



**RICHARDSON & O'LEARY**  
ATTORNEYS AT LAW

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2007 FEB 28 PM 2:05

IDAHO PUBLIC  
UTILITIES COMMISSIO.

28 February 2007

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

Via hand delivery

RE: Case No. EAG-W-05-02

Dear Ms. Jewell:

I am enclosing an original and seven (7) copies of EAGLE WATER COMPANY, INC'S. STATUS REPORT and PETITION FOR EXTENSION OF TIME in the above case.

Sincerely,

Nina Curtis  
Richardson & O'Leary, PLLC

Molly O'Leary (ISB # 4996)  
Richardson & O'Leary, P.L.L.C.  
P.O. Box 7218  
Boise, ID 83707  
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IDAHO PUBLIC  
UTILITIES COMMISSION

Attorneys for Eagle Water Company, Inc.

BEFORE THE  
IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE INVESTIGATION )  
OF LOW WATER PRESSURE IN A )  
PORTION OF EAGLE WATER )  
COMPANY'S SERVICE AREA )

CASE NO. EAG-W-05-02

STATUS REPORT and PETITION  
FOR EXTENSION OF TIME

COMES NOW, Eagle Water Company, Inc. ("Eagle Water"), by and through undersigned counsel, and files this Status Report and Petition for Extension of Time.

Eagle Water has been diligently pursuing the completion of a Final Engineering Report to meet the requirements set forth in the Commission's Order No. 29840, as well as to meet the competing demands of a Consent Order entered into with the Idaho Department of Environmental Quality in February of last year. See **Exhibit 1**, attached.

To that end, Eagle Water has been working with Jim Rees, P.E., of MTC, Inc. here in Boise, and Chet A. Hovey, P.E., of Ward Engineering Group in Salt Lake City, Utah. A Final Engineering Report draft was submitted to DEQ for review on January 20, 2007. DEQ completed its review of that draft report and sent Eagle Water a letter outlining 31 Action Items on February 13, 2007. Mr. Rees and Mr. Hovey have consulted with DEQ regarding the Action Items, and anticipate having a revised Final Engineering Report ready to submit to DEQ on March 15, 2007.

As previously noted in Eagle Water' Petition for Relief filed with the Commission on December 20, 2006, the Engineering Report on Eagle Water's system has undergone several iterations, in addition to the current revision. Attached hereto as **Exhibit 2** is a current invoice from MTC for services rendered by it, to date, on the Engineering Report. In addition to MTC fees, Ward Engineering Group fees currently total approximately \$53,000.00

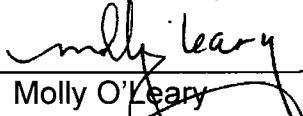
A total of \$129,624.61 has been collected through the surcharge as of February 28, 2007. Of this amount, the expenditure of \$112,414.00 has previously been authorized by this Commission, resulting in a difference of \$17,210.00. Given the cost of the Engineering Report to date, apart from associated legal and accounting fees, it is unlikely that there will be an "over collection" of surcharge fees in the near future. For this reason, Eagle Water respectfully requests the Commission to:

1. Continue to allow Eagle Water to collect the current surcharge amount in accordance with the terms of the Commission's Order No. 302013; and
2. Extend the deadline for Eagle Water to file an application for financing the

system improvements required by DEQ as a result of the Engineering Report to 30 days from the date Eagle Water gets a final acceptance of its Engineering Report from DEQ.

RESPECTFULLY SUBMITTED this 28<sup>th</sup> day of February, 2007.

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

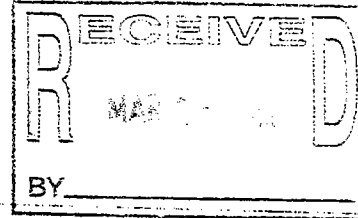
By  \_\_\_\_\_  
Molly O'Leary

Attorneys for Eagle Water Company, Inc.

# EXHIBIT 1



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY



1410 North Hilton • Boise, Idaho 83706-1255 • (208) 373-0502

Dirk Kempthorne, Governor  
Toni Hardesty, Director

February 24, 2006

**CERTIFIED MAIL:  
RETURN RECEIPT REQUESTED**

Robert V. Deshazo Jr.  
Eagle Water Company, Inc.  
172 W. State Street  
Eagle, ID 83616

RE: Executed Consent Order for Eagle Water Company, Inc., PWS # 4010049

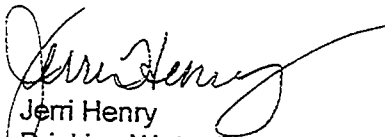
Dear Mr. Deshazo:

Enclosed is a fully executed copy of the Consent Order (CO) signed by Idaho Department of Environmental Quality's Director, Toni Hardesty. The staff at the Boise regional office will be tracking compliance with the deadlines set forth in the CO. Please send required communications to:

Tiffany Floyd, Regional Drinking Water Manager  
Department of Environmental Quality  
Boise Regional Office  
1445 North Orchard  
Boise, Idaho 83706-2239

Thank you for working with the Department to resolve these issues.

Sincerely,

  
Jerri Henry  
Drinking Water Rule/Enforcement Lead

Enclosure

cc: Stephanie Ebright, Deputy Attorney General  
Lance Nielsen, DW Program Manager  
Mike McGown, Boise Regional Office  
Tiffany Floyd, Boise Regional Office  
~~Molly O'Leary, Attorney at Law, Richardson & O'Leary, 515 N. 27<sup>th</sup> St, Boise, ID 83702~~

File  
COF



5. Department Review and Approval Submittal Review Process. Unless otherwise set forth specifically herein, the following document submittal and review process (Submittal Review Process) shall be followed regarding submittals required by this Consent Order for which Department approval is required. This process shall be followed until the Department approves the document or the review time frame has expired.

a. Within thirty (30) calendar days of receipt of Eagle's submittal, the Department shall 1) notify Eagle in writing the document is approved; 2) notify Eagle in writing of any deficiencies in the document; or 3) notify Eagle of the Department's extension of the Department's review and comment period for up to an additional thirty (30) days. If the Department notifies Eagle of deficiencies in the document, Eagle shall submit a revised document to resolve those deficiencies within thirty (30) calendar days of receipt of the Department's notice.

b. The Submittal Review Process shall be repeated until the Department notifies Eagle the document is approved. However, the submittal must meet the Department's approval within sixty (60) days from the due date for the first submittal of the document, unless the Department provides Eagle with a written extension of the sixty (60) day time frame. Eagle's failure to obtain Department approval of a submittal within such time frames shall constitute a violation of this Consent Order.

c. If the Department extends its review and comment period beyond the initial thirty (30) day period described above, the time frames within which Eagle's documents shall meet the requirements of this Consent Order shall be extended by an equivalent number of days. Once the Department approves these documents, they shall be incorporated herein and enforceable as a part of this Consent Order.

6. All communications required of Eagle by this Consent Order shall be addressed to:

Tiffany Floyd, Regional Drinking Water Manager  
Department of Environmental Quality  
Boise Regional Office  
1445 N. Orchard  
Boise, Idaho 83706

7. All notices, reports and submittals required of the Department by this Consent Order shall be addressed to:

Robert V. Deshazo Jr.  
Eagle Water Company, Inc.  
172 W. State Street  
Eagle, ID 83616



# EXHIBIT 2

**MTC, INC.**  
**CONSULTING ENGINEERS, SURVEYORS, AND PLANNERS**  
**707 N. 27th STREET**  
**BOISE, ID 83702**  
**208- 345-0780 fax 208 - 343-8967**

**FOR PROFESSIONAL ENGINEERING SERVICES****FEDERAL IN NO. 82-0398542**

**ACCOU OF**  
**EAGLE WATER COMP.**  
**P.O BOX 455**  
**EAGLE, ID 83616**

**JOB NUMBER:**  
**05-840**

**27-Feb-07**

**JOB # 05-840**  
**PUC STUDY**  
**FOR EAGLE WATER COMPANY**

AUGUST TO DECMEBER 2005	\$44,741.29
JANUARY .. 2006	\$13,165.00
FEBRUARY	\$12,714.70
MARCH	\$10,028.75
APRIL	\$10,131.58
MAY	11,928.75
JUNE	1,919.96
JULY	791.88
AUGUST	340
SEPTEMBER	\$890.00
OCTOBER	\$582.91
NOVEMBER	\$340.00
DECEMBER... 2006	\$680.00
JANUARY.....2007	\$5,892.50
printing 12 BOOKS	\$381.21
FEBUARY	\$977.50
MARCH	
<b>TOTAL</b>	<b>\$115,506.03</b>