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IDAHO PUBLIC  
UTILITIES COMMISSION

*Attorneys for Intervenor City of Eagle*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE JOINT</b>	)	
<b>APPLICATION OF SUEZ WATER</b>	)	CASE NOS. SUZ-W-18-02
<b>IDAHO AND EAGLE WATER</b>	)	EAG-W-18-01
<b>COMPANY FOR THE ACQUISITION</b>	)	
<b>OF EAGLE WATER COMPANY</b>	)	<b>AMENDED PETITION TO INTERVENE</b>
	)	<b>OF CITY OF EAGLE</b>

COMES NOW, the City of Eagle (“Eagle”), and pursuant to this Commission’s Rules of Procedure, Rule 71, IDAPA 31.01.01.071-.075 hereby amends its petition to the Commission for leave to intervene herein and to appear and participate herein as a party.

Despite roughly 15 years of communications between the City and Eagle Water Company, including detailed negotiations about the City’s acquisition of Eagle Water Company, the City was not notified and only became aware of the proposed sale to Suez Water Idaho upon reading about it through mass media accounts. Upon such notification and learning of this application with the Public Utilities Commission, the City has been diligently reviewing its archived files regarding the City and Eagle Water Company. Given the volume of those files and timeframe of these proceedings, the City only recently discovered materials necessitating that the City clarify and amend its earlier submission. It is due to these circumstances that the City files this Amended Petition.

1. The name and address of the Intervenor:

City of Eagle  
c/o Chereese D. McLain  
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7699 W. Riverside Drive  
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Telephone: (208)331-1800  
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Copies of all pleadings, production requests, production responses, Commission orders and other documents should be provided to Chereese D. McLain as noted above, with an electronic copy to the City of Eagle:

Stan Ridgeway  
Mayor  
City of Eagle  
660 E. Civic Lane  
Eagle, ID 83616  
Telephone: (208)939-6813  
sridgeway@cityofeagle.org  
sbergmann@cityofeagle.org

2. The Intervenor, City of Eagle is a city within Ada County, Idaho, incorporated under Idaho Constitution, Article XII, § 1, and Idaho Code § 50-101 *et seq.*

3. The proposed application before the Commission involves a water system located within the boundaries of the City of Eagle. Eagle residents are customers to Eagle Water Company and the City has a direct and substantial interest on how the acquisition would occur and any impacts to its residents.

4. The City of Eagle operates its own municipal water system and owns wells in near proximity to wells subject to this acquisition.

5. The City has become aware, and is evaluating the meaning and potential applicability, of documents purporting to require Eagle Water Company provide the City a “right of first refusal” to lease up to ten (10) cubic feet of water per second of municipal water rights

owned by Eagle Water Company, as well as to notify the City of any bona fide offer to purchase all or any part of its Water System and provide the City the exclusive “right of first refusal” to purchase the water system. The City was not notified of the proposed sale and has not been provided any right of first refusal.

6. The acquiring party has indicated a desire to utilize Eagle Water Company water rights outside of the city limits of Eagle and Eagle Water Company’s current service area.

7. Without opportunity to intervene herein, the Intervenor would be without any means of participation in this proceeding which may have a material impact on the domestic water rates and the terms and conditions of such service.

8. The Intervenor intends to participate herein as a party, and if necessary, to introduce evidence, cross-examine witnesses, call and examine witnesses, and be heard in argument. The nature and quality of evidence which the Intervenor will introduce is dependent upon the nature and effect of other evidence in this proceeding.

9. Granting the Intervenor’s petition to intervene will not unduly broaden the issues nor will it prejudice any party to this case.

WHEREFORE, the City of Eagle respectfully requests this Commission grant its Petition to Intervene in these proceedings and to appear and participate in all matters as may be necessary and appropriate; and to present evidence, call and examine witnesses, present argument and to otherwise fully participate in these proceedings. In the event intervention is granted, Petitioner, City of Eagle, reserves the right to apply for intervenor funding pursuant to RP 161-165 and IDAPA 31.01.01.161-165.

DATED this 4<sup>th</sup> day of January, 2019.

MSBT LAW, CHTD.



Chere D. McLain

Attorney for Intervenor City of Eagle

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4<sup>th</sup> day of January, 2019, a true and correct copy of the above and foregoing document was forwarded addressed as follows in the manner stated below:

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Commission Secretary  
Idaho Public Utilities Commission  
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Boise, ID 83702

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Cherese D. McLain