

Tomlinson Consulting, Inc.

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Boise, Idaho 83702

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TRANSMITTAL LETTER FOR:

DELIVERIES PICK UPS

DATE: 11-15-05

To: Idaho Public Utilities Commission

Attn: Jean Jewell

Job No:

Project: Covenant Hill Subdivision

WE ARE SENDING YOU: **WE ARE PICKING UP** (*See remarks)

As Requested Attached Under Separate Cover,
Via

Use Record Bidding Cost Estimating

Information Review and Comment Approval

THE FOLLOWING:

Print(s) Plan(s) Calculations Copy of Letter

Specifications Shop Drawing(s) Disk(s) (*See disclaimer) Other (see remarks)

Copies	Date	Sheet No.	Description
1	11-14	1-2	Reponse letter to Eagle Water Company for Case No EAG-W-05-03
1		1&2	Attachments UW-E-W-05-03

Remarks:

Copy to:

With Enc.

With Enc.

By: Richard Tomlinson

Signed: 

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IDAHO PUBLIC
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November 14, 2005

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington
Boise, Idaho 83702

RE: Case No. EAG-W-05-03 / UWT-W-05-03

Dear Ms. Jewell,

Please forward to the commission the following response to the comments submitted by Eagle Water Company on November 9, 2005 concerning the above mentioned water case.

Eagle Water Company's attorney, Ms. Molly O'Leary, contends that "*Eagle Water is ready, willing and able to provide service to Covenant Hill Subdivision*". This statement is not accurate and the documentation submitted to you by Ms. O'Leary does not support that claim.

Apparently Eagle Water Company is "*negotiating with landowners for an easement for a 12 inch mainline from its Well No. 6 to the subdivision and will have these easements executed and recorded by February 16, 2006.*" However it is Hillview Development's position that if "*Eagle Water is ready, willing and able to provide service to Covenant Hill Subdivision*", then the easements would already be recorded and the design for the offsite water line would be complete. Hillview Development cannot wait until sometime in 2006 for Eagle Water to perform tasks which should already have been completed.

Ms. O'Leary also states that, "*Provision of service to the Covenant Hills Subdivision is critical to Eagle Water's overall system plan.*" There are other opportunities for Eagle Water Company to loop its water system. There are existing rights of way in the Downing Downs Subdivision which is at our East boundary and which is totally within Eagle Water Company's certificated area. Eagle Water can loop their water system through the Downing Downs subdivision at any time once they record their easements and receive DEQ approval.

Also, Ms. O'Leary states, "*...DEQ has concluded based on the contents of Eagle Water Exhibit No. 2 and discussions with Eagle Water's engineer, James M. Rees, P.E., that Eagle Water does indeed have sufficient supply to service Covenant Hills Subdivision. Consequently, DEQ has agreed to lift its informal service connection "moratorium" as it pertains to the Covenant Hills Subdivision area. See Eagle Water Exhibit No. 3, attached.*" This statement needs additional clarification. As of now **DEQ has not lifted its "moratorium"** and in fact DEQ's November 9, 2005 letter actually indicates that Eagle Water still has unsatisfied conditions to release this "*moratorium*". DEQ's November 9, 2005 letter actually states, "*... We will accept a Will Serve Letter for this project under the following conditions:*

1. *We understand that easements for main construction are being negotiated at this time. The letter must include documentation that a) all necessary easements have been secured and b) that funding is available or guaranteed in a manner consistent with a timetable for actual service to Covenant Hill Subdivision.*

2. *DEQ cannot accept additional Will Serve Letters until the issues mentioned in the September 7, 2005 are resolved.*"

It appears that for DEQ to lift all restrictions for Covenant Hill subdivision and for Ms. O'Leary's statement, "*Eagle Water Company is ready, willing and able to provide water service to Covenant Hills Subdivision*" to be accurate, Eagle Water Company would have the necessary recorded easements in hand and DEQ's service "*moratorium*" lifted with no additional conditions. Eagle Water has not produced either of these items so at this time, no additional service connections are allowed. Eagle Water Company has been aware of the proposed Covenant Hill subdivision since February, 2005 when we submitted the preliminary plat to the City of Eagle. Even after repeated requests by us to verify they could adequately serve us (including our written request of August 17, 2005) Eagle Water Company essentially did nothing until your proposed order was filed.

In the unlikely event that Eagle Water Company's contention is true and they could actually issue a will serve letter to the DEQ by February 16, 2006, we would still have to have the extension plans reviewed by DEQ and would not be able to begin any construction on our site until March or April, 2006 at the earliest. Additionally, we would not be able to process our subdivision plat until DEQ approved the mainline extensions through our subdivision and lifted all service restrictions. This would be an additional extensive and unreasonable delay.

Covenant Hill subdivision straddles the boundary between the United Water and Eagle Water Company certificated areas, however United Water has promptly provided us with the assurance they can adequately serve the entire Covenant Hill subdivision. United Water has responded to all of our requests and has worked with our engineer on the mainline extension plans for Covenant Hill subdivision. With United Water providing service, we can begin construction in December 2005 with no delay. With United Water providing service, we will have the assurance that we will not have any building restrictions enforced on the lots of our subdivision. **It is Hillview Development's position that United Water is the only company that can truly be "*ready, willing and able to provide service to Covenant Hill Subdivision*".**

We appreciate you taking the time to hear our request and hope you will allow us to proceed on course with our project in accordance with your proposed order. If you have any questions or comments please feel free to contact us at the following:

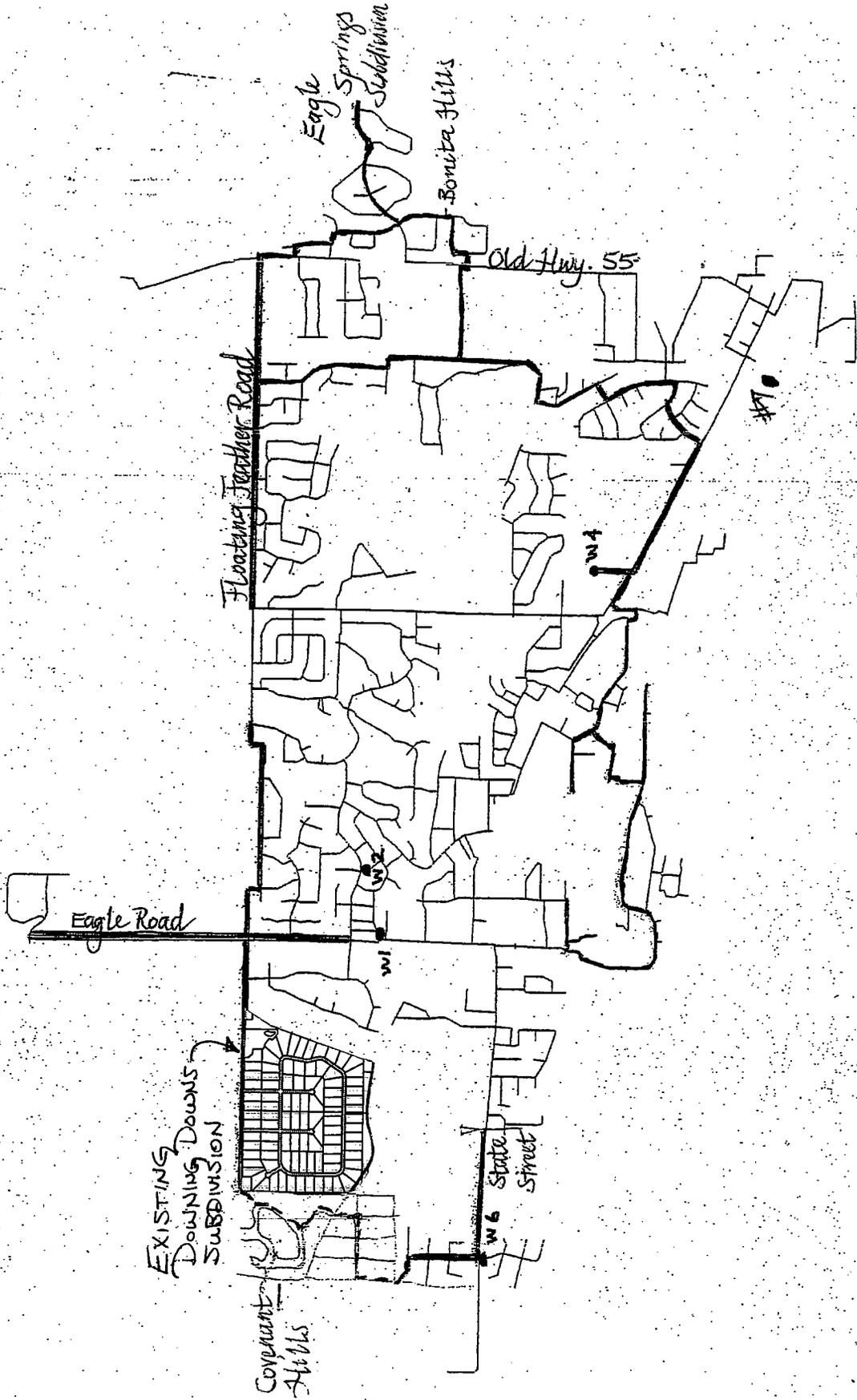
Hillview Development Corporation
150 E. Aikens, Suite A
Eagle, Idaho 83616
(208) 939-2730
(208) 939-2737 FAX

Sincerely


Jim Merkle President
Hillview Development Corporation

Enc: Exhibit "A" map showing existing Downing Downs Subdivision
Exhibit "B" **existing** serviceability letter from United Water

Scenario: Base



Title: INITIAL RUN
c:\...initial run\initial run saved.wcd
11/03/05 10:47:58 AM

EXHIBIT A



United Water Idaho Inc.
8248 W. Victory Road
P.O. Box 190420
Boise, ID 83719-0420
telephone 208 362 7300
facsimile 208 362 3858

November 3, 2005

Mr. Richard J. Tomlinson, P.E.
Tomlinson Consulting, Inc.
205 N. 10th Street, Suite B100
Boise, ID 83702

Subject: C06D306 – Covenant Hill Subdivision

Dear Mr. Tomlinson:

The purpose of this letter is to advise you that the above-mentioned subject, **Covenant Hill Subdivision**, is serviceable with United Water Idaho under its present tariffs, rules, and regulations as filed with the Idaho Public Utilities Commission.

I trust that this letter will aid you in the speedy process of this project.

Very truly yours,

A handwritten signature in black ink that reads "John Lee" followed by a stylized flourish.

John Lee
Construction Coordinator

EXHIBIT "B"