in this application is complete and accurate to the best of my knowledge.

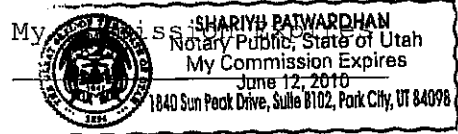
Signature, Title, Sean Brown, President

Dated this 5th day of December, 2008.

STATE OF UTAH)
):SS
COUNTY OF SUMMIT)

Subscribed and sworn to before me this 5th day of December, 2008.

Shariya Patwardhan
NOTARY PUBLIC
Residing at: West Jordan, UT



Name, address, phone number, and signature of attorney representing application:

John S. Flitton
Flitton & Glick
1840 Sun Peak Drive, Suite B102
Park City, Utah 84098
(435) 940.0842

John S. Flitton

(\$100.00 filing fee is WAIVED, company is applying for EXEMPTION)

APPENDIX A
Check List for Mutual Water Companies

For a water company to be exempted as a mutual water company the following must be shown:

1. The company must be a non-profit corporation in good standing with the Division of Corporations.

RESPONSE: See attached Exhibit "A"

2. For voting purposes, each customer or water connection must have one vote. If the developer wishes an exemption from regulation before a majority of the lots are sold he must limit himself to one vote regardless of how many lots are still unsold.

RESPONSE: See attached Exhibit "A"

3. Sufficient water rights for whatever annual usage will be allowed for each lot must be in the name of the water company applying for exemption. Whatever restrictions there are in use of water on an annual basis should be explained in by-laws, restrictive covenants and protective covenants.

RESPONSE: See attached Exhibits "A" and "B"

4. Water rights must be held by the mutual water company for the use of the shareholders in the company. Water rights must stay with the water company in the event a lot is sold rather than with the lot owners.

RESPONSE: See attached Exhibit "B"

5. All state and local approvals of the company and its water system must be obtained and verified. These include but are not necessarily limited to water rights (quantity and point of diversion), health (system and water quality approval by state local agencies) and local planning and zoning requirements.

RESPONSE: See attached Exhibits "B" and "C"

6. All phases of a proposed development should be identified in the application whether they are to be developed immediately or not. Otherwise an additional exemption may be required for each additional phase before the Division of Drinking Water and the Public service commission will give plan approval.

RESPONSE: See attached Exhibit "D" and response to paragraph 8 of application.

Checklist of Items Included with Application

- A. Applicant has submitted a certified copy of the articles of incorporation and by-laws unless a copy is on file with the Commission.

Response: Articles of Incorporation and By-laws attached as Exhibit "A"

- B. Applicant will be receiving through its water distribution system:

1. ~~water from a Commission approved supplier or~~
2. has attached to this application:

- a. proof of ownership of water rights, in the name of the company to be regulated or exempted, sufficient to provide the water promised to each customer.

Response: Water Right printouts attached as Exhibit "B"

- b. Proof of ownership of sufficient water storage.

Response: Amendment to Easement attached as Exhibit "B". Lot 61 Under the Easement is for storage with other storage easements being negotiated.

- c. Proof of ownership of an approved water source with sufficient water flow.

Response: See Water Right printouts attached as Exhibit "B"; See Exhibit "C"

- d. Evidence of an approved point of diversion (by Division of Water Rights) from a source that is owned by the water company.

Response: See correspondence from Department of Environmental Quality/Division of Drinking Water attached as Exhibit "C"; see Exhibit "B", Water Right Information.

- C. Applicant **MUST** provide maps (8 1/2 x 11) showing location of water system relative to nearby towns and highways and the proposed platted subdivision.

RESPONSE: See attached maps as Exhibit "D"

- D. The enclosed checklist covers the items of interest to the Division of Public Utilities. The list does not necessarily include all items the Public Service Commission and the Division of Public Utilities need to review in the application procedure. Additional items may be requested as the Division and Commission become more familiar with the applicants particular circumstances.

Miscellaneous Items Included:

- Voting List
- Meeting Notice
- Meeting Minutes
- Subscription Agreements