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DEPARTMENT OF
WATER RESOURCES

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF REQUEST FOR
VARIANCE FOR TAYLOR MOUNTAIN
WATER AND SEWER DISTRICT WELLS

Tracking Nos: 2017-300 (Well #1) and
2018-721 (Well #2)

PETITION FOR HEARING

Taylor Mountain Water and Sewer District ("TMWSD"), by and through its attorneys of record, Holden, Kidwell, Hahn & Crapo, P.L.L.C., hereby petitions for a hearing regarding the Idaho Department of Water Resources' ("IDWR" or "Department") denial of a request for TMWSD to use existing flow meters at the well locations and individual meter readings at each domestic and commercial connection instead requiring the installation of new flow meters at the well locations. The denial was described in a letter dated July 5, 2018, which was received by TMWSD's counsel on July 9, 2018. TMWSD submitted a request for variance associated with the Department's July 20, 2016 *Final Order on Reconsideration in the Matter of Requiring Measuring Devices for Ground Water Diversions in Water District Nos. 31, 34, 100, 110, 120, 130, and 140*. This petition is filed pursuant to Idaho Code § 42-1701A(3).

A preliminary list of issues sought to be adjudicated at the hearing on this matter include:

1. Whether the Department's decision to not grant the variance violated the provisions of Idaho Code § 67-5279(3) as being "(a) in violation of constitutional or statutory provisions; (b) in excess of the statutory authority of the agency; (c) made upon unlawful procedure; (d) not supported by substantial evidence on the record as a whole; or (e) arbitrary, capricious, or an abuse of discretion."
2. Whether metered residential and commercial connections for all connections that receive water from the TMWSD wells that are read and recorded each month by TMWSD cannot serve as a reliable and viable alternative to account for well diversions instead of the installation of new meters at the wells that will require extensive reconstruction of the existing vaults and well plumbing.
3. Whether the existing flow meters at the wells can serve as a reliable and viable alternative to new flow meters to account for well diversions.
4. Whether extensive reconstruction costs of the existing vaults and well plumbing provide a sufficient basis to receive a variance as requested by TMWSD.

TMWSD expressly reserves the right to submit additional items for review and consideration. TMWSD also expressly reserves the right to proceed in other forums as appropriate.

TMWSD requests that IDWR schedule a prehearing conference to further refine the issues, establish deadlines, and schedule the hearing accordingly.


Robert L. Harris
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Attorneys for Taylor Mountain Water and Sewer District

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the parties listed below by hand delivery, email, mail, or by facsimile, with the correct postage thereon, on this 18th day of July, 2018.

DOCUMENT SERVED: PROTEST AND PETITION FOR HEARING

ATTORNEYS AND/OR INDIVIDUALS SERVED:

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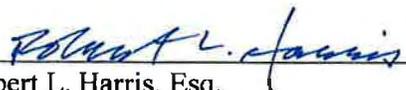
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