

# Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise  
Idaho Falls  
Pocatello  
Twin Falls

Eugene C. Thomas  
John W. Barrett  
R. B. Rock  
Richard C. Fields  
John S. Simko  
John C. Ward  
D. James Manning  
Gary T. Dance  
Larry C. Hunter  
Randall A. Peterman  
Mark S. Prusynski  
Stephen R. Thomas  
Glenna M. Christensen  
Gerald T. Husch  
Scott L. Campbell  
Robert B. Burns

Michael E. Thomas  
Patricia M. Olsson  
Bradley J. Williams  
Lee Radford  
Michael O. Roe  
David S. Jensen  
James L. Martin  
C. Clayton Gill  
Michael W. McGreaham  
David P. Gardner  
Julian E. Gabiola  
Angela Schaer Kaufmann  
Kimberly D. Evans Ross  
Paul D. McFarlane  
Jon A. Stenquist  
Tyler J. Henderson

C. Edward Cather III  
Jason G. Murray  
Mark C. Peterson  
Andrew J. Waldera  
Tyler J. Anderson  
Dylan B. Lawrence  
Russell G. Mercalf  
Benjamin C. Ritchie  
Rebecca A. Rainey  
  
Robert E. Bakes, *of counsel*  
Morgan W. Richards, *of counsel*  
  
*Willis C. Moffatt, 1907-1980*  
*Kirk R. Helvie, 1956-2003*

US Bank Plaza Building  
101 S Capitol Blvd 10th Fl  
PO Box 829  
Boise, Idaho 83701 0829

208 345 2000  
800 422 2889  
208 385 5384 Fax  
www.moffatt.com

March 30, 2007

RECEIVED  
2007 APR -2 AM 8:10  
IDAHO PUBLIC  
UTILITIES COMMISSION

Commission Secretary  
Idaho Public Utilities Commission  
P. O. Box 83720  
Boise, ID 83720-0074

**Re: In the Matter of the Application of United Water Idaho Inc. to Amend and Revise  
Certificate of Convenience and Necessity No. 143  
Case No. UWI-W-07-02  
MTBR&F File No. 17-047.11**

Dear Commission Secretary:

Enclosed for filing with the Idaho Public Utilities Commission are an original and seven copies of Capital Development's Motion to File Brief on Legal Issues Arising Out of Intervenor City of Eagle's Service of Water to Lanewood Estates in the above-referenced matter. We have also enclosed an additional copy so that you may return a conformed copy with your filing marks imprinted thereon to us in the stamped self-addressed envelope enclosed.

Thank you for your assistance in this matter. If you should have any questions, please feel free to call.

Very truly yours,



Karlyn D. Parker  
Legal Secretary to  
Robert B. Burns

Enclosures

RECEIVED

2007 APR -2 AM 8: 10

IDAHO PUBLIC  
UTILITIES COMMISSION

Robert B. Burns, ISB No. 3744  
MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED  
101 S. Capitol Blvd., 10th Floor  
Post Office Box 829  
Boise, Idaho 83701  
Telephone (208) 345-2000  
Facsimile (208) 385-5384  
rbb@moffatt.com  
17-047.11

Attorneys for Capital Development, Inc.

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE  
APPLICATION OF UNITED WATER  
IDAHO INC. TO AMEND AND REVISE  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY NO. 143**

**CASE NO. UWI-W-07-02**

**MOTION TO FILE BRIEF ON LEGAL  
ISSUES ARISING OUT OF  
INTERVENOR CITY OF EAGLE'S  
SERVICE OF WATER TO  
LANEWOOD ESTATES**

Intervenor Capital Development, Inc. ("CDI"), the developer of the real property (Lanewood Estates) that is the subject of the above-captioned application (the "Application"), hereby moves the Idaho Public Utilities Commission (the "Commission") for an order allowing CDI to file a brief addressing the relevant legal issues arising out of the contention by Intervenor City of Eagle (the "City") that, because "[t]he Application is inconsistent with the City's Comprehensive Plan, the establishment of the City's Area of Impact, and the service area approved by the Idaho Department of Environmental Quality. . . , the Application should be

**MOTION TO FILE BRIEF ON LEGAL ISSUES ARISING OUT  
OF INTERVENOR CITY OF EAGLE'S SERVICE OF WATER  
TO LANEWOOD ESTATES - 1**

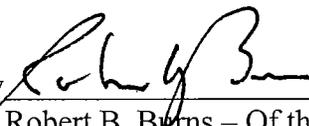
denied.” Comments filed March 1, 2007, at p. 2. In other words, because the City contends that United Water’s Application should be denied because the City itself wants to provide water service to Lanewood Estates--which is not included within the boundaries of the City--CDI seeks consent to provide the Commission with a legal memorandum setting forth the relevant legal issues arising out of the City’s providing water service to an area outside of its boundaries.

This motion is made pursuant to Rule 255 of the Rules of Procedure of the Idaho Public Utilities Commission, IDAPA 31.01.01.255.

DATED this 30th day of March 2007.

MOFFATT, THOMAS, BARRETT, ROCK &  
FIELDS, CHARTERED

By



Robert B. Burns – Of the Firm  
Attorneys for Capital Development, Inc.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30th day of March 2007, I caused a true and correct copy of the foregoing **MOTION TO FILE BRIEF ON LEGAL ISSUES ARISING OUT OF INTERVENOR CITY OF EAGLE'S SERVICE OF WATER TO LANEWOOD ESTATES** to be served by the method indicated below, and addressed to the following:

Gregory P. Wyatt  
UNITED WATER IDAHO, INC.  
P. O. Box 190420  
Boise, ID 83719  
E-mail: greg.wyatt@unitedwater.com

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

Dean J. Miller  
MCDEVITT & MILLER, LLP  
420 West Bannock Street  
P. O. Box 2564  
Boise, ID 83701  
E-mail: joe@mcdevitt-miller.com

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

Scott Woodbury  
Deputy Attorney General  
IDAHO PUBLIC UTILITIES COMMISSION  
472 West Washington Street  
P. O. Box 83720  
Boise, ID 83720-0074  
E-mail: scott.woodbury@puc.idaho.gov

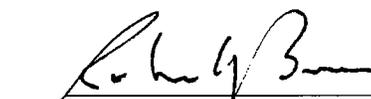
U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

Bruce M. Smith  
MOORE, SMITH, BUXTON & TURCKE, CHTD.  
950 West Bannock Street, Suite 520  
Boise, ID 83702  
E-mail: bms@msbtlaw.com

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

J. Ramon Yorgason, President  
Capital Development, Inc.  
6200 N. Meeker Place  
Boise, ID 83713  
E-mail: capdev@cableone.net

U.S. Mail, Postage Prepaid  
 Hand Delivered  
 Overnight Mail  
 Facsimile  
 E-mail

  
\_\_\_\_\_  
Robert B. Burns