

a

July 10, 2006
502 Fourth of July Creek Road
North Fork, Idaho 83466

Idaho Department of Water Resources
322 East Front Street
PO Box 83720
Boise, ID 83720

RECEIVED

JUL 13 2006

DEPARTMENT OF
WATER RESOURCES

Attn: Roxanne Brown
Re: SRBA Claim

Per our recent conversation enclosed please find our completed SRBA Notice of Claim form and fee for our Lemhi County property.

Please note along with our SRBA Notice of Claim we have included attachments referencing Water Right 75-118, which explain the basis for the calculations in our SRBA claim.

The enclosed SRBA Notice of Claim (along with attachments) should now provide the documentation needed for processing our claim. Please call us if you have questions about any of the information or background on this claim.

We have included the pre-July 1 fee of \$50.00 per our conversation as we had been advised by the local IDWR office to wait until our previously submitted Change of Water Right Ownership (for 75-118) was processed before sending in an SRBA Notice of Claim. We had originally submitted a Change of Water Right Ownership form June 20, 2006 at the Salmon SRBA update meeting.

Again, if you need further information or have questions please call us at (208) 865-1118.

Sincerely yours,


Michael C. Dougherty


Jane E. Dougherty Sandstrom

Encl: SRBA Notice of Claim
Fee
Description of Calculation Basis
Map of POD
Aerial Photo Illustrating Irrigated Acreage

75-14313

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 75-14313
Date Received 7/13/06
Receipt Number C081669

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Michael C. Dougherty and Jane E. Dougherty Sandstrom Phone (208) 865-1118

Mailing Address 502 Fourth of July Creek RD, North Fork, ID Zip 83466

2. Date of Priority (Only one (1) per claim) 06/12/1906

3. Source of water supply (a) Fourth of July Creek
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 24N Range 22E Section 09,
1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Lemhi

Additional points of diversion if any: 24N 22E Section 16 NW 1/4 of NE 1/4

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Ditches/Headgate (Ditch #1 per Case No. 5235)

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/01 to 8/01 amount .34 or _____For irrigation purposes from 8/02 to 11/01 amount .26 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.34 cfs 4/01 to 8/01
0.26 cfs 8/02 to 11/01 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
24N	22E	16											1.4	6.0					7.4
		21					0.9	0.4											1.3

Total number of acres irrigated 8.711. In which county (ies) are lands listed above as place of use located? Lemhi12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.13. Describe any other water rights used at the same place and for the same purposes as described above.
75-2156B License or None ()14. Remarks: Actual irrigated acreage for this parcel previously calculated by Ernest Carlsen, Water Rights Supervisor - Adjudication Bureau at IDWR Idaho Falls office (see 75-2156B). See attachments for flow claim calculation basis.Last Name Dougherty Ident No. 75-14313

Ident No. 75-14313

15. Basis of Claim (check one) Beneficial Use Posted Notice License Permit
Decree X
If applicable provide IDWR Water Right Number 75-118
Court Seventh Judicial District of the State of Idaho Case Number 5235 Decree Date 12/16/1982
Plaintiff vs Defendant Merrill M. Brown, et al vs. Frank R. Nelson, et al.

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do X do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 3 (Description of Calculation Basis, Map of POB, Aerial Photo Illustrating Irrigated Acreage)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

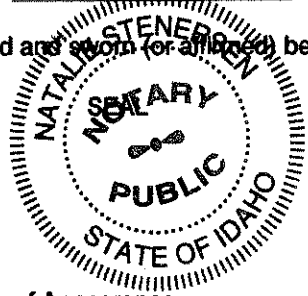
Signature of Claimant (s) Michael C. Dougherty Date 7/11/06
Jane E. Dougherty Date 7/11/06

For Organizations: I do solemnly swear or affirm that I am Title
of Organization , that I have signed the foregoing
document in the space below as Title of Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent
Title and Organization Date

State of Idaho/or)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 11th day of July 2006



Notary Public Natalie Stenersen
Residing at Salmon, ID
My Commission Expires 5-18-2010
Please Print Name Natalie Stenersen

17. Notice of Appearance:
Notice is hereby given that I, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature
Address
Date

Last Name Dougherty Ident. Number 75-14313

Description of Calculation Basis

Water Right 75-118 is for irrigation use with the following flows:

4/01 - 8/01 1.83cfs (priority date 6/12/1906)
8/02 - 11/01 1.37cfs (priority date 6/12/1906)

The basis is a 1982 decree resulting from the Seventh Judicial District's Case No. 5235 involving the Fourth of July Creek drainage. 75-118 is for a parcel which has subsequently been split into two parcels. To establish our water right claim, a split calculation is required.

Pertinent Background Applicable to the Flow Calculation

To properly calculate the split for Water Right No. 75-118, additional information is needed as the irrigated acreage stated in the water right is incorrect. Please note that Water Right No. 75-118 under "Conditions of Approval" states "1. AC. IRR. DETERMINED FROM LEGAL DESCRIPTION OF P/U." The entire acreage bounded by the legal description is not irrigated.

A similar issue with incorrect irrigated acreage occurred on the split for Water Right 75-2156, which involves the same property as Water Right 75-118. Actual irrigated acres were calculated by Mr. Ernest Carlsen, Water Rights Supervisor-Adjudication Bureau at Idaho Department of Water Resources' Idaho Falls office in September, 2000. This calculation was made in the process of correcting the change in water right ownership split for 75-2156 (now 75-2156A and 75-2156B).

Therefore, using the same proportions and acreages previously determined and applied by Mr. Carlsen, the correct split for our property for Water Right No. 75-118 is:

8.7 acres (our irrigated acreage)
37.7 acres (original owner's balance of irrigated acreage)
46.4 acres (total irrigated acreage, true for both Water Rights 75-2156 and 75-118)

$8.7 \text{ acres (our irrigated acreage)} \div [46.4 \text{ total irrigated acreage}] \times 100 = 18.75\%$ (Our entitled % of water right)

Water Right No 75-118 Split Calculation

1.83 cfs diversion rate x 18.75% = 0.34 cfs from 4/01 - 8/01 (priority date 6/12/1906)
1.37 cfs diversion rate x 18.75% = 0.26 cfs from 8/02 - 11/01 (priority date 6/12/1906)

Place(s) of Use (for above 8.7 irrigated acres, same as 75-2156B)

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres
24N	22E	16		SWSW	1.4		SESW	6.0
		21		NENW	0.9		NWNW	0.4

DOUGHERTY

75-14313

Idaho Department of Water Resources Internet Map Server

Overview Map

Zoom/Pan



Identify



Locate



Capture
Screen



Print



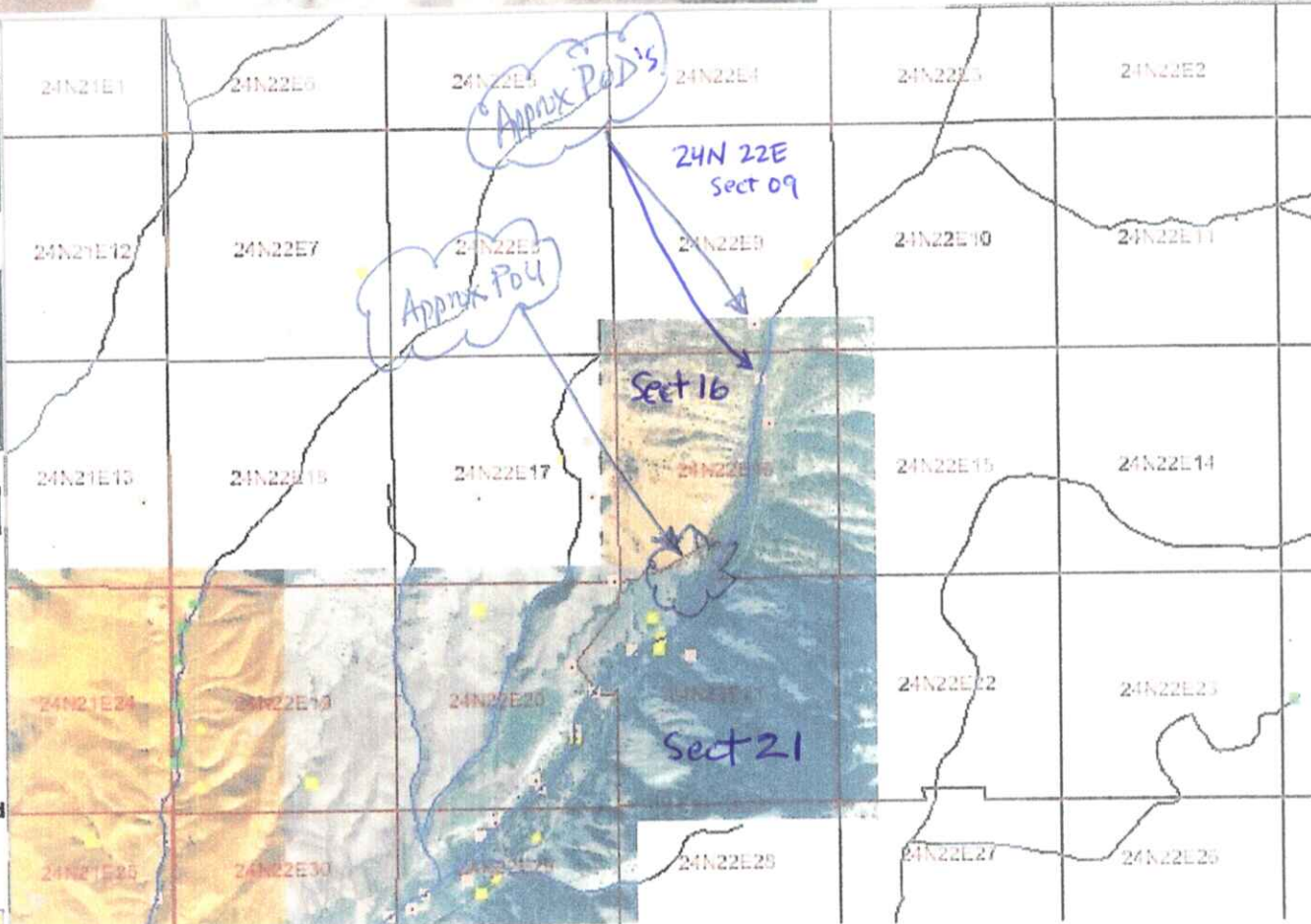
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Map
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Zoom Out



Layers | Legend | Metadata

Base Map

- ☒ Major Roads
- ☐ Streets
- ☐ Railroads
- ☐ Major Cities
- ☒ Cities
- ☐ Urban Areas
- ☒ Counties
- ☐ PLS - Township/Range
- ☒ PLS - Section
- ☐ PLS - Quarter/quarter
- ☐ Pipelines
- ☐ Transmission Lines
- ☐ Airports
- ☐ Latitude-Longitude
- ☒ State Boundary

Administrative Boundaries

- ☐ IDWR Planning Basins
- ☐ IDWR Regions
- ☐ Administrative Basins
- ☐ 250K Quad Map Boundaries
- ☐ 100K Quad Map Boundaries
- ☐ 24K Quad Map Boundaries
- ☐ IDFG Regions
- ☐ IDFG Units
- ☐ Legislative Districts
- ☐ Congressional Districts
- ☐ School Districts

Regulatory Boundaries

- ☐ Water Districts
- ☐ Ground Water Districts
- ☐ Ground Water Management
- ☐ Critical Ground Water Areas
- ☐ Groundwater Vulnerability

Active Layer

Counties

Refresh Map

75-14313

COPY OF MAP PRODUCED BY MR. ERNEST CARLSEN
IN SEPT. 2000 INDICATING IRRIGATED ACREAGE FOR SPLIT.

TOWNSHIP	RANGE	SECTION	TRACT	ACRES	TRACT	ACRES
24N	22E	16	SWSW	1.4	SESW	6.0
24N	22E	21	NENW	0.9	NWNW	0.4

TOTAL IRRIGATED ACRES = 8.7

75-02156B

T24N R22E

17 16

20 21

75-14313