

(POSTMARKED 1-03-06)



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ATTORNEYS AT LAW

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IDAHO PUBLIC UTILITIES COMMISSION

Molly O'Leary

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P.O. Box 7218 Boise ID. 83707 - 515 N. 27th St. Boise, ID. 83702

(FAX RECEIVED 1-3-06)

3 January 2006

Ms. Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
P O Box 83720
Boise ID 83720-0074

Via Facsimile
and U.S. Mail

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

UWI-W-05-03

Dear Ms. Jewell:

I am enclosing an original and seven (7) copies of a PETITION FOR RECONSIDERATION in response to the Idaho Public Utilities Commission's Order in the above case.

There is also a copy enclosed to be date-stamped for our office.

Sincerely,

Molly O'Leary
Molly O'Leary
Richardson & O'Leary, PLLC

Enclosures

Molly O'Leary (ISB No. 4996)
Richardson & O'Leary PLLC
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UTILITIES COMMISSION

Attorneys for Eagle Water Company, Inc.

BEFORE THE
IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE PETITION OF)
HILLVIEW DEVELOPMENT)
CORPORATION TO OBTAIN WATER)
SERVICE TO COVENANT HILL)
SUBDIVISION, AN AREA WITHIN THE)
CERTIFICATE BOUNDARIES OF BOTH)
EAGLE WATER COMPANY, INC. AND)
UNITED WATER IDAHO, INC.)**

CASE NO. **EAG-W-05-03**
UWI-W-05-03

PETITION FOR
RECONSIDERATION.

COMES NOW, EAGLE WATER COMPANY ("Eagle Water"), and files the following PETITION FOR RECONSIDERATION of the Idaho Public Utilities Commission's Order granting service of Covenant Hill Subdivision to United Water of Idaho, Inc.

GROUND FOR RECONSIDERATION

Eagle Water bases its PETITION FOR RECONSIDERATION on the following grounds:

1. Contrary to the Commission's statement at p. 1 of its Order, Eagle Water has not stated that it could not guarantee adequate service to Covenant Hill Subdivision without the 12-inch mainline extension from its Well No. 6. Eagle Water has been ready, willing and able to serve the Calhoun Property (site of the proposed

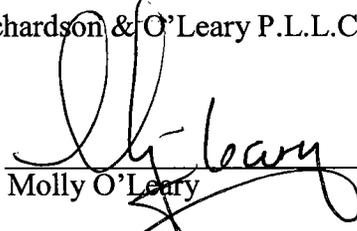
subdivision), since installation of its Floating Feather water line in 1996. The 12-inch mainline from Well No. 6 is irrelevant to Eagle Water's service of the Covenant Hill Subdivision.

2. Eagle Water never received the August 17th letter allegedly sent to it by Hillview Development Corporation.
3. Contrary to the Commission's statement at p. 1 of its Order, Eagle Water has provided a letter from the Eagle Fire Department verifying that fire flow requirements for the subdivision can be met by Eagle Water.
4. Eagle Water issued a letter on November 4, 2005, providing a cost estimate for service to Covenant Hill Subdivision of \$155,405.00. See **Exhibit 7**, attached.
5. Letter from Jim Rees, P.E. See **Exhibit 8**, attached.

DATED this 3rd day of January, 2006.

Richardson & O'Leary P.L.L.C.

By


Molly O'Leary

Attorneys for Eagle Water
Company, Inc.

EXHIBIT 7

EAGLE WATER

C O M P A N Y I N C.

(208) 939-0242
FAX (208) 939-0267
P.O. BOX 455
EAGLE, IDAHO 83616

November 4, 2005

Re: COVENANT HILL SUBDIVISION

To Whom It May Concern:

Eagle Water (EW) has at present a 12" water main at the Northeast Corner of the above referenced property.

At this time (EW) can furnish potable and fire protection to this project. EW is in the process of designing a 12" line thru the project and connects to an existing 12" water main South of Hereford Drive. This connection will complete the 12" loop from its existing Well No. 6 to the 12" main on Floating Feather Road. This 12" main extended East to the Horseshoe Bend Road.

During this past summer (05) EW monitored Well No.6 and determined that on the peak usage days that there was an additional 2 million G.P.D. that was not being used in system.

The 12" over sizing will be paid by EW and the Developers cost will be for the 8" line shown on their Engineering Plans.

EW cost for providing the Labor, Equipment, Material, Inspection and testing for this project is \$155,405.00. EW at this time is in negotiations with two land owners on Hereford Drive for easements to extend 12" main line.

Any questions or comments please call me at 939-0242.

Thank you,



Robert DeShazo, Jr.
President

EXHIBIT 8

**MTC, INC.****CONSULTING ENGINEERS, SURVEYORS, AND PLANNERS**

707 N. 27TH ST. BOISE, IDAHO 83702-3113 (208) 345-0780 FAX (208) 343-8967

January 3, 2006

Bob DeShazo
Eagle Water Company
P.O. Box 455
Eagle, ID 83616

Re: PUC Order 29929

Dear Robert;

Hillview did not get a "will serve" letter from me because I had received a copy of a letter from DEQ requiring a guarantee that Eagle Water Company could serve additional customers without affecting the present or causing low pressures to any of the existing customers. Eagle had just had a complaint and a low pressure reading in the East end of the system.

Eagle Water tested a fire Hydrant in the subdivision just East of Covenant Hill and the test showed sufficient water and pressure to satisfy the Covenant Hill requirements.

Eagle Water would be able to satisfy the DEQ peak-day requirement with one of its wells out of commission but not well number 4. In my letter to Molly in the PUC surcharge case. I said if either of the 2000 gpm wells is out of commission the system could not supply the required quantity of water. I noticed my mistake and e-mailed Monty Marchus that what I meant was if well number 4 was out of commission then the peak day could not be met. It is unfortunate that the correction was not forwarded to the PUC staff. Well number 6 is not being used and has not been needed since October. If well number 4 is out of commission the peak demand would not be satisfied in the summer months.

Service to Covenant Hill Subdivision would not adversely affect water supply or cause undue hardship to existing Eagle Water customers if the loop to well Six (6) is completed. By completing the loop the system would have much better ability to serve more patrons. The overall plan for Eagle Water Co. System was to have a 12" on all the major North-South, and East-West through streets. There would have been a 12" on Ballantyne Lane to connect to a 12" on Floating Feather Road to complete a loop from well number 6. There is no other North-South street to connect State Street to Floating

Feathers Road until Eagle Road one and one quarter miles east of Ballantyne. The area around Ballantyne was removed from the area that Eagle Water could service and therefore required a major change in the planning for the overall Eagle Water system. It is unfortunate that the overall planning has been interrupted and a very good well has not been able to be fully utilized.

The designs and engineering standards are the same for Eagle Water Company and for United Water Idaho.

If you have further questions please call.

Sincerely,



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of January, 2006, the foregoing PETITION FOR RECONSIDERATION was sent to the following parties as shown:

Jean Jewell
Commission Secretary
Idaho Public Utilities Commission
472 West Washington
Boise, Idaho 83702

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile
 Electronic Mail

City of Eagle
City Hall
310 East State Street
P.O. Box 1520
Eagle, Idaho 83616

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile
 Electronic Mail

Hillview Development Corporation
150 E. Aikens, Suite A
Eagle, Idaho 83616

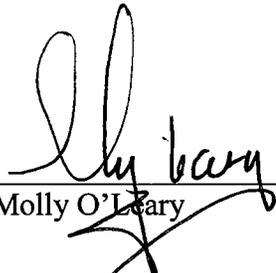
U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile
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Idaho Department of Environmental Quality
1445 North Orchard
Boise, Idaho 83706

U.S. Mail, Postage Prepaid
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 Overnight Mail
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Dean J. Miller
McDevitt & Miller LLP
420 West Bannock
Boise, Idaho 83702

U.S. Mail, Postage Prepaid
 Hand Delivered
 Overnight Mail
 Facsimile
 Electronic Mail

Signed 
Molly O'Leary