

**From:** PUCWeb Notification <[Do.Not.Reply@puc.idaho.gov](mailto:Do.Not.Reply@puc.idaho.gov)>  
**Sent:** Friday, April 7, 2023 4:00 PM  
**To:** Jan Noriyuki <[jan.noriyuki@puc.idaho.gov](mailto:jan.noriyuki@puc.idaho.gov)>  
**Subject:** Notice: A comment was submitted to PUCWeb

The following comment was submitted via PUCWeb:

Name: Melanie Orullian  
Submission Time: Apr 7 2023 3:44PM  
Email: [melanieorullian@gmail.com](mailto:melanieorullian@gmail.com)  
Telephone: 801-652-5255  
Address: 3554 South 2000 East  
Salt Lake City, UT 84109

Name of Utility Company: Island Park Water

Case ID: ISL-W-23-01

Comment: "Hello, my name is Melanie Orullian and my husband and I purchased a cabin in the Aspen Ridge subdivision of Island Park in 2011 and it has been a wonderful experience with fantastic people at Aspen Ridge. We have had various issues with Island Park Water and Dorothy over the past 11 years. Initially, it was not receiving invoices and then receiving late notices in April and there were past due amounts that were not past due and in fact had been paid. I spoke with Dorothy early on making sure I understood what was expected. I was told that if we didn't connect our vacant lot to Island Park Water by a certain a date we would "never be able to connect it". Dorothy told me this a few times and after speaking with other owners I just didn't want to talk with her and listen to threats any longer. Seeing this case come up caused me to really look at the frustrations: many boil water orders after the fact, lack of water pressure most times, told we can't have more then 3-4 people using water in the cabin, no future hook-up on vacant lot as stated above, system not built for winter use so it's best not to use it, system was built for seasonal and limited use (no more than 2 summer weeks a year for each cabin). I understand she is is the only employee, but it is her business and we pay our annual fee every year to provide water use all year. Most importantly, we need safe and reliable water year a round. This past month we stayed at a hotel because we were concerned about water issues, and that shouldn't be the case. We are not concerned about the \$280 annual fee, but we are concerned with it appearing not to be spent on improvements of the water system. Other than having issues with pumps breaking and/or pipes breaking, I'm not aware of any improvements to the water system in the last 12 years. As an aside, I'm sensitive to Dorothy's personal issues as we all deal with health issues, deaths, work problems, etc.; this is why I was hesitant to complain, but this is a service that directly relates to the health and well-being of each cabin owner and can't be ignored any longer."

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[\[Open in the PUC Intranet application\]](#)  
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**From:** Cammi Vanderbeek <[cammivanderbeek@gmail.com](mailto:cammivanderbeek@gmail.com)>  
**Sent:** Monday, April 10, 2023 9:58 AM  
**To:** Jon Kruck <[jon.kruck@puc.idaho.gov](mailto:jon.kruck@puc.idaho.gov)>  
**Subject:** Island Park Water Testimony/Complaint

Cammi Vanderbeek  
3529-3531 Patterson Road  
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801-458-5491  
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Good morning Mr. Kruck. I've spent numerous hours combing through texts, etc. in order to provide an accurate account of my experience with Island Park Water, and Dorothy McCarty, over the last several years. As a result, my statement is too lengthy for upload to your site. So, I'm attaching the statement here, via email. Can you please make sure it finds its way to the correct place? If you have any questions, please feel free to reach out. Thank you.

Cammi Vanderbeek  
(801) 458-5491

To whom it may concern,

I had not yet submitted a statement regarding Ms. McCarty, and Island Park Water, prior to the hearing and public comment, for several reasons. One of which, I was still in 'negotiations' with her to provide water for a lot my father purchased last year, which she had denied for over 9 months, yet was in IP Water's coverage area. Two, the fear of retribution.

Ms. McCarty finally approved my father's connection, via text, several weeks ago, likely to remedy one of her outstanding complaints prior to the hearing.

As I listened to Ms. McCarty's testimony via phone, I was softened a little, because my mother shares some of her health issues, but I also realized that Ms. McCarty was no longer capable, and hadn't been for some time, of managing this water system. I couldn't imagine anyone seeing it another way. Then, as she continued with her testimony, I became increasingly frustrated that she wasn't answering questions honestly, especially those that had impacted me directly, and that I have first-hand knowledge of. I was fearful that her inaccurate and dishonest testimony would allow her to continue managing the water systems. The years of frustration I've encountered, due to Ms. McCarty, simply cannot be tolerated any longer.

Therefore, I'm writing to share my experience with Ms. McCarty and Island Park Water.

We purchased an existing cabin, already connected to Island Park Water, in early spring 2020. That cabin was sold with an adjoining lot (separate Tax ID and lot #). After closing, I made calls to local utilities to transfer/begin services. When I reached Island Park Water, I was told by Ms. McCarty I owed a \$200 connection and a \$280 tariff for the coming year. I was preparing to send the payment, then remembered seeing IP Water on our closing documents. Ms. McCarty has directed the title companies to collect the \$200 connection and \$280 tariff at closing. I told her I had already paid at closing. She claimed she didn't have a record of that and hadn't received it and I'd have to pay her directly. I reached out to the title company, who checked their records, and assured me a payment had been made and deposited/accepted by IP Water. I reached back out to Ms. McCarty and attached a copy of my closing documents proving it was collected at closing. Ms. McCarty didn't respond. I can assure you, there have been numerous instances where she's gotten away with double billing because no one expects to pay a utility during closing, and upon transfer, they've double-paid her fees, at her request. I'm certain a look at her 'accurate' record keeping will show this.

Several months later I reached out to Ms. McCarty for a letter stating my account was current, as required by Fremont County for a short-term rental permit. Ms. McCarty refused to send the letter and claimed she couldn't allow me to rent the cabin because it was commercial/hotel usage.

I reached out to Ms. McCarty, on another occasion, requesting a water sample report, relevant to my subdivision, another permit requirement of Fremont County. Ms. McCarty refused to supply the report.

In spring of 2021, we began construction on a cabin, on the adjoining lot. I called Ms. McCarty to obtain permission to connect to IP Water months in advance of construction.

An assumption was made, that connecting a single-family home, to a water utility that services that parcel, would be as simple as an application and payment. Unfortunately, not. My initial request for connection for the adjoining lot and new construction cabin was made in early 2021. Ms. McCarty claimed to be out of the office numerous times and said it was still winter and there was no hurry to approve. I continued to ask for the process to obtain approval to connect, so we could be ready when the ground was, and she said she'd send me an application.

On eight different occasions Ms. McCarty claimed that she had mailed me that application. Each time I requested an application, I reconfirmed my mailing address, never receiving the application. I asked if she could please email it, and she claimed that it must be sent by regular mail and that I needed to make sure I wasn't 'throwing it away', because she was getting tired of sending it. I diligently checked the mail, following 8 separate requests, week-after-week, never receiving an application, despite claims it was sent.

During a phone conversation at one of the many attempts I made to obtain an application, Ms. McCarty told me that years ago, previous owners of the property waived any rights to water on that lot and, therefore, she couldn't provide me water. She went on to say that I'd have to put in a well and she'd have Roger contact me to do a survey to determine if I could have a well. She explained that she, and senior water rights holders, would have to allow me the share necessary to drill one. She then explained I may have a dry lot, if it's not approved. There were numerous conversations surrounding this via phone and text.

Ms. McCarty then stopped referencing the waived water connection, and told me that I couldn't have the shed or garage on my current lot, because the CC&R's disallowed it. I combed through the CC&R's, as I had before purchase, and no limitations exist on sheds, garages or outbuildings (which existed when we purchased the property). I told Ms. McCarty that and she told me I was crazy, that she didn't know where I was getting my information, and that she'd been "put in charge of those CC&R's and HOA (which doesn't exist), years prior". She then went on to tell me that since my shed is set on, or near, the property line to the adjoining lot, that it was now one lot. She insisted I'd have to remove the shed and/or garage, because they aren't allowed, according to the HOA, she's in charge of, that doesn't exist.

Since when can a utility dictate whether you can have a shed or garage? Perhaps placement, due to utility easements, but it certainly isn't within a utility's right to determine building codes or decipher non existing HOA rules. Upon checking with her again, she responded, 'I won't actually make you move your shed or garage, have a nice day.' What??? Why??? Weeks of denying a connection based on the shed and garage. Weeks of me researching and sending information showing my property is in compliance, only for it to be a joke. It's not just me. Stories like this exist everywhere. I promise you that many have feared stepping forward because she'll put off fixing a broken line, threaten to disconnect, etc.

Ms. McCarty continued to say she would send the application, which was never received. She continued to be out of the office (auto responder set on text), not respond, etc., during numerous attempts at obtaining an application.

At this point we're into July. The foundation has been dug, and utilities, aside from water, have been laid, and connected. Ms. McCarty threatens an \$1,100 charge for unauthorized connections. I believe she continues to cause frustration and deny connection, hoping to be able to charge customers that fee. After speaking with several local contractors, who have worked on her system, they've become so wary of her unprofessionalism and lack of response, they lay the lines and connect, and advise you pay her once she's authorized it and move on

I reached out to Ms. McCarty again in early September requesting connection. She said, "After speaking with an engineer it was the decision that approval for a second connection will be for a ¾" service line, which is sufficient."

I then reach out to my contractor to let him know we've finally received approval. He tells me a ¾" line is NOT sufficient and he needs directions for an access point. These lines aren't located by a utility location service...at least mine couldn't be.

I reach out to Ms. McCarty, again, to discuss the service line size and to get directions for accessing the line. She tells me I wasn't actually approved for a connection, but if they did, it would be for a ¾" line. She says it will be a limited allocation, not for hotel usage or short-term rental, and for 3-4 people max.

At the beginning of October, I ask her how to obtain 'real' permission to connect. She then tells me I need to submit my approved building plans and a \$200 review fee before she can authorize connection. This is after more than 6 months of communication...October 8<sup>th</sup>. She's now requesting approved building plans and review fees, when this hadn't been mentioned once during months of requests and communication. No building plan request was made, no review or fee was mentioned. So, I now submit my plans for review.

I reach back out to assure she's received the plans and to beg for connection before the weather turns. She responds by saying, "The 2021 season is closed for new connections due to weather, thus if approved, connection will be next spring after the frost is out of the ground."

I respond how unfortunate that was because I'd been requesting connection for months, and that she'd never asked for a plan once during that time. It was an unseasonably warm October, where we hadn't seen snow or freezing temperatures yet. I had an open trench waiting for connection approval, which could have been granted as the weather wasn't yet an issue...it was in the 60's-70's

She responded, "I will watch for your plans. I am not in the office until Tuesday however I did mail you the application a long time ago. Just send that in with your plans. If you have misplaced it, I can mail that again." (This would be the 10<sup>th</sup> time she'd promised to mail and didn't.) She goes on, "Then you can send all this in with a check. (Note Ck doesn't constitute approval. **\$200 fee for review of pending connection. \$200 CONNECTION FEE**) There is actually no rush because as I have said the pending review/pending approval date will not happen until the weather permits in the spring with approved contractor. Guessing this could be late May but difficult to determine right now as totally depends on weather." That is an exact copy of a text from her on my phone, which I'm happy to supply.

So, the weather changes late October, I have an open trench and no approved connection after more than 7 months of abuse and neglect to approve.

In early April, 2022, the following year, and approximately a year after first asking for approval, I reach out to Ms. McCarty again for the application. She responds, "I'll send the application AGAIN (in all caps)...as I'm not able to email it you. Will be out of the office for a few days." I didn't receive the application, yet again.

At this point, I reached out to Chris Hecht at PUC. I explain everything that had happened up to this point, and that she continues to deny water connection to a single-family home, within her coverage area. I explained that she won't approve because I have garages and sheds, because she's in charge of the HOA (that doesn't exist), because the water connection was waived at some point, and because I plan to short-term rent, like many others on her water systems. And you know what? Mr. Hecht SIDED WITH MS. MCCARTY on the short-term rental aspect. You have got to be kidding me! At this point, I provide governing documents from the Idaho Department of Water Resources, which read as follows: The portion with quotes, in all caps, I highlighted for Mr. Hecht.

- a. Single family houses: "A HOUSE USED AS A RESIDENCE BY A SINGLE FAMILY IS A DOMESTIC USE, EVEN IF IT'S A RENTAL". A house used solely for a business (such as some day care centers and some offices) is a commercial use. If the house is used as a residence, but the resident uses part the house for a business (such as a beauty shop in the basement or a lawn mower repair shop in the garage) the use is domestic.

Mr. Hecht responded and highlighted the following portion (in caps, with quotes):

- a. Single family houses: A house used as a residence by a single family is a domestic use, even if it's a rental. "A HOUSE USED SOLELY FOR A BUSINESS (SUCH AS DAY CARE CENTERS OR SOME OFFICE) IS A COMMERCIAL USE." If the house is used as

a residence, but the resident uses part the house for a business (such as a beauty shop in the basement or a lawn mower repair shop in the garage) the use is domestic.

I then reach out to the Idaho Department of Water Resources to help educate Mr. Hecht on why the usage should be approved. After Mr. Hecht argued with them, and me, despite an email from IDWR saying the use was allowed. Mr. Hecht sent me an email, stating the following:

“The IDWR is the entity that is prohibiting the business (commercial) use of your property. I am emailing both IDWR and IDEQ to try to get further information, but you stated to me the use was to be short term rentals, which would be commercial. The IDWR will need to provide you with further clarification. If I get any further information I will let you know.”

I asked my contact at IDWR to provide Mr. Hecht with VERY plain language that’s easy to understand, so he can see that my use is domestic, and allowed. Blake from IDWR emailed Mr. Hecht the following:

“Island Park Water Company does have several water rights for different subdivisions. Regardless of them being a cooperative or for-profit water company if they are providing water to single family residence it would be considered a domestic water use. As explained in that document that I provided, a home used as a residence by a single family is considered a domestic use, EVEN IF IT IS A RENTAL. (He capitalized and underlined “EVEN IF IT IS A RENTAL”.)

He continues, Cammi explained that she has a family cabin which she uses often. She told me that her residence is rented out to help supplement mortgage costs. Based on her explanation the use of water at Cammi’s residence in Island Park would be considered a domestic water use

I hope this helps.

Blake”

I further provided Mr. Hecht with additional documentation from IDWR:

“ (b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.”

Clearly, a home that sleeps 4-6, that doesn’t water vegetation, would also fit under this rule, and be afforded domestic use privileges.”

Further, I referenced Idaho HOUSE BILL NO. 216: “A short-term rental or vacation rental shall be classified as a residential land use for zoning purposes subject to all zoning requirements.”

Nothing from Mr. Hecht or the PUC...no help or assistance in connecting. I emailed Mr. Hecht on May 13<sup>th</sup>, saying, “That’s great news from Blake, what do we do from here?” Mr.Hecht didn’t respond.

I then engaged a water rights attorney, who was going to send a letter to the PUC and Island Park water. I emailed Mr. Hecht the following:

“Hello Chris.

I’m writing one final time for assistance in connecting to IP Water.

Aside from the email from Blake at IDWR confirming my use is domestic use, I engaged legal counsel today regarding this refused domestic use connection. He was able to cite several laws, including the HB 216 I familiarized you with

during our conversations that grants me connection by defining my use as domestic use.

If I'm unable to obtain a connection through Dorothy, or through you and the IUC's assistance, I will be left with no choice but to further engage legal counsel to obtain that connection. I will name Dorothy McCarty, IP Water, and the IUC in the lawsuit.

I certainly don't want to cause litigation, but feel like I, and the many others Dorothy is refusing service too, have been left with no choice.

Please let me know if you're able to help further, or if the best course of action is proceeding with legal counsel to remedy this.

Thanks for your time and attention to this matter, thus far."

I didn't receive a response, again, from Mr. Hecht.

I told Ms. McCarty, I was engaging legal counsel, and asked again, on May 23<sup>rd</sup>, for the application. She responded, "Did you check your mail? To speed things up, just send in your \$200 and know I approved this."

I mailed the \$200 (without application because it was never received). She told me I was approved and had to engage an approved contractor, and the service line should be 1", no larger, obviously forgetting she'd originally told me I was only approved for a ¾" line.

Dorothy requires you only use approved contractors, who charge an extreme amount. The contractor I hired charged me his full fee of \$3,500 to connect, despite the fact that the trench was dug, line was laid, and connection just had to be made. He told me if I wanted it done, he was the only one approved and I had to pay it or he just wouldn't come.

It's ridiculous the monopoly she's created with that as well.

After more than a year of battling, abuse, attempts at extra charges (reviews, fees, \$1,100 connection), contractor costs, and attorney fees, I was finally able to connect. The total cost to me to connect exceeded \$7,000 due to numerous contractor fees, attorney fees, etc.

Last year, my father purchased a small lot, where IP Water was listed on the listing as the water provider. My dad asked that I contact Dorothy on his behalf to try and obtain water. He's elderly, and dealing with her would have proven to be very unproductive for him. I reached out to Dorothy in July requesting connection. I provided Dorothy with lot details, per her request. She responded that the lot was a partial lot and would therefore have no water from IP Water. It was not a partial lot, it was a sub lot, shown in the original plat for the subdivision. In addition, the adjoining sub lot, next door, was connected to IP Water.

She told me she would check in to next week and said it would be extremely difficult to change water allocation and not have a senior water rights holder protest it and that it would be complicated and expensive. I don't know who she was seeking approval from, as she would not disclose that.

I had my father reach out to Chris Hecht to report, yet another, refused connection.

I checked back with Dorothy weekly to find out if we could obtain water through her system. Each week being given a different reason as to why she couldn't answer yes, or no. One response during these communications was "suggest he needs to look seriously into drilling a private well. This remainder lot is excluded, but will do my best." As she promised to check-in with the unnamed and undisclosed group. I told her the lot was small and a well would have been impossible due to septic placement for his home and those on adjoining lots. She told me, too bad, you'll have a dry lot."

As I continued to check in with Ms. McCarty for an answer, she blamed Eastern Idaho Public Health for approving a septic on this lot without receiving her approval to do so. She blamed the real estate agents who lied and said the lot was on the IP system, because they were liars and only worried about their commission. She blamed senior water rights holders, and 'big gun water rights attorneys,' She blamed the county for issuing a building permit without her approval. A neighbor offered to sell a connection to my father from his well, Dorothy said we couldn't do that because she didn't authorize it.

In August, in response to another check in with Ms. McCarty, she told me it could be as much as \$7,500 to annex this lot to the water system.

In October, after checking in again, Ms. McCarty told me yet again that she can't permit the lot. She said, "Like I said..most likely spring..IF AT ALL. SORRY."

Randomly, in February, I received a message from Ms. McCarty approving connection. I assume, as a result of the investigation. Then on March 5<sup>th</sup>, I received the following text, copied and pasted: "Cammi I am still approving this connection. However will wait till weather permits. In reviewing your new account, Apparently I should have charged you \$1100+\$200 for your previous connection. Don't worry- don't panic yet. Just letting you know I under charged the connection fee. You paid \$200 so let's wait before we do anything in new one. Also will require more than I required be done on your connection. Don't worry about that either as I don't want to go back and have it dug up again. Call me thanks."

I called her, as requested. During the call she discussed frustration with one of the individuals who caused these actions against her, claimed she was in trouble for not sampling water and that she paid some people to do it and couldn't guarantee where they obtained the samples from, etc.

She also asked that I send an email to Chris Hecht letting him know she'd approved the connection. I did, and also made him aware that she intended to charge \$1,100 for it, when she was authorized to charge \$200. She also asked that my dad not send any money yet. I learned from Mr. Hecht that Ms. McCarty had sent several messages asking for a connection rate increase. She had clearly hoped to be granted that rate increase before requesting connection fees.

Regardless, I submitted a check on my father's behalf with a \$200 connection fee and \$280 tariff, citing the approved PUC charges, which reflect the amount I remitted. I highlighted the approved connection charge of \$200, not \$1,100, on her tariff, as a friendly reminder.

Other items of note:

- There is never notice given, in advance, for disruption in service.
- We've experienced orange-brown water that tastes horrible during the winter and has caused sickness.
- I've seen leaks run for as long as two weeks before they're addressed/repaired, causing a huge loss of water, damaging roads, etc.
- Contacting Ms. McCarty, the only known officer, or employee, of IP Water can be difficult, even during an emergency, with days between responses.
- Boil order notices are not communicated.
- There should be standardized connection and access instructions so as not to disrupt construction timelines.
- Approval should be granted, upon request and payment, for any residential property within the services area.

- Ms. McCarty's bill for 2022 encouraged neighbors to report rentals, claiming it wasn't allowed, the wells were drying up, etc., and inferring those uses would be disconnected.
- Bill for 2023 asks that cabins be winterized, because water system is for summer use only, and restricts usage to 4 people.

The majority of this information has been provided by reviewing texts between Ms. McCarty and I over the last 3 years, and can be provided, if necessary.

I implore you to cause this water system to be operated by a professional utility, and remove Ms. McCarty. Engagement with a public utility should never occur in this manner. "Water is a privilege, not a right." So help me, if she says that one more time! We live in a first-world country. Public water, on an account paid in full, should be a right.

Thank you for your time. I recognize the statement was lengthy. Imagine the frustration of the individual writing it.

Cammi