

**STARTING
LEFT
SIDE OF
FILE**

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 67-14611

Priority: March 22, 2005

Maximum Diversion Rate: 1.00 CFS

This is to certify, that JOSEPH MICHAEL DE FERITAS And
ROBIN DE FERITAS
3050 FRUITVALE-GLENDALE RD
FRUITVALE ID 83612

has applied for a permit to appropriate water from:

Source: WEISER RIVER**Tributary:** SNAKE RIVER

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
AESTHETIC	01/01 to 12/31	1.00 CFS
RECREATION	01/01 to 12/31	1.00 CFS
WILDLIFE	01/01 to 12/31	1.00 CFS

LOCATION OF POINT OF DIVERSION:

WEISER RIVER SE¼ SW¼ Sec. 2, Twp 17N, Rge 01W, B.M. ADAMS County

PLACE OF USE: AESTHETIC, RECREATION and WILDLIFE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N 01W 2																	X

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **November 01, 2007**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
6. Use of water under this right shall be non-consumptive. At such time in the future as the Director determines necessary to protect the prior rights of other users, the Director may require determination of the rate of loss within the system using a procedure approved by the Director, and may require mitigation for all system losses.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 67-14611

7. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

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 November, 2005.


FOR KARL J DREHER, Director

RECEIVED

OCT 05 2005

FORM 202
12/99

Department of Water Resources

Ident. No. 67-14611

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

3.20 1. Name of Applicant Joseph Michael DeFertis & Robin Phone 208-253-0032
Mailing address 3050 Fruitvale Idaho & Fruitvale/Glendale Rd 83612

2. Source of water supply Weiser River which is a tributary of Snake

3. Location of point of diversion is Township 17N Range 1W Sec. 2, in the SE $\frac{1}{4}$, SW $\frac{1}{4}$, Govt. Lot Adam S, B.M., County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.0 for aesthetics purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 for Wildlife purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 1.0 for Recreation purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 1.0 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source

10" metal Pipe "headgate" control valve near Bank

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 2 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. place of use, wetlands type area
& wetlands type animals.

3. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	1W	2												W					
														R					
														A					

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. 67-79L Irrigation only
"Seperate System"

11. a. Who owns the property at the point of diversion? myself & wife

b. Who owns the land to be irrigated or place of use? " " " "

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

12. Remarks: Diversion Structure exists, water will be diverted through 2 small ponds, 10'x40'x2' & 25'x30'10" stopped then discharged directly back into the weiser River Eric Ballou advised me to file our own water right application. Storage was not included because they can be filled in less than 24 hours.

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8 1/2"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Joseph m DeFreitas
 Signature of Applicant (and title, if applicable)

Received by 6 Date 3/22/05 Time 2:00 PM Preliminary check by SC
 Fee \$ 250 Receipted by 6 # W032710 Date 3/22/05
 Publication prepared by RL Date 8/10/05 Published in THE RECORD 8/18+25/2005
 Publication approved 9-19-05 Date sk

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED
USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant

Joseph m DeFetas

Mailing Address

3050 Fruitvale ID 83612
Fruitvale Glendale Rd

Application No.
(if known)

☐ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

☐ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

☒ WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Joseph m DeFetas

Date

3-22-05

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082



**NOW
STARTING
RIGHT
SIDE OF
FILE**



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

November 3, 2005

JOSEPH MICHAEL DE FERITAS
ROBIN DE FERITAS
3050 FRUITVALE-GLENDALE RD
FRUITVALE ID 83612

RE: Permit No. 67-14611

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

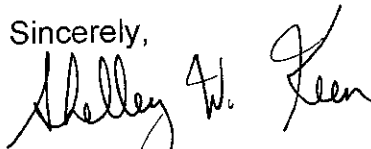
The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-287-4947.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley W Keen

Water Rights Supervisor

SWK:klf

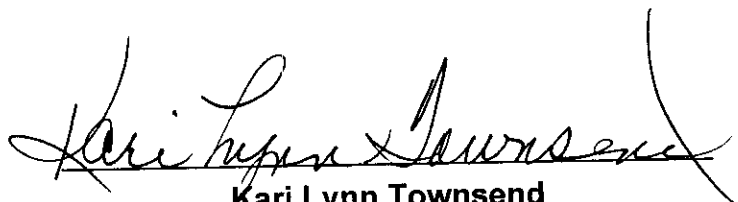
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2005 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 67-14611

**JOSEPH MICHAEL DE FERITAS
ROBIN DE FERITAS
3050 FRUITVALE-GLENDALE RD
FRUITVALE ID 83612**


**Kari Lynn Townsend
Secretary**

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of, or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

M E M O R A N D U M

Date: October 31, 2005
To: Water Right File 67-14611
From: eretelle
Re: permit review

WD 67.

No moratorium area, protest or overlap.

Recommend approval as suggested by IDWR Western.

MEMORANDUM

To: WR File #67-14611 Defreitas
From: J. Westra, Manager Western Reg.
Date: 10/28/05

RE: Consideration of Watermaster Recommendation

The application for permit filed by Mr. Defreitas is the result of a stream channel alteration dispute concerning a shared diversion and water rights on the Weiser River with a neighbor downstream. Erv Ballou from the Department was involved in the resolution.

Although the Weiser River Watermaster did not recommend application approval, the Regional Staff reviewed and conferred with Mr. Ballou regarding the project specifics. Flow (1cfs) is diverted from the Weiser River, and routed directly back into the river channel in a very short distance. Staff felt this setup could be considered a non-consumptive use, and therefore would not cause injury downstream. It was felt, Mr. Bossler may not have fully understood the scope of the project.

WATER
75

FORMATION

LEGAL NOTICE

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-14611
JOSEPH MICHAEL & ROBIN DE FERITAS ✓ sk
3050 FRUITVALE-GLENDALE RD
FRUITVALE ID 83612
Point(s) of Diversion SESW S2 T17N R01W ADAMS County Source
WEISER RIVER
Tributary To SNAKE RIVER
Use: WILDLIFE 01/01 To 12/31 1 CFS
Use: RECREATION 01/01 To 12/31 1 CFS
Use: AESTHETIC 01/01 To 12/31 1 CFS
Total Diversion: 1 CFS
Date Filed: 03/22/2005
Place Of Use: AESTHETIC, RECREATION & WILDLIFE
T17N R01W S2 SESW

✓
of

S

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

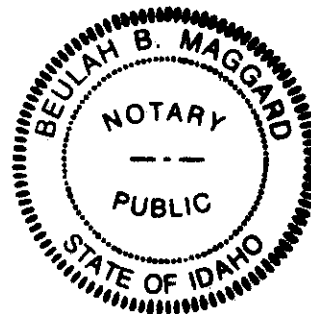
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/06/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in The Adams County Record August 18, 2005 and August 25, 2005

Beulah B. Maggard
Notary Public for Idaho, Residing at: 201 N. Railroad St. Council Bluffs



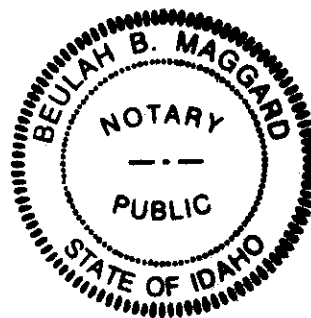
STATE OF IDAHO)
) SS
COUNTY OF ADAMS)

Jackie Korte being duly sworn, deposes and say that she is the Principle Clerk of The Adams County Record, a weekly newspaper printed and published at Council, Adams County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterrupted published in said County during a period of twelve months prior to the first publication of the advertisement, a copy of which is attached therto: that advertisement was published in the regular edition of The Adams County Record for (2) Two insertion(s) beginning with the issue of 8-18, 2005 and ending with the issue of 8-25, 2005.

Jackie Korte

Subscribed and sworn to before me this 1st day of September, 2005

Beulah B. Maggard
Notary Public for Idaho, Residing at: 201 N. Railroad St. Council Id



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER MASTER

RECEIVED
SEP 07 2005
WATER RESOURCES
WESTERN REGIONApplication No: 67-14611Applicant's Name: Joseph M. De Freitas

Watermaster's Recommendation:

- a) ☐ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows: ☐ Cannot divert after June 15 unless contacts me first.

Other conditions: _____

- c) X I oppose approval of this application for the following reasons:

I oppose all ponds that
"circulate" water for wildlife because
of consumptive use. The river can't handle any
more drainage

- d) ☐ Additional comments: _____

Dated this 25 day of August, 2005Water District No: 67 Base Basler
Watermaster's signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 12, 2005

BOSCO BOSLER
WEISER RIVER WATERMASTER 67
2711 SHOEPEG RD
WEISER ID 83672

Re: Application No(s). 67-14610, 67-14611

Dear Watermaster:

Attached are copies of one or more applications that may be of interest to you.

Please provide your Watermaster recommendations by September 6, 2005.

Please contact this office at 334-2190 if you have any questions regarding the applications.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure Copy of Applications(s)
Watermaster Recommendation Form(s)



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 12, 2005

ERIC LEITZINGER
ID DEPT FISH & GAME
PO BOX 25
BOISE ID 83707

Re: Application No(s). 67-14610, 67-14611

Dear Mr. Leitzinger:

Attached are copies of one or more applications that may be of interest to your agency. Please contact the applicant(s) if your agency has concerns about the application(s). It is not necessary to provide agency comments to the Idaho Department of Water Resources (IDWR), although your comments are welcome if you think IDWR would benefit from them.

If your agency desires to file a formal protest against approval of the application(s), a written protest along with the \$25.00 protest fee for each application protested must be received in this office by September 6, 2005.

Please contact this office at 334-2190 if you have any questions regarding the application(s).

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosure

Lester, Steve

To: record@ctcweb.net
Subject: Legal Ad

Folks:

Attached is a legal notice and cover letter. Please confirm if everything is ok to publish on 8/18 and 8/25.

Thanks.

Steve Lester
Water Rights Supervisor
IDWR Western Region
tel. 208-334-2190
steve.lester@idwr.idaho.gov



67-14611
ad.RTF



67-14611
letter.RTF

Legal notice 8/10/05
-SL

August 10, 2005

Legal Notice Department

RECORD

PO BOX R

COUNCIL ID 83612

RE: Application for Permit No. 67-14611

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/06/2005. Your cooperation is appreciated.

Sincerely

Steve Lester
Water Rights Supervisor

A handwritten signature in black ink, appearing to be 'SL' or similar initials, written in a cursive style.

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-14611

JOSEPH MICHAEL & ROBIN DE FERITAS
3050 FRUITVALE-GLENDALE RD
FRUITVALE ID 83612

Point(s) of Diversion SESW S2 T17N R01W ADAMS County Source WEISER RIVER
Tributary To SNAKE RIVER

Use: WILDLIFE 01/01 To 12/31 1 CFS

Use: RECREATION 01/01 To 12/31 1 CFS

Use: AESTHETIC 01/01 To 12/31 1 CFS

Total Diversion: 1 CFS

Date Filed: 03/22/2005

Place Of Use: AESTHETIC, RECREATION & WILDLIFE

T17N R01W S2 SESW

Remark: Applicant agrees to mitigate consumptive use in the future as needed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/06/2005. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on 8/18 and 8/25/2005

MEMO

Date: 8/9/2005

From: Lori Graves

To: DeFreitas Application 67-14611

Re: Additional Info

When Mr. DeFreitas filed his application, I mentioned that he may want to notify the Weiser River Watermaster about his proposal. Mr. Defreitas notified Bosco 8/8/2005. Bosco then called me to say that he very much opposed the DeFreitas application because it was for ponds and because Mr. DeFreitas caused Nancy Hawkins to move her water right diversion. Erv Ballou recommended that Mr. DeFreitas file the application. I called Erv 8/9/2005 for more information.

Erv stated that the owner, before DeFreitas, allowed Mrs. Hawkins to put in a diversion on his property for her pond (67-7937). That owner then widened Mrs. Hawkins diversion ditch, which is one of the small ponds listed on the DeFreitas application. Erv stated that it appeared sufficient water still flowed through the widened area to Mrs. Hawkins pond.

Mr. DeFreitas then purchased the property and Mrs. Hawkins felt that now she had lost control of the diversion and that Mr. DeFreitas was using her water. Erv said that Mr. DeFreitas told Mrs. Hawkins that she could continue to use the diversion, however, she refused and insisted that she have her own diversion on her property that she could control. Erv stated that many, including himself, tried to talk her out of changing her diversion because the new location was not as efficient due to head loss, however, Mrs. Hawkins insisted. Because the original diversion is no longer represented by a water right, Erv advised Mr. DeFreitas to file this application. Erv stated that Mr. DeFreitas's proposal has very little consumptive use and that Mr. DeFreitas is aware that he must obtain a 404 permit for the water discharge back to the river.

Erv said that he has visited the site often because of numerous complaints made by Mrs. Hawkins against Mr. DeFreitas, none of which have resulted in violations.

The surface area of the flow through ponds proposed is ~.02 acre. Is this application subject to the June 15th cut-off condition due to its minimal size? It's basically a small side channel that may be considered non-consumptive.