

Final Juris. Ltr
291-7



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
ARIZONA-NEVADA AREA OFFICE
3636 NORTH CENTRAL AVENUE, SUITE 760
PHOENIX, ARIZONA 85012-1936

REPLY TO

February 5, 2002

Office of the Chief
Regulatory Branch

Corrigan Real Estate Investment LLC
and Corrigan Land & Livestock Limited Partnership
C/O Robert D. Anderson
Withey, Anderson & Morris
3101 North Central Avenue, Suite 1690
Phoenix, Arizona 85012-2615

File Number: 2002-00484-RWF

Dear Mr. Anderson:

Reference is made to your letter of July 5, 2001 and the accompanying information provided by Wood, Patel & Associates in which you inquired as to whether or not a Clean Water Act Section 404 permit is required from the U.S. Army Corps of Engineers to construct a commercial development within a 160 acre parcel (Stack 40) situated along Scottsdale Road, north of the Central Arizona Project aqueduct at (Section 26, T4N, R4E), Scottsdale, Maricopa County, Arizona.

We have reviewed our records and have determined that the waters of the United States that historically transversed the subject property have been impacted and redirected by the construction of the GrayHawk development. The washes observed on the Stack 40 parcel are remnants of watercourses that no longer receive upstream flows. Since there are no longer any waters of the United States within the Stack 40 proposed project area, no Section 404 permit is required from our office.

The receipt of your application and/or letter is appreciated. If you have questions, please contact Ron Fowler at (602) 640-5385 x 226.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Lester".

Cindy Lester
Chief, Arizona Section
Regulatory Branch

Enclosure

Copy Furnished:

**David Brunner
Circle Road Equity
7600 East Doubletree Ranch Road
Suite 210
Scottsdale, Arizona 85258**

**Jack Moody
Wood, Patel & Associates, Inc.
2051 West Northern Avenue
Suite 100
Phoenix, Arizona 85021**