

10/06/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14313

NAME AND ADDRESS: JANE E DOUGHERTY SANDSTROM
502 FOURTH OF JULY CREEK RD
NORTH FORK ID 83466

MICHAEL CHARLES DOUGHERTY
502 FOURTH OF JULY CREEK RD
NORTH FORK ID 83466

SOURCE: FOURTH OF JULY CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.340 CFS

PRIORITY DATE: 06/12/1906

POINT OF DIVERSION:

T24N R22E S9 NESE Within LEMHI County

T24N R22E S16 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 08/01	0.340 CFS0.260
	08/02 11/01	CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T24N R22E S16	SWSW	1.40	T24N R22E S16	SESW	6.00
T24N R22E S21	NENW	0.90	T24N R22E S21	NWNW	0.40

8.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 75-118 .

Idaho Department of Water Resources Internet Map Server

Overview Map

Zoom/Pan



Identify



Locate



Capture



Print



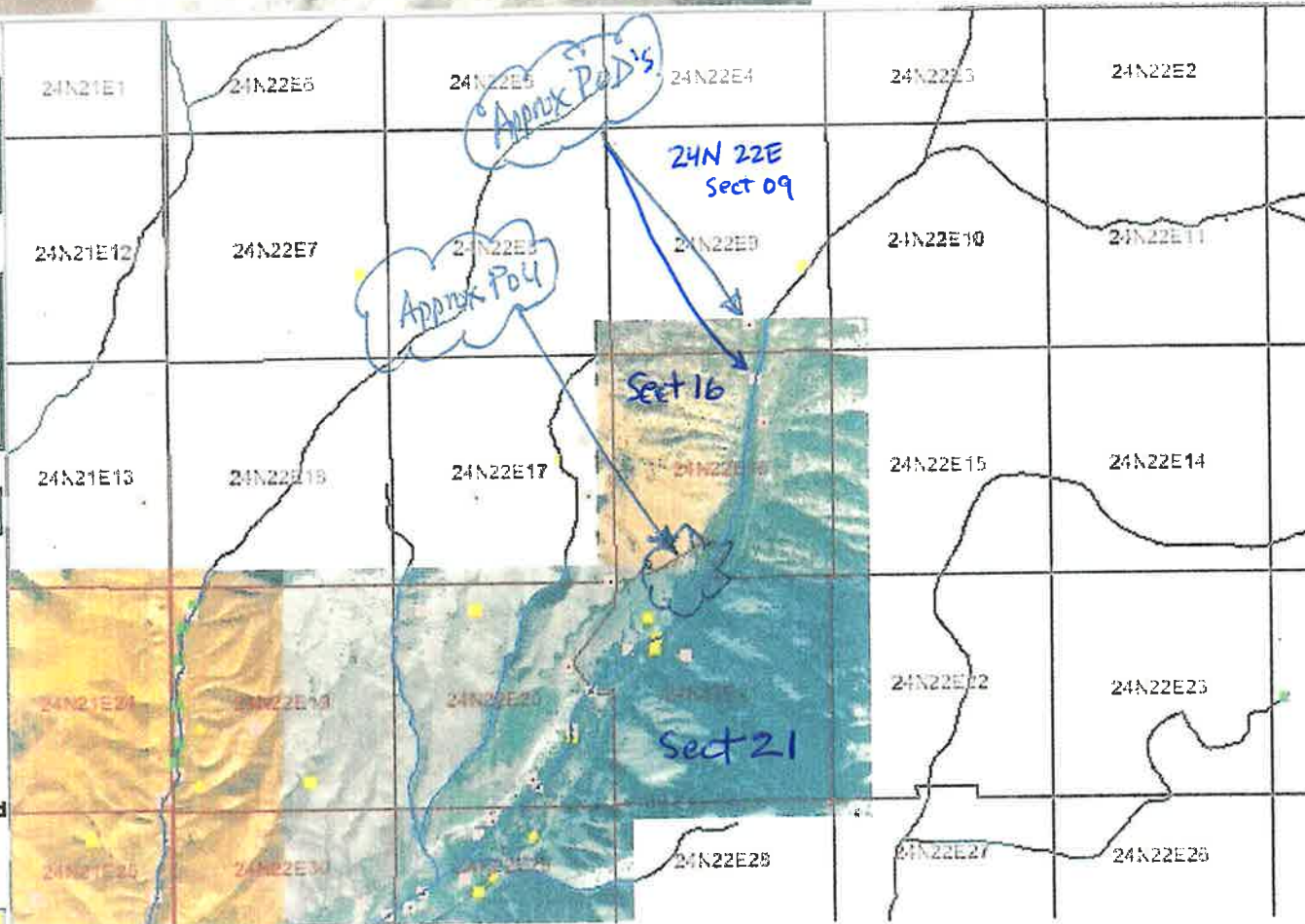
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Help

Map
Server
Menu

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

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ditch (Ditch No. 15) with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Township 24 North, Range 21 EBM for irrigation of the premises herein described as the Wilde lands.

9.A map prepared by Hugh M. Coiner and labeled "Fourth of July Creek irrigation systems" is attached hereto and made a part of this Stipulation. The numbered ditches on the map correspond with the numbers included for ditches in the Stipulation.

10. Defendants Glen M. May and Irene L. May, husband and wife, are the owners, in possession and entitled to the possession of the following described land situated in the County of Lemhi, State of Idaho, hereinafter called May land, more particularly described as follows, to-wit:

40 ac. The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-one (21), Township Twenty-four (24) North, Range Twenty-two (22) East of the Boise Meridian, Idaho.

The South Half of the Southwest Quarter of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Sixteen (16), Township Twenty-four (24), Range Twenty-two (22) East of the Boise Meridian. 20 ac. 10 ac.

Said Defendants, Glen M. May and Irene L. May, are entitled to have, and they are hereby awarded, water rights and privileges of and from the said Fourth of July Creek in amounts, with priorities, points of diversion and places of use as follows:

75-0118(a) 91.6 miner's inches or 1.83 cubic feet per second of the waters of Fourth of July Creek from the commencement of the irrigation season each calendar year until August 1 of each such year and after August 1 until the end of each such irrigation season 67.8 miner's inches or 1.37 cubic feet per second of the waters of Fourth

1
2 of July Creek with a priority of appropriation dating
3 from June 12, 1906, and delivered through the existing
4 ditch (ditch No. 1) with the point of diversion in the
5 NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 24 North, Range 22 EBM,
6 for irrigation of the premises herein described as the
7 May lands.

8
9 11. Defendants Frank R. Nelson and Louise C. Nelson,
10 husband and wife, are the owners, in possession and entitled to
11 the possession of the following described land situated in the
12 County of Lemhi, State of Idaho, to-wit:

13 The East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), Southwest
14 Quarter of the Southeast Quarter of the Southwest Quarter
15 of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$); Southeast Quarter
16 of the Southwest Quarter of the Southwest Quarter of the North-
17 east Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$); East Half of the North-
18 east Quarter of the Southwest Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$); Southeast
19 Quarter of the Southwest Quarter of the Northeast Quarter
20 of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$), Southeast Quarter
21 of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Southeast Quarter of the
22 Northwest Quarter of the Southeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$),
23 Southwest Quarter of the Northwest Quarter of the Southeast
24 Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$). Northwest Quarter of the Northwest
25 Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$), West Half
26 of the Northeast Quarter of the Northwest Quarter of the
27 Southeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$). South Half of the North-
28 east Quarter of the Southeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), Northwest
29 Quarter of the Southeast Quarter of the Southeast Quarter
30 (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), West Half of the Southwest Quarter of the
31 Southeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$),
32 Northwest Quarter of the Northeast Quarter of the Southeast
Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), and the
West Half of the Southwest Quarter of the Southeast Quarter
(W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$), Southeast Quarter of the Northeast Quarter of
the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$),
the East Half of the Southeast Quarter of the Southeast

STIPULATION FOR ENTRY OF JUDGMENT

Page 8

75-2156

1.30 cfs 240 ACFT FOR 80 ACRES
.05 cfs 21 ACFT FOR STOCK

LENN

ASSESSOR'S OFFICE

02 (IRRIGATED PASTURE) 31 ACRES

04 (MEADOW) 1 ACRE

05 (DRY) 26 A

HOUSE 2 ACRES

} MAY

34 acres

DOUGHERTY

02 - 7 ACRES / 8 acres
HOUSE 1 ACRE

• 32 - 4/1 to Aug 1
• 24 Aug 1 oct 31

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

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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.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 3, 2006

MICHAEL AND JANE DOUGHERTY
502 FOURTH OF JULY CREEK RD
NORTH FORK, ID 83466

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-14313

Dear Claimants:

Enclosed is a computer-generated copy of the claim you filed for your property in Lemhi County. Please refer to the claim number in any inquiries or correspondence. I have also enclosed your receipt #C079815. Please keep these documents for your records.

The identification number of your water right has been changed from #75-118 to 75-14313. Nothing else on your water right has been changed. Please use the new number in future inquiries or correspondence you may have with our Department.

Please contact me at 1/800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures:

Computer-generated Copy of Claim Referenced Above
Receipt #C081699

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AUG - 3 2006

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)

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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

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T24N R22E

SECTION 09

Approx. Points of Diversion

SECTION 16

Place of Use

SECTION 21

Last Name Dougherty

Ident No. 75-14313

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15. Basis of Claim (check one) Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐

Decree ☒

If applicable provide IDWR Water Right Number 75-118

Court Seventh Judicial District of

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 ☒ 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
Joe E. Dougherty

Date

7/11/06

Date

7/11/06

For Organizations: I do solemnly swear or affirm that I am

Title

of _____, that I have signed the foregoing

Organization

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

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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 acres (our irrigated acreage) ÷ [46.4 total irrigated acreage] x 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

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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

T. 24N R. 22E

17 16

20 21

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75-14313

CLAIMANT'S NAME Dougherty Sandstrom CLAIM IDENT. NO. 75-14313DATE RECEIVED 7-18-06 CK # C081669 AMOUNT \$ 0.00 YES NO Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A ☐ NO *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A ☐ NO *
- Is the consumptive use correct? ☒ YES ☐ NO N/A ☐ NO *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A ☐ NO *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A ☐ NO *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A ☐ NO *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt ☒ YES ☐ NO *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A ☐ NO *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: ss hrm Date: 8-2-06Claim must be returned to claimant: ☐ (Yes) ☒ (No)Claimant must be notified of modifications: ☐ (Yes) ☒ (No)Receipt Prepared by: AM Boardman Date: 7-13-06
Claim data entered by: AM Boardman Date: 7-13-06 Checked by: AM Boardman Date: 7-13-06
Sent to claimant by: AM Boardman Date: 7-13-06Comments: