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*Attorneys for United Water Idaho, Inc.*

ORIGINAL

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

JAYO CONSTRUCTION, INC.,	)	<b>CASE NO. UWI-W-05-05</b>
Complainant,	)	<b>ANSWER OF UNITED WATER INC.</b>
vs.	)	
UNITED WATER IDAHO, INC.,	)	
Respondent.	)	

COMES NOW United Water Idaho Inc., (“United Water”, “the Company”), by and through its counsel of record, in answer to the Complaint on file herein, and without admitting any liability to Complainant and without assuming the burden of proof as to any issue, admits alleges, and denies as follows to wit:

I.

In answer to the allegations of paragraphs 1, 2, 3, 4 and 6, United Water admits the same.

II.

In answer to the allegations of paragraph 5, United Water denies that Exhibit 2 constitutes an agreement to provide service; rather, Exhibit 2 advises Complainant that service is feasible.

III.

In answer to the allegations of paragraph 7, United Water denies the same and specifically denies that it “directed” Jayo Construction to obtain an easement; rather Exhibit 4 identifies, not in chronological order, a few key tasks to be accomplished with respect to the project.

IV.

In answer to the allegations of paragraph 8, United Water denies it determined the precise location of the easement; rather, United Water specified the necessary gradient and out-flow elevations necessary to align the new reservoir with United Water’s other facilities. Other locations, in addition to the ultimate easement location obtained by the Complainant, could have been considered.

V.

In answer to the allegations of paragraph 9, United Water denies the same and affirmatively alleges that the new reservoir will be predominantly an underground facility.

VI.

In answer to the allegations of paragraphs 10, 11 and 12, United Water is without sufficient information to admit or deny said allegations and therefore denies the same.

VII.

In answer to the allegations of paragraph 13, United Water denies the same.

VIII.

In answer to the allegations of paragraphs 14, 15, 16, 17, 18, 19, 20, the exhibits referenced therein speak for themselves and accordingly United Water neither admits nor denies the same.

IX.

In answer to the allegations of paragraph 21, United Water denies the same and affirmatively alleges that Exhibit 9, attached to the Complaint, does not contain the referenced portion(s) of paragraph 75 of United Water's Rules and Regulations.

X.

In answer to the allegations of paragraph 22, United Water denies the same.

XI.

In answer to the allegations of paragraphs 23, 24, 25, United Water denies the same.

**FIRST DEFENSE**

XII.

The Complaint fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

XIII.

This matter is in its initial stages, and United Water reserves the right to amend this Answer and/or to assert any and all other defenses as may be warranted by the facts disclosed as the matter progresses.

**THIRD DEFENSE**

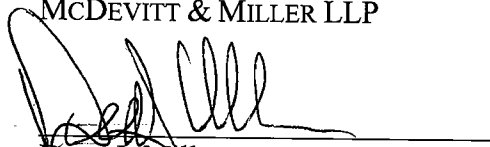
XIV.

United Water has previously offered to resolve this matter by the selection of a mutually agreeable, qualified real estate appraiser to determine the fair market value of the reservoir lot easement. Complainant rejected this offer. United Water remains willing to resolve this matter through use of a mutually agreeable, qualified real appraiser under such alternative dispute resolution procedures as the Commission may prescribe.

WHEREFORE United Water prays that the Complaint be dismissed with prejudice and that United Water be granted such other and further relief as the Commission deems just and reasonable.

Dated this 19 day of November, 2005

MCDEVITT & MILLER LLP

A handwritten signature in black ink, appearing to read 'D. Miller', is written over a horizontal line.

Dean J. Miller

*Attorneys for United Water Idaho Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of November, 2005, I caused to be served, via the method(s) indicated below, true and correct copies of the foregoing document, upon:

Jean Jewell, Secretary  
Idaho Public Utilities Commission  
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P.O. Box 83720  
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