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FEB 14 2013

Department of Water Resources
Eastern Region

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HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

1000 Riverwalk Dr., Ste. 200

P.O. Box 50130

Idaho Falls, Idaho 83405

Telephone: (208) 523-0620

Facsimile: (208) 523-9518

Attorneys for the Petitioner Bert Holland

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF PERMIT NO.
23-11238 IN THE NAME OF BERT
AND/OR LORNA HOLLAND

**PETITION FOR RECONSIDERATION
OF PRELIMINARY ORDER VOIDING
PERMIT**

BERT HOLLAND, (hereinafter the "Applicant"), by and through his attorneys of record, Holden, Kidwell, Hahn & Crapo, PLLC, hereby petitions the Idaho Department of Water Resources ("IDWR" or "Department") to reconsider its *Preliminary Order Voiding Permit* regarding Permit No. 23-11238 (the "Preliminary Order"), which was issued by Water Resources Program Manager James Cefalo on February 4, 2013. This petition is filed pursuant to Idaho Code § 67-5243(3) and IDAPA 37.01.01.730.

I. BACKGROUND.

1. On September 22, 2003, Bert and/or Lorna Holland submitted an application for permit to appropriate ground water for use in a pond for aesthetic and recreational purposes. The ponds were to be lined, and as constructed, have been lined accordingly. The amount of water sought for diversion was 2.0 AFA.
2. After advertisement, the Department issued a permit on December 1, 2003.

3. As one of the conditions of approval, Permit No. 23-11238 (the “Permit”) required the following: “As mitigation for the use of water under this right, each year the right holder shall rent 2.0 acre feet from the Snake River Rental Pool. Water shall not be diverted under this right if mitigation is not provided.” Permit No. 23-11238, condition no. 5.
4. The Permit required the project to be completed by December 1, 2004, when proof of beneficial use was due. Permit No. 23-11238, condition no. 1.
5. Proof of beneficial use was received by the Department on October 25, 2004. See Exhibit 1 attached hereto.
6. During the development stage of the permit, and in compliance with condition no. 5, the Applicant submitted the necessary forms and fees to the Water District 01 Rental Pool to rent 2.0 AFA in 2004.
7. On May 20, 2004, Ronald D. Carlsen, the Watermaster for Water District 01, informed the Applicant and Lorna Holland that only .5 AF would be delivered because of the drought conditions in 2004. See Exhibit 2 attached hereto. The *Preliminary Order* confirms this. *Preliminary Order* at FOF # 4. Diversion of water in 2004 was limited to .5 AFA accordingly, but the ponds were constructed to the original size set forth in the permit.
8. Therefore, during the development period of the permit, the Applicant complied with condition no. 5.
9. For unknown reasons, IDWR did not receipt the proof of beneficial use until March 9, 2006. See Exhibit 3 attached hereto.
10. Since 2005, the Applicant has not rented water from the Water District 01 Rental Pool.
11. On February 4, 2013, the Department voided the permit pursuant to the provisions of Idaho Code § 42-219(8), wherein the Department “may . . . refuse issuance of a license and void the permit.” Idaho Code § 42-219(1) also provides the following:

Upon receipt by the department of water resources of all evidence in relation to such final proof, it shall be the duty of the department to carefully examine the same, and if the department is satisfied that the law has been fully complied with and that the water is being used at the place claimed and for the purpose for which it was originally intended, the department shall issue to such user or users a license confirming such use.

12. Additionally, Idaho Code § 42-311 establishes a procedure for addressing non-compliance of a permit condition, which provides for (1) an order to show cause why the director should not void the permit, or (2) for the Director to issue an order directing the permittee to cease and desist the activity alleged to be in violation of the law governing the permit. This portion of the Idaho Code was not mentioned in the *Preliminary Order*.
13. The Applicant has not been served with an order to show cause. The Applicant has likewise not been served with a cease and desist order. Therefore, the Department has not followed the procedures set forth in Idaho Code § 42-311.

II. ARGUMENT.

A. IDWR has not followed the provisions of Chapter 13 of Title 42 of the Idaho Code.

There is no dispute that the Applicant has not submitted applications to rent water from the Water District 01 Rental Pool since 2005, and that the Applicant should have under the Permit. The Applicant acknowledges misunderstanding the condition that required it to be done on a yearly basis. The Applicant only became aware of this issue when he was called by his new counsel (who assumed Kent Foster's clients) upon his counsel's receipt of the *Preliminary Order*. As described below, the Applicant is proposing to rent water in 2013 to cover the missed rentals from 2005-2012, which totals 18 acre-feet (9 years multiplied by 2 acre-feet per year).

However, despite this violation of condition no. 5, the Department should not void the permit, but should instead follow the provisions of Chapter 3 of Title 42 of the Idaho Code. These provisions specifically provide a procedure for addressing non-compliance of a permit condition. This process provides for (1) an order to show cause why the director should not void the permit, or (2) for the Director to issue an order directing the permittee to cease and desist the activity alleged to be in violation of the law governing the permit.

The Applicant has not been served with an order to show cause. The Applicant has likewise not been served with a cease and desist order. Therefore, the Department has not followed the procedures set forth in Idaho Code § 42-311. Had the Department followed these procedures, the Applicant would have become aware of the problem, would have addressed it

through the rental process immediately (as he is proposing to do below), and would have been subject to a cease and desist order not to pump any water under the Permit until the conditions were satisfied. The purpose of the Idaho Code § 42-311 proceedings is to provide due process to a person such as the Applicant to ensure appropriate water right permit compliance before a water right permit is taken from them.

On reconsideration, we request that the *Preliminary Order* be vacated, and in its stead, request that IDWR issue a cease and desist order to the Applicant for any further use of the well and pump that fills the ponds until there is an approved rental of water from Water District 01. The voiding of the permit in this instance, without any prior notice to the Applicant to do so, seems overly harsh, and without compliance with the Idaho Code § 42-311 proceedings, may violate the Applicant's statutory and due process rights. We urge the Department to reconsider their *Preliminary Order* on this basis. Once permit condition no. 5 is complied with in 2013, then IDWR should issue the license confirming development of the right.

B. The Applicant has, contemporaneous with this pleading, submitted an application to the Water District 01 rental pool to rent 2.0 AF per year for the past 9 years (for a total of 18 acre-feet) in an attempt to remedy past noncompliance.

As stated above, the Applicant acknowledges his failure to rent water from the Water District 01 rental pool due to a misunderstanding of condition no. 5. In an effort to remedy this past oversight and noncompliance, the Applicant has submitted an application to rent water to cover the past 9 years of non-rentals. The application also seeks to cover the 2013 irrigation season. The Applicant acknowledges that the application to rent water still needs to be processed, and that it is unclear under the Water District 01 Rental Pool Procedures whether water can be rented for past years to cover the noncompliance, but nevertheless, the Applicant is very willing to make things right and engage in this process. For this reason, and the other reasons set forth herein, we request that IDWR not void the Permit and either issue a license for the Permit, or suspend the *Preliminary Order* without prejudice to allow processing of the water bank rental application. If and when the application to rent water is accepted, the Applicant will be in compliance, and then IDWR can issue a license confirming development of the Permit.

- C. In the alternative to voiding the permit, IDWR could levy a fine pursuant to Idaho Code § 42-351 rather than voiding the water right. The diversion of water could be viewed as diversion of water without a water right, rather than diversion of water in violation of condition no. 5.**

Additionally, and in the alternative, rather than voiding the permit, we note that IDWR could levy a fine pursuant to Idaho Code §§ 42-351 and 42-1701B for diverting water without a water right. In typical instances that Applicant's counsel is aware of, IDWR typically provides a notice to the alleged illegal use to the water user prior to further enforcement action under the provisions of Idaho Code § 42-1701B. No such notice was provided in this instance.

In fact, by not complying with the permit condition to rent water, it is arguable that the water diverted to fill the ponds was not water authorized under the Permit in the first place. Instead, the diversion of water should be viewed as diversion of water without a water right. Indeed, there should be no dispute that the permit was perfected by Applicant's rental of water in 2004, which is also the same year the Applicant submitted proof of beneficial use. Had the Department conducted a field exam in 2004 shortly after receiving proof, the license would have been issued because water was rented in 2004 in compliance with condition no. 5. Diversion of water without the approved rental is not diversion of water under the Permit—it is simply an illegal diversion of water.

For this reason, it appears that voiding the permit is not the appropriate remedy, especially because the Permit conditions were complied with prior to submission of proof of beneficial use. The Applicant instead requests that a fine be levied in the event that (1) a cease and desist order is not issued, or (2) the application to rent water for past non-rental is not accepted. Under the provisions of Idaho Code § 42-1702(6)(a)(i), the maximum fine in this instance would be \$500 (.2 AF X 10 X \$50). Under the provision of Idaho Code § 42-1702(6)(b), the penalties would be limited to the 2012 irrigation season only ("Civil penalties shall not be assessed for violations that have occurred more than twelve (12) months prior to the issuance of the notice of violation.")

Lastly, we note that while condition no. 5 should have been followed, the amount of consumptive involved with the Permit is small. The initial fill of .5 AF was authorized, and after the next 1.5 AF, the only consumptive use of water that occurred each year was from evaporative

loss because the ponds are lined. Based on IDWR's ETIdaho data, the amount of consumptive use each year was approximately .5 AF (312 mm converted to feet is 1.02 ft; 1.02 ft X .5 acres (the surface area of the pond) = .51 AF). This equates to approximately 166,183 gallons per year. Assuming a 180 day irrigation season when evaporation would occur, even under the second portion of the domestic exemption (Idaho Code § 42-111(b)) which allows for diversion of 2,500 gallons per day for any use without a water right, the total amount diverted during 180 days would be 450,000 gallons.

III. CONCLUSION.

For the reasons set forth above, the Applicant requests that IDWR not void the permit. The Applicant requests that the *Preliminary Order* be set aside, and instead, IDWR should then comply with the provision of Chapter 13 of Title 42 of the Idaho Code. If this were done, IDWR should instead issue a cease and desist order to the Applicant for any further use of the well and pump that fills the ponds until there is an approved rental of water from Water District 01. The voiding of the permit in this instance, without any prior notice to the Applicant to do so, seems overly harsh, and without allowing for the Idaho Code § 42-311 proceedings, may violate the Applicant's statutory and due process rights.

In the alternative, the Applicant requests that the *Preliminary Order* be suspended without prejudice to allow processing of the water bank rental application.

Lastly, and in the alternative to the above, we request that the Permit be licensed once the 2013 water bank rental is approved, and that the Applicant be fined \$500.00 pursuant to Idaho Code 42-1702(6)(a)(i) and (b) for illegal water use in 2012.

DATED this 14th day of February, 2013.


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C

G:\WPDATA\RLH\Holland\Petition.Reconsideration.docx

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the parties listed below by hand delivery, email, mail, or by facsimile, with the correct postage thereon, on this 14th day of February, 2013.

DOCUMENT SERVED: PETITION FOR RECONSIDERATION OF PRELIMINARY ORDER VOIDING PERMIT

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Idaho Department of Water Resources	() <i>First Class Mail</i>
James Cefalo	(☒) <i>Hand Delivery</i>
900 North Skyline Drive, Suite A	() <i>Facsimile</i>
Idaho Falls, ID 83402-1718	() <i>Overnight Mail</i>
	() <i>Email</i>



Robert L. Harris
Holden Kidwell Hahn & Crapo P.L.L.C.

FOR OFFICE USE ONLY
Amt. of Fee \$: 50.00
Receipt No. COT-2312
Receipt By: MC
Date Received: 10-15-04

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
PROOF OF BENEFICIAL USE

RECEIVED

OCT 25 2004

DEPARTMENT OF
WATER RESOURCES

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner.

1. Permit No. 23-11238 Telephone No. 208-483-3395
2. Name of Permit Holder(s): Bert & Lorna Holland
3. Mailing Address: c/o Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130
City Idaho Falls State ID Zip 83405-0130
4. Source of Water: Groundwater If GROUNDWATER (well), Date Drilled: mo. — /yr. —
Well Driller: — Drilling Permit Number: —
5. Use(s) (as authorized by the water right permit):
Domestic (No. of households): — Stockwater (No. and type of stock): —
Irrigation (No. of acres): — Other: Aesthetics & Recreation
6. Total rate of diversion and/or volume for which proof is submitted: — cfs OR 2.0 acre-feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)
Measuring Device: Is a measuring device required? Yes — or No ✓
Has the measuring device been installed? Yes — or No ✓
8. Fee Enclosed: \$ 50.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
Name: Bert Holland Telephone Number: 208-483-3395
Address: 440 Cottonwood, Swan Valley, ID 83449

10. *The information given on this form is my true statement of the extent to which the above numbered permit has been developed and water has been diverted. I agree to relinquish any undeveloped portion of the permit to the State of Idaho.*

Signature of permit holder: [Signature] Date: 9-20-04
(Include your title, if on behalf of company or organization)



Idaho Department of Water Resources Receipt

Receipt ID C075564

Payment Amount Date Received Region Status
Payment Type Check Number

Payer
Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	BENEFICIAL USE	0229	21	56104	1155



Signature Line (Dept. Representative)



RONALD CARLSON
WATERMASTER

(208) 525-7172
Fax (208) 525-7177

State of Idaho

Water District 1

900 N. Skyline Dr., Suite A

Idaho Falls, Idaho 83402-1718

IDWR DIRECTOR
KARL J. DREHER

May 20, 2004

COMMITTEE OF NINE

CHAIRMAN
Albert Lockwood
Eden

VICE CHAIRMAN
Larry Kerbs
St. Anthony

Leonard Beck
Burley

Charles Coiner
Hansen

Claude Storer
Idaho Falls

Paul Berggren
Blackfoot

Dale Rockwood
Idaho Falls

Don Hale
Blackfoot

Leland Clark
Ashton

Bert & Lorna Holland
C/o Holden, Kidwell, Hahn & Crapo
PO Box 50130
Idaho Falls, ID 83405-0130

Dear Water User,

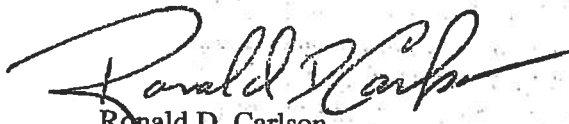
The Rental Pool Committee met on May 17, 2004 and determined Water District 1 could allocate 50,000 AF of water rental to those who applied to rent water prior to May 15, 2004. Rule 7.5 of the 2004 Water District 1 Rental Pool Procedures states

All requests for rental of water from the rental pool and filed between April 15 and May 15 of the year in which rental is sought, shall be granted under the priorities contained in Rules 7.1 and 7.2 and shall be considered collectively as a group in each priority and filled on a pro-rata basis by July 1 if demands exceed supply. All requests submitted after May 15 shall be considered on a first-come, first-serve basis if the rental supply exceeds the amount necessary to completely fill all requests received prior to May 15.

Because there was over 200,000 AF requested we are not able to fully supply your request at this time. Your rental pool application has been currently been approved for 0.5 AF to be delivered through **Mitigation Water**, this is approximately 1/4th of your original request.

Suppliers are still able to supply water to the rental pool and we will let you know if more water becomes available.

Very truly yours,


Ronald D. Carlson
Watermaster



RECEIVED MAY 21 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 9, 2006

Bert & Lorna Holland
C/O Holden Kidwell Hahn & Crapo PLLC
PO Box 50130
Idaho Falls ID 83405

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 23-11238

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to contact you to schedule a field examination to determine and confirm the use being made of the water, and that it meets the permitted beneficial use.

Also, be advised that Section 42-248, Idaho Code, requires water right owners to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office.

If you have questions about the field examination, please contact the Eastern Regional Office of the department in Idaho Falls at (208) 525-7161.

Sincerely,

Christine Roberts
Technical Records Specialist

Encl.



MAR 13 2006

**WATER DISTRICT #1 RENTAL POOL
APPLICATION TO RENT WATER FROM THE COMMON POOL SUPPLY**

BERT HOLLAND (applicant) hereby requests to rent 18 (acre-feet)
of storage from the Water District #1 Rental Pool with the enclosed rental fees of \$ 137.70
for the irrigation season 2013 ^{AND FOR PAST WATER USE FROM 2005 TO 2012}. The acceptance and approval of this rental request by the Water
District #1 Watermaster is subject to the adopted Water District #1 Rental Pool Procedures pursuant to
Idaho Code Section 42-1765.

Description of Point of Diversion:

Name of River or Stream from which rental is diverted: GROUND WATER
Canal or Pump Name: WELL ID # D0021547 (SEE ATTACHED FIELD EXAM) OR
Diversion location $\frac{1}{4}$ $\frac{1}{4}$, Sec. Twp. Rge.

Description of Place of Use:

Total Acres Irrigated: NONE
Within Canal Company Name: NONE OR
Other Description: TO MITIGATE FOR PERMIT NO. 23-11238

Applicant Signature and Address:

Print Name: ROBERT L. JARRIS, ATTORNEY FOR APPLICANT
Signature: Robert L. Jarris for BERT HOLLAND
Address: BERT HOLLAND
P.O. Box 51 SWAN VALLEY, ID 83449

=====

(official use only)

Date Application Accepted by Watermaster: _____
Application Approved by Watermaster: _____ YES _____ No
Watermaster Signature: _____



49864

HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
DATE : Feb/14/2013
CHE # : 49864
AMOUNT : \$137.70
ACCOUNT: GENERAL - 4
PAID TO: Water District 01

ff
Filing fee

CLIENT: 100000 - MISC BILLABLE MATTERS
MATTER: 100000-068

49864	
CHECK NO.	
BANK OF IDAHO P.O. Box 1487 Idaho Falls, ID 83403	
92-387/1241	
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C. GENERAL ACCOUNT P.O. BOX 50130 IDAHO FALLS, ID 83405 (208) 523-0620	

One Hundred Thirty Seven	70/100

DATE	
Feb/14/2013	AMOUNT
	\$137.70
PAY TO THE ORDER OF	
Water District 01	
Filing fee	
Security Features Included	
Details on back	

1049864 124103676 1727898

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 23-11238

Priority: September 22, 2003

Maximum Diversion Volume: 2.0 AF

This is to certify, that BERT HOLLAND and/or LORNA HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31	2.0 AF
RECREATION	01/01 to 12/31	2.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, Twp 01N, Rge 44E, B.M. BONNEVILLE County

PLACE OF USE: AESTHETIC and RECREATION

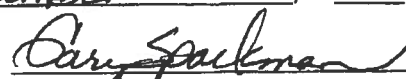
Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
01N 44E 18					X												

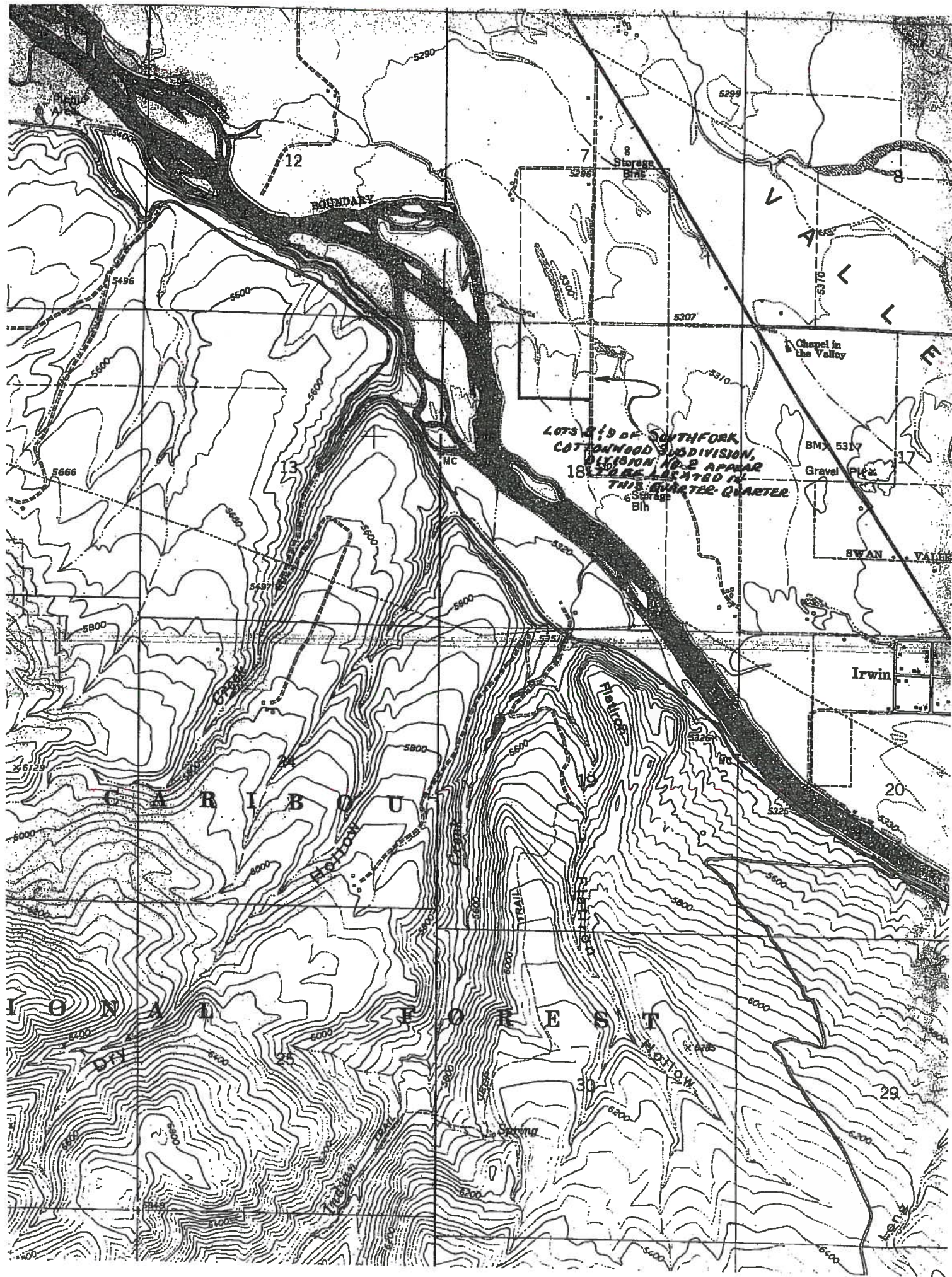
CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **December 01, 2004**.
2. Subject to all prior water rights.
3. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
4. Point of diversion and place of use are located within Lots 8 and 9, Blk. 1, South Fork Cottonwood Subdivision No. 2.
5. As mitigation for the use of water under this right, each year the right holder shall rent 2.0 acre feet from the Snake River Rental Pool. Water shall not be diverted under this right if mitigation is not provided.
6. Water stored under this right may be subject to fluctuations of the water table caused by changes in the flow of local streams and by diversions under prior ground water rights. This right does not guarantee the maintenance of any particular ground water level.
7. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 1st day of December, 2003.

MAR 10 2004


KARL J DREHER, Director



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 23-11238

Exam Date: 6/14/2012

1. Current Owner: BERT HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130
(208)523-0620

And/Or

LORNA HOLLAND
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130
(208)523-0620

2. Accompanied by: None

Phone No:

Address:

Relationship to Permit Holder:

3. SOURCETRIBUTARY

GROUND WATER

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point of diversion: None

C. DIVERSION AND DELIVERY SYSTEM1. LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4NW1/4 Sec. 18, Twp 01N, Rge 44E, B.M.

BONNEVILLE County

Method of Determination: GPS (-111 19 24.06, 43 25 14.40)

2.

PLACE OF USE:

AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 44E 18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X												

PLACE OF USE:

RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
01N 44E 18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					X												

Method of Determination: GPS, Site Visit

3. ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>
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D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>
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2. Measurements:

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D,R} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{D,R} =$$

2. Volume Calculations for Other Uses: See attached Pond spreadsheet

G. NARRATIVE/REMARKS/COMMENTS

Have conditions of permit approval been met? ____ Yes ____ No

H. RECOMMENDATIONS**1. Recommended Amounts**

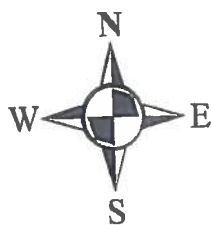
<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
AESTHETIC	01/01 to 12/31		2.00 AF
RECREATION	01/01 to 12/31		2.00 AF
<u>Totals:</u>			2.00 AF

2. Recommended Amendments____ Change P.D. as reflected above ____ Add P.D. as reflected above ☒ None

____ Change P.U. as reflected above ____ Add P.U. as reflected above ____ Other

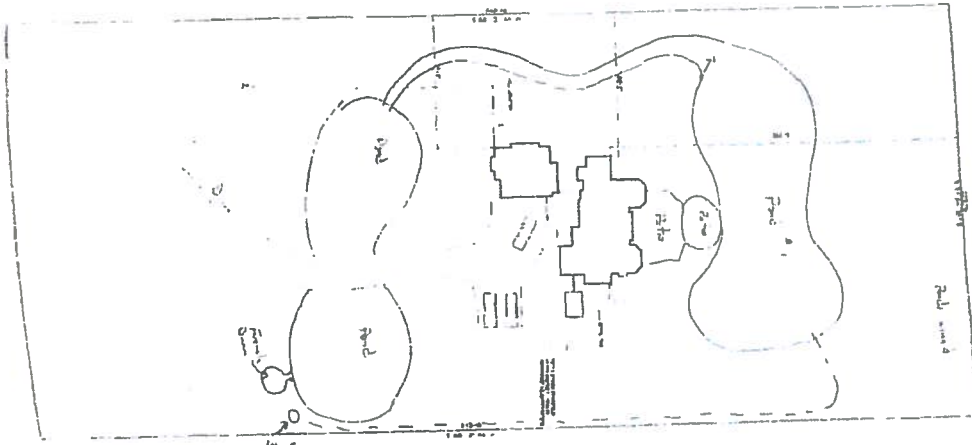
I. AUTHENTICATIONField Examiner's Name Kyrie Matthews Date 6-14-12

Reviewer _____ Date _____



- Stream
- Ponds
- Township/Range
- Sections
- QQ

0 0.005 0.01 0.02 Miles



water supply
3" client is deep w/ 1/2 hp pump - pumps to front pond

Bob, Lorne Holland
440 Colwood
Swan Valley ID 83449
208 483-3395 office
3396 home
208 523-4104 cell

LEGAL DISCLOSURES
This plan is a preliminary plan and is not to be used for construction. It is subject to change without notice. The owner is responsible for obtaining all necessary permits and for ensuring that the plan complies with all applicable laws and regulations. The architect is not responsible for any errors or omissions in this plan.

SD1

Robertson Associates;

5550 Solitude Lane
Idaho Falls, Idaho
83406

Phone: (208) 589-9967
Fax: (208) 523-7640

A RESIDENCE FOR:
HOLLAND CONSTRUCTION

SWAN VALLEY

IDAHO

Project: 10-01
Date: 03/20/01
Revised:

Bert and Lorna Holland – 23-11238 – Field Inspection – June 14, 2012



Inflow (waterfall)



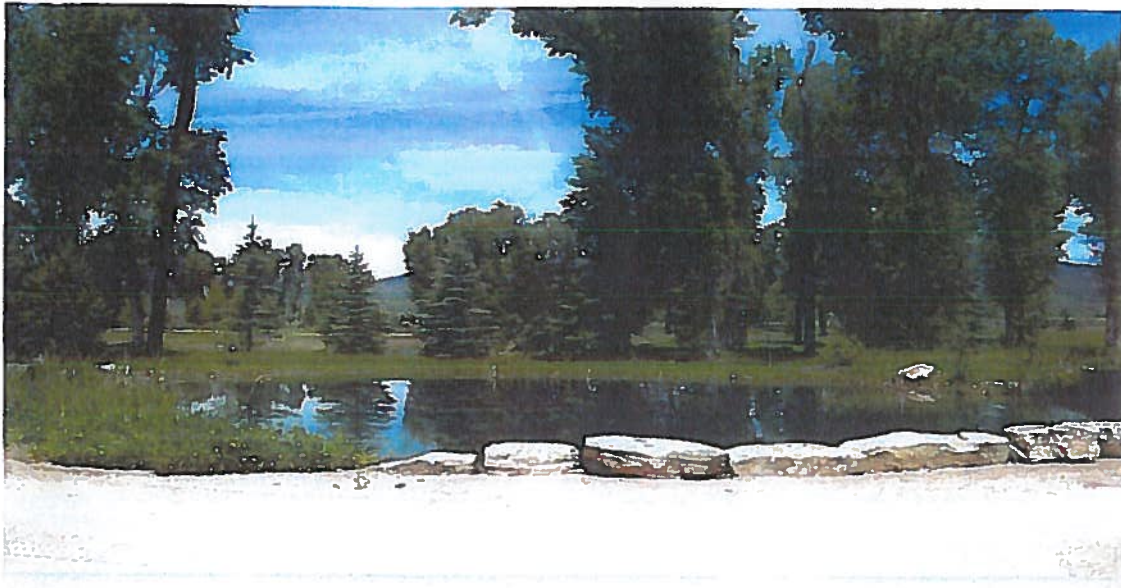
Pond 1 (Top)



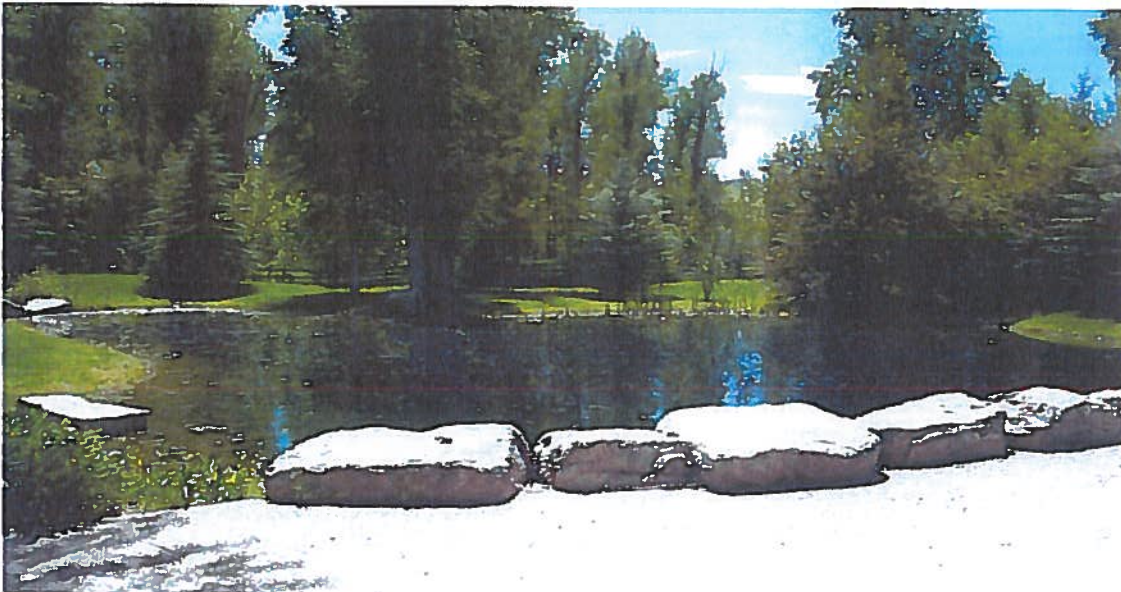
Fish in pond 1



Stream between ponds



Pond 2



Pond 3

