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*Attorneys for Island Park Water Co.*

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

IN THE MATTER OF ISLAND PARK  
WATER COMPANY'S FAILURE TO  
COMPLY WITH IDAHO PUBLIC  
UTILITIES COMMISSION REPORTING  
AND FISCAL REQUIREMENTS,

Case No. ISL-W-23-01

**SECOND AFFIDAVIT OF ROGER P.  
BUCHANAN**

STATE OF IDAHO            )  
                                      :SS  
County of Bonneville    )

Roger P. Buchanan, being first duly sworn upon oath, deposes and states as follows:

1. I am over the age of eighteen (18) years of age and am otherwise competent to testify as to the matters contained herein based upon my own personal knowledge.
2. I am the Vice President of Buchanan Well Drilling, Inc.
3. I have reviewed the John Kruck Affidavit and the Affidavit's attached statement of Carlin Feisthamel.

4. I personally attended a meeting on January 5, 2023, via telephone conference that was attended by myself, Dorothy McCarty with Island Park Water Company (“IPWC”), and Carlin Feisthamel, Regional Engineering Manager, DEQ.

5. The telephone conference took place between the times of 1:04 p.m. and 2:07 p.m.

6. The main topic of conversation was IPWC’s response to reported water running out of a pump-to-waste piping at the East Well in the Valley View Subdivision.

7. We (myself and Dorothy McCarty) informed Mr. Feisthamel that we were made aware of this water coming out of the pump-to-waste piping by customers in the Valley View Subdivision.

8. We explained to Mr. Feisthamel what some of our immediate responses had been and that we were trying to determine what the best course of action would be to access the valve pit on this East Well in order to turn off the valve and drain the pump-to-waste piping.

9. We informed Mr. Feisthamel that the Subdivision water system was inaccessible by normal transportation means. The snow level in the Valley View Subdivision was reported by the operator of Henry’s Lake Station and Café to be extremely high.

10. The operator had communicated to us that the usual roadway system up to the Subdivision was inaccessible due to the very high snow levels and the steep terrain.

11. The operator explained that the only possible access was by going around to the south and coming up across third parties’ property to gain access to the East Well site.

12. We explained to Mr. Feisthamel that neither myself or IPWC had snowmobiles to gain access to the well site.

13. In response to Mr. Feisthamel's statement as to disconnecting any homes from the water system, I specifically do not recall any discussion of disconnecting any homes from the water system at that time.

14. I do recall talking about our inability to access the Subdivision to repair a possible known leak in the distribution system located approximately 200 feet to the East Well as described to the Idaho DEQ when they were doing the sanitary survey for Valley View Subdivision in October of 2022.

15. As already stated, I do not recall any discussion of disconnecting water to a particular property.

16. Unfortunately, there was no mention in Mr. Kruck's affidavit or in Mr. Feisthamel's statement regarding the numerous other things that were discussed in this particular conversation: for instance, the difficulties involved in accessing well sites in the middle of a severe winter. As I recall the conversation, this issue of inaccessibility was the main topic of discussion during this conversation.

17. Attached hereto and incorporated herewith by this reference as **Exhibit 1** are notes taken by Kelsey Carter, Drinking Water Specialist, DEQ, on February 1, 2023, between the times of 11:43 a.m. and 12:47 p.m., of a telephone meeting by and between myself and Ms. Carter. This meeting was conducted in response to an email she had sent to me that day. (*See*, Exhibit 2 attached hereto).

18. In these notes are certain references to statements attributed to me that are incorrect. I did not state that IPWC "has" the deed for the property where the "Herring" well is

located. I did state that Dorothy McCarty pays property taxes on the property that the well is located in and on.

19. To be clear, it is my understanding that the ownership of the well is disputed and unclear.

20. What I wanted to convey is that I know for sure that IPWC does not control the “Herring” well despite IPWC paying taxes on the property where the well is located.

21. To my knowledge, based upon my review and investigation of the matter, the “Herring” well services only the gas station and the Shane Roos property.

22. If the “Herring” well supplies water to any other “user” in the Valley View Subdivision, I am unaware of it.

23. I also attended a meeting on February 3, 2023, that was conducted in the DEQ offices that included myself, Carlin Feisthamel, DEQ, Jason Fales, Drinking Water Compliance Supervisor, and Dorothy McCarty of IPWC.

24. Attached to and incorporated herewith to this Affidavit as **Exhibit 3** are minutes that were taken at this meeting by Mr. Fales. These minutes were obtained via a public information request.

25. A reading of the notes taken by Mr. Fales, reflects that the meeting was centered around addressing the problem of how to deal with the pump-to-waste issue, explanation of why the system was having to have monthly samples taken, and what to do about specific site sampling plan requirements.

26. Also under discussion per the notes was a discussion about depressurizing and taking the system into a seasonal water system.

27. Based upon my recollection and review of Mr. Fales' notes, we did not discuss how to disconnect individual customers of IPWC as it was described by Mr. Feisthamel in his summary of the meeting.

28. During this telephone conversation, there was also a discussion as to whether the DEQ had decided that there was common ownership to the "Herring" well and whether the "Herring" well serves connections outside of the designated IPWC place of use for a water right like the gas station and should IPWC disconnect that connection.

29. Mr. Feisthamel stated to me and Ms. McCarty during the February 3, 2023, meeting that we should not do that and should work toward cooperation.

30. This February 3, 2023, meeting is my sole recollection of a discussion of disconnection of any service.

DATED THIS 16<sup>th</sup> day of March, 2023.

By Roger P. Buchanan  
Roger P. Buchanan  
Vice President  
Buchanan Well Drilling, Inc.

SUBSCRIBED AND SWORN before me this 16<sup>th</sup> day of March, 2023.



Cheri Vandermeulen  
Notary Public for Idaho  
Residing at alaska falls  
My commission expires 4-13-2028

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16<sup>th</sup> day of March, 2023, I caused to be served a true copy of the foregoing SECOND AFFIDAVIT OF ROGER P. BUCHANAN by the method indicated below, and addressed to each of the following:

Idaho Public Utilities Commission  
PO Box 83720  
Boise, ID 83720-0074

- U.S. Mail, Postage Prepaid
- Hand Delivered
- Overnight Mail
- E-mail: secretary@puc.idaho.gov
- Facsimile
- iCourt



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Marvin M. Smith, ISB No. 2236

# **EXHIBIT 1**

Phone call Roger Buchanan  
Feb. 01, 2023 11:43am-12:47pm  
(208) 681-3517

well on Herring:

- has done work on it for the winegars for "many years" with previous owner Wendell - unsure of current owners name but last name Winegar also
- knows RV park is 100% separate from this well
- Replaced pump in well for the winegars 2-3 years ago single horsepower
- No known well log
- No AS-builts for any of Valley View water system
- known water outage in Valley View Spring 2022 several homes still had water despite well #2 being turned off. Homes assumed to be on 3rd well. Information has not been verified by Roger

Question:

How long has the gas station been caring for the well on Herring / claimed ownership?

- Roger has worked for Andrew Well Drilling since 1992 "As long as he can remember", "whenever Wendell bought the property since then", "Wendell claimed he had ownership in sale of gas station, but never provided documentation to IPWC", "the cafe has always paid the power bill for the well on Herring", "the winegars pay me to service the well", "Wendell told IPWC he had water rights to the well"



### Question:

In your opinion, who owns the well on Herring?

- "IPWC! IPWC has the deed" "its on IPWC property and its IPWC's well"

But the winegars have been the ones paying you to fix the well?

- "its contested ownership everything is hearsay no one knows anything about this confusing system"

### Question:

Does well #3 provide water to user in Valley View subdivision?

- "yes a few but there is no documentation on the lines people do what they want"

### Question:

Is the well on Herring connected to well #1 and well #2 in valley view?

- "Absolutely not that I (Roger) know of", "water lines run in front of the well house and dead end"
- Well #1 and well #2 are cross connected
- Roger was directed to call by Dorothy McCarty after not responding to my request for information
- Meeting scheduled with Roger, Dorothy, and Carlin for Friday
- Dorothy has documentation on valve shut off and cap but will not provide to DEQ

exact locations of lines are unknown assumed to follow roads

no lines in this area UNK.

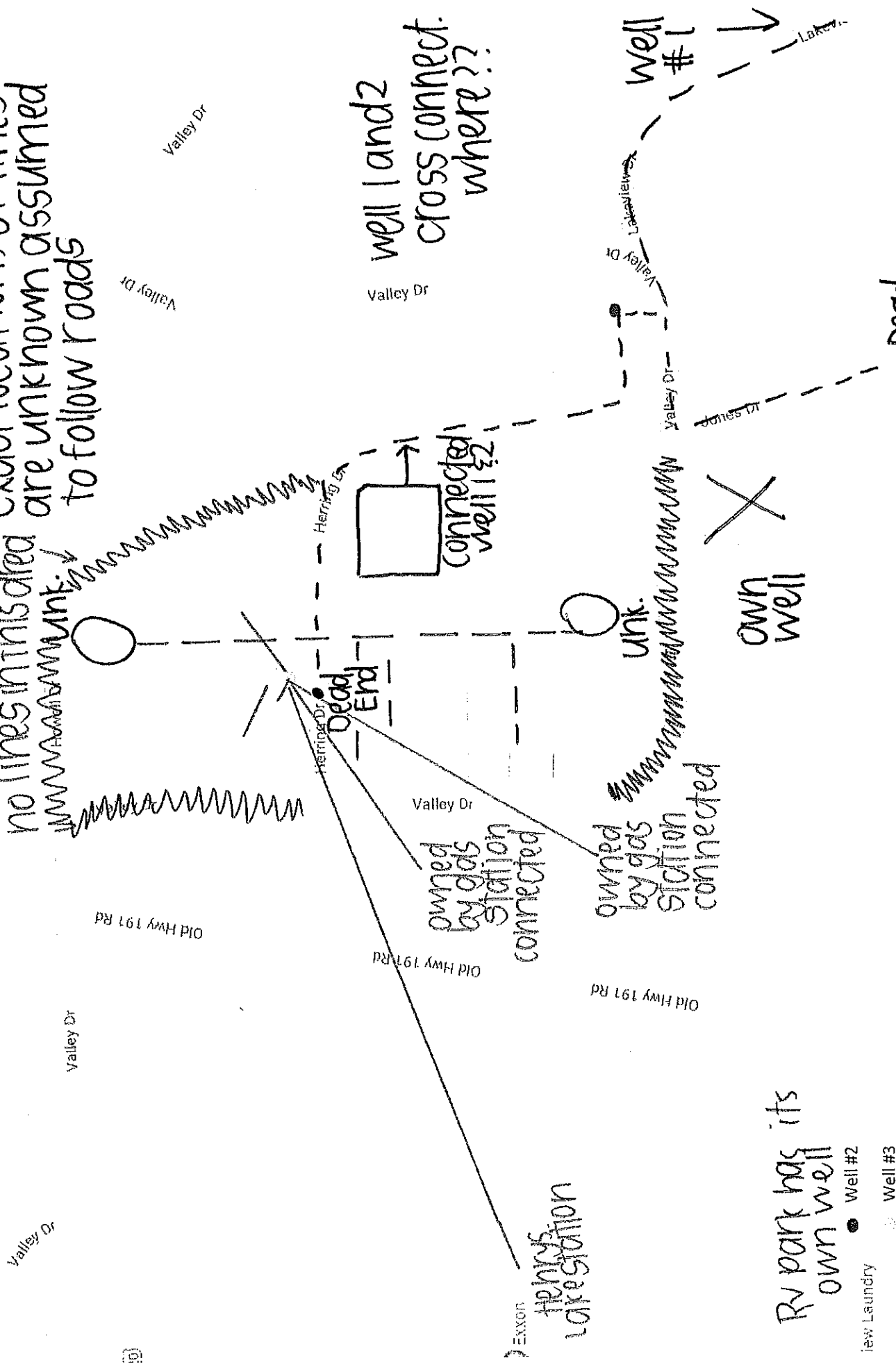
well land 2 cross connect. where??

Dead End through property possible waterline? no easement

connected well #3

what we know

Roger Feb. 01, 2023



RV park has its own well  
 ● Well #2  
 ○ Well #3  
 few Laundry

what we know

Roger Feb. 01, 2023

# **EXHIBIT 2**

## Kansas Buchanan

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**From:** Kelsey Carter <Kelsey.Carter@deq.idaho.gov> on behalf of Kelsey Carter  
**Sent:** Wednesday, February 1, 2023 11:25 AM  
**To:** water@ida.net  
**Cc:** Roger Buchanan  
**Subject:** Valley View Well #3

Good morning,

We have been examining Well #3 in Valley View Subdivision, the well located on Herring, at your request as part of IWPC. Do you have any information on this well? I found documentation from 1987 listing the third well in Valley View. At that time the gas station was not shown as a connection. Do you maybe have a well log with a name on it? Or anything additional to show IPWC ownership. I can see on Fremont County GIS that the property (well lot) is owned by IPWC. Are you aware of the third well being tied in with the other two wells in Valley View in any way? Do you know when the gas station tied onto this well?



**Kelsey Carter**  
**Drinking Water Analyst**

900 N Skyline, Suite B Idaho Falls, Idaho 83402  
Office: (208)528-2650  
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**Our Mission:** To protect human health and the quality of Idaho's air, land, and water.

# **EXHIBIT 3**

## IPWC - meeting 2/3/23

- CF<sup>①</sup> - can't waive site sample plan requirement
  - not necessary to approve it
  - reason IPWC had to do it was continued use of same sample site
  - we realize IPWC may need flexibility in specific sample sites; suggested zones or quadrants be identified
  - need to sample "representative" of distribution sites
- ② - Trer 2 public Notice, willing to waive violation for PN(CF)

- D.Mc. - described access issues, once again claimed it's seasonal @ Goose Bay, brought up Merrid.

- CF - Merrid was in error, not following rules as written, then explained seasonality

- RB - can we depressurize Vally View + change it to seasonal?

- CF difference between orig. design + how it's being used currently  
described monitoring schedule

- RB described pump to waste issue at Vally View #1, had 28psi when valve was turned to PTW - 60psi after fix

- main line break @ well #2, described sample issues on winter
- CF cooperation w/ home owners is best bet for sample distribution
- RB + D.M.C. retorted/questioned complaints, named Nancy
- CF explained monthly sample sched.

③ Well #3?

RB - Gas station still connected to well 3  
Well is not in IPWC control, but D.M.C. claims she owns it

CF - collecting money from cabins connected to #3? D.M.C. claims they are not collecting fees from those cabins

- D.M.C. described issue w/ Winger cabin connection, claims it's not #3, it's IPWC line they're connected to

CF - described common ownership  
How many cabins connected to #3? no real answer

- ④ - Site sample plans, if we know you're working on them we'll extend deadlines
- corrective actions - we've extended

RB - Boil water advisory, mailed to residents,  
due to depressurization events

CF - Can take "construction" samples from source  
- mail, email, facebook etc.

Dome - still relating leak noted in S. Survey