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FEE #
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NAVAJO COUNTY BOARD OF SUPERVISORS

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JAY H. TURLEY, RECORDER

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pk

**NAVAJO COUNTY BOARD OF DIRECTORS
RESOLUTION NO. 1-95**

**RESOLUTION FOR A VARIANCE, USE WAIVER,
OF THE NAVAJO COUNTY FLOODPLAIN ORDINANCE**

WHEREAS, the Navajo County Board of Supervisors is acting in their capacity as the Floodplain Board of Navajo County; and

WHEREAS, the fill delineated on the attached map (exhibit A), and described in the attached report (exhibit B) done for parcel number 212-31-114, is in the floodplain as shown on the Flood Insurance Rate Map (F.I.R.M.), Panel Number 2467C dated August 16, 1988; and

WHEREAS, Jeff Larson, has placed this fill in violation of the Navajo County Flood Damage Prevention Ordinance; and

WHEREAS, removal of the fill would result in exceptional hardship to Jeff Larson; and

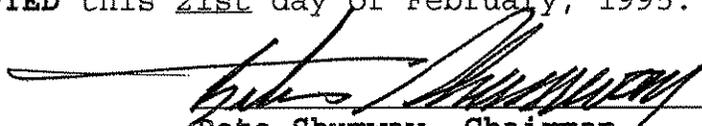
WHEREAS, Jeff Larson has delivered to the Navajo County Engineer a technical survey, acceptable to the County Engineer, that delineates the horizontal extent of the fill; and

WHEREAS, Jeff Larson agrees that no more fill will be placed on the parcel without a permit; and

WHEREAS, Jeff Larson understands that no construction will be allowed on the filled area without a report by a qualified Arizona Registrant stating that the geotechnical properties of the fill material are suitable for the proposed construction, and the construction meets all the requirements of the Navajo County Flood Damage Prevention Ordinance; now

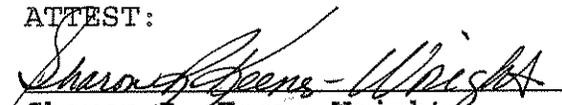
THEREFORE, BE IT RESOLVED that the Floodplain Board of Navajo County does hereby grant a variance for the fill delineated on the attached map and described in the attached report completed for parcel 212-31-114.

PASSED AND ADOPTED this 21st day of February, 1995.



Pete Shumway, Chairman
Navajo County Board of Supervisors

ATTEST:


Sharon R. Keene-Wright
Clerk of the Board

POINT NORTHING EASTING ELEVATION NOTE

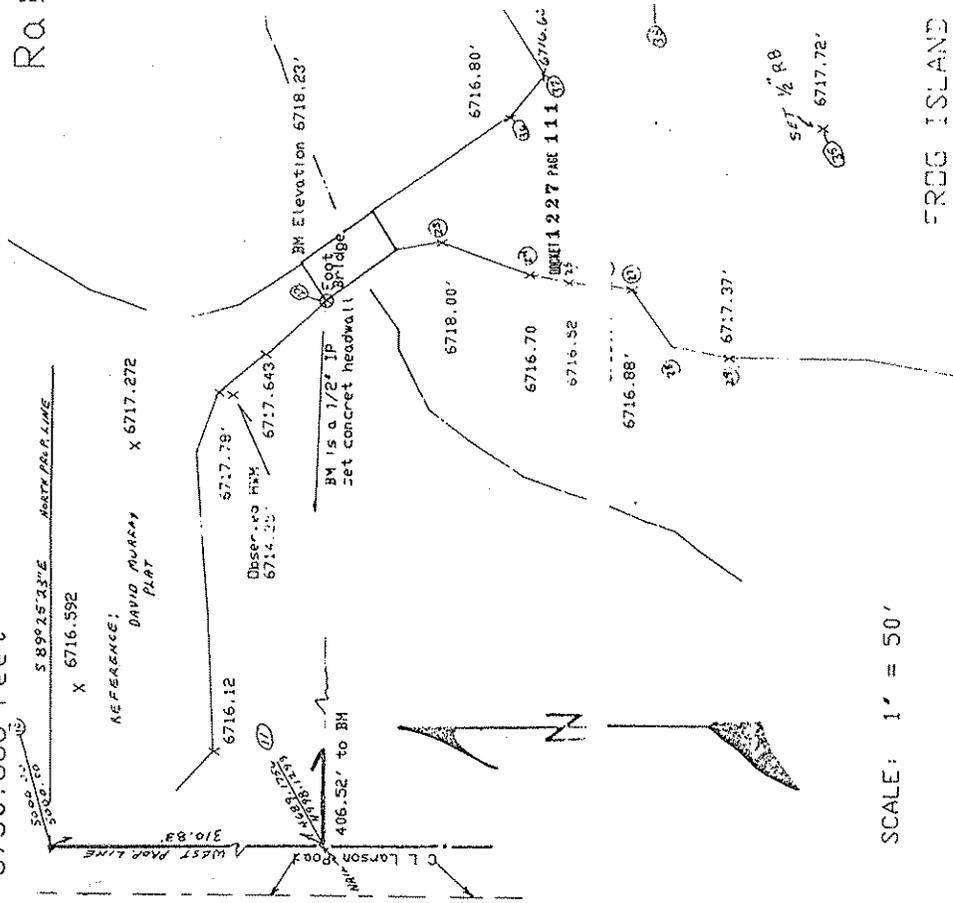
POINT	NORTHING	EASTING	ELEVATION	NOTE
10	5000.0000	5000.0000	100.0000	START
11	4689.1756	4998.1299	6716.7700	TP
12	4753.5607	5417.3658	6718.2333	TP
13	4779.6730	5378.6857	6717.6426	TB
14	4803.6233	5358.5268	6717.7777	TB
15	4814.8964	5327.5278	6717.1012	TB
16	4808.6186	5239.8604	6716.6869	TB
17	4805.9068	5169.2460	6716.1176	TB
18	4824.9310	5148.6211	6716.5800	TB
19	4875.9214	5202.6267	6716.5921	NG
20	4848.2879	5330.6737	6717.2717	NG
21	4796.4907	5357.3096	6714.2474	OLD HWM
22	4719.3388	5442.7400	6718.0293	S. COR. BRIDGE
23	4688.5531	5437.8966	6718.0081	TB
24	4643.2431	5420.4694	6716.7018	TB
25	4622.6274	5416.3432	6716.5284	TB
26	4599.7865	5413.6281	6716.7348	TB
27	4586.2996	5411.6139	6716.8844	TB
28	4564.9116	5381.6821	6715.8780	TB
29	4536.6705	5376.2528	6717.3683	TB
30	4465.6032	5375.8817	6717.0901	TB
31	4397.1092	5364.1480	6716.7469	TB
32	4308.4402	5338.4071	6716.7125	TB
33	4314.5827	5332.7117	6715.8481	TB
34	4351.8410	5417.6396	6716.4781	NG
35	4489.7288	5497.2385	6717.7158	TP 1/2" REBAR
36	4653.8747	5502.9219	6716.8006	TB
37	4635.2609	5525.2498	6716.6184	TB
38	4574.5186	5563.5623	6716.5125	NG
39	4664.4296	5572.4545	6716.2835	TB
40	4712.9954	5584.2479	6716.4670	TB
41	4754.4862	5578.4048	6715.9694	TB
42	4771.8899	5649.1436	6715.5661	TB
43	4787.2724	5734.1392	6716.9222	TB
44	4757.2034	5808.4748	6716.6767	TB
45	4726.8173	5834.6300	6716.7477	TB
46	4641.9734	5736.7498	6716.6181	NG
47	4568.9571	5660.1434	6717.2747	NG
48	4551.4138	5687.2453	6717.0483	NG
49	4523.1944	5736.0053	6715.5907	TB
50	4472.3583	5762.0644	6716.0754	TB
51	4474.0037	5704.6676	6717.1822	NG
52	4408.7924	5760.0002	6717.1402	TB
53	4371.0680	5738.6019	6717.3861	TB
54	4355.8392	5705.8954	6717.2459	TB
55	4329.5333	5621.1410	6716.3244	TB
56	4311.8514	5627.2028	6714.9569	TB
57	4293.2219	5629.6788	6715.6914	TB
58	4312.9761	5571.8029	6715.9429	NG
59	4288.5510	5534.2069	6715.8314	NG
60	4280.1862	5501.1054	6716.0381	NG
61	4271.0642	5577.9660	6715.5969	NG
62	4313.3990	5571.6738	6715.9729	NG
63	4259.2572	5535.2471	6716.1462	NG
64	4296.6650	5506.2147	6715.9943	NG
65	4342.3902	5411.2308	6716.3888	NG

66	4424.2477	5511.5041	6716.3979	NG
67	4465.6973	5581.3680	6716.0665	NG
68	4578.9535	5597.8349	6717.3133	NG
69	4730.6902	5702.2664	6716.8850	NG

EXHIBIT A

All Elevations are based upon BM J141
 NGS Datum NAVD 1988, 2051.57 meters
 5730.866 Feet

Delevation of Frog Island
 Fil in of a portion of
 Rainow Lake



SCALE: 1" = 50'

Record of Survey
 prepared by Murrey's Land Surveying.

BUCKET 1 2 2 7 PAGE 1 1 3

STATION	ELEVATION	REMARKS
1	6716.12	BM Elevation 6718.23
2	6717.79	Observed from BM
3	6717.79	BM is a 1/2" IP
4	6717.79	set concrete headwall
5	6717.79	
6	6717.79	
7	6717.79	
8	6717.79	
9	6717.79	
10	6717.79	
11	6717.79	
12	6717.79	
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92	6717.79	
93	6717.79	
94	6717.79	
95	6717.79	
96	6717.79	
97	6717.79	
98	6717.79	
99	6717.79	
100	6717.79	

CERTIFICATION

I Hereby Certify that this survey was conducted under my direct supervision Furthermore the elevations stated are connected to the NGS National Elevation network.

Tom Stewart, R.L.S. # 15340



Job # 4-000

PREPARED BY:
 S & C LAND SURVEYING
 501 C. Clark Road
 Suite 7
 Show Low, Arizona 85901
 (520) 37-2273

PREPARED FOR:
 Mr. Jeff Larson
 P.O. Box 296
 Lakeside, AZ. 85929
 ACV 4-4-00

REVISED: 12-9-94

EXHIBIT B

**REPORT ON THE RAINBOW LAKE
VIOLATION**



By
Navajo County
Department of Public Works
February 7, 1994

**NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT**

P.O. Box 668 - So. Highway 77
Holbrook, Arizona 86025
(602) 524-6161 Ext. 260 FAX (602) 524-1418
CHUCK WILLIAMS, P.E.
Director
County Engineer

February 14, 1994

Navajo County Board of Supervisors
Floodplain Board
P.O. Box 668
South Highway 77
Holbrook, AZ 86025

RE: The Report on the Rainbow Lake Violation

Dear Boardmember,

This letter and attached report is in response to a complaint received by the Navajo County Flood Control District. Due to lengthy research into historical documents, this report has required more time than originally anticipated.

Accelerated development in the White Mountains area may lead to situations similar to this one. Please be aware that the decision of the Floodplain Board in this matter may set a precedence for the future.

Attached are copies of two additional letters which are to be treated as part of this report.

Thank you for your time and consideration in this matter.

Sincerely,

Chuck Williams, P.E.
Director of Public Works
Floodplain Administrator

FEB 04 1994

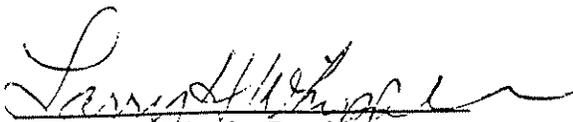
February 1, 1994

Navajo County Department of Public Works
P.O. Box 668
South Highway 77
Holbrook, Arizona 86025

ATTENTION; CHUCK WILLIAMS, P.E.

This letter is to address the material being dumped in Rainbow Lake, which is diminishing the capacity of the lake and encroaching on the flood plain. Show Low Irrigation believes the filling is taking place on the irrigation companies deeded property, also, on the irrigation companies use right-of-way. We do not want or have we authorized this fill on our deeded property or right-of-way. We would like the Department to investigate this matter to see if there are any violations of county codes. It is our understanding that Mr. Jeff Larsen is the individual having the materials dumped in the lake. Show Low Irrigation Company would appreciate speedy action on this matter

SHOW LOW IRRIGATION COMPANY, Inc.
Board of Directors


Larry H. Whipple, President


Chester Adams, Board Member

**NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT**

P.O. Box 668 - So. Highway 77
Holbrook, Arizona 86025

(602) 524-6161 Ext. 260

FAX (602) 524-1418

CHUCK WILLIAMS, P.E.
Director
County Engineer

February 9, 1994

CERTIFIED

Jeff Larson
8215 E. Wilshire Local Address: P.O. Box 296
Scottsdale, AZ 85257 Lakeside, AZ 85929

RE: Floodplain Violation - Parcel #212-31-114

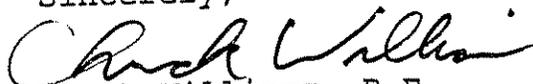
Dear Mr. Larson,

It has been brought to our attention that you have continued to place fill near the shoreline of Rainbow Lake. Being so, this letter is to notify you that, as the apparent responsible party, you are in violation of the Navajo County Flood Damage Prevention Ordinance, Section 4.1, for construction in a floodplain without a floodplain use permit.

The Floodplain Administrator has prepared a report including all available information pertinent to this violation. This report shall be submitted to the Floodplain Board for review. The violation is tentatively scheduled to be discussed by the Floodplain Board at 10:30 A.M. on February 22, 1994. At this time, possible actions for the abatement of this violation may be determined.

If you have any questions, please call me or Kent Delph, E.I.T., Staff Engineer.

Sincerely,


Chuck Williams, P.E.
County Engineer

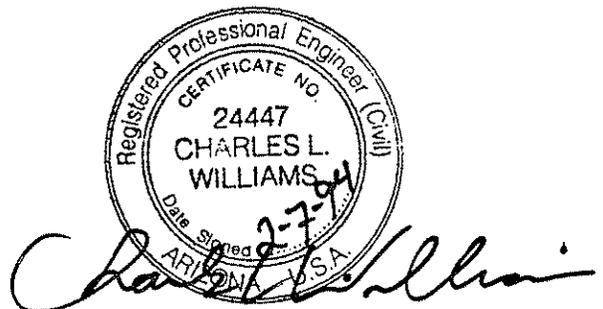
cc: Larry A. Layton, Supervisor
Eddie Koury, County Manager
Mel Bowers, County Attorney
Al Termain, Chief Building Inspector
Larry Whipple, Show Low Irrigation Company

TABLE OF CONTENTS

	SECTIONS	PAGE
I.	Executive Summary	1
II.	Background Information	2
III.	Violations	5
IV.	Investigation	6
V.	Conclusion	11

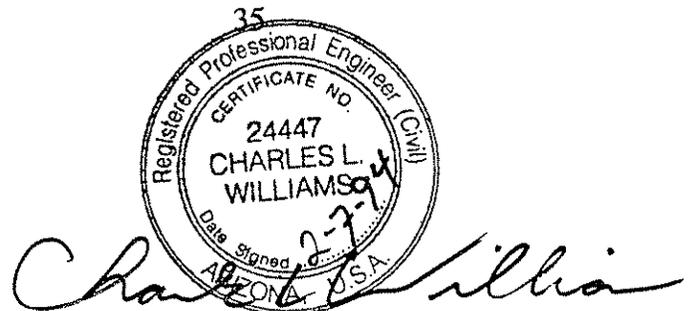
FIGURES

Figure 1, Site Location	3
Figure 2, Property and Floodplain Location	4
Figure 3, Violation Photographs	7



APPENDICES

Appendix A: Property Delineation Documents	14
Assessors Map	15
Quit Claim Deed	16
Lake Boundary/Property Map	17
Appendix B: Flood Control Documents	18
N.C. Flood Damage Prevention Ord., Sec. 4.1	19
FIRM Map	21
Appendix C: Correspondence	24
Violation Letter	25
Appendix D: Lake Capacity Documents	27
N.A.R.E., Book 1, page 150	28
Warranty Deed	29
App. for Permit to Appropriate Public Water	30
Report of Title	32
Appendix E: Dam and Spillway Diagram	34
Schematic Diagram of the Dam	35



I. Executive Summary

In October of 1993, Mr. Larry Whipple filed a complaint with the Navajo County Flood Control District. This complaint was filed against Mr. Jeff Larson. Mr. Whipple alleges that Mr. Larson is dumping fill along the shoreline of Rainbow Lake. Mr. Larson claims that the legal capacity of the lake has been exceeded and that the fill along the shoreline is a measure to protect his property from the rising water. The Navajo County Flood Control District has conducted an investigation into these allegations. It appears that Mr. Larson is in violation of the Navajo County Flood Damage Prevention Ordinance, Section 4.1. However, the property on which Mr. Larson is putting the fill is apparently not his own. This property appears to be owned by the Show Low Irrigation Company. The findings of this investigation are presented within this report.

II. Background Information

In mid October, Mr. Larry Whipple contacted the Navajo County Flood Control District to file a complaint concerning Rainbow Lake. Mr. Whipple's complaint was that Mr. Jeff Larson was illegally dumping fill along the shoreline of Rainbow Lake near parcel #212-31-114. This parcel is located near the southwest edge of Rainbow Lake and is currently jointly owned by Mr. Jeff Larson and Mr. Michael Larson. Rainbow Lake is currently owned and managed by the Show Low Irrigation Company. Mr. Whipple is the president of this organization. The alleged dumping of the fill appears to be on the property of Show Low Irrigation. However, this is a disputed issue. Mr. Larson claims the property along the shoreline is his. Mr. Whipple claims that Show Low Irrigation has a use right-of-way up to the high water mark all around the lake. According to the Quit Claim Deed, Fee # 87 06960, found in docket 868, page 3 in the Navajo County Records Office, Mr. Larson's property is as it appears on the assessors map. Therefore, the property on which the alleged dumping is taking place is owned by Show Low Irrigation. A copy of the portion of this assessors map which included Mr. Larson's property is provided in Appendix A on page 15. A copy of the Quit Claim Deed is provided on page 16 of Appendix A. This property has been plotted on a map showing the lake boundary as reported by a Floodplain Insurance Rate Map (FIRM), USGS topographic map, and the Book of N.A.R.E. map. This map is provided on page 17 of Appendix A. FIGURE 1 on page 3 provides the general site location. FIGURE 2 on page 4 shows the exact location of this property, the floodplain as determined by the Federal Emergency Management Agency, and the alleged dumping site.

FIGURE 1

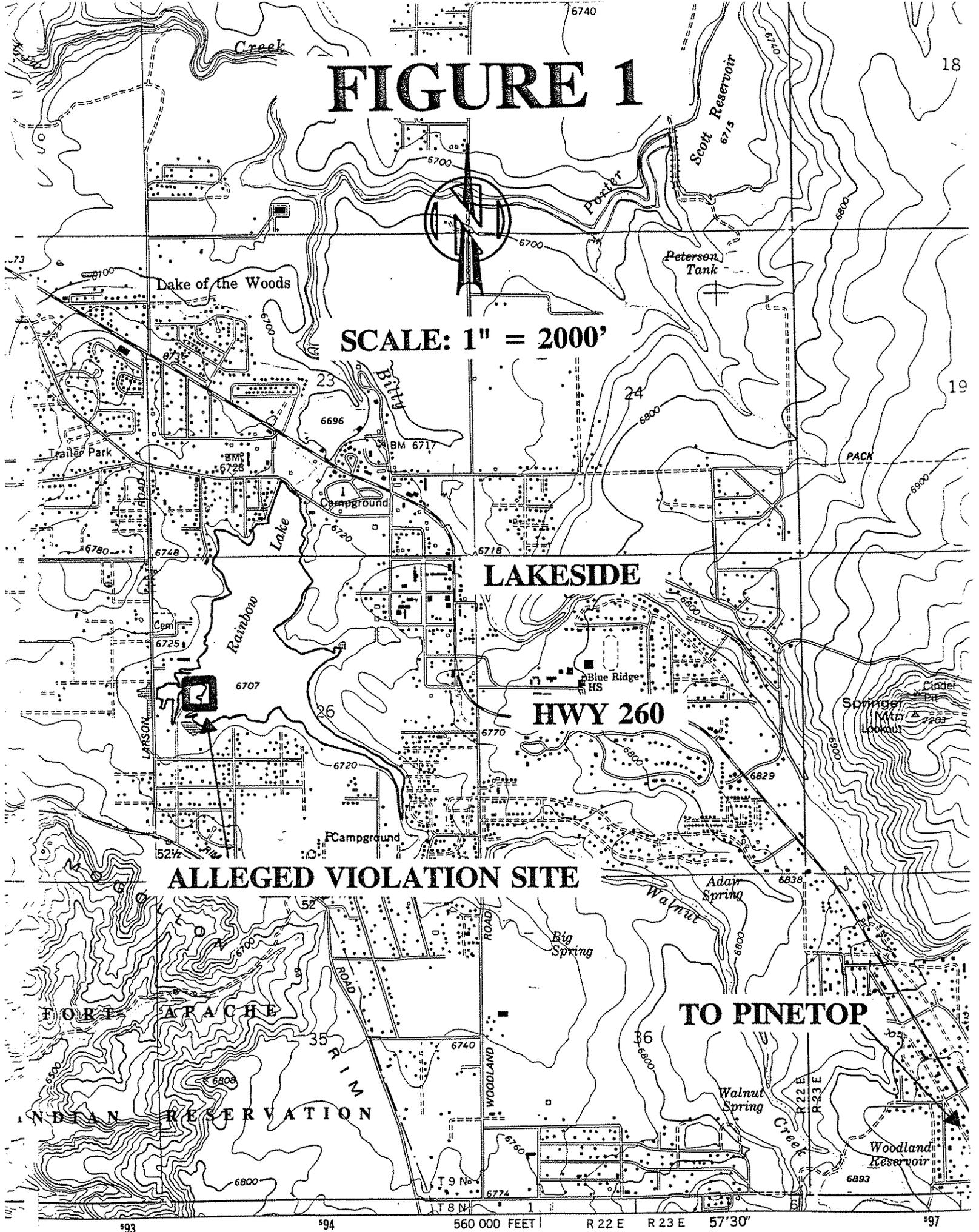


FIGURE 2

LARSON

ZONE B



SCALE: 1" = 500'

al Forest

100 YEAR FLOODPLAIN LIMIT

RAINBOW LAKE

ZONE A

ALLEGED VIOLATION SITE

ROAD

26

ZONE B

LARSON

ZONE B

PARCEL #212-31-114

SPRING

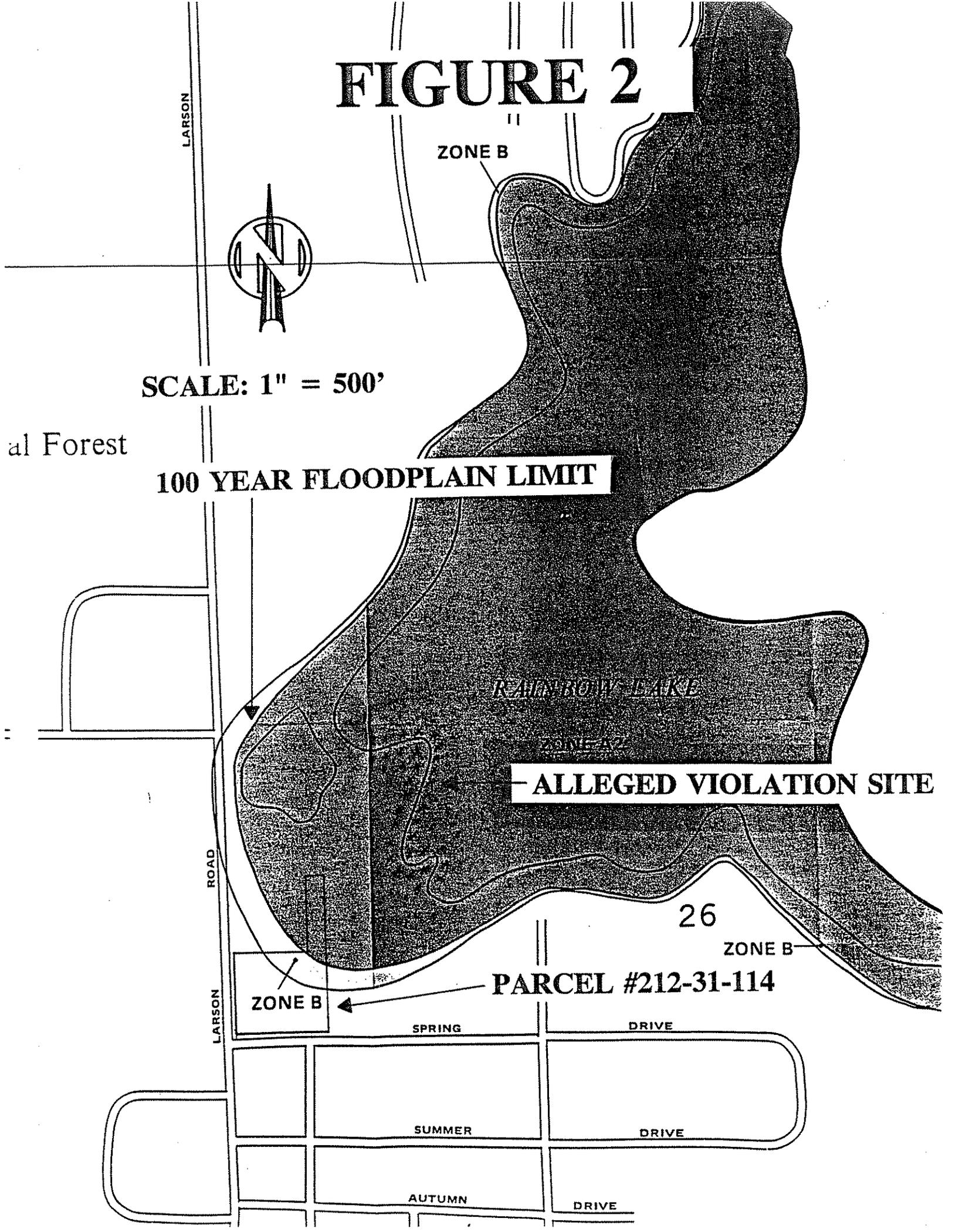
DRIVE

SUMMER

DRIVE

AUTUMN

DRIVE



III. Violations

As per FIRM map number 040066 2467C, dated August 16, 1988, the location of the alleged dumping is clearly within the floodplain of Rainbow Lake. Being so, this action is in violation of the Navajo County Flood Damage Prevention Ordinance, Section 4.1. This section refers to the requirement of a Floodplain Use Permit before construction in a Floodplain is allowed. Please refer to page 21 of Appendix B for copies of the FIRM map as well as page 19 for Section 4.1 of the Navajo County Flood Damage Prevention Ordinance.

Additionally, the Uniform Building Code, Section 7003 states that no person may do any grading in excess of 50 cubic yards without first having obtained a Grading Permit from the building official. Therefore, Mr. Larson may also be in violation of this code. Other state and federal laws such as Arizona Revised Statute 48-3613 and the Clean Water Act may also apply.

IV. Investigation

Upon the request of Mr. Whipple, the Navajo County Flood Control District visited the site of the alleged dumping. At this time, photographs were taken. Please refer to FIGURE 3 on page 7 for these photographs. It was then determined that Mr. Larson was in violation of Section 4.1 by not having a Floodplain Use Permit.

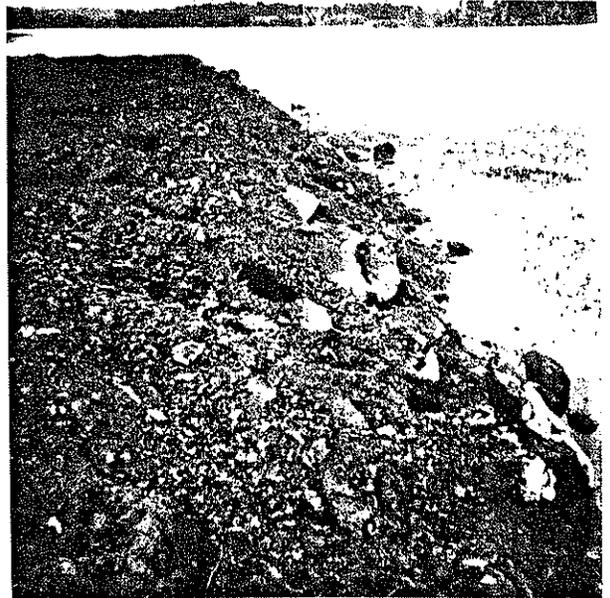
On October 29, 1993, Mr. Larson was contacted through a certified letter. This letter stated that Mr. Larson may be in violation of the Navajo County Flood Damage Prevention Ordinance, Arizona Revised Statute 48-3613, the Clean Water Act, and the Uniform Building Code. A copy of this letter is provided in the Appendix C on page 25.

Mr. Larson responded to this letter by stating that he believed that Show Low Irrigation has allowed the level of Rainbow Lake to rise above its legal capacity. In doing so, he believed his property was in danger of being inundated by water. As a protective measure to his property, fill was placed along the shoreline.

Mr. Whipple was then contacted concerning Mr. Larson's claim. Mr. Whipple assured the Flood Control District that the elevation of the Rainbow Lake had not risen above its capacity.

The Navajo County Flood Control District then began to investigate the legal capacity of Rainbow Lake. The first document found concerning the legal capacity of Rainbow Lake was

FIGURE 3



in Book 1, page 150, of the Notices Affecting Real Estate (N.A.R.E.), recorded in 1903. This document was found at the Navajo County Recorders Office. This document can be found in Appendix D on page 28. At that time Rainbow Lake was known as Amos Reservoir. This document reports the area and capacity of Rainbow Lake as 102.26 acres and 511.3 acre-feet respectively. Dividing the capacity by the area gives an average depth of 5 feet. How the average depth of the lake as 5 feet was determined is unknown. This document also reports the dam height as 18 feet.

The next document found concerning this issue was found in Volume 27, page 114, in the Book of Deeds, dated 1912. This was located at Navajo County Recorders Office. This document can be found on page 29 of Appendix D. This document is a Warranty Deed from William J. Flake to the Show Low Irrigation Company. This document describes the sale of Rainbow Lake as;

"All that certain premises described as follow, viz.:

that can be or is covered by water backed by a fifteen (15) foot dam now erected on section 23 T.9 North of Range 22 East, Gila and Salt River Meridian, Navajo County, Arizona and more particularly described by plat, recorded in Book 1 of N.A.R.E., page 150, on November 25th, 1903, Navajo County Records, comprising 102.26 acres, more or less, situated on Sec. 23 and 26 T.9 N., Range 22 East, or those portions of said sections owned by me (William J. Flake), and being portions of the S 1/2 of SW 1/4 of said Sec. 23, and N 1/4 and N 1/2 of SE 1/4 of said Sec. 26, T. 9 N. R. 22 E. G. & S.R.M., Arizona".

Next, the Arizona Department of Water Resources (ADWR) was contacted concerning this issue. They were able to provide information concerning this issue in the Application for Permit to Appropriate Public Water of the State of Arizona, No. 33-96157, dated 1991. This document is provided on page 30 of Appendix D. This document reports a dam height at the **downstream** face of 21 feet. It also reports a maximum storage capacity at the spillway crest of 1,120 acre-feet. ADWR also provided a Report of Title from the Transamerica Title Company. This was Order Number 68029575. This document is on page 32 of Appendix D. This document refers to Rainbow Lake exactly as it is described in the above mentioned Warranty Deed. However, "comprising 102.26 acres more or less" is omitted. It is also dated 1991. Further conversations with ADWR revealed that a report was written in 1980 concerning Rainbow Lake. This report gives the surface area and storage capacity of the lake at the spillway as 118 acres and 1,120 acre-feet respectively. The surface area and storage capacity at the top of the dam is reported as 369 acres and 2,226 acre-feet respectively.

It would appear that dam height of 15 feet reported in the Book of Deeds and the Report of Title is the **upstream** dam height. The average of the upstream and downstream dam heights is 18 feet. This is the dam height reported in the N.A.R.E. document recorded 1903. Therefore, it appears that the height of the dam has not changed.

A Navajo County Survey Crew determined the downstream face height of the dam to be 21 feet. They also determined that lowest point of the spillway is 14.2 feet. The upstream face of the dam was not determined.

V. Conclusion

Historical documents seem to reveal that the size and capacity of Rainbow Lake has not changed through time. However, the techniques and subsequent accuracy of the techniques used to estimate parameters such as surface area and storage capacity have changed through time. This may account for the discrepancies found between the documents used in this investigation.

There are several important points which need to be considered. They are as follows:

1. The fill being placed along the shore of Rainbow Lake near parcel #212-31-14 is in violation of the Navajo County Flood Damage Prevention Ordinance, Section 4.1.
2. Mr. Larson's claim of putting fill along the shoreline to protect his property does not seem valid. The location of this fill appears to be several hundred feet from Mr. Larson's property line.
3. The height of the dam does not appear to have increased through time. Therefore, the storage capacity of the lake has not increased.
4. It is a fact that the height of the spillway, not the dam, determines the capacity of Rainbow Lake. Rainbow Lake Drive runs across the dam and does serve as the spillway. Please refer to the schematic diagram of the dam found on page 35 of

Appendix E. The height of the spillway at its lowest point is 14.2 feet. The legal description describes the lake as the area covered by water backed by a 15 foot dam. Therefore, it does appear that the lake has not exceeded its legal limit.

5. At the time of the first notification that Mr. Larson was putting fill along the shoreline, water was not flowing over the existing spillway. Therefore, the real capacity of the lake (at the level of the spillway) had not been reached. The water line was several hundred feet from Mr. Larson's property.

Regardless of the lake capacity issue, Mr. Larson does appear to be in violation of Section 4.1 of the Navajo County Flood Damage Prevention Ordinance for construction in a floodplain without a Floodplain Use Permit. Therefore, per Section 3.8 of the Navajo County Flood Damage Protection Ordinance, the Floodplain Board has 4 options:

1. Take any necessary action to effect the abatement of such violation; or
2. Issue a variance to this ordinance in accordance with the provisions of Section 6.0 of the Navajo County Flood Prevention Ordinance; or
3. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must

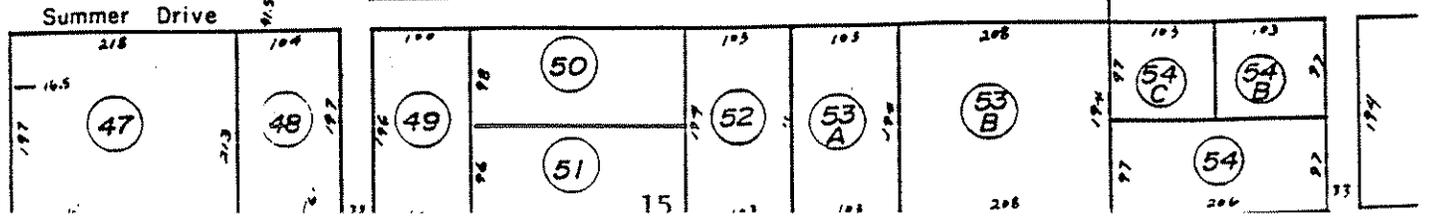
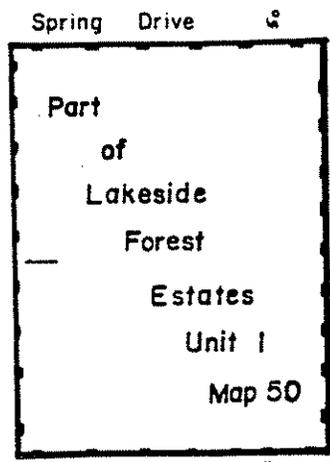
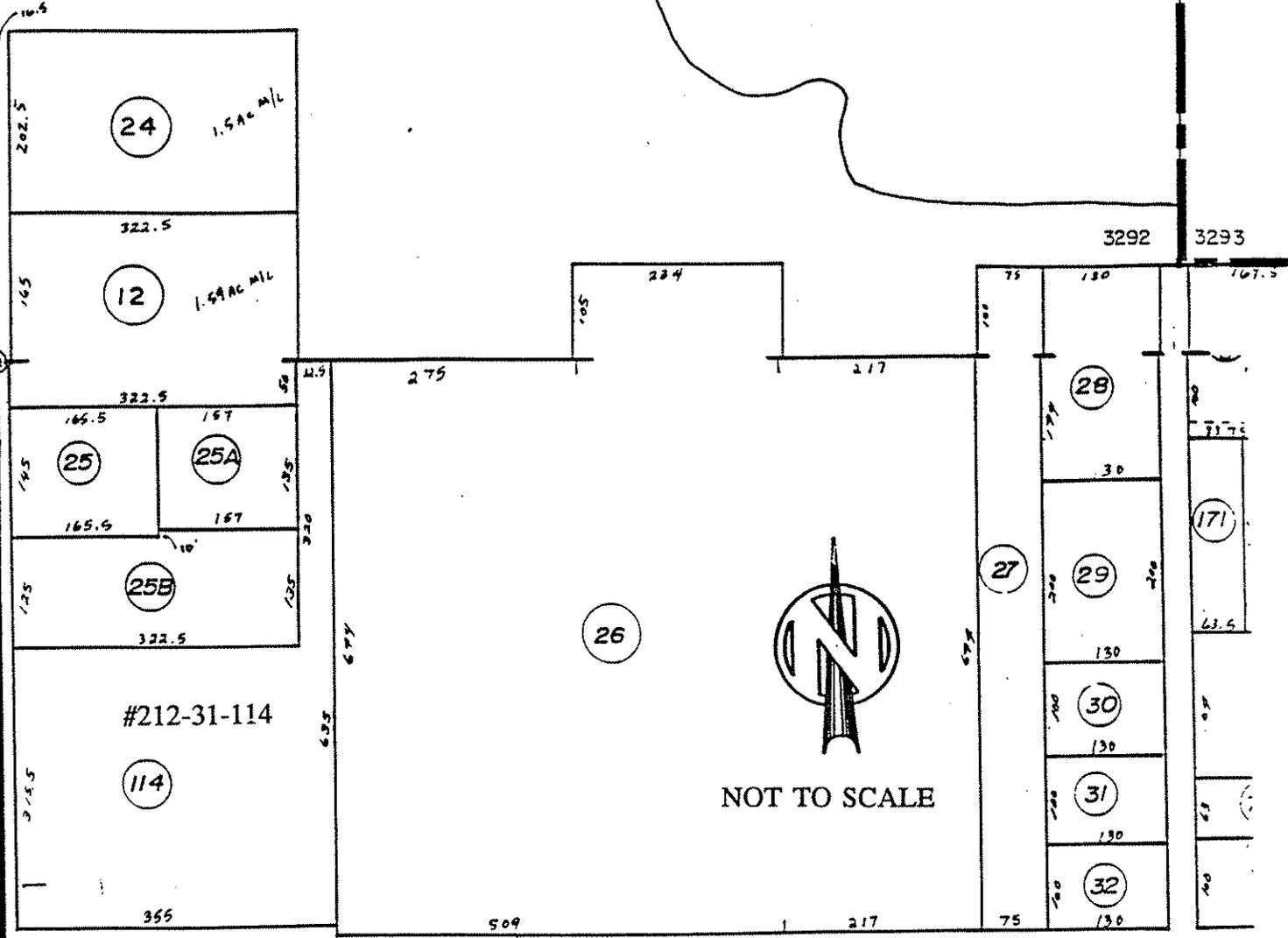
be provided to the Floodplain Administrator and he shall submit an amended report to the Floodplain Board. During a regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Section 6.0 of the Navajo County Flood Damage Prevention Ordinance; or

4. Submit to the Administrator of the Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

APPENDIX A
Property Delineation Documents

APPROXIMATE LAKE BOUNDARY

11



STATE OF ARIZONA }
County of Navajo }

I hereby certi

In DOCKET

at the request of

When recorded, mail to:

Michael J. Larson
8215 E. Wilshire Drive
Scottsdale, Arizona 85257

FEE # 87 06960

RECORDED AT THE REQUEST OF

ON

MAY 11 1987 PM-1 00

IN DOCKET 868 PAGE 03

OFFICIAL RECORDS OF NAVAJO COUNTY, ARIZONA
JAY H. TURLEY, RECORDER



QUIT CLAIM DEED

For the consideration of Ten Dollars, and other valuable considerations, and for the love and affection to me by him given, I, AUGUSTA T. LARSON, a widow,

hereby quit-claim to

MICHAEL J. LARSON, a single man

All right, title, or interest in the following real property situated in Navajo County, Arizona:

An undivided one tenth interest in the property described as follows: Beginning at the West One Quarter Corner of Section 26, T9N, R22E, G&SRB&M, and running thence North 89-44-33 East 16.5', thence South 0-23 West 320' to the True Point of Beginning; thence South 0-23 West 315.50'; thence North 89-44-33 East 355'; thence North 0-23 East 635.50'; thence South 89-44-33 West 32.50'; thence South 0-23 West 320'; thence South 89-44-33 West 322.5' to the Point of Beginning, being 2.81 Acres M/L.

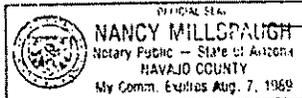
EXEMPT PER ARS 42-1614 B 3

Dated this 30th day of December, 1986

Augusta T. Larson

STATE OF Arizona }
County of Navajo }

This instrument was acknowledged before me this 30th day of December, 1986, by Augusta T. Larson



My commission will expire

Nancy Millsbaugh
Notary Public

STATE OF _____ }
County of _____ }

This instrument was acknowledged before me this _____ day of _____, 19____, by _____

My commission will expire

Notary Public

APPENDIX B
Flood Control Documents

- (2) issue a variance to this ordinance in accordance with the provisions of Section 6.0 herein, or
- (3) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator and he shall submit an amended report to the Floodplain Board. During a regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of Section 6.0 herein.
- (4) Submit to the Administrator of Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited State or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

3.9 UNLAWFUL ACTS

1. It is unlawful for any person to divert, retard or obstruct the flows of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the Floodplain Board.
2. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

3.10 SEVERABILITY

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 4.0 - ADMINISTRATION

4.1 ESTABLISHMENT OF A FLOODPLAIN USE PERMIT

A Floodplain Use Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Floodplain Use Permit shall be made on forms furnished by the Floodplain

Administrator (Navajo County Engineer) and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Proposed elevation in relation to mean sea level, of the lowest habitable floor (including basement) of all structures; in Zone A0, elevation of existing grade and proposed elevation of lowest habitable floor of all structures.
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5.1-3(C); and,
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include:

4.2-1 Permit Review

- (1) Review all Floodplain Use Permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) All other required State and Federal permits have been obtained.
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
 - (a) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 - (b) be constructed with materials resistant to flood damage,
 - (c) be constructed by methods and practices that minimize flood damages, and



APPROXIMATE SCALE IN FEET



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

NAVAJO COUNTY,
ARIZONA
(UNINCORPORATED AREAS)

PANEL 2467 OF 2700
(SEE MAP INDEX FOR PANELS NOT PRINTED)

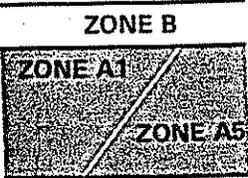
COMMUNITY-PANEL NUMBER
040066 2467 C

MAP REVISED:
AUGUST 16, 1988



Federal Emergency Management Agency

KEY TO MAP

500-Year Flood Boundary ————— 100-Year Flood Boundary ————— Zone Designations 100-Year Flood Boundary ————— 500-Year Flood Boundary ————— Base Flood Elevation Line With Elevation In Feet** ————— 513 ————— Base Flood Elevation in Feet Where Uniform Within Zone** (EL 987) Elevation Reference Mark RM7X Zone D Boundary ————— River Mile •M1.5	
--	--

**Referenced to the National Geodetic Vertical Datum of 1929

EXPLANATION OF ZONE DESIGNATIONS

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Certain areas not in the Special Flood Hazard Areas (zones A and V) may be protected by flood control structures.

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside Special Flood Hazard Areas.

Coastal base flood elevations apply only landward of the shoreline shown on this map.

For adjoining map panels, see separately printed Index to Map Panels.

LARSON

ZONE B

ar Forest

RAINBOW LAKE

ZONE A2
(TEL 6713)

26

ZONE B

ZONE B

ROAD

LARSON

SPRING

DRIVE

SUMMER

DRIVE

AUTUMN

DRIVE

23

APPENDIX C
Correspondence

**NAVAJO COUNTY
PUBLIC WORKS DEPARTMENT**

P.O. Box 668 - So. Highway 77
Holbrook, Arizona 86025

(602) 524-6161 Ext. 260

FAX (602) 524-1418

CHUCK WILLIAMS, P.E.
Director
County Engineer

October 28, 1993

CERTIFIED #P117-832-687

Jeff Larson
8215 E. Wilshire
Scottsdale, AZ 85257

Local Address: P.O. Box 296
Lakeside, AZ 85929

RE: Floodplain Violation - Parcel #212-31-114

Dear Mr. Larson:

This letter is to notify you that, as the apparent owner of the subject parcel, you may be in violation of the Navajo County Flood Damage Prevention Ordinance, Section 4.1, for construction in a floodplain without a floodplain use permit. You also may be in violation of Arizona Revised Statutes, 48-3613, as well as Section 404 of the Clean Water Act. The supposed fill deposited along the shoreline of Rainbow Lake is clearly in the floodplain per F.I.R.M. map number, 040066 2467C, dated August 16, 1988. This alleged activity also occurred without a grading permit which is required.

Please respond promptly as the Floodplain Administrator shall submit a report to the Floodplain Board which includes all available information which is pertinent to the alleged violation. Per section 3.8, Navajo County Flood Damage Prevention Ordinance, after receiving this report, the Floodplain Board shall either:

- 1.) Take any necessary action to effect the abatement of such a violation.
- 2.) Issue a variance to this ordinance in accordance to the provisions of Section 6.0.
- 3.) Order the owner of the property upon which the violation exists to provide whatever additional information which may be required for their determination. Such information must be provided to the Floodplain Administrator and he shall submit an amended report to the Floodplain Board. During a regularly scheduled public meeting, the Floodplain Board shall either order the abatement of the said violation or they shall grant a variance in accordance with the provisions of Section 6.0.

- 4.) Submit to the Administrator of the Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited state or local law regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

If you have any questions, please call me or Kent Delph, E.I.T., Staff Engineer.

Sincerely,



Chuck Williams, P.E.
County Engineer

cc: Larry A. Layton, Supervisor
Eddie Koury, County Manager
Mel Bowers, County Attorney
Al Termain, Chief Building Inspector
Larry Whipple, Show Low Irrigation Company

APPENDIX D
Lake Capacity Documents

Wm. J. Flake

To
Showlow Irrigation Co.
DATED: Dec. 20th, 1912.

State of ARIZONA,
(1) Navajo } SS.
County of ~~XXXXX~~ }

KNOW ALL MEN BY THESE PRESENTS:

That I William J. Flake, a widower of the town of Snowflake in the County and State aforesaid, for and in consideration of One DOLLARS, to me in hand paid by Showlow Irrigation Company, a corporation, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said Showlow Irrigation Company of the town of Showlow, a corp. all that certain premises described as follows, viz.:

that can be or is covered by water backed by a fifteen foot dam now erected on section 23 T. 9 North of Range 22 East, Gila and Salt River Meridian, Navajo County, Arizona and more particularly described by plat, recorded in Book 1 of NARE, page 150, on Nov. 25th, 1903, Navajo County Records, comprising 102.26 acres, more or less, situated on Sec. 23 and 26 T. 9 N., Range 22 East, or those portions of said sections owned by me, and being portions of the S $\frac{1}{2}$ of SW $\frac{1}{2}$ of said Sec. 23, and NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of said Sec. 26, T. 9 N. R. 22 E. G. & S.R.M., Arizona.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Showlow Irrigation Company, its successors, heirs and assigns forever.

And I hereby bind my heirs, executors and administrators, to warrant and forever defend, all and singular, the premises unto the said Showlow Irrigation Company and its successors, heirs and assigns, against every person whosoever, lawfully claiming or to claim the same or any part thereof.

Witness my hand this 20th day of December, A. D. 1912.

Signed, Sealed and Delivered
in the presence of
.....M. L. Flake.....
.....Joseph Peterson.....

.....Wm. J. Flake.....(Seal)

State of Arizona }
County of Navajo } SS.

Before me, Niels S. Hansen, a Notary Public in and for the County of Navajo, State of Arizona, on this day personally appeared William J. Flake, a widower, known to me to be the person whose name _____ subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this 20th day of December, A. D. 1912.

.....Niels S. Hansen.....
Notary Public.

.....
NOTARIAL SEAL
Niels S. Hansen
Notary Public
Navajo County
Arizona
.....
My Commission expires April 15, 1916.

No. 1, Original.

RECORDED AT THE OFFICE OF
W. Deane Hussey
DATE 10/21/35 AT 11:20 A.M.
BY 27 DEEDS PAGE 114
RECORDS OF NAVAJO COUNTY ARIZONA
J. O. R. Shuck
BY Kenneth T. Taylor
(Seal)

DEC 26 1991

75 South 15th Avenue
Phoenix, Arizona 85007

No. 33-96157

Filed 12-26-91

**APPLICATION FOR PERMIT TO APPROPRIATE
PUBLIC WATER OF THE STATE OF ARIZONA**

1. Name: Town of Pinetop-Lakeside, telephone: 602-368-8696

Address: 1360 N. Niels Hansen Ln Lakeside Az. 85929

2. Type of water source and name, if any: Rainbow Lake

being a tributary to: Walnut Creek on the Little Colorado River watershed
(for office use only)

3. Proposed beneficial use of water:

A. Domestic: Number of persons _____, number of families _____

B. Municipal: Describe population served and estimate of future population and water requirements on an attachment.

C. Irrigation:

1) Location of the acreage to be irrigated:

GLO Lot# _____, or _____ 1/4 _____ 1/4 of Section _____, Township _____, N/S, Range _____ E/W

2) Total number of acres to be irrigated: _____ 3) Type of crop: _____

D. Stockwatering:

1) Kind of stock: _____ 2) Number of stock: Max. _____, Min. _____, Avg. _____

E. Power: Describe on an attachment.

F. Mining: Describe the kind of mining claim and the method of supplying and using the water on an attachment:

(G.) Recreation: Describe: boating, fishing, swimming and other recreational uses.

(H.) Wildlife: Describe kind of wildlife and character of area to be served: riparian habitat in the vicinity of Rainbow Lake.

I. Groundwater recharge: Describe on an attachment.

RECEIVED

4. Amount of proposed beneficial water use:

Proposed Use	Amount and Measure	Specific Months of Use
See answers to No. 3 G & H above	-375 acre feet/minimum pool	January - December

MAR - 6 1992

6. Location of proposed place(s) of use: County: Navajo

Assessor Book, Map, and Parcel #: _____

GLO Lot# _____, or _____ 1/4 ~~N1/2~~ of Section, 26 Township 9 N/S, Range 22 E/W
and _____ S1/2 of Sec. 23 t. 9 n. r. 22 e

7. Describe how the appropriated water is to be developed and put to the stated beneficial use: _____

8. Storage of water:

A. Name of reservoir: Rainbow Lake B. Dam height at downstream face: 21 feet
C. Maximum storage at spillway crest: 1,120 acre-feet. D. Capacity for each foot in depth in cubic feet: _____

9. Construction of facility or diversion works: Number of months or years to begin construction after issuance of permit: _____; Number of months or years to complete project _____; and number of months or years to put the water to the proposed beneficial use: _____

Not applicable.

If the facility or diversion is in place and the appropriated water has been put to the stated beneficial use, give the dates of construction completion of the facility and first date of beneficial use: _____

10. Owner of land on which the appropriation is located: Show Low Irrigation Co., An Ariz. Corp.

A. Indicate land ownership: Private , State _____, BLM _____, National Forest _____, Other _____

B. Does the applicant have legal access to both the proposed diversion point and place(s) of use?
Yes No _____ If "No", explain in item 12 below.

C. If the land is held by lease, give the lease or allotment number: _____. For proposed appropriations located on BLM or Forest Service lands, the applicant must obtain a letter of authorization for the proposed appropriation and submit the letter to the Department with the application.

11. Is the water to be used supplementally with other water(s)? Yes _____ No

If "yes", identify other waters or water rights, and explain: _____

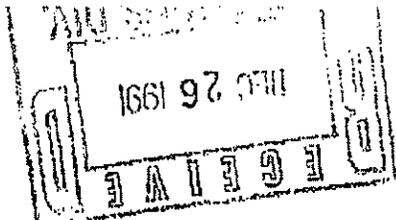
12. Additional comments or explanations: _____

13. Attach examination fee of \$25.00. Also attach a United States Geological Survey topographic quadrangle map, or copy thereof, clearly showing the proposed point of diversion, any conveyance system, and the place(s) of use.

Submit the completed application, with examination fee, to the Arizona Department of Water Resources, Operations Division, 15 South 15th Avenue, Phoenix, Arizona, 85007.

12/23/91
date


Signature of Applicant, or Representative



TRANSAMERICA TITLE INSURANCE COMPANY

REPORT OF TITLE

Order No. 68029575

Dated: December 2, 1991 at 7:30 A. M.

TRANSAMERICA TITLE INSURANCE COMPANY hereby reports that an examination of the title to the land described in Schedule A is vested as shown in Schedule A, subject to the liens, encumbrances, and defects as shown in Schedule B.

This is a report of status of title ONLY and is neither a guarantee of title, a commitment to insure or a policy of title insurance. The total liability of the Company is limited to the fee paid for this report.

SCHEDULE A

- 1. Title to the estate or interest covered by this report is vested in:

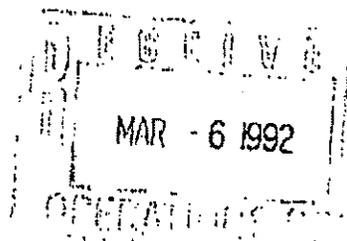
SHOW LOW IRRIGATION CO, AN ARIZONA CORPORATION

- 2. The estate or interest in the land hereinafter described in this report is a fee.

- 3. The land referred to in this report is situated in Navajo County, Arizona, and is described as follows:

All that certain premises that can be or is covered by water backed by a fifteen foot dam now erected on Section 23, Township 9 North of Range 22 East, Gila and Salt River Meridian, Navajo County, Arizona and more particularly described by plat, recorded in Book 1 of N.A.R.E., page 150, on Nov. 25th, 1903, Navajo County Records, situated on Section 23 and 26, Township 9 North, Range 22 East, or those portions of said Sections owned by W. J. Flake on December 20th, 1912, and being portions of the South half of Southwest quarter of said Section 23, and Northwest quarter and North half of Southeast quarter of said Section 26, Township 9 North, Range 22 East, Gila and Salt River Meridian, Arizona.

AM/SJR
68-34



TRANSAMERICA
TITLE INSURANCE COMPANY

68029575

SCHEDULE B

(All recording data refer to records in the office of the County Recorder of the County in which the land is situated.)

At the date hereof exceptions to title are:

A. The exceptions and/or exclusions contained in any form policy that might be requested.

1. AGREEMENT according to the terms and conditions contained therein:

Purpose	Shore line agreement
Partics	Show Low Irrigation District, a Municipal Corporation
	Orion Development
Date	August 2, 1988
Recorded	August 23, 1988
Docket	924
Page	793; and
Docket	940
Page	616

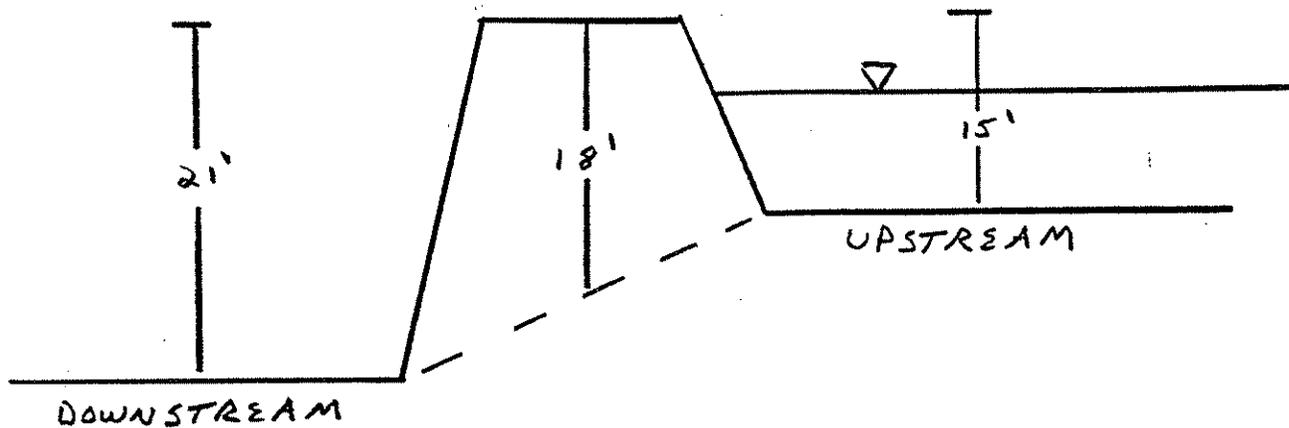
END OF SCHEDULE B

RECEIVED
 MAR 26 1992
 MAR - 6 1992
 TRANSAMERICA
 TITLE INSURANCE COMPANY

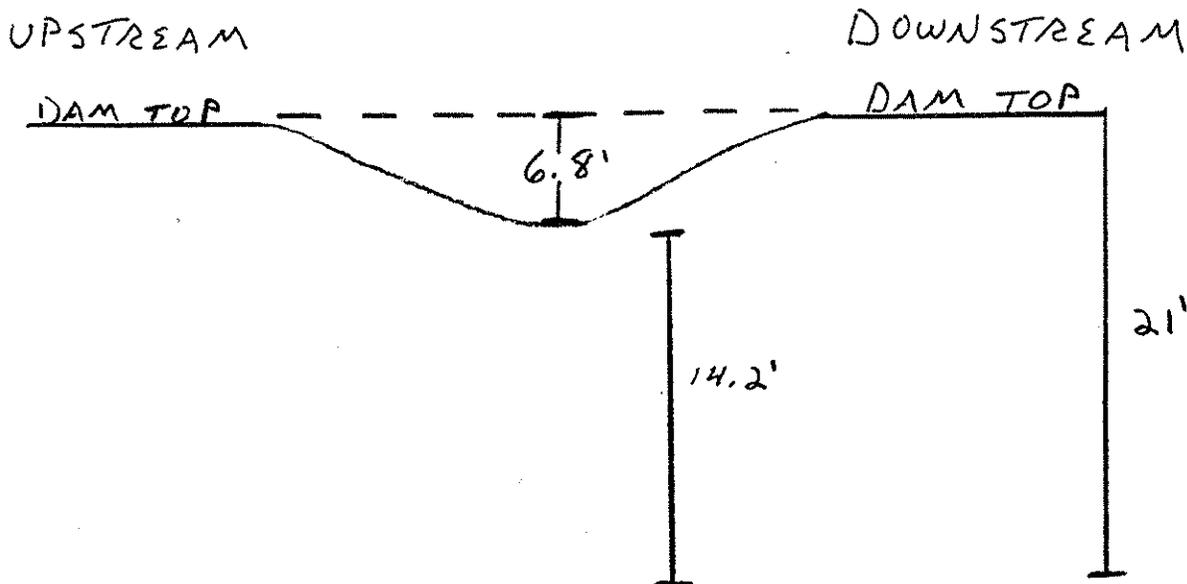
APPENDIX E
Dam & Spillway Diagram

SCHMATIC DIAGRAM OF THE
DAM AND SPILLWAY

DAM
(NOT TO SCALE)



SPILLWAY
RAINBOW LAKE DRIVE
(NOT TO SCALE)



22-141 50 SHEETS
22-142 50 SHEETS
22-144 200 SHEETS

