

# Tomlinson Consulting, Inc.

205 N. 10<sup>TH</sup> St., Suite B100

Boise, Idaho 83702

208-871-0579/FAX 338-1777

## TRANSMITTAL LETTER FOR:

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DATE: 11-28-05

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2005 NOV 28 PM 12:38

To: Idaho Public Utilities Commission

Job No:

IDAHO PUBLIC  
UTILITIES COMMISSION

Attn: Ms. Jean Jewell

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	11-28	1-4	Original Reponse letter to Eagle Water Company for Case No EAG-W-05-03/ UWI-W-05-03 w/ attachments
7	11-28	1-4	Copies of original

Remarks:

Copy to:

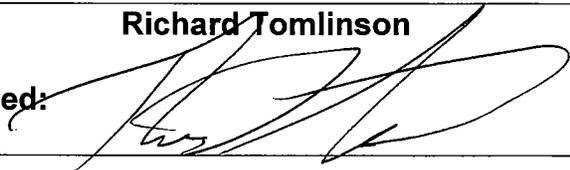
With Enc.

With Enc.

By:

Richard Tomlinson

Signed:



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IDAHO PUBLIC  
UTILITIES COMMISSION

November 28, 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 25, 2005 concerning the above mentioned water case.

Item No. 2 states a "Letter from James M. Rees, MTC, Inc. to R. Tomlinson, P.E. (Hillview Development Corporation engineering consultant)". This letter would appear to approve the onsite water plans for Covenant Hill subdivision. However upon further investigation by Richard Tomlinson, Mr. Rees confirmed that he was requested to write the letter by Eagle Water's attorney, and he had not sent the letter to Mr. Tomlinson. On Monday morning, November 28, 2005, Mr. Tomlinson requested a copy of the "approved plan", however an "approved plan" which could be promptly submitted to DEQ for their approval could not be produced. Also no approvable construction plans for the offsite 12-inch loop appear to exist at this time.

Item No. 6 states "DEQ has lifted its blanket moratorium.....", however once again we would like to clarify this statement. **DEQ is still requiring** the installation of the offsite 12-inch loop connection for the final approval of the Covenant Hill Subdivision.

Item Nos. 8, 9 and 10 give a timeframe for construction of the offsite 12-inch loop and an apparent remedy for Eagle Water's failure to comply with DEQ's requirements. However United Water has stated (in previous correspondence) their willingness and ability to adequately serve Covenant Hill Subdivision now. We have no letter stating United Water's willingness to pick up the pieces of Eagle Water's failed attempt to provide an offsite connection to Covenant Hill in April, 2006. Once again we would like to state that the scenario presented by a failure of Eagle Water to satisfy its conditions to serve Covenant Hill subdivision would be nothing short of disastrous for Hillview Development, the homebuilders and homeowners of Covenant Hill Subdivision. It could leave the residents without a water provider as well as adequate fire protection. Also important to this scenario is that Eagle Water and United Water each require different onsite water line designs, different water meter designs and different inspection requirements. In other words we request that United Water be approved by the Public Utilities Commission to serve all of Covenant Hill subdivision today.

We have been down this road before with Eagle Water Company on another project. On August 24, 2004 Eagle Water approved plans and specifications for Shadow Ridge Subdivision. The project was constructed as approved, then prior to hooking onto Eagle Water's system an offsite extension was still needed along Horseshoe Bend Road. Once the offsite extension was completed by Eagle Water and before building permits were issued by Eagle City, the Eagle Fire Department showed up

and completed their required fireflow tests for Shadow Ridge Subdivision. The results required that Shadow Ridge subdivision was restricted on home sizes due to the lack of sufficient fireflow. Hillview Development cannot wait until April 2, 2006 to find out Covenant Hill Subdivision cannot be served by Eagle Water due to some unforeseen circumstance. We do not want to be left without adequate fireflow or system pressure as others in the Eagle Water service area have been left without.

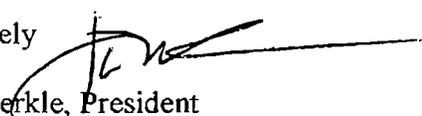
Finally Item No. 11 mentions harm to Eagle Water and its customers. Eagle Water's costs of proper planning of a system, upgrading of existing lines or installation of new wells, as well as construction of offsite lines to loop different parts of a system are all "borne by Eagle Water's customers". This is also true with United Water's system. It is a cost of doing business. If one utility company cannot adequately service customers than the other company should be allowed to service the customers.

In conclusion we want to reiterate that Covenant Hill subdivision cannot remain in two separate water service areas. The project will be within a single homeowner's association, a single pressure irrigation water provider, a single sewer district, and a single gas, power, telephone and cable provider. We strongly urge the Commission to allow United Water to be the single water service provider to Covenant Hill.

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

Encl Exhibit "A" - August 24, 2004 Eagle Water approval letter of Shadow Ridge Subdivision  
Exhibit "B" - May 5, 2005 Eagle Fire Department letter restricting home sizes



MTC, Inc.



CONSULTING ENGINEERS, SURVEYORS, AND PLANNERS

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

CONSULTING ENGINEERS FOR EAGLE WATER COMPANY

August 24, 2004

Tomlinson Consulting, Inc.  
205 North 10<sup>th</sup> Street, Suite B100  
Boise, Idaho 83702

Attention, Richard J. Tomlinson PE

Dear Rich;

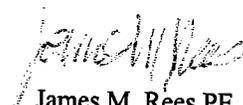
The proposed water system for Shadow Ridge Subdivision is serviceable by Eagle Water Company under its present tariffs, rules and regulations as filed with the Idaho Public Utilities Commission.

The plans and specifications dated August 24, 2004 have been reviewed and are hereby approved by MTC Engineers and Eagle Water Company. The construction must comply with the standards on file with the Idaho Department Of Environmental Quality.

MTC Engineers and Eagle Water Company personnel will have to inspect and approve all construction and testing. We have received an electronic copy of the plans to be able to update the Eagle Water Company system records. Any changes will require an updated electronic record.

If you need further information, please contact me at your convenience.

Sincerely,



James M. Rees PE  
MTC, INC.

Cc: Eagle Water Company

EXHIBIT "A"

# FAX

Eagle Fire Department  
966 E. Iron Eagle Dr.  
Eagle, ID 83616

RECEIVED & FILED  
CITY OF EAGLE  
MAY 10 2005  
File: \_\_\_\_\_  
Route to: \_\_\_\_\_

Date 5-10-05

Number of pages including cover sheet 1

To: City of Eagle/Mike Mongelli

From: Kurt McClenny

Phone 939-6813

Phone 939-6463

Fax Phone 938-3854

Fax Phone 939-2717

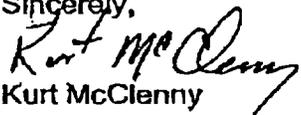
CC: \_\_\_\_\_

REMARKS:

Urgent     For your review     Reply ASAP     Please comment

Mike,

I witnessed the fire flows yesterday for the Shadow Ridge Subdivision. The Eagle Fire Department will approve building permits to be issued for this subdivision for residential homes under 3,600 square feet in size. The fire flow in this subdivision was 1308 gallons per minute, which is adequate for single family house under 3600 sq ft. If you have any questions regarding these flows please give me a call.

Sincerely,  
  
 Kurt McClenny

# EXHIBIT "B"