

In the Matter of the Formal Complaint of Duncan, Gavril, Workman,  
Bates, et al. against Eagles Landing Water Company, LLC  
Docket #: 13-2477-02

Pre-filed Testimony

Respondent: Brent and Raeleen Duncan

Address: 19638 South Buckskin Circle, Birdseye, UT 84629

Your Honor:

Point #1: All fees should be charged according to the fees authorized by the Public Service Commission. We have been charged \$55.00 for 10,000 gallons of water each month since we purchased the home located at 19638 South Buckskin Circle, Birdseye, UT.

We formally request that all fees that have been charged in excess of the \$35.00 per month since January 2012 through November 2013 be refunded to us at the time of the court hearing.

We also have been charged a \$200.00 hookup fee at the time that we purchased the home in January 2013. We request a refund of the \$100 overpayment.

Point #2

RULE: Water Meter Set Fees and Hook-Up Fees are charged at the time the service is delivered.

- The home located at 19638 South Buckskin Circle, Birdseye Utah was built in 2004.
- The original developer of Eagles Landing would have, and should have charged those initial hookup fees in 2004 before the home was completed, and before the first resident closed on the property and moved in.

We believe the burden of proof is on Eagles Landing Water Company to show legal precedence for charging multiple sequential homeowners for the same initial hook up and set fee each time the property owner changes.

- It is a fact that water has been provided to this residence by the water company to four sequential owners over a period of nine years.
- It is common knowledge that Utility Company Services are not provided on a continual basis unless the company has received the initial Water Meter Set & Hookup Fees required at the time of services being rendered and billed for.

There are two more issues that strengthen our case as the current residents of this particular home.

- The original developer of Eagles Landing, which included the Eagles Landing Water Company, took out bankruptcy in 2005, thus dissolving any unresolved liens.
- Eagles Landing Development was sold to Dave Olson in 2006. According to bankruptcy law, had there been any outstanding liens, they would have all been cleared at that time.
- Eagles Landing Water Company has no legitimate claim on any fees associated with new property initialization, and hook up fees. These fees are a "one-time only" fee assessed to the contractor, before the original homeowner closes on the home and moves in.

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- In 2011, Scott & Kimberly Lofgran lost this home to foreclosure.
  - All existing liens were cleared concerning the property known as 19638 S. Buckskin Circle, Birdseye Utah when the home was purchased in 2012.
  - No additional fees can be charged to the current owner as clear title was given at the time of closing on this property.

We ask the court to rule in favor of the Residents of Eagles Landing, receiving water services through Eagles Landing Water Company, and request that all fees that have been assessed by the water company to the residents for "Water Meter Set Fees", and "Turn On Fees" be dismissed.

Thank you.

Brent Duncan

Raeleen Duncan

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DOCUMENT REFERRAL CONTENT PAGE

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Bates, et al. against Eagles Landing Water Company, LLC  
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Pages 1-19 review of the informal complaint and the proof that the Eagles Landing Water Company ignored the request for a response to the Informal Complaint issued by the Public Service Commission.

Pages 20-21 Bills to Previous owners showing that the Water Company was aware that the fee was \$35, but charged the previous owner, Lofgran \$55, and the realtor overseeing the property while owned by CitiBank \$35.

Page 22: Bill for water turn on services at \$200 when the Tariff shows \$100 is allowed. (The Tariff will be represented on pages 63-72.)

Pages 23-26, 28, 32-47 Bills received from Eagles Landing Water Company and paid as billed.

Page 27: An Addendum to Invoice #374 explaining why we were being billed for an additional amount beyond the \$55 for months June through October 2012 which I did not pay beyond the \$55 per month.

Page 29: The letter we delivered to all the residents of Eagles Landing in response to the water bill received for \$110.00 for months June through October 2012.

Pages 30-31: Copy of information in Informal Complaint filed 7/10/2012 in response to the overcharging of fees.

Pages 48-51: The Water Meter Set Fee Bill, the Hook Up Fee Bill, and letter of explanation and Tariff sent to each Eagles Landing Resident.

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Please note that this bill arrives after the Water Company has ignored the PSC for a response to the informal complaint.

Page 52: Proof that the Water Company has existed since 1999, and has been part of the Eagles Landing Development.

Pages 53-54: Proof that Lot #38:311:0008 is part of the Eagles Landing Development.

Pages 55-58: Proof that Eagles Landing Water Company has rights to drinking water, which is to be furnished to Eagles Landing Residents, including Lot 8, which is 19638 South Buckskin Circle, Birdseye, UT.

Pages 59-62: Eagles Landing Water Company application for a Certificate of Convenience and Necessity to operate as a Public Utility Docket # 07-2477-01.

Pages 63-72: Tariff No 1 for Eagles Landing Water Company L.L.C.

Page 73: Proof that the home located at 19638 South Buckskin Circle was built in 2004.

Pages 74-75: Proof that the Home located at 19638 South Buckskin Circle also known as Lot #8, Plat A, Eagles Landing MHD, 38:311:0008 has had 4 owners since the home was completed in 2004.

Pages 76-89: Proof that Eagles Landing Development, LC had liens placed, and liens removed, but eventually the Notice of Default was instigated in 2005.

Pages 90-92: proof that Hearthstone Development Inc. became the developer of Eagles Landing in 2006.

Page 93: Hearthstone Business Entity Page

Page 94: Proof that Eagles Landing Water Company L.L.C. is no longer registered under that name with the State of Utah.

Pages 95-97: Shows that Eagles Landing Development, HOA and Investors are no longer registered Business Entity's with the State of Utah.

Pages 98-106: History of Eagles Landing Development 2002-2012 written by Bryan Amundson, Original owner of Lot 5, and the longest resident of Eagles Landing to date. Article pages 1-9 with info on most pages to verify water utility issues, and to verify that the development was foreclosed on, and was bought by Dave Olsen in 2006. Many of the costs of the Water Company were incurred before Dave Olsen purchased the Eagles Landing Development and Water Company. Dave Gardner was the original developer, and lost the development, so I was very surprised to hear that Dave Gardner is funding the Water Company for Dave Olsen. (See attached Document Pages 11-12 to see how Mr. Dave Gardner is now funding the Eagles Landing Water Company.)

Pages 107-114: The emails to the Duncan's from the Orr's concerning the Informal Complaint, and the Formal Complaint filed by the Orr's against Eagles Landing Water Company.

The emails are included here to show proof that David Olsen and Eagles Landing Water Company only provide services based on prepayment for the Water Meter Set Fee, and the Water Hookup Fee.

The Orr's were contacted by Eagles Landing Water Company, after the Formal Complaint was scheduled, on behalf of the Orr's, against the Eagles Landing Water Company. The lawyer, representing Eagles Landing Water Company contacted the Orr's to let them know that David Olsen was agreeing to follow the rules of the tariff, and would only charge them \$4,000. He also stated that the Water Company would be charging the Tariff Rates for Water use going forward.

Orr's were told that when David Olsen received the check for the Water Meter Set Fee, and the Hookup Fee, then he would send out a contractor to perform the services.

The Orr's sent the check. They were told that a contractor would have the services performed within a stated time frame. David Olsen received the check, and ordered the services to be completed. The Contractor hired by Eagles Landing Water Company performed the services.

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Orr's came to the property after the services had been installed, and then they contacted the Public Service Commission and withdrew their Formal Complaint.

This action alone, states that services are not performed until the fees have been paid.

Pages 115-117 Public Service Commission copy of the Informal Complaint for Eagles Landing Residents.

Faxed 8/13/13  
Attention: Mark Long  
Fax #: 801-530-6512  
From Raeleen Duncan  
Resident of Eagles Landing, Birdseye, UT  
Faxed from 801-873-3134

Hello Mark,  
I am including copies of all bills that I have.  
It is interesting to note that the Realtor was charged \$35.

I have also included my informal complaint info from last summer to the State, and a copy of the letter I gave to the residents of Eagles Landing following my conversation with the State.

I will hold off paying the August bill I just received until I hear back on how we are to have the incorrect charges handled.

Please feel free to contact me by email or phone.

Raeleen Duncan  
801-420-6213  
info@LQD8R.com

Subject: Re: Tariff for Eagles Landing  
Date: Tuesday, August 13, 2013 9:04 AM  
From: Mark Long <mlong@utah.gov>  
To: Raeleen Duncan <info@LQD8R.com>

Hi Raeleen,

Sorry for the problem you are having opening the tariff. I am sending the tariff in a WORD document that you will hopefully have better luck with. I put "unofficial" on it because I have not compared it word for word to the official pdf copy, but I believe it is identical. If there are any specific questions I can verify those for you from the original.

I appreciate your willingness to fax copies of your bills. Our fax number is 801 530-6512.

If you have any more questions or concerns please feel free to contact me.

By the way, you may need to update your Adobe Acrobat Reader program on your computer so that you can access .pdf files in the future.

Thanks,

Mark

On Mon, Aug 12, 2013 at 3:45 PM, Raeleen Duncan <info@lqd8r.com> wrote:  
Mark, Could you send the tariff in a different format. I am unable to open it. Thanks. Raeleen Duncan

On 8/12/13 1:41 PM, "Mark Long" <mlong@utah.gov <<http://mlong@utah.gov>> > wrote:

Hi Raeleen,

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Docket #:13-2477-02



Valerie asked me to send you a copy of Eagle Landing's tariff. I have attached the .pdf file for your records. Please let me know if you have trouble opening this file and I can send it in a different format.

I would be very interested in hearing from you if you have any documentation or information that the Eagle Landing Water Company is charging different rates than those in the attached tariff.

Sincerely,

Mark Long

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Mark Long, Utility Analyst  
Division of Public Utilities

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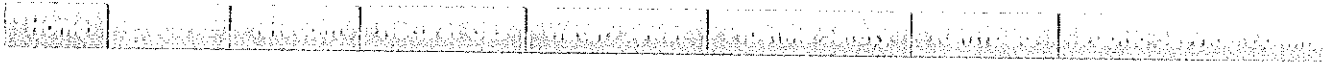
8/14/13



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# Utah Department of Commerce Division of Public Utilities



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Use this form to file an informal complaint against a utility within the State of Utah

Items in **italics** with \* are required entries.

**Utility Customer (The name on your bill or account)**

\* Customer Name: Brent/Raeleen Duncan

If Business, Contact Person:

\* Primary Phone: 801-687-6699

Other Phone: 801-420-6213

\* E-Mail Address: info@lqdb.com

**Service Address**

\* Street: 19638 South Buckskin Circle

\* City: Birdseye

\* State: UT

\* Zip: 84629

**Mail Address**

Street: HC 13 Box 312

City: Fairview

State: UT

Zip: 84629

**Utility against which you are filing a complaint**

Utility Name: Eagles Landing Water Company

\* Your Account Number: NA

**Your Complaint**

\* Complaint Type: Rate & Tariff

Complaint: I have had correspondence with Mark Long and Maria Martinez. The tariff states  
(Be sure to indicate specific dates and people you've talked to at the utility about this complaint.)

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Suggested Resolution: (What do you think the utility should do to make this situation right?)

I believe that we should be reimbursed for the money that we have been overcharged.

Submit Complaint

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**Subject:** Eagles Landing Complaint  
**Date:** Wednesday, August 14, 2013 7:33 AM  
**From:** Mark Long <mlong@utah.gov>  
**To:** Raeleen Duncan <info@LQD8R.com>, <marmartinez@utah.gov>

Hi Raeleen,

After reviewing the facts of your case, as well as concerns from other Eagle's Landing customers, the best course of action is to have you file a complaint with the Division's Customer Service section that handles such complaints. I will transfer all of the information and email correspondence I have received on your case to this section. The manager of Customer Service is Marialie Martinez who can be reached at (801) 530-6604.

Our files show that you filed a complaint last year or so with our Customer Service section. It appears as though it slipped through the cracks of the complaint process and was not followed up. I apologize for that, but I will assure your complaint will be acted on timely at this time. Will you kindly fill out another complaint form with updated information? I will transfer your faxed information to the Customer Service section so you do not have to re-fax this information to them with your new complaint.

The complaint process is explained on the Division's web site at: <http://publicutilities.utah.gov/submitcomplaint.html> .

The complaint form referred to above is located on our web site at: <http://publicutilities.utah.gov/compform.html> .

Thanks for bring up this matter with Division of Public Utilities. If you have any other questions or concerns you should direct them to Ms. Martinez or whoever she assigns this case to.

Sincerely,

Mark Long

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On Tue, Aug 13, 2013 at 1:02 PM, Raeleen Duncan <info@lqd8r.com> wrote:

Hello Mark,

I have faxed you a 25 page document with all the bills (minus 12/2012 which I must have misplaced) along with all the other documentation that I have had. Please let me know if you do not receive it. Thanks.

Raeleen Duncan

On 8/13/13 9:04 AM, "Mark Long" <mlong@utah.gov <<http://mlong@utah.gov>> > wrote:

Hi Raeleen,

Sorry for the problem you are having opening the tariff. I am sending the tariff in a WORD document that you will hopefully have better luck with. I put "unofficial" on it because I have not compared it word for word to the official pdf copy, but I believe it is identical. If there are any specific questions I can verify those for you from the original.

I appreciate your willingness to fax copies of your bills. Our fax number is 801 530-6512 <tel:801%20530-6512> .

If you have any more questions or concerns please feel free to contact me.

By the way, you may need to update your Adobe Acrobat Reader program on your computer so that you can access .pdf files in the future.

Thanks,

Mark

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On Mon, Aug 12, 2013 at 3:45 PM, Raeleen Duncan  
<info@lqd8r.com <<http://info@lqd8r.com>> > wrote:

Mark, Could you send the tariff in a different format. I  
am unable to open it. Thanks. Raeleen Duncan

On 8/12/13 1:41 PM, "Mark Long" <mlong@utah.gov  
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Hi Raeleen,

Valerie asked me to send you a copy of  
Eagle Landing's tariff. I have attached  
the .pdf file for your records. Please let me  
know if you have trouble opening this file  
and I can send it in a different format.

I would be very interested in hearing from  
you if you have any documentation or  
information that the Eagle Landing Water  
Company is charging different rates than  
those in the attached tariff.

Sincerely,

Mark Long



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Mark Long, Utility Analyst  
Division of Public Utilities

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Attached is the Formal Complaint process and form.

If you have further questions regarding the Formal Complaint process, you may contact Gary Widerburg in the Public Service Commission directly.

The Commission's information is provided in the attached form.

Thanks,  
Maria

----- Forwarded message -----

From: Lisa Orr <[Lisa.Orr@imail.org](mailto:Lisa.Orr@imail.org)>  
Date: Tue, Sep 24, 2013 at 10:51 AM  
Subject: RE: Eagle's Landing Residents and Terry & Lisa Orr Complaints  
To: Marialie Martinez <[marmartinez@utah.gov](mailto:marmartinez@utah.gov)>  
Cc: "[info@lqd8r.com](mailto:info@lqd8r.com)" <[info@lqd8r.com](mailto:info@lqd8r.com)>

What steps need to be done for a formal complaint?

From: Marialie Martinez [mailto:[marmartinez@utah.gov](mailto:marmartinez@utah.gov)]  
Sent: Tuesday, September 24, 2013 9:54 AM  
To: Smith, Craig; david olsen; Long, Mark; Duncan, William; Lisa Orr; [info@lqd8r.com](mailto:info@lqd8r.com)  
Subject: RE: Eagle's Landing Residents and Terry & Lisa Orr Complaints

Mr. Smith and Mr. Olsen,

I just wanted to follow up and send another reminder that I have not yet received a response regarding my last follow up email last Friday.

It has been over 30 days and I haven't received acknowledgement that Mr. Olsen will send a response to the complaints I sent.

I will then consider this Informal Complaint unresolved and will proceed to advise the complainants to file a Formal Complaint with the UT Public Service Commission.

Maria

----- Forwarded message -----

From: Marialie Martinez <[marmartinez@utah.gov](mailto:marmartinez@utah.gov)>  
Date: Fri, Sep 20, 2013 at 11:50 AM  
Subject: Re: Residents of Eagle's Landing, Birdseye, UT Complaint  
To: "J. Craig Smith" <[jcsmith@smithlawonline.com](mailto:jcsmith@smithlawonline.com)>

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Cc: "Duncan, William" <[wduncan@utah.gov](mailto:wduncan@utah.gov)>, "Long, Mark" <[mlong@utah.gov](mailto:mlong@utah.gov)>, David Olsen <[david@redrockcapital.co](mailto:david@redrockcapital.co)>

Mr. Smith,

My section handle's Informal Complaints only. What you wish to discuss with the Division may be best requesting a meeting with the Water and Telecom section such as Bill Duncan and Mark Long. I'm unsure of whether they are in a position to advise you on what steps the company could take to make it more financially viable. You may contact Bill or Mark directly in regards to your questions.

What I need from Mr. Olsen is to send me a response to the two complaints I sent him so that I can close it. Attached are the two informal complaint reports for your review as well as a copy of the UT Public Service Commission Rule R746-200-8 Informal Review Process.

Mr. Olsen needs to explain to the complainants why he is charging more than what the approved tariff rate is.

The first complaint (Terry and Lisa Orr) I kept separated from the rest of the other complaints because it is about getting the water lines marked.

The second complaint I combined into one under (Eagle's Landing Residents) because it is about the same issue. There are a total of 4 complainants that Mr. Olsen needs to respond to regarding the monthly rate charge. Again he needs to explain why he is charging more than what is in the approved tariff. The report has all the names and contact information of each.

Mr. Olsen may send me a copy of the letter he sent each of the complainants if he did do so, or send me a summary of the communication and resolution if there was one.

Once I receive a response from Mr. Olsen, I can close the Informal Complaint. If the complainants are not satisfied with the result of the Informal, then it is their right to file a Formal Complaint with the Commission.

Thanks,

Maria

On Thu, Sep 19, 2013 at 6:32 PM, J. Craig Smith <[jcsmith@smithlawonline.com](mailto:jcsmith@smithlawonline.com)> wrote:

Ms. Martinez,

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I actually hoped to be able discuss the larger issue of the financial viability of the Company. It is currently not able to meet its monthly obligations and is only surviving due to regular cash infusion by Mr. David Gardner. As you may or may not know, the Company was designed to serve over 100 connections but only serves a fraction of

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that number, due to the fact that most of the development was never built.

At this time Mr. Gardner is unable to retain my services or services of any legal counsel due to lack of funds. We were hoping to be able to discuss this issue and any thoughts that the Division may have on what steps we could take to make the Company financially viable. Frankly, if the financial situation doesn't change soon there will not be a Company to complain about and the residents will be left to their own devices for drinking water. I know that this is something that the Division has faced before, thus we are seeking your input.

Please let me know if the Division would like to meet and discuss this issue. Thanks.

Craig

J. Craig Smith, Esq.



SMITH HARTVIGSEN PLLC

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801-413-1600

801-413-1620 fax

877-825-2064 toll free

jcsmith@smithlawonline.com

www.smithhartvigsen.com

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**From:** Marialie Martinez [mailto:[marmartinez@utah.gov](mailto:marmartinez@utah.gov)]  
**Sent:** Wednesday, September 18, 2013 3:17 PM  
**To:** J. Craig Smith; Duncan, William; Long, Mark  
**Subject:** Re: Residents of Eagle's Landing, Birdseye, UT Complaint

Mr. Smith,

Do you wish to set up a meeting to discuss how the Informal Complaint process works and how to respond to it or is it about a rate case?

I don't see it necessary to have a meeting over a response I'm requiring Mr. Olsen to provide me so I can close the Informal Complaint. Commission Rule R746-200-8 (A) Informal Review I thought is clear on how a utility company should respond to a complaint.

I'd be happy to send you a copy of the Rule as well as the two informal complaint reports I need Mr. Olsen to respond to.

Please feel free to call or email me if you have further questions.

Thanks,

Maria

On Wed, Sep 18, 2013 at 12:19 PM, J. Craig Smith <[jcsmith@smithlawonline.com](mailto:jcsmith@smithlawonline.com)> wrote:

Ms. Martinez,

I was just forwarded your e-mail by David Olsen. Would it be possible to set up a meeting on this matter? I will be at the Commission on Friday on another matter. Mr. Olsen is also available on Friday. If 2:00pm on Friday would work for your schedule, it would be ideal for us. If that time does not work please let me know other dates and times that are available. Thank you.

Craig

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J. Craig Smith Esq.

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J. Craig Smith, Esq.



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**From:** David Olsen [mailto:[david@redrockcapital.co](mailto:david@redrockcapital.co)]  
**Sent:** Wednesday, September 18, 2013 12:09 PM  
**To:** J. Craig Smith  
**Subject:** Fwd: Residents of Eagle's Landing, Birdseye, UT Complaint

Begin forwarded message:

**From:** "Marialie Martinez" <[marmartinez@utah.gov](mailto:marmartinez@utah.gov)>  
**To:** "David Olsen" <[david@redrockcapital.co](mailto:david@redrockcapital.co)>, "Long, Mark" <[mlong@utah.gov](mailto:mlong@utah.gov)>, "Duncan, William" <[wduncan@utah.gov](mailto:wduncan@utah.gov)>, "info@lqd8r.com" <[info@lqd8r.com](mailto:info@lqd8r.com)>  
**Subject:** Fwd: Residents of Eagle's Landing, Birdseye, UT Complaint

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Mr. Olsen,

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As I stated in my follow up email to you yesterday, this complaint has passed the 30 day extension per UT Public Service Commission Rule R746-200-8 (A). It states,

"The utility shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the utility request that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The utility shall inform the Division employee of the utility's response to the complainant, the proposed solution and the complainant's acceptance or rejections of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint."

Please respond immediately.

Maria

----- Forwarded message -----

From: Marialie Martinez <[marmartinez@utah.gov](mailto:marmartinez@utah.gov)<<mailto:marmartinez@utah.gov>>>  
Date: Tue, Sep 17, 2013 at 9:46 AM  
Subject: Fwd: Residents of Eagle's Landing, Birdseye, UT Complaint  
To: david olsen <[david@redrockcapital.co](mailto:david@redrockcapital.co)<<mailto:david@redrockcapital.co>>>

Mr Olsen,

This complaint also has passed the 30 day extension. I need a response from you so that I can close this Informal Complaint and can advise the complainants to file a Formal Complaint with the Public Service Commission should there be no resolution in this informal complaint process.

Maria

----- Forwarded message -----

From: Marialie Martinez <[marmartinez@utah.gov](mailto:marmartinez@utah.gov)<<mailto:marmartinez@utah.gov>>>  
Date: Thu, Aug 15, 2013 at 10:31 AM  
Subject: Residents of Eagle's Landing, Birdseye, UT Complaint  
To: david <[david@redrockcapital.co](mailto:david@redrockcapital.co)<<mailto:david@redrockcapital.co>>>, "Long, Mark" <[mlong@utah.gov](mailto:mlong@utah.gov)<<mailto:mlong@utah.gov>>>, "Duncan, William" <[wduncan@utah.gov](mailto:wduncan@utah.gov)<<mailto:wduncan@utah.gov>>>, [info@lqd8r.com](mailto:info@lqd8r.com)<<mailto:info@lqd8r.com>>

Please respond within 5 business days per UT Public Service Commission Rule (PSC) Rule R746-200-8 Informal Review Process.

R746-200-8. Informal Review.

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A. A person who is unable to resolve a dispute with the utility concerning a matter subject to Public Service Commission jurisdiction may obtain informal review of the dispute by a designated employee within the Division of Public Utilities. This employee shall investigate the dispute, try to resolve it, and inform both the utility and the consumer of his findings within five business days from receipt of the informal review request.

Upon receipt of a request for informal review, the Division employee shall, within one business day, notify the utility that an informal complaint has been filed. Absent unusual circumstances, the utility shall attempt to resolve the complaint within five business days.

In no circumstances shall the utility fail to respond to the informal complaint within five business days. The response shall advise the complainant and the Division employee regarding the results of the utility's investigation and a proposed solution to the dispute or provide a timetable to complete any investigation and propose a solution. The utility shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the utility request that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The utility shall inform the Division employee of the utility's response to the complaint, the proposed solution and the complainant's acceptance or rejection of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint. If, after 30 calendar days from the receipt of a request for informal review, the Division employee has received no information that the complainant has accepted a proposed solution or otherwise completely resolved the complaint with the utility, the complaint shall be presumed to be unresolved.

B. Mediation - If the utility or the complainant determines that they cannot resolve the dispute by themselves, either of them may request that the Division attempt to mediate the dispute. When a mediation request is made, the Division employee shall inform the other party within five business days of the mediation request. The other party shall either accept or reject the mediation request within ten business days after the date of the mediation request, and so advise the mediation-requesting party and the Division employee. If mediation is accepted by both parties or the complaint continues to be unresolved 30 calendar days after receipt, the Division employee shall further investigate and evaluate the dispute, considering both the customer's complaint and the utility's response, their past efforts to resolve the dispute, and try to mediate a resolution between the complainant and the utility. Mediation efforts may continue for 30 days or until the Division employee informs the parties that the Division has determined that mediation is not likely to result in a mutually acceptable resolution, whichever is shorter.

C. Division Access to Information during Informal Review or Mediation - The utility and the complainant shall provide documents, data or other information requested by the Division, to evaluate the complaint, within five business days of the Division's request, if reasonably possible or as expeditiously as possible, if they cannot be provided within five business days.

D. Commission Review - If the utility has proposed that the complaint be dismissed from informal review for lack of merit and the Division concurs in the disposition, if either party has rejected mediation or if mediation efforts are unsuccessful and the Division has

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not been able to assist the parties in reaching a mutually accepted resolution of the informal dispute, or the dispute is otherwise unresolved between the parties, the Division in all cases shall inform the complainant of the right to petition the Commission for a review of the dispute, and shall make available to the complainant a standardized complaint form with instructions approved by the Commission. The Division itself may petition the Commission for review of a dispute in any case which the Division determines appropriate. While a complainant is proceeding with an informal or a formal review or mediation by the Division or a Commission review of a dispute, no termination of service shall be permitted, if any amounts not disputed are paid when due, subject to the utility's right to terminate service pursuant to R746-200-6(F), Termination of Service Without Notice.

R746-200-8. Formal Agency Proceedings Based Upon Complaint Review.

The Commission, upon its own motion or upon the petition of any person, may initiate formal or investigative proceedings upon matters arising out of informal complaints.

--

Marialie Martinez  
Commerce Manager I  
Division of Public Utilities  
[marmartinez@utah.gov](mailto:marmartinez@utah.gov)<<mailto:marmartinez@utah.gov>>  
[tel:\(801\)530-6604](tel:(801)530-6604)<[tel:\(801\)530-6604](tel:(801)530-6604)>

--

Marialie Martinez  
Commerce Manager I  
Division of Public Utilities  
[marmartinez@utah.gov](mailto:marmartinez@utah.gov)<<mailto:marmartinez@utah.gov>>  
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--

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--  
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[\(801\) 530-6604](tel:(801)530-6604)

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24 of 123

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--  
Marialie Martinez  
Commerce Manager I  
Division of Public Utilities  
[marmartinez@utah.gov](mailto:marmartinez@utah.gov)  
(801) 530-6604

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DUNCAN Pre-filed  
Docket #:13-2477-02

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 7/1/2011 | 272       |

|  |
|--|
| Bill To  |
| Scott Lofgran<br>19638 South Buckskin Circle<br>Birdseye, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 06/30/2011          | 7/10/2011 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 8/1/2011 | 282       |

|  |
|--|
| Bill To  |
| Showplace Homes RE, Inc.<br>324 E. 8800 S.<br>Spanish Fork, UT 84660 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 07/31/2011          | 8/10/2011 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 35.00               | 35.00     |
| Lofgrens        |                  |  | <b>Total</b>        | \$35.00   |

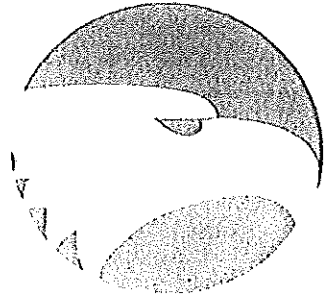
27 of 123

21

134 124055 1221

12041+

H 234481



Dustin Olson  
answered the phone.

Water Company

Reconnection Fee For lot #8 In Eagles Landing Development

\$200.00

Total \$200.00

22

DUNCAN Pre-filed  
Docket #:13-2477-02

28 of 123

772 South Cartersville Road  
Orem, UT 84097  
801.888.1041  
801.888.1040

Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 3/1/2012 | 344       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 02/29/2012          | 3/10/2012 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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mailed 4/30/12

Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 4/1/2012 | 353       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 03/31/2012          | 4/10/2012 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | 55.00     |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 5/1/2012 | 363       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

*pd 5/7/12*

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 04/30/2012          | 5/10/2012 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | \$5.00              | \$5.00    |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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*25*

*pd celas/ia*

Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 6/1/2012 | 373       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 05/31/2012          | 6/10/2012 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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*26*



Due to the high water usage this year, water rates will be raised to \$110.00 for the period of June 2012 to October 2012. After that time water rates will return to \$55.00.

Thanks

Eagles Landing Water Company

Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 7/1/2012 | 374       |

|   |
|---|
| <b>Bill To</b>                                      |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle        | Due Date                   |
|-----------------|------------------|--|----------------------------|----------------------------|
| N/A             | N/A              | N/A  | 06/30/2012                 | 7/10/2012                  |
| Qty             | Item             | Description  | Rate                       | Amount                     |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | <del>110.00</del><br>55.00 | <del>110.00</del><br>55.00 |
|                 |                  |  | <b>Total</b>               | \$110.00                   |

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Update to all Water Users of Eagles Landing Water Company

July 9<sup>th</sup>, 2012

In Reference to the Water bills received and owing July 10<sup>th</sup>, 2012

I have spoken with Bill Duncan at the Utah Public Service Commission today. I also registered an informal complaint with the Public Services Commission.

When Bill returned my call he told Brent that there is a process for requesting a rate increase through their office. It is as follows:

The utility company notifies us that they will be requesting a rate increase. They request a rate increase from the Public Service Commission. When the board approves the rate increase, then we are notified that sometime in the future (determined by the board) the rate increase will take effect.

Until we are notified of a rate increase authorized by the PSC we do not have a rate increase.

I went online to register my informal complaint. The website I went to is: [www.psc.ut.gov](http://www.psc.ut.gov) if you want to learn more about what the Public Service Commission does. Bill Duncan is the person that oversees all Water Companies in the State of UT.

Bill had not received my informal complaint at the time he returned my call but he will look into things and will give us a call back when he has had a chance to review my complaint.

If you have questions please feel free to call me at 801-420-6213

Thanks. Raeleen Duncan

PS: Until we receive notification of a rate increase as approved by the Public Service Commission Brent and I will be paying the usual customary amount of \$55 per month.

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35 of 123

We are a community of 11 homes and receive our water through a private water company. We just received a water bill of \$110 (No sewer or garbage, just water) We have been told that our bill year round would be \$55 to account for the fluctuation of water usage throughout the year. The attached note stated "Due to high water usage this year, water rates will be raised to \$110.00 for the period of June 2012 to October 2012. After that time water rates will return to \$55.00" End of statement. Our meters are never read. (One resident does not yet have grass on his property.) Two weeks ago we as a community were without power for 3 days, so we requested that the owner put in a generator so that we could use the pump to pull up more water. He finally agreed to get an electrician here to install the proper electrical, but required us as home owners to pay for the use of the generator. (We agreed because we needed water, and determined that we would rent a generator and divide the costs among the 10 homes that are currently occupied. My understanding is that the water company is required to pay for things necessary to provide water to our community. One of our residents goes to the pump house 2-3 times a week to turn on the pump, but he is never reimbursed for his time or travel expenses. We as a community are grateful for this residents desire to take care of this issue so we have water as it is needed.) My understanding is that rates cannot be arbitrarily increased on the whim of the owner of the water company. I have not spoken with the water company. We have been told this situation arose in the past and the owner was told he could not raise the rates. I believe that was when the \$55 a month rounded rate was implemented.

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30

Subject: Eagles Landing Water Co Grievance  
Date: Tuesday, July 10, 2012 8:14 AM  
From: Utility Complaints <utilcomp@utah.gov>  
To: Raeleen Duncan <info@LQD8R.com>

Dear Raeleen Duncan,

If you have a problem with a regulated utility company you should first contact the company, at the phone number listed on your utility bill, and try to resolve the problem directly with the company. If you have tried to resolve the problem with the company and are not satisfied with the results you can file an informal complaint with the Division of Public Utilities.

Respectfully,

The Utah Division of Public Utilities

>>> <SERVER@dpu.utah.gov> 7/9/2012 12:02 PM >>>

UTILITY CUSTOMER:  
FROM: Raeleen Duncan  
PHONE: 801-420-6213  
EMAIL: info@lqd8r.com  
IP: 205.197.214.159

SERVICE ADDRESS:  
19638 South Buckskin Circle  
Birdseye, UT 84629

MAILING ADDRESS:  
HC 13 Box 312  
Fairview , UT 84629

UTILITY: Eagles Landing Water Company  
ACCOUNT NUMBER: Inv #374

COMPLAINT TYPE: Additional Charges

COMPLAINT: We are a community of 11 homes and receive our water through a private water company. We just received a water bill of \$110 (No sewer or garbage, just water) We have been told that our bill year round would be \$55 to account for the fluctuation of water usage throughout the year. The attached note stated "Due to high water usage this year, water rates will be raised to \$110.00 for the period of June 2012 to October 2012. After that time water rates will return to \$55.00" End of statement. Our meters are never read. (One resident does not yet have grass on his property.) Two weeks ago we as a community were without power for

37 of 123

Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 8/1/2012 | 393       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 07/31/2012          | 8/10/2012 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 9/1/2012 | 403       |

|  |
|--|
| Bill To  |
| Brent Duncan<br>11C-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 08/31/2012          | 9/10/2012 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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**33**  
DUNCAN Pre-filed  
Docket #:13-2477-02

Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

Date Invoice #  
10/1/2012 413

**Bill To**

Brent Duncan  
HC-13 Box 312  
Fairview, UT 84629

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date   |
|-----------------|------------------|--|---------------------|------------|
| N/A             | N/A              | N/A  | 09/30/12            | 10/10/2012 |
| Qty             | Item             | Description  | Rate                | Amount     |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00      |

**Total** \$55.00

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34



Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|           |           |
|-----------|-----------|
| Date      | Invoice # |
| 11/1/2012 | 423       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date   |
|-----------------|------------------|--|---------------------|------------|
| N/A             | N/A              | N/A  | 10/31/2012          | 11/10/2012 |
| Qty             | Item             | Description  | Rate                | Amount     |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00      |
|                 |                  |  | <b>Total</b>        | \$55.00    |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 1/1/2013 | 451       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 12/31/2012          | 1/15/2013 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

| Date     | Invoice # |
|----------|-----------|
| 2/1/2013 | 461       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 01/31/2013          | 2/15/2013 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 3/1/2013 | 472       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 02/28/2013          | 3/15/2013 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

| Date      | Invoice # |
|-----------|-----------|
| 4/16/2013 | 483       |

|  |
|--|
| Bill To  |
| Brent Duncan<br>11C-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date       |
|-----------------|------------------|--|---------------------|----------------|
| N/A             | N/A              | N/A  | 03/31/2013          | 4/20/2013      |
| Qty             | Item             | Description  | Rate                | Amount         |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00          |
|                 |                  |  | <b>Total</b>        | <b>\$55.00</b> |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 5/1/2013 | 489       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 04/30/2013          | 5/15/2013 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 6/1/2013 | 500       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 05/31/2013          | 6/15/2013 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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DUNCAN Pre-filed  
Docket #:13-2477-02

Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 7/5/2013 | 511       |

|  |
|--|
| <b>Bill To</b>                                       |
| Brent Duncan<br>HIC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 06/30/2013          | 7/15/2013 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 55.00               | 55.00     |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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DUNCAN Pre-filed  
Docket #:13-2477-02



Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|          |           |
|----------|-----------|
| Date     | Invoice # |
| 8/1/2013 | 523       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption  | Water Billing Cycle | Due Date  |
|-----------------|------------------|--|---------------------|-----------|
| N/A             | N/A              | N/A  | 07/31/2013          | 8/15/2013 |
| Qty             | Item             | Description  | Rate                | Amount    |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate<br><i>35.00</i> | 55.00               | 55.00     |
|                 |                  |  | <i>Pa 55 #3244</i>  |           |
|                 |                  |  | <b>Total</b>        | \$55.00   |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

| Date     | Invoice # |
|----------|-----------|
| 9/5/2013 | 534       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption   | Water Billing Cycle | Due Date      |
|-----------------|------------------|---|---------------------|---------------|
| N/A             | N/A              | N/A   | 08/31/2013          | 9/15/2013     |
| Qty             | Item             | Description   | Rate                | Amount        |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate<br><i>35.0</i> | 55.00               | 55.00         |
|                 |                  |   | <i>Act. 55.00</i>   | <i># 3044</i> |
|                 |                  |   | <b>Total</b>        | 55.00         |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

| Date      | Invoice # |
|-----------|-----------|
| 10/1/2013 | 545       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption  | Water Billing Cycle            | Due Date   |
|-----------------|------------------|--|--------------------------------|------------|
| N/A             | N/A              | N/A  | 09/30/2013                     | 10/15/2013 |
| Qty             | Item             | Description  | Rate                           | Amount     |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate<br><i>35.00</i> | 55.00                          | 55.00      |
|                 |                  |  | <i>pd. 55 # 165.00 # 3244.</i> |            |
|                 |                  |  | <b>Total</b>                   | \$55.00    |

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CRESTLINE GROUP, LP

Eagles Landing Water Company, LLC

10/19/2013

324.4

165.00

FLP Checking

Inv #523, 534, 545 \$35.00 for 10,000 gal month!

165.00

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|           |           |
|-----------|-----------|
| Date      | Invoice # |
| 11/1/2013 | 589       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

|                 |                  |  |                     |            |
|-----------------|------------------|--|---------------------|------------|
| Present Reading | Previous Reading | Total Consumption                                  | Water Billing Cycle | Due Date   |
| N/A             | N/A              | N/A  | 10/31/2013          | 11/15/2013 |
| Qty             | Item             | Description  | Rate                | Amount     |
| 1               | MS               | Monthly Water Usage up to 10,000 Gallon Fixed Rate | 35.00               | 35.00      |

CRESTLINE GROUP, LP

3251

Eagles Landing Water Company, LLC

Date Type Reference  
11/23/2013 Bill

Original Amt.  
35.00

Balance Due  
35.00

11/23/2013  
Discount  
Check Amount

Payment  
35.00  
35.00

FLP Checking

35.00

|              |  |  |  |       |
|--------------|--|--|--|-------|
|              |  |  |  |       |
| <b>Total</b> |  |  |  | 35.00 |

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October 24, 2013

To Whom It May Concern:

After reviewing with our Attorneys and the Public Service Commission, we are now following the Water Service Rate Schedule for the Eagles Landing Water Company, L.L.C. that is attached. As of November 11, 2013, water will be billed as per the schedule and meters will be read monthly as weather conditions permit. Payments for the meter set are due upon receipt. If you have any questions, please call David Olsen at 801-885-1040.

Thanks

Eagles Landing Water Company, L.L.C.

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Eagles Landing Water Company, LLC

PO Box 970729  
 Orem, UT 84097

# Invoice

|            |           |
|------------|-----------|
| Date       | Invoice # |
| 10/24/2013 | 563       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption | Water Billing Cycle | Due Date   |
|-----------------|------------------|-------------------|---------------------|------------|
|                 |                  |                   |                     | 10/31/2013 |
| Qty             | Item             | Description       | Rate                | Amount     |
| 1               | Hook Up Fee      | Hook Up Fees      | 100.00              | 100.00     |
|                 |                  |                   | <b>Total</b>        | \$100.00   |

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Eagles Landing Water Company, LLC

PO Box 970729  
Orem, UT 84097

# Invoice

|            |           |
|------------|-----------|
| Date       | Invoice # |
| 10/24/2013 | 553       |

|   |
|---|
| Bill To   |
| Brent Duncan<br>HC-13 Box 312<br>Fairview, UT 84629 |

| Present Reading | Previous Reading | Total Consumption | Water Billing Cycle | Due Date   |
|-----------------|------------------|-------------------|---------------------|------------|
|                 |                  |                   |                     | 10/31/2013 |
| Qty             | Item             | Description       | Rate                | Amount     |
| 1               | MTR              | Meter Set         | 4,000.00            | 4,000.00   |
|                 |                  |                   | <b>Total</b>        | \$4,000.00 |

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EAGLES LANDING WATER COMPANY

Notice to Water Users,

On August 18, 2008, the Public Service of Utah approved the Company's application for a Certificate of Convenience and Necessity and to set rates and the rate structure. Effective September 1, 2008, the rates applicable to all water users in the Company's service area are as follows:

|                         |                           |
|-------------------------|---------------------------|
| First 10,000 gallons    | \$ 35.00 Fixed Charge     |
| 10,001 - 20,000 gallons | \$ 2.50 per 1,000 gallons |
| 20,001 - 40,000 gallons | \$ 3.00 per 1,000 gallons |
| 40,001 - 60,000 gallons | \$ 3.50 per 1,000 gallons |
| 60,001 - 80,000 gallons | \$ 4.00 per 1,000 gallons |
| 80,001 gallons          | \$ 5.00 per 1,000 gallons |

Service Connection Charges

|  |                 |
|--|-----------------|
| 1" service to property line, where service fronts property line, including meter and materials. One time charge for each service requiring new meter installation. | \$ 4,000        |
| Turn-on service where meter is already in place  | \$ 100          |
| Turn-off service   | \$ 25           |
| Stand by Fee   | \$ 10 per month |
| Late payment fee   | 1.5% per month  |

The rate structure is designed to provide ample water for your reasonable needs, but also to encourage conservation by making water use which is well in excess of the State standards for household water consumption more expensive.

Eagles Landing Water Company

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**PARTY DETAIL FOR EAGLES LANDING WATER COMPANY LLC**

DOCUMENTS 1 TO 4 OF 4

| Name<br>Description  | Entry No<br>Book Page          | Rec Date<br>Exp Date     | Koi Desc<br>Release             | Suffix | Party Type |
|--|--------------------------------|--------------------------|---------------------------------|--------|------------|
| EAGLES LANDING DEVELOPMENT LLC<br>Section 07 Township 11S Range 4E | <u>114824;1999</u><br>5256 398 | 10/27/1999<br>10/27/1999 | W WD                            |        | 1          |
| WILDING, JOHN<br>Section 12,13 Township 11S Range 3E               | <u>90448;2001</u>              | 9/6/2001<br>9/6/2001     | TR D<br>R Entry 99925 Year 2001 |        | 2          |
| WILDING, JOHN<br>WATER RIGHT #51-7221 #51-7252                     | <u>90449;2001</u>              | 9/6/2001<br>9/6/2001     | W QCD                           |        | 2          |
| HEARTHSTONE DEVELOPMENT INC<br>WATER RIGHT # 51-7221, 51-7252      | <u>104628;2006</u>             | 8/14/2006<br>7/31/2006   | W QCD                           |        | 2          |

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 Docket #:13-2477-02



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DOCUMENT DETAIL

Document Image Viewer

Entry #: 99937-2001      Recorded: 10/2/2001 10:52:53 AM  
Instrument Date: 10/3/2000  
Kind of Inst: S PLAT - PLAT-SUBDIVISION  
Rec Party: EAGLES LANDING DEVELOPMENT  
Mail Party: DELIVERED  
Mail Address:  
Tax Address: NOT APPLICABLE

Pages: 1  
Consideration:\$0.00  
Fees:\$155.00

- Grantor(s): EAGLES LANDING DEVELOPMENT LLC
- Grantee(s): EAGLES LANDING MHD PLAT A
- Serial Number(s): 33:003:0061 Part to: 38:311:0001
- 33:003:0061 Part to: 38:311:0002
- 33:003:0061 Part to: 38:311:0003
- 33:003:0061 Part to: 38:311:0004
- 33:003:0061 Part to: 38:311:0005
- 33:003:0061 Part to: 38:311:0006
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Tie Entry(s):

Releases:

Abbv Legal Desc: Section 12 Township 11S Range 3E  
MAP FILING 9263 ARM 105

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DOCUMENT DETAIL

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|  |                               |                       |
|--|-------------------------------|-----------------------|
| Entry #: 90449-2001                                      | Recorded: 9/6/2001 4:23:17 PM | Pages: 3              |
| Instrument Date: 9/6/2001                                |                               | Consideration:\$10.00 |
| Kind of Inst: W QCD - WATER QUIT CLAIM DEED (WATER ONLY) |                               | Fees:\$16.00          |
| Rec Party: TITLE WEST HIGHLAND                           |                               |                       |
| Mail Party: DELIVERED                                    |                               |                       |
| Mail Address:  |                               |                       |
| Tax Address: HC 13 BOX 137 FAIRVIEW, UT 84629            |                               |                       |
| Grantor(s): <u>EAGLES LANDING WATER COMPANY LLC</u>      |                               |                       |
| Grantee(s): <u>WILDING, JOHN</u>                         |                               |                       |
| Serial Number(s): <u>33:003:0059</u>                     |                               |                       |
| Tie Entry(s):  |                               |                       |
| Releases:  |                               |                       |
| Abbv Legal Desc: WATER RIGHT #51-7221 #51-7252           |                               |                       |
| Section 12,13 Township 11S Range 3E                      |                               |                       |
| Section 07,18 Township 11S Range 4E                      |                               |                       |

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## DOCUMENT DETAIL

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|  |                                 |                       |
|--|---------------------------------|-----------------------|
| Entry #: 119479-2009                                     | Recorded: 11/17/2009 3:42:01 PM | Pages: 3              |
| Instrument Date: 11/17/2009                              |                                 | Consideration:\$10.00 |
| Kind of Inst: W QCD - WATER QUIT CLAIM DEED (WATER ONLY) |                                 | Fees:\$15.00          |
| Rec Party: SIMPLIFILE for TITLE WEST - SPANISH FORK      |                                 |                       |
| Mail Party: DELIVERED                                    |                                 |                       |

Mail Address:

Tax Address: NOT APPLICABLE

Grantor(s): DAX ENTERPRISES LC

Grantee(s): CANYON CREEK DEVELOPMENT LLC

Serial Number(s): 38:311:0001

38:311:0002

38:311:0003

38:311:0004

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Tie Entry(s):

Releases:

Abbv Legal Desc: WATER RIGHT #51-7221

Section 12,13 Township 11S Range 3E

Section 18 Township 11S Range 4E

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**PARTY DETAIL FOR DRINKING WATER SOURCE PROTECTION PLAN**

DOCUMENTS 1 TO 1 OF 1

| Name<br>Description   | Entry No<br>Book Page | Rec Date<br>Exe Date   | Koi Desc<br>Release | Suffix | Party Type |
|---|-----------------------|------------------------|---------------------|--------|------------|
| EAGLE LANDING DEVELOPMENT LLC<br>Section 12 Township 11S Range 3E | <u>14058;2007</u>     | 1/29/2007<br>1/19/2007 | AGR                 |        | 2          |

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State of Utah  
 Department of Commerce  
 Division of Public Utilities

FRANCINE GIANI  
*Executive Director*

THAD LEVAR  
*Deputy Director*

PHILIP J. POWLICK  
*Director, Division of Public Utilities*

JON HUNTSMAN Jr.  
*Governor*  
 GARY HERBERT  
*Lieutenant Governor*

July 28, 2008

**TO:** Public Service Commission of Utah

**FROM:** Division of Public Utilities  
 Philip J. Powlick, Director  
 William Duncan, Manager, Telecommunications and Water  
 Paul Hicken, Utility Analyst

**RE:** In the Matter of the Application of Eagle's Landing Water Company, L.L.C. for a Certificate of Convenience and Necessity to operate as a Public Utility Rendering Culinary Water Service.  
 Docket No. 07-2477-01

**RECOMMENDATION**

The Division of Public Utilities has reviewed the application from Eagle's Landing Water Company, to operate as a public utility providing culinary water service. The Division recommends that a Certificate of Public Convenience and Necessity be issued to the company and requests that the Utah Public Service Commission schedule a hearing as soon as possible.

**BACKGROUND**

Eagle's Landing Water Company, LLC submitted an application for a Certificate of Public Convenience and Necessity to provide culinary water service to a small mountain community of residential homes on US Highway 89 several miles south of the town of Thistle, in Utah county. The development consists of 95 single family lots on 299 acres. At the present time, there are 7 residents connected to the system. The water company is owned and fully financed by Hearthstone Development Inc., a registered corporation headquartered in Spanish Fork, Utah. The water company is registered with the Division of Corporations as a domestic, for profit corporation. The company has adequate water rights for more than the expected 95 connections. The water comes from a single well that was drilled in 1999 and has an approved flow rating of 120 gpm. The system was designed by a certified engineering firm and approved by

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engineers at the state Division of Drinking Water. The company's water quality has been tested regularly and they are currently in good standing with the DDW.

## ANALYSIS AND EVALUATION

The analysis and evaluation of the application and proposal for Eagle's Landing Water Company is based on financial data provided by the company for CY 2007, and projected for years 2008 through 2016. This analysis is presented in DPU Exhibits 1.1 through 1.6.

The depreciation of company assets and the amortization of Contributions In Aid of Construction are shown in DPU Ex. 1.6. This information was provided by the company and it appears to be complete and accurate as to the asset values and depreciable lives of the assets used in the rate base. The cost for asset additions for years 2008 through 2016 is based on the estimated total cost of future asset additions to the system. This is understood to represent primarily meter installations and extended distribution lines. The amortization of CIAC over 30 years is appropriate.

DPU Ex. 1.5 is a projection that was provided by the company. It shows actual expenses and revenues for 2007 and projected revenues for 2008 through 2016. Revenue estimates are based on a projected number of new connections each year. The projections include only the revenues from connection fees and basic service fees. This exhibit also shows the actual expenses and the projected expenses until the year 2016.

The income statement for CY 2008 is shown in DPU Ex. 1.4. This exhibit includes actual revenues and expenses for 2007 and estimated amounts through the end of 2008. DPU constructed this statement based on financial information provided by the company. This information appears to be accurate and DPU makes no adjustments to the data. The notable information in this statement is that the company is operating at a net loss of \$19,000 for the current year.

The rate-base analysis is shown in DPU Ex. 1.3. This exhibit was constructed by DPU to show the actual value of the rate-base when the system was put into operation in 2007, and the declining value of the rate-base each year as the assets depreciate. This exhibit is extended out to the year 2014 because this is the year that the rate design shows the company will finally have a net income instead of a net loss.

The analysis of the revenue requirements is shown in DPU Ex. 1.2. In this analysis, the DPU uses projected revenues and expenses and includes a 12 percent rate of return, to calculate the revenues needed for future operations. It

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covers the years from 2008 through 2014. It shows that as the value of the rate-base declines, the amount of revenues needed also decreases.

The DPU constructed a rate design analysis, DPU Ex. 1.1, to show how revenues from the proposed rates will affect the bottom line of the company over the years. This analysis is tied to the estimates and projections from the other exhibits. As shown in this exhibit, DPU projects that the company will have a revenue shortfall of nearly \$62,000 by the end of the 2008 calendar year. With the proposed rate structure, the company will continue to have revenue shortfalls of lesser amounts for each of the next 5 years, until the year 2014 when the company will experience a revenue surplus of about \$3,000.

The company is aware of the projected revenue shortfalls for the next 5 years. There are huge start up costs associated with new water companies. The owners of the water company have agreed to recover a majority of their system costs through the sale of the developed lots, as specified in R746-330-6.

**PROPOSED RATES**

The proposed rates are intended to provide revenues for operations and to recover some costs from asset depreciation in order to maintain and replace the system as needed. The rates as proposed by the company are outlined in the following table:

| <b>Eagle's Landing Water Company</b>       |                                 |
|--|---------------------------------|
| <b>Water Usage</b>                         | <b>Proposed Rate</b>            |
| <b>Basic Service: up to 10,000 gallons</b> | <b>\$35 per month</b>           |
| <b>Tier 1: 10,001 – 20,000 gallons</b>     | <b>\$2.50 per 1,000 gallons</b> |
| <b>Tier 2: 20,001 – 40,000 gallons</b>     | <b>\$3 per 1,000 gallons</b>    |
| <b>Tier 3: 40,001 – 60,000 gallons</b>     | <b>\$3.50 per 1,000 gallons</b> |
| <b>Tier 4: 60,001 – 80,000 gallons</b>     | <b>\$4 per 1,000 gallons</b>    |
| <b>Tier 5: over 80,000 gallons</b>         | <b>\$5 per 1,000 gallons</b>    |
| <b>Other Fees</b>                          | <b>Proposed Rate</b>            |
| <b>Connection Fee</b>                      | <b>\$4,000</b>                  |
| <b>Stand by Fee</b>                        | <b>\$10 per month</b>           |
| <b>Turn On Fee</b>                         | <b>\$100</b>                    |
| <b>Turn Off Fee</b>                        | <b>\$25</b>                     |
| <b>Late Payment Fee</b>                    | <b>1.5% per month</b>           |

These proposed rates are within an acceptable range of other regulated water companies. The Division feels the rates are appropriate and needed to

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compensate the company for the water service provided. The rates will bring much needed revenue to the company.

#### CONCLUSION

The Division finds the rates proposed in this application to be just and reasonable. The Division is also satisfied that the water user's rights and interests will be protected and therefore, recommends that the Commission approve of Eagle's Landing Water Company's application for a Certificate of Public Convenience and Necessity.

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Eagles Landing Water Company, L.L.C.  
Birdseye, Utah

Original Sheet No. 1  
P.S.C. Utah No. 1

SCHEDULE OF RATES  
RULES AND REGULATIONS

TARIFF NO. 1

Issued on not less than five days' notice to the Commission and the Public by authority of  
the Public Service Commission of Utah, Order in Case No. 07-2477-01 dated August 18,  
2008

Issued: August 18, 2008

Effective: September 1, 2008

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DUNCAN Pre-filed  
Docket #:13-2477-02

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WATER SERVICE RATE SCHEDULE

Applicability

Applicable in entire service area to water service for culinary and domestic purposes at one point of delivery for use at a single dwelling unit, and for commercial purposes at a single business connection.

Rate

The following rate is for the period of one month:

| <u>Usage</u>            | <u>Charges</u>            |
|-------------------------|---------------------------|
| First 10,000 gallons    | \$ 35.00 Fixed Charge     |
| 10,001 – 20,000 gallons | \$ 2.50 per 1,000 gallons |
| 20,001 – 40,000 gallons | \$ 3.00 per 1,000 gallons |
| 40,001 – 60,000 gallons | \$ 3.50 per 1,000 gallons |
| 60,001 – 80,000 gallons | \$ 4.00 per 1,000 gallons |
| Over 80,000 gallons     | \$ 5.00 per 1,000 gallons |

Service Connection Charges

|  |                 |
|--|-----------------|
| 1" service to property line, where service fronts property line, including meter and materials. One time charge for each service requiring new meter installation. | \$ 4,000        |
| Turn-on service where meter is already in place  | \$ 100          |
| Turn-off service   | \$ 25           |
| Stand by Fee   | \$ 10 per month |
| Late payment fee   | 1.5% per month  |

Issued: August 18, 2008

Effective: September 1, 2008

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RULES AND REGULATIONS

1. Connections. No unauthorized person shall tap any water main or distribution pipe of the Company or insert fixture or appliance, or alter or disturb any service pipe, meter, or any other attachment, being part of the waterworks system and attached thereto. No person shall install any water service pipe or connect or disconnect any such service pipe with or from the mains or distribution pipes of said waterworks system, nor with or from any other service pipe now or hereafter connected with said system, nor make any repairs, additions to, or alternations of any such service pipe, tap, stop cock, or any other fixture or attachments connected with any such service pipe, without first procuring a permit from the Company. The customer, shall as its own expense, make the physical connection to the water line at a point within three to five feet of the meter on the customer's side of the meter.

2. Application for Permit. Before any service connection shall be made to any part of the waterworks system, or any work performed upon old or new connections, a permit shall be obtained from the Company. Such permit shall be issued upon written application on forms obtainable from the Company. Applicants for water service shall furnish and lay and install all the portion of the service not provided by the Company, at their own expense, subject, however, to the supervision and inspection of the Company.

3. Metering of Service. All water delivered by the company to its customers shall be metered through water meters. Meters may be checked, inspected, or adjusted at the discretion of the Company and shall not be opened or adjusted except by authorized representatives of the Company. Meter boxes shall not be opened for the purpose of turning on or off water except by authorized representative of the Company, unless special permission is given, or except in case of emergency. Unauthorized entry into the water box may result in loss of service.

4. Meter Adjustments. If the meter fails to register at any time, the water delivered during such a period shall be estimated on the basis of previous consumption. In the event a meter is found to be recording less than 97 percent or more than 103 percent of accuracy, the Company may make such adjustments in the customer's previous bill as are just and fair under the circumstances.



RULES AND REGULATIONS (Continued)

5. Service Connections. Any party desiring to obtain a supply of water from the Company shall make application in writing. The service connection charges shown in this Tariff include a meter, meter box, a cover, and a valved service line to three to five feet beyond the meter. The meter and meter box will be located as directed by the Company. All materials furnished by the Company shall remain the property thereof. Excavation and installation shall be made by the Company from the main line connection in the road or utility easement to three feet beyond the meter.
  
6. Service Line. All service line materials and installation shall be provided by the applicant. Installation shall be inspected and approved by the Company before the service line trench is backfilled. A shutoff valve shall be provided by the applicant on each service line, in an accessible location, separate from the water meter box.
  
7. Water Use Restrictions. The owner or occupant of any building or premises entitled to the use of water from the Company shall not supply water to any other building or premises, except upon written permission of the Company.
  
8. Service Turn-on and Turn-off. No unauthorized person shall turn the water from any main or distribution pipe into any service pipe. Service may be turned off by the Company when so requested by the applicant or when the applicant fails to abide by these regulations. Whenever the water is turned off from any premise, it shall not be turned on again until the applicable charge shown in the rate scheduled has been paid.
  
9. Disruption Liability. The Company shall use reasonable diligence to provide continuous water service to its customers, and shall make a reasonable effort to furnish them with a clean, pure supply of water, free from injurious substance. The Company shall not be held liable for damages to any water user by reason of any stoppage or interruption of his water supply caused by scarcity of water, accidents to works or water main alterations, additional repair, acts of God, or other unavoidable causes.

RULES AND REGULATIONS (Continued)

10. Damage to Facilities. A water meter may be installed upon any premises supplied with water, and any damage to said meter, or other facilities of the Company, resulting from the failure of the owner, agent, or tenant to properly protect same shall be assessed against such owner, agent, or tenant. Water consumers shall not tamper with or remove the meter, or interfere with the reading thereof.

11. Reading of Meters. All meters will be read by the Company each month, excepting November, December, January, February and March. The monthly charges for the months when meters are read shall be based upon the meter readings, except as provided for in Paragraph 4 herein above. The monthly charge for the months the meters are not read will be a rate of \$35.00 per month. In the event that any user surpasses, on average, 10,000 gallons per month, an overage charge will be assessed based upon the rate schedule.

12. Billing and Payments. Bills covering the charges shall be rendered monthly and shall be due fifteen (15) days after being rendered. If any customer neglects, fails, or refuses to pay water service bill or any other obligation due to the Company within thirty (30) days from the date of said bill, the Company's employees shall have the right to go upon the premises and make such excavation or do such work as may be necessary to disconnect the water service. Before the service is renewed, the delinquent bill or bills shall be paid in full, or arrangements made for payment that are satisfactory to the Company, and the established Tariff charge for re-connection shall be paid by the delinquent customer. Late fee in the amount of 1-1/2% per month of the unpaid balance may be assessed against past due accounts.

13. Credit Deposit. The Company may, at its option and in lieu of established credit, require a deposit from the customer to assure payment of bills as they mature, such deposits shall be a minimum of 90 days estimated bill or \$100.00. Deposits may be refunded when credit has been established. Deposits held over 12 months shall earn interest from the Company at the rate of 6% per annum. Interest will be credited to the account of the consumer.

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RULES AND REGULATIONS (Continued)

14. Regulated Usage. Whenever the Company shall determine that the amount of water available to its distribution system has reached such a volume that, unless restricted, the public health, safety, and general welfare is likely to be endangered, it may prescribe rules and regulations to conserve the water supply during such emergency. Likewise, the use of water for sprinkling lawns and gardens, and the hours for such use, may be prescribed by regulations adopted for the governing of said water system.

15. Changes and Amendments. The right is reserved to amend or add to these Rules and Regulations as experience may show is to be necessary and as such changes are approved by the Utah Public Service Commission.

### FACILITY EXTENSION POLICY

1. Extensions. An extension is any continuation of, or branch from, the nearest available existing line of the Company, including any increase in capacity of an existing line to meet the customer's requirement.
  
2. Costs. The total cost of extensions, including engineering, labor and material shall be paid by the applicants. Where more than one applicant is involved in an extension, the costs shall be prorated on the basis of the street frontage distances involved. Sufficient valves and fire hydrants shall be included with every installation.
  
3. Construction Standards. Minimum standards of the Company shall be met, which standards shall also comply with the standards of the Utah State Bureau of the Environmental Health. Pipe sizes shall be designed by the Company, but the size shall never be smaller than 4".
  
4. Ownership. Completed facilities shall be owned, operated, and maintained by the Company including and through the meters, as detailed in the Tariff Rules and Regulations.
  
5. Water Storage and Supply. All costs for providing needed water supply and storage shall be paid by the Company for the 95 lots within the service area. This cost shall include the installation and operation of pumps as required for proper pressure regulation of the system. Any supply costs to those outside the service area shall be the responsibility of those seeking the water supply.
  
6. Temporary Service. The customer will pay the total cost for the installation and removal of any extensions for service to a venture of a temporary or speculative permanency. The Company will receive the estimated cost from the customer before beginning work on the extension.

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EAGLES LANDING WATER COMPANY

Notice to Water Users.

On August 18, 2008, the Public Service of Utah approved the Company's application for a Certificate of Convenience and Necessity and to set rates and the rate structure. Effective September 1, 2008, the rates applicable to all water users in the Company's service area are as follows:

|                         |                           |
|-------------------------|---------------------------|
| First 10,000 gallons    | \$ 35.00 Fixed Charge     |
| 10,001 – 20,000 gallons | \$ 2.50 per 1,000 gallons |
| 20,001 – 40,000 gallons | \$ 3.00 per 1,000 gallons |
| 40,001 – 60,000 gallons | \$ 3.50 per 1,000 gallons |
| 60,001 – 80,000 gallons | \$ 4.00 per 1,000 gallons |
| 80,001 gallons          | \$ 5.00 per 1,000 gallons |

Service Connection Charges

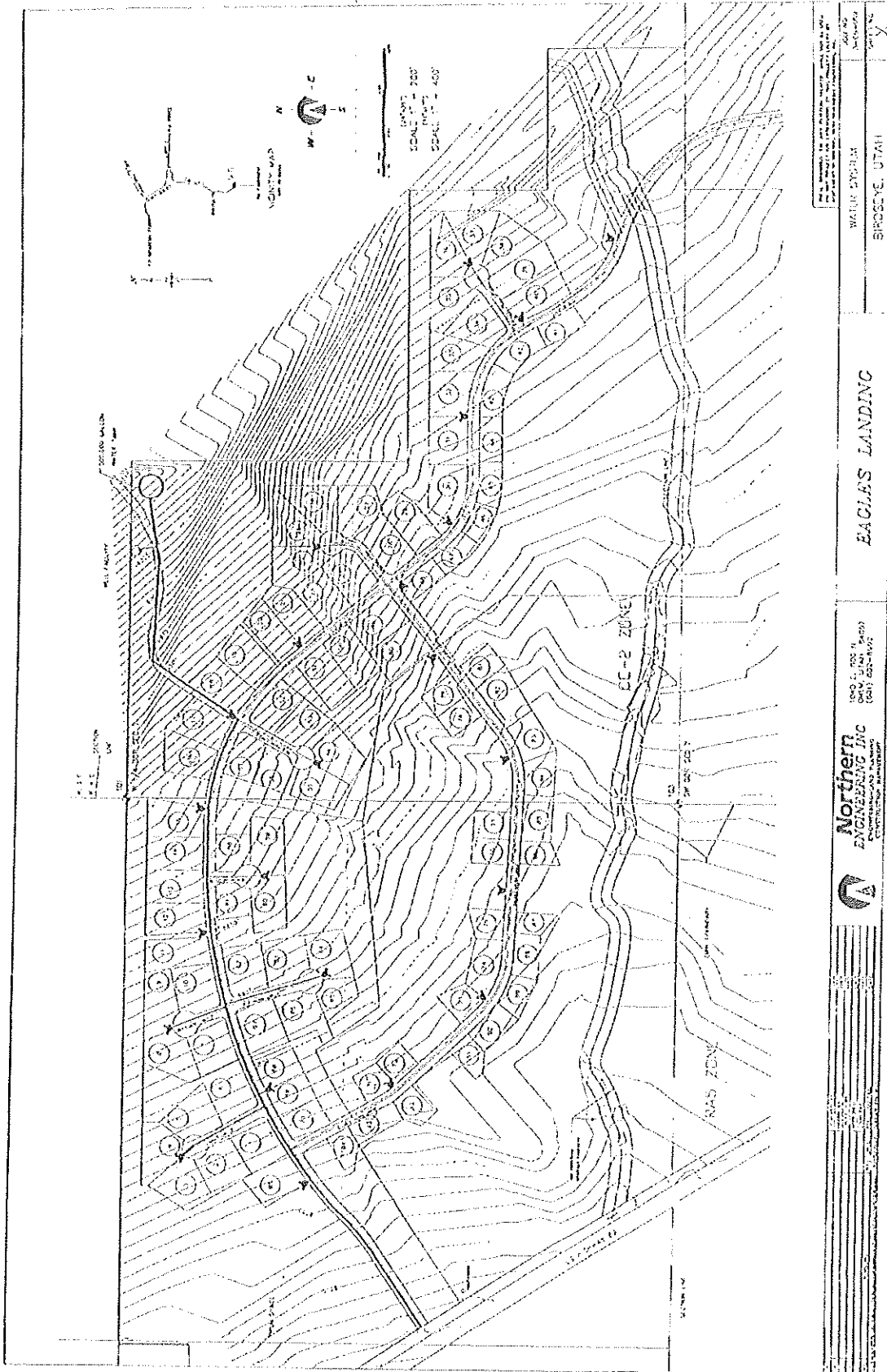
|  |                 |
|--|-----------------|
| 1" service to property line, where service fronts property line, including meter and materials. One time charge for each service requiring new meter installation. | \$ 4,000        |
| Turn-on service where meter is already in place  | \$ 100          |
| Turn-off service   | \$ 25           |
| Stand by Fee   | \$ 10 per month |
| Late payment fee   | 1.5% per month  |

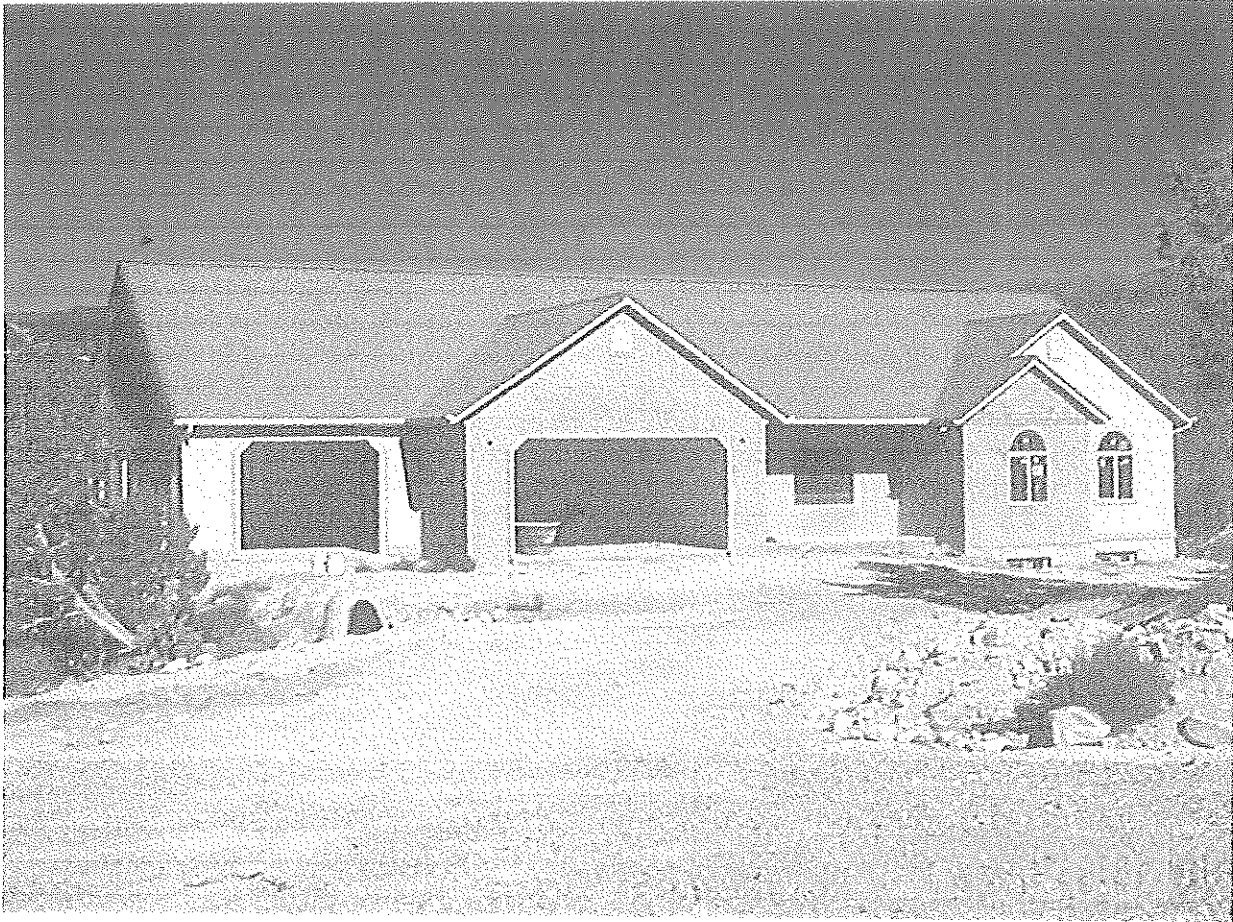
The rate structure is designed to provide ample water for your reasonable needs, but also to encourage conservation by making water use which is well in excess of the State standards for household water consumption more expensive.

Eagles Landing Water Company

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DUNCAN Pre-filed  
Docket #:13-2477-02



PROPERTY INFORMATION

Serial Number: 38:311:0008 Serial Life: 2002...

Property Address: 19638 S BUCKSKIN CIR - BIRDSEYE  
Mailing Address: 7109 HIGHLAND DR # 201 SALT LAKE CITY, UT 84121-7306  
Acreage: 0.996  
Last Document: 194919-2003



Total Photos: 2

Legal Description: LOT 8, PLAT A, EAGLES LANDING MHD. AREA 0.996 AC.

Owner Names | Value History | Tax History | Location | Photos | Documents | Exp Legal


| Entry #            | Date       | Recorded   | Type    | Party1 (Grantor)                             | Party2 (Grantee)                              |
|--------------------|------------|------------|---------|--|---|
| <u>98064-2013</u>  | 10/18/2013 | 10/18/2013 | REC     | UNITED WEST TITLE INSURANCE AGENCY INC TEE   | EAGLES LANDING DEVELOPMENT LC                 |
| <u>98063-2013</u>  | 10/18/2013 | 10/18/2013 | SUB TEE | CANYON CREEK DEVELOPMENT LLC                 | UNITED WEST TITLE INSURANCE AGENCY INC SUBTEE |
| <u>6463-2012</u>   | 01/24/2012 | 01/26/2012 | QCD     | DUNCAN, BRENT J & RAELEEN TEE (ET AL)        | STERLING FIDUCIARIES LLC TEE                  |
| <u>5745-2012</u>   | 01/23/2012 | 01/24/2012 | SP WD   | DUNCAN, RAELEEN                              | DUNCAN, BRENT J & RAELEEN TEE                 |
| <u>5744-2012</u>   | 01/23/2012 | 01/24/2012 | D TR    | DUNCAN, RAELEEN                              | AXIOM FINANCIAL LLC                           |
| <u>5743-2012</u>   | 12/27/2011 | 01/24/2012 | SP WD   | CITI MORTGAGE INC                            | DUNCAN, RAELEEN                               |
| <u>38458-2011</u>  | 05/23/2011 | 05/23/2011 | TEE D   | HALLIDAY, PAUL M JR SUCTEE (ET AL)           | CITI MORTGAGE INC                             |
| <u>9370-2011</u>   | 01/27/2011 | 01/31/2011 | SUB TEE | CITI MORTGAGE INC                            | HALLIDAY, PAUL M JR SUCTEE                    |
| <u>6845-2011</u>   | 01/21/2011 | 01/21/2011 | ND      | HALLIDAY, PAUL M JR SUCTEE                   | LOFGAN, SCOTT O & KIMBERLY M                  |
| <u>6844-2011</u>   | 01/19/2011 | 01/21/2011 | AS      | MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC | CITIMORTGAGE INC                              |
| <u>119479-2009</u> | 11/17/2009 | 11/17/2009 | W QCD   | DAX ENTERPRISES LC                           | CANYON CREEK DEVELOPMENT LLC                  |
| <u>50963-2009</u>  | 05/04/2009 | 05/08/2009 | CT      | STATE OF UTAH                                | WHOM OF INTEREST                              |
| <u>42373-2009</u>  | 04/21/2009 | 04/21/2009 | RESOL   | BOARD OF COUNTY COMMISSIONERS UTAH COUNTY    | WHOM OF INTEREST                              |
| <u>134212-2008</u> | 12/22/2008 | 12/26/2008 | CT      | STATE OF UTAH                                | WHOM OF INTEREST                              |
| <u>114949-2008</u> | 10/20/2008 | 10/22/2008 | CT      | STATE OF UTAH                                | WHOM OF INTEREST                              |
| <u>107508-2008</u> | 09/30/2008 | 09/30/2008 | RESOL   | BOARD OF COUNTY COMMISSIONERS UTAH COUNTY    | WHOM OF INTEREST                              |
| <u>66041-2008</u>  | 06/05/2008 | 06/06/2008 | ADECCOV | HEARTHSTONE DEVELOPMENT INC                  | WHOM OF INTEREST                              |
| <u>53563-2008</u>  | 05/06/2008 | 05/06/2008 | A AGR   | UTAH COUNTY                                  | HEARTHSTONE DEVELOPMENT INC                   |
| <u>30102-2008</u>  | 03/13/2008 | 03/13/2008 | REC     | EQUITY TITLE INSURANCE AGENCY INC TEE        | LOFGAN, SCOTT O                               |
| <u>2604-2008</u>   | 12/17/2007 | 01/08/2008 | REC     | U S BANK TRUST COMPANY SUCTEE                | WILDING, JUSTIN D & AMANDA E                  |
| <u>165877-2007</u> | 11/17/2007 | 11/27/2007 | QCD W   | CANYON CREEK DEVELOPMENT LLC                 | DAX ENTERPRISES LC                            |
| <u>165563-2007</u> | 11/20/2007 | 11/27/2007 | REC     | FIRST AMERICAN TITLE COMPANY TEE             | WILDING, JUSTIN D & AMANDA E                  |
| <u>165562-2007</u> | 11/20/2007 | 11/27/2007 | SUB TEE | MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC | FIRST AMERICAN TITLE COMPANY SUCTEE           |
| <u>153427-2007</u> | 10/09/2007 | 10/25/2007 | W QCD   | CANYON CREEK DEVELOPMENT LLC                 | DAX ENTERPRISES LC                            |
| <u>151180-2007</u> | 10/19/2007 | 10/22/2007 | D TR    | LOFGAN, SCOTT O & KIMBERLY M                 | CITI MORTGAGE INC                             |
| <u>151179-2007</u> | 10/19/2007 | 10/22/2007 | WD      | WILDING, JUSTIN D & AMANDA E                 | LOFGAN, SCOTT O & KIMBERLY M                  |
| <u>85083-2007</u>  | 01/15/2006 | 06/11/2007 | AS OGLS | SPRINGFIELD OIL COMPANY                      | SAVANT RESOURCES LLC                          |
| <u>14058-2007</u>  | 01/19/2007 | 01/29/2007 | AGR     | DRINKING WATER SOURCE PROTECTION PLAN        | EAGLE LANDING DEVELOPMENT LLC                 |
| <u>101225-2006</u> | 06/13/2006 | 08/08/2006 | AS      | US BANK NATIONAL ASSOCIATION                 | US BANK NATIONAL ASSOCIATION                  |
| <u>101224-2006</u> | 06/13/2006 | 08/08/2006 | AS      | US BANK NATIONAL ASSOCIATION                 | MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC  |

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|                    |                       |         |  |                                   |
|--------------------|-----------------------|---------|--|-----------------------------------|
| <u>148276-2005</u> | 12/21/2005 12/22/2005 | AGR     | IAC TAX V LLC                                | COUNTY COMMISIONERS               |
| <u>79616-2005</u>  | 06/30/2005 07/22/2005 | OG LS   | AUGUSTUS, DENNIS L & DIANE B                 | SPRINGFIELD OIL COMPANY           |
| <u>79614-2005</u>  | 06/03/2005 07/22/2005 | OG LS   | HOWARD, NEIL E                               | SPRINGFIELD OIL COMPANY           |
| <u>61803-2005</u>  | 06/06/2005 06/09/2005 | N LN    | EAGLES LANDING DEVELOPMENT                   | PETERSON, NEAL D DBA (ET AL)      |
| <u>56199-2005</u>  | 05/10/2005 05/26/2005 | REC     | FIRST UTAH BANK TEE                          | WILDIING, JUSTIN D & AMANDA E     |
| <u>47610-2005</u>  | 04/29/2005 05/03/2005 | D TR    | WILDING, JUSTIN D & AMANDA E                 | US BANK NATIONAL ASSOCIATION      |
| <u>37499-2005</u>  | 04/04/2005 04/08/2005 | D TR    | WILDING, JUSTIN D & AMANDA E                 | HOMEcomings FINANCIAL NETWORK INC |
| <u>37498-2005</u>  | 03/07/2005 04/08/2005 | R LN    | SCRIBNER, THOMAS J                           | WHOM OF INTEREST                  |
| <u>29666-2005</u>  | 03/22/2005 03/22/2005 | TEE D   | ROBINSON, MARK F SUCTEE (ET AL)              | IAC TAX V LLC                     |
| <u>8251-2005</u>   | 01/25/2005 01/26/2005 | N TEE S | ROBINSON, MARK F SUBTEE                      | WHOM OF INTEREST                  |
| <u>132202-2004</u> | 11/22/2004 11/23/2004 | A AGR   | UTAH COUNTY                                  | EAGLES LANDING DEVELOPMENT LLC    |
| <u>93316-2004</u>  | 08/12/2004 08/13/2004 | N LN    | EAGLES LANDING DEVELOPMENT LC                | EVANS GRADER & PAVING INC         |
| <u>49544-2004</u>  | 04/26/2004 04/29/2004 | P REC   | TITLE WEST TITLE COMPANY TEE                 | EAGLES LANDING DEVELOPMENT LLC    |
| <u>15325-2004</u>  | 02/10/2004 02/10/2004 | N LN    | GARDNER & ASSOCIATES LIMITED COMPANY (ET AL) | STANTON CONSTRUCTION INC          |
| <u>14970-2004</u>  | 02/05/2004 02/10/2004 | R LN    | MOUNTAINLAND SUPPLY CO                       | WHOM OF INTEREST                  |
| <u>2396-2004</u>   | 01/03/2004 01/07/2004 | REC     | TITLE WEST TITLE CO TEE                      | WILDING, JUSTIN                   |
| <u>2395-2004</u>   | 01/03/2004 01/07/2004 | P REC   | TITLE WEST TITLE CO TEE                      | EAGLES LANDING DEVELOPMENT LLC    |
| <u>2394-2004</u>   | 12/31/2003 01/07/2004 | SUB TEE | CANYON CREEK DEVELOPMENT LLC                 | TITLE WEST TITLE CO SUBTEE        |
| <u>2393-2004</u>   | 01/03/2004 01/07/2004 | P REC   | TITLE WEST TITLE COMPANY TEE                 | EAGLES LANDING DEVELOPMENT LLC    |
| <u>2392-2004</u>   | 12/31/2003 01/07/2004 | SUB TEE | CANYON CREEK DEVELOPMENT LLC                 | TITLE WEST TITLE CO SUBTEE        |
| <u>202646-2003</u> | 12/31/2003 12/31/2003 | REC     | TITLE WEST TITLE CO TEE                      | EAGLES LANDING DEVELOPMENT LLC    |
| <u>194920-2003</u> | 12/04/2003 12/11/2003 | D TR    | WILDING, JUSTIN D                            | FIRST UTAH BANK                   |
| <u>194919-2003</u> | 12/08/2003 12/11/2003 | WD      | WILDING, JUSTIN DEAN                         | WILDING, JUSTIN D & AMANDA E      |
| <u>179630-2003</u> | 11/10/2003 11/12/2003 | REC     | TITLE WEST TITLE CO TEE                      | SHEKEYAH RANCH INC                |
| <u>178614-2003</u> | 09/18/2003 11/10/2003 | RC      | CANYON CREEK DEVELOPMENT LLC                 | WHOM OF INTEREST                  |
| <u>176057-2003</u> | 09/26/2003 11/03/2003 | AS      | SHEKEYAH RANCH LC                            | CANYON CREEK DEVELOPMENT LLC      |
| <u>157116-2003</u> | 09/26/2003 09/26/2003 | NOT COM | JML CONST INC                                | EAGLES LANDING DEVELOPMENT        |
| <u>77126-2003</u>  | 05/16/2003 05/22/2003 | TR D    | EAGLES LANDING DEVELOPMENT LLC DBA (ET AL)   | LAND FINANCE COMPANY              |
| <u>75517-2003</u>  | 04/22/2003 05/20/2003 | TR D    | WILDING, JUSTIN DEAN                         | EAGLES LANDING DEVELOPMENT LLC    |
| <u>75516-2003</u>  | 04/22/2003 05/20/2003 | WD      | EAGLES LANDING DEVELOPMENT LLC               | WILDING, JUSTIN DEAN              |
| <u>6879-2002</u>   | 01/18/2002 01/18/2002 | ATY LN  | EAGLES LANDING DEVELOPMENT LLC (ET AL)       | SCRIBNER, THOMAS J (ET AL)        |
| <u>110001-2001</u> | 10/18/2001 10/26/2001 | AS      | HIGHLAND VIEW RANCH                          | PROFESSIONAL BUILDERS INC         |
| <u>100850-2001</u> | 10/01/2001 10/03/2001 | SUB AGR | EAGLES LANDING DEVELOPMENT LLC               | WILDING, JOHN                     |
| <u>100849-2001</u> | 10/01/2001 10/03/2001 | SUB AGR | EAGLES LANDING DEVELOPMENT LLC               | SHEKEYAH RANCH LC                 |
| <u>100848-2001</u> | 10/01/2001 10/03/2001 | TR D    | EAGLES LANDING DEVELOPMENT LLC               | HUBBLE ENGINEERING INC            |
| <u>99937-2001</u>  | 10/03/2000 10/02/2001 | S PLAT  | EAGLES LANDING DEVELOPMENT LLC               | EAGLES LANDING MHD PLAT A         |

Additional Information 

**Main Menu**

- Comments or Concerns on Value/Appraisal - [Assessor's Office](#)
- Documents/Owner/Parcel Information - [Recorder's Office](#)
- [Address Change for Tax Notice](#)

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*Utah County Online*  
The Official Web Site of  
Utah County Government

**PARTY DETAIL FOR EAGLES LANDING DEVELOPMENT LC**

DOCUMENTS 1 TO 11 OF 11

| Name<br>Description  | Entry No<br>Book Page         | Rec Date<br>Exe Date     | Koi Desc<br>Release               | Suffix | Party Type |
|--|-------------------------------|--------------------------|-----------------------------------|--------|------------|
| OREM COMMUNITY BANK<br>Section 12,13 Township 11S Range 3E                           | <u>72449;1999</u><br>5128 778 | 6/22/1999<br>6/10/1999   | D TR<br>A Entry 156798 Year 2003  |        | 2          |
| OREM COMMUNITY BANK<br>Section 12,13 Township 11S Range 3E                           | <u>72451;1999</u><br>5128 786 | 6/22/1999<br>6/10/1999   | D TR<br>A Entry 156797 Year 2003  |        | 2          |
| OREM COMMUNITY BANK TEE<br>Section 12 Township 11S Range 3E                          | <u>99927;2001</u>             | 10/2/2001<br>12/6/1999   | P REC<br>X Book 5128 Page 778     |        | 1          |
| OREM COMMUNITY BANK TEE<br>Section 12 Township 11S Range 3E                          | <u>99928;2001</u>             | 10/2/2001<br>12/6/1999   | P REC<br>X Book 5128 Page 786     |        | 1          |
| WHOM OF INTEREST<br>Section 12 Township 11S Range 3E                                 | <u>99930;2001</u>             | 10/2/2001<br>9/26/2001   | DECLCOV                           |        | 2          |
| CAPITAL COMMUNITY BANK TEE<br>Lot 6 Plat A - EAGLES LANDING MHD <i>Garvita</i>       | <u>107334;2002</u>            | 9/13/2002<br>9/10/2002   | P REC<br>X Book 5128 Page 778     |        | 1          |
| SCRIBNER, THOMAS J<br>Lot 01-04 Plat A - EAGLES LANDING MHD                          | <u>101851;2003</u>            | 7/7/2003<br>6/12/2003    | SUB AGR<br>X Entry 6879 Year 2002 |        | 2          |
| EVANS GRADER & PAVING INC<br>Lot 1-92 - EAGLES LANDING MHD PLAT A                    | <u>93316;2004</u>             | 8/13/2004<br>8/12/2004   | N LN                              |        | 2          |
| TITLE WEST TITLE COMPANY TEE<br>Section 12,13 Township 11S Range 3E                  | <u>111519;2005</u>            | 10/3/2005<br>10/3/2005   | ND<br>X Entry 72449 Year 1999     |        | 1          |
| TITLE WEST TITLE COMPANY TEE<br>Section 12,13 Township 11S Range 3E                  | <u>50315;2006</u>             | 4/26/2006<br>4/25/2006   | ND<br>X Entry 72451 Year 1999     |        | 1          |
| UNITED WEST TITLE INSURANCE AGENCY<br>INC TEE<br>Section 12,13 Township 11S Range 3E | <u>98064;2013</u>             | 10/18/2013<br>10/18/2013 | REC<br>R Entry 72449 Year 1999    |        | 1          |

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Entry #: 6879-2002      Recorded: 1/18/2002 10:51:27 AM  
 Instrument Date: 1/18/2002  
 Kind of Inst: ATY LN - LIEN NOTICE-ATTORNEYS  
 Rec Party: SCRIBNER, THOMAS J  
 Mail Party: DELIVERED  
 Mail Address:  
 Tax Address: NOT APPLICABLE  
 Grantor(s): EAGLES LANDING DEVELOPMENT LLC  
                   GARDNER, DAVID  
 Grantee(s): SCRIBNER, THOMAS J  
                   MC CANDLESS, DONALD E

Pages: 5  
 Consideration: \$38,398.21  
 Fees: \$18.00

- Serial Number(s): 38:311:0001  
38:311:0002  
38:311:0003  
38:311:0004  
38:311:0005  
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Tie Entry(s):

Releases: Type R Entry 37498 Year 2005

Abbv Legal Desc: Section 07 Township 11S Range 4E

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Entry #: 14970-2004      Recorded: 2/10/2004 8:40:58 AM      Pages: 3  
Instrument Date: 2/5/2004      Consideration:\$0.00  
Kind of Inst: R LN - LIEN RELEASE      Fees:\$105.00  
Rec Party: MOUNTAINLAND SUPPLY  
Mail Party: DELIVERED  
Mail Address:  
Tax Address: NOT APPLICABLE  
Grantor(s): MOUNTAINLAND SUPPLY CO  
Grantee(s): WHOM OF INTEREST  
Serial Number(s): 38:311:0001  
38:311:0002  
38:311:0003  
38:311:0004  
38:311:0005  
38:311:0006  
38:311:0007  
38:311:0008  
38:311:0009  
38:311:0010  
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Tie Entry(s):

Releases: Type R Entry 7761 Year 2004

Abbv Legal Desc: Lot 1-4 Plat A - EAGLES LANDING MHD  
Lot 6,7 Plat A - EAGLES LANDING MHD  
Lot 9-35 Plat A - EAGLES LANDING MHD  
Lot 37-95 Plat A - EAGLES LANDING MHD

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Entry #: 15325-2004      Recorded: 2/10/2004 3:55:15 PM  
Instrument Date: 2/10/2004  
Kind of Inst: N LN - LIEN NOTICE  
Rec Party: ROBERTS, KIM  
Mail Party: DELIVERED  
Mail Address:  
Tax Address: NOT APPLICABLE  
Grantor(s): GARDNER & ASSOCIATES LIMITED COMPANY  
EAGLES LANDING DEVELOPMENT LLC  
Grantee(s): STANTON CONSTRUCTION INC

Pages: 2  
Consideration: \$19,453.00  
Fees: \$32.00

- Serial Number(s): 38:311:0001  
38:311:0002  
38:311:0003  
38:311:0004  
38:311:0005  
38:311:0006  
38:311:0007  
38:311:0008  
38:311:0009  
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38:311:0070  
38:311:0095

Tie Entry(s):

Releases:

Abbv Legal Desc: Lot 1-11 Plat A - EAGLES LANDING MHD  
Lot 62-70 Plat A - EAGLES LANDING MHD  
Lot 95 Plat A - EAGLES LANDING MHD

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|--|-------------------------------|----------------------|
| Entry #: 37498-2005                                | Recorded: 4/8/2005 4:32:01 PM | Pages: 1             |
| Instrument Date: 3/7/2005                          |                               | Consideration:\$0.00 |
| Kind of Inst: R LN - LIEN RELEASE                  |                               | Fees:\$10.00         |
| Rec Party: SIMPLIFILE for TITLE WEST TITLE COMPANY |                               |                      |
| Mail Party: DELIVERED                              |                               |                      |
| Mail Address:                                      |                               |                      |
| Tax Address: NOT APPLICABLE                        |                               |                      |
| Grantor(s): <u>SCRIBNER, THOMAS J</u>              |                               |                      |
| Grantee(s): <u>WHOM OF INTEREST</u>                |                               |                      |
| Serial Number(s): <u>38:311:0008</u>               |                               |                      |
| Tie Entry(s):                                      |                               |                      |
| Releases: <u>Type R Entry 6879 Year 2002</u>       |                               |                      |
| Abbv Legal Desc: Lot 8 - EAGLES LANDING MHD PLAT A |                               |                      |

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|--|-------------------------------|----------------------------|
| Entry #: 37499-2005  | Recorded: 4/8/2005 4:32:01 PM | Pages: 20                  |
| Instrument Date: 4/4/2005  |                               | Consideration:\$277,900.00 |
| Kind of Inst: D TR - DEED OF TRUST                               |                               | Fees:\$48.00               |
| Rec Party: SIMPLIFILE for TITLE WEST TITLE COMPANY               |                               |                            |
| Mail Party: DELIVERED  |                               |                            |
| Mail Address:  |                               |                            |
| Tax Address: NOT APPLICABLE                                      |                               |                            |
| Grantor(s): <u>WILDING, JUSTIN D</u><br><u>WILDING, AMANDA E</u> |                               |                            |
| Grantee(s): <u>HOMEcomings FINANCIAL NETWORK INC</u>             |                               |                            |
| Serial Number(s): <u>38:311:0008</u>                             |                               |                            |
| Tie Entry(s):  |                               |                            |
| Releases: <u>Type R Entry 165563 Year 2007</u>                   |                               |                            |
| Abby Legal Desc: Lot 8 - EAGLES LANDING MHD PLAT A               |                               |                            |

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| Entry #: 111519-2005  | Recorded: 10/3/2005 1:57:06 PM | Pages: 4              |
| Instrument Date: 10/3/2005                                  |                                | Consideration: \$0.00 |
| Kind of Inst: ND - NOTICE OF DEFAULT                        |                                | Fees: \$17.00         |
| Rec Party: SIMPLIFILE for TITLE WEST TITLE COMPANY          |                                |                       |
| Mail Party: DELIVERED                                       |                                |                       |
| Mail Address:   |                                |                       |
| Tax Address: NOT APPLICABLE                                 |                                |                       |
| Grantor(s): <u>TITLE WEST TITLE COMPANY TEE</u>             |                                |                       |
| Grantee(s): <u>EAGLES LANDING DEVELOPMENT LC</u>            |                                |                       |
| Serial Number(s): <u>33:003:0062</u>                        |                                |                       |
| Tie Entry(s):   |                                |                       |
| Releases: <u>Type X Entry 72449 Year 1999</u>               |                                |                       |
| Abbv Legal Desc: <u>Section 12,13 Township 11S Range 3E</u> |                                |                       |
| <u>Section 7,18 Township 11S Range 4E</u>                   |                                |                       |

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| Entry #: 50315-2006   | Recorded: 4/26/2006 9:28:06 AM | Pages: 3             |
| Instrument Date: 4/25/2006                                  |                                | Consideration:\$0.00 |
| Kind of Inst: ND - NOTICE OF DEFAULT                        |                                | Fees:\$16.00         |
| Rec Party: SIMPLIFILE for TITLE WEST TITLE COMPANY          |                                |                      |
| Mail Party: DELIVERED                                       |                                |                      |
| Mail Address:   |                                |                      |
| Tax Address: NOT APPLICABLE                                 |                                |                      |
| Grantor(s): <u>TITLE WEST TITLE COMPANY TEE</u>             |                                |                      |
| Grantee(s): <u>EAGLES LANDING DEVELOPMENT LC</u>            |                                |                      |
| Serial Number(s): <u>33:003:0062</u>                        |                                |                      |
| Tie Entry(s):   |                                |                      |
| Releases: <u>Type X Entry 72451 Year 1999</u>               |                                |                      |
| Abbv Legal Desc: <u>Section 12,13 Township 11S Range 3E</u> |                                |                      |
| <u>Section 7,18 Township 11S Range 4E</u>                   |                                |                      |

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| Entry #: 49544-2004                                     | Recorded: 4/29/2004 4:19:24 PM | Pages: 2             |
| Instrument Date: 4/26/2004                              |                                | Consideration:\$0.00 |
| Kind of Inst: P REC - RECONVEYANCE PARTIAL              |                                | Fees:\$12.00         |
| Rec Party: TITLE WEST TITLE CO                          |                                |                      |
| Mail Party: DELIVERED                                   |                                |                      |
| Mail Address:   |                                |                      |
| Tax Address: NOT APPLICABLE                             |                                |                      |
| Grantor(s): <u>TITLE WEST TITLE COMPANY TEE</u>         |                                |                      |
| Grantee(s): <u>EAGLES LANDING DEVELOPMENT LLC</u>       |                                |                      |
| Serial Number(s): <u>38:311:0008</u>                    |                                |                      |
| Tie Entry(s):   |                                |                      |
| Releases: <u>Type X Entry 100848 Year 2001</u>          |                                |                      |
| Abbv Legal Desc: Lot 8 Plat - EAGLES LANDING MHD PLAT A |                                |                      |

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Instrument Date: 8/12/2004  
Kind of Inst: N LN - LIEN NOTICE  
Rec Party: EVANS, TERRY  
Mail Party: DELIVERED  
Mail Address:  
Tax Address: NOT APPLICABLE  
Grantor(s): EAGLES LANDING DEVELOPMENT LC  
Grantee(s): EVANS GRADER & PAVING INC

Pages: 4  
Consideration: \$16,741.14  
Fees: \$107.00

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Abby Legal Desc: Lot 1-92 - EAGLES LANDING MHD PLAT A

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| Entry #: 82364-2006                                   | Recorded: 6/29/2006 4:02:12 PM | Pages: 3             |
| Instrument Date: 6/29/2006                            |                                | Consideration:\$0.00 |
| Kind of Inst: N - NOTICE                              |                                | Fees:\$0.00          |
| Rec Party: UTAH COUNTY ATTORNEY                       |                                |                      |
| Mail Party: DELIVERED                                 |                                |                      |
| Mail Address:   |                                |                      |
| Tax Address: NOT APPLICABLE                           |                                |                      |
| Grantor(s): <u>OLSEN, DAVID W</u>                     |                                |                      |
| Grantee(s): <u>WHOM OF INTEREST</u>                   |                                |                      |
| Serial Number(s): <u>99:999:9999</u>                  |                                |                      |
| Tie Entry(s):   |                                |                      |
| Releases:   |                                |                      |
| Abbv Legal Desc: Lot 1-95 - EAGLES LANDING MHD PLAT A |                                |                      |

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Entry #: 110679-2006      Recorded: 8/24/2006 4:37:51 PM

Instrument Date: 8/24/2006

Kind of Inst: LP - LIS PENDENS

Rec Party: SMITH HARTVIGSEN, PLLC

Mail Party: DELIVERED

Mail Address:

Tax Address: NOT APPLICABLE

Grantor(s): WILDING, JOHN  
CANYON CREEK DEVELOPMENTLLC

Grantee(s): HEARTHSTONE DEVELOPMENT INC

Serial Number(s): 99:999:9999

Tie Entry(s):

Releases:

Abbv Legal Desc: WATER # 51-7221 51-7252

Pages: 2

Consideration:\$0.00

Fees:\$12.00

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Entry #: 14058-2007      Recorded: 1/29/2007 1:18:30 PM  
 Instrument Date: 1/19/2007  
 Kind of Inst: AGR - AGREEMENT  
 Rec Party: HEARTHSTONE DEVELOPMENT INC  
 Mail Party: DELIVERED  
 Mail Address:  
 Tax Address: NOT APPLICABLE  
 Grantor(s): DRINKING WATER SOURCE PROTECTION PLAN  
 Grantee(s): EAGLE LANDING DEVELOPMENT LLC

Pages: 3  
 Consideration:\$0.00  
 Fees:\$14.00

Serial Number(s): 38:311:0001

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# Utah Business Search - Details

HEARTHSTONE DEVELOPMENT, INC.

**Entity Number:** 1335465-0142

**Company Type:** Corporation - Domestic - Profit

**Address:** 7752 S Carterville Rd Orem, UT 84097

**State of Origin:** UT

**Registered Agent:** THOMAS J SCRIBNER

**Registered Agent Address:**

2696 N UNIVERSITY AVE STE 220

Provo, UT 84604

Status: Active

Status: Active  as of 03/06/2002

Renew By: 11/30/2014

Status Description: Good Standing

The "Good Standing" status represents that a renewal has been filed, within the most recent renewal period, with the Division of Corporations and Commercial Code.

Employment Verification: Not Registered with Verify Utah

## History

Registration Date: 11/26/1996

Last Renewed: 09/16/2013

## Additional Information

NAICS Code: 8139 NAICS Title: 8139-Business, Professional, Labor, Poli

## Former Business Names

HEARTHSTONE DEVELOPMENT, INC.  
HEARTHSTONE DEVELOPMENT CORP.

Refine your search by:

- Search by:
- Business Name
- Number
- Executive Name
- Search Hints

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## Utah Business Search - Details

EAGLES LANDING WATER COMPANY, L.L.C.

**Entity Number:** 2067803-0160

**Company Type:** LLC - Domestic

**Address:** PO BOX 437 HC 13 FAIRVIEW, UT 84629

**State of Origin:** UT

**Registered Agent:** JOHN WILDING

**Registered Agent Address:**

PO BOX 437 HC 13

FAIRVIEW, UT 84629

Status: Expired

Status: Expired  as of 02/13/2002

Status Description: Failure to File Renewal

Employment Verification: Not Registered with Verify Utah

### History

**Registration Date:** 07/16/1999

**Last Renewed:** 11/14/2000

### Additional Information

**NAICS Code:** 2213 **NAICS Title:** 2213-Water, Sewage and Other Systems

Refine your search by:

- Search by:
- Business Name
- Number
- Executive Name
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## Utah Business Search - Details

EAGLES LANDING DEVELOPMENT, L.L.C.

**Entity Number:** 2036241-0160

**Company Type:** LLC - Domestic

**Address:** 19864 S HWY 89 Fairview, UT 84629

**State of Origin:** UT

**Registered Agent:** DAVID K GARDNER

**Registered Agent Address:**

708 NORTH 1890 WEST

Provo, UT 84601

Status: Expired

Status: Expired  as of 09/09/2004

Status Description: Failure to File Renewal

Employment Verification: Not Registered with Verify Utah

### History

**Registration Date:** 05/14/1997

**Last Renewed:** 09/05/2003

### Additional Information

**NAICS Code:** 9999 **NAICS Title:** 9999-Nonclassifiable Establishment

Refine your search by:

- Search by:
- Business Name
- Number
- Executive Name
- Search Hints

Name:

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# Utah Business Search - Details

EAGLES LANDING HOMEOWNER'S ASSOCIATION, INC.

**Entity Number:** 1468058-0140

**Company Type:** Corporation - Domestic - Non-Profit

**Address:** 704 N 1890 W Provo, UT 84601

**State of Origin:** UT

**Registered Agent:** DAVID K GARDNER

**Registered Agent Address:**

704 N 1890 W

Provo, UT 84601

Status: Expired

Status: Expired as of 02/18/2004

Status Description: Failure to File Renewal

Employment Verification: Not Registered with Verify Utah

## History

**Registration Date:** 10/27/1999

**Last Renewed:** 09/04/2002

## Additional Information

**NAICS Code:** 8139 **NAICS Title:** 8139-Business, Professional, Labor, Poli

Refine your search by:

- Search by:
- Business Name
- Number
- Executive Name
- Search Hints

Name:

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## Utah Business Search - Details

EAGLES' LANDING INVESTORS, L.L.C.

**Entity Number:** 2048371-0160

**Company Type:** LLC - Domestic

**Address:** 724 N 1890 W Provo, UT 84601

**State of Origin:** UT

**Registered Agent:** DAVID K GARDNER

**Registered Agent Address:**

724 N 1890 W

Provo, UT 84601

Status: Expired

Status: Expired  as of 06/01/1999

Status Description: Invol. Diss / No Renewal

Employment Verification: Not Registered with Verify Utah

### History

**Registration Date:** 04/07/1998

**Last Renewed:** N/A

### Additional Information

**NAICS Code:** 8139 **NAICS Title:** 8139-Business, Professional, Labor, Poli

Refine your search by:

- Search by:
- Business Name
- Number
- Executive Name
- Search Hints

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# Stone Creek (Eagles Landing) Development History

August 2002 - March 2012

By Bryan Amundson

In August 2002 when we bought lot 5 in Stone Creek (Eagles Landing), the only risk we were told about was that they may not be able to get funding for the water tank. We were told by John Wilding that if the time came close to completion of the project (which was estimated as May 2003) that they would dig us a well if necessary. The price of the land was 57,000. However as an incentive as an early buyer, they took 10,000 off the price of the land, contingent on the land purchase being completed by December 1, 2003. We paid 23,500 as a down payment, making the balance 23,500 if it was paid off by Dec. 1<sup>st</sup> 2003.

We started building in September 2003, and sold our current home that same month.

In December 2003 I met with Dave Gardner (whom I had never met with or talked with before), who told me that a building permit never should have been issued because the letter of credit associated with the bond had been revoked. Dave seemed to be confident that they were just days away from securing the funding but it wasn't 100% certain. He was hinting at the fact that we should stop building until the funding was secured. I said we intend to continue building and finish the home -- confident that John Wilding and Dave could find the funding. After all, they felt confident.

The next few months were like a roller coaster ride. At one moment the funding would be close, only later to find out that it fell through. This happened a few times with a few different lending institutions. Our contractor, John Wilding, slowed down on the construction of the home since the infrastructure was not even started.

In April 2003 we were informed by John Wilding that the County Commission was going to discuss foreclosing on the bond since the bond would expire on June 7, 2003. At that meeting, Dave Gardner, his lawyer, and the lawyer for Textron (the company holding the bond) were there and pleaded the case for the county to wait to foreclose -- that funding (the letter of credit) was almost secured. They also presented the intent to buy-out John Wilding from the partnership since Textron (the holder of the bond) refused to do business with the project if John was involved. The commissioners agreed to postpone foreclosure and the item was going to be discussed again in a week or two. Two other meetings followed, each time they said they were close and asked for an extension. After one of these meetings we met with Dave Gardner in the foyer when he said that once the letter of credit was secured, it would be about three months until all work could be completed. The last meeting, which was the third week in May, Dave presented a faxed letter saying that the funding was approved and that the bond would be extended another year by Textron. I also presented a letter as the homeowner asking that the county watch this close and if no progress was being made that they should step in and do something. They said they would be working with the developer closely to assure progress. They also agreed not to foreclose at that time -- and would not address the issue again unless the bond was close to expiration in June of 2004. I thought to myself -- "that'll never happen -- Dave said three months!"

In the middle of May, I drafted a document to Gardner and Associates outlining a compensation plan to protect me as the homeowner because the project was extending beyond the original anticipated completion date of June 15<sup>th</sup>. The document indicated that as of June 15<sup>th</sup> until the time of closing, specific incurred expenses would be taken off the remaining balance of the land. These expenses included construction loan interest paid, storage unit costs, our current rent, and buying down points on our mortgage to make the rate equivalent to the rate on June 15<sup>th</sup>. Following the final county commission meeting, my wife and I went to Dave Gardner's office where we all signed the document. At that time, Dave told us that the letter of credit was not sufficient to cover the utilities -- only the roads and the water tank, and that they would have to try



to get additional funding. We had never heard this very important fact before. However we still felt confident that they would be able to get the funding and things would move along as planned.

By the end of June, no work was being done on the infrastructure and I hadn't heard anything from Dave Gardner. I left a message for him asking why nothing had been done. He later returned my call and indicated that even though they got a letter of credit, they needed something more to get started. I didn't understand what this was but I took his word for it. By the first of July the tank was being excavated. Over the next few weeks progress was made on the tank and the water lines. I think it was August when they started working on the roads.

The road work was moving along very slowly, even though they were there nearly every day -- including Saturdays. The guys working on it looked like teenagers -- it was hard to know if they knew what they were doing or not. The goal was to get it paved by the end of October. Unfortunately by the end of October it turned very cold, and it started to snow. Because of the weather they were unable to lay asphalt.

By this time the tank was complete and the pump house was installed. We assumed that everything was complete so we didn't bother Dave Gardner or George Bills about the water situation any further.

In October I began calling Utah Power and Questar to find out if they had been scheduled to install their utilities. Utah Power said they had all the parts but that they were waiting for trenches to be completed by the developer. I called Dave to find out why nothing was being done and why no trenches have been started. He said they were trying to get money transferred from the bond to another account that they could use to cover the utility expenses. This was a process that needed to be approved by the county and the banks involved. They kept saying it was close, but it had to go through a lot of red tape.

By mid November the transfer was approved and Questar started digging. After a little bit of bad weather and the Thanksgiving holiday, they completed installation. The gas was connected to the house by the last week of November. Taking into account the missed days for bad weather and the Thanksgiving holiday, they completed their work in less than 5 days.

According to George Bills, they were set to start digging the power trenches the second week in December. Based on this knowledge, we scheduled the carpet to be installed during the first week in December. We figured that we could run a generator for a couple of weeks to keep the home warm until the power could be connected.

The trenches were started on December 8<sup>th</sup>, and George assured me that he would be done by the end of that week because Utah Power was scheduled for the following week. On December 10<sup>th</sup>, not much progress had been made and I warned George that he won't be done by the end of the week at that pace. They were using a backhoe -- not the equipment to use for a long trench -- so I suggested using a trackhoe like Questar used. He said he would look into it, and that Utah Power wasn't coming until the 16<sup>th</sup> of December so they should be done by then. By the 16<sup>th</sup>, the trenches were nowhere near complete, so Utah Power was rescheduled for the 22<sup>nd</sup>. On the 22<sup>nd</sup> I was onsite. The trenches were still a few days from completion when Utah Power pulled up with their wire truck.

After viewing the situation they decided that the trenches were not ready so they said they couldn't come back until after the first of the year. At that time I asked the Utah Power foreman about the incredibly long time that it has taken to dig the trenches. They said that they had originally offered to provide a sub to dig the trench but the offer was turned down by Gardner and Associates -- he didn't know why. I informed John McMullin of Utah County engineering about the delay -- he didn't seem very happy with the situation.

Also in December, I asked George when the water would be hooked up. He said they needed more money to pay off the water subs before they could perform the tank sanitization. He said it would take a couple of weeks to get the money, then a couple of weeks to do the work. I figured by the time the power was hooked up, we'd be ready to close.

We had record snowfall from Christmas day thru the first week in January. Then it turned bitter cold (around 0 at night and never over freezing during the day) for almost the entire month of January. The first

week in January, Utah Power said that all the snow in the trenches needed to be packed down – so George had the trencher do it. In addition, the trencher was still digging the trenches in our cul-de-sac. Around the second week in January I heard from George that Utah Power said it was too cold and frozen to install the lines. We were devastated - the completion date was no longer in sight.

On January 19<sup>th</sup> as I was going up to the house to change the oil in the generator and to refill it with gas (a process that had been repeated way too many times since the middle of December), I saw that Utah Power had begun to lay down the lines. They completed laying down the lines the next day. The rest of the week, was beautiful weather even though it was still quite cold – but nothing more was done to connect the lines. I called George on the 22<sup>nd</sup> to check on the funding for the water. He said they were still working on it, and that earlier that day he had met with the county to discuss it. He said it was still a few weeks out to get the funding to complete it. I then talked with John McMullin who seemed to be a bit more optimistic about the funding. However a follow-up call with George revealed that they would get funding to pay the subs for work already performed within a couple of weeks, but then they have to push for more funding to finish installing the equipment in the pump house and pay the phone company to install the phone lines into the neighborhood.

After Utah Power laid the lines in the trenches, they told George that now he is responsible for putting down more sand over the lines and then filling up the trenches. So the trencher began that task. It took him until February 10<sup>th</sup> to fill the trenches. A very big snowstorm the first week in February, that added about 10 more inches of snow slowed down the process, but it is still a mystery to me why he was so slow. One Friday as I was up doing some misc. work at the house and I noticed that he left at 1:00. I'm guessing that George has never set this job as a priority in his mind, otherwise he'd be pushing it until dark to get it done.

By February 20<sup>th</sup>, we still hadn't heard anything from Utah Power about when they would come and finish connecting the lines. The trenches have been filled for over a week and a half. A call to both George and John McMullin during that week revealed that the previous week the subcontractors had finally been paid for work rendered over the last few months. Now more money was being sought to complete the water and telephone. John said that the attorney was going before the county commission to get approval to release some money from the bond. I asked John about the date of the commission meeting, and he said he'd get back to me -- which he never did.

During the first week of March, Sturgeon Electric, the subcontractor hired by Utah Power, arrived on-site to connect the backbone for the neighborhood. At the end of the week, they said they would connect the power to the backbone on Monday March 8<sup>th</sup>. I figured that they would also connect the house to the backbone as well, so I took Monday off and went up to celebrate the occasion. When I arrived on-site and talked with them, they said they were not hired to connect the power to the home, but that Utah Power would do that. The foreman said that he knew Brian at Utah Power and that he would call him after the backbone was energized so they could schedule a crew. I also called Utah Power to be sure they knew the backbone was complete. I didn't hear anything from Utah Power the rest of the week.

On Wednesday March 9<sup>th</sup>, I still hadn't heard anything about why Utah Power had not connected the power to the home. I was at the home that evening doing some work, when Justin Wilding (who is building a home just east of us), came by and said that Utah Power had been by the previous day, and said that we needed to dig a trench from our home to the distribution box before they could connect the power. We already had a trench from the home to the road, but now they were expecting us dig a trench to the distribution box which was over 120 feet away – more than half way across the neighboring lot to the south. I started thinking about other neighborhoods, and how the distribution boxes were near the property line. I got a horrible feeling that someone had messed up on the backbone. On the 10<sup>th</sup> I received a call from Utah Power telling me what was expected so they could connect the power (two days after they had been on-site). I asked to speak with someone about the design of the backbone since it was now obvious to me that something was wrong. I spoke with Brian from Utah Power who said that they didn't design or install it, so he would have to look into the situation. I also called George and asked him to look into the situation. I was more than willing to pay the few hundred dollars to trench to the distribution box if that was really where it was supposed to be, however, it was odd to me that it would be placed right near the middle of a lot. George called me back later that night and told me that the design and installation were

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correct, but that with the funding they will receive to finish the water tank, they will pay someone to move the distribution box closer to the property line. He said Utah Power wants the distribution box closer to the lot line, so it would happen even if I decide to connect to the current distribution box. That sounded a bit fishy to me – the design was correct, however they wanted to change it. Someone messed up and nobody wants to take the blame. So I could spend over \$500 to connect the power now, only to have them tear out the work when they move the distribution box. I decided not to incur the extra cost to connect the power at that time. It was starting to get warm anyway, and running the generator so often was no longer mandatory to keep the home at a good temperature for the flooring.

I was informed that the County Commission meeting would take place on March 16<sup>th</sup> to discuss a Phase Bonding Agreement proposed by Dave Gardner near the end of February. This agreement would allow the development to be bonded in phases, instead of requiring it to be bonded all at once. Also on the 16<sup>th</sup> would be a discussion about a new requirement that all homes over 3600 sf in the subdivision would be required to have an internal fire sprinkler system. Since our home would qualify, I wondered if we would be required to retrofit one into our home even though it was already completed. I asked John McMullin who said that his department doesn't make that decision -- the County Commission would rule on that matter.

The only thing we got out of the meeting on March 16<sup>th</sup> was that we wouldn't have to retrofit a sprinkler system into our home if there was sufficient pressure at the hydrant near our home. The issue about the phase Bonding Agreement was continued for a week because the other investors, John and Jenny Willis do not agree with the proposal. In September 2003, the Willis's bought some notes from Capital Community Bank of a loan that Dave Gardner had taken out quite some time ago. This gave them second and third positions in the development.

We had a special meeting on March 18<sup>th</sup> with John and Jenny Willis, Dave Gardner, David Shawcroft, John McMullin, John Wilding, Mandy Wilding, Jana and myself. The Willis's said they don't agree with the phase bonding agreement because it would give Dave Gardner too much control, allowing him to quit selling lots, or quit the project and they couldn't do much of anything about it – and would potentially lose their investment. During this meeting, John and Jenny asked Dave if he was willing to sell his interest in the project. He said if the Amundson's and Wilding's were taken care of, then he would consider it. (Frankly, I don't believe Dave cares at all about us, but this was his way to make him look like the "good" guy.) Dave said he would send paperwork to Willis's by the following Monday. He also said that he doesn't want to continue with the project after phase I is complete. I found this disturbing, but if he wants to get out, I won't complain.

I called Jenny Willis on March 29<sup>th</sup> to see how things were going. She said that the previous week Dave sent them some draw papers, but there was nothing that had any numbers indicating how much Dave was asking. They were just getting around to faxing Dave back saying that this information was not what they were looking for. I asked why it has taken so much time for them to respond to him, and she said they are busy. She didn't sound like they really wanted to buy the development – they just want Dave to finish the development the way he originally said he would. They just bought the notes from the bank because they thought it would be a good investment. At this point, I gave up any hope of them buying the project, which would allow things to move forward. At any rate, it didn't sound like Dave really wants to sell anyway, or he would have sent some helpful information regarding what he wanted.

Another County Commission meeting was held on April 13<sup>th</sup> to discuss the possible approval of the phase bonding agreement, however they said they couldn't figure out how to do it without the Willis's approval. I have no idea why it took a month for them to figure that out. I was out of town on business during that meeting, so I wrote a letter for Jana to read. It briefly outlined the past year and the frustration we have experienced. Jana also read a letter she wrote about the same thing. Dave Gardner then stood up and said he has been developing properties for 25 years and has never been called incompetent before. (We hinted to the fact that this project was riddled with poor management.) He then lied to the county commission and said he told us before we started building that they didn't have funding to do the improvements. The truth is, we never spoke with him until months later, and we were never told about all the risks. Once again, Dave tried to place the blame on someone else so he looks like the "good" guy. The county said they will

get their attorneys working on an alternative to the phase bonding agreement and that they will discuss the item the following week.

On April 20<sup>th</sup> there was no item on the agenda regarding the phase bonding agreement. We asked David Shawcroft about why it wasn't being discussed, and he said that Dave Gardner's attorney was out of town that week. He also said it was still being discussed. Jana went ballistic. Later that day I called Mr. Shawcroft to ask what we could do to make sure that the county commission will not allow Dave Gardner to continue when the bond comes due in June. He said that the bond actually doesn't come due until the first part of December. However, May 20<sup>th</sup> is the deadline for Dave to finish the improvements, and the commission would have to grant an extension for him to continue. He said the best thing we could do is to write a letter expressing our concern, and then deliver a copy to him and the county commission. This way when the item is discussed in a future meeting, they will already understand our point of view.

This is so frustrating. At every turn there is a delay, and that it's in someone else's hands. Our goal at this point is to make sure the county takes over the project on May 20<sup>th</sup> and works quickly to get things done. We will demand deadlines. Jana is at her wits end -- I haven't seen her this bad in a long time. She took some of our glass mugs up to the water tank today and shattered them against it. She's taking it out on everyone -- even me and the kids! It's hard to deal with an issue that is totally out of our control and seems to be going nowhere. Our home has been finished since September...our appliance warranties have expired and we haven't even turned them on yet. We've already paid off the balance of our land and are going \$2,400 in the hole every month. That is money that we will most likely never be able to recover from Dave Gardner.

I still don't understand why Dave Gardner said the improvements could be done by the end of the summer in 2003 when obviously he didn't have a clue where the money was going to come from. He's either an incredibly bad developer or he is dishonest. I've often wondered what he has to gain by being slow and misleading us. Maybe he's funneling money elsewhere and wants to be foreclosed on and take out bankruptcy for the LLC. I'm guessing that he wanted to be foreclosed on by Capital Community bank in the fall of 2003, but that plan was thwarted when the Willis's bought the notes. We may never know what is going on in his head.

Tuesday, May 11, 2004 was an important day for the project. Dave Shawcroft was able to draft an agreement between the county and Dave Gardner to allow the phase bonding plan to be implemented. Also, Textron agreed to increase the bond by \$350,000 and to fund the rest of the improvements. During the meeting, Dave Gardner agreed that it would take no more than 45 days to complete the improvements required to allow occupancy. Textron attorney, Mark Robinson said it would take about 10 days to complete the paperwork to get the funding. This means by mid-July we should be ready to move in.

During this meeting, Jana and I had a side conversation with Mark Robinson who spelled out what was going on. Textron will buy the first position lean currently held by Home Savings for \$1 million. After all lots are sold in phase I, they will foreclose on Eagles Landing LLC. (forcing it into bankruptcy) and find a developer to work the remaining phases. He said they assumed it would be Dave Gardner. I found this interesting because Dave Gardner has been trying to get John Wilding's land for a long time, and this is the plan to do it. When Eagles Landing is foreclosed upon, and it has to declare bankruptcy and sell the assets to the highest bidder, Dave or some associates will buy the development and effectively force John Wilding out. The hitch to this plan is that the Willis's may buy out Textron before they foreclose, keeping Eagles Landing LLC intact, and appoint John Wilding as the developer. We'll have to see how this plays out.

After the meeting, Jana and I met with Dave Gardner, George Bills, and their attorney. I asked Dave why he promised a year ago that he would be done with the improvements in 3 - 4 months. He said the loan he got last year was a revolving loan dependent on the sale of lots. He said that at the time, four lots were ready to be sold, however John Wilding refused to sign off on those lots. Again, Dave Gardner is trying to make John Wilding look like the bad guy. In speaking with John and Eltie Wilding afterward, more facts were brought forward. Indeed, John would not sign off on those four lots, because in addition to those four lots, Dave demanded that John sign over the entire 300 acres to him -- without compensation. It was either 94 lots, or nothing. Vicki DeGraffenreid from the title company was there to witness this event. I also

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have this conversation on my computer because John and Eltie captured it on my digital recorder – stealthily of course. So we see that time and time again, Dave has tried to force John Wilding out of the partnership with little or no compensation, and when John refused, Dave tells some half truths and makes John look bad. This is why Textron and the county don't like John – because Dave tells lies or half-truths so he can look like the victim and get his way. I saw this in Mark Robinson, who outright said that John Wilding is a lying cheat, yet he said he had never met him or talked with him. All the facts he has is what Dave Gardner has told him.

Now that the improvements will be going in, our concern now turns to our compensation. I indicated earlier that the balance of the land is paid off and that we are going \$2,400 in the hole each month. This was based on the fact that around \$7,500 would be needed at closing time to buy down points to 5%. Well, this week the interest rates rose sharply to around 6.38%, eliminating all possibility of buying down points to 5%. This would increase our payment by about \$200 / month – which would be devastating on our finances. So now, we have to come up with a plan to reduce the balance of the loan by around \$35,000 so the payment will be around what we planned – 1,300 / mo before insurance and taxes. It would be impossible to get that kind of money out of Dave Gardner. So we will try to have them give us a lot (lot #6), then upon the sale of that lot, we keep \$35,000 from the proceeds and give the remainder back to the current developer. This means at closing, we will have to come up with the \$35,000 ourselves, which would nearly deplete our savings – but it would be better than having a much larger payment than expected for potentially many years.

I called Jared Anderson who represents Textron on 27 May 2004 to ask him about the status of the funding. He told me that the title company was unable to get title insurance for the loan for unknown reasons, which meant that Textron would not be willing to provide the loan for improvements. He also said that Textron would not be willing to buy out the first position loan. The light at the end of the tunnel went out. The only thing that could be of comfort was that he said the Willis's were "aggressively pursuing" the prospect of buying the first position loan. If that were to occur, the Willis's would most likely foreclose on Eagles Landing and take over the project. This however could take quite some time.

On Saturday May 29<sup>th</sup> I received a letter from Dave Gardner with the response to our compensation proposal. He said that they knew compensation is owed to us but that he could not deed over a lot to us since there were too many loans on the lots. He suggested getting a real estate attorney to review our options.

19 July 2004 – For the last few weeks we've been waiting for Textron and the Willis's to come to an agreement. I am told they met last week but both are having differences over an agreement. At this point, I don't have hope that anything will happen quickly, so we are pursuing a course of action that was suggested by various homeowners in Birdseye – just finish what is necessary to pass an inspection and move in. At this point, we believe that would just entail trenching over to the power distribution box and connecting the power, sanitizing the tank and flushing the lines, and running the phone lines. I'm guessing this may cost up to \$2,000, some of which can be shared with Justin and Mandy Wilding. I've called John Wilding to get started on the power situation and to put the finishing touches on the house that we've been waiting for since last September.

In addition, I'm trying to contact County Commissioner Steve White to let him know that Textron has not come through with their part of the agreement and that in the last two months no progress has been made toward the completion of the project. I had a conversation about a month ago with Dave Shawcroft indicating that no progress was being made and to get an understanding of what the county could do to expedite the process, such as calling the bond. He told me that the agreement that was signed in May, would not allow the bond to be called until at least October. This fact was not brought out in the county commission meeting when the agreement was signed, or I would have made an issue over it – not that it would have done any good.

Levor Oldham is also going to contact Gary Herbert, who is running for Lt. Governor in November, to let him know that in his opinion, the county has not done their job to protect our interests. He will also let Gary know that he is aware of some questionable projects that the county has done under his jurisdiction

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that he is sure Gary would not want the public to be aware of. The main issue Levor will bring up to Gary is regarding an RV/Camping area in Spanish Fork canyon by the Thistle landslide that did not go before the public, nor did it ever go before the planning commission. Lot's of public money was spent by county engineer Clyde Griffin to build this camping area with no public approval and no building permit, as verified by Jeff Mendenhall of the county planning commission. The reason why this is such a big deal is because before the county started construction of this facility, Gary Hubbs – a Birdseye resident - approached the county to get approval of a similar type resort just a few miles up the road on his property. The county refused the request, however just a few months later, the county started construction of their own.

9 Aug 2004 -- Still no news from Textron and the Willis's, however we are moving along on our own. On Wed Aug 4<sup>th</sup>, we finally got power to our home. Since the distribution box was about 120 feet from our property line, John Wilding dug a trench and we laid conduit to the box.

I called Dave Gardner a few weeks ago to make sure the lean on our lot from Eagles Landing was cleared. He said he would clear their lean. However the title company said a subcontractor (Wade Stanton – road and water lines) has placed a lean on all lots, including ours. I've been working with his attorney, Bill Hansen, to clear that lean. I believe the lean is for \$20,000.

Regarding the water situation...

I cannot get anyone to sanitize the tank. Dale Cox, the tank contractor, will not do it because he has not been fully paid for the work he has done. He also will no longer return my calls. Anyway, I've been told that you wouldn't want to leave the water sitting in the tank for too long which would be the case since there are only two homes using it. So after consulting with Bob Perry, (the person who installed the original pump), Koby Hubbs, and Bruce Hall, we came up with a good plan that will enable us to get in and have water for the short term. The existing pump is 5HP, which requires a 10kw generator to run it. Since a 10kw generator is expensive to buy/rent, we decided to downsize the pump to a 1 ½ HP so we can use a 5kw generator. Then, instead of pumping water into the tank, we just fill up the lines and use that for storage. We figure that we would have to fire up the generator about every 10 days or so and fill up the lines. This will work until the project is resumed, and power is run to the pump and more homes begin drawing on the tank. I will pay these costs which may run around \$2,000.

In order to run the telephone lines up from the road, CUT is requiring a \$2,000 payment - \$1,000 for each home. This will cover running all lines for the first 20 lots up the main road, then after the project is resumed, they would run the lines to all the other homes at an additional cost. I will incur the cost to do this initial installation and attempt to get reimbursed when the project resumes.

August 23, 2004, the inspector (Gil) came out and found 12 things wrong. 11 were minor and were fixed by me within a couple of days. The other is the grading of the dirt around the house which will be done by Bruce Hall.

August 24, 2004 -- we moved in. Things are working well at the house. When the lines are full we have 100 lbs of pressure at the meter, which I am reducing to about 60 lbs at the pressure reducing valve in the house.

August 31, 2004. We have been in one week now and have not re-filled the lines and so far I haven't seen any noticeable reduction in pressure. I will refill it this weekend regardless. I'm trying to figure out how to keep the valves from freezing this winter. In order to shutdown the generator when the lines are full, I created a home-made float valve that floats up and completes the circuit for the power switch in the generator to turn it off. It works well, but will be vulnerable to cold weather. If the lines fill and the float chamber (3/4" pvc pipe) fills with water and stays full if we don't use the water, the pipe will freeze. We're toying with the idea of heat tape and insulation. While the generator is running it will heat the pipes. When the lines fill, the heater will shut down but will keep the pipes warm for a while until water is used in the lines to lower the water level. This will also make sure that the float chamber is thawed when the lines are filling.

Reimbursable costs so far:

Power to home (conduit): \$120

Telephone: \$2,000

Water: 10kw gen rental \$150, 5HP Control box \$395, 1 ½ HP pump and inst; \$1,550

October 14, 2004 – I have been told that since the county can now call the bond and Textron doesn't want it to happen, they are going to fund the project so it can move forward. This would include paving the roads, running power to the pump, and backfilling and sanitizing the tank. The road crew is already working on re-grading the roads.

November 8, 2004 – Evans paving laid asphalt on the main road and in three cul-de-sacs. It took longer than anticipated because we've had three weeks of rain since they started in mid-October. Crews have also backfilled the tank and have completed the trench up to the pump. In addition, they have placed large concrete housings with manhole covers over the valves to keep them from freezing during the winter.

November 15, 2004 – I received a check from CUT for \$2,000. Aside from recovering the \$395 for the 5HP pump control box, I am not realistically expecting any further reimbursement.

Things have been working well with the generator and pump. We fill up the lines once per week (about two hours of pumping). The water still smells a little chlorinated at the house from the chlorination of the lines, but filtering removes any odd taste.

Spring 2005 – Electricity was run up to the pump house late winter/early spring but I just barely got around to figuring out how to connect it to the pump so it will turn off when the lines are full. Just two days after I connected the power, someone stole my 4500 watt generator from the pump house. I am now keeping the pump house locked.

To avoid the pump having to turn on every few seconds to keep the lines full, I figured I would put it on a timer. So twice per week for a specified interval the pump would turn on and fill the lines and should shut off via the float valve when the lines were full. The problem with this however, is that the float switch rapidly disconnecting and reconnecting would lock the relay (pump switch), so the pump would stay on. So I removed the float valve from the system. I then set the timer to run the pump 45 mins twice per week and opened the valve to the tank and opened the tank drain valve so the lines can overflow into the tank. This seems to be working fine, with the exception that now we're using the lines between the pump and the tank so now we have more chlorine taste to our water. It will resolve itself over time so we're not worried.

July 5, 2006 – The bank foreclosed on the subdivision around fall 2005. It went up for auction in November 2005 but it wasn't sold. However as of July 5, 2006, the subdivision was sold to Hearstone Development, owned by Dave Olsen. We met with Dave and he outlined his plans. They are required by the county to sanitize the tank before they can sell any lots, so that will be high on their priority list. So far they have mowed the weeds near the entrance and are preparing to plant trees up the drive from the highway to the first lots. They say they will also put in a 3-rail vinyl fence along the frontage and up the drive to the first lots. They also plan on building a couple of water features at the entrance.

August 30, 2006 – To prepare for a larger pump so they can fill the tank, they pulled the 1 ½ hp pump from the well and welded a larger pipe for the riser to connect to. The new 20 hp pump was supposed to be put in on Friday September 1st, but the pump people never came to do it. We ran out of water on Friday morning and began filling up containers to drink, wash and flush toilets with. Since Monday was Labor Day, we knew that we would be a while without water. On Tuesday, the 20 hp pump was installed but the electrician was not available. On Wednesday the electrician came and hooked up the pump and we finally had water Wednesday night September 6th.

The entrance to the neighborhood is now lined with a vinyl fence and over 100 Aspen trees. They have put gravel down between the road and the fence, so it looks very nice.

October 6, 2006 – Ever since they put in the 20 hp pump, we have had to turn on the pump nearly every day to fill up the lines. Either the trees are taking a lot of water or there is a leak in the line somewhere. I

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figure we are going through about 10,000 gallons per day, whereas before the subdivision was sold, we would use about 3,700 gallons per week. That's a lot of water going somewhere that we cannot identify.

The water tank was sanitized about a week ago and was filled with 5 feet of water. The county finally tested the water and approved it today, so they turned the valve and we are now using tank water. At this point, I'm guessing that there may be some homes started soon.

January 16, 2007 -- Four homes are in progress. They started digging the week of November 20, 2006. They were pouring foundations and basements by the week before Christmas.

February 27, 2012 - Dave Olsen built a total of six homes. Two sat empty for 2 years waiting to be sold during a very difficult time in the economy. Two were rented for a short time. At this time the current owners of those homes are: Gene and Betty Allen (2010), Gary and Pam Monson (2011), John and Sherry Reano (2011), Ron and Diane Workman (2011), and Dustin and Brenda Bates (2012). Only one of those six homes is currently available as of last week when Rick and Sue Olsen moved away.

The home built by Justin Wilding in 2004 is now owned by Brent and Realeen Duncan (2012). Ryan and Tiffany Gasser built and occupied their home in 2007. The home built by Chuck and Sandy Smartt in 2009 is now empty, after being occupied by them for nearly two years. The Amundson home has been sold and will be occupied by John and Mary Gavrilu in March 2012.

Because of the downturn in the economy, Dave Olsen is likely to lose the subdivision. The exact state of affairs is unknown to me, but it is my opinion that until the subdivision is purchased by another developer, that the maintenance, excluding the water system which is now considered a public utility, will be the responsibility of the home owners association which met for the first time on this date, 27 Feb 2012, at the Amundson (soon to be the Gavrilu) home.



**Subject:** FW: FW: Docket No 13-2477-01  
**Date:** Tuesday, December 10, 2013 6:09 AM  
**From:** Lisa Orr <Lisa.Orr@imail.org>  
**To:** Raeleen Duncan <info@LQD8R.com>

Here is the email with the formal complaint withdraw notice and the reasons why at the bottom.

**From:** Lisa Orr  
**Sent:** Thursday, October 31, 2013 8:30 AM  
**To:** 'Melanie Reif'; orrte@uvu.edu  
**Cc:** david@redrockcapital.co; Patricia Schmid; Justin Jetter; William Duncan; Brent Coleman; jcsmith@smithlawonline.com; Gary Widerburg  
**Subject:** RE: FW: Docket No 13-2477-01

At this time we would like to withdraw the complaint.

**From:** Melanie Reif [mailto:mreif@utah.gov]  
**Sent:** Thursday, October 31, 2013 8:27 AM  
**To:** Lisa Orr; orrte@uvu.edu  
**Cc:** david@redrockcapital.co; Patricia Schmid; Justin Jetter; William Duncan; Brent Coleman; jcsmith@smithlawonline.com; Gary Widerburg  
**Subject:** Re: FW: Docket No 13-2477-01

Dear Mr. and Mrs. Orr:

The Commission received your email below. Could you please clarify whether you are withdrawing your complaint? If you simply wish to change the hearing date, please clarify that as well (and, if so, whether all parties stipulate to such a change). Please "reply all" when responding to this message so that all parties to this matter are included in your response. Once the Commission receives your response it will respond accordingly.

Thank you,

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Melanie A. Reif

Administrative Law Judge

Utah Public Service Commission

On Wed, Oct 30, 2013 at 11:27 AM, PublicService Commission <psc@utah.gov> wrote:

FYI

----- Forwarded message -----

From: Lisa Orr <Lisa.Orr@imail.org>  
Date: Wed, Oct 30, 2013 at 11:21 AM  
Subject: FW: Docket No 13-2477-01  
To: "PSC@UTAH.GOV" <PSC@utah.gov>

From: Lisa Orr  
Sent: Wednesday, October 30, 2013 10:40 AM  
To: 'pschmid@utah.gov'; 'jjetter@utah.gov'; 'brentcoleman@utah.gov'  
Cc: Terry Orr (orrt@uvu.edu); 'david@redrockcapital.co'; 'jcsmith@smithlawonline.com'; Lisa Orr  
Subject: Docket No 13-2477-01

The matter regarding Docket No. 13-2477-01 Formal complaint of Terrance K. and Lisa G. Orr vs. Eagles Landing Water Company, LLC has been agreed upon by both parties. Please cancel the hearing from your schedule. The tariff amount of \$4000.00 for water lines, box, meter and all associated costs and labor plus \$100.00 for the hook-up fee has been paid. Eagles Landing Water Company has received and accepted the check from the Orr's. The water lines including the box, meter

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and associated work to enable water access at lot 62 in the Eagles Landing subdivision will be installed the first week of November as stated verbally by David Olsen representing the water company. As long as this work is completed in a timely manner we (Terry and Lisa Orr) consider this matter resolved and paid for in full.

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**Subject:** FW: Water resolution  
**Date:** Tuesday, December 10, 2013 6:06 AM  
**From:** Lisa Orr <Lisa.Orr@imail.org>  
**To:** Raeleen Duncan <info@LQD8R.com>

Here is an email showing the dates we received the call from the lawyer. I'll keep looking for the actual email to resolve the formal complaint on it.

**From:** Lisa Orr  
**Sent:** Wednesday, October 23, 2013 7:01 AM  
**To:** 'info@lqd8r.com'  
**Subject:** RE: Water resolution

I am going to ask the lawyer today when he calls back about the rate charge and I am going to insure that we get a meter put in when they put the lines in. If the water issue is resolved then I'm sure he'll be purchasing. Terry was going to tell him today.

**From:** info@lqd8r.com [mailto:info@lqd8r.com]  
**Sent:** Tuesday, October 22, 2013 8:19 PM  
**To:** Lisa Orr  
**Subject:** RE: Water resolution

Congratulations. It is good to hear. We are not filing a formal complaint, but hopefully he will do the right thing and charge us all the \$35. Per month. Thanks for the update. Is your friend ready to buy the lot in our culdesac?

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----  
**From:** Lisa Orr <Lisa.Orr@imail.org>  
**Date:** 10/22/2013 7:07 PM (GMT-07:00)

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To: Raeleen Duncan <info@lqd8r.com>  
Subject: Water resolution

Came home to a voice mail from Craig Smith, lawyer for the water company. They want to resolve our formal complaint by charging the \$4000 for the water lines/ meter and then the \$35 for the first 10,000 gal as stated in the tariff. I left a message back so we'll see what happens when I speak to them on the phone. I think we'll just pay to get the line/meter/hook-up so we can get going on our septic and such. Hopefully they'll resolve the rest of the complaints as easily.

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Tuesday, December 10, 2013 12:00 PM

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**Subject:** last email

**Date:** Tuesday, December 10, 2013 6:12 AM

**From:** Lisa Orr <Lisa.Orr@imail.org>

**To:** Raeleen Duncan <info@LQD8R.com>

Also, I emailed Dave on November 5th asking for our receipt for all of this work for our files and he said it would be included on the next bill when they are sent out. I just emailed him again this morning stating that we still have not received a receipt and need it. Do you know when your bills usually come out? I would think in the past 5 weeks you would have received one.

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# Informal Complaint Report

Index Number: 5024 Company Name: Eagle's Landing Water Company

## CUSTOMER INFORMATION

Customer Name: Orr, Terry & Lisa Account Number:  
Other Contact Info: Phone Number: (801) 796-7420  
Customer Address: Other Phone: (801) 319-9539  
Customer Address: 391 E 1790 N Email Address: Lisa.orr@gmail.org  
City: Pleasant Grove State: UT Zip Code: 84062

## COMPLAINT INFORMATION

Type of Call: Complaint Complaint Type: Rate & Tariff  
Date Received: 8/15/2013 Date Resolved:  
Complaint Received By: Maria Martinez DPU Analyst Assigned: 0  
Utility Company Analyst:  
Company at Fault:  Actual Slamming Case:  Actual Cramming Case:

### Complaint Description:

RE: Birdseye, UT, Eagle's Landing Lot 62 & Eagle's Landing Water Company

#### HISTORY OF TRYING TO FIND THE WATER LINES:

We purchased Eagle's Landing Lot 62, and part of the agreement was that all utilities were at property. We specifically asked about the water because we could not locate the manhole cover indicating where the water was when other properties that were undeveloped had them on. We were told due to a flood the year before it was probably buried under the washed dirt.

Late in 2012 we called Blue Stakes because we were unable to locate water cover and although they marked all the utilities, the water was not marked. In June of 2013 we went to the property with a metal detector covering from the road to approximately 40 feet in from front and side roads. After a few hours we were not able to locate the cover. Several neighbors came out trying to help and also had no luck locating the lid.

On August 5, 2013 we went to the Utah County offices of Dennis Barker, Fire Marshal; Steve Kitchen, Building Official and Lantry Ross, Utah County Health Department making inquiries as to plot maps, building permits, septic systems, water tests and other items with the intention starting to build in Spring of 2014. Specifically we asked about who is responsible to mark the water line since we were having difficulty locating it and I also said we were not ready to hook it up yet, but in order to submit permits we would need the location of the pipes. Each time we were told that the water company is responsible to mark the line for use on our plot map. Early attempts at finding the responsible person for the water company was futile so I finally called our real estate agent and he gave me the number of Dave Olsen at 801-885-1040 (who is also the developer of the Eagle's Landing subdivision).

#### CONVERSATION WITH MR OLSEN/WATER COMPANY:

I called Mr. Olsen at 4:14 pm on August 5. I requested that the water line, specifically the water connection area to be marked to use on our plot/permit maps. He stated that for a fee of \$5,000 he would come out and hook it up. I once again reiterated that I didn't need the water hooked up, but only wanted to know where the pipe ran and where the connection would be on our property. He then stated more forcefully that he was not going to come out to the property to mark the line and when I sent a check for \$5000 to him at the address of 772 S Carterville Road in Orem that he would take care of it. I tried to explain I did not need a hook up and it was his responsibility as the water utility company to mark the line. He then became very agitated and began raising his voice towards me. He stated he was not going out to the property and he wasn't going to take an excavator out just to mark a line and would do it when he received the check. He then went on about how much the lots were worth and how some people were buying them at \$20,000 and they were worth so much more. I tried to calm him down by saying I certainly paid more than \$20,000 and he demanded to know how much. I told him it was more than that again. He then went on about how he was going to start monitoring the water and making people really pay for it and a lot of things that I didn't really understand with the current residents in the subdivision. It was a very unprofessional conversation. He wanted to know how much I pay for water where I currently live and I told him it was much less than whatever the figure was he wanted to charge at \$55. I told him I didn't have the figure off the top of my head and frankly it wasn't any of his business what I pay on my current property. He was really making me uncomfortable and I ended the call with stating we once again didn't need the water hooked up and we weren't going to need it until next year.

Friday, September 20, 2013

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DUNCAN Pre-filed  
Docket #:13-2477-02

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# Informal Complaint Report

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## PUBLIC WORKS:

Within a few days of this conversation I had heard about the Public Utility Works and contacted them. I received the Tariff from 2008 stating that not only is the amount of \$55 a month not stated, but that the fee for the meter is \$4000 (\$1000 less than he was trying to charge me) and the hook-up fee is \$100.

## ACTION WE'RE WILLING TO TAKE:

Although we initially didn't want to pay for the meter/manhole cover this year we have since changed our minds. I relayed the conversation I had today regarding the matter. We are now willing to pay the \$4000 right now to have the line placed with the meter/manhole cover in order to alleviate the problem and any future problems that may come up over this. However, the \$5000 fee he was asking for is not justified. I am afraid he will try to amend the tariff and charge more if we don't settle it now. It will also help us know where the connections are so we can proceed with our plot maps.

If you're able to contact him to mediate this I would greatly appreciate it, but right now I don't feel he is willing to work with us.

Thank you for your help in this matter,

Terry and Lisa Orr  
391 E 1790 N  
Pleasant Grove, UT 84062  
H 801-796-7420  
C 801-319-9539

## Complaint Response:

9-17-2013  
Mr. Olsen,

This email is to remind you that you had until September 15th to respond to this complaint. It has now passed and I have not received anything from you yet.

UT Public Service Commission Rule R746-200-8. Informal Review states:

"The utility shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the utility request that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The utility shall inform the Division employee of the utility's response to the complaint, the proposed solution and the complainant's acceptance or rejection of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint."

Maria

9-18-2013  
Mr. Olsen,

I have not received a response to my follow-up email to you yesterday. As I stated in my email yesterday, it has been more than 30 days and you have not responded to Mr. and Mrs. Orr's Informal Complaint.

Please respond immediately per Commission Rule R746-200-8.

Maria

## Additional Information:

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Friday, September 20, 2013

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DUNCAN Pre-filed  
Docket #:13-2477-02



# Informal Complaint Report

**Index Number:** 5025      **Company Name:** Eagle's Landing Water Company

## CUSTOMER INFORMATION

**Customer Name:** Eagle's Landing Residents, Birdseye, UT      **Account Number:**  
**Other Contact Info:** Brent & Raelen Duncan      **Phone Number:** (801) 687-6699  
**Customer Address:**      **Other Phone:** (801) 420-6213  
**Customer Address:** 19638 South Buckskin Circle      **Email Address:** info@lqd8r.com  
**City:** Birdseye      **State:** UT      **Zip Code:** 84629

## COMPLAINT INFORMATION

**Type of Call:** Complaint      **Complaint Type:** Rate & Tariff  
**Date Received:** 8/15/2013      **Date Resolved:**  
**Complaint Received By:** Maria Martinez      **DPU Analyst Assigned:** 0  
**Utility Company Analyst:**  
**Company at Fault:**       **Actual Slamming Case:**       **Actual Cramming Case:**

### Complaint Description:

Complaint #1  
UTILITY CUSTOMER:  
FROM: Brent/Raelen Duncan  
PHONE: 801-687-6699  
OTHER PHONE: 801-420-6213  
EMAIL: info@lqd8r.com  
IP: 205.197.213.175

SERVICE ADDRESS:  
19638 South Buckskin Circle  
Birdseye, UT 84629

MAILING ADDRESS:  
HC 13 Box 312  
Fairview, UT 84629

UTILITY: Eagles Landing Water Company  
ACCOUNT NUMBER: NA

COMPLAINT TYPE: Rate And Tariff

COMPLAINT: I have had correspondence with Mark Long and Maria Martinez. The tariff states that we should be charged \$35 per month, but we have been charged \$55 each month.

SUGGESTED RESOLUTION: I believe that we should be reimbursed for the money that we have been overcharged.

BACKGROUND from an Unresolved Complaint in July of 2012:

We are a community of 11 homes and receive our water through a private water company. We just received a water bill of \$110 (No sewer or garbage, just water). We have been told that our bill year round would be \$55 to account for fluctuation of water usage throughout the year. The attached note stated "Due to high water usage this year, water rates will be raised to \$110.00 for the period of June 2012 to October 2012. After that time water rates will return to \$55.00. End of Statement. Our meters are never read. (One resident does not yet have grass on his property). Two weeks ago we as a community were without power for 3 days, so we requested that the owner put in a generator so that we could use the pump to pull up more water. He finally agreed to get an electrician here to install the proper electrical, but required us as homeowners to pay for the use of the generator. (We agreed

Friday, September 20, 2013

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DUNCAN Pre-filed  
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# Informal Complaint Report

because we needed water, and determined that we would rent a generator and divide the costs among the 10 homes that are currently occupied. My understanding is that the water company is required to pay for things necessary to provide water to our community. One of our residents goes to the pump house 2-3 times a week to turn on the pump, but he is never reimbursed for his time or travel expenses. We as a community are grateful for this resident's desire to take care of this issue so we have water as it is needed.) My understanding is that rates cannot be arbitrarily increased on the whim of the owner of the water company. I have not spoken with the water company. We have been told this situation arose in the past and the owner was told he could not raise the rates. I believe that was when the \$55 a month rounded rate was implemented.

## Complaint #2

### UTILITY CUSTOMER:

FROM: Ronald & Diane Workman

PHONE: 801-874-5245

OTHER PHONE: 520-207-7889

EMAIL: dworkman2009@gmail.com

IP: 64.77.240.159

### SERVICE ADDRESS:

4576 Cougar Run

Fairview, UT 84629

### MAILING ADDRESS:

HC13 Box307

Fairview, UT 84629

UTILITY: Eagles Landing Water Company

ACCOUNT NUMBER: none

### COMPLAINT TYPE: Additional Charges

COMPLAINT: We moved in 1/28/2011 and have paid \$55.00 monthly for water when we should have paid \$35.00 monthly per tariff. Mr. Dave Olsen said we could omit paying for (2013 only) summer months since my husband, Ron takes care of turning on/off the water pumping system. (I have not paid monthly bill for past two months.) This was only a verbal communication and wouldn't be surprised if Mr Olsen does not admit to saying it.

SUGGESTED RESOLUTION: Think monthly over-payments should be paid back by not having to pay for water for equal amount of over-payment months.

## COMPLAINT #3

### UTILITY CUSTOMER:

FROM: John and Mary Gavriła

PHONE: 8018733334

OTHER PHONE: 8013617817

EMAIL: gavriła1@cut.net

IP: 205.197.213.74

### SERVICE ADDRESS:

19659 S. Lariat Circle

Fairview, UT 84629

### MAILING ADDRESS:

HC 13 Box 302

Fairview, Ut 84629

UTILITY: Eagles Landing Water Company

ACCOUNT NUMBER: not sure

### COMPLAINT TYPE: High Bill

COMPLAINT: Rates for our water go beyond the approved rate. We have been billed \$55 a month since April of 2012 (when we moved in)

SUGGESTED RESOLUTION: Bill the appropriate rate and refund previous months.

## COMPLAINT #4

My name is Dustin Bates, I am contacting you in regards to a complaint that has been filed with your office. The complaint is that Eagles Landing Water Company, should have been charging us \$35 a month for water and we have been paying a \$55 premium since we moved into our home in March of 2012. We would like to participate in the complaint process. Our contact information and physical address is as follows:

Dustin and Brenda Bates

Physical Address: 19694 South Elkhorn Circle Birdseye, UT 84629

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DUNCAN Pre-Filed  
Docket #:13-2477-02

# Informal Complaint Report

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Mailing Address: HC 13 Box 313 Fairview, UT 84629  
Phone: 801-873-3151  
email: dandbbates@yahoo.com

We have been over charged for our water since March, 3, 2013 This is the date that we moved into this house.

We would appreciate a refund of the amount that was overcharged.

Please feel free to contact us if we need to do something further in this complaint process.

Thanks

**Complaint Response:**

9-17-2013  
Mr Olsen,

This complaint also has passed the 30 day extension. I need a response from you so that I can close this Informal Complaint and can advise the complainants to file a Formal Complaint with the Public Service Commission should there be no resolution in this informal complaint process.

Maria

9-18-2013  
Mr. Olsen,

As I stated in my follow up email to you yesterday, this complaint has passed the 30 day extension per UT Public Service Commission Rule R746-200-8 (A). It states,

"The utility shall make reasonable efforts to complete any investigation and resolve the dispute within 30 calendar days. A proposed solution may be that the utility request that the informal complaint be dismissed if, in good faith, it believes the complaint is without merit. The utility shall inform the Division employee of the utility's response to the complainant, the proposed solution and the complainant's acceptance or rejections of the proposed solution and shall keep the Division employee informed as to the progress made with respect to the resolution and final disposition of the informal complaint."

Please respond immediately.

Maria

**Additional Information:**

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