

6. Upon Entering the DEQ office to meet up with Carlin Feisthamel, I initiated a telephone conference with Roger P. Buchanan, Buchanan Well Drilling INC. The meeting commenced at 1:04 and ended at 2:07 During this conference the three of us were the only people in attendance.

7. I had requested this meeting after having spoken with Carlin Feisthamel on December 28, 2022, in regards to a series of text messages from Nancy Rumsey wherein she stated that Carlin Feisthamel was trying to get in touch with me. When I contacted Mr. Feisthamel, Carlin informed me that was not correct, he had not spoken with Nancy Rumsey nor said that.

8. During my telephone conversation with Mr. Feisthamel on December 28, 2022, we discussed the issues of a pump to waste valve that was open at the upper well in Valley View Subdivision, the heavy snow depths in the subdivision and the alledged claim by Nancy Rumsey that everyone in the subdivision was out of water.

9. December 28, 2022 in the same series of text messages, Nancy Rumsey claimed everyone was out of water, then informed me she had previously winterized her cabin and her service line was shut off at the road.

10. Jon Kruck, PUC also contacted me informing what Nancy Rumsey had conveyed to him, that 'someone had shut off the pump to waste and the water pressure had increased as a result. The information Jon Kruck, PUC conveyed turned out to not be factually correct.

11. For the above mentioned reasons, I requested the meeting January 5, 2023 with Carlin Feisthamel, Roger Buchanan and myself to discuss all of the issues of the pump to waste, inaccessible into the subdivision, the conflicting information: pressure drops:, pressure

increases; no water to anyone in the subdivision; water on; Pump to Waste On; Pump to Waste Off; all of which was extremely confusing as the reports were conflicting, depending upon who was relaying what Nancy Rumsey was conveying to Jon Kruck, PUC; Kelsey Carter, DEQ, IPWC and to myself.

12. We (Roger Buchanan, myself and Carlin Feisthamel) discussed all of the issues regarding the conflicting information coming from Nancy Rumsey.

13. We (Roger Buchanan, Carlin Feisthamel) and I discussed the water line leak that was unable to be repaired, due to heavy and early snow, preventing the scheduled repair by Valley View Construction company in October 2022. Carlin Feisthamel said he was in agreement the leak could not be repaired until Spring, when a contractor could do this safely.

14. The discussion in this January 5, 2023 meeting included reports by the Henry's Lake Gas Station operator that there was no access by normal means into the Valley View Ranch subdivision, extreme snow depths and only access would be via snowmachines crossing over and through private properties; and concerns over avalanches using the narrow mountain road to the upper well.

15. Discussion was had that neither DEQ, Buchanan Well Drilling or IPWC had any snowmachines.

16. We discussed what some of our immediate responses had been, what would be the best course of action to access the east valve pit on the East well to properly turn off the valve and drain the pump to waste piping.

17. There was no discussion in the January 5th meeting regarding disconnecting any customer, nor do I recall ever bringing this up. I did not discuss with Carlin disconnecting any paying customer in this meeting or any prior meeting.

18. January 19, 2023, Nancy Rumsey texted me at 5:52 to inform me that now the lower well was pumping water out of the well pit, like the upper well; I was very concerned and requested photos, explaining I needed more proof than hearsay.

19. Nancy Rumsey in this same chain of texts, made claim this information was being reported to her directly from DEQ. She said ‘someone called them to report it’ and DEQ contacted Nancy to inform her.

20. I told Nancy Rumsey that I thought it odd that DEQ would not immediately contact IPWC, rather contacting her.

21. The next morning, January 20, 2023, I contacted DEQ .

22. I spoke with Jason Fales, asking why DEQ would call Nancy Rumsey and not call IPWC if in fact there was a report of water now coming out of the lower well? Jason said he would investigate, and we agreed to meet so I drove over to DEQ.

23. When I met Jason Fales I was informed that no one at DEQ had contacted Nancy Rumsey.

24. Jason Fales, DEQ claimed DEQ had not received any information about any water coming out of the lower well.

25. Jason Fales, DEQ did discuss that DEQ receives ‘anonymous calls’ but he was not at liberty to disclose either the person(s) or what had been discussed.

26. Jason Fales suggested that the PUC was the conveyor of information to DEQ.

27. Jason said DEQ was not contacting Nancy Rumsey.
28. Jason Fales, assured me that DEQ would have called me directly had they received any such report as to the west well pumping out water.
29. Mr. Fales and I discussed the difficulty in communicating with Nancy Rumsey.
30. Following the meeting January 20, 2023 I texted Nancy Rumsey that DEQ told me no one at DEQ had received a report about the lower well.
31. Nancy Rumsey texted back "Then are you telling me that DEQ is lying?".
32. I texted back: "I did not say that". Nancy Rumsey replied: "I'm just asking how it is that DEQ called me and said someone reported it but you're telling me you spoke with them and there was no report." Nancy also texted that "DEQ did call her!"
33. February 1, 2023, I received an email from Kelsey Carter with cc to Roger Buchanan wherein she said she was investigating the ownership of a 'disputed well' on Herring Dr, in Valley View Ranch, Inc. at our request.
34. I had not requested that Kelsey investigate what she called "Well#3 as part of IPWC".
35. IPWC has never claimed that the Herring Well was part of IPWC.
36. Island Park Water Company, (IPWC) does not own the Herring Well.
37. IPWC does not control the Herring Well.
38. IPWC has only said the well is a 'disputed well'.
39. Roger Buchanan and I discussed Kelsey's email regarding Valley View.
40. We discussed Roger Buchanan calling Kelsey Carter.

41. We both thought it would be helpful if she could understand that IPWC does not claim the Herring Well, the issues being raised about the "Herring Well", and that it is a disputed ownership between the Winegar's and the Developers of Valley View Ranch.

42. Roger Buchanan called me immediately after his telephone call with Kelsey Carter.

43. Roger Buchanan discussed in detail his conversation with Kelsey Carter, and what he had explained to Kelsey Carter.

44. I made a Public Records Request for the notes of the meeting between Roger Buchanan and Kelsey Carter, DEQ.

45. I provided Roger a copy of the 'notes' taken by Kelsey Carter, DEQ water analyst to Roger Buchanan and expressed my concern that many of the things she had written down were incorrect.

46. I recall Roger Buchanan was deeply concerned as Kelsey Carter was attributing statements as his, which he did not make.

47. I read the notes of Kelsey Carter regarding the Feb 1, 2023 call with Roger, where in Kelsey Carter states: "Dorothy has documents about a valve shut-off and cap but will not provide to DEQ".

48. I have never said this, nor do I have knowledge of any such documents referenced in Kelsey Carter's notes. This statement is false.

49. I have never been inside the Herring Well.

50. I have never said I was inside the Herring Well.

51. I have never said I had a deed to the Herring well or the well lot.

52. Island Park Water Company does not have a deed to the well lot and well.
53. IPWC does not and I do not have any control over the Herring Well.
54. Kelsey Carter later claimed Fremont Co said IPWC owns the Herring Well.
55. DEQ and District 7 Health Department have never conducted any survey of the conveyance system in Valley View, as it was a very small water system and was not approved in 1985.
56. Kelsey Carter's statements are not consistent with records on file with District 7 Health Department as to sanitary surveys of the Henry's Lake Gas Station and Café, which DEQ by public record request, provided to me.
57. DEQ records show that David E Benton. noted the Herring Well as "Denny's Well".
58. I knew The Herring well was a private well that in the past was well providing water to Denny Jones & Jay Herring Cabin on Herring Drive.
59. This private well - Herring Well - was never intended to be part of the Developers' water system.
60. The Herring Well is not connected to the Developer's water conveyance system in Valley View Ranch, Inc.
61. DEQ does have documents of the multiple Sanitary Surveys conducted for the Henry's Lake Gas Station and Café dating back to 1987 and possibly earlier showing its source of water is the Herring Well.
62. The Herring well is not connected to Valley View water conveyance system.

63. I have never stated to Kelsey Carter, DEQ or anyone else that I have tried to ‘turn off the power’ to any person or any well.

64. Kelsey Carter, DEQ, myself and Michael Lund, P.E. spent two days together in October 2022 to conduct a Sanitary Survey for the following PWS -Aspen Ridge, Goose Bay, Valley View, Shotgun Kickapoo, Shotgun Stevens, Shotgun North and Shotgun Cherokee.

65. Kelsey Carter, Michael Lund, and I discussed that she, Kelsey Carter had been inside the Herring Well when she conducted the Sanitary Survey for Henry’s Lake Gas Station and Café and Kelsey acknowledged this was the source of water for the Gas Station and Café.

66. Kelsey Carter and I discussed that this was a disputed well; that the county sends IPWC c/o myself the tax bill for the property, which is paid per past agreement with David E. Benton.

67. Kelsey Carter acknowledged to me that Winegars claim ownership of the well and well lot.

68. Kelsey Carter, having conducted the Valley View Sanitary Survey acknowledged that this well was not connected to the Valley View conveyance lines.

69. Kelsey Carter, Michael Lund, and I discussed that Valley View and Goose Bay were ‘seasonal systems’ due to inability for access by normal means in the winter.

70. Kelsey Carter agreed that Valley View was most definitely a ‘seasonal system’.

71. Later Kelsey Carter claims people reside full time in Valley View Ranch year-round and claims the subdivision is accessible by normal means year-round.

72. Historically Valley View Ranch subdivision is not accessible year-round, and only accessed by snowmachine.

73. IPWC has no knowledge of anyone connected to the Valley View Ranch water system that occupies their cabin year-round, as each has another primary residence.

74. Kelsey Carter informed both me and Michael Lund that many items she was classifying as a deficiency things that were not required to be fixed unless upgrades to the well were made at a later date.

75. Kelsey Carter informed me while on site at Valley View, that she would not have the sanitary surveys completed for all of the PWS until most likely after the first of January, 2023.

76. Kelsey Carter acknowledged that due to weather conditions in Island Park in Winter, this would then give Roger Buchanan ample time to address the sanitary surveys .

77. Kelsey Carter said by sending these out for the first time in early January she would then grant further extension of time for Buchanan Well Drilling to respond in 2023 and have access later in the spring, knowing snow depths make it impossible to do these in winter.

78. Kelsey did not inform us during the two days spent with her, that DEQ also would be requiring ‘site sampling plans’, Depressurization Plans or O&M Manuals or discuss either of these requirements.

79. Kelsey Carter was informed when she sent the sanitary surveys earlier than we were told she would, that the email attachments would not open on my phone. I immediately contacted her and requested she send these directly to Roger Buchanan as previously discussed with her and that he would be responding, not me.

80. I want to emphasis, that in October, 2022, while on site for two days in Island Park, Kelsey informed both Mike Lund and myself that many of what she labeled as significant

'deficiencies' on the wells are not actually required to be repaired unless significant changes are to be made in the future to the wells. She said Only Some but not all of the deficiencies would be required to be fixed as soon as possible.

81. I was completely unaware of Kelsey's new requirement for submittal of a Site Sampling Plan and deadline until she sent me a letter in January 2023 saying this was now a significant deficiency.

82. I was dealing with vision issues, wet macular degeneration injections in both eyes every four weeks, which will continue for the remainder of my life, so as to prevent blindness. Screen time was limited per my retinal specialist to help stabilize the condition.

83. After discussing the memorialized notes regarding the telephone conversation between Kelsey Carter and Roger Buchanan it was decided I should ask for an immediate meeting with Carlin Feisthamel.

84. I requested Kelsey Carter, DEQ, contact Carlin Feisthamel to set up an immediate meeting on Friday Feb 3, 2023. The notes have been submitted as an exhibit in Roger Buchanan Affidavit.

85. I also contacted Carlin Feisthamel directly to request a joint meeting with myself and Roger Buchanan.

86. On February 3, 2023, Carlin Feisthamel, Engineer and Manager of DEQ, Idaho Falls office, Jason Fales, DEQ drinking water compliance officer, Roger Buchanan and I met at the DEQ office at 10 a.m.

87. Roger Buchanan gave Carlin Feisthamel a copy of a Quit Claim Deed for the Herring Well and Well lot which was obtained by a public records request with Fremont County.

88. The notes for the Feb 3, 2023 meeting center around what Buchanan Well Drilling crew had found when they were able to access Valley View after renting snowmachines: shut-off the pump to waste valve on the upper well, that the upper well was observed to have pressure of 28psi with the pump to waste valve open and returned to 60psi and held for 45 minutes of observation. The west well, the lower well had no evidence of any water pumping out, but tracks of someone walking around the well itself. The lower well had 70 psi when accessed and observed for 45 minutes.

89. The discussion of the Feb. 3, 2023, meeting included discussing Boil Water Notices and issues with monthly sampling because no one was there and access was impossible, and that DEQ would have allowed construction samples to be taken from the well, which was different than information previously conveyed by Kelsey Carter, DEQ water analyst.

90. Discussion was had with Carlin and he agreed in the meeting Feb 3, 2023, that the Tier 2 Deficiency would be waived for the Site Sampling Plan, and how DEQ would accept a quadrant off the Recorded subdivision plat, and that DEQ actually doesn't have to approve the site sampling plan. Kelsey Carter had previously disapproved the submitted site sampling plans.

91. Carlin Feisthamel explained that a site sampling plant intent is to gain a broader sampling of the system.

92. Carlin Feisthamel said DEQ understands the difficulties in being able to specifically use a specific quadrant for IPWC.

93. Discussion was also had regarding Boil Water Notices, discussion about depressurization of the system to take it to a 'seasonal system'.

94. Attached to other affidavits are photos taken March 21, 2023, of Valley View where it shows the snow depths have reached to the top of the street signs and snow has engulfed cabins and snow to the top of the Henry's Lake Gas Station and Cafe. Access to Valley View is impossible by normal means.

95. Jon Kruck, has informed IPWC that any contractor could easily have access to repair a leak in Valley View Ranch and disputed that contractors could not easily repair the line, demanding this be done. The photos clearly show that Mr. Kruck does not comprehend what has been shared with him as to snow depths in Valley View and that a repair is not possible until the snow melts in late spring.

96. In the meeting of January 5th, 2023, Carlin Feisthamel concurred that the leak repair would not be possible until all the snow is gone, and frost is out of the ground, most likely late June.

97. Kelsey Carter, DEQ recently has informed IPWC that DEQ has now reclassified Valley View Ranch water system taking the PWS for Henry's Lake Gas Station and Café and claiming it as a 'second conveyance system for Valley View'.

98. Island Park Water Company does not maintain the Herring well and has not authority to access the well.

99. The water right prohibits water being diverted out of Valley View Ranch, Inc subdivision.

100. Kelsey Carter now claims that by reason of her inquiries, suddenly Valley View Ranch water conveyance system, which was a very small system, with 14-15 viable connections

suddenly changes from first a Non-transient, Non-Community PWS to now a Transient Non-Community Water System.

101. The DEQ and EPA requirements for Transient Non-Community water system state 25 or more of the ‘same people’ residing there on a continuous basis for six months or longer each year e.g. The e.g., defines that this excludes visitors, guests and that businesses would only count an employee if the employee was there a minimum of 4 days a week and more than 4 hours per day.

102. Weekend visits, guests, or once a month would not be counted, and residency would not be counted as a full month unless occupied continuously for six months or more!

103. Island Park Water company is of the opinion this new classification should be challenged.

104. Valley View Ranch customer water tariff of \$280 per connection if all pay is less than \$4,000.

105. 2022 costs to repairs to wells, repairs to service lines that customers refused to pay and which I.P.W.C. paid to the contractors, power, water testing, etc. was almost triple the water tariff for the connected services.

106. If Valley View Ranch water system is taken to a Transient Non-Community system the approximate water testing required would exceed \$8,000

107. Sanitary Survey requirement include additional costly repairs on wells, to bring the system into compliance per the sanitary survey.

108. Henry’s Lake Gas Station and Café is Commercial usage of water.

109. The water license and the water permit for Valley View are restricted to DOMESTIC.

110. Island Park Water Company will challenge the classification for Valley View's water system and do so because it is inconceivable that a PWS for Henry's Lake Gas Station and Café which has been recognized by both DEQ and DISTRICT 7 Health Department dating back to a least 1987 only water source was from a connection to the Herring Well, a private domestic well could be taken away from Todd Winegar without a meeting to discuss with both parties.

111. Island Park Water Company as management of the Valley View water system will also challenge the inclusion of the 'Herring Well' as a secondary conveyance system and do so as there is no vested interest in the well lot/well; Neither the power nor access into this well house is possible as Mr. Winegar has via a joint telephone conference with Roger Buchanan, Mr. Winegar and I that he forbids Island Park Water Company from access into his well and water.

112. Island Park Water Company, Inc acting as manager of Valley View Ranch water system is of the opinion that a survey of the customers connected to Valley View Ranch water conveyance system be required to 'certify' the beginning date of occupancy, the number of same people residing 6 months or more, on a continuous basis and require certification of the beginning and end date for each occupancy be taken. Unless the numbers are 'certified' they should not count.

113. Island Park Water Company is aware all of the owners of cabins in Valley View Ranch list another property as their primary residence, not the cabin in Valley View Ranch.

114. To determine the certifiable number of same persons residing continuously for 6 months or longer, a beginning date, ending date of occupancy needs to be certified, including if this is their primary residency.

115. IPWC is of the opinion it is pertinent to validate by certification, if there are certifiable 25 or more oak 'same persons' residing for 6 months or more of continuous occupancy.

116. Each of the Water Licenses or Permits for Island Park Water Company have a finite amount of water, when actuary tables are run. When Permits are proved up, the allocated water of 13,000 gallons from point of diversion no longer controls, as the water allocation is based upon production from wells, the number of connections. The water allocation is finite – not 13,000 gallons per day per home.

117. IDWR, James Cefalo, Regional Director did an actuary table for each of the licenses and permits and concurred that 800 gallons per day per connection for customers connected in the PWS for Island Park Water Management is reasonable and that there is not 13,000 gallons per day available. Mr. Cefalo also reiterated the water is for DOMESTIC usage and Commercial is not permitted, nor watering of vegetation.

118. Jon Kruck, PUC informs IPWC that the water company is required to provide 13,000 gallons per day, as his opinion is the water tariff says 'water'.

119. Mr. Cefalo actuary tables confirm there is not this amount of water available with the water license.

120. Jon Kruck, PUC informs IPWC that they do not have the right to restrict water to DOMESTIC usage, and of the opinion customers can't be in violation for using the water for

Commercial usage, as the Violation is the company's not the customers even if IPWC has informed the customer of the restriction to DOMESTIC Usage

121. Mr. Kruck conveyed his and PUC staff opinion the water tariff does not define the tariff beyond "water". Meaning water is not restricted to domestic or prohibits commercial usage from the first cabin or hydrant to provide water to as many other structures as desired.

122. Jon Kruck, PUC investigator informs that PUC staff is of the opinion that the PUC considers all of these separate usages as all-inclusive in a single water tariff of \$280

123. Mr. Kruck advises the water company does not have the right to either restrict the allocation of water, given that the Tariff states "water".

124. IDWR informs IPWC that only IPWC can determine the allocation of water.

125. Mr. Kruck advises that the water company may not restrict water usage to that of Domestic and cannot restrict Commercial usage.

126. Mr. Kruck and PUC Staff advises that the company is required to provide unlimited amounts of water and cannot inform customers of a water allocation of 800 gallons per day per connection.

127. Mr. Kruck advises that PUC staff differs with the opinion of IDWR and Island Park Water Company as to the amount of water that must be provided to the customer.

128. Mr. Kruck advises that PUC Staff is of the opinion the Tariff states "water" and Customer is not in violation of usage if used for Commercial means, even if informed of such by the water company – rather the violation is that of the company not the customer.

129. Mr. Kruck and PUC staff opinion diversion of water from the original connection is permissible and claims the diversion is not ‘cross connected”, which is difficult to understand if claiming only one connection of the first service line to a company mainline.

130. EPA and water studies have determined that daily water usage in Idaho per person per day is 151 – 200 gallons per day.

131. Jon Kruck, PUC has informed the water company they are prohibited from telling customers this information.

132. Jon Kruck, PUC is of the opinion that the water company is incorrect to state that meter bases cause service lines to freeze as conveyed by contractors who know Island Park, and the effects of the weather.

133. The snow depths in winter in Island Park prevent the ability to read any meters even if installed.

134. Roads into the subdivisions are inaccessible in winter as Fremont Co does not maintain the roads nor are all of the roads plowed.

135. Mr. Kruck, PUC investigator claims that Valley View Customers were left without water for months in summer of 2022 , which is incorrect and which company disputes.

136. A leak in a private line required repair. The customer didn’t notify the company of the leak, which customer claimed they noticed around ‘Father’s Day when they stopped by the cabin. The company was not notified until the end of June.

137. The company hired a contractor and the repair was done as soon as they could which was around first week of July.

138. There is a shut-off valve in the well pit.

139. The valve was closed to prevent pressure loss and continue to provide water to other customers.

140. Water repair discovered that indeed the break was in the customer's service line, which customer refused to pay. The company paid the contractor.

141. During this time period, only one other cabin was occupied which they temporarily connected a line to their cabin via another water source

142. Arrangements were made to provide the customer with bottles for a water sample and the sample was processed by a licensed lab approved by the state of Idaho and the water results met the standard for potable water.

143. February 2023, a customer who had agreed to take a water sample when he snowmobiled into his cabin to remove snow loads, had water at his cabin and was able to dig out another cabins' hydrant which also had water.

144. March 20, 2023, this same customer returned to his cabin to remove more snow from his roof, and having water agreed to take another water sample for March. This water sample was processed by a state licensed lab.

145. March 20, 2023, this customer provided two photos taken within the Valley View Ranch, Inc. which shows a cabin buried in snow and snow depths to the top of street sign on Jones Drive.

146. Other persons connected to the water system in Valley View Ranch, Inc have been contacted to ask if they were going into their cabins and Island Park Water Co. has been informed they always winterize their cabins and would have no water and were not planning on going into their cabins.

147. The subdivision remains inaccessible by normal means.

148. The customer (a professional construction person) who has taken samples in February and March, informed me that it would take approximately a minimum of three days to plow out a road, using heavy construction equipment in Valley View at this current depth and believes the subdivision will not be accessible until late June with current snow levels.

DATED THIS _____ day of March, 2023.

By _____
Dorothy McCarty

SUBSCRIBED AND SWORN before me this _____ day of March, 2023.

Notary Public for Idaho
Residing at _____
My commission expires _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ___ day of March, 2023, I caused to be served a true copy of the foregoing THIRD AFFIDAVIT OF DOROTHY MCCARTY 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
- Facsimile
- iCourt

Marvin M. Smith, ISB No. 2236