

REQUEST FOR REGULATORY TAKING ANALYSIS

Sunnyside Park Utilities, Inc.
3655 Professional Way
Idaho Falls, ID 83402
County: Bonneville

1. Background Information.

This form satisfies the written request requirement for a regulatory taking analysis from a state agency pursuant to Idaho Code § 67-8003(2). A regulatory taking analysis is considered public information. Such an analysis is to be performed in accordance with the checklist established by the Attorney General of the State of Idaho pursuant to Idaho Code § 67-8003(1). Both *Stoehr v. Natatorium Co.*, 34 Idaho 217, 200 P. 132 (1921), and *Public Utilities Commission of the State of Idaho v. Natatorium Co.*, 36 Idaho 287, 211 P. 533 (1922), are clear that declaring a private water corporation as a public water corporation constitutes a taking in violation of Constitutional Due Process rights.

2. Description of Property

- a. Location of Property: Bonneville County, Idaho.
- b. Legal Description of Property: See Attached Exhibits A and B for identification of location of personal and/or real property subject to IPUC action. Such property also includes the well, 4200 feet of water lines, 4200 feet of sewer service lines, 24 service connections, water meters, 5 hydrants and 12 manholes, drain field and related property, associated with SPU's water and sewer service system.

3. Description of Act in Question

- a. Date Property was Affected: December 27, 2022
- b. Description of How Property was Affected: IPUC issued an Order declaring SPU a public water corporation, requiring SPU apply for a "CPCN" for regulation by the IPUC.
- c. Regulation or Act in Question: IPUC Order No. 35645
- d. Are You the Only Affected Property Owner? No, such regulation will impact all of SPU's water and sewer customers.
- e. State Agency Affecting Property: Idaho Public Utilities Commission
- f. Address of Agency or Local Governmental Entity:
P.O. Box 83720
Boise, ID 83720-0074

11331 W. Chinden Blvd. Building 8, Suite 201-A
Boise, ID 83714

Pursuant to Idaho Code 67-8003(4) any time limitation relevant to the regulatory or administrative action shall be tolled until a takings analysis has been provided to the property owner.

EXHIBIT A

WELL LOCATION

Beginning at the Northwest corner of Lot 5, Block 2, Sunnyside Industrial and Professional Park, Division No. 1, Bonneville County, Section 36, T2N, R. 37 EBM and running thence along the west boundary of Lot 5, a distance of 60 feet, thence S 89 degrees 54'00" E 60 feet; thence N 0 degrees 04'08" W to the North boundary of Lot 5, thence N 89 degrees 54'00" W along the North boundary of Lot 5 to the Point of Beginning.

EXHIBIT B

SEPTIC TANK AND DRAIN FIELDS

Beginning at a point that is S 89 degrees 42'56" E 117.99 feet along the section line from the West One Quarter Corner of Section 36, Township 2 North, Range 37 East of the Boise Meridian and running thence S 0 degrees 00'54" E 45.91 feet; thence S 88 degrees 57'40" W 86.36 feet; thence S 14 degrees 50'59" W 219.63 feet; thence S 62 degrees 53'33" E 160.32 feet; thence N 19 degrees 32'24" E 352.54 feet; thence N 89 degrees 42'56" W 117.99 feet + or -, to the Point of Beginning, containing 1.130 acres.