

November 15, 2023

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NOV 16 2023

DEPARTMENT OF
WATER RESOURCES

TO WHOM IT MAY CONCERN,

The following comments and concerns are regarding the matter of the proposed creation of an area of drilling concern near Soda Springs, Idaho.

I have great concern for this ADC as I do not believe it does enough to address not only the contamination of the area, but also the negative impact it has to private property owners within the area.

The proposed area encompasses property owners within the city limits, but by and large, the owner most greatly impacted is Mark Steele. As his daughter and potential future owner of this property, I am deeply concerned with how this ADC will affect the value of this property. Well over 100 acres would now be required to meet set standards when drilling a well. Complying with these standards would be a significant financial burden that arises from an issue (contaminated plume) not naturally occurring and not caused by the property owners.

The property owned by Mark Steele is prime real estate for development. Within Caribou County, one of the most sought-after residential lots is 5 acres with a private well. These lots are being currently listed and being sold for \$150,000 each. Designating his property within the ADC significantly decreases value and interest in the property as it raises concern for purchasing property within a contaminated area along with now requiring the owner to spend the extra cost of meeting costly well drilling standards. Requiring the city to run water to each of these lots would be a huge financial burden passed on to the city who was not responsible for creating the contaminated water. Potential purchasers of the property would be forced to consider whether it is even worth purchasing an area that is contaminated and would cost more to drill a well, or simply purchase another property without such problems. Prime real estate becomes significantly devalued by designating an area of drilling concern.

I believe that by designating an ADC, it is devaluing the private property owned by Mark Steele, for a contamination issue that was not created naturally and not created by the property owner and is a regulatory taking. Even if his property is not included in the ADC moving forward, two public notices have been published which have outlined his property within the contamination zone. Essentially his property has already been devalued, as anyone viewing that would question purchasing a contaminated site. Even if the property is not sold and the landowner plans to add a future well, the cost to do so increases heftily, which it would not have if the site would have not been contaminated by an outside party.

I question whether the proposed plan for how to drill within an ADC will even work, and what the potential cost would even be. I have not seen studies or reports showing a potential cost or plan to specifically address how this drilling would need to happen. It is well known by local well drillers and well owners that the upper aquifer is the best water to have your well in. Punching past the first aquifer and into the lower one produced undesirable tasting and orange colored water. I own a residential property within less than .5 miles south of the ADC and our well is deep and into the lower aquifer. I can attest that the iron bacteria water is detrimental to all residential operations. We must annually replace our well pump as it clogs to the point of no longer operating from the orange sludge water. Appliances and fixtures must be replaced frequently as it inhibits the function of them, and that is after the well water has been filtered. I have attached the following two photos to show what I mean by orange water.





The first picture is water pulled from an outside spigot directly from our well. The next photo is after the water has been filtered through a whole-house 50-micron water filter and is coming out of our faucet to our bathtub. Again, our well is punched through to the deeper aquifer and less than half a mile from the southern end of the ADC. This is the water that the proposed ADC requires to be drilled to. The ADC should not require property owners to have to suffer through this standard of water. And with as rocky and cavernous as the ground is in the area, casing the well may be difficult if even feasible at all. And at what cost to the property owner.

I believe Mark Steele's property should not be included in the ADC as there is no indication that the contaminated plume has reached any area within his property. It is my understanding that the reports indicate that the plume is essentially receding and that it will fix itself naturally over time. If it is receding, why the need to designate the area now, and why is it outreaching to areas not known to be contaminated. I understand there to be only two other ADCs within Idaho, and I have a hard time believing that this is the third most contaminated site in Idaho. If the contamination is bad enough to designate an ADC, what is being done to decontaminate it? I do not believe simply designating an ADC and letting it naturally dissipate is enough. The contaminated water needs to be treated. While costly, the responsible party should be required to clean up the contamination they created and not simply pass the burden off for citizens to have to have to deal with.

I do not believe the designation of an ADC that affects private property owners sets a good precedence in regard to industry. Essentially this is being viewed as business and industry having the ability to contaminate a water resource and then simply have the government designate an ADC to any potentially affected areas, therefore passing the financial burden onto private property owners moving forward. In a county that has greatly supported industry, this ADC does not reflect well on current industry that is in operation. It is not fair to current operating facilities to shoulder having a negative view on them as being irresponsible when this problem has not come from them. Past industry did not remediate their site, while current industry is doing the right thing by ensuring their sites do not contaminate other areas. Do not make the lack of decontamination by the responsible party the problem of the City of Soda Springs and private property owners.

I understand the desire to keep the public safe, but more needs to be done than an ADC. The liability is simply being passed off from the responsible party to the City and property owners. If the ADC does move forward, I believe the zoning lines need to be reevaluated, the contamination

needs to be cleaned up, and those negatively affected need to be compensated. This area within the ADC is now being negatively viewed as contaminated and it is negatively impacting the value.

This is a very layman's comparison, but I liken this situation to the following. Neighbor #1 has hundreds of gallons of toxic chemicals leftover from a project and proceeds to pour them into the backyard of Neighbor #2 to dispose of it. Rather than require Neighbor #1 to fix the problem he has created, officials step in and tell Neighbor #2 to just make sure to purchase personal protective equipment when going into his backyard, and he will need to remove the contaminated dirt and replace it with all new if he wants to have a usable backyard. And on his own dime. If he tries to sell his property, it is devalued as any buyer would see the contamination as a huge problem, and even if the problem was fixed, it would be a cost not created naturally or by the property owner.

So, my question is, why is this contaminated area proposed within the ADC deemed an issue for the property owners rather than the responsible party who contaminated it in the first place? It seems to me to be an easy out for responsibility for contaminating an area. While this might seem like the least expensive option, it pawns off the expense of fixing the problem to the property owners, who, once again, did not create this problem, nor was it naturally occurring. This was a man-made problem, and it needs to be fixed, and those affected, compensated. I believe this ADC designation oversteps into significantly devaluing the private property owned by Mark Steele. If this ADC moves forward as currently outlined, I expect property owners to be significantly compensated for the effect it has had on their property. Simply not enough is being done to fix the contamination and not enough is being done to compensate those effected.

SINCERELY,

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