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Department of Water Resources
Adjudication Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication of Rights)
to the Use of Water from the Snake River)
Basin Water System)

Water Right No. 36-07092A

(The water right number you are responding to must be inserted)

The State of Idaho, ex rel. R. Keith)
Higginson in his official capacity as)
Director of the Idaho Department of)
Water Resources,)

STANDARD FORM 2

RESPONSE TO OBJECTION

Petitioner,)

vs.)

The United States; the State of Idaho; and)
all Claimants to the Use of Water from the)
Snake River Basin Water System,)

94-03-0053

Respondents.)

INSTRUCTIONS

This form must be used to file a response to any objection filed against a water right recommended in a Director's Report. You may respond to all objections filed against one water right, using one response form. If you choose this option, your response should cover every issue raised in the objections. To respond to objections filed against more than one water right, you must file a separate response form for each water right. Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you do, the text must be on the front and back of each page exactly as it appears here. The response must be received by the court on or before the deadline specified in the Notice of Filing the Director's Report that IDWR mailed to you. Follow the Instructions for Mailing this response (Page 5), or the court will not accept it for filing.

This form has been adopted by the court in *SRBA Administrative Order 1* (amended June 21, 1993), Section 4, which may be consulted for further information.

Any party filing 25 or more responses must make an appointment with the Clerk of the SRBA Court.

By filing a response form, you are certifying that the response is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant responding to objection:*

Name: NORWOOD SUBDIVISION/RUBY SPRINGS WATER CO.
Address: C/O Roderick R. Howard
2638 Access Road North, Hagerman, ID 83332
Phone: Work: _____ Home: 837-6633

Briefly describe your interest in this water right:

Norwood Subdivision owns this water by virtue of a
water license. License of Right No. 36-7092A

If this response is *filed by an attorney*:

Attorney Name: _____
Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Party/Claimant who filed objection:*

Name: Ronald H. Adams
Address: 3028 Chisholm Dr.
Hagerman, ID 83332

1. STATEMENT OF THE RESPONSE

Please check each "box" which identifies your response.

1. ☒ *Name and Address:* I respond to the objection concerning the name and/or address of the owner of the water right.
2. ☐ *Source:* I respond to the objection concerning the source of water.
3. ☒ *Quantity:* I respond to the objection concerning:
 - a. ☒ the total quantity of water used in cubic feet per second; or
 - b. ☐ the total quantity of water stored in acre-feet per year; or
 - c. ☐ the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☐ *Priority Date:* I respond to the objection concerning the priority date.
5. ☐ *Points of Diversion:* I respond to the objection concerning the legal description of the point(s) of diversion.
6. ☐ *Instream Flow:* I respond to the objection concerning the legal description of the beginning and ending points of the instream flow.
7. ☐ *Purpose(s) of Use:* I respond to the objection concerning the purpose(s) of use.
8. ☐ *Period of Year:* I respond to the objection concerning the period of year when water is used or is necessary for the purpose stated.
9. ☒ *Place of Use:* I respond to the objection concerning:
 - a. ☒ the legal description of the place of use; or
 - b. ☒ the number of irrigated acres within each forty (40) acre subdivision.
10. ☐ *Consumptive Use:* I respond to the objection concerning the annual volume of consumptive use.
11. ☒ *Remarks:* I respond to the objection concerning the "remarks" listed with the water right.
12. ☐ *Water Right Recommendation:* I respond to the objection concerning:
 - a. ☐ this water right being recommended at all; or
 - b. ☐ this water right not being recommended.

13. ☐ *Description of Reservation:* I respond to the objection concerning the legal description of the reservation.
14. ☒ *Other:* I respond to the objection concerning: Ruby Springs omitted
the balance of Norwood's water to me.

REASONS SUPPORTING EACH BOX CHECKED

In the space following, you must state the reason(s), by number, for each box checked. You may use additional pages if necessary.

See attached page(s) for response to #1, #3a, 9a, & b,
11 and 14.

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

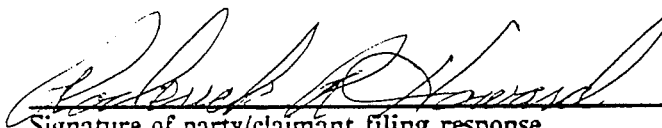
Please note that you should attach copies of documents which support your response. Note on each document the "box number" it supports.

- ☐ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

VERIFICATION (Must be Completed)State of IDAHOCounty of GOODING

Roderick R. Howard, being first duly sworn, upon oath, deposes and says:
 (Name of party/claimant filing response)

That I am the person or entity filing this response (as listed on Page 2, Section 1, "Person responding to objection"), as defined by I.C. § 42-1401A(1) and (7), and I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.


 Signature of party/claimant filing response
President Ruby Springs Water Co

By: _____
 (Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 14, 1994
 (Insert Date)


 Notary Public for Idaho, Gooding County
 Residing at: Hagerman, Idaho
 My Commission expires: 5-3-95

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. FAX filings will not be accepted by the Clerk of the Court. You must also send a copy to all of the parties listed below in the Certificate of Mailing

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of March, 1994, I mailed the original and copies of this response, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

Name: Ruby Springs Water Co./Norwood Subdivision
Address: 2638 Access Road North
Hagerman, Idaho 83332

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: Ronald H. Adams
Address: 3028 Chisholm Dr.
Hagerman, ID 83332

4. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

5. One copy to:

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734

Lynn A. Keffer, Sec.
Signature of party/claimant or attorney

Ruby Springs Water Co.

STATEMENT OF THE RESPONSE
WATER RIGHT NO. 36-07092A

1. STATEMENT: Ruby Springs deleted Norwood's name and failed to replace it with mine.

ANSWER: This is a false statement. Ardith and Virgil Norwood transferred all of Ruby Springs water to Norwood Subdivision November 6, 1969. It was proofed on June 25, 1975 and the transaction was consummated Water Right License No. 36-07092A, August 16, 1976. Additional homes and lots were added to the Norwood Subdivision water system about 1977. The subdivision and additional homes and lots called themselves Ruby Springs Water Company. Twenty-two (22) home sites have used and maintained the spring since 1977. The name Ruby Springs Water Company was added to the Norwood Subdivision name as owner of the water right license August 3, 1988 on the NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW application. This was to clarify actual owners and users of the water.

In 1983, fourteen(14) years after Virgil Norwood transferred his Ruby Springs water to Norwood Subdivision he sold a parcel of land outside the subdivision and outside the boundaries of Ruby Springs Water Company to Joe Rand. The title did not mention water and no Ruby Springs water was transferred. Two years later, 1985, Ronald Adams, his wife and mother bought the parcel of land from Joe Rand. No water titles were authorized or transferred from Ruby Springs Water Company. Mr. Adams claims to have 23 shares of Hagerman Water Users ditch water for the described land.

At no time did we delete Norwood's name from Ruby Springs Water Company and there was no reason to add Ronald Adams' name. The ownership has not changed in 25 years.

STATEMENT OF THE RESPONSE
WATER RIGHT NO, 36-07092A

Page 2.

3a. STATEMENT: The total quantity is limited to 22 acres, my 15 acres was omitted.

ANSWER: Question 3a states the total quantity of water in cubic feet per second; the statement by Ronald Adams is inappropriate.

9a. STATEMENT: "My legal description was was omitted."

ANSWER: On The Notice of Claim to a Water Right Acquired under State Law, Identification NO. A36-07092A, date received 8/03/88, Receipt No. 5001266 Norwood Subdivision/Ruby Springs Water Co. in the person of Roderick R. Howard applied for place of use of water exactly as on water license No. A36-07092A. Norwood Subdivision/Ruby Springs Water Co. received a copy of a Form Titled This is a copy of your Water Right as IDWR Proposes to recommend it to the District Court, dated August 24, 1992. The Proposal was for 7 acres of irrigation, .14 CFS, for Water Right NO. 36-07092A. A hearing was held during September 1992 to discuss possible errors on the recommendation. Roderick Howard met with Alan Merritt to discuss errors. Mr. Merritt had an aerial photo showing the lands that had been irrigated within the boundary of Water Right License No. 36-07092A. All of the 22 lots in Ruby Springs Water Company were included except for Lot #13. Mr. Howard told Mr. Merritt that we did not disagree with their study but did disagree with their acreage calculation. We platted the aerial photo onto a plat of Ruby Springs Water Company lots and estimated 18 irrigated acres in the company area. No other irrigated lands were identified within the water license area. The boundary of the 55 acres in the water license is not clear and possible small segments of irrigated farm land to the West and to the South of the Subdivision may be included. If so,

STATEMENT OF THE RESPONSE
WATER RIGHT NO. 36-07092A

Page 3.

these lands are receiving their water from another source and have not filed on Ruby Springs. The Adams' land in question has never received water for irrigation or domestic use from Ruby Springs. This was the finding of IDWR and is substantiated by Jim Norwood, son of Virgil Norwood. **See Appendix B.** As a result IDWR used the legal description of the irrigated lands that had been developed into what is now the Ruby Springs Water Company. Norwoods had used all of their irrigated lands in their subdividing and had included lot #13 which had not been irrigated. Dr. Kieffer watered shrubs and trees on this lot in 1991 and 1992.

9b. STATEMENT: My 15 acres was omitted. Acreage shown does not include me.

ANSWER: Mr. Adams' lands has never been irrigated and was not included in IDWR recommendation. The Spring collection system, headbox, water transmission lines and water distribution systems belong to Norwood Subdivision/ Ruby Springs Water Company and will only carry approximately .6 CFS. We are not likely to ever let the Adams' use our water system. At no time has water been delivered for irrigation to the Adams' property. The water system drain is on this land and was used to drain the system each fall prior to the development of Norwood Subdivision in 1969

10. STATEMENT: Provisions for my use were omitted. Consumptive use is incorrect.

ANSWER: Mr. Adams does not own any water. He does not have or own a system to collect water or transport it. Water has never been used on his land. Against the protest of members of Ruby Springs Water Company and neighbors on all sides, Mr. Adams has practiced destructive and poor land

STATEMENT OF THE RESPONSE
WATER RIGHT NO. 36-07092A

Page 4.

management practices. He has been investigated by city, county, state, and Federal individuals and agencies. This has resulted in a notice of violation of Environmental Protection and Health Act and Idaho Water Quality Standards and waste water treatment requirements. ((See Appendix C) As a result Mr. Adams has created sufficient ill feelings among his neighbors that it is unlikely he could ever obtain easements, right-of-ways, water lines, or any assistance from neighbors, that would be necessary to get water to his lands from Ruby Springs.

11. STATEMENT: The remarks are limited to chosen property with Ruby Springs. My property has been omitted.

ANSWER: Norwood Subdivision/Ruby Springs Water Co. owns the water of Ruby Springs. Historical use has been within Ruby Springs Water Company area. Ruby Springs water developments belong to Norwood Subdivision/Ruby Springs Water Company. Mr. Adams has never assisted with work or money to maintain or operate Ruby Springs Water System, except for assessment dues from Lot #13 for 1993. Parts of the system are old and has been expensive to maintain. The company members have paid heavy assessments to comply with the Safe Drinking Water Act Requirements. Now, Ronald Adams, with no water right and no past use, expects to be included in 25 years of expensive development.

14. STATEMENT: Ruby Springs omitted the balance of Norwood's water to me.

ANSWER: In 1961 the DWR and Virgil Norwood estimated that the spring which became known as Ruby Spring, had 1.1 CFS. A measurement was not possible. Civil Engineer

STATEMENT OF RESPONSE
WATER RIGHT NO. 36-07092A

Page 5.

Craig Smith measured Ruby Springs flow in 1988. **APPENDIX D page 11, Engineer Report Ruby Springs Water System, Norwood Subdivision, Hagerman, Idaho** at approximately 300 gal/min. Since 1988 the water flow has decreased. There is no excess water. When IDWR recommended .58 CFS for our water rights, the company met to determine whether we stayed with the Hagerman Water Rights Owners Company and to fight for the remaining .52 CFS on our water license or drop out of the battle and accept the .58 CFS. We had stayed with the group for protection of their lawyers until the objection period was over. We then dropped out of the membership. The reason for our decision to drop out was that the capacity of our system was approximately .6 DFS and for the past 5 years we can transport all the water in the spring. The answer is: THERE IS NOT EXCESS WATER.

This water application appears to be a no win situation for Mr. Adams. If the state granted him water in Ruby Springs it would be virtually impossible for him to physically and legally collect and deliver water from Ruby Springs to his land. If the state granted Norwood Subdivision/Ruby Springs Water Company additional water, it would be a violation of Company Covenants and By-laws to enlarge the company area to include Mr. Adams' lands. It is very unlikely company share holders would ever vote to change By-Laws and Covenants for Ronald Adams' benefit.

CASE NO. 39576
WATER RIGHT NO 36-07092A

APPENDIX A

RUBY SPRINGS WATER COMPANY
ACCESS ROAD - NORWOOD SUBDIVISION
HAGERMAN, IDAHO 83332

December 13, 1993

Judge Daniel C. Hurlbutt, Jr.
C/O Terrence A. Dolan
Special Master
SRBA Chambers
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Re: The general adjudication of right to the use of water from the Snake River Basin water system - Civil Case Number 39576.

After six years of following the Snake River Adjudication directions as closely as possible and retaining a lawyer until the appeal period was over, we now receive notice that our water rights are being challenged by Ronald Adams.

We, the undersigned do not feel that a hearing should be allowed on this claim.

Furthermore, we feel that Mr. Adams is perpetrating a hoax on the court with fabricated stories in an attempt to obtain something for nothing and to continue harassing his neighbors on Norwood Hill.

We, the undersigned feel his statements and claims are perjury to your court.

We will discuss each statement in detail. Because of the length of discussion we will first give you a summary why a hearing should not be allowed.

1. Mr. Adams bought 53 acres of property in 1983 without any water rights. He has never owned any water rights to this land. He bought the land from Joe Rand who never had any water rights.
2. The 53 acres of property were never intended to be watered or developed. The original owners, Virgil and Ardith Norwood developed Norwood Subdivision. They planned the development with all lots touching each other so as to prevent passage to the Billingsley Creek bad lands, (geomorphology term) and then transferred all water rights to Norwood Subdivision in 1969 which included a total of 55 acres. (See water license). One of the selling highlights of the subdivision was that the bad lands could not be developed agriculturally or domestically because the subdivision owned the water.
3. The land in question has never had any water on it, except in 1992 Mr. Adams took a small amount of water from Norwood subdivision lot owner Howards and Kieffers besides placing a marine pump in Billingsley Creek. In all three cases he was told to stop and desist from using the water. Proof of the land having never been irrigated, not one drop, can be verified by Jim Norwood and further substan-

iated by DWR 1987 studies.

4. Mr. Adams does not have any means to transport water from Ruby Springs to land in question. The collection systems, head box, pipelines, distribution system, easements, and right of ways belong to Ruby Springs Water Company/Norwood Subdivision and we would never allow him to use our facilities. It is very unlikely he could ever receive easements from the subdivision, company or two adjoining Fish hatchery owners to develop a new system.
5. Ruby Springs Water Company/Norwood subdivision system is only sufficient in size to handle the .58 CFS it has agreed to.
6. Since 1987 there has not been over .6 CFS in the Spring. Whether this is caused by the drought or deep wells or both we do not know.
7. During the 1987 water priority year period, Gooding County was building a road for Norwood Hill residents under an LID authority, County ordinance 36. When Planning, Designing, gathering public input, constructing and assessing cost, Ron Adams claimed one parcel of land. The claim was so he would only pay one share on the road. Now he is telling you a different story. Both stories cannot be true.
8. Mr. Adams never intended to use Ruby Springs water. During his construction he repeatedly asked if he could borrow water for compaction. The group felt he could not be trusted, That he might try to establish a right. He repeatedly said that he had 23 shares in Hagerman Water Users, Inc. and did not need ours except for convenience in compacting soil. During the May 1993 Ruby Springs Water Co. semi-annual water meeting, Mr. Adams told the entire group that we did not need to worry about him trying to get water, that he had always planned on drilling a well.
9. The claim for water on the Hartmen lot, Tax number 29, has been a dead issue for over 16 years. As mentioned before, Norwoods transferred their water rights to the Norwood Subdivision Lots 1 thru 15 in 1969. In 1977, eight additional lots were proposed to be added to the water system. That was subdivision lots 1 - 15 and an additional 8 lots which were not part of the subdivision. The 23 lots would be called Ruby Springs Water Company.

The intention was to transfer the subdivision water to the Water Company. This was appealed and never consummated.

Floyd Hartman was one of the eight lot owners. He paid the first assessment in 1977 and then dropped out of the company. There has never been any water on the lot. A water connection was originally installed for his lot. He never connected to it. In 1983 the Borah Peak earthquake broke the water line to lot 13. Lot 13's connection was permanently disconnected and Lot 13 was subsequently connected to the Hartman connection. When we filed on our water in 1988 Hartman was not a company member, he had never used water, he had not paid any yearly assessment, he did not have a water connection and was not interested. The fact was he was trying to give his lot to Mrs. Norwood and refused to pay his tax assessment. When we reviewed our water claim with DWR in 1992 Hartman had never indicated any interest. In fact he had never used water on his lot and did not have a connection. We could not have applied for water for Property Tax #29 even if we would have wanted too.

Mrs. Adams summed it up well in our Spring 1993 meeting. She said they had planned to beautify the hillside with grass, shrubs, trees, and nature trails for everybody's good. But after they had bulldozed the hillside and filled in the drainages nobody would give them any water.

At this point I would like to review Mr. Adams' application and point out the fabrications.

Item I - Cover letter:

Mr. Adams states:

"It is my belief that Mr. Norwood did not intend for any of the original land he owned to be without the water rights he had obtained."

This hardly seems likely when Mr. Norwood transferred all water rights that he owned on the hill to the Norwood subdivision in 1969 of which he was only one of fifteen members. Each lot was clearly defined.

Item II Affidavit of Ronald H. Adams:

Paragraph I:

"The 15.57 acres that I am requesting the use of water for now was originally included in all of the original water right licenses issued to Virgil Norwood. In 1985, my mother, along with my wife and myself, purchased 53 acres from Joe Rand. Mr Rand had

purchased it from Virgil Norwood in 1983. I let Mr. Norwood run his livestock on this property until the time that he removed them in 1988. Virgil kept the pasture watered and he also took good care of the property. In 1988, Virgil had removed his livestock from the property. At that time, I asked Bill Curtis if he would mind me putting horses back on the property. Mr. Curtis owned Hidden Springs Trout Ranch, Inc.. Bill requested that I refrain from turning horses back onto the property because it would interfere with his fish farm operation. Knowing that the fence was bad separating our two properties, I did not turn the horses on it. I had no desire to interfere with Bill's fish rearing operation."

Paragraph 1 - Facts

Fact 1. - Virgil Norwood died October 1986

Fact 2. - Virgil Norwood was incapacitated for the last 6 to 8 years of his life and was incapable of any work, except for light puttering around the house and yard.

Fact 3. - Virgil Norwood sold his dairy and all stock to Lewis Koopman in 1970. He never owned any livestock after 1976.

Fact 4. - The land in question has never been watered. Jim Norwood, Virgil's son, took care of the fish hatchery and the adjacent land. He verifies that the 15.57 acres in question has never had a drop of irrigation water on it.

Fact 5. - After 1969 Virgil Norwood never owned the water to this area and could not have watered it or conveyed water ownership or right to anyone else without the consent of the subdivision owners.

Fact 6. - Steve Clelland of Division of Water Resources field exam and aerial photo studies verified that his land has never been watered.

Fact 7. - The land was a steep 70% plus slope with deep eroded drainages, estimated 40 feet deep cuts with vertical walls. The existing vegetation before Mr. Adams filled the cuts with loose dry clay with virtually no compaction was Black Greasewood (*sarcobatus vermiculatus*) and cheat grass (*bromus tectorum*) All indicators of no irrigation.

Fact 8. - Ron Adams, his mother and his wife bought the land in question in 1985 without any water rights, at least from Ruby Springs.

Fact 9. - Mr. Joe Rand bought this land in 1983 without any water rights.

Paragraph 2:

"In January, 1987, my wife and I purchased Lot 1 of the Norwood Subdivision. I made a verbal agreement with Ruby Springs Water Co. Chairman Bill Sant giving me one share of the corporation water if I would let them use my property for their new road. I agreed to let them use my property for the company share. My carpenter and I repaired the house, built a new attached garage and finished building the home. During that time I spoke with Bill Sant on several occasions. Bill said he was in charge of their water corporation so I asked him if this share could be split. He assured me that if I let them use my property for the road, I would get the share of the corporation. The split was not a problem."

Fact 1. - This subject has never been proposed to the Ruby Springs Water Company/Norwood subdivision members. It is not mentioned in any meeting minutes. June Beutler who was the company secretary says that such a proposal was never mentioned.

Fact 2. - Bill Sant says that the proposal was made to him by Ron Adams, but later Mr. Adams told him to forget it because he had made other arrangements. Mr. Sant says the subject was dropped and no action was taken.

Fact 3. - No agreement was made, no discussion was made with the membership, no water was allowed outside of the existing 22 lots and no additional Snake River Adjudication Rights were applied for in 1988 or in 1992.

Paragraph 3:

"A short time later in 1987, Rod Howard and his wife purchased the Lot 1 house and property from my wife and I. In their contract, I stipulated that I was retaining a 3/4 inch water line from their two inch water line. They signed the contract and bought the property. In June of 1992, I asked Mr. Howard for the 3/4 inch of water. I used this 3/4 hose bib several times when Mr. Howard was not watering his garden. After I had used this water for several weeks, Rod Howard denied me the use of it. I repeatedly asked him for the use of the water and he repeatedly denied me the use of it. After it was clearly obvious that Rod Howard did not intend to honor his contract with me, I had an attorney write Mr. Howard a letter. Mr. Howard responded to the attorney with a letter making false accusations and accusing me of wrong doing. Please see attached letter dated July 28, 1992 to Jim Jones, atty.,"

Fact 1. - Mr. Adams did, in an earnest money agreement with Mr. and Mrs. Roderick Howard, put in a statement "seller reserves the right to connect a 3/4 inch line for domestic water from existing line on subject property."

Fact 2. - At the time Mr. Adams only had one water share for Norwood subdivision Lot #1.

Fact 3. - President Howard and Bill Sant met with Gooding County Prosecuting Attorney, Phil Brown, and asked if Mr. Adams attempted to transfer company assets in the form of water from the company to his personal property out of the company without company members' permission constituted embezzlement. Attorney Brown said that in as much as he had not actually done it, it would be difficult to prove intent. He further stated that the wording of the agreement was so poor that a water connection fitting could complete the agreement without any movement or change of water. He further stated that there was no mention of easements or right of ways to remove the water from the Howard property.

Fact 4. - Mr. Adams was never given permission to connect a hose to Mr. Howard's water line and remove water from his premises. Mr. Adams did connect a hose to the Howard line and used water for a short period of time in the summer of 1992. Mr. Howard personally removed the hose from water faucet and did not allow it to be connected.

Paragraph 4, (paragraph 1 on page 2)

"Once again I reiterate, I had only used a hose bib tap (3/8 inch) and only at times when Rod Howard himself was not using, the same hose bib to water his garden. I did not connect to his two inch line. There were no restrictions as to where water could go in the original Norwood Subdivision Covenants. But, this did change. In May of 1993, they voted not to allow any water to leave the Lots or Parcels that a shareholder owned. Please see attached copy of RESTRICTIVE AND PROTECTIVE COVENANTS FOR NORWOOD SUBDIVISION, recorded June 15, 1972 and signed by Virgil and Ardith Norwood."

Fact 1. - Mr. Adams was never given permission to use the Howard's faucet or water.

Fact 2. - This use of water was in 1992 well after the priority period for the Adjudication of the Snake River Water.

Paragraph 5, (paragraph 2 on Page 2)

"Also, in 1992, I requested and was granted the use of water from Ruby Springs Water Company. In the past, they had applied for me and kept my water rights current in their applications, notices and so forth. These water rights had been filed on in Virgil Norwood's original water right. Since they were already filed on, I could not file for a double water right."

Fact 1. - Ronald Adams was not given any water from Ruby Springs water company in 1992.

Fact 2. - No lot owner gave him permission to use their water.

Fact 3. - Ronald Adams has never owned a water right to the ground in question. Norwood subdivision has owned the water right and would have continued to own them if it was not for the Snake River adjudication. The sole purpose of keeping this water right was to prevent agriculture or domestic development. These lands are steep and have a clay soil type. From a land management stand point and resource ethics these lands should never be disturbed.

Paragraph 6 (3rd paragraph on page 2 & top of page 3)

"In July, 1992, I purchased Tax Lot 29 from Mr. and Mrs. Floid Hartman. Mr. Hartman was an original member of Ruby Springs Water Company. Please see attached ARTICLES OF INCORPORATION OF RUBY SPRINGS WATER COMPANY, Recorded as instrument number 56784 at the State of Idaho, Department of State, SEcretary of State's Office on November 2, 1977. In Article 6 of this document, page 4, the fifth name down is Floid Hartman. On page five (5) of the same document, second column of the top half of the page, the seventh (7th) name down is signed Floid C.(?) Hartmen. Page seven (7) of the document is not numbered. It is a Notary page. In the middle of this page, Floid Hartman's name is notarized into the instrument and acknowledged. Mr. Hartman was irrefutable listed as an original member of the original Ruby Springs Water Company. When acquiring Lots and/or Parcels in the original Corporation, it is clear that shares were not equal. ARTICLE 5, paragraph (c) states: The interest of the members may, or may not, be equal. The owner of a lot in said Norwood Subdivision or any of the eight tracts adjacent thereto shall be entitled to one vote for each such lot or tract so owned. ARTICLE 6, INCORPORATORS, page 4, Virgil Norwood-Hagerman, Idaho-two (2) votes, etc. etc.. It would appear that the intent of the document was for noone to be without water. However, there have been mistakes. Fifteen (15) Lots and eight (8) parcels or tracts of land makes twenty three (23). There are only twenty two (22) shares accounted for in Ruby Springs Water Company's filing. When I requested water for the Hartman Lot, it was denied me. Please see attached letter from Rod Howard, President, Ruby Springs Water Company dated July 29, 1992. Note that this letter was cc'd to,

not only my attorney, but to the Gooding County Commissioners and the Planning and Zoning Board. I was forced to request notification of any upcoming meetings for Ruby Springs Water Company members. This was in the form of a Certified Letter dated April 9, 1992. I received a response from Pat Howard for the Ruby Springs assessment and a telephone call from Rod Howard stating that the next meeting was scheduled for May 4, 1993. I had no idea that Ruby Springs Water Company would let me lose my water right in their adjudication process. I did not learn about this happening until May 5, 1993. Ruby Springs Water Company had filed for their water right, but, my original share had been excluded. This exclusion of water rights affected the Hartman Lot and the adjacent parcels or tracts of land to the Norwood Subdivision that Virgil Norwood had used for pasture land. Please find enclosed letters to and from the Department of Water Resources concerning the original filings. Ruby Springs Water Company has denied in writing that Floid Hartman ever had any water rights with them. I have tried to reason with Ruby Springs Water Company to get them to release the water that belonged with my property. They remain adamant in their refusal."

Fact 1. - Floid Hartman was one of the eight individuals added to Norwood Subdivision's 15 lots owners to make up the 23 lots included in the Ruby Springs Water Company.

Fact 2. - Floid Hartman paid the original assessment for Lawyer fees to form the corporation.

Fact 3. - Articles of incorporation of Ruby Springs Water Company article 2, paragraph (c) "to make assessments for the cost of operation and maintenance, the repair, replacement, and rehabilitation of such water system or systems."

(d) "to make all such assessments levied against the association members for the cost and expenses set forth in subparagraph (c) above upon a prorated basis, determined by the number of lots or tracts owned by each such member.

Fact 4. - The corporation makes assessments twice a year. All lot owners pay the summer assessment and only lots with occupied homes pay the winter assessment.

Fact 5. - All lot owners pay special assessments for improvements or repairs beyond normal maintenance.

Fact 6. - We have no record of Floid Hartman paying any assessment for the past 16 years.

Fact 7. - Floid Hartman has not been considered a member of this company since the early 1980's.

Fact 8. - A connection was made in the company's south lateral line for the Hartman lot at approximate time of incorporation of Ruby Springs Water Company. Mr. Hartman never connected to it or used any water. In 1983 the Borah Peak earthquake destroyed the connection line to Lot #13. This was a long line with very little pressure, because it was connected into the company's drain line at the lowest point of the company's water system near Billingsley Creek. It did not pass through the company's pump. The line was permanently disconnected. Subsequently the Hartman connection was given to Lot #13.

Fact 9. - Mr. Hartman has never expressed any interest in the water company for the last 16 years.

Fact 10. - Mr. Hartman became disenchanted with the property and refused to pay his taxes to the County.

Fact 11. - Mr. Hartman tried to give the property back to Ardith Norwood. She refused to accept it. Dr. John Kieffer tried to talk Ardith into accepting the property and selling it to him for the price of the taxes. Ardith was not interested.

Fact 12. - John Ringler and Dr. John Kieffer were both in contact with the county for the tax sales of this property. They both owned adjacent lots and were concerned that someone would try to develop it. Both have sold their own properties adjacent to the Hartman lot.

Fact 13 - At the time of the Snake River Adjudication applications, the Hartman lot had never been watered and did not have any water connections and there was no expressed interest. At the time and at the present it simply does not qualify for a water right or even an application.

Paragraph 7 (2nd paragraph page 3)

"My daughter-in-law purchased Lot 13 of the Norwood Subdivision in October of 1992. She did allow me to use water from Lot 13 to water the Hartman Lot and portions of the 7.13 acre owned by me. Due to hostilities shown her by Rod Howard in threats and members of Ruby Springs Water Company and the neighbors in the Norwood Subdivision, she does not feel as if she can ever live there in peace and harmony."

Fact 1. - Ronald Adams was told verbally and in writing not to use water off of the 22 Lots. (See Mr. Adams Exhibit 8, 8A, and 8B.)

The statement about Mr. Adams' daughter-in-law has nothing to do with water adjudication but is very serious in nature. Mr. Howard is not of the disposition to make threats nor does he threaten people. Mr. Howard would like to pursue this statement further, but it has been our understanding that Mr. Adams does not have a daughter-in-law. If he would please send a copy of marriage certificate to the court and Mr. Howard the statement could be discussed more intelligently.

Paragraph 8 (3rd paragraph page 3)

"Let it be known that there are three (3) two inch taps on the 4.88 acre parcel owned by me. One of them points directly at the Hartman Lot. This two inch line was destroyed during the construction of the road turnaround by the County in 1988. Mr. Hartman had suffered a stroke. He was unaware that his property had not had water to it since the construction of the new road. Irregardless of the water line torn out, Mr. Hartman had electric service and septic system installed on his property after he purchased it from Virgil Norwood in 1972. For some time, Mr. Hartman had utilized a travel trailer on his land with the hopes of some day being able to build a cabin retreat."

We do not know how to respond to this paragraph because we are not sure what it says or how it applies. We think the answer to Paragraph 6 covers the Hartman Lot.

Paragraph 9.

"One of the other two inch lines, is for servicing Lot 13 from the 4.88 acre parcel. The third and last two inch line on the 4.88 acre parcel comes directly off of an eight (8) inch line located across my property on the old railroad berm. This line comes across to my 7.13 acre parcel where it thereby 'Y's and goes two different ways. Enclosed you will find pictures of this line. It was broken sometime earlier than the picture was taken and capped off by Ruby Springs Water Company."

Fact 1. - Lot 13 does have a connection.

Fact 2. - The connection off of the main line is at the lowest point of our water system and is the major drain for the system. This is mentioned in paragraph E of the Restrictive and protective Covenants for Norwood subdivision, Gooding County, Idaho. The plat is in possession of the South Central Health Department. A hand drawn copy by Mr. Gibby of the Health Department is in the 1987 engineers report to the state on the redevelopment of our system.

Fact 3. - Mr. Adams' cat/did^{apillar} encroach upon our easement, hit our pipeline and bent it and uncovered much of the pipeline causing it to freeze and break in the spring of 1993.

Fact 4. - This drain was used yearly while Norwood hill was used for agriculture purposes. According to Jim Norwood the drain has not been used since the development of the subdivision.

Fact 5. - The Y mentioned at the end of the drain was the connection to Lot 13 which was disconnected after the Borah Peak earthquake.

Paragraph 10 (Last paragraph on page 3)

"As stated earlier, Rod Howard denies me the use of the water that we agreed upon when he and his wife bought my property. (Lot 1) Billy Sant promised me a share of water in Ruby Springs Water Co. if I would let the County use my property for constructing the road across the ditch to Tax Lots 46, 47, 54, 55, 56, 57, 58 and Lots 1, 2, 3 of Norwood Subdivision. This road was completed in 1988. The L.I.D. for Norwood Subdivision was finalized in 1989. As it was promised to me, I have requested the use of the water promised. To date, not only are my requests being denied, but, I have lost water that Ruby Springs Water Company have vowed to protect."

Fact 1. - The road and L.I.D. agreement was completed in 1987.

Fact 2. - We have not at any time vowed or indicated that we would protect water for Ronald Adams. In fact he has been repeatedly told verbally and in writing he does not have any water other than Lot 13.

Paragraph 11 (1st paragraph on page 4)

"In November of 1992, there were approximately 14 to 18 sections of 40' three inch aluminum irrigation pipe left piled on my 4.88 acre parcel. When I told Bill Sant that I was going to remove the pipe the Mr. Norwood had left, Mr. Sant told me that the pipe belonged to him. It had always been laying there. I did not argue with him about the pipe. I let Bill Sant take all the pipe. Mr. Norwood had used this same pipe to irrigate his land with."

Fact 1. - The pipe is still there. About 30 feet North and perpendicular to what it was when Mr. Adams saw it. Mr. Howard moved the pipe to the new location in the spring of 1993.

Fact 2. - There is and has always been four (4) lengths of pipe.

Fact 3. - We cleansed our re-constructed water system in 1988 with high levels of chlorine. The overflow from our water system flows into Clear Lake's Fish Farm. In an attempt to keep the chlorine out of the fish runs we tried to pull all the water into the subdivision. Four lengths of irrigation pipe was carried from Bill Sant's to the Howard water line riser and the water was piped to the bottom of the draw near one of the company's drains on the company's easement. This was a considerable undertaking, fumigating and chlorinating the tunnel that contains our collection system. Because of the importance of the undertaking and the physical danger we had personnel from DEQ, the Health Department, Hagerman Fire department and EMTs, Wickum Construction Company and most of the members of Ruby Springs Water Company. I think most of the people present could verify the use of the pipe.

Fact 4. - The spring was calculated at 300 gal/min. We were able to carry most of the water through our system to the subdivision. The remainder was pumped onto the hillside and into bales of straw. Since 1988 the spring has continually dropped in volume. As a result there is neither water nor transportation available for over the .58 sec/ft recommended for the subdivision.

Paragraph 12. (2nd paragraph Page 4)

"By Ruby Springs Water Co. not notifying me that they were not including me in their readjudication, they prevented me from contesting in a timely manner. Members of the Norwood Subdivision and Ruby Springs Water Co. were instructed not to talk to any members of my family concerning water or any upcoming meetings. They were told not to by Roderick Howard. Rod Howard simply omitted my taps when he readjudicated for Ruby Springs Water Co.. During the May 5 meeting, Rod Howard said that it was already too late for anyone to protest his claim. Department of Water resources accepted his claim for water taps without verifying them. This was all done without my knowledge. It was intentional, done in a malicious manner with no regard for my property or its heirs. I have had surgery for bladder cancer several times."

Fact 1. - At the time of application Mr. Adams was not a member of the subdivision or Ruby Springs Water Company. There was no reason to invite him to our meetings.

Fact 2. - President Howard repeatedly cautioned members that within our water license there was 55 acres. The organization held all the water rights but only controlled about 22 acres. There are numerous bits, pieces and parcels of land. President Howard said that he thought our rights could be defended in court, but to avoid court would be better. He further stated that if Ron Adams thought he could get something for nothing that he would try.

Fact 3. - Ruby Springs Water Company did join the Hagerman Water Users Group to have access to their lawyers. When the appeal

period was over and our recommendation was not challenged, we dropped out of the membership.

Fact 4. - Once again Ron Adams never had any water taps belonging to Norwood Subdivision/Ruby Springs Water Company outside of the subdivision.

Paragraph 13 (3rd paragraph page 4)

"When I gave my permission to Gooding County to build the new access road to Norwood across my property, and also to place the turnaround for the school bus on my property, I thought I was being considerate and neighborly in my actions granting approval. Gooding County agreed to reclaim the land they disturbed and have it graded down, sloped and reseeded. They have failed in their agreements also. I attempted to reclaim the land they disturbed and got into a mess for my efforts."

Mr. Adams seems to have misunderstandings with most people he works with.

Paragraph 14 (4th paragraph page 4)

"The property this road lies upon is still owned by myself, my wife and my mother. There are no written or verbal easements associated with it. Neither has it ever been deeded to Gooding County. This property purchased by myself and my family eight years ago has been placed in jeopardy and its value now without water is nominal to say the least. My water rights are now at risk along with the property the water rights were assigned to service. Please, your Honor, accept this Late Notice of Claim and investigate the facts surrounding my request."

Fact 1. - Ron Adams has never owned any water rights on this property.

ITEM 3.

In reviewing Mr. Adams' notice of claim to a water right we have the following comments:

#5. It is apparent Mr. Adams has never seen our system or possibly he has mistaken another development for Ruby Springs. A description of our development:

The collection system is 65 feet into the mountainside in a drift where a 10 inch perforated PVC pipe is buried in gravel. A clay cut off wall is used to hold the water from escaping. The water is piped to the mouth of the tunnel by a 10" PVC pipe buried in sand. The mouth of the tunnel is enclosed with a 42 inch culvert with a padded steel door. Outside of the tunnel we have a gate valve and overflow pipe. Old steel pipe carried the water along an old railroad grade to the company's pump house on the North East corner of the Subdivision. The original spring and tunnel were developed by Chinese labor working on the railroad grade about 1903.

#13. There were never two (2) taps on this land.

#14. The land Mr. Adams is applying for has never been watered, except that taken in 1992 and he has never owned any water on these acres.

#15. Ownership of this license is clearly stated.

GENERAL DISCRIPTION:

1. Mr. Adams bought land without water rights.

ITEM 4.

Standard Form 4, motion to file a late notice of claim states:

"This motion requires you to certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation."

We do not feel that Mr. Adams has complied with these regulations. He has fabricated many claims in hopes that one or more might make a connection. It is a continuing harassment by Mr. Adams. He has stated many times he would take Ruby Springs Water Company to Court. He has had a continuing feud with David Huff who lives West of his property and has filed a law suit against him, which was settled by the lawyers in Twin Falls Court House minutes before court. Aquarius Fish Hatchery to the East of Mr. Adams' property is prepared for legal action with Mr. Adams. Bill Jones, president of Hagerman Water Users has stated that they were prepared for court action against Mr. Adams and asked for our cooperation. Mr. Adams has twice had lawyers write Rod Howard, located North of the Adams' property threatening legal action. Mr. Adams' harassment seems to never end.

ITEM 5.

Answers to Standard Form 1. Objection general information.

1. Mr. Adams owns the land, but does not nor has he ever owned water for it. The land has not been watered, except a small amount taken without permission in 1992 for soil compaction.

PART II.

1. We cannot determine a reason for this statement.
3. The twenty-two lots that have used water and qualified for the Snake River Adjudication were used. All other lands that did not qualify were discarded.
9. Same as #3.
10. Mr. Adams' property never had a water use, nor did he own any water.
- 11 & 14. He has no valid claim on the water or Ruby Springs Water Company.

Your Honor, the Ruby Springs Water Company members have spent considerable time, energy and money on the Snake River Adjudication. We are now spending a great deal of money to comply with regulations of the Safe Drinking water act.

Mr. Adams does not own any water nor has he ever owned any water nor was he intended to own any water on the lands in question. The lands have never been irrigated and water has never been placed on this land, except the small amount taken without permission in 1992. Mr. Adams has no means to deliver water to this land and is highly unlikely he could ever obtain the easements and right of ways necessary to build a system. All water in the spring at present is covered by the .58 CFS recommended by IDWR to Norwood Subdivision/Ruby Springs Water Company permits 36-07092A and 36-15240. Your Honor, we feel that this application is made up of fabricated facts and is frivolous in nature, is a harassment of members of Ruby Springs Water Company and we ask you to deny this hearing and spare us the cost and time of fighting it further.

Sincerely yours,

President

Robert R. Howard

Sec/Treas.

Tom A. Gieffer

Member

Ralph Casper

Member

Paul E. Harrell

Member

Boris D. Davis

Member

Lorinda M. Ghum

Member

Jim D. Kieffer

Member

George J. Colwell

Member

Jacqueline Loring

Billy J. Lort
Edith Lort

CASE NO. 39576
WATER RIGHT NO. 36-07092A

APPENDIX B

Jim Norwood
250 Valley RD. E
Hagerman. ID 83332

14 March 1994

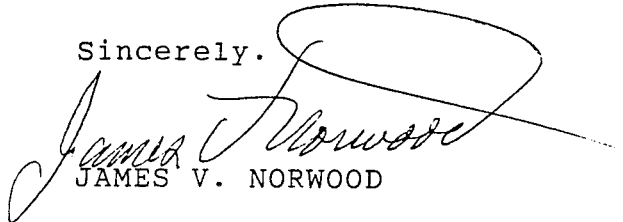
Dear Sirs;

Mr. Rod Howard has asked me to make a statement concerning the water from Ruby Springs, and the land owned by Mr. Ron Adams.

In 1947 my family bought the land that is now the Norwood Sub Division, also, the land that Mr. Adams now has. To the best of my knowledge the land owned by Mr. Adams has never been irrigated with water from Ruby Springs or any other water source.

Lot #13 of the Norwood Sub Division was never irrigated until the sub division was formed.

Sincerely.

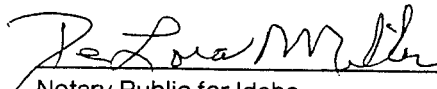

JAMES V. NORWOOD

INDIVIDUAL

STATE OF IDAHO)
COUNTY OF Gooding) ss.

On this 15th day of March, in the year 1994, before me a Notary Public in and for said State, personally appeared James V. Norwood known or identified to me to be the person is whose name is is/are subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS my hand and official seal.



Notary Public for Idaho

Residing at Hagerman, Idaho

My commission expires: 5-3-95

CASE NO. 39576
WATER RIGHT NO. 36-07092A

APPENDIX C

NOTICE OF VIOLATION

ISSUED TO: Mr. Ron Adams
Route 1 Box 102
Hagerman, Idaho 83332

On June 23, 1993, the Idaho Department of Health and Welfare (Department) conducted an inspection of the site of a proposed subdivision north of Hagerman, Idaho. Prior to the inspection, Ron Adams conducted and/or directed the excavation of a hillside to prepare the ground at the site for building sites as part of the construction of the subdivision. The site is located between Norwood Subdivision and the Hidden Springs Fish Hatchery, and lies directly above the watershed of Billingsley Creek in Gooding County, Idaho. Pursuant to Idaho Code §§ 39-105 and 39-108, the Department has determined that the following violations of the Environmental Protection and Health Act (EPHA) and the Idaho Water Quality Standards and Wastewater Treatment Requirements, IDAPA §§ 16.01.02001 et seq. (Idaho Water Quality Standards), have apparently occurred at the site. Ron Adams is the owner of the site and conducted and/or directed the activities that resulted in this Notice of Violation.

Violation

Departmental Authority: IDAPA § 16.01.02350.02.b.
Idaho Water Quality Standards.

If the Director determines through water quality monitoring and surveillance that water quality criteria are not being met, or that beneficial uses are being impaired as a result of a nonpoint source activity by itself or in combination with other point and nonpoint source activities then:

- i. For an activity occurring in a manner not in accordance with approved best management practices, or in a manner which does not demonstrate a knowledgeable and reasonable effort to minimize resulting adverse water quality impacts, the Director may with appropriate inter-Departmental coordination:
 - (a) Prepare a compliance schedule as provided in Section 39-116, Idaho Code; and/or
 - (b) Institute administrative or civil proceedings. . . .

Legal Provision Violated: IDAPA § 16.01.02080.01.
Idaho Water Quality Standards.

Discharges Which Result in Water Quality Standards Violation.
No pollutant shall be discharged from a single source or in combination with pollutants discharged from other sources in concentrations or in a manner that:

- a. Will or can be expected to result in violation of the water quality standards applicable to the receiving water body or downstream waters; or
- b. Will injure designated or existing beneficial uses.

On, or prior to, June 23, 1993, surface water runoff flowing over the site caused the unpermitted discharge of pollutants, including silt, and suspended solids and sediments, into Billingsley Creek. The discharge of pollutants from the site is a direct result of Ron Adams' excavation and earth moving activities there and his failure to properly prevent, abate or control the discharge from the site. Ron Adams' acts or omissions did not demonstrate knowledgeable and reasonable efforts to minimize adverse impacts and were contrary to best management practices suggested by the Department resulting in injury to the existing, designated beneficial uses of the waters of Billingsley Creek for cold water biota, salmonid spawning, and secondary contact recreation.

Penalty Assessed: \$10,000.00.

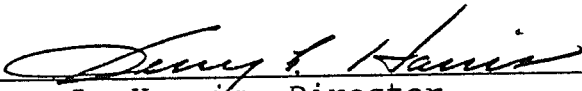
Timetable

Ron Adams may request a compliance conference with the Department to explain the alleged violations and discuss entry into a Consent Order which will include payment of the assessed penalties, and a plan to remedy the damage caused by any violation and to assure future compliance. To arrange a compliance conference, Ron Adams must contact the Department within fifteen (15) days after receipt of this Notice of Violation. Failure to request a conference within fifteen (15) days after receipt of this Notice of Violation, or reach agreement on a Consent Order within sixty (60) days may result in a civil enforcement action in district court for penalties, injunctive relief, and costs including attorney fees.

Inquiries or correspondence concerning this Notice of Violation shall be directed to:

Tim Litke, Regional Administrator
South Central Idaho Regional Office
Division of Environmental Quality
601 Pole Line Road, Suite #2
Twin Falls, Idaho 83301.

DATED THIS 2nd day of September 1993.



Jerry L. Harris, Director
Idaho Department of Health and Welfare

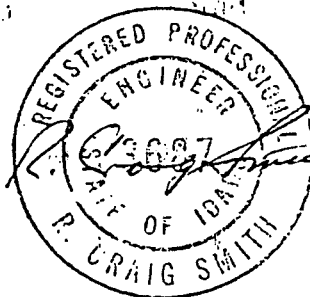
CASE NO. 39576
WATER RIGHT NO. 36-07092A

APPENDIX D

ENGINEERING REPORT
RUBY SPRINGS WATER SYSTEM
NORWOOD SUBDIVISION, HAGERMAN, IDAHO

Prepared by R. Craig Smith, P.E.

April 1, 1988



D. Land Ownership

The subdivision property served by Ruby Springs is owned by the individual property owners. Ruby Springs is owned and operated by the Ruby Springs Water Company, Inc., which essentially is owned by the residents of Norwood Subdivision. Rod Howard, a resident of Norwood Subdivision, is currently the president of Ruby Springs Water Company. Ruby Springs Water Company holds a right of way for the waterline route to Norwood Subdivision.

E. Water Rights

Norwood Subdivision (Ruby Springs Water Company) owns the water rights to the full flow from Ruby Springs defined as 1.10 cfs (494 gpm) in the water right license which is located in the appendix. They allow the trout farm located between Norwood Subdivision and Ruby Springs to utilize their overflow.

IV. DESIGN DATA

A. Quantity

The output of the spring at the bend in the tunnel was approximately 300 gallons per minute. (A 5 gallon bucket filled in 2.0 seconds, and only about one-half of the water was being captured.) The spring output is: $2(5 \text{ gal}/2 \text{ sec})(70 \text{ sec}/\text{min}) = 300 \text{ gpm}$ ($60 \text{ min}/\text{hr}$) = 18,000 gph (24 hr) = 432,000 gallons per day.

The daily potable water demand for the subdivision as presently developed is estimated to be: $(32 \text{ people})(75 \text{ gpd}/\text{person}) = 2,400 \text{ gpd}$. If the subdivision was fully developed at the same population rate, the estimated daily potable water demand would be: $22/13(2,400) = 4,061$ gallons per day.

The peak potable water demand is estimated to be:

Assume:	1.5 Bathroom Groups/home	$1.5(6 \text{ F.U.}) = 1 \text{ F.U.}$
	1 Kitchen Sink	2 F.U.
	1 Dishwasher	2 F.U.
	1 Washing Machine	4 F.U.
	Total	<u>17 F.U./home</u>

$(17 \text{ F.U.})(13 \text{ homes}) = 221 \text{ F.U.} = 66 \text{ gpm}$ as currently developed. If the subdivision was fully developed, the peak potable water demand would be: $(22/13)(221 \text{ F.U.}) = 374 \text{ F.U.} = 105 \text{ gpm}$.

These figures appear to the author to be high due to the make-up of the subdivision residents, which is primarily retired persons.

The irrigation water demand for the subdivision as presently developed is estimated to be: $(45 \text{ sprinkler heads})(5 \text{ gpm}/\text{head})(50\% \text{ use}) = 112 \text{ gpm}$. At full development: $(22/13)(112 \text{ gpm}) = 190 \text{ gpm}$.