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**FOR THE
CONTINUATION OF THIS
WATER RIGHT FILE**

No. 63-32089

BRUCE M. SMITH, ISB #3425
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Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
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Attorneys for the City of Eagle

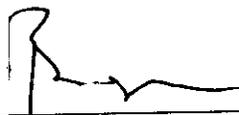
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 63-32089 AND 63-32090 IN THE) MOTION TO DISMISS
NAME OF THE CITY OF EAGLE)
)
)
)
)
_____)

COMES NOW the City of Eagle and moves to dismiss the Protest of United Water Idaho Inc. on the grounds that United Water Idaho Inc. has no water rights which will be injured by the City's application. (See Exhibit 1 attached).

SUBMITTED this 7 day of December, 2006.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



BRUCE M. SMITH
Attorney for the City of Eagle

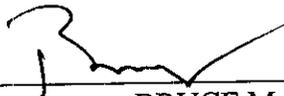
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I hereby certify that on this _____ day of December, 2006, a true and correct copy of the foregoing document was served upon the following by the method indicated below:

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CITY OF STAR c/o ROD LINJA 131 SW 5 TH AVE STE A MERIDIAN ID 83642	BILL FLACK 4035 HARTLEY ROAD EAGLE ID 83616	BOB & ELSIE HANSON 4151 HARTLEY ROAD EAGLE ID 83616
MICHAEL & NANCY HEATH 401 N. PALMER LANE EAGLE ID 83616	CHARLES HOWARTH C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	CORRIN & TERRY HUTTON 10820 NEW HOPE ROAD STAR ID 83669
RALPH & BARBARA WILDER 7320 W STATE STREET EAGLE ID 83616	MICHAEL McCOLLUM 1290 BUTTERFIELD SAN ANSELMO CA 94960	CHARLES MEISSNER JR C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773
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BUD ROUNDTREE LINDA BALLARD 468 N. LONGHORN AVENUE EAGLE, ID 83616	RONALD SCHREINER 2153 N POLLARD LANE STAR ID 83669	AL SHOUSHARIAN 1119 N. EAGLE ROAD EAGLE, ID 83616

JERRY & MARY TAYLOR 3410 HARTLEY EAGLE ID 83616	UNITED WATER ID INC c/o JOHN M. MARSHALL GIVENS PURSELY LLP 601 W. BANNOCK STREET BOISE ID 83702	IDWR - WESTERN REGION ATTN JOHN WESTRA 2735 AIRPORT WAY BOISE ID 83705-5082
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BRUCE M. SMITH

RECEIVED & FILED
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File: _____
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Attorneys for Protestant
United Water Idaho, Inc.

Mayor/ City Council _____ ✓
City Clerk _____ ✓ original
P & Z Dept. _____ ✓
Bldg. Dept. _____
Attorney _____
Engineer _____ ✓

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND)
63-32090 IN THE NAME OF THE CITY)
OF EAGLE)
_____)

**UNITED WATER OF IDAHO'S
RESPONSE TO CITY OF EAGLE'S
FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION
OF DOCUMENTS**

The following are Protestant United Water of Idaho, Inc.'s responses to Applicant's First Set of Interrogatories and Request for Production. The following responses are based upon such discovery and investigation as has been completed by Protestant to date after reasonable inquiry of all available sources. The following responses are given without prejudice to Protestant's right to produce at trial evidence of any subsequently discovered information or facts, facts which Protestant may later recall, or information and/or facts omitted as a result of good faith oversight. Protestant reserves the right to supplement or amend any and all answers herein as additional facts are ascertained and analyses are made. The responses contained herein are made in a good faith effort to supply as much information as is presently known, but shall in no way prejudice the right of Protestant in relation to further discovery, research and analysis.

EXHIBIT
1

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: United Water has not yet determined what documents, if any, it will offer as exhibits at the hearing.

INTERROGATORY NO. 4: Please identify by water right number and point of diversion any water right that you have that you allege would be injured by approval of the Applications and identify specifically what injury your water right would suffer.

ANSWER TO INTERROGATORY NO. 4: United Water alleges that the City of Eagle has not demonstrated that its proposed wells and water rights would not injure United Water's existing wells and water rights, including without limitation water right no. 63-12334, 63-12362, 63-11878, 63-12192 and 63-12452, and 63-12516 and the corresponding points of diversion associated with those rights.

INTERROGATORY NO. 5: If you claim the Applications, if approved, would conflict with the local public interest criteria as defined in Idaho Code § 42-202b, please identify with specificity how or why the Applications so conflict.

ANSWER TO INTERROGATORY NO. 5: The Applications, if approved, would conflict with the local public interest criteria by causing a duplication of water main and water supply facilities in an area where an existing municipal water supply and system is already available.

INTERROGATORY NO. 6: If you claim there is insufficient water to allow the approval of the Applications, please identify with specificity on what basis you believe the water supply is insufficient.

ANSWER TO INTERROGATORY NO. 6: United Water claims that the City of Eagle has yet to provide information demonstrating that there is sufficient water available to allow approval of the Applications.



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/21/2006

WATER RIGHT NO. 63-12334

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CAPITOL WATER CORP 2626 EL DORADO BOISE, ID 83704 (208)375-0931
Original Owner	SPURWING HOMEOWNERS ASSOC 3278 N SHAMROCK LN BOISE, ID 83704 (208)345-2762

Priority Date: 03/28/1995
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	12/31	0.38 CFS	42 AFA
Total Diversion			0.38 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESW	Sec. 23	Township 04N	Range 01W	ADA County
GROUND WATER	SWSE	Sec. 24	Township 04N	Range 01W	ADA County

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

11/21/2006

WATER RIGHT NO. 63-12362

Owner Type	Name and Address
Current Owner	CAPITOL WATER CORP 2626 EL DORADO BOISE, ID 83704 (208)375-0931
Original Owner	GARY D LASHER PO BOX 967 CALDWELL, ID 83606-0967 (208)459-8780

Priority Date: 09/30/1996

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
FIRE PROTECTION	01/01	12/31	2.22 CFS	
Total Diversion			2.22 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSE	Sec. 24	Township 04N	Range 01W	ADA County
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Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

11/21/2006

WATER RIGHT NO. 63-11878

Owner Type	Name and Address
Current Owner	CAPITOL WATER CORP 2626 EL DORADO BOISE, ID 83704 (208)375-0931
Original Owner	ALPINE PEAKS

Priority Date: 06/15/1992

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	1/01	12/31	0.99 CFS	190.5 AFA
Total Diversion			0.99 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWNW Lt 2	Sec. 07	Township 04N	Range 01E	ADA County
GROUND WATER	SENW	Sec. 07	Township 04N	Range 01E	ADA County

Place(s) of use: No POUs found for this right

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

11/21/2006

WATER RIGHT NO. 63-12192

Owner Type	Name and Address
Current Owner	CAPITOL WATER CORP 2626 EL DORADO BOISE, ID 83704 (208)375-0931

Priority Date: 08/06/2002
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	1/01	12/31	5 CFS	
Total Diversion			5 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESESW	Sec. 05	Township 04N	Range 01E	ADA County
GROUND WATER	SESWNW Lt 2	Sec. 07	Township 04N	Range 01E	ADA County

Place(s) of use: No POUs found for this right

Conditions of Approval:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

11/21/2006

WATER RIGHT NO. 63-12452

Owner Type	Name and Address
Current Owner	CAPITOL WATER CORP 2626 EL DORADO BOISE, ID 83704 (208)375-0931

Priority Date: 04/15/1998
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	1/01	12/31	4.5 CFS	
Total Diversion			4.5 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SESW	Sec. 05	Township 04N	Range 01E	ADA County
GROUND WATER	SWNW Lt 2	Sec. 07	Township 04N	Range 01E	ADA County

Place(s) of use: No POUs found for this right

Conditions of Approval:



IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report

11/21/2006

WATER RIGHT NO. 63-12516

Owner Type	Name and Address
Current Owner	CAPITOL WATER CORP 2626 EL DORADO BOISE, ID 83704 (208)375-0931

Priority Date: 04/13/1999
Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
MUNICIPAL	1/01	12/31	4 CFS	
Total Diversion			4 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NESW	Sec. 23	Township 04N	Range 01W	ADA County
GROUND WATER	SWSE	Sec. 24	Township 04N	Range 01W	ADA County

Place(s) of use: No POUs found for this right

Conditions of Approval:

BMS

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 63-32089 AND 63-32090)
IN THE NAME OF THE CITY OF EAGLE)
_____)

COPY

DEPOSITION OF ROGER DITTUS

November 17, 2006

REPORTED BY:

COLLEEN P. KLINE, CSR No. 345

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- COEUR D'ALENE, ID 208-765-1700
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Feather well.

Any others?

A. Not that I have information on.

Q. So if you use Theis, what are the assumptions that you have to make?

A. To use the Theis equation?

Q. Uh-huh.

A. It's a simple equation, and really extensive aquifer that's completely confined.

And, you know, whether those conditions exist

like that in the real world, to the extent that

the aquifer in reality is aerially extensive and

completely confined, then the Theis equation

would give a good prediction and would provide a

good estimate for that.

Q. Okay. Do you think this aquifer is confined?

A. Yeah. It's artesian, so it must be confined to some degree. The store activity

values are confined store activity values.

Q. Anything else?

A. No.

Q. And I think you said that you did not

disagree with any calculations in the City's pump

report; correct?

A. That's true.

Q. Do you have any opinion on what you think is a reasonable pumping level out in this area?

A. I would think that a reasonable impact might be -- well, it depends on the well construction. The Floating Feather well, I would think that a reasonable impact in that well might be an impact of something in the range of -- if it was more than 20 feet, it would probably be impacted.

Q. But less than 20, it would not?

A. Less than 20, you might just have to live with it. But if it was 20 or more in that particular well, there would be a problem.

Q. So, basically, that's how you determine injury?

A. Yes.

Q. Have you ever calculated reasonable pumping levels? Have you ever looked at that issue after March?

MR. MARSHALL: Could I clarify? You mean in the legal sense?

Q. (BY MR. SMITH) Well, if somebody is

1 understand the injury analysis that Roger is
2 talking about, but just in terms of reasonable
3 pumping levels, and how the Department or
4 somebody might calculate those, I was just
5 wondering if you've ever done that?

6 A. I don't know that I've ever done that
7 for a particular case. But I can say what my
8 opinion is, you know, with respect to individual
9 United Water wells. And I would think that the
10 reasonable pumping level would be based on
11 several different factors, which I think I have
12 some insight into.

13 Q. What would those be?

14 A. Well, a reasonable pumping level would
15 be a pumping level that doesn't cause the well to
16 not be able to pump its water right if the well
17 is not inordinately shallow, or if the pump is
18 not set too shallow, or if the impact is, you
19 know, a significant portion of the available draw
20 down in the well. And all those factors would
21 have -- so it's an individual case per well.

22 Q. Well, do you think that a decrease in
23 head pressure in an artesian system is an injury?

24 A. No, not -- it depends on the magnitude,
25 but not just a decrease.

1 Q. What reduction in head pressures would
2 you think would be injury?

3 A. Once again, I think it would go back to
4 the individual well. And so that you would have
5 a range, and I would say that range might be, you
6 know, 20 to 40 feet. Depending on the well, that
7 might be a general thing, general number.

8 Q. You mean, a decline of 40 feet in
9 artesian head?

10 A. Yeah.

11 Q. Okay. So if Redwood Creek and Floating
12 Feather didn't produce the full amount of water
13 that you need to pump from those, how do you
14 react to that? What does United Water do in that
15 instance?

16 A. You mean, from a mechanical sense?

17 Q. Uh-huh.

18 A. I believe at Floating Feather, we would
19 be out of luck. The pump is set as deep as it
20 can be. And at Redwood Creek, there is room to
21 lower the pump in that well.

22 Q. Well, Scott talked yesterday about
23 bringing water in from the eastern part of the
24 system, I assume, the Boise area. Is that
25 possible?

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AT LAW

950 W. BANNOCK, SUITE 520, BOISE, ID 83702
TELEPHONE (208) 331-1800 FAX: (208) 331-1202

FACSIMILE COVER SHEET

DATE: December 6, 2006 RECIPIENT'S FAX: 208-287-6700

TO: Gary Spackman CLIENT: 1019.03
City of Eagle Applications to Appropriate Water Nos. 63-32089 & 63-32090

RE: _____

FROM: Bruce M. Smith/Debbie

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 8

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ADDITIONAL COMMENTS:

Ltr re discovery from protestant and with City's Response to 2nd supplemental discovery responses from Dixon

Cc: Charlie Honsinger via Fax 342-4657

***** IMPORTANT MESSAGE *****

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

Bruce M. Smith, ISB #3425
 Tammy A. Zokan, ISB #5450
 MOORE SMITH BUXTON & TURCKE, CHARTERED
 Attorneys at Law
 950 W. Bannock Street, Suite 520
 Boise, ID 83702-5716
 Telephone: (208) 331-1800
 Facsimile: (208) 331-1202
 Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO**

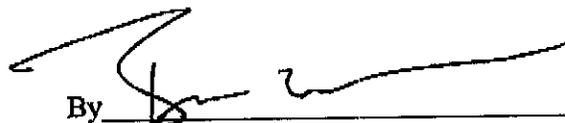
IN THE MATTER OF APPLICATIONS	)	CITY OF EAGLE'S
FOR PERMIT NOS. 63-32089 AND	)	RESPONSE TO PROTESTANT
63-32090 IN THE NAME OF THE	)	MIKE DIXON'S SECOND
CITY OF EAGLE	)	SUPPLEMENTAL ANSWERS TO
	)	THE CITY OF EAGLE'S FIRST
	)	SET OF INTERROGATORIES

COMES NOW the Applicant, CITY OF EAGLE, by and through its attorney, BRUCE M. SMITH of the firm, MOORE SMITH BUXTON & TURCKE, CHTD., ATTORNEYS AT LAW, and responds to Protestant Mike Dixon's Second Supplemental Answers to the City of Eagle's First Set of Interrogatories as follows:

This response violates all of the orders of this case.

RESPECTFULLY SUBMITTED this 6 day of December, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
 ATTORNEYS AT LAW

By 

 Bruce M. Smith, of the firm
 Attorneys for City of Eagle

CERTIFICATE OF SERVICE

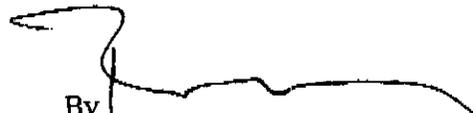
The undersigned does hereby certify that on the 2 day of December, 2006, a true and correct copy of the within and foregoing document by United States first-class, postage prepaid mail to:

TIM CHENEY PO BOX 190027 BOISE ID 83719	DEAN & JAN COMBE 6440 W BEACON LIGHT EAGLE ID 83616	HOOT NANNEY FARMS, INC., MIKE DIXON RT. 1, 2650 WING ROAD STAR, ID 83669
CITY OF STAR c/o ROD LINJA 131 SW 5 TH AVE STE A MERIDIAN ID 83642	BILL FLACK 4035 HARTLEY ROAD EAGLE ID 83616	BOB & ELSIE HANSON 4151 HARTLEY ROAD EAGLE ID 83616
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JERRY & MARY TAYLOR 3410 HARTLEY EAGLE ID 83616	UNITED WATER ID INC c/o JOHN M. MARSHALL GIVENS PURSELY LLP 601 W. BANNOCK STREET BOISE ID 83702	IDWR - WESTERN REGION ATTN JOHN WESTRA 2735 AIRPORT WAY BOISE ID 83705-5082
---	--	--

DATED this 6 day of December, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

MOORE SMITH BUXTON & TURCKE, CHARTERED

ATTORNEYS AND COUNSELORS AT LAW

950 W. BANNOCK STREET, SUITE 520
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PAUL A. TURCKE†
TAMMY A. ZOKAN*JOHN J. MCFADDEN**
*of Counsel** Also admitted in Oregon
† Also admitted in Washington
* Also admitted in South Dakota
* Also admitted in New Mexico

December 6, 2006

Mr. Gary Spackman
Idaho Department of Water Resources
322 E. Front Street
Boise, ID 83720-0098Re: Applications to Appropriate Water Nos. 63-32089 and 63-32090 in the name of
the City of Eagle

Dear Gary:

You specially modified the hearing schedule to allow a certain group of protestants to use Ringert Clark as their counsel at the last minute because it would be more "efficient." It has become anything but that as the protestants, through their counsel, are continuously filing documents clearly in violation of the orders under which this matter is proceeding. Approximately thirty (30) minutes ago, I received the latest filing in this matter by Ringert Clark - a "second" supplemental response to the City's discovery, which was never responded to in the first instance. This is a blatant attempt by the protestant to get around never having responded to discovery or actively participating in the case until now. The filing includes a memorandum from the Star Water and Sewer consultant, which Ringert Clark indicates it intends to produce as an exhibit.

Instead of "efficiency", we are seeing an abuse of the special consideration you allowed by changing the hearing schedule. Not only has this protestant abused the very process to which he agreed two (2) years ago, he is now attempting to further abuse the process by trying to use documents from a person no longer even involved in this matter. He is, in essence, now attempting to inject an expert opinion through another expert opinion, neither one of which is allowable. I understood the interest in trying to get an attorney, but I do not accept the contortions to which the proceeding is now subjected by these last minute games. On behalf of my client, I am requesting that you take appropriate action to stop this abuse of process. The attorney from Ringert Clark who does appear is entitled to participate at the hearing. Experts are not - based on the very responses filed by the protestants. Nor are the protestants allowed to now introduce exhibits which have never been disclosed and which are directly contrary to their representations.

While I recognize that you often go to extra lengths to allow lay protestants some additional flexibility - that is not what is now happening. The City's Motion in Limine was intended to stop these last minute games and switching of positions, and I would expect the motion to be granted in order to afford my client a process that is fair and consistent with the rules of the IDWR.

Sincerely,

MOORE SMITH BUXTON & TURCKE
CHARTERED



Bruce M. Smith

BMS/dls
Enclosures
cc: C. Honsinger

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
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Attorneys for the City of Eagle

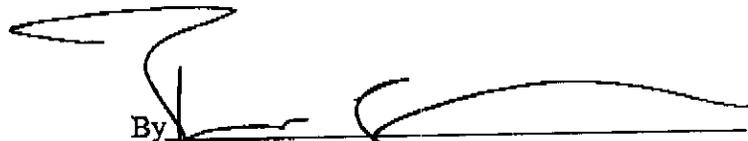
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OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its Response to Protestant Mike Dixon's Second Supplemental Answers to the City of Eagle's First Set of Interrogatories via regular U.S. mail, postage prepaid on the 4 day of December, 2006.

DATED this 4 day of December, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW



By _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 6 day of December, 2006, a true and correct copy of the within and foregoing document by United States first-class, postage prepaid mail to:

TIM CHENEY PO BOX 190027 BOISE ID 83719	DEAN & JAN COMBE 6440 W BEACON LIGHT EAGLE ID 83616	HOOT NANNEY FARMS, INC., MIKE DIXON RT. 1, 2650 WING ROAD STAR, ID 83669
CITY OF STAR c/o ROD LINJA 131 SW 5 TH AVE STE A MERIDIAN ID 83642	BILL FLACK 4035 HARTLEY ROAD EAGLE ID 83616	BOB & ELSIE HANSON 4151 HARTLEY ROAD EAGLE ID 83616
MICHAEL & NANCY HEATH 401 N. PALMER LANE EAGLE ID 83616	CHARLES HOWARTH C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	CORRIN & TERRY HUTTON 10820 NEW HOPE ROAD STAR ID 83669
RALPH & BARBARA WILDER 7320 W STATE STREET EAGLE ID 83616	MICHAEL McCOLLUM 1290 BUTTERFIELD SAN ANSELMO CA 94960	CHARLES MEISSNER JR C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773
LEEROY & BILLIE MELLIES 6860 W STATE STREET EAGLE ID 83616	JOSEPH & LYNN MOYLE MICHAEL MOYLE C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	EUGENE MULLER C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773.
DANA & VIKI PURDY C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	SCOTT AND NANCY REESER 499 N LINDER ROAD EAGLE ID 83616	SAM & KARI ROSTI 1460 N. POLLARD LANE STAR ID 83669
BUD ROUNDTREE LINDA BALLARD 468 N. LONGHORN AVENUE EAGLE, ID 83616	RONALD SCHREINER 2153 N POLLARD LANE STAR ID 83669	AL SHOUSHARIAN 1119 N. EAGLE ROAD EAGLE, ID 83616

JERRY & MARY TAYLOR 3410 HARTLEY EAGLE ID 83616	UNITED WATER ID INC c/o JOHN M. MARSHALL GIVENS PURSELY LLP 601 W. BANNOCK STREET BOISE ID 83702	IDWR - WESTERN REGION ATTN JOHN WESTRA 2735 AIRPORT WAY BOISE ID 83705-5082
---	--	--

DATED this 12 day of December, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By



Bruce M. Smith, of the firm
Attorneys for City of Eagle

CHARLES L. HONSINGER (ISB #5240)
DANIEL V. STEENSON (ISB #4332)
RINGERT CLARK CHARTERED
455 S. Third Street, P.O. Box 2773
Boise, Idaho 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Protestants

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND 63-)
32090 IN THE NAME OF THE CITY OF)
EAGLE)
)
)
)
)
)

NOTICE OF SERVICE OF
PROTESTANT MIKE DIXON'S
SECOND SUPPLEMENTAL ANSWERS
TO THE CITY OF EAGLE'S FIRST
SET OF INTERROGATORIES

PLEASE TAKE NOTICE that Protestant, Mike Dixon (hereinafter "Protestant"), served on December 6, 2006, a true and correct copy of Protestant Mike Dixon's Second Supplemental Answers to the City of Eagle's First Set of Interrogatories, along with a copy of this Notice of Service, to the following:

Bruce Smith
Moore Smith Buxton & Turke, Chartered
950 W. Bannock St., Ste. 520
Boise, Idaho 83702

RINGERT CLARK CHARTERED

By: _____

Charles L. Honsinger
Charles L. Honsinger
Attorney for Protestant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of December, 2006, the above and foregoing document was served by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

City of Star
c/o Rod Linja
131 SW 5th Ave., Ste. A
Meridian, Idaho 83642

Ronald Schreiner
2143 N. Pollard Lane
Star, Idaho 83669

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle, Idaho 83616

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star, Idaho 83669

Jerry A. Kiser
Stoppello & Kiser
620 W. Hays
Boise, Idaho 83702

Tim Cheney
P.O. Box 190027
Boise, Idaho 83719

Scott & Nancy Reeser
499 N. Linder Road
Eagle, Idaho 83616

Western Region
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705-5082

Jerry & Mary Taylor
3410 Hartley
Eagle, Idaho 83616

Leeroy & Billie Mellies
6860 W. State Street
Eagle, Idaho 83616

John M. Marshall
Givens Pursley
P.O. Box 2720
Boise, Idaho 83701

Corrin & Terry Hutton
10820 New Hope Road
Star, Idaho 83669

Ralph & Barbara Wilder
7320 W. State Street
Eagle, Idaho 83616

Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616

Bob & Elsie Hanson
4151 Hartley Road
Eagle, Idaho 83616

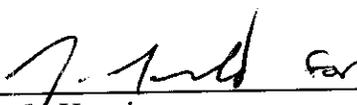
Dean & Jan Combe
6440 W. Beacon Light
Eagle, Idaho 83616

Bud Roundtree
Linda Ballard
468 N. Longhorn Ave.
Eagle, Idaho 83616

Sam & Kari Rosti
1460 N. Pollard Lane
Star, Idaho 83669

Bruce Smith
Moore Smith Buxton & Turke
950 W. Bannock St., Ste. 520
Boise, Idaho 83702

Bill Flack
4035 Hartley Road
Eagle, Idaho 83616



Charles L. Honsinger

the expert I had hired in this case, to discuss his testimony.

- 5. I never represented to Ms. Fischer, or to any other party, that I would not call Mr. Hannula as an expert witness to testify in this case.

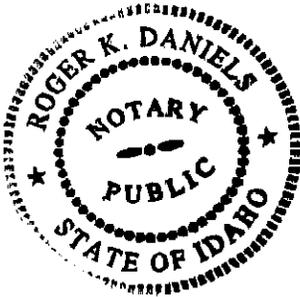
Further your affiant sayeth naught.

Michael J. Dixon
~~City of Boise~~

STATE OF IDAHO)
)ss.
 County of ADA)

On this 6th day of December, 2006, before me, the undersigned, a notary public in and for said state, personally appeared Mike Dixon, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Roger K. Daniels
 Notary Public for IDAHO
 Residing at Caldwell, IDAHO
 My Commission Expires: 05/06/2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of December, 2006, the above and foregoing document was served on the following by delivering a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

City of Star
c/o Rod Linja
131 SW 5th Ave., Ste. A
Meridian, Idaho 83642

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle, Idaho 83616

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star, Idaho 83669

Tim Cheney
P.O. Box 190027
Boise, Idaho 83719

Scott & Nancy Reaser
Leeroy & Billie Mellies
6860 W. State Street
Eagle, Idaho 83616

Jerry & Mary Taylor
3410 Hartley
Eagle, Idaho 83616

Ralph & Barbara Wilder
7320 W. State Street
Eagle, Idaho 83616

Corrin & Terry Hutton
10820 New Hope Road
Star, Idaho 83669

Dean & Jan Combe
6440 W. Beacon Light
Eagle, Idaho 83616

Bob & Elsie Hanson
4151 Hartley Road
Eagle, Idaho 83616

Norma Mares
23966 Blessinger Road
Star, Idaho 83669-6016

Sam & Kari Rosti
1460 N. Pollard Lane
Star, Idaho 83669

Bruce Smith
Moore Smith Buxton & Turke
225 N. 9th Street, Ste.420
Boise, Idaho 83702

Bill Flack
4035 Hartley Road
Eagle, Idaho 83616

Bud Roundtree
Linda Ballard
Eagle, Idaho 83616

Ronald Schreiner
468 N. Longhorn Ave.
2143 N. Pollard Lane
Star, Idaho 83669

Al Shoushtarian
1119 N. Eagle Road
Eagle, Idaho 83616

Western Region
Attn: John Westra
2735 Airport Way
Boise, Idaho 83705-5082

John M. Marshall
Givens Fursley
P.O. Box 2720
Boise, Idaho 83701

 for

Charles L. Honsinger

REC-11-12
L-11-12
JAN 11 2011
WATER RESOURCES

BRUCE M. SMITH, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 63-32089 AND 63-32090 IN THE) FIRST MOTION IN LIMINE OF
NAME OF THE CITY OF EAGLE) CITY OF EAGLE
)
)
)
)
_____)

COMES NOW the City of Eagle, by and through their counsel of record Bruce M. Smith of the firm of Moore Smith Buxton & Turcke, Chtd., and pursuant to IDAPA 37.01.01.260 hereby submits this *Motion in Limine*. Through this Motion, the Applicant seeks and moves the Hearing Officer to not allow certain evidence in the hearing on this matter. The following is the information sought to be excluded and the basis for the exclusion. This motion is supported by the Affidavit of Bruce M. Smith.

1. The Applicant seeks to exclude any testimony or other evidence, including expert witness testimony, by the following protestants:

Tim Cheney

City of Star

Dean Combe

Mike Dixon/Hoot Nanney Farms

Bob Hanson

Michael Heath

Terry or Corin Hutton

Michael McCollum

Leeroy Mellies

Bill Flack

Dana and Vicki Purdy

Sam Rosti

Ronald Scheiner

Ralph Wilder

The basis for exclusion for evidence from each of these Protestants is that discovery was sent to each of the protestants on October 5, 2006. Responses were due by October 19, 2006. (See example of discovery attached as Exhibit 1.) None of the indicated Protestants responded in any manner to the Applicant's discovery requests except for Protestant Bill Flack who indicated he had sold his property and did not intend to introduce evidence. (See response of Bill Flack attached as Exhibit 2.) The Applicant would be prejudiced by allowing surprise and undisclosed evidence to be offered or introduced at the hearing. (See attached Affidavit of Bruce M. Smith.)

2. The Applicant seeks to exclude any testimony or evidence, including expert opinion or testimony by the following Protestants except as specifically set forth below:

Eugene Muller - No exhibit, no expert testimony

- Charles W. Meissner, Jr. - No exhibit, no expert testimony
- Charles Howarth - No exhibit except drilling report for drilling permit 0019-214 dated 12/31/01. Further, Mr. Howarth has represented to counsel for the Applicant that Mr. Howarth does not believe his water right(s) will be injured.

The basis for exclusion of evidence or testimony, except as noted, is that each of the Protestants responded to the Applicant's discovery indicating that they did not intend to introduce any exhibits or expert testimony, except for Charles Howarth who indicated that he would include his drilling report as an exhibit. (See Protestants' responses to discovery attached as Exhibit 3.)

3. The Applicant seeks to exclude any factual information or evidence by United Water Idaho Inc.

The basis for excluding factual evidence or expert testimony from United Water is that United Water has represented to the Applicant in deposition that it does not intend to present any factual evidence or expert testimony. (See excerpts from United Water depositions attached as Exhibit 4.)

4. The Applicant seeks to exclude any testimony, evidence, or expert opinion by Steve Hannula.

The basis for excluding testimony or evidence from Mr. Hannula is that prior counsel for Hoot Nanney Farms/Dixon represented to the Applicant at the time she withdrew as counsel that there would be no expert participation by Mr. Hannula. Counsel for the Applicant had subpoenaed and served notice of deposition on Mr. Hannula. Upon learning that Mr. Hannula would not be participating, the Applicant cancelled the deposition. To now allow Mr. Hannula to re-appear as an expert witness for Hoot Nanney Farms/Dixon, after the Applicant cancelled the deposition and the Hoot Nanney Farms/Dixon did not respond in any manner to discovery, would significantly prejudice the Applicant. (See Exhibit 5.)

5. The Applicant seeks to exclude any testimony or evidence by Protestants Roy Barnett, Bryan and Marie Pecht, Del and Robin Morton, Tony and Brenda O'Neil, and Frank and Elaine Mosman.

The basis for excluding any testimony or evidence by the above protestants is that their protests were dismissed pursuant to the IDWR's Order dated September 13, 2005. (See attached Exhibit 6.)

6. The Applicant seeks to exclude any evidence or testimony inconsistent with any Protestants' response to the Applicants' discovery requests.

The basis for excluding this evidence or testimony is that while a few protestants responded with some information, many times the information was incomplete or so ambiguous or vague as to be unintelligible. The Applicant has attempted to prepare for and respond to the information

provided but, in some instances, the Protestants' information was so vague that it forced the Applicant to speculate as to what the Protestant meant. As an example, the Applicant, through discovery, sought to identify what water right a protestant was alleging would be injured. Some protestants could not or would not even provide the water right number. The Applicant has attempted in good faith to respond when information was provided. However, the Applicant should not be prejudiced by a protestant coming forth at the hearing with new, undisclosed information that was never provided to the Applicant pursuant to the Department's order and discovery.

RESPECTFULLY SUBMITTED this 4 day of December, 2006.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



BRUCE M. SMITH
Attorney for the City of Eagle

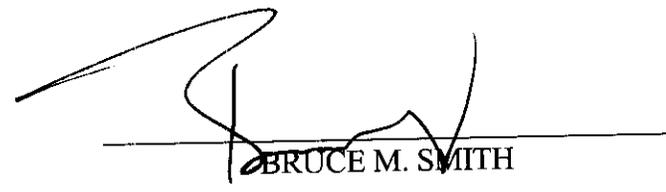
CERTIFICATE OF SERVICE

I hereby certify that on this 4 day of December, 2006, a true and correct copy of the foregoing document was served upon the following by the method indicated below:

TIM CHENEY PO BOX 190027 BOISE ID 83719	DEAN & JAN COMBE 6440 W BEACON LIGHT EAGLE ID 83616	HOOT NANNEY FARMS, INC., MIKE DIXON RT. 1, 2650 WING ROAD STAR, ID 83669
CITY OF STAR c/o ROD LINJA 131 SW 5 TH AVE STE A MERIDIAN ID 83642	BILL FLACK 4035 HARTLEY ROAD EAGLE ID 83616	BOB & ELSIE HANSON 4151 HARTLEY ROAD EAGLE ID 83616
MICHAEL & NANCY HEATH 401 N. PALMER LANE EAGLE ID 83616	CHARLES HOWARTH C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	CORRIN & TERRY HUTTON 10820 NEW HOPE ROAD STAR ID 83669
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BUD ROUNDTREE LINDA BALLARD 468 N. LONGHORN AVENUE EAGLE, ID 83616	RONALD SCHREINER 2153 N POLLARD LANE STAR ID 83669	AL SHOUSHARIAN 1119 N. EAGLE ROAD EAGLE, ID 83616

JERRY & MARY TAYLOR 3410 HARTLEY EAGLE ID 83616	UNITED WATER ID INC c/o JOHN M. MARSHALL GIVENS PURSELY LLP 601 W. BANNOCK STREET BOISE ID 83702	IDWR - WESTERN REGION ATTN JOHN WESTRA 2735 AIRPORT WAY BOISE ID 83705-5082
---	--	--

- via U.S. MAIL
- via HAND DELIVERY
- via OVERNIGHT MAIL
- via FACSIMILE



BRUCE M. SMITH

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)	
FOR PERMIT NOS. 63-32089 AND	)	CITY OF EAGLE'S FIRST
63-32090 IN THE NAME OF THE	)	SET OF INTERROGATORIES
CITY OF EAGLE	)	TO PROTESTANT -
	)	CHARLES HOWARTH
)	
)	
_____)	

TO: CHARLES HOWARTH, Protestant:

YOU WILL PLEASE TAKE NOTICE that the Applicant, CITY OF EAGLE, by and through its attorney, BRUCE M. SMITH of the firm, MOORE SMITH BUXTON & TURCKE, CHTD., ATTORNEYS AT LAW, requests the Protestant, CHARLES HOWARTH to answer under oath and in accordance with the September 6, 2006 Order Authorizing Discovery and Prehearing Order, the following Interrogatories within fourteen (14) days of service of this Request.

CITY OF EAGLE'S FIRST SET OF INTERROGATORIES TO PROTESTANTS - CHARLES HOWARTH - 1



When answering these Interrogatories and Requests for Documents, you are requested to furnish all information available to you, including information in the possession of your attorney, investigators, employees, officers, directors, agents, representatives, guardians or any other person or persons acting on your behalf, and not merely such information as is known by you on personal knowledge.

In the event you assert any form of objection or privilege as a ground for not answering an Interrogatory or Request for Production of Documents or any part of an Interrogatory, set forth the legal grounds and facts upon which the objection or privilege is based. If the objection relates to only part of the Interrogatory, the balance of the Interrogatory should be answered in full.

INTERROGATORY NO. 1: Please identify by water right number and point of diversion any water right that you have that you allege would be injured by approval of the Applications and identify specifically what injury your water right would suffer.

INTERROGATORY NO. 2: If you claim the Applications, if approved, would conflict with the local public interest criteria as defined in I.C. 42-202b, please identify with specificity how or why the Applications so conflict.

INTERROGATORY NO. 3: If you claim there is insufficient water to allow the approval of the Applications, please identify with specificity on what basis you believe the water supply is insufficient.

INTERROGATORY NO. 4: Please provide the static water level (the level when not pumping) of water in your well.

INTERROGATORY NO. 5: If you will have an expert witness testify on your behalf, please identify the expert and state what opinions your expert will offer and the basis for those opinions.

INTERROGATORY NO. 6: Please identify any other application for a permit for a water right or amendment to an application for a permit that you have protested.

REQUEST FOR PRODUCTION NO. 1: Please produce all exhibits you will introduce or offer at the hearing on this matter.

INTERROGATORY NO. 7: If your well is artesian, does it flow all year long and do you have facilities in place to restrict the flow?

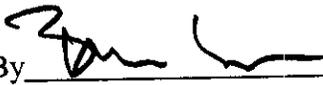
INTERROGATORY NO. 8: Please identify any communications you or anyone acting on your behalf has had with the Department of Water Resources concerning the City's Applications, including the name of the person at the Department and the date of the communication.

Under the penalty of perjury, I hereby declare that the above responses are true and correct.

CHARLES HOWARTH

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

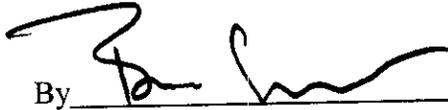
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the within and foregoing document by United States first-class, postage prepaid mail to:

CHARLES HOWARTH
c/o Gunner & Matt Howarth
833 N. Palmer
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

COPY

RECEIVED
OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

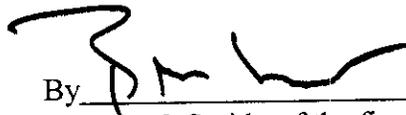
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, CHARLES HOWARTH via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

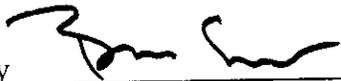
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

Charles Howarth
c/o Gunner & Matt Howarth
833 N. Palmer
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 
Bruce M. Smith, of the firm
Attorneys for City of Eagle

RECEIVED

OCT 23 2006

MSB & T, CTD

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
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Attorneys for the City of Eagle

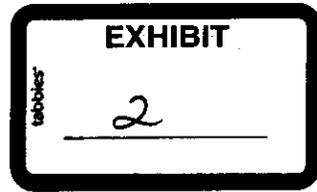
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

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FOR PERMIT NOS. 63-32089 AND) CITY OF EAGLE'S FIRST
63-32090 IN THE NAME OF THE) SET OF INTERROGATORIES
CITY OF EAGLE) TO PROTESTANT -
) BILL FLACK
)
)
_____)

TO: BILL FLACK, Protestant:

YOU WILL PLEASE TAKE NOTICE that the Applicant, CITY OF EAGLE, by and through its attorney, BRUCE M. SMITH of the firm, MOORE SMITH BUXTON & TURCKE, CHTD., ATTORNEYS AT LAW, requests the Protestant, BILL FLACK to answer under oath and in accordance with the September 6, 2006 Order Authorizing Discovery and Prehearing Order, the following Interrogatories within fourteen (14) days of service of this Request.

we have sold most of our property and have not made preparation to submit evidence.



When answering these Interrogatories and Requests for Documents, you are requested to furnish all information available to you, including information in the possession of your attorney, investigators, employees, officers, directors, agents, representatives, guardians or any other person or persons acting on your behalf, and not merely such information as is known by you on personal knowledge.

In the event you assert any form of objection or privilege as a ground for not answering an Interrogatory or Request for Production of Documents or any part of an Interrogatory, set forth the legal grounds and facts upon which the objection or privilege is based. If the objection relates to only part of the Interrogatory, the balance of the Interrogatory should be answered in full.

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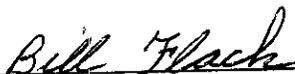
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INTERROGATORY NO. 8: Please identify any communications you or anyone acting on your behalf has had with the Department of Water Resources concerning the City's Applications, including the name of the person at the Department and the date of the communication.

Under the penalty of perjury, I hereby declare that the above responses are true and correct.



BILL FLACK

DATED this ____ day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

A handwritten signature in black ink, appearing to read "Bruce M. Smith", written over a horizontal line.

By _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

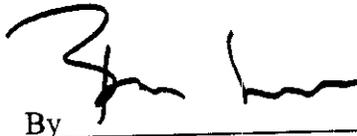
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the within and foregoing document by United States first-class, postage prepaid mail to:

BILL FLACK
4035 Hartley Road
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW



By _____

Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
OCT 16 2006
MSB & T, CTD.

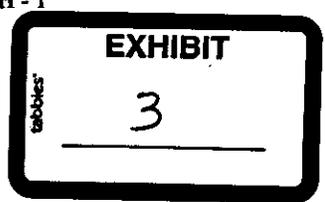
Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) CITY OF EAGLE'S FIRST
63-32090 IN THE NAME OF THE) SET OF INTERROGATORIES
CITY OF EAGLE) TO PROTESTANT -
) CHARLES HOWARTH
)
)
_____)

TO: CHARLES HOWARTH, Protestant:

YOU WILL PLEASE TAKE NOTICE that the Applicant, CITY OF EAGLE, by and through its attorney, BRUCE M. SMITH of the firm, MOORE SMITH BUXTON & TURCKE, CHTD., ATTORNEYS AT LAW, requests the Protestant, CHARLES HOWARTH to answer under oath and in accordance with the September 6, 2006 Order Authorizing Discovery and Prehearing Order, the following Interrogatories within fourteen (14) days of service of this Request.



When answering these Interrogatories and Requests for Documents, you are requested to furnish all information available to you, including information in the possession of your attorney, investigators, employees, officers, directors, agents, representatives, guardians or any other person or persons acting on your behalf, and not merely such information as is known by you on personal knowledge.

In the event you assert any form of objection or privilege as a ground for not answering an Interrogatory or Request for Production of Documents or any part of an Interrogatory, set forth the legal grounds and facts upon which the objection or privilege is based. If the objection relates to only part of the Interrogatory, the balance of the Interrogatory should be answered in full.

INTERROGATORY NO. 1: Please identify by water right number and point of diversion any water right that you have that you allege would be injured by approval of the Applications and identify specifically what injury your water right would suffer.

*Well ID # ~~815597~~ Error
see attached*

INTERROGATORY NO. 2: If you claim the Applications, if approved, would conflict with the local public interest criteria as defined in I.C. 42-202b, please identify with specificity how or why the Applications so conflict.

INTERROGATORY NO. 3: If you claim there is insufficient water to allow the approval of the Applications, please identify with specificity on what basis you believe the water supply is insufficient.

*I can't claim it is insufficient
And they can't claim it is sufficient. How can
you pump water and tell what will
happen after months of pumping?*

INTERROGATORY NO. 4: Please provide the static water level (the level when not pumping) of water in your well.

Artesian

INTERROGATORY NO. 5: If you will have an expert witness testify on your behalf, please identify the expert and state what opinions your expert will offer and the basis for those opinions.

0

INTERROGATORY NO. 6: Please identify any other application for a permit for a water right or amendment to an application for a permit that you have protested.

0

REQUEST FOR PRODUCTION NO. 1: Please produce all exhibits you will

introduce or offer at the hearing on this matter.

See attached

INTERROGATORY NO. 7: If your well is artesian, does it flow all year long and do you have facilities in place to restrict the flow?

*Flows all year.
Can restrict flow - do restrict flow
Pressure at head - 7 lbs - fell to 3
during pump test!*

INTERROGATORY NO. 8: Please identify any communications you or anyone acting on your behalf has had with the Department of Water Resources concerning the City's Applications, including the name of the person at the Department and the date of the communication.

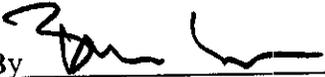
Under the penalty of perjury, I hereby declare that the above responses are true and correct.

Charles A. Howarth M10

CHARLES HOWARTH

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By  _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

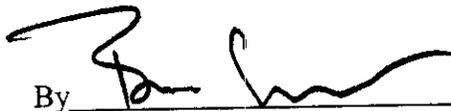
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the within and foregoing document by United States first-class, postage prepaid mail to:

CHARLES HOWARTH
c/o Gunner & Matt Howarth
833 N. Palmer
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

Form 238-7
3/95-C76

IDAHO DEPARTMENT OF WATER RESOURCES WELL DRILLER'S REPORT

Office Use Only		
Inspected by	_____	
Twp	Rgn	Sec
1/4	1/4	1/4
Lat	Long	

1. DRILLING PERMIT NO. 0 - - 0019-214
Other IDWR No. _____

2. OWNER:
Name CHARLES HOWARTH
Address 833 N PALMER
City EAGLE State ID Zip 83616

3. LOCATION OF WELL by legal description:
Sketch map location must agree with written location

W		Twp. <u>4</u> North <input checked="" type="checkbox"/> or South <input type="checkbox"/>	
E		Rgn. <u>1</u> East <input type="checkbox"/> or West <input checked="" type="checkbox"/>	
S		Sec. _____ 1/4 NE 1/4 SW 1/4	
Gov't lot _____		County <u>ADA</u>	

Lat: _____ Long: _____
Address of Well Site 833 N PALMER
City EAGLE

(Give at least name of road + Distance to Road or Landmark)

Lt. _____ Blk. _____ Sub. Name _____

4. USE:
 Domestic Municipal Monitor Irrigation
 Thermal Injection Other _____

5. TYPE OF WORK check all that apply (Replacement etc.)
 New Well Modify Abandonment Other _____

6. DRILL METHOD
 Air Rotary Cable Mud Rotary Other _____

SEAL/FILTER PACK		AMOUNT		METHOD
Material	From	To	Sacks or Pounds	
CEMENT	000	80'	60 SKS	TREME

Was drive shoe used? Y N Shoe Depth(s) 242
Was drive shoe seal tested? Y N How? _____

Depth	From	To	Feet	Material	Casing	Liner	Welded	Threaded
10"	0	72	25	STEEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6"	2	232	25	STEEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5"	2.5	313	28	STEEL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Length of Headpipe N/A Length of Tailpipe N/A

9. PERFORATIONS/SCREENS
 Perforations Method _____
 Screens Screen Type _____

From	To	Slot Size	Number	Diameter	Material	Casing	Liner
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

10. STATIC WATER LEVEL OR ARTESIAN PRESSURE:
ft. below ground _____ Artesian Pressure 7 lb
Depth flow encountered 333 ft. Describe access port or control devices: BALL VALVES

11. WELL TESTS:
 Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Pressure Level	Time
400+	0	0	

Water Temp. 54 Bottom hole temp. _____
Water Quality test or comments: _____
Depth first Water Encountered 5 FT

12. LITHOLOGIC LOG: (Describe repairs or abandonment)

Bore Dia	From	To	Remarks: Lithology, Water Quality & Temp.	Y	N
10"	0	2	TOP SOIL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	2	6	BROWN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	6	42	GRAVEL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	42	69	SAND & GRAVEL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	69	72	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6"	72	74	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	74	80	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	80	85	BLUE CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	85	97	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	97	100	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	100	114	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	114	132	CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	132	151	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	151	155	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	155	170	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	170	179	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	179	184	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	184	197	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	197	214	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	214	235	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5"	235	248	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	248	269	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	269	285	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	285	291	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	291	308	SAND	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	308	315	BLUE CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	315	324	TAN CLAY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	324	333	SAND W/CLAY INTERBEDS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Completed Depth: 333 (Measurable)
Date: Started 10-31-01 Completed 2-7-02

13. DRILLER'S CERTIFICATION
I/We certify that all minimum well construction standards were complied with at the time the rig was removed.

Firm Name Coonse Well Drilling Firm No. 409

Firm Official Kenny S. Coonse Date 12-31-01

Supervisor or Operator Wendy Mark Date 12-31-01
(Sign once if Firm Official & Operator)

Date: 2/13/02 Time: 1:20 PM

RECEIVED
NOV 14 2006
MSB & T, CTD

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) CITY OF EAGLE'S FIRST
63-32090 IN THE NAME OF THE) SET OF INTERROGATORIES
CITY OF EAGLE) TO PROTESTANT -
) CHARLES MEISSNER, JR.
)
)
_____)

TO: CHARLES MEISSNER, JR., Protestant:

YOU WILL PLEASE TAKE NOTICE that the Applicant, CITY OF EAGLE, by and through its attorney, BRUCE M. SMITH of the firm, MOORE SMITH BUXTON & TURCKE, CHTD., ATTORNEYS AT LAW, requests the Protestant, CHARLES MEISSNER, JR. to answer under oath and in accordance with the September 6, 2006 Order Authorizing Discovery and Prehearing Order, the following Interrogatories within fourteen (14) days of service of this Request.

When answering these Interrogatories and Requests for Documents, you are requested to furnish all information available to you, including information in the possession of your attorney, investigators, employees, officers, directors, agents, representatives, guardians or any other person or persons acting on your behalf, and not merely such information as is known by you on personal knowledge.

In the event you assert any form of objection or privilege as a ground for not answering an Interrogatory or Request for Production of Documents or any part of an Interrogatory, set forth the legal grounds and facts upon which the objection or privilege is based. If the objection relates to only part of the Interrogatory, the balance of the Interrogatory should be answered in full.

INTERROGATORY NO. 1: Please identify by water right number and point of diversion any water right that you have that you allege would be injured by approval of the Applications and identify specifically what injury your water right would suffer.

Domestic 1	drill permit #	804166
Domestic 2	drill permit #	799100
domestic 3	drill permit #	792412

INTERROGATORY NO. 2: If you claim the Applications, if approved, would conflict with the local public interest criteria as defined in I.C. 42-202b, please identify with specificity how or why the Applications so conflict.

N/A

INTERROGATORY NO. 3: If you claim there is insufficient water to allow the approval of the Applications, please identify with specificity on what basis you believe the water supply is insufficient.

personal history in area since 1958

INTERROGATORY NO. 4: Please provide the static water level (the level when not pumping) of water in your well.

1. 50'
2. 53'
3. not accessible

INTERROGATORY NO. 5: If you will have an expert witness testify on your behalf, please identify the expert and state what opinions your expert will offer and the basis for those opinions.

None

INTERROGATORY NO. 6: Please identify any other application for a permit for a water right or amendment to an application for a permit that you have protested.

None

REQUEST FOR PRODUCTION NO. 1: Please produce all exhibits you will

introduce or offer at the hearing on this matter.

INTERROGATORY NO. 7: If your well is artesian, does it flow all year long and do you have facilities in place to restrict the flow? *N/A*

INTERROGATORY NO. 8: Please identify any communications you or anyone acting on your behalf has had with the Department of Water Resources concerning the City's Applications, including the name of the person at the Department and the date of the communication. *None*

Under the penalty of perjury, I hereby declare that the above responses are true and correct.



CHARLES MEISSNER, JR.

DATED this 8 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW



By _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the within and foregoing document by United States first-class, postage prepaid mail to:

CHARLES MEISSNER, JR.
3101 N. Palmer
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW



By _____

Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
OCT 16 2006
MSB & T, CTD

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) CITY OF EAGLE'S FIRST
63-32090 IN THE NAME OF THE) SET OF INTERROGATORIES
CITY OF EAGLE) TO PROTESTANT -
) EUGENE MULLER
)
)
_____)

TO: EUGENE MULLER, Protestant:

YOU WILL PLEASE TAKE NOTICE that the Applicant, CITY OF EAGLE, by and through its attorney, BRUCE M. SMITH of the firm, MOORE SMITH BUXTON & TURCKE, CHTD., ATTORNEYS AT LAW, requests the Protestant, EUGENE MULLER to answer under oath and in accordance with the September 6, 2006 Order Authorizing Discovery and Prehearing Order, the following Interrogatories within fourteen (14) days of service of this Request.

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INTERROGATORY NO. 1: Please identify by water right number and point of diversion any water right that you have that you allege would be injured by approval of the Applications and identify specifically what injury your water right would suffer.

DON'T KNOW WATER RIGHT NO.
WELL IS ON PAR # 7800 OF W25E4
SEC. 10 4N. 1W

INTERROGATORY NO. 2: If you claim the Applications, if approved, would conflict with the local public interest criteria as defined in I.C. 42-202b, please identify with specificity how or why the Applications so conflict.

INTERROGATORY NO. 3: If you claim there is insufficient water to allow the approval of the Applications, please identify with specificity on what basis you believe the water supply is insufficient.

I DON'T KNOW & EAGLE CAN'T PROVE THERE IS SUFFICIENT WATER.

INTERROGATORY NO. 4: Please provide the static water level (the level when not pumping) of water in your well.

ARTESIAN

INTERROGATORY NO. 5: If you will have an expert witness testify on your behalf, please identify the expert and state what opinions your expert will offer and the basis for those opinions.

INTERROGATORY NO. 6: Please identify any other application for a permit for a water right or amendment to an application for a permit that you have protested.

REQUEST FOR PRODUCTION NO. 1: Please produce all exhibits you will

introduce or offer at the hearing on this matter.

INTERROGATORY NO. 7: If your well is artesian, does it flow all year long and do you have facilities in place to restrict the flow?

IT FLOWS YEAR AROUND
IT HAS VALVES ON THE WELL

INTERROGATORY NO. 8: Please identify any communications you or anyone acting on your behalf has had with the Department of Water Resources concerning the City's Applications, including the name of the person at the Department and the date of the communication.

Under the penalty of perjury, I hereby declare that the above responses are true and correct.


EUGENE MULLER

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

A handwritten signature in black ink, appearing to read 'Bruce M. Smith', written over a horizontal line.

By _____
Bruce M. Smith, of the firm
Attorneys for City of Eagle

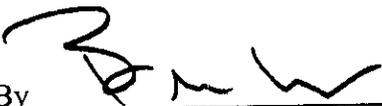
CERTIFICATE OF SERVICE

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EUGENE MULLER
320 N. Palmer Lane
Eagle, ID 83616

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

BMS

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 63-32089 AND 63-32090)
IN THE NAME OF THE CITY OF EAGLE)
_____)

COPY

Exh. 1

Exh. 2

Exh. 3

DEPOSITION OF SCOTT RHEAD
November 16, 2006

REPORTED BY:

COLLEEN P. KLINE, CSR No. 345

EXHIBIT
4

M & M Court Notary Public
Reporting Service, Inc.

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- ONTARIO, OR 541-881-1700

NORTHERN
1-800-879-1700

- COEUR D'ALENE, ID 208-765-1700
- SPOKANE, WA 509-455-4515

A. We would attempt that.

Q. Okay. So you wouldn't want to appropriate new water?

A. I think what we've learned from the Department is that we should put our existing portfolio to work before we file for new appropriations. The difficulty that comes in is, the transfer process is as about as hard as asking for new appropriations. You start trying to move paper around, water rights around. So I think we would try to transfer first.

Q. Okay.

A. Sure.

Q. But do you have 150 cfs of existing water that you could use for additional use without applying for new water rights?

A. If we could transfer it around properly, that's right.

Q. Okay. How about transferring around properly, you mean putting it between a well in where you get water?

A. That's right. And getting the Department to recognize the transfer.

Q. Okay. I want to clarify on one thing. With regard to No. 4 answer, the individual

1 hearing?

2 A. We want to be sure that the Department

3 considers all the facts. Our worry is the

4 Department may not ask some of these questions.

5 We just want to make sure the Department hears

6 our concerns. We'll live with what the

7 Department comes up with.

8 MR. SMITH: I don't think I have any

9 further questions.

10 Q. (BY MR. SMITH) Well, let me ask you

11 this: Do you want to change any of the answers

12 you've given me today?

13 A. No.

14 Q. I assume there is nothing physically

15 wrong with you that would impair your ability to

16 answer these questions today?

17 A. No.

18 MR. SMITH: Thank you very much.

19 MR. MARSHALL: I don't have any

20 questions.

21 (Deposition concluded at 4:03 p.m.)

22 (Signature requested.)

23

24

25

1 rights of the injury, you are deferring to Roger

2 for that; correct?

3 A. That's correct.

4 MR. SMITH: And, John, you are bringing

5 Roger tomorrow with the pumping records and the

6 other requested information?

7 MR. MARSHALL: I've asked Roger to

8 gather information he thinks supports what his

9 testimony might be.

10 MR. SMITH: What --

11 MR. MARSHALL: We have not gone, and

12 don't intend to do an exhaustive records research

13 at this stage.

14 Q. (BY MR. SMITH) Mr. Rhead, other than

15 the City's proposal to divert the 8.9, the

16 relationship of storage water to that, does

17 United Water object to these applications?

18 A. No, if the diversion isn't an injury,

19 and it makes sense that the right amount is

20 diverted from what -- the way the Department

21 views the overall information, we'll live with

22 their decision. It's not our call.

23 Q. I know. We have to go to the hearing

24 to do that. So if you were willing to let the

25 Department make the decision, we wouldn't go to

1 CERTIFICATE OF WITNESS

2 I, SCOTT RHEAD, being first duly sworn,

3 depose and say:

4 That I am the witness named in the foregoing

5 deposition, Volume I, consisting of pages 1

6 through 96; that I have read said deposition and

7 know the contents thereof; that the questions

8 contained therein were propounded to me; and that

9 the answers contained therein are true and

10 correct, except for any changes that I may have

11 listed on the Change Sheet attached hereto:

12 DATED this ____ day of _____, 200__.

13

14 _____

15 SCOTT RHEAD

16

17 SUBSCRIBED AND SWORN to before me this ____

18 day of _____, 200__.

19

20 _____

21 NAME OF NOTARY PUBLIC

22

23 NOTARY PUBLIC FOR _____

24 RESIDING AT _____

25 MY COMMISSION EXPIRES _____

BMS

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 63-32089 AND 63-32090)
IN THE NAME OF THE CITY OF EAGLE)
_____)

COPY

DEPOSITION OF ROGER DITTUS

November 17, 2006

REPORTED BY:

COLLEEN P. KLINE, CSR No. 345

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Reporting Service, Inc.

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- ONTARIO, OR 541-881-1700

NORTHERN
1-800-879-1700

- COEUR D'ALENE, ID 208-765-1700
- SPOKANE, WA 509-455-4515

ing Feather well.

Q. Any others?

A. Not that I have information on.

Q. So if you use Theis, what are the
5 assumptions that you have to make?

6 A. To use the Theis equation?

7 Q. Uh-huh.

8 A. It's a simple equation, and really
9 extensive aquifer that's completely confined.

10 And, you know, whether those conditions exist
11 like that in the real world, to the extent that
12 the aquifer in reality is aerially extensive and
13 completely confined, then the Theis equation
14 would give a good prediction and would provide a
15 good estimate for that.

16 Q. Okay. Do you think this aquifer is
17 confined?

18 A. Yeah. It's artesian, so it must be
19 confined to some degree. The store activity
20 values are confined store activity values.

21 Q. Anything else?

22 A. No.

23 Q. And I think you said that you did not
24 disagree with any calculations in the City's pump
25 report; correct?

1 A. That's true.

2 Q. Do you have any opinion on what you
3 think is a reasonable pumping level out in this
4 area?

5 A. I would think that a reasonable impact
6 might be -- well, it depends on the well
7 construction. The Floating Feather well, I would
8 think that a reasonable impact in that well might
9 be an impact of something in the range of -- if
10 it was more than 20 feet, it would probably be
11 impacted.

12 Q. But less than 20, it would not?

13 A. Less than 20, you might just have to
14 live with it. But if it was 20 or more in that
15 particular well, there would be a problem.

16 Q. So, basically, that's how you determine
17 injury?

18 A. Yes.

19 Q. Have you ever calculated reasonable
20 pumping levels? Have you ever looked at that
21 issue after March?

22 MR. MARSHALL: Could I clarify? You
23 mean in the legal sense?

24 Q. (BY MR. SMITH) Well, if somebody is
25 trying to look at reasonable pumping levels, I

1 understand the injury analysis that Roger is
2 talking about, but just in terms of reasonable
3 pumping levels, and how the Department or
4 somebody might calculate those, I was just
5 wondering if you've ever done that?

6 A. I don't know that I've ever done that
7 for a particular case. But I can say what my
8 opinion is, you know, with respect to individual
9 United Water wells. And I would think that the
10 reasonable pumping level would be based on
11 several different factors, which I think I have
12 some insight into.

13 Q. What would those be?

14 A. Well, a reasonable pumping level would
15 be a pumping level that doesn't cause the well to
16 not be able to pump its water right if the well
17 is not inordinately shallow, or if the pump is
18 not set too shallow, or if the impact is, you
19 know, a significant portion of the available draw
20 down in the well. And all those factors would
21 have -- so it's an individual case per well.

22 Q. Well, do you think that a decrease in
23 head pressure in an artesian system is an injury?

24 A. No, not -- it depends on the magnitude,
25 but not just a decrease.

1 Q. What reduction in head pressures would
2 you think would be injury?

3 A. Once again, I think it would go back to
4 the individual well. And so that you would have
5 a range, and I would say that range might be, you
6 know, 20 to 40 feet. Depending on the well, that
7 might be a general thing, general number.

8 Q. You mean, a decline of 40 feet in
9 artesian head?

10 A. Yeah.

11 Q. Okay. So if Redwood Creek and Floating
12 Feather didn't produce the full amount of water
13 that you need to pump from those, how do you
14 react to that? What does United Water do in that
15 instance?

16 A. You mean, from a mechanical sense?

17 Q. Uh-huh.

18 A. I believe at Floating Feather, we would
19 be out of luck. The pump is set as deep as it
20 can be. And at Redwood Creek, there is room to
21 lower the pump in that well.

22 Q. Well, Scott talked yesterday about
23 bringing water in from the eastern part of the
24 system, I assume, the Boise area. Is that
25 possible?

plug in the Theis equation, get a
for U, and we can tell what the draw down
would be at instantaneous 8.9 cfs?

A. 8.9 cfs after your example of 365 days,
what an anticipated draw down would be, yes.

Q. And we're in agreement, that's the
process that you would use?

A. That would be adequate, in my opinion.

Q. Okay. At the end of yesterday's
deposition, Scott was talking about at the
eastern part of Boise, about serving some planned
developments or something out there. And he said
that that water would have to be the surface
water. Do you agree with that?

A. Yeah, I do know that the -- I mean,
there is a management area and stuff in east
Boise, and there is not good water quality in
that area. There is a lot of arsenic in all the
shallow wells, and that's about all there is out
there. So I would say that seems correct.

MR. SMITH: John, I just want to
understand one thing. We've gone through this,
and I appreciate Roger's help on this. But I
want to understand -- he's not going to be
testifying. Is he going to be providing other

1 myself down unnecessarily. **But I have no**
2 **anticipation of trying to be bringing in factual**
3 **information myself.**

4 MR. SMITH: Okay. Roger, that's all I
5 have today. Thank you very much. I
6 appreciate -- you have being a big help. Thank
7 you.

8 (Deposition concluded at 4:19 p.m.)

9 (Signature requested.)

1 information in this hearing?

2 MR. MARSHALL: At this point, I don't
3 anticipate him providing any further information.

4 MR. SMITH: "At this point," what does
5 that mean?

6 MR. MARSHALL: That means that's what
7 it means.

8 MR. SMITH: Well, for instance, I don't
9 want to find out that there is no witnesses from
10 United Water, and then you come in with some
11 analysis that Roger does and try to inject that
12 into the hearing through your argument, as
13 opposed to having your witness up there available
14 for cross-examination.

15 I would just like to know that we have
16 an agreement on that? I mean, I understand you
17 can argue the legal matters. **But I don't want**
18 **you to come in with factual information.**

19 MR. MARSHALL: **I don't think I can.**

20 MR. SMITH: Fair enough.

21 MR. MARSHALL: I think you would
22 successfully object if I tried to.

23 MR. SMITH: I know, but I don't want to
24 try to deal with that.

1 CERTIFICATE OF WITNESS

2 I, ROGER DITTUS, being first duly sworn,
3 depose and say:

4 That I am the witness named in the foregoing
5 deposition, Volume I, consisting of pages 1
6 through 92; that I have read said deposition and
7 know the contents thereof; that the questions
8 contained therein were propounded to me; and that
9 the answers contained therein are true and
10 correct, except for any changes that I may have
11 listed on the Change Sheet attached hereto:

12 DATED this ____ day of _____, 200__.

13 _____
14 _____
15 ROGER DITTUS

16
17 SUBSCRIBED AND SWORN to before me this ____
18 day of _____, 200__.

19
20 _____
21 NAME OF NOTARY PUBLIC

22
23 NOTARY PUBLIC FOR _____
24 RESIDING AT _____
25 MY COMMISSION EXPIRES _____

COPY

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) CITY OF EAGLE'S FIRST
63-32090 IN THE NAME OF THE) SET OF INTERROGATORIES
CITY OF EAGLE) AND REQUEST FOR
) PRODUCTION OF DOCUMENTS
) TO HOOT NANNEY FARMS, INC.,
) MIKE DIXON
)
_____)

TO: HOOT NANNEY FARMS, INC., Mike Dixon, and to its attorney of record,
JULIE K. FISCHER of the firm WHITE PETERSON, P.A.:

YOU WILL PLEASE TAKE NOTICE that the Applicant, CITY OF EAGLE, by and
through its attorney, BRUCE M. SMITH of the firm, MOORE SMITH BUXTON & TURCKE,
CHTD., ATTORNEYS AT LAW, requests the Protestant, HOOT NANNEY FARMS, INC.,
MIKE DIXON, to answer under oath and in accordance with the September 6, 2006 Order
Authorizing Discovery and Prehearing Order, the following Interrogatories and Request for
Production of Documents within fourteen (14) days of service of this Request.

When answering these Interrogatories and Requests for Documents, you are requested to
furnish all information available to you, including information in the possession of your attorney,



investigators, employees, officers, directors, agents, representatives, guardians or any other person or persons acting on your behalf, and not merely such information as is known by you on personal knowledge.

In the event you assert any form of objection or privilege as a ground for not answering an Interrogatory or Request for Production of Documents, or any part of an Interrogatory, set forth the legal grounds and facts upon which the objection or privilege is based. If the objection relates to only part of the Interrogatory, the balance of the Interrogatory should be answered in full.

INTERROGATORY NO. 1: For each expert you will call to offer an opinion at the hearing, please state all information regarding the expert identified in IRCP 26(c)(4).

INTERROGATORY NO. 2: For each expert you will call at the hearing, please identify each opinion the expert will offer and the basis for that opinion.

REQUEST FOR PRODUCTION NO. 1: Please provide a copy of each and every document upon which your expert will rely in rendering any opinion identified in Interrogatory No. 1 or Interrogatory No. 2.

INTERROGATORY NO. 3: Please identify each witness you will call at the hearing and state the substance of that witness's testimony.

REQUEST FOR PRODUCTION NO. 2: Please produce all exhibits you will introduce and offer at the hearing.

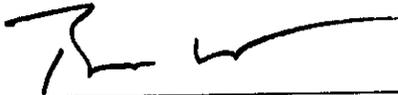
INTERROGATORY NO. 4: Please identify by water right number and point of diversion any water right that you have that you allege would be injured by approval of the Applications and identify specifically what injury your water right would suffer.

INTERROGATORY NO. 5: If you claim the Applications, if approved, would conflict with the local public interest criteria as defined in Idaho Code § 42-202b, please identify with specificity how or why the Applications so conflict.

INTERROGATORY NO. 6: If you claim there is insufficient water to allow the approval of the Applications, please identify with specificity on what basis you believe the water supply is insufficient.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

CERTIFICATE OF SERVICE

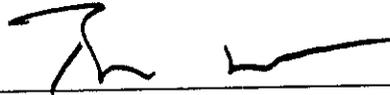
The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the within and foregoing document by United States first-class, postage prepaid mail to:

HOOT NANNEY FARMS, INC., Mike Dixon
c/o Julie K. Fischer
WHITE PETERSON, P.A.
5700 East Franklin Road, Suite 200
Nampa, ID 83687

DATED this 5 day of October 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By



Bruce M. Smith, of the firm
Attorneys for City of Eagle

COPY

Bruce M. Smith, ISB #3425
Tammy A. Zokan, ISB #5450
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

RECEIVED
OCT 05 2006
DEPARTMENT OF
WATER RESOURCES

Attorneys for the City of Eagle

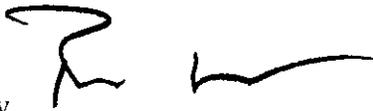
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND) NOTICE OF SERVICE
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
)
)
)
_____)

COMES NOW, the City of Eagle, and gives notice that the City served its First Set of Interrogatories to Protestant, HOOT NANNEY FARMS, INC., MIKE DIXON via regular U.S. mail, postage prepaid on the 5 day of October, 2006.

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD.
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

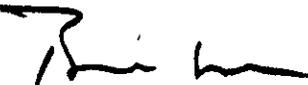
CERTIFICATE OF SERVICE

The undersigned does hereby certify that on the 5 day of October, 2006, a true and correct copy of the CITY OF EAGLE'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS by United States first-class, postage prepaid mail to:

HOOT NANNEY FARMS, INC., Mike Dixon
c/o Julie K. Fischer
WHITE PETERSON, P.A.
5700 East Franklin Road, Suite 200
Nampa, ID 83687

DATED this 5 day of October, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle

Bruce M. Smith, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHTD.
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorney for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOS. 63-32089 AND)
63-32090 IN THE NAME OF THE)
CITY OF EAGLE)
_____)

SUBPOENA DUCES TECUM

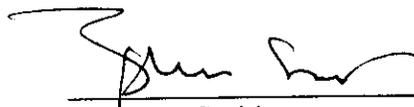
THE STATE OF IDAHO SENDS GREETINGS TO: Steve Hannula
ERO Resources
3314 Grace Street
Boise, ID 83703

You are hereby commanded to appear before the City of Eagle at the law offices of MOORE SMITH BUXTON & TURCKE, CHTD., Bruce M. Smith, located at 950 W. Bannock Street, in Boise, Idaho, on the 9th day of November, 2006 at 10:00 o'clock a.m. for a deposition in the above-entitled action. You are further commanded to bring with you and produce at that time and place the following described items:

1. All documents upon which you will base any opinion rendered by you in this matter.

You are further notified that if you fail to appear at the place and time specified above, that you may be held in contempt of Court and that the aggrieved party may recover from you the sum of \$100.00 and all damages which he may sustain by your failure to attend as a witness.

DATED this 6 day of November, 2006.



Bruce M. Smith
MOORE SMITH BUXTON & TURCKE, CHTD.

BRUCE M. SMITH, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 63-32089 AND 63-32090 IN THE)
NAME OF THE CITY OF EAGLE)
)
)
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NOTICE OF DEPOSITION
DUCES TECUM OF
STEVE HANNULA

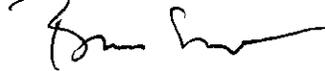
The City of Eagle hereby gives notice that it will take the deposition of Protestant Hoot Nanney Farms, Inc.'s Expert Witness, Steve Hannula of ERO Resources beginning at 10:00 a.m., Thursday, November 9, 2006, at the offices of Bruce M. Smith, MOORE SMITH BUXTON & TURCKE, CHTD., 950 W. Bannock Street, Boise, Idaho, before a qualified Court Reporter.

You are requested to bring with you:

1. All documents upon which you will base any opinion rendered by you in this matter.

RESPECTFULLY SUBMITTED this 6 day of November, 2006.

MOORE SMITH BUXTON & TURCKE,
CHARTERED



BRUCE M. SMITH
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

I hereby certify that on this 4 day of November, 2006, a true and correct copy of the foregoing NOTICE OF DEPOSITION DUCES TECUM OF STEVE HANNULA was served upon the following by the method indicated below:

Julie K. Fischer
WHITE PETERSON, P.A.
5700 E. Franklin Road, Suite 200
Nampa, ID 83687

- via U.S. MAIL
- via HAND DELIVERY
- via OVERNIGHT MAIL
- via FACSIMILE



BRUCE M. SMITH

CERTIFICATE OF SERVICE

I hereby certify that on this 10 day of November, 2006, I caused to be served a true and correct copy of the foregoing document by U.S. Mail, postage prepaid, to the following:

City of Eagle
PO Box 1520
Eagle ID 83616

Chris Duncan
Holladay Engineering Co.
PO Box 235
Payette ID 83661

Gary Spackman
Idaho Dept. of Water Resources
PO Box 83720
Boise ID 83720-0098

Dana & Vicky Purdy
5926 Flating Feather
Eagle ID 83616

Mike Dixon
Rt. 1 2650 Wing Rd
Star ID 83669

Tony & Brenda O'Neil
1910 N. Mountain Vista Lane
Star ID 83669

Joseph & Lynn Moyle
c/o Michael Moyle
480 N. Plummer Rd
Star ID 83669

Scott Rhead
United Water Id Inc.
PO Box 190420
Boise ID 83719-0420

LeeRoy & Billie Mellies
6860 W. State St.
Eagle ID 83616

Michael McCollum
1290 Butterfield
San Anselmo CA 94960

Sam & Kari Rosti
1460 N. Pollard Lane
Star ID 83669

Ralph & Barbara Wilder
7320 W. State St.
Eagle ID 83616

Michael Heath
Nancy Heath
401 N. Palmer Lane
Eagle ID 83616

Eugene Muller
c/o Mary Taylor
320 N. Palmer Lane
Eagle ID 83616

Dean & Jan Combe
6440 W. Beacon Light
Eagle ID 83616

Tim Cheney
PO Box 190027
Boise ID 83719

Charles Meissner, Jr.
3101 N. Palmer
Eagle ID 83616

Norma Mares
Mary Taylor
23966 Blessinger Road
Star ID 83669-5016

Jim Keller
Justin Walker
Star Sewer & Water
131 SW 5th Ave. Ste. A
Meridian ID 83642

Charles Howard
c/o Gunner & Matt Howarth
833 N. Palmer
Eagle ID 83616

Jerry & Mary Taylor
3410 Hartley
Eagle ID 83616

Bill Flack
4035 Hartley Rd
Eagle ID 83616

Corrin Hutton
Terry Hutton
10820 New Hope Road
Star ID 83669

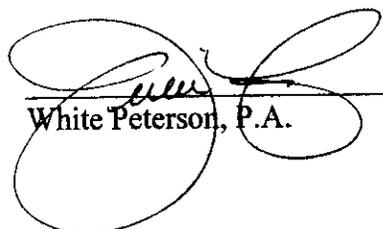
Ronald Schreiner
2153 N. Pollard Lane
Star ID 83669

Bob & Elsie Hanson
4151 Hartley Road
Eagle ID 83616

City of Star
c/oRrod Linja
131 SW 5th Ave. Ste. A
Meridian ID 83642

Scott & Nancy Reeser
499 N. Linder Road
Eagle ID 83616

Bruce Smith
MOORE SMITH BUXTON
950 W. Bannock, Suite 520
Boise ID 83702-5716



White Peterson, P.A.

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS)
FOR PERMIT NOs. 63-32089 &) ORDER DISMISSING PROTESTS
63-32090 IN THE NAME OF CITY OF)
EAGLE)

On January 19, 2005, the City of Eagle filed with the Idaho Department of Water Resources (IDWR) 2 applications for permit to appropriate the public water of the State of Idaho. The applications were protested by individuals and entities listed on attachment "A."

A prehearing conference was held on July 28, 2005 at the Eagle City Library. Conference notices were sent by the Department to the applicant and protestants on June 9, 2005. Protestants and the applicant appeared at the scheduled conference date and place. Protestants Michael McCollum, Michael Heath, Tim Cheney, Roy Barnett, Bryan & Marie Pecht, Del & Robin Morton, Bob & Elsie Hanson, Tony & Brenda O'Neil, and Frank & Elaine Mosman failed to appear at the conference.

On August 11, 2005, IDWR sent protestants that failed to appear a letter requesting just cause why they did not appear at the prehearing conference. The letter stated that IDWR would consider dismissing their protest if no response was received by September 1, 2005

Protestants Mike McCullum, Micheal Heath, Tim Cheney, Bob & Elise Hanson, and Tony & Brenda O'Neil provided IDWR written just cause why they failed to appear at the prehearing conference. To date, protestants Roy Barnett, Bryan & Marie Pecht, Del & Robin Morton, and Frank & Elaine Mosman have failed or refused to respond.



ORDER

IT IS HEREBY ORDERED protests filed by Roy Barnett, Bryan & Marie Pecht, Del & Robin Morton, Tony & Brenda O'Neil, and Frank & Elaine Mosman against the City of Eagle Applications for Permit #63-32089 & #63-32090 are **DISMISSED**.

Dated this 13th day of September 2005.



JOHN WESTRA

BRUCE M. SMITH, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

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11/11/11

Attorneys for the City of Eagle

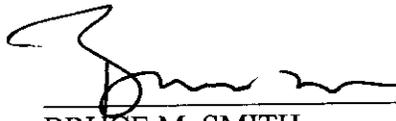
**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 63-32089 AND 63-32090 IN THE)
NAME OF THE CITY OF EAGLE)
)
)
)
)
_____)
OBJECTION TO PROTESTANT
HOOT NANNEY FARMS/MIKE
DIXON FIRST SUPPLEMENTAL
ANSWERS TO THE CITY OF
EAGLE'S FIRST SET OF
INTERROGATORIES

COMES NOW Applicant, the City of Eagle, by and through its attorney of record, Bruce M. Smith of the firm Moore Smith Buxton & Turcke, Chtd., and objects to the protestant's attempt to file "supplemental" responses to discovery. The protestant never filed any responses to discovery, and there is no basis for filing supplemental responses. Protestant Hoot Nanney Farms/Mike Dixon should not be allowed to abuse the process set forth in the Department's order. Allowing any testimony or opinion of Steve Hannula at this stage of the proceeding constitutes significant prejudice to the applicant.

RESPECTFULLY SUBMITTED this 4 day of December, 2006.

MOORE SMITH BUXTON & TURCKE,
CHARTERED

A handwritten signature in black ink, appearing to read "Bruce M. Smith", written over a horizontal line.

BRUCE M. SMITH
Attorney for the City of Eagle

CERTIFICATE OF SERVICE

I hereby certify that on this 4 day of December, 2006, a true and correct copy of the foregoing document was served upon the following by the method indicated below:

TIM CHENEY PO BOX 190027 BOISE ID 83719	DEAN & JAN COMBE 6440 W BEACON LIGHT EAGLE ID 83616	HOOT NANNEY FARMS, INC., MIKE DIXON RT. 1, 2650 WING ROAD STAR, ID 83669
CITY OF STAR c/o ROD LINJA 131 SW 5 TH AVE STE A MERIDIAN ID 83642	BILL FLACK 4035 HARTLEY ROAD EAGLE ID 83616	BOB & ELSIE HANSON 4151 HARTLEY ROAD EAGLE ID 83616
MICHAEL & NANCY HEATH 401 N. PALMER LANE EAGLE ID 83616	CHARLES HOWARTH C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	CORRIN & TERRY HUTTON 10820 NEW HOPE ROAD STAR ID 83669
RALPH & BARBARA WILDER 7320 W STATE STREET EAGLE ID 83616	MICHAEL McCOLLUM 1290 BUTTERFIELD SAN ANSELMO CA 94960	CHARLES MEISSNER JR C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773
LEEROY & BILLIE MELLIES 6860 W STATE STREET EAGLE ID 83616	JOSEPH & LYNN MOYLE MICHAEL MOYLE C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	EUGENE MULLER C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773
DANA & VIKI PURDY C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	SCOTT AND NANCY REESER 499 N LINDER ROAD EAGLE ID 83616	SAM & KARI ROSTI 1460 N. POLLARD LANE STAR ID 83669
BUD ROUNDTREE LINDA BALLARD 468 N. LONGHORN AVENUE EAGLE, ID 83616	RONALD SCHREINER 2153 N POLLARD LANE STAR ID 83669	AL SHOUSHARIAN 1119 N. EAGLE ROAD EAGLE, ID 83616

JERRY & MARY TAYLOR 3410 HARTLEY EAGLE ID 83616	UNITED WATER ID INC c/o JOHN M. MARSHALL GIVENS PURSELY LLP 601 W. BANNOCK STREET BOISE ID 83702	IDWR - WESTERN REGION ATTN JOHN WESTRA 2735 AIRPORT WAY BOISE ID 83705-5082
---	--	--

- via U.S. MAIL
- via HAND DELIVERY
- via OVERNIGHT MAIL
- via FACSIMILE



BRUCE M. SMITH

BRUCE M. SMITH, ISB #3425
MOORE SMITH BUXTON & TURCKE, CHARTERED
Attorneys at Law
950 W. Bannock Street, Suite 520
Boise, ID 83702-5716
Telephone: (208) 331-1800
Facsimile: (208) 331-1202

633425
2006

Attorneys for the City of Eagle

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATIONS FOR)
PERMIT NOS. 63-32089 AND 63-32090 IN THE)
NAME OF THE CITY OF EAGLE)
)
)
)
_____)

AFFIDAVIT OF BRUCE M. SMITH
IN SUPPORT OF FIRST MOTION
IN LIMINE OF CITY OF EAGLE

STATE OF IDAHO)
)ss.
County of Ada)

I, BRUCE M. SMITH, based upon my personal knowledge and being first duly sworn upon oath, deposes and says:

1. I am counsel for the Applicant, City of Eagle, and the following is based on my own personal knowledge:

2. On October 5, 2005, my office sent, pursuant to the Department's order dated September 6, 2006, discovery requests to the Protestants. Responses were due October 19, 2006. After October 19, 2006, I had my office staff compile all discovery responses which we received. The following protestants did not respond in any matter to the Applicants' discovery requests:

Tim Cheney

City of Star

Dean Combes

Hoot Nanney Farms, Inc./Mike Dixon

Bob Hanson

Michael Heath

Terry or Corin Hutton

Michael McCollum

Leeroy Mellies

Joseph and Lynn Moyle

Dana and Vicki Purdy

Sam Rosti

Ronald Schreiner

Ralph Wilder

A true and correct sample of the discovery requests sent to individual Protestants is attached to the Applicants' First Motion in Limine as Exhibit 1.

3. Protestant Bill Flack responded to discovery indicating he had sold his property and that he would not present any evidence at the hearing in this matter. A true and correct copy of Mr. Flack's response to discovery is attached to the Motion in Limine as Exhibit 2.

4. Protestants Eugene Muller, Charles W. Meissner, Jr. and Charles Howarth all responded to the Applicants' discovery request indicating that they did not intend to present exhibits or expert testimony at the hearing, except that Mr. Howarth did identify a driller's report that he

intended to introduce. A true and correct copy of the responses to discovery by each of these Protestants is attached to the Motion in Limine as Exhibit 3.

5. On November 16, 2006, I took the deposition of Scott Rhead, the single witness identified by United Water Idaho Inc. On November 17, 2006, I took the deposition of Roger Dittus, the hydrogeologist for United Water Idaho Inc. Attached as Exhibit 4 to the First Motion in Limine are portions of the deposition transcript for each of the depositions indicating that United Water Idaho would not present any expert witness testimony or any factual information at the hearing in this matter.

6. As to protestant Hoot Nanney Farms/Mike Dixon, on October 5, 2006, I sent the City of Eagle's First Set of Interrogatories and Requests for Production of Documents to Hoot Nanney Farms, Inc./Mike Dixon. These discovery requests were sent to Julie K. Fischer, attorney for the protestant. In November, 2006, I served notice of deposition and a subpoena to take the deposition of the Protestant's expert, Steve Hannula. Prior to the deposition, I received a call from Ms. Fischer indicating that her client did not want to incur the costs for an attorney and expert witness in this matter, and that she was withdrawing as counsel. I also understood that a deposition of Mr. Hannula would not be necessary as the Protestant would not have Mr. Hannula participate in this matter. Nor did Hoot Nanney Farms/Mike Dixon ever respond to the discovery requests sent to the protestant. True and correct copies of the Applicants' discovery requests to the protestant, the Notice of Deposition Duces Tecum and Subpoena to Mr. Hannula, and the Notice of Withdrawal of Ms. Fischer are attached as Exhibit 5 to the Applicants' First Motion in Limine.

7. Hoot Nanney Farms/Dixon now appear to have retained counsel which have indicated an intent to use Mr. Hannula as an expert. Allowing Mr. Hannula to offer testimony or evidence or

participate at this stage of the proceeding, after the Applicant has relied upon the representation that the protestant would not have an expert and the protestant did not respond to the Applicants' discovery requests, is highly prejudicial and constitutes unfair surprise.

8. Attached as Exhibit 6 to the First Motion in Limine of the City of Eagle is a true correct copy of the Department's order dated September 13, 2005, which dismissed protestants Pecht, Morton, O'Neil, and Mosman. I also sent discovery requests to these Protestants, but they never responded to the discovery requests.

9. This affidavit is submitted in support of the City of Eagle's First Motion in Limine. The Applicant went to considerable expense and effort to gather and ascertain the specific concerns of the various protestants. Most of the protestants did not even bother to respond. Some protestants now seek to introduce evidence directly contrary to the information provided to the Applicant. This constitutes unfair surprise and extreme prejudice to the Applicant who has expended the time and effort to gather the information.

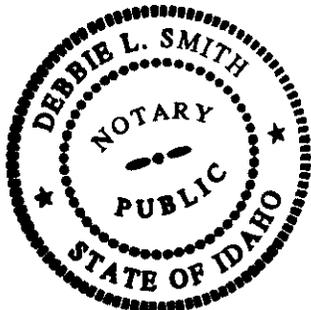
FURTHER, YOUR AFFIANT SAYETH NAUGHT.

DATED this 9 day of December, 2006.



BRUCE M. SMITH

SUBSCRIBED AND SWORN TO before me this 4th day of December, 2006.





NOTARY PUBLIC FOR IDAHO
Residing at: Boise, ID
My Commission Expires: 6/8/07

CERTIFICATE OF SERVICE

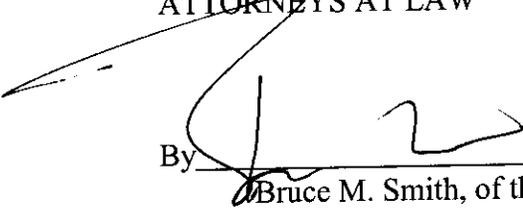
I hereby certify that on this 4 day of December, 2006, a true and correct copy of the foregoing document was served upon the following by the method indicated below:

TIM CHENEY PO BOX 190027 BOISE ID 83719	DEAN & JAN COMBE 6440 W BEACON LIGHT EAGLE ID 83616	HOOT NANNEY FARMS, INC., MIKE DIXON RT. 1, 2650 WING ROAD STAR, ID 83669
CITY OF STAR c/o ROD LINJA 131 SW 5 TH AVE STE A MERIDIAN ID 83642	BILL FLACK 4035 HARTLEY ROAD EAGLE ID 83616	BOB & ELSIE HANSON 4151 HARTLEY ROAD EAGLE ID 83616
MICHAEL & NANCY HEATH 401 N. PALMER LANE EAGLE ID 83616	CHARLES HOWARTH C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	CORRIN & TERRY HUTTON 10820 NEW HOPE ROAD STAR ID 83669
RALPH & BARBARA WILDER 7320 W STATE STREET EAGLE ID 83616	MICHAEL McCOLLUM 1290 BUTTERFIELD SAN ANSELMO CA 94960	CHARLES MEISSNER JR C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773
LEEROY & BILLIE MELLIES 6860 W STATE STREET EAGLE ID 83616	JOSEPH & LYNN MOYLE MICHAEL MOYLE C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	EUGENE MULLER C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773
DANA & VIKI PURDY C/O CHARLES HONSINGER RINGERT CLARK CHTD 455 S. THIRD STREET PO BOX 455 BOISE, ID 83701-2773	SCOTT AND NANCY REESER 499 N LINDER ROAD EAGLE ID 83616	SAM & KARI ROSTI 1460 N. POLLARD LANE STAR ID 83669
BUD ROUNDTREE LINDA BALLARD 468 N. LONGHORN AVENUE	RONALD SCHREINER 2153 N POLLARD LANE STAR ID 83669	AL SHOUSHARIAN 1119 N. EAGLE ROAD EAGLE, ID 83616

EAGLE, ID 83616		
JERRY & MARY TAYLOR 3410 HARTLEY EAGLE ID 83616	UNITED WATER ID INC c/o JOHN M. MARSHALL GIVENS PURSELY LLP 601 W. BANNOCK STREET BOISE ID 83702	IDWR - WESTERN REGION ATTN JOHN WESTRA 2735 AIRPORT WAY BOISE ID 83705-5082

DATED this 4 day of December, 2006.

MOORE SMITH BUXTON & TURCKE, CHTD
ATTORNEYS AT LAW

By 

Bruce M. Smith, of the firm
Attorneys for City of Eagle



**Information Report
Application for Water Appropriation
Application No. 1**

To: Lori Graves, IDWR Western Regional Office
From: Chris Duncan P.G., City of Eagle Project Consultant
Date: March 7, 2005
Subject: IDWR Information Request for City of Eagle Application for Water Appropriation (Application No. 1) Submitted on January 19, 2005.

The following report provides information requested by IDWR regarding City of Eagle application for water appropriation (application no. 1) filed on January 19, 2005.

Water Appropriation Rule 40, Rule Subsection 040.05.c.ii. *"For applications appropriating groundwater, a plat map be submitted locating the proposed wells relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well".*

Attached is a plat map showing the location of proposed City of Eagle well 1, 2, and 3 listed in water appropriation application no. 1. A one-half mile radius line is shown around each proposed well on the map. The location of existing wells in the area and other possible well sites (exempt from water right filing) have also been shown on the plat map. Water rights associated with wells occurring within one-half mile of the City of Eagle's proposed wells are listed in the map table. Well locations are based IDWR database records and aerial photo interpretation. Well locations were not field verified.

Water Appropriation Rule 40, Rule Subsection 040.05.c.iii. *"Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights".*

Proposed Water System Design and Operation

The attached City of Eagle Municipally Owned Water System Amended Master Plan, Volume 1, Development Plan and Ownership Documents, January 2005, (Water System Master Plan) describes the proposed expansion of the municipal

not attached. available @ Holladay Engineering upon request. by

water system to meet current and future development in the City of Eagle Amended Comprehensive Plan. The City of Eagle is planning to provide municipal water service to accommodate urban growth in adjoining areas west of the City that have been recently annexed or are seeking annexation. The City of Eagle water policy is to provide municipal water service to developing areas where service is not available to minimize water resource impacts resulting from the conversion agricultural lands to higher density urban uses. City policy and Ordinance No. 442 and 479 requires use of existing surface irrigation and groundwater supplies appurtenant to the land to meet the needs of the proposed development seeking annexation.

The City of Eagle Water System Master Plan will be implemented using a phased approach, starting with Block 1 and continuing through Block 4 in the western expansion area. The City anticipates full build-out of the water system to occur within a 20 year planning horizon and will serve approximately 22,000 residents. Construction of Block 1 is planned for late 2005 and will provide service to approximately 2,000 residential water customer units (ERC) at completion.

The water supply requirement for Block 1 is a flow rate of 8.9 cfs (3,995 gpm). The City is requesting a groundwater diversion rate to meet this requirement as listed in the applications for water appropriation (application no. 1 and 2). The requested groundwater diversion rate of 8.9 cfs is composed of a computed 3-hour fire flow demand of 6.68 cfs, as required under IDEQ Public Water System rules for residential and commercial development, and a 1-hour peak demand of 2.23 cfs based on approximately 2,000 residential customer unit connections in the western service area.

The largest component of the total diversion rate is the 3-hour emergency fire requirement of 6.68 cfs. The City plans to construct a 1.5-million gallon storage system, when approximately 2,000 residential service connections are completed and revenue becomes available for construction. The peak fire flow requirements will then be primarily supplied by the storage system. This will allow for a reduction in the required peak groundwater diversion rate. The surplus capacity in the well system will be used to meet the growing daily use requirements as urbanized development continues in the City of Eagle service area.

The applications for water appropriation (application no. 1 and 2) request a combined maximum groundwater diversion rate of 8.9 cfs (3,995 gpm) in a four well system, primarily to meet the fire flow requirement. Under normal operational conditions at the completion of Block 1, the 1-hour peak demand of 2.23 cfs (1,000 gpm) and average daily flow rate of 0.84 cfs (332 gpm) will result in well pumping rates ranging from approximately 0.74 cfs (335 gpm) to 0.28 cfs (125 gpm) when operating three wells across a four well system. The proposed distribution system design will allow for balancing of individual well pumping rates. The distribution system in the western area is configured to operate as a

single pressure zone. During an emergency fire flow event, pumping will be increased to meet the requirements of the situations, up to a maximum diversion rate of 8.9 cfs from the well system.

Proposed Well Construction

The expected well construction is 12-inch screen sections set in the lower aquifers zone between approximately 250 and 500 feet. The target design capacity of each well will range between 1,000 and 1,200 gpm. All well construction will meet IDWR Well Construction Standards and IDEQ Public Water System requirements. An exploration program will be performed prior to production well construction to determine site specific subsurface lithology and hydrogeologic conditions. Exploration will include a minimum of one exploration boring and temporary well for aquifer testing. Final production well design will be based on exploration results.

Well pumping systems will be sized in accordance with IDWR water right permits and IDEQ Public Water System requirements. Well pumping systems will be equipped with variable frequency drive motor control. Continuous downhole water level monitoring will be performed at each well. The wells and distribution system will be equipped with a SCADA operational control system.

Potential Impacts to Existing Water Rights

City of Eagle proposed wells 1, 2, and 3 have been located to minimize potential impacts to surrounding wells, as shown on the City of Eagle Well Location Map (Attached). The water right table on the City of Eagle Well Location Map lists water rights of wells located within a half-mile of the proposed well sites. The majority of these groundwater rights reside under the control and ownership of Signature Sports Development L.L.C. and developments seeking annexation to the City of Eagle. The City is pursuing agreements with each development to resolve any water right issues prior to City well construction.

The City is proposing well completion in the lower zone of the Treasure Valley Aquifer to minimize potential hydraulic impacts to area wells and protect the municipal supply from potential sources of contamination. Site specific aquifer conditions will be determined by on-site exploration and testing. Data collected during on-site exploration will provide a basis for further analysis.

Hydrogeologic information available for the Eagle area suggests the operation of proposed wells 1, 2, and 3 will have limited hydraulic impacts at a radial distance beyond one-half mile. Well information and subsurface conditions shown in Cross-Section A-A' (attached) through the east-west corridor of the Eagle area indicate strong aquifer conditions in the lower zone below 250 feet.

Water Appropriation Rule 40, Rule Subsection 040.050.d.ii. *“Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source”.*

The attached Water System Master Plan describes a required 2.64 MGD supply at full build-out of the western expansion area. This equates to approximately 3,000 ac-ft per year of groundwater withdrawal. In the Eagle western expansion area, approximately 9.5 cfs of primary and supplemental groundwater irrigation water rights have been appropriated for agricultural uses. Current City policy and ordinances requires existing water rights appurtenant to the land be applied to the proposed development. The City believes the overall groundwater supply in the area will remain unchanged through the conversion of agriculture lands to urban development.

Water Appropriation Rule 40, Rule Subsection 040.050.g. *“Information Relative to Conflict with Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, The Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the Director”.*

Attached is a copy of City of Eagle request for comment from Ada County and Idaho Department of Environmental Quality concerning the City of Eagle Municipally Owned Water System Amended Master Plan. In addition, attached is a copy of public notice concerning the City of Eagle Comprehensive Plan Amendment.

Additional information requested by IDWR

- 1. Documents showing the request for comments from Ada County and IDEQ.**

Attached is a request for comment from Ada County and Idaho Department of Environmental Quality concerning the City of Eagle Municipally Owned Water System Amended Master Plan.

- 2. Holladay Engineering Company as City project consultant**

Attached is a copy of the Holladay Engineering Company Professional Service Agreement with the City of Eagle showing Holladay Engineering as City Engineer and consultant representing the City of Eagle.

3. Water bearing zones of proposed appropriation

The proposed water bearing zone of the requested appropriation is the lower aquifer zone between approximately 250 to 500 feet below ground surface. Specific site conditions and exact depths of water bearing zones will be determined during exploration. Attached is Cross-Section A-A' summarizing known subsurface conditions in the Eagle area.

4. Application lines 11. a., b. and c. regarding ownership of point of diversion and place of use.

Points of diversion (well no. 1, 2, and 3) are located on property under the ownership and control of Signature Sports Development L.L.C. The attached Confirmation of Dedication of Well, Well Site and Access document authorizes the City of Eagle access, construction, and operation of the proposed wells. The Signature Sports Development parcels were annexed into the City of Eagle on December 7, 2004.

The place of use is shown on the City of Eagle Water Right Application Map submitted with the City's application. The City of Eagle intends to provide municipal water service within this mapped service area to meet current and future development requirements in accordance with the City of Eagle Amended Comprehensive Plan.

5. Clarification that the applications are for reasonable anticipated future needs.

The requested appropriation reflects an immediate need to supply municipal water service in Block 1 of the City of Eagle Municipally Owned Water System Amended Master Plan. Construction is anticipated to begin in 2005.

6. Explain if/how this application relates to United Water of Idaho and Eagle Water Company located in the area.

The City's application for appropriation of water is unrelated to United Water Idaho and Eagle Water Company. Neither United Water nor Eagle Water Company is certificated to serve the subject area by the Idaho Public Utilities Commission. The City of Eagle is requesting appropriation of groundwater to meet the needs of residents and proposed development currently annexed or seeking annexation in the City of Eagle.



Mayor: Nancy C. Merrill

CITY OF EAGLE

P.O. Box 1520
Eagle, Idaho 83616
939-6813

Council: Stanley J. Bastian
Steve Guerber
Scott Nordstrom
Lynne Sedlacek

February 28, 2005

To: Mike McGowen
Western Regional Administrator
Department of Environmental Quality
1445 N. Orchard
Boise, ID 83706

Jerry Armstrong
Ada County Planning Director
200 West Front Street
Boise, ID 83702

Re: City of Eagle – Water Rights Applications

Gentlemen:

The City of Eagle recently annexed 575 acres between Linder Road and Highway 16. Preparatory to constructing a municipal water system supplied by three public wells to serve the area in and around the annexed property, the City has filed two applications to appropriate water with the Idaho Department of Water Resources (IDWR). The City of Eagle has received permission for three well sites on the annexed property. (see attached notice, February, 15, 2005) Wells shall be constructed to IDWR and Idaho Department of Environmental Quality, Public Drinking Water System standards.

The City of Eagle will provide for and maintain a water supply and delivery system within the service area to meet the health and safety needs of the City as anticipated by the land uses identified in the Comprehensive Plan. A central well and distribution system is much more efficient and protective of the resource than hundreds or thousands of smaller wells constructed at less than public well standards. The City, by filing for water appropriation and preparing to extend its public water system to the area, is acting in the local public interest.

The City of Eagle and the Department of Water Resources is interested in your comments on the foregoing information. Comments may be addressed to:

City of Eagle
310 E. State St.
Eagle, ID 83616

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Thank you for your prompt attention in this matter. For further questions, you may contact Chris Duncan, P.G., at Holladay Engineering Co., (208) 642-3304.


Nancy C. Merrill, Mayor
City of Eagle

Attachments: Map
Well agreement

CITY OF EAGLE
P. O. BOX 1520
EAGLE, IDAHO 83616
FAX: 939-3854

Legal notice is hereby given that the EAGLE Planning & Zoning Commission will hold a public hearing on August 9, 2004 AT 6:30 P.M. at Eagle City Hall to consider the following:

APPLICATION #: CPA-02-04 City of Eagle

PROJECT SUMMARY: To consider a City initiated Comprehensive Plan Amendment to:

1. Modify a portion of the Comprehensive Plan Land Use Map and a policy to adopt the Western Eagle Sub-area Plan, full size map and application materials are available for public review at city hall;
2. Adopt a future acquisitions map;
3. Update appropriate sections of the existing plan to ensure consistency with the new Sub-area land use plan.

The proposed amendment and application materials are on file for public inspection at Eagle City Hall, 310 E. State Street. Public testimony is encouraged at the public hearing and written comments will be accepted until 5:00 p.m. on the three days before the public hearing. Auxiliary aids or services for persons with disabilities can be made available by calling the City Clerk (939-6813) at least three days prior to the public hearing.

PLANNING & ZONING COMMISSION MEETING DATE: August 9, 2004

TO:

Ada County Assessor
Ada County Development Services –
Ada County Highway District - Attn: **Joyce Newton**
*Ballantyne Irrigation Ditch Company
Boise School District – Attn: **Sarah Stobaugh**
Chevron Pipeline
Central District Health
COMPASS
DEQ
Drainage District #2
Eagle Fire Dept
Eagle Water Co.
Eagle Sewer District - Attn: **Lynn Moser**
*Farmers Union Ditch Co. Ltd.
Idaho Power: **Layne Dodson**
IDOL
ITD - Attn.: **Sue Sullivan**
Meridian School District
New Dry Creek Ditch Co. - Attn: **Dana Purdy**
*New Union Ditch Co. - Attn: **George Transtrum**
PUC
TCI
U.S. Fish & Wildlife
Qwest – Attn: **Cindi Davis**
United Water - Attn: **Dan Brown**

The Planning and Zoning Department notified you of this application prior to the Planning and Zoning Commission's public hearing. The Commission recommended approval and forwarded this item to the Council for action. If you have any additional comments on the proposed application, please notify the City of Eagle in writing within 15 days of the transmittal date noted above. If no response is received, you will be considered as having no specific concerns regarding this item.

If you have any questions I can be reached at 939-0227.

Sincerely,

Nichoel Baird Spencer, AICP, Planner III
* Indicates mail instead of fax

HOLLADAY ENGINEERING COMPANY PROFESSIONAL SERVICES AGREEMENT

This is an Agreement made effective as of the date of signature between the person or organization as identified by authorized representative's signature, hereinafter called **OWNER** and Holladay Engineering Company, of Payette, Idaho, hereinafter called **CONSULTANT**.

PROJECT TITLE City of Eagle, Idaho, a municipal corporation

SCOPE OF WORK

DESCRIPTION OF REQUIRED WORK

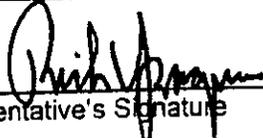
As City Engineer, Consultant will provide customary civil engineering services to assist the Owner. Services may include the following:

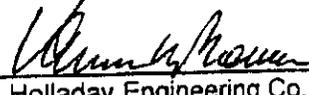
- Perform review and comment on lot line adjustments, lot splits, and preliminary and final subdivision plats; sign lot line adjustment, lot split and final plat mylars;
- Perform review and comment on submitted plans and specifications involving engineering related issues; perform review and comment on City and agency studies involving engineering related issues;
- Suggest, and comment on, engineering related ordinance changes;
- Advise the Mayor and Council on issues affecting the City including specific project proposals, infrastructure expansion, floodplain modifications, storm water and erosion control, ground water studies, and GIS mapping;
- and other professional engineering related tasks as may be assigned by the Mayor and Council.

To ensure duplicate file contents are maintained in the Consultant's and Owner's offices, a procedure has been established to send and/or ensure that a "Client File Copy" of all related information for each project/task made known to the Consultant will be distributed to the Owner.

This Agreement shall have a period of 365 calendar days including holidays and weekends and shall begin upon the date of signatures contained herein. OWNER shall pay CONSULTANT according to the following:

<input checked="" type="checkbox"/> Current Time and Materials Fee Schedule-Exhibit A	<input type="checkbox"/> Fixed Fee as defined in Scope of Work Schedule	<input type="checkbox"/> Other as Defined in Scope of Work Schedule
---	---	---

By:  5/28/97
 Representative's Signature Date

By:  5/23/97
 Holladay Engineering Co. Date

Person or Organization Represented:
 City of Eagle, Idaho
 a municipal corporation
 P.O. Box 477
 Eagle, ID 83616

HECO Job Number: 060996EG



HOLLADAY

ENGINEERING CO.

P.O. Box 235, Payette, ID 83661

Telephone 208-642-3304

FAX 208-642-2159

**AMENDMENT NO. 1
TO THE PROFESSIONAL ENGINEERING
SERVICES AGREEMENT
BETWEEN
HOLLADAY ENGINEERING CO.
AND CITY OF EAGLE, IDAHO
FOR ENGINEERING SERVICES, PROJECT NO. 060996**

This original AGREEMENT entered into on May 28, 1997, between HOLLADAY ENGINEERING CO. and the CITY OF EAGLE, IDAHO, for professional engineering services shall be amended as follows:

The contract time is extended to remain open. Either party may terminate this contract by providing 30 days written notice to the other party.

All other conditions of the original agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same in duplicate.

For City of Eagle, Idaho :

By: *Rich [Signature]* 6/11/98
Date
Richard Y. [Signature]
Printed Name

City of Eagle
A municipal corporation
P.O. Box 477
Eagle, Idaho 83616
(208) 939-6813
Fax: (208) 939-6827

For Holladay Engineering Co.:

By: *[Signature]* 6/5/98
Date
Vernon E. Brewer
Printed Name

Holladay Engineering Co.
P.O. Box 235
Payette, ID 8361
(208) 642-3304
Fax: (208) 642-2159

Post-It® Fax Note	7671	Date	# of pages
To	RECEIVED		
Co./Dept.	JUN 15 1998		
Phone #	HOLLADAY ENGINEERING CO.		
Fax #	PAYETTE, ID		

Eagle Sports Development, LLC
3350 Americana Terrace
Suite 200
Boise, Idaho 83706
(208) 385-0558

March 18, 2005

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705

RE: Confirmation of Dedication of Well, Well-Site, and Access thereto to the City of Eagle, Idaho

To Whom it May Concern:

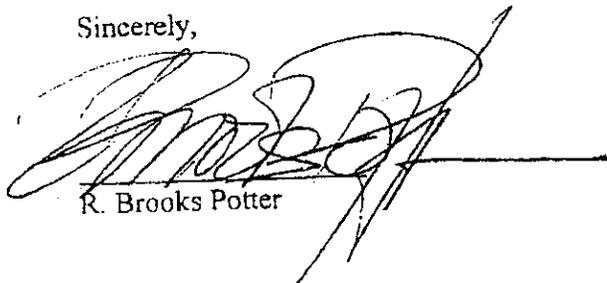
This letter serves as confirmation of the City of Eagle, Idaho's (the "City") legal right of access to construct and operate a municipal well within:

- 1) T.4N, R.1W, S.10, NW1/4 of NW1/4
- 2) T.4N, R.1W, S.10, NW1/4 of NE1/4
- 3) T.4N, R.1W, S.11, SE1/4 of NW1/4

for ingress and egress thereto. The City hereby has permission to construct, operate, and access a municipal well and well site located within the above-described $\frac{1}{4}$ $\frac{1}{4}$. The exact location of the well site shall be determined by the mutual agreement of the parties. The municipal well and well site shall be dedicated to the City upon recording of final plat and thereafter shall be in the ownership of the City.

Thank you. If you have any questions, please contact me.

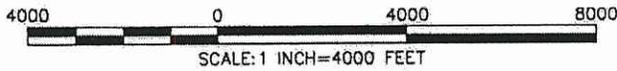
Sincerely,



R. Brooks Potter

WELL LOCATION MAP

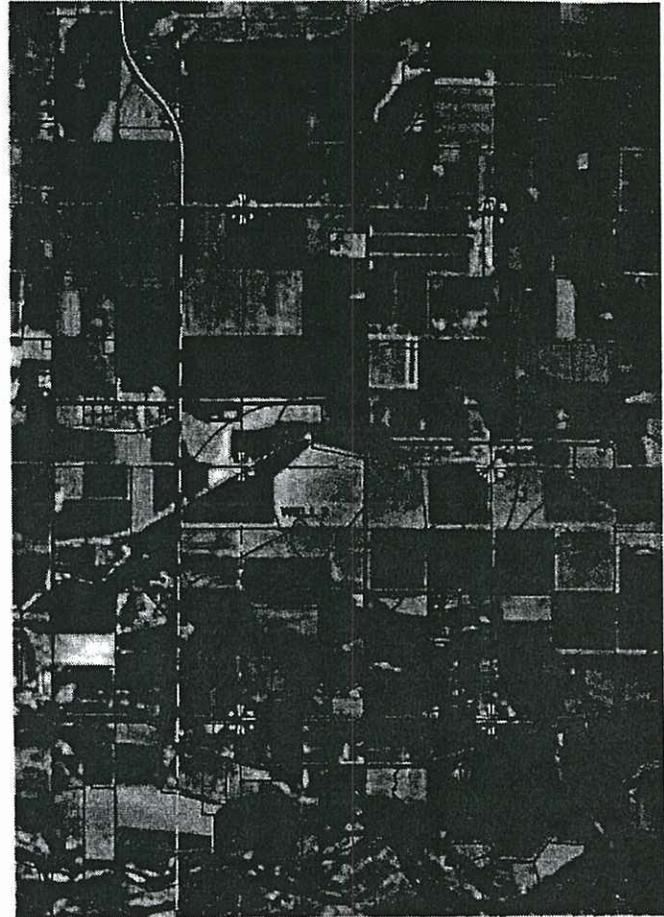
CITY OF EAGLE



MAP TABLE
Groundwater Rights With Points of Diversion
Within 1/2-mile of Proposed Wells

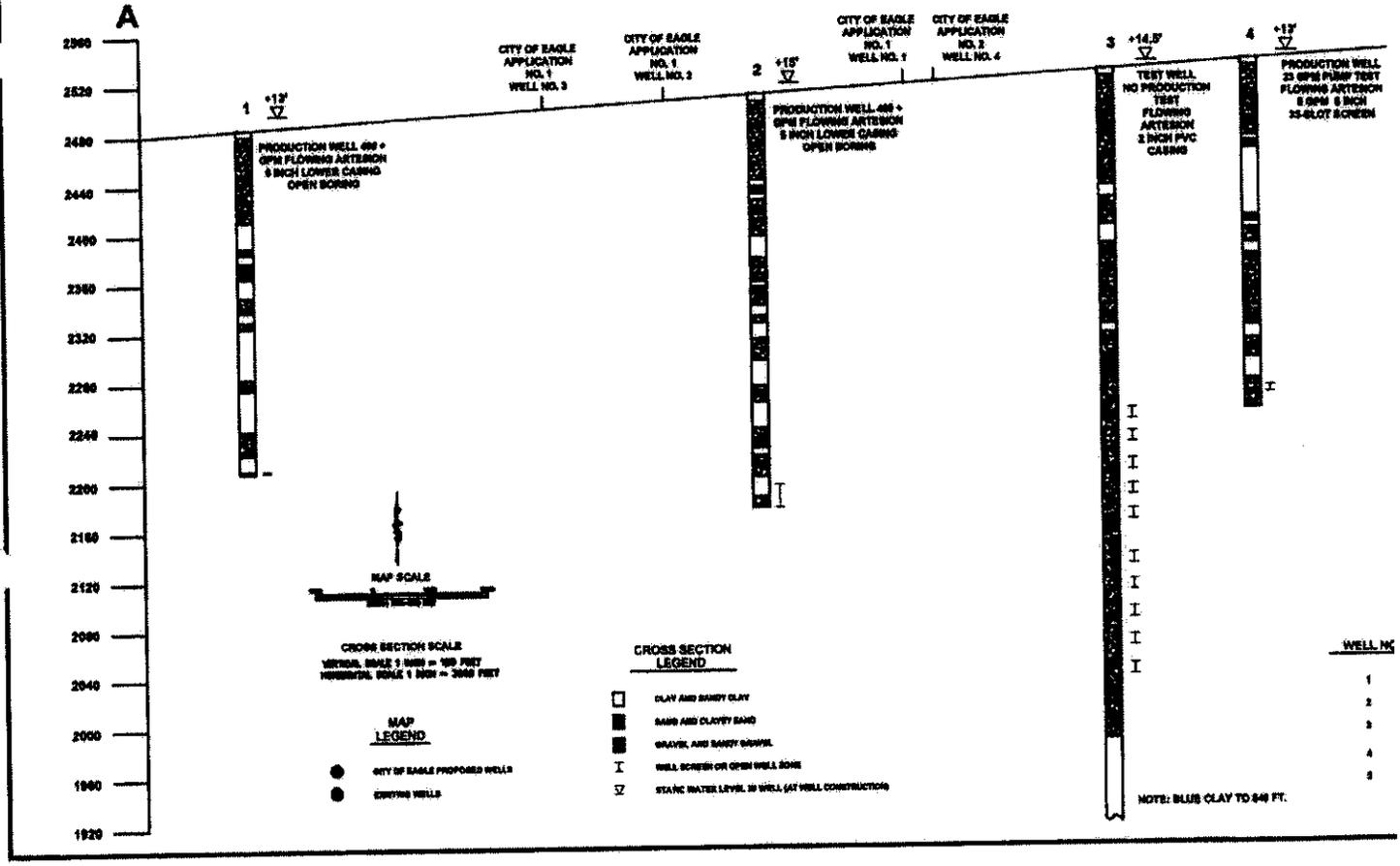
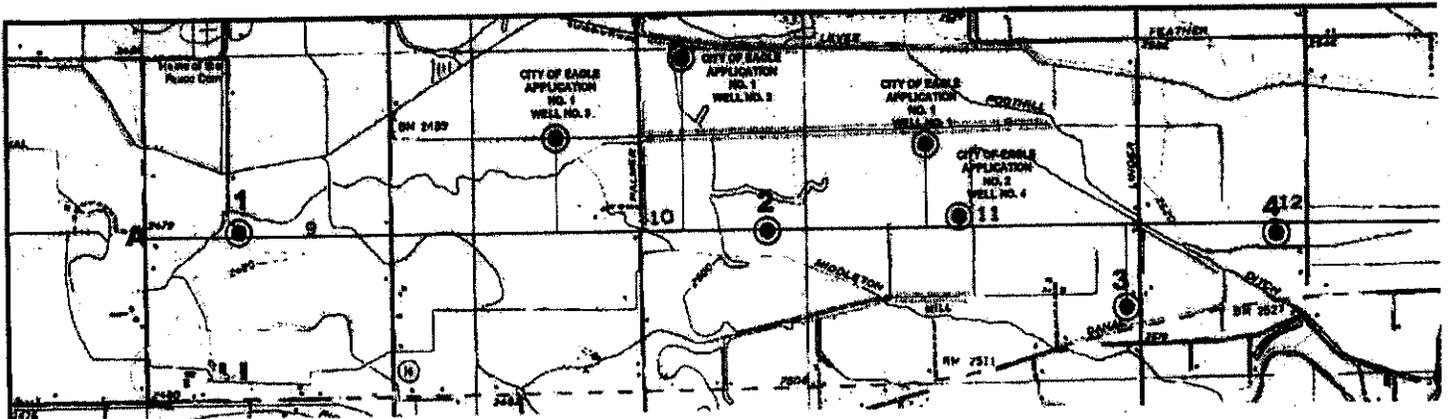
Map Point	Well	Acres	Well No.	APN	Status	Priority Date	Diversion Date	Source	Well Diversion Rate	Well Diversion Volume	Owner
TAMR 1982											
1	1	83	1941		Deceased	Dec 11 1913	Dec 16 1998	GROUND WATER	0.04		HEMATH BRADY
2	1	83	1992		Deceased	Jan 1 1905	Dec 30 1998	GROUND WATER	0.04		WILLIAM H. MURPHY
3	1	83	2020		License	Jan 2 1992		GROUND WATER	1.0		CLARENCE H. PUNCH
5	2	83	1941		License	Oct 6 1972		GROUND WATER	2.76		QUARTER CIRCLE DU RANCH CO
TAMR 1985											
1	1	83	2020		Industry Claim	Mar 1 1982		GROUND WATER	3.8		QUARTER CIRCLE DU RANCH CO
2	1	83	1941		License	Oct 6 1972		GROUND WATER	2.76		QUARTER CIRCLE DU RANCH CO
3	1	83	2020		Deceased	Jan 1 1973	Mar 24 2000	GROUND WATER	0.04		BILLIAM DECKER
5	2	83	2020		Deceased	Jan 1 1996	Mar 24 2000	GROUND WATER	0.04		CLYDE DECKER
3	1	83	2020		License	Dec 16 1977		GROUND WATER	8.36		JOHN L. LAWRENCE
5	2	83	2020		Industry Claim	Jan 1 1982		GROUND WATER	1.4		QUARTER CIRCLE DU RANCH CO
TAMR 1988											
1	2	83	4020		Industry Claim	Apr 1 1986		GROUND WATER	0.22		FRANK W. HANCOCK
5	2	83	2820		Deceased	Jul 25 1982	May 2 2000	GROUND WATER	0.24		BRUCE H. THORNTON
1	1	83	4020		Industry Claim	Apr 29 1982		GROUND WATER	0.74		FRANK W. HANCOCK
TAMR 1989											
1	1	83	2116		License	Aug 17 1989		GROUND WATER	0.46		JOHN W. THORNTON
2	2	83	2020		Industry Claim	Jan 1 1982		GROUND WATER	1.6		QUARTER CIRCLE DU RANCH CO
3	1	83	1941		License	Oct 6 1972		GROUND WATER	2.76		QUARTER CIRCLE DU RANCH CO
5	2	83	1941		License	Oct 6 1972		GROUND WATER	2.76		QUARTER CIRCLE DU RANCH CO
4	1	83	1726		Deceased	Jan 13 1988	Jan 14 2000	GROUND WATER	0.04		WILLIAM HANCOCK
6	2	83	1941		Deceased	Jan 1 1982	Jan 14 2000	GROUND WATER	0.11		WILLIAM HANCOCK
8	2	83	1726		Deceased	Jan 13 1988	Jan 14 2000	GROUND WATER	0.04		WILLIAM HANCOCK
TAMR 1991											
1	1	83	1941		License	Oct 6 1972		GROUND WATER	2.76		QUARTER CIRCLE DU RANCH CO
2	1	83	2020		License	Jan 11 1975		GROUND WATER	0		CHRISTOPHER MOORE
3	2	83	2020		Deceased	Jan 1 1982	Dec 30 1998	GROUND WATER	0.11		QUARTER CIRCLE DU RANCH CO
4	1	83	2020		Deceased	Apr 18 1973	Dec 30 1998	GROUND WATER	0.04		JOHN L. LAWRENCE
5	1	83	2020		Deceased	Jan 28 1985	Mar 24 2000	GROUND WATER	0.04		WILLIAM HANCOCK
6	1	83	1941		Deceased	Dec 11 1988	Jan 1 2000	GROUND WATER	0.04		WILLIAM HANCOCK
7	2	83	2020		License	May 25 1990		GROUND WATER	0.24		E. LAWRENCE
8	3	83	1941		Deceased	Dec 21 1982	Jan 1 2000	GROUND WATER	0.24		LAWRENCE L. COPE
9	1	83	2020		License	May 25 1990		GROUND WATER	0.04		WILLIAM HANCOCK
10	1	83	2020		License	May 25 1990		GROUND WATER	0.22		WILLIAM HANCOCK
11	1	83	2020		License	Jan 21 1988		GROUND WATER	0.04		FRANK W. HANCOCK
12	1	83	2020		License	Apr 15 1995		GROUND WATER	0.11		CONRAD HANCOCK
13	2	83	4020		Industry Claim	Jan 1 1982		GROUND WATER	0.34		WILLIAM HANCOCK
14	3	83	2020		Deceased	Mar 16 1987	Mar 1 2000	GROUND WATER	0.04		WILLIAM HANCOCK
15	4	83	4020		Industry Claim	Jan 1 1982		GROUND WATER	0.04		WILLIAM HANCOCK
16	1	83	1726		Deceased	Jan 1 1982	Apr 24 2001	GROUND WATER	0.04		WILLIAM HANCOCK
17	2	83	2020		Deceased	May 21 1986	Mar 8 2000	GROUND WATER	0.11		WILLIAM HANCOCK
18	1	83	2020		Deceased	Mar 8 1988	Dec 30 1998	GROUND WATER	0.04		JOHN L. LAWRENCE

Note 1: Prior right information is based on IDWR base records.
Note 2: Well location are approximate and not field verified.



LEGEND:

- CITY OF EAGLE SERVICE AREA AND PLACE OF USE
- CITY OF EAGLE INCORPORATED LIMITS (AS OF 2/1/05)
- AREA SEEKING CITY OF EAGLE ANNEXATION
- PROPOSED CITY OF EAGLE WELL
- EXISTING WELL (BASED ON IDWR DATABASE RECORDS)
- POTENTIAL DOMESTIC WELL SITE





Information Report
Application for Water Appropriation
Application No. 2

To: Lori Graves, IDWR Western Regional Office
From: Chris Duncan P.G., City of Eagle Project Consultant
Date: March 7, 2005
Subject: IDWR Information Request for City of Eagle Application for Water Appropriation (Application No. 2) Submitted on January 19, 2005.

The following report provides information requested by IDWR regarding City of Eagle application for water appropriation (application no. 2) filed on January 19, 2005.

Water Appropriation Rule 40, Rule Subsection 040.05.c.ii. *"For applications appropriating groundwater, a plat map be submitted locating the proposed wells relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well".*

Attached is a plat map showing the location of proposed City of Eagle well no. 4 listed in water appropriation application no. 2. A one-half mile radius line is shown around proposed well no. 4 on the map. The location of existing wells in the area and other possible well sites (exempt from water right filing) have also been shown on the plat map. Water rights associated with wells occurring within one-half mile of proposed well no. 4 are listed in the map table. Well locations are based IDWR database records and aerial photo interpretation. Well locations were not field verified.

Water Appropriation Rule 40, Rule Subsection 040.05.c.iii. *"Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights".*

Proposed Water System Design and Operation

The attached City of Eagle Municipally Owned Water System Amended Master Plan, Volume 1, Development Plan and Ownership Documents, January 2005, (Water System Master Plan) describes the proposed expansion of the municipal

not attached. available @ Holladay Engineering upon request. 3/24/05

water system to meet current and future development in the City of Eagle Amended Comprehensive Plan. The City of Eagle is planning to provide municipal water service to accommodate urban growth in adjoining areas west of the City that have been recently annexed or are seeking annexation. The City of Eagle water policy is to provide municipal water service to developing areas where service is not available to minimize water resource impacts resulting from the conversion agricultural lands to higher density urban uses. City policy and Ordinance No. 442 and 479 requires use of existing surface irrigation and groundwater supplies appurtenant to the land to meet the needs of the proposed development seeking annexation.

The City of Eagle Water System Master Plan will be implemented using a phased approach, starting with Block 1 and continuing through Block 4 in the western expansion area. The City anticipates full build-out of the water system to occur within a 20 year planning horizon and will serve approximately 22,000 residents. Construction of Block 1 is planned for late 2005 and will provide service to approximately 2,000 residential water customer units (ERC) at completion.

The water supply requirement for Block 1 is a flow rate of 8.9 cfs (3,995 gpm). The City is requesting a groundwater diversion rate to meet this requirement as listed in the applications for water appropriation (application 1 and 2). The requested groundwater diversion rate of 8.9 cfs is composed of a computed 3-hour fire flow demand of 6.68 cfs, as required under IDEQ Public Water System rules for residential and commercial development, and a 1-hour peak demand of 2.23 cfs based on approximately 2,000 residential customer unit connections in the western service area.

The largest component of the total diversion rate is the 3-hour emergency fire requirement of 6.68 cfs. The City plans to construct a 1.5-million gallon storage system, when approximately 2,000 residential service connections are completed and revenue becomes available for construction. The peak fire flow requirements will then be primarily supplied by the storage system. This will allow for a reduction in the required peak groundwater diversion rate. The surplus capacity in the well system will be used to meet the growing daily use requirements as urbanized development continues in the City of Eagle service area.

The applications for water appropriation (application no. 1 and 2) request a combined maximum groundwater diversion rate of 8.9 cfs (3,995 gpm) in a four well system, primarily to meet the fire flow requirement. Under normal operational conditions, the 1-hour peak demand of 2.23 cfs (1,000 gpm) and average daily flow rate of 0.84 cfs (332 gpm) will result in well pumping rates ranging from approximately 0.74 cfs (335 gpm) to 0.28 cfs (125 gpm) when operating three wells across a four well system. The proposed distribution system design will allow for balancing of individual well pumping rates. The distribution system in the western area is configured to operate as a single

pressure zone. During an emergency fire flow event, pumping will be increased to meet the requirements of the situations, up to a maximum diversion rate of 8.9 cfs from the well system.

Proposed Well Construction

The expected well construction is 12-inch screen sections set in the lower aquifers zone between approximately 250 and 500 feet. The target design capacity of well no. 4 is between 1,000 and 1,200 gpm. All well construction will meet IDWR Well Construction Standards and IDEQ Public Water System requirements. An exploration program will be performed prior to production well construction to determine site specific subsurface lithology and hydrogeologic conditions. Exploration will include a minimum of one exploration boring and temporary well for aquifer testing. Final production well design will be based on exploration results.

The well pump system will be sized in accordance with IDWR water right permits and IDEQ Public Water System requirements. The pump system will be equipped with variable frequency drive motor control. Continuous downhole water level monitoring will be performed. Well no. 4 and distribution system will be equipped with a SCADA operational control system.

Potential Impacts to Existing Water Rights

The City of Eagle proposed well no. 4 has been located to minimize potential impacts to surrounding wells, as shown on the City of Eagle Well Location Map (Attached). The water right table on the City of Eagle Well Location Map lists water rights of wells located within a half-mile of the proposed well site. The majority of these groundwater rights reside under the control and ownership of Eaglefield, and Eagle Creek developments seeking City annexation and the Signature Sports Development annexed on December 7, 2004. The City is pursuing agreements with each development to resolve any water right issues prior to City well construction.

The City is proposing well completion in the lower zone of the Treasure Valley Aquifer to minimize potential hydraulic impacts to area wells and protect the municipal supply from potential sources of contamination. Site specific aquifer conditions will be determined by on-site exploration and testing. Data collected during on-site exploration will provide the basis a further analysis.

Hydrogeologic information available for the Eagle area suggests the operation of proposed well no. 4 will have limited hydraulic impacts at a radial distance beyond one-half mile. Well information and subsurface conditions shown in Cross-Section A-A' (attached) through the east-west corridor of the Eagle area indicate strong aquifer conditions in the lower zone below 250 feet.

Water Appropriation Rule 40, Rule Subsection 040.050.d.ii. *"Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source".*

The attached Water System Master Plan describes a required 2.64 MGD supply at full build-out of the western expansion area. This equates to approximately 3,000 ac-ft per year of groundwater withdrawal. In the Eagle western expansion area, approximately 9.5 cfs of primary and supplemental groundwater irrigation water rights have been appropriated for agricultural uses. Current City policy and ordinances requires existing water rights appurtenant to the land be applied to the proposed development. The City believes the overall groundwater supply in the area will remain unchanged through the conversion of agriculture lands to urban development.

Water Appropriation Rule 40, Rule Subsection 040.050.g. *"Information Relative to Conflict with Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, The Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the Director".*

Attached are copies of City of Eagle request for comment from Ada County and Idaho Department of Environmental Quality concerning the City of Eagle Municipally Owned Water System Amended Master Plan. In addition, attached is a copy of public notice concerning the City of Eagle Comprehensive Plan Amendment.

Additional information requested by IDWR

- 1. Documents showing the request for comments from Ada County and IDEQ.**

Attachment is request for comment from Ada County and Idaho Department of Environmental Quality concerning the City of Eagle Municipally Owned Water System Amended Master Plan.

2. Holladay Engineering Company as City project consultant

Attached is a copy of the Holladay Engineering Company Professional Service Agreement with the City of Eagle showing Holladay Engineering as City Engineer and consultant representing the City of Eagle.

3. Water bearing zones of proposed appropriation

The proposed water bearing zone of the requested appropriation is the lower aquifer zone between approximately 250 to 500 feet below ground surface. Specific site conditions and exact depths of water bearing zones will be determined during exploration. Attached is Cross-Section A-A' summarizing known subsurface conditions in the Eagle area.

4. Application lines 11. a., b. and c. regarding ownership of point of diversion and place of use.

The point of diversion (well no. 4) is located on property under the ownership of Double D Investments, MLGB Investments, and Ronald Quenzer Trust (Eaglefield Subdivision). The Eaglefield subdivision is currently pending City annexation. Attached is a copy of the City of Eagle Annexation Application. A Confirmation of Dedication of Well, Well Site and Access agreement will be completed prior to approval of City Annexation. This agreement will allow the City of Eagle access, construction, and operation of the proposed well.

The place of use is shown on the City of Eagle Water Right Application Map submitted with the City's application. The City of Eagle intends to provide municipal water service within this mapped service area to meet current and future development requirements in accordance with the City of Eagle Amended Comprehensive Plan.

5. Clarification that the applications are or not for reasonable anticipated future needs.

The requested appropriation reflects an immediate need to supply municipal water service in Block 1 of the City of Eagle Municipally Owned Water System Amended Master Plan. Construction is anticipated to begin in 2005.

6. Explain if/how this application relates to United Water of Idaho and Eagle Water Company located in the area.

The City's application for appropriation of water is unrelated to United Water Idaho and Eagle Water Company. Neither United Water nor Eagle Water Company is certificated to serve the subject area by the Idaho

Public Utilities Commission. The City of Eagle is requesting appropriation of groundwater to meet the needs of residents and proposed development currently annexed or seeking annexation in the City of Eagle.



Mayor: Nancy C. Merrill

CITY OF EAGLE

P.O. Box 1520
Eagle, Idaho 83616
939-6813

Council: Stanley J. Bastian
Steve Guerber
Scott Nordstrom
Lynne Sedlacek

February 28, 2005

To: Mike McGowen
Western Regional Administrator
Department of Environmental Quality
1445 N. Orchard
Boise, ID 83706

Jerry Armstrong
Ada County Planning Director
200 West Front Street
Boise, ID 83702

Re: City of Eagle – Water Rights Applications

Gentlemen:

The City of Eagle recently annexed 575 acres between Linder Road and Highway 16. Preparatory to constructing a municipal water system supplied by three public wells to serve the area in and around the annexed property, the City has filed two applications to appropriate water with the Idaho Department of Water Resources (IDWR). The City of Eagle has received permission for three well sites on the annexed property. (see attached notice, February, 15, 2005) Wells shall be constructed to IDWR and Idaho Department of Environmental Quality, Public Drinking Water System standards.

The City of Eagle will provide for and maintain a water supply and delivery system within the service area to meet the health and safety needs of the City as anticipated by the land uses identified in the Comprehensive Plan. A central well and distribution system is much more efficient and protective of the resource than hundreds or thousands of smaller wells constructed at less than public well standards. The City, by filing for water appropriation and preparing to extend its public water system to the area, is acting in the local public interest.

The City of Eagle and the Department of Water Resources is interested in your comments on the foregoing information. Comments may be addressed to:

City of Eagle
310 E. State St.
Eagle, ID 83616

Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Thank you for your prompt attention in this matter. For further questions, you may contact Chris Duncan, P.G., at Holladay Engineering Co., (208) 642-3304.


Nancy C. Merrill, Mayor
City of Eagle

Attachments: Map
Well agreement

CITY OF EAGLE
P. O. BOX 1520
EAGLE, IDAHO 83616
FAX: 939-3854

Legal notice is hereby given that the EAGLE Planning & Zoning Commission will hold a public hearing on August 9, 2004 AT 6:30 P.M. at Eagle City Hall to consider the following:

APPLICATION #: CPA-02-04 City of Eagle

PROJECT SUMMARY: To consider a City initiated Comprehensive Plan Amendment to:

1. Modify a portion of the Comprehensive Plan Land Use Map and a policy to adopt the Western Eagle Sub-area Plan, full size map and application materials are available for public review at city hall;
2. Adopt a future acquisitions map;
3. Update appropriate sections of the existing plan to ensure consistency with the new Sub-area land use plan.

The proposed amendment and application materials are on file for public inspection at Eagle City Hall, 310 E. State Street. Public testimony is encouraged at the public hearing and written comments will be accepted until 5:00 p.m. on the three days before the public hearing. Auxiliary aids or services for persons with disabilities can be made available by calling the City Clerk (939-6813) at least three days prior to the public hearing.

PLANNING & ZONING COMMISSION MEETING DATE: August 9, 2004

TO:

Ada County Assessor
Ada County Development Services –
Ada County Highway District - Attn: Joyce Newton
*Ballantyne Irrigation Ditch Company
Boise School District – Attn: Sarah Stobaugh
Chevron Pipeline
Central District Health
COMPASS
DEQ
Drainage District #2
Eagle Fire Dept
Eagle Water Co.
Eagle Sewer District - Attn: Lynn Moser
*Farmers Union Ditch Co. Ltd.
Idaho Power: Layne Dodson
IDOL
ITD - Attn.: Sue Sullivan
Meridian School District
New Dry Creek Ditch Co. - Attn: Dana Purdy
*New Union Ditch Co. - Attn: George Transtrum
PUC
TCI
U.S. Fish & Wildlife
Qwest – Attn: Cindi Davis
United Water - Attn: Dan Brown

The Planning and Zoning Department notified you of this application prior to the Planning and Zoning Commission's public hearing. The Commission recommended approval and forwarded this item to the Council for action. If you have any additional comments on the proposed application, please notify the City of Eagle in writing within 15 days of the transmittal date noted above. If no response is received, you will be considered as having no specific concerns regarding this item.

If you have any questions I can be reached at 939-0227.

Sincerely,

Nichoel Baird Spencer, AICP, Planner III

* Indicates mail instead of fax

HOLLADAY ENGINEERING COMPANY PROFESSIONAL SERVICES AGREEMENT

This is an Agreement made effective as of the date of signature between the person or organization as identified by authorized representative's signature, hereinafter called **OWNER** and Holladay Engineering Company, of Payette, Idaho, hereinafter called **CONSULTANT**.

PROJECT TITLE City of Eagle, Idaho, a municipal corporation

SCOPE OF WORK

DESCRIPTION OF REQUIRED WORK

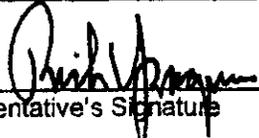
As City Engineer, Consultant will provide customary civil engineering services to assist the Owner. Services may include the following:

- Perform review and comment on lot line adjustments, lot splits, and preliminary and final subdivision plats; sign lot line adjustment, lot split and final plat mylars;
- Perform review and comment on submitted plans and specifications involving engineering related issues; perform review and comment on City and agency studies involving engineering related issues;
- Suggest, and comment on, engineering related ordinance changes;
- Advise the Mayor and Council on issues affecting the City including specific project proposals, infrastructure expansion, floodplain modifications, storm water and erosion control, ground water studies, and GIS mapping;
- and other professional engineering related tasks as may be assigned by the Mayor and Council.

To ensure duplicate file contents are maintained in the Consultant's and Owner's offices, a procedure has been established to send and/or ensure that a "Client File Copy" of all related information for each project/task made known to the Consultant will be distributed to the Owner.

This Agreement shall have a period of 365 calendar days including holidays and weekends and shall begin upon the date of signatures contained herein. OWNER shall pay CONSULTANT according to the following:

<input checked="" type="checkbox"/> Current Time and Materials Fee Schedule-Exhibit A	<input type="checkbox"/> Fixed Fee as defined in Scope of Work Schedule	<input type="checkbox"/> Other as Defined in Scope of Work Schedule
--	--	--

By:  5/28/97
 Representative's Signature Date

By:  5/23/97
 Holladay Engineering Co. Date

Person or Organization Represented:
 City of Eagle, Idaho
 a municipal corporation
 P.O. Box 477
 Eagle, ID 83616

HECO Job Number: 060996EG



HOLLADAY

ENGINEERING CO.

P.O. Box 235, Payette, ID 83661

Telephone 208-642-3304

FAX 208-642-2159

**AMENDMENT NO. 1
TO THE PROFESSIONAL ENGINEERING
SERVICES AGREEMENT
BETWEEN
HOLLADAY ENGINEERING CO.
AND CITY OF EAGLE, IDAHO
FOR ENGINEERING SERVICES, PROJECT NO. 060996**

This original AGREEMENT entered into on May 28, 1997, between HOLLADAY ENGINEERING CO. and the CITY OF EAGLE, IDAHO, for professional engineering services shall be amended as follows:

The contract time is extended to remain open. Either party may terminate this contract by providing 30 days written notice to the other party.

All other conditions of the original agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto each herewith subscribe the same in duplicate.

For City of Eagle, Idaho :

By: *Rich Yagman* 6/11/98
Date
Rich Yagman
Printed Name

City of Eagle
A municipal corporation
P.O. Box 477
Eagle, Idaho 83616
(208) 939-6813
Fax: (208) 939-6827

For Holladay Engineering Co.:

By: *Vernon E. Brewer* 6/5/98
Date
Vernon E. Brewer
Printed Name

Holladay Engineering Co.
P.O. Box 235
Payette, ID 8361
(208) 642-3304
Fax: (208) 642-2159

Post-It® Fax Note	7671	Date	# of pages
To	RECEIVED		
Co./Dept.	JUN 15 1998		
Phone #	HOLLADAY ENGINEERING CO.		
Fax #	PAYETTE, ID		

CITY OF EAGLE

310 E. State Street, Eagle, ID 83616
Phone #: (208) 939-6813 Fax #: (208) 939-6827

RECEIVED & FILED
CITY OF EAGLE
DEC 23 2004
File: _____
Route to: _____

ANNEXATION APPLICATION

FILE NO: _____ TITLE: _____
CROSS REF FILES: _____

APPLICANT: D.H. Development, LLC PHONE: (208) 463-1925
Owner: Purchaser: Lessee: FAX: (208) 463-4728

APPLICANT'S ADDRESS: 16299 Franklia Rd. Nampa, ID
ZIP: 83687

OWNER: Double D Investments, L.P.; The Ronald L. Quenzer and Debbie A. Quenzer Living Trust;
MLGB Investments, L.P. PHONE: 454-2069 (Marv Quenzer) FAX: 454-4138

OWNER'S ADDRESS: See attached affidavits of legal interest.
ZIP: _____

REPRESENTED BY
(IF DIFFERENT FROM ABOVE): Landmark Engineering & Planning, Inc. - Clint Boyle, AICP PHONE: 442-6300
FAX: 466-0944

LOCATION OF PROPERTY
TO BE ANNEXED: North side of State Hwy. 44 and approximately 1,000 feet west of Linder Rd.

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
Existing	High, Medium, & Low Density Residential & Commercial	R-U-T	Agricultural with single family dwellings
Proposed	High, Medium, & Low Density Residential	R-2 and R-4	Single family detached and attached
North of site	Low Density Residential	R-R (A-R proposed)	Agriculture with sporadic residential
South of site	Office	R-R and R-1	Residential/ Agricultural
East of site	High, Medium, & Low Density Residential	R-R and A-R	Church/ Residential/ Agricultural
West of site	High, Medium, & Low Density Residential	R-R	Agricultural/ Residential

TOTAL ACREAGE OF SITE: 142.4

PUBLIC SERVICES (Provide a brief narrative stating what services are available and what agency is provide the service):

Potable Water: United Water or Eagle City Water

Irrigation Water: Middleton Mill Irrigation

Sanitary Sewer: Eagle Sewer

Fire Protection: Eagle Fire District

Schools: Meridian

Roads: _____

EXISTING SITE CHARACTERISTICS: _____

SPECIAL ON-SITE FEATURES (Yes or No - If yes explain):

Areas of Critical Environmental Concern - No

Evidence of Erosion - No

Fish Habitat - No

Floodplain - No

Mature Trees - Agricultural land

Riparian Vegetation - No

Steep Slopes - No

Stream /Creek - Middleton Canal

Unique Animal Life - No. See Idaho Fish and Game letter dated 7-14-04

Unique Plant Life - No. See Idaho Fish and Game letter dated 7-14-04

Unstable Soils - No

Wildlife Habitat - No. See Idaho Fish and Game letter dated 7-14-04

Application Submittal Requirements

- 1. Legal description of property
- 2. Copy of Deed
- 3. If the signator on this application is not the owner of the property requested for annexation, then provide a notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.
- 4. Names and addresses of all adjoining owners of property and residents within three hundred feet (300') of the external boundaries of the land being considered as shown on record in the County Assessor's Office. The addresses shall be submitted to the City on two sets of address labels.
- 8. One 8 W' x 11" vicinity map
- 9. Provide a written justification for the proposed annexation

**POSTING REQUIREMENTS OF THE CITY OF EAGLE
EAGLE CITY ORDINANCE #312 2/10/98 (ECC 8-7-8)**

Posted Notice: Except as noted within this paragraph, any time notice is required, the land being considered shall be posted not less than ten (10) days prior to the Planning and Zoning Commission hearing and again not less than ten (10) days prior to the City Council hearing. Except as noted herein, posting of the property must be in substantial compliance with the following requirements:

1. Signage Requirements:

- a. The sign(s) shall consist of 4' x 4' plywood or other hard surface mounted on two (2) 4" x 4" posts in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three-feet (3') above the ground.
- b. Centered at the top of the 4' x 4' sign board(s) in six-inch letters shall be the words "Public Notice". In addition, each sign will inform the public of the name of the applicant, and if applicable, the proposed development, the date, time, place, and nature of the public hearing and a summary of the proposal to be considered. Each sign shall be painted white and the letters shall be painted black and shall appear on both sides. An example of this sign is set forth in the attached illustration.

- Size = 6 inches-----
- Size = 2 inches-----
- Size = 1.5 inches-----

PUBLIC HEARING NOTICE
Eagle Planning and Zoning Commission

THE CITY OF EAGLE will hold a public hearing on May 9, 1995, at the Eagle City Hall at 7:00 7:30 P.M.

PURPOSE: Annexation and Zoning – You Name-It Subdivision – Zoning R-4, Subdivision Preliminary Plat, 7.66 acres, 29 lots, single family dwelling, 1 lot open space/drainage w/landscaped entryway.

LOCATION: SW corner of Second St. and State St.

APPLICATION BY: Average citizen, USA, Inc.

- c. In lieu of the above conditions, for conditional use permit applications made pursuant to Eagle City Code Section 8-3-2(E) (Mobile Home - temporary living quarters) of this Title only, the sign shall consist of one (1) 11" x 17" sign on paper or other material and lettering sufficient to inform the public of the name of the applicant, and, if applicable, the proposed development, the date, time, place, and nature of the public hearing and a summary of the proposal to be considered.

2. The sign(s) shall be posted on the land being considered along each roadway that is adjacent to it. The signs shall be located on the property outside of the public right-of-way, if they can be so located and remain clearly visible from the roadway; otherwise, the consent of the owner of the right-of-way must be obtained and the sign(s) located therein. Except as noted herein, if the land being considered consists of more than one parcel of record, a sign must be located upon each parcel. The Zoning Administrator, upon finding that adequate notice will be provided, may not require all signs to comply with the size requirements of Subsection f above. In the event that the land being considered includes properties with 500-foot or more of road frontage, a sign shall be placed on each end of the property roadway frontage. If this property includes a corner lot, three signs shall be posted, one on the corner and one on each end of the property roadway frontages.
3. The applicant shall submit a certification to the City Clerk no later than seven (7) days prior to the hearing as to what, where, and when sign(s) were posted. Unless the certification is received by such date, the hearing will be canceled.
4. No later than three (3) days after the noticed hearing and any continuation thereof, sign(s) must be removed. A penalty of \$25.00 per day shall be imposed against each applicant for late removal of the signs.

NOTE:

IF THE CITY COUNCIL OR THE ZONING ADMINISTRATOR DETERMINE THAT ADDITIONAL AND/OR REVISED INFORMATION IS NEEDED, AND IOR IF OTHER UNFORSEEN CIRCUMSTANCES ARISE, ANY DATES OUTLINED FOR PROCESSING MAY BE RESCHEDULED BY THE CITY.

APPLICANT/REPRESENTATIVE MUST ATTEND THE CITY COUNCIL MEETING.

Eagle City Code Section 1-7-4 (A) states, "Fee Schedule Established - The City Clerk, at the time of the filing of an application for a land use planning action within the City limits, shall collect the fee for such action established through a resolution of the City Council, together with any direct costs incurred by the City in obtaining a review of the application by architects, engineers or other professionals necessary to enable the City to approve or disapprove the application in an informed manner". Direct costs, as underlined in 1-7-4 (A) above, shall be required to be paid by the applicant in a time frame to be determined by the Zoning Administrator. Processing of an application may be delayed if the direct costs are not reimbursed as required.

The City does not guarantee acquisition of public services provided by any agency. The developer, property owner and/or applicant of this annexation application does hereby release and indemnify and hold harmless the City of Eagle from any and all claims, costs, etc., from any individual or organization regarding the acquisition of services that are not affiliated with the City, including but not limited to, water/sewer service and fire protection.

Signature of Applicant/Representative  Date 12/22/04
 City staff comments: _____

 Signature of receipt by City staff

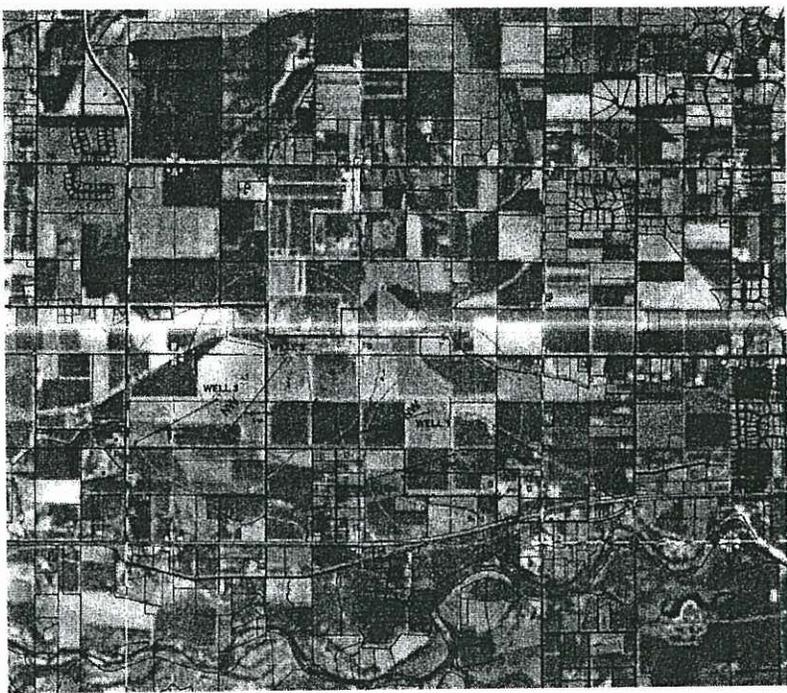
Date

WELL LOCATION MAP CITY OF EAGLE



MAP TABLE
Groundwater Rights With Points of Conversion
Within 1/2 Mile of Proposed Wells

Map Plate	Well	Depth	Well No.	Depth	Conversion Date	Conversion Date	Notes	Well	Well	Owner
								Number	Depth	
TABLE 1	1	42	10417	10417	08/11/00	08/11/00	CONVERSION DATE	10417	10417	STANLEY BROS.
	2	42	10418	10418	08/11/00	08/11/00	CONVERSION DATE	10418	10418	STANLEY BROS.
	3	42	10419	10419	08/11/00	08/11/00	CONVERSION DATE	10419	10419	STANLEY BROS.
TABLE 2	1	42	10420	10420	08/11/00	08/11/00	CONVERSION DATE	10420	10420	STANLEY BROS.
	2	42	10421	10421	08/11/00	08/11/00	CONVERSION DATE	10421	10421	STANLEY BROS.
	3	42	10422	10422	08/11/00	08/11/00	CONVERSION DATE	10422	10422	STANLEY BROS.
TABLE 3	1	42	10423	10423	08/11/00	08/11/00	CONVERSION DATE	10423	10423	STANLEY BROS.
	2	42	10424	10424	08/11/00	08/11/00	CONVERSION DATE	10424	10424	STANLEY BROS.
	3	42	10425	10425	08/11/00	08/11/00	CONVERSION DATE	10425	10425	STANLEY BROS.
TABLE 4	1	42	10426	10426	08/11/00	08/11/00	CONVERSION DATE	10426	10426	STANLEY BROS.
	2	42	10427	10427	08/11/00	08/11/00	CONVERSION DATE	10427	10427	STANLEY BROS.
	3	42	10428	10428	08/11/00	08/11/00	CONVERSION DATE	10428	10428	STANLEY BROS.
TABLE 5	1	42	10429	10429	08/11/00	08/11/00	CONVERSION DATE	10429	10429	STANLEY BROS.
	2	42	10430	10430	08/11/00	08/11/00	CONVERSION DATE	10430	10430	STANLEY BROS.
	3	42	10431	10431	08/11/00	08/11/00	CONVERSION DATE	10431	10431	STANLEY BROS.
TABLE 6	1	42	10432	10432	08/11/00	08/11/00	CONVERSION DATE	10432	10432	STANLEY BROS.
	2	42	10433	10433	08/11/00	08/11/00	CONVERSION DATE	10433	10433	STANLEY BROS.
	3	42	10434	10434	08/11/00	08/11/00	CONVERSION DATE	10434	10434	STANLEY BROS.
TABLE 7	1	42	10435	10435	08/11/00	08/11/00	CONVERSION DATE	10435	10435	STANLEY BROS.
	2	42	10436	10436	08/11/00	08/11/00	CONVERSION DATE	10436	10436	STANLEY BROS.
	3	42	10437	10437	08/11/00	08/11/00	CONVERSION DATE	10437	10437	STANLEY BROS.
TABLE 8	1	42	10438	10438	08/11/00	08/11/00	CONVERSION DATE	10438	10438	STANLEY BROS.
	2	42	10439	10439	08/11/00	08/11/00	CONVERSION DATE	10439	10439	STANLEY BROS.
	3	42	10440	10440	08/11/00	08/11/00	CONVERSION DATE	10440	10440	STANLEY BROS.
TABLE 9	1	42	10441	10441	08/11/00	08/11/00	CONVERSION DATE	10441	10441	STANLEY BROS.
	2	42	10442	10442	08/11/00	08/11/00	CONVERSION DATE	10442	10442	STANLEY BROS.
	3	42	10443	10443	08/11/00	08/11/00	CONVERSION DATE	10443	10443	STANLEY BROS.
TABLE 10	1	42	10444	10444	08/11/00	08/11/00	CONVERSION DATE	10444	10444	STANLEY BROS.
	2	42	10445	10445	08/11/00	08/11/00	CONVERSION DATE	10445	10445	STANLEY BROS.
	3	42	10446	10446	08/11/00	08/11/00	CONVERSION DATE	10446	10446	STANLEY BROS.



AIRIAL PHOTO DATE 7/5/98
NOTE: AIRIAL PHOTO SCALE APPROX. 1" = 400' ±

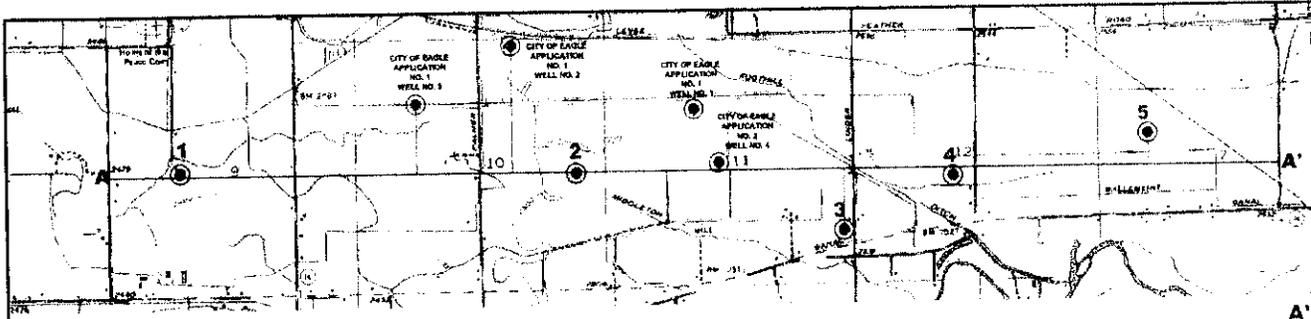
LEGEND:

- CITY OF EAGLE SERVICE AREA AND ZONE OF USE
- CITY OF EAGLE NEIGHBORHOODS (AS OF 12/2/03)
- AREA SERVING CITY OF EAGLE ANTIKETAH
- PROPOSED CITY OF EAGLE WELL
- EXISTING WELL LISTED ON IOWA DATABASE RECORDS
- POTENTIAL GROUNDWELL SITE

This is a preliminary map and should not be used for any legal or financial purposes. The City of Eagle and its employees are not responsible for any errors or omissions in this map. The City of Eagle and its employees are not responsible for any damages or losses resulting from the use of this map. The City of Eagle and its employees are not responsible for any claims or lawsuits filed against the City of Eagle or its employees. The City of Eagle and its employees are not responsible for any claims or lawsuits filed against the City of Eagle or its employees. The City of Eagle and its employees are not responsible for any claims or lawsuits filed against the City of Eagle or its employees.

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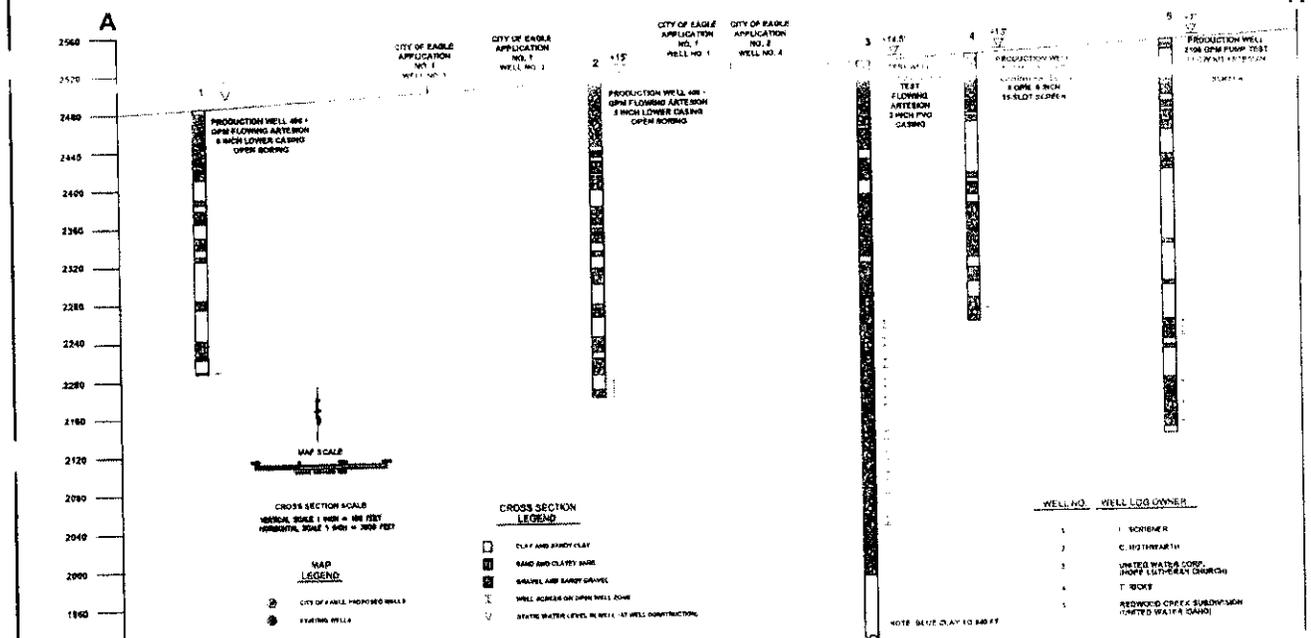
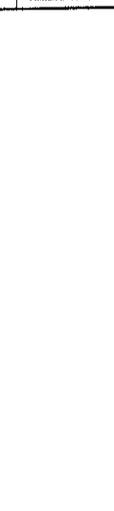
6-3 30089



PROJECT NO. EC 112404
 DATE 3/18/05
 DRAWN BY JLM
 CHECKED BY CHD

CROSS SECTION A-A'
EAGLE DAHO AREA
CITY OF EAGLE, IDAHO

STATE OF IDAHO
 HOLLADAY ENGINEERING CO.
 ENGINEERS - CONSULTANTS
 27 E. Main Street, Suite 200
 P.O. Box 144, Eagle, Idaho 83625-0144
 (208) 842-2000 Fax (208) 842-7388
 E-MAIL: holladay@holladay.com



CROSS SECTION LEGEND

[Symbol]	CLAY AND SANDY CLAY
[Symbol]	SAND AND CLAYEY SAND
[Symbol]	SANDY AND SANDY GRAVEL
[Symbol]	WELL SCREEN ON OPEN WELL BORE
[Symbol]	DATE WATER LEVEL IN WELL AT WELL CONSTRUCTION

CROSS SECTION SCALES
 HORIZONTAL SCALE 1" = 100 FEET
 VERTICAL SCALE 1" = 200 FEET

MAP LEGEND

[Symbol]	CITY OF EAGLE IMPROVED WELLS
[Symbol]	EXISTING WELLS

WELL LOG OWNER

WELL NO.	WELL LOG OWNER
1	I. SORBERER
2	C. HEDINMATH
3	UNITED WATER CORP. IMOFF LUTHERAN CHURCH
4	T. ROCKY
5	REDWOOD CREEK SUBDIVISION UNITED WATER CORP.

NOTE: BLUE CLAY TO 840 FT



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

32 N. Main P.O. Box 235 Payette, ID 83661
(208) 642-3304 • Fax # (208) 642-2159

RECEIVED

MAR 08 2005

WATER RESOURCES
WESTERN REGION

March 8, 2005

Lori Graves
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Dear Mrs. Graves,

We have reviewed your letter dated February 8, 2005 requesting additional information concerning the City of Eagle applications for appropriation of water (Application No. 1 and 2) submitted on January 19, 2005. Your letter indicated the City is to provide information specific to Water Appropriation Rule 40, Rule Subsection 040.05cii and 040.05ciii, 040.050dii, and 040.050g. In addition, The City is to provide information regarding the following items:

- Documents showing the request for comments from Ada County and IDEQ,
- Holladay Engineering Company as a City project consultant,
- Water bearing zones of proposed appropriation,
- Application lines 11. a., b. and c. regarding ownership of point of diversion and place of use,
- Clarification that the applications are or not for reasonable anticipated future needs, and
- Explain if/how this application relates to United Water of Idaho and Eagle Water Company located in the area.

We are submitting a report for each application containing the information requested. We have also included documents which support and supplement our response.

Please contact me with any questions or if you need additional information.

Sincerely,

Holladay Engineering Company
Chris Duncan, P.G.

Attachments: Information Report Application for Water Appropriation No. 1
Information Report Application for Water Appropriation No. 2
City of Eagle Municipally Owned Water System Master Plan, Vol. 1



STATE OF IDAHO
DEPARTMENT OF ENVIRONMENTAL QUALITY
BOISE REGIONAL OFFICE
1445 North Orchard Street • Boise, ID 83706-2239 • (208) 373-0550

RECEIVED

MAR 23 2005

WATER RESOURCES
WESTERN REGION

DEQ Response to Request for Environmental Comment

Date: March 14, 2005
Agency Requesting Comments: City of Eagle
Date Request Received: March 3, 2005
Application No: N/A
Description: Applications to appropriate water with IDWR
Applicant: City of Eagle & Idaho Dept. of Water Resources

Thank you for the opportunity to respond to your letter dated February 28, 2005. We have the following general comments regarding this project:

1. Air Quality

- The Department of Environmental Quality (DEQ) proposes that if the county approves the Conditional Use Permit they also require compliance with The Rules for the Control of Air Pollution in Idaho.
- Fugitive Dust:** According to IDAPA 58.01.01.651, "All reasonable precautions shall be taken to prevent particulate matter from becoming airborne." Based on that rule, DEQ would request that the county require development of a dust control plan by the applicant, which incorporates appropriate best management practices (BMP) to control fugitive dust that may be generated at the site. DEQ would offer technical assistance to the applicant in the development of this plan.
- Permit to Construct:** IDAPA 58.01.01.201 of the Rules for the Control of Air Pollution in Idaho (Rules) states that "No owner or operator may commence construction or modification of any stationary source, facility, major facility, or major modification without first obtaining a permit to construct from the Department . . ." Based on the information supplied in the letter of intent submitted by the Applicant to construct and operate the proposed facility, it is not possible to determine if they may require a Permit to Construct for the proposed activity. DEQ asks that as a condition of the CUP approval, the county require the Applicant to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the Rules. The applicants should contact Bill Rogers at (208) 373-0437 to initiate the applicability finding.
- Odor Control:** According to IDAPA 58.01.01.776, "No person shall allow, suffer, cause or permit the emission of odorous gases, liquids or solids into the atmosphere in such quantities as to cause air pollution." DEQ would request that the county require development of an odor management plan using the appropriate best management practices, which details how the applicant will manage odors that may occur from the proposed operation. DEQ would offer technical assistance to the applicant in the development of this plan.

Additional information is needed to comment.
No comments.

2. Wastewater

- This project proposes the expansion of an existing wastewater collection system. All projects involving wastewater collection system extensions must be designed by a professional engineer registered in Idaho. Plans and specifications must be approved by this office prior to construction. We do not review plans for individual service lines. Sewer services to individual lots should be reviewed by the State Plumbing Bureau and/or the local building department.
- This project proposes a new wastewater collection system and treatment plant. All projects involving wastewater collection systems and wastewater treatment plants must be designed by a professional engineer registered in Idaho. Plans and specifications must be approved by this office prior to construction.
- This project proposes the land application of treated wastewater. It will be necessary to obtain a permit from DEQ. The permit process will include review of collection and treatment. For additional details, contact Charles W. Ariss of this office, at 373-0550.
- The wastewater treatment plant effluent discharge proposed for this project was not described in the information we received for this project. One or more of the following conditions may apply:

NPDES Permit: *If wastewater treatment plant effluent will reach the State waters, a National Pollutant Discharge Elimination System (NPDES) permit will be required for the proposed discharge. This permit will be difficult to obtain and may delay or halt plan and specification review by this office.*

Wastewater Land Application Permit (WLAP): *If this project proposes the land application of treated wastewater, it will be necessary to obtain a permit from DEQ.*

Large Scale Absorption System (LSAS): *If effluent from the wastewater treatment plant will be discharged to groundwater through a subsurface disposal system, DEQ review and approval may be necessary.*

- This project will be served by the _____ wastewater collection system and treatment plant. The wastewater treatment plant does not currently have the additional treatment capacity necessary to serve this development. Applications for this preliminary plat should be denied by the City/District until wastewater treatment capacity has been increased to accommodate this development.
- Prior to preparing engineering reports, plans and specification for submission to DEQ, the developer and his engineer should schedule a meeting with Charles W. Ariss, P.E. of this office (373-0550) as soon as possible.
- This project will be served by individual subsurface sewage disposal systems. These systems are permitted by the local District Health Department.
- Additional information is needed to comment.
No comments.

3. Drinking Water

- This project proposes modifications to an existing public drinking water system. Per Idaho Code §39-118 and the associated Idaho Rules for Public Drinking Water Systems, all components of public water system construction, including wells, must be designed by an Idaho registered professional engineer and approved by the Department of Environmental Quality (DEQ) prior to construction.
- This project will serve more than 24 people for more than 60 days per year and will be a Public Drinking Water System (PWS) and/or Supply. Per Idaho Code §39-118 and the associated Idaho Rules for Public Drinking Water Systems, all components of PWS construction, including wells, must be designed by an Idaho registered professional engineer and approved by the Department of Environmental Quality (DEQ) prior to construction. We recommend that you contact our office directly for each new water system at 373-0550.
- This project will serve between 2 and 9 connections. All components of water system construction, including wells, must be designed by an Idaho registered professional engineer and approved by the Department of Environmental Quality (DEQ) prior to construction. We recommend that you contact our office directly for each new water system at 373-0550.
- This project proposes the use of individual wells for each residential domestic water supply. In most cases, individual well construction is not equivalent to public drinking water system well construction. Therefore, we recommend that private wells be tested for total coliform bacteria, nitrate and nitrite prior to use and retested annually thereafter.
- Additional information is needed to comment.
- No comments.

4. Surface Water

- If the project will involve de-watering of groundwater during excavation, treatment of any discharges from this process will be needed to prevent excessive sediment and turbidity from entering surface water. If the project disturbs more than one acre, a stormwater permit from the U.S. EPA may also be needed.
- Construction Storm Water
The Clean Water Act requires operators of construction sites to obtain permit coverage to discharge storm water to a water body or to a municipal storm sewer. In Idaho, EPA has issued a general permit for storm water discharges from construction sites. In the past storm water was treated as a non-point source of pollutants. However, because storm water can be managed on site through management practices or when discharged through a discrete conveyance such as a storm sewer, it now requires a National Pollution Discharge Elimination System (NPDES) Permit.

a) The Construction General Permit (CGP)

If a construction project disturbs more than one acre of land (or is part of larger common development) that will disturb more than one acre), the operator is required to apply for

City of Eagle

permit coverage from EPA after developing a site-specific Storm Water Pollution Prevention Plan.

b) Storm Water Pollution Prevention Plan (SWPPP)

To obtain the Construction General Permit, operators must develop a site-specific Storm Water Pollution Prevention Plan. The operator must document the erosion, sediment, and pollution controls they intend to use, inspect the controls periodically and maintain the best management practices (BMPs) through the life of the project.

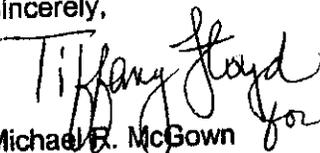
- Additional information is needed to comment.
- No comments.

5. Hazardous Waste

- Comment: No trash or other solid waste should be buried, burned or otherwise disposed at the site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- Additional information is needed to comment.
- No comments.

Please contact me or any technical staff at 208-373-0550, if you have any questions.

Sincerely,


Michael R. McGown
Administrator
Boise Regional Office

TFF:fw: Document1

CC: File 24, Manager's File, Reading File
File 2, _____



6.0 CAPITAL IMPROVEMENT AND EXPANSION PLAN

6.1 Capital Improvement Plan for Current Service Area (Floating Feather Road developments in the area generally between Eagle Road and Old Horseshoe Bend Road, with some potential adjacent properties being candidates for future service)

The major capital improvements recommended for correction of existing system deficiencies in the current service area are as follows.

1. New well house and standby power for Well No. 1
2. New 1,000,000-gallon service-pressure Eagle Sports Park Reservoir located east of Echo Creek Subdivision No. 3 and Eagle Sports Park
3. New City well, Well No. 3, on the well lot near the intersection of Eagle Road and Floating Feather Road that was granted to the City by the developers of the Brookwood subdivisions or at an equivalent site.
4. City Well No. 4, as provided for in system's existing water rights: currently a contingency plan, dependent on the degree of success experienced in completing Well No. 3.

There may also be some remaining distribution lines to be completed. If so, these would be project improvements in the developments concerned, and hence are not enumerated in this plan. The proposed reservoir location shown in a localized map in Appendix E.

The priority order for adding these improvements is the order in which they were named, for the following reasons.

1. The replacement of the well house and addition of standby power has the highest priority, in the light of the policy revisions called for at all levels of government in the aftermath of the terrorist attacks of September 11, 2001 on the World Trade Center and the Pentagon Building. The current well house is lightly built and could be broken into quickly by breaking through the wall with a sledgehammer. It should be replaced with a reinforced-masonry structure with steel doors. Standby power at this well should be installed at the same time, as a safeguard against power-supply (for instance, at a substation) sabotage.
2. The reservoir recommended to be built east of the Sports Park property has the next highest priority, to ameliorate the pressure swings that can occur when there are very high withdrawal rates at lower elevation points in the system, and to assure that the system will have its own water reserve for fire fighting. (Based on 30-year financing of \$1,320,000 at a probable

tax-free municipals open market rate of 4.625% per year and 1,350 users, the probable per- residential-unit cost of this reservoir would be \$5.08 per month or about \$60.96 per year: definitely affordable.)

3. The well at the Brookwood site will add another measure of reliability by assuring that the system cannot be denied a source of water by a single localized destructive event (such as a lightning strike).
4. Well No. 4 is currently a contingency plan, to be reviewed and possibly scheduled for completion after results of completing Well No. 3 have been assessed.

6.2 Expansion Plan

The trunk-line network concept for system expansion in the Western Expansion Area is shown in the *Pressure Zone Map and Preliminary Trunk Line Locations Map* in Appendix C. This map also shows the approximate location of the proposed site for a 1,500,000-gallon Western Reservoir (and eventually for a second 1,500,000-gallon reservoir in addition) near the north end of Hartley Road (a county road), and tentative general locations of required new supply wells. Application for site approval from BLM has been submitted and action has not been taken at this time, pending an environmental review scheduled for the spring of 2005. In the event that this site cannot be obtained, the foothills area has other locations that would be physically suitable alternative storage sites. These other locations are on private land, but it is probable that some suitable location can be acquired in the course of development of the area.

Construction of water facilities in the system expansion area, which includes all the area within the zone shaded on the map that is not served by the system now, will be synchronized with land development location-by-location, and funded by developers, to the extent possible. There are some alternative methods for funding improvements; however, some of the available alternatives depend on the individual project and the outcome of a public process. Funding approaches may include "developer extensions" (directly funded by developers and granted to the City upon completion), which in some instances might be partially repaid over time through "latecomer agreements" (authorizing future payments to developers for benefits to property beyond the development), the issuance of revenue bonds, and bonds secured by assessments levied under duly formed local improvement districts defined to match subdivision (or other development project) boundaries. In this report, the probable total cost of required system improvements is calculated and divided by the probable total number of new Equivalent Residential Customers ("ERCs") to derive System Improvements Fair Share quotient which is presented as the recommended input per unit for system improvements that should be supplied, either in funds or in kind, by each developer in the Expansion Area. Since the

system in the expansion area is new, there are no existing system deficiencies there to be made up by other sources.

At each stage of construction, the City will require that distribution, supply and reserve standards per IDAPA regulations and fire flow and duration of emergency supply requirements per applicable fire code and Fire District standards be fulfilled, as conditions of development approvals. The effect of fire demand on the available flow and duration requirements will possibly require providing a majority of the required well supply in the earlier phases of system construction, relative to the comparable supply-system fractions in subsequent water-system construction. It is recommended that "latecomer agreements" be employed to restore equitability of the water construction burden over time. Relatively early construction of the planned reservoirs will be a policy goal, but combinations of backup wells and standby power systems that have the required aggregate flow capacity and afford a high degree of redundancy may be used as an interim measure until the number of services becomes sufficient, in the judgment of the City Council, to make construction of reservoirs affordable by users in their service areas.

In a more detailed conceptualization, this development process and funding methodology is envisioned as generally a five-phase sequence, in which the supply and trunk line systems for blocks of land would be constructed in projects financed by developer extensions authorized through duly drawn development agreements or under other arrangements permitted by Idaho law. Lands not directly building their "fair shares" of system improvements would be required to "buy in" with a combination of "latecomer fees" and "hookup fees", which would be set on the basis of the System Improvements Fair Share value as determined in this report or as may later be amended based on periodic formal review of the cost levels that form the basis of this value, at such time as they might develop, as well as to provide the local service main extensions they require, as developer extensions. "Latecomer fee" obligations set by earlier "latecomer agreements" would apply regardless of the mode by which an extension might be financed. Major trunks shown on the *Water Pressure Zone Map* as preliminary trunk line locations would be built generally in the locations shown, but alignment might vary to accommodate specifics of plans by developers as those are produced. Development blocks envisioned as of this writing are shown on a map in Appendix C entitled "*Development Blocks Plan Map for Water Supply and Trunk Lines*". Development Blocks 1, 2 and 3 are probably generally representative of the development sequence of the area between Highway 44 and Beacon Light Road, enough so that there is reasonable confidence that the general timing of developments will be in the numerical order here assigned, although the boundaries of discrete construction stages may vary considerably from those described in the following text. Actual times of occurrence of developments in Development Blocks 4 and 5 might be intermixed with times of completion of developments in other blocks, and with each other. These blocks are

enumerated last principally because orderly development of their water system parts would work best if they were postponed until the system improvements in Blocks 1, 2 and 3 are complete.

6.2.1 Preliminary Design for Expansion Area

The preliminary distribution system design for the Western Expansion Area is based on a trunk line skeleton consisting of two joined principal trunk loops mostly following major travel routes, using 16 inch pipe, outlining and approximately bisecting the area between Highway 44 on the south, Beacon Light Road on the north, a line generally parallel to and about a quarter-mile west of Linder Road on the east (variable to accommodate individual developments), and Palmer Lane on the west, with the bisecting pipe running along the proposed "East-West Boulevard" shown in the transportation plan of the 2004 Comprehensive Plan. These major loops would be augmented by a 12 inch diameter pipe parallel to Floating Feather Road that would function as the manifold receiving the output of three or four supply wells planned in that general area. Streets where trunks and sub-trunks are not located would be served by laterals, which would be "project improvements" from the viewpoint of capital improvements planning. All public water supply pipes are to be "looped" to the fullest extent possible: as a policy, every lateral is to be connected to other lateral or trunk lines at both ends. Stubs for future connection are required wherever future road extension is possible. Adequate sizing of laterals must be demonstrated by valid techniques of flow network modeling, using peak hour peak day system demand and fire flow values appropriate for the largest buildings possible in the zone. The proposed Western Reservoir installation near the north end of Hartley Road is to be joined to the distribution system by a 20-inch transmission line. Wells will deliver directly into the distribution system and are expected to be in distributed locations, with three or four being located in the central core area inside the major loops, one being located at a northeasterly site (to be determined later) and one or two being located south of Highway 44. Well siting will be interactive with events as development proceeds, and may come to be modified considerably from the pattern described. Hydraulic performance of the distribution system will not be highly sensitive to the details of well siting. Probable total planned system improvement pipe quantities are 10,000 feet of twenty inch, 76,000 feet of sixteen inch, and 7,000 feet of twelve inch at full build-out. The probable quantity of smaller distribution laterals that will be required is very approximately 600,000 feet, but this quantity is dependent on actual geometry of future developments, and these improvements are not included in probable cost opinions given here because they will be "project improvements" in capital planning terms and will be required to be financed entirely as developer extensions. The aggregate probable cost of these system improvements, based on Year 2004 cost levels and deducting as a project improvement the cost of equal lengths of 8-inch laterals where applicable, is \$13,400,000.

Anticipated build-out population of the Western Expansion Area west of Linder Road is 22,000, based on zoning recommendations of the 2004 Comprehensive Plan. Average water use is projected at 120 gallons per capita per day, based on a small-urban development pattern that includes commercial and light industrial zones in addition to residential zones. It is projected that peak day use will be 1.6 times average use and peak-hour use will be 1.5 times same-day average use⁶. At these values, system average demand will be

- 2.64 MGD, equivalent to 1,833 gpm,
- peak day demand will be 4.224 MGD, equivalent to 2,933 gpm, and
- peak hour of peak day will be 6.336 MGD, equivalent to 4,400 gpm

Distribution system design is based on a fire flow in the expected commercial zone of 3,000 gpm, occurring concurrently with peak-hour-of-peak-day demand. A preliminary single-loop head loss calculation, with an assumed pattern of withdrawals selected to be roughly representative of full-development occupancy patterns, was performed assuming 7,400 gpm total flow and 3,000 gpm fire flow, for hypothetical fires at two points along the Highway 44/ Moon Valley Road trunk corridor. Calculations were manual, solving for approximately balanced head losses in parallel flow paths. These calculations provide a very conservative prediction of the water transmission capacity of the completed system, because they disregard the water conveyance capacity of lateral loops within the major loops. Assumptions were that

1. all storage water will be stored at the Western Reservoir site,
2. 3,000 gpm fire demand, and
3. 4,400 gpm coincident demand (representing peak hour of peak day for a build-out service area population of 22,000).

Using 16-inch trunks and a 20-inch reservoir transmission line, this calculation showed residual pressure at the fire location to be within 1 psi of the required value of 20 psi, in both cases. Whereas interconnected laterals were disregarded, and their effect would be to reduce overall head loss between points, this demonstrates that these are adequate pipe sizes.

Planned Western System reservoir volume of 3,000,000 gallons total (two tanks at 1,500,000 gallons each) provides the following storage components:

1. Cycle minimum 200,000 gal. = 1.7 volumes of transmission line or 60 min. at peak day flow.
2. Equalizing reserve 950,000 gal = 0.225 times peak day volume.

⁶ Reference for peaking coefficients: Table 3.6, AWWA Treatise Water Distribution Systems Handbook, copyright 2000, McGraw-Hill. Lower end of the stated ranges of coefficients was favored because area has separate irrigation system.

3. Fire and concurrent flow reserve 1,420,000 gal. = 4 hours at 3,000 gpm fire flow and peak-day concurrent flow of 2,933 gpm.
4. Post-emergency reserve 257,000 gal. = 10% of sum of 1 through 3.
5. Sediment capture reserve 128,500 gal. = 5% of sum of 1 through 3.

The sum of these identified reserve components is 3,006,900 gallons, confirming the planned total size of two tanks of 3,000,000 gallons.

Until reservoirs are built, the supply requirement will be that the wells must produce the larger of the peak hour peak day peak day flow or the fire flow plus peak day average flow with any one well out of service. The flow rate that this will equal will vary as development proceeds, but the criterion must be satisfied at every stage of development. After reservoirs are built, the required supply flow will be the peak day average flow, with any one well out of service. At build-out, this value for the western area (west of Linder Road) is calculated to be 2,933 gpm. Assuming wells with 1,000 gpm capacity, this would require a minimum of three wells functioning at all times, and hence a minimum immediate need of four wells in the western system. The planned number of five wells in the western system makes allowance for the possibility that the 1,000 gpm assumed flow per well might not be realized at every well. The plan also includes a well in the Beacon Light Road area (a separate pressure zone), for which the backup would be the planned two wells and reservoir in the "Lexington" area (the present system).

The aggregate probable cost of these system improvements⁷, based on Year 2004 cost levels, and deducting as a project improvement requirement the cost of equal lengths of 8-inch laterals where applicable, is \$13,379,500. Anticipated buildout population (based on zoning) of the entire New Service Area (exclusive of the Lexington area) is 26,000. At a rate of 2.87 per ERC (per U. S. Census, Year 2000), this implies 9,059 ERCs. Round to 9,000. Imputed System Improvement Fair Share quotient is $\$13,379,500/9,000 = \$1,486.61$. Round to \$1,500.00 per ERC.

6.2.2 Envisioned Development Blocks

The development blocks shown on the *Development Blocks Plan Map* (following page) represent the apparent probable progression of development of property, and hence the expected sequence of need for municipal water service. Block 1 represents properties that are newly annexed or pending annexation thus

⁷ Idaho Statutes 67-8203(28) "System improvements," in contrast to project improvements, means capital improvements to public facilities which are designed to provide service to a service area including, without limitation, the type of improvements described in section 50-1703, Idaho Code.

representing the immediate need for water service. The remaining four phases represent future water service need. The probable costs associated with the development block described below do not include the cost of expected service lateral lines.

BLOCK 1: "Floating Feather Road Block"

This block includes a contiguous group of properties now in some stage of the process of annexation, aligned generally along and lying mostly on the south side of Floating Feather Road between Linder Road and State Highway 16, comprising a probable total of 1,000 acres, more or less, expected to be annexed in 2004/2005.

The required system improvements (supply and trunk lines – assuming that distribution lines of lesser diameter than 12 inch will be extended by developers at their direct expense) are expected to include:

- a. Three supply wells, desired capacity 1,000 gallons per minute each, each equipped with a control system setting in a lead-lag configuration, variable-frequency-drive pressure control, standby generators capable of meeting full maximum load, and pressure tank or equivalent for night operation.
- b. 6,000 lineal feet, more or less, of sixteen-inch diameter trunk line (as shown for the principal system loop on the *Pressure Zone Map*), lying along the Palmer Lane and Linder Road trunk corridors.
- c. 7,000 lineal feet, more or less, of twelve-inch diameter supply manifold line, lying generally south of and parallel to Floating Feather Road, receiving the water pumped from the wells and connecting to the 16-inch mains that run north-south.

The probable budget cost of improvements for this block, including allowances for engineering and financing services, at recently-experienced price levels, and deducting as a project improvement requirement the cost of equal lengths of 8-inch lateral where applicable, is \$2,166,000

BLOCK 2: "Beacon Light and Highway 44 Block"

This block includes some expected annexations between Beacon Light Road and Floating Feather Road, together with properties lying along State Highway 44. An aggregate of about 1,000 acres is considered probable, and it is expected that this block will include mixed-use and commercial developments requiring higher fire flows than required by Block 1 alone. This requirement for higher fire flows will make extension of sixteen-inch trunks a priority.

The expected system improvements include:

- a. One well, desired capacity 1,000 gallons per minute each, with single pump, variable-frequency drive and standby power. When complete, this well will fill out a supply system capable of 3,000 gallons per minute production even with one well out of service for repairs.
- b. 15,000 lineal feet, more or less, of sixteen-inch-diameter trunk line, lying along State Highway 44 and extending up Palmer Lane to Beacon Light Road.

The probable budget cost of these improvements, at recently-experienced price levels, and deducting as a project improvement requirement the cost of equal lengths of 8-inch lateral where applicable, is \$1,562,000.

BLOCK 3: "Beacon Light and North Block"

This block includes probable annexations in the "Village" area identified in the 2004 Comprehensive Plan, as well as probable adjacent areas north and south of Beacon Light Road and west of Linder expected to be zoned residential, and is expected to comprise 1,200 to 1,500 acres. Commercial and mixed uses in the "Village" area will amplify the requirement for fire fighting capability. Construction of a 1,500,000 gallon Western Reservoir at the already selected foothills site as a part of the improvements for this block will improve the efficiency of the supply system and increase the maximum reliable fire flow, by providing storage for both flow equalization and fire reserve. In this way, this block's necessary addition to supply capacity will be contributed without adding more wells. Completion of the primary sixteen-inch trunk loop will enhance pressure steadiness and fire fighting capacity at all points in the original two blocks, as well as give the necessary distribution system delivery capacity for the potential fire demands of the "Village" area.

The expected system improvements include:

- a. 1.5 million gallon Western Reservoir and 10,000 lineal feet, more or less, of twenty-inch reservoir transmission line along parts of Palmer Lane and Beacon Light Road, Hartley Road, and to the tank.
- b. 15,000 lineal feet, more or less, of sixteen-inch trunk lines.

The probable budget cost of these improvements, at recently-experienced price levels, and deducting, as a project improvement requirement, the probable cost of equal lengths of 8-inch laterals where applicable, is \$2,893,000.

BLOCK 4: "Beacon Light East Block"

This block includes areas north of Beacon Light Road and east of Linder Road that might be brought into the water system in the intermediate-range future. The

principal core-system objective to be met by improvements in this block is interconnection of the newer system in the Western Expansion Area and the existing City system in northeast Eagle.

The expected system improvements include:

- a. One well in the block.
- b. A pressure-reducing-valve station near the intersection of Beacon Light and Linder, to function as a separation of pressure zones.
- c. 35,000 lineal feet, more or less, of sixteen-inch-diameter trunk line to connect the Western Expansion Area and Northeast Eagle distribution systems.

The probable budget cost of these improvements, at recently-experienced price levels, is \$4,970,000. The development that may occur in this service area is expected to be spotty, probably consisting of a more or less steady trickle of small replats. However, bond financing and single-project construction of the supply and trunk improvements recommended for this area is appropriate on a public health and safety basis, because of the need for fire protection.

BLOCK 5: "Riverside Block"

This block includes areas south of Highway 44, together with expected infill in the areas assigned to Blocks 1, 2 and 3. Some installation of laterals of diameter greater than 8-inch is probable in the Riverside area, but its main effect on the system will be to increase average daily demand on the supply system. With the wells installed in Blocks 1 and 2, the flow demand can be met by one additional well and enhanced storage for flow equalization.

The expected system improvements include:

- a. 1.5 million gallon Western Reservoir at the foothills site near the north end of Hartley Road.
- b. 5,000 lineal feet, more or less, of sixteen inch trunk line. One well, capacity of 1,000 gallons per minute, with standby power.

The probable budget cost of these improvements, at recently-experienced price levels, and deducting the probable cost of equal amounts of 8-inch lateral as a project improvement requirement where applicable is \$1,789,000. As with Block 4, the process of development of the land in this block will probably be characterized by numerous small developments over time. Even though the households in this block may be slow in connecting to the City water system, availability of fire flow is a major health and safety need that warrants construction of the main and well herein proposed, and justifies the use of bond financing for it.

6.2.3 Financing Plan

6.2.3.1. General Options

General classes of options permissible under Idaho law for financing City-owned improvement construction are by use of funds on hand (subject to some limitations as to the source of the funds), by use of borrowed funds, and by receipt of donations.

The City typically borrows funds for projects by issuing its bonds, promissory notes, or other evidence of its indebtedness. Classes of bonding that may be used by cities are general obligation bonds and revenue bonds. The major distinguishing features of these bond classes are:

- a. General Obligation bonds may only be issued if authorized by passage of a bond election by two-thirds majority of those voting. They are repaid by appropriations from the General Fund of the municipality. Use of General Obligation bonding is normally restricted to projects that benefits or serves the entire municipality and that do not produce a revenue stream sufficient to repay a loan for their construction. They are typically not used for water utility construction.
- b. Revenue bonds may be issued if authorized by passage of a revenue bond election by a simple majority of those voting. They are secured by and repaid from revenues of the facility for which the improvements are constructed. Revenue bonds are widely used for water system projects that benefit the entire municipality, such as treatment plants and storage reservoirs. They are less often used for projects which appear to benefit only localized areas within the whole service area of a utility or the whole municipality, because such projects seldom enjoy the degree of community-wide popularity that is needed for success in a bond election.
- c. Revenue bond borrowing may also in some circumstances be issued on the basis of "judicial confirmation": a ruling by a judge that a particular project is "ordinary and necessary". Water system components have been ruled "ordinary and necessary" by judges in many cases in Idaho, and it is thought that the probability of a favorable ruling is high enough in the cases of the storage reservoirs in this plan that revenue bonding based on judicial confirmation is the mode of choice for financing the reservoirs.

The City may also issue its bonds and pledge the assessments of a duly formed Local Improvement District (LID). LIDs are used by municipalities to fund a wide range of localized improvements. The procedures for forming an LID and levying LID assessments are set forth in Idaho Statutes Title 50, Chapter 17. The form of

indebtedness generated by a LID is distinct from the debt of the other two types of bonds mentioned: it is apportioned to the benefited properties in the Local Improvement District by a system of assessments as provided by Idaho Statutes Title 50, Chapter 17, and becomes a class of liens on the properties within the LID, rather than a debt of the municipality.

There is one donation type that is common in new water utility construction: the developer extension. The procedure is that a developer builds the part of the water system needed to serve his development and formally conveys ownership of the improvement to the municipality, under the terms of a development agreement. If the construction benefits property beyond the development, the City may provide by a "latecomer's agreement" that reimbursement payments will be made by "latecomers" for the benefits they receive, and will be remitted to the developer.

Both construction under an LID and construction by developer extension secure facilities without generating debt for the City, and both can be done without the requirement of an election. There are built-in delays imposed by the procedure of forming LIDs, and the administrative burden of the assessment procedure, as typical disadvantages. In addition, institutional bond buyers typically do not accept LID bonds that are secured by bare land, which limits their usefulness as a tool for expansion. The principal advantage of LIDs, if they can be used, is that the bonds issued for them may be tax-exempt municipal bonds, which typically pay an interest rate about 15% lower than the rate for private loans.

Because of this potential advantage in interest rate, construction funded by LID assessments may be the preferable institutional mode for parts of the water system facilities in the Western Expansion Area.

The construction blocks described in the foregoing text and map are expected to roughly correspond to the areas of the projects that are performed, although specific parcels may quite possibly be included in earlier or later projects than the block map indicates. Also, there is some possibility that more than one block might be included in a single project. It is probable that the first block of development, at a minimum, will not have practical access to LID funding as an option, due to the difficulty of selling bonds secured by bare land, and will therefore necessarily have no effective funding option except developer extension.

6.2.3.2 Financing Recommendation

Based on the foregoing, the recommended plan for financing the system improvements is as follows:

First, adopt the System Improvement Fair Share quotient as the standard per-dwelling investment in system improvements to be received from developers as a standard feature of development agreements in the planning area. Institute a holding account for Fair Share funds, in anticipation of a time in the future when there might be temporary Fair Share credit balances. Require that each development provide its Fair Share obligation, computed as planned number of ERCs multiplied by the System Improvements Fair Share quotient. Base imputed compliance on a combination of in-kind contributions (for building specific parts of the system improvements as elements of development construction) and monetary payments. Calculate the amounts to be recovered through Newcomer Agreements based on the Fair Share quotient where applicable. Update the determination of the Fair Share quotient every two years at a minimum.

Charge established rates for service. In the early years of the system's existence in the Expansion Area, this will generate a balance that can be used for debt service. It is projected that at about the time the total number of ERCs connected in the Western Area reaches 1,000, this available cash flow will become sufficient to pay the debt service for a bonded loan on the first Expansion Area water tank. When this cash flow is found to be sufficient to assure that the debt can be repaid from revenue, seek judicial confirmation to issue the required bonds, and build the reservoir.

Since the Lexington area already has a large enough number of users connected, seek judicial confirmation for bonding and proceed with construction of the required system improvements for this part of the system as soon as the necessary arrangements can be made.

In later stages of construction of the first three blocks, a balance of Fair share funds should accrue. Employ these funds to advance system improvements in Blocks 4 and 5 as possible. Finally, Fair Share funds may continue to accrue after system improvements are complete. Such accrual would be, in effect, the recouping of the costs of items built earlier by bonding. It is anticipated that there would be less than complete recovery of these amounts through subsequent Fair Share payments, if in fact there is any, because full build-out will probably be slow in coming in the Riverside and Foothills areas. Any apparent surplus should be directed to the system's Emergency Fund and its Capital Replacement Fund.

6.2.4 Operation Plan

The Western Expansion Area improvements are expected to rapidly grow to a system size warranting a City staff department for operation. The principal reason that in-house operating staff is recommended is responsiveness to the elected officials who have ultimate responsibility to the citizens.

The general plan for implementation of in-house operating staff responsibility is recommended as a four-step process that allows the City to develop a public works staff over several years.

Step 1

Contract with a water system operating service to perform operator functions in the Western Expansion Area as the first new construction is brought on line. City Engineer to prepare (to include reviewing and compiling those elements received from developers) as-built drawings, system map, operation and maintenance manual, and to amend emergency response plan, source protection plan, and monitoring and compliance plan to reflect added facilities as they are completed.

Step 2

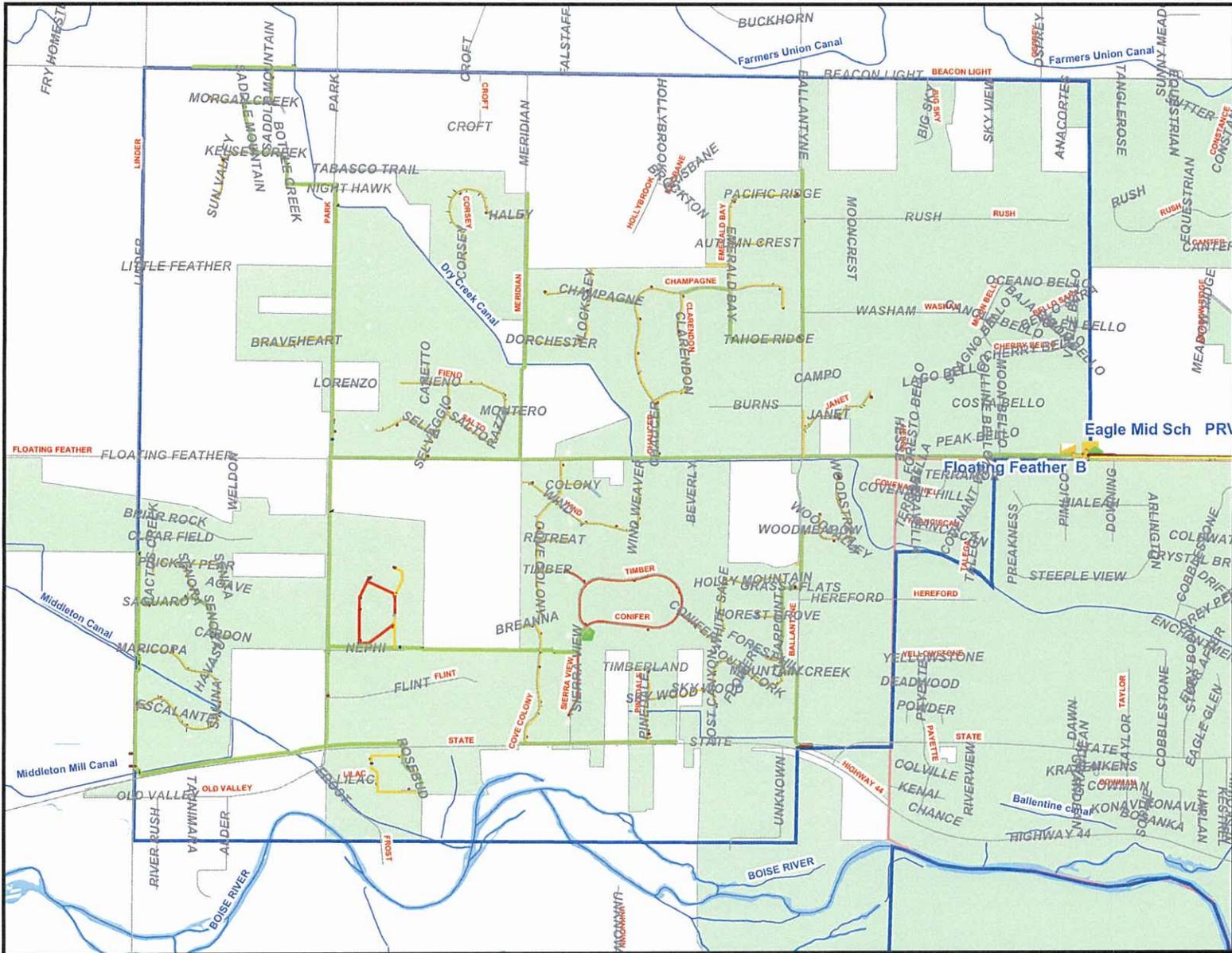
At such time as system size is found to have increased enough to warrant payment of staff salary in lieu of contractor fees, hire a Class III (or higher class) Water System Operator (preferably – although system will probably be Class II in its early years) as Water System Superintendent, to report to the City Facilities Manager. This employee's initial duties will be to set up equipment, inventory, and service recording systems, to set up location books for detailed recording of locations (plan position and depth) of all new distribution system infrastructure as it is installed, review sanitary and leak detection testing of all new distribution system infrastructure, review and confirm information on as-built drawings, set schedules for routine maintenance activities, and perform or superintend system operation, scheduled maintenance, sampling and meter reading as and after newly constructed system elements are placed in service. Ideally, the "Lexington" system would remain under contract operation by UWO until, at the very least, the Block 1 area is built and the Block 1 portion of the system is in routine operation.

Step 3

When and as work volume warrants it, hire more operating staff to report to the Water System Superintendent. As more blocks of the system are built, it is expected that there would be a natural progression of staff size increase.

Step 4

When the new system in the Western Expansion Area reaches a number of users comparable to the number in the Lexington-Brookwood area, operation of the "Lexington" system should be assumed by the City staff. This criterion will probably be met at about the time of completion of Block 2 Source and Trunk construction. It is expected that a staff expansion would be needed in order to effect this assumption of operating responsibility.



UWID Facilities

Legend

- streets
- Hydrants
- Valves
- 2 Inch Main
- 4 Inch Main
- 6 Inch Main
- 8 Inch Main
- 10 Inch Main
- 12 Inch Main
- 14 Inch Main
- 16 Inch Main
- 18 Inch Main
- 20 Inch Main
- 24 Inch Main
- 30 Inch Main
- 36 Inch Main

SUBJECT

- river
- Canals - Ada County



Revised: 02/08/2006

Ada County shall not be liable for inaccuracies or misuse of this map. Maps bearing this disclaimer may be photocopied freely. However, use in any digital form requires the written permission of Ada County.

THIS DRAWING IS TO BE USED ONLY FOR REFERENCE PURPOSES AND UNITED WATER IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098

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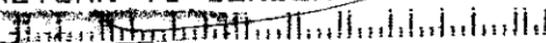
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FLACK
PO BOX 258
DURKEE OR 97905-0258

RETURN TO SENDER

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November, 2006, the above and foregoing document was served by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

Michael McCollum
1290 Butterfield
San Anselmo, CA 94960

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c/o Rod Linja
131 SW 5th Ave., Ste. A
Meridian, Idaho 83642

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Nancy Heath
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Tony & Brenda O'Neil
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Attn: John Westra
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Bill Flack
4035 Hartley Road
Eagle, Idaho 83616



Charles L. Honsinger



RECEIVED

NOV 29 2006

DEPARTMENT OF
WATER RESOURCES

LAW OFFICES
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Franklin G. Lee
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John M. Marshall
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Patrick J. Miller
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Terri R. Yost

RETIRED
Kenneth L. Pursley
Raymond D. Givens
James A. McClure

* Licensed in New York
and Washington DC

November 29, 2006

VIA HAND DELIVERY

Mr. Gary L. Spackman
Water Allocation Bureau
Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: In the matter of the protested applications for permit to appropriate water Nos.
63-32089 and 63-32090 in the name of the City of Eagle
GP File No. 30-133

Dear Mr. Spackman:

Pursuant to the Notice of Hearing, Order Authorizing Discovery and Prehearing Order dated September 6, 2006, Protestant United Water Idaho, Inc. ("UWID") is providing a copy of exhibits that it may use at the hearing of this matter:

Exhibit 301: Informational Report Application for Water Appropriation Application No. 1, from Chris Duncan to Lori Graves, dated March 7, 2005;

Exhibit 302: Informational Report Application for Water Appropriation Application No. 2, from Chris Duncan to Lori Graves, dated March 7, 2005;

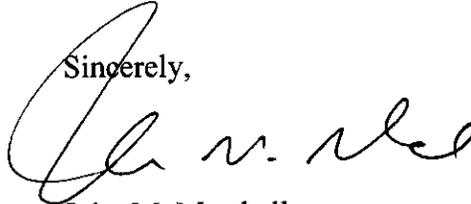
Exhibit 303: Section 6.0 Capital Improvement and Expansion Plan from the City of Eagle Water System Master Plan, 2005 Revision; and

Exhibit 304: Map of UWID's facilities, revised February 8, 2006.

Mr. Gary Spackman
IDWR Hearing Officer
November 29, 2006
Page 2

In addition to the exhibits identified above, UWID may introduce any of the Applicant's proposed exhibits. UWID also reserves the right to supplement additional exhibits the Applicant response to UWID's Request for Production. To date, the Applicant has not provided the requested documents.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Marshall". The signature is fluid and cursive, with a large initial "J" and "M".

John M. Marshall

JMM:amm
cc: Applicant
Protestants
Client

S:\CLIENTS\30\133\JMM to hearing office re unavailable dates.DOC

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2006, I caused a true and correct copy of the foregoing document to be served to the following:

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c/o Rod Linja
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Meridian, ID 83642

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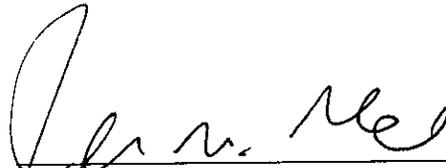
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Ronald Schreiner
2153 N. Pollard Lane
Star, ID 83669



John M. Marshall

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NOV 29 2006

**DEPARTMENT OF
WATER RESOURCES**