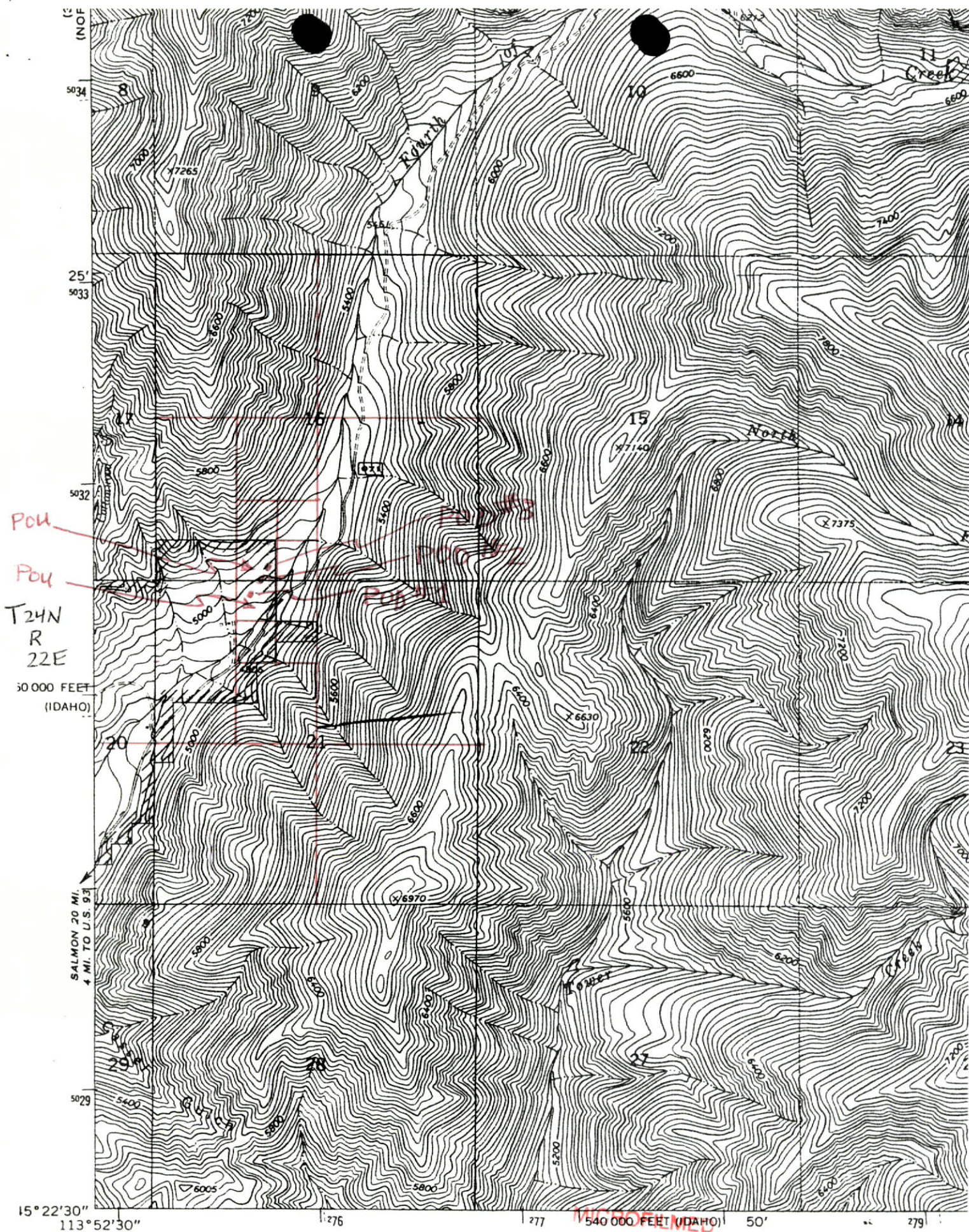
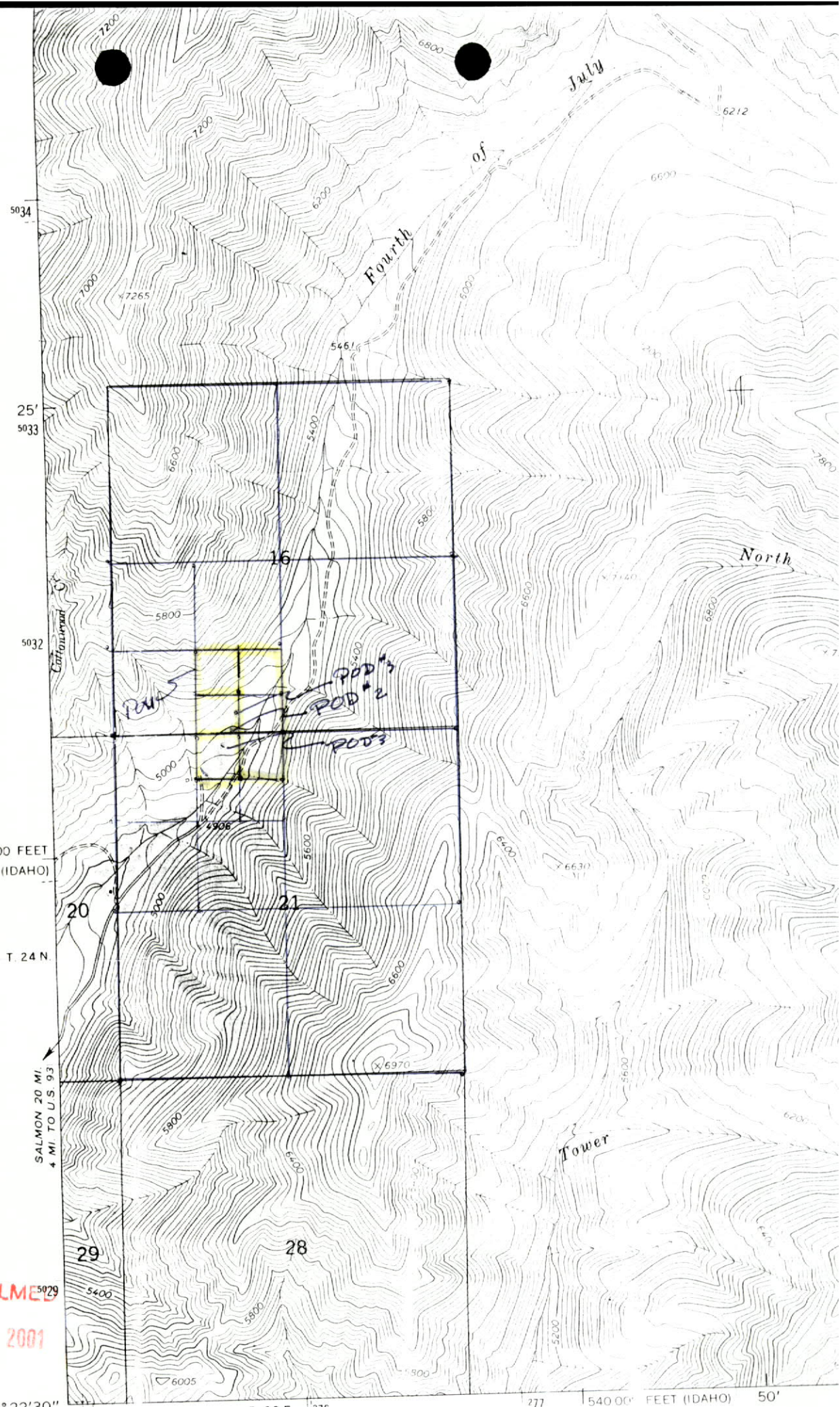




Mapped, edited, and published by the Geological Survey 1966

JUN 20 2001



MICROFILMED
JUN 20 2001

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 68803**

James Whittaker OR Paula Whittaker, PO Box 240, Leadore ID 83464, has filed Application No. 68803 to add a point of diversion to the following water right within LEMHI County:

Decree: 74-00354; Source: Big Eightmile Creek/Lemhi River; Amount: 2.40 cfs; Priority Date: 08/28/1918; Point of Diversion: NWSE SEC 28 T16N R25E; The water is used for irrigation of 154 acres within SEC 22 T16N R25E.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add a second point of diversion on Big Eightmile Creek in the SENE SEC 5 T15N R25E. No additional water or ground is involved. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before February 5, 2001 to be considered by the Department in its decision to grant or deny any part of the application. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

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

75-7676

MICHAEL C DOUGHERTY
JANE E DOUGHERTY
SANDSTROM

25297 Davenport St NE
Isanti MN 55040

Diversion Point: SWSESW Sec 16
T24N R22E and NWNENW Sec 21
T24N R22E in LEMHI County

Source: SPRINGS

Use: DOMESTIC (1/01 To 12/31
0.04 CFS)

Use: STOCKWATER (1/01 To 12/
31 0.02 CFS)

Total Diversion: (0.06 CFS)

Date Filed: 09/28/2000

PLACE OF USE: STOCKWATER

T24NR22E Sec 16 SESW

T24N R22E Sec 21 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 12-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 900 N Skyline Dr Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 for each application on or before February 5, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

01-18-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **NOTICE OF PROPOSED - WATER RIGHT TRANSFER NO. 68803**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO(2)** consecutive issue(s), commencing with the issue dated **1-18-2001** and ending with the issue dated **1-25-2001**.

STATE OF IDAHO

County of Lemhi

ss.

On this **26th day of January** in this year of 2001 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Shiela Johnson

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 01-02-2007

Publication Fee \$103.68



RECEIVED

JAN 30 2001

Department of Water Resources
Eastern Region

MICROFILMED
JUN 20 2001

**NOTICE OF APPLICATION
FOR WATER RIGHT**

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

75-07676

DOUGHERTY, MICHAEL

CHARLES

DOUGHERTY SANDSTROM,

JANE E

25297 DAVENPORT ST NE

ISANTL, MN 55040

Source: SPRINGS Tributary:

SINKS

Diversion Pt: SWSESW Sec 16 T
24N R 22E in LEMHI County.

NWNEW Sec 21 T 24N R 22E

in LEMHI County.

Use: DOMESTIC (0.040 CFS)

STOCKWATER (0.020 CFS)

Total Diversion: (0.060 CFS)

Date Filed: 9/28/2000

In: LEMHI County

T24N R22E S16 SWSW

S21 NWNE

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before NOVEMBER 6, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant. KARL J. DREHER, Director
Published: 10/19/2000 & 10/26/2000

10-19-2tc

Affidavit of Publication

STATE OF IDAHO

ss.

County of Lemhi

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **IDAHO DEPT. OF WATER RESOURCES - APPLICATION FOR WATER RIGHT, #75-07676**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **10-19-2000** and ending with the issue dated **10-26-2000**.

STATE OF IDAHO
County of Lemhi

ss.

On this **12th day of November** in this year of 2000 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Residing At Salmon, Idaho

Notary Public for Idaho

My Commission expires: 2-19-2003

RECEIVED

NOV 15 2000

Department of Water Resources
Eastern Region

Publication Fee \$59.04

MICROFILMED

JUN 20 2001

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 75-07676

Priority: 09/28/2000

Maximum Diversion Rate: 0.06 CFS

This is to certify, that MICHAEL C DOUGHERTY
25297 DAVENPORT ST N E
ISANTI MN 55040

Or

JANE E DOUGHERTY SANDSTROM
25297 DAVENPORT ST NE
ISANTI MN 55040

has applied for a permit to appropriate water from:

Source: SPRING

Tributary: SINKS

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>
DOMESTIC	01/01 to 12/31	0.04 CFS
STOCKWATER	01/01 to 12/31	0.02 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING	SW¼SE¼SW¼	Sec. 16, Twp 24N, Rge 22E, B.M.	LEMHI County
SPRING	NW¼NE¼NW¼	Sec. 21, Twp 24N, Rge 22E, B.M.	LEMHI County
SPRING	SW¼SE¼SW¼	Sec. 16, Twp 24N, Rge 22E, B.M.	LEMHI County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N 22E 16												X					
24N 22E 21					X												

PLACE OF USE: DOMESTIC, same as Stockwater

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **March 01, 2006**.
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 permit holder had no control.
4. The domestic use authorized under this right shall not exceed 13,000 gallons per day.
5. Domestic use is for 1 home and does not include lawn, garden, landscape, or other types of irrigation.

MICROFILMED
JUN 20 2001

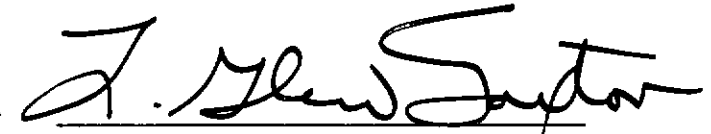
State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 75-07676

CONDITIONS OF APPROVAL

6. Stockwater use is for 25 range cattle, horses, mules and sheep.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 15th day of March, 2001.


for KARL J DREHER, Director

MICROFILMED
JUN 20 2001

RECEIVED

2/96

FEB 14 2001

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

75-07676

ID # 68747

DEPARTMENT OF WATER RESOURCES

~~AMENDED~~

APPLICATION FOR PERMIT

~~AMENDED~~

To appropriate the public waters of the State of Idaho

1. Name of Applicant Michael Charles Dougherty or Jane E. Dougherty Sandstrom Phone 952-828-5624 (w) 763-444-6157 (H)
- Mailing address 25297 Davenport St NE, Isanti, MN 55040
2. Source of water supply Springs which is a tributary of Sinks
3. Location of point of diversion is Township 24N Range 22E Sec. 16 in the SW 1/4, SE 1/4, SW 1/4, Govt. Lot _____, B.M., Lemhi County; additional points of diversion if any: SWSESW 516 T24N R22E and NWNENW 521 T24N R22E
4. Water will be used for the following purposes:
- Amount 0.04 cfs for Domestic purposes from 1-1 to 12-31 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount 0.02 cfs for Stockwater 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)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.06 cfs 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 developed springs & pipe to one home & stock trough
- 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 5 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. COMBINATION OF NO MORE THAN 25 TOTAL HEAD OF CATTLE, HORSES, MULES OR SHEEP
- c. Municipal; show name of municipality.
- d. Domestic; show number of households. One
- e. Other; describe fully. _____

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JUN 20 2001

9. 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	
24N	22E	21					D/S												
24N	22E	16											D/S						

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? Applicant

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

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: The use of this water is on private lands.
There are two points of diversion in the SWSESW, Sec. 16 T24N
R 22E

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½"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.

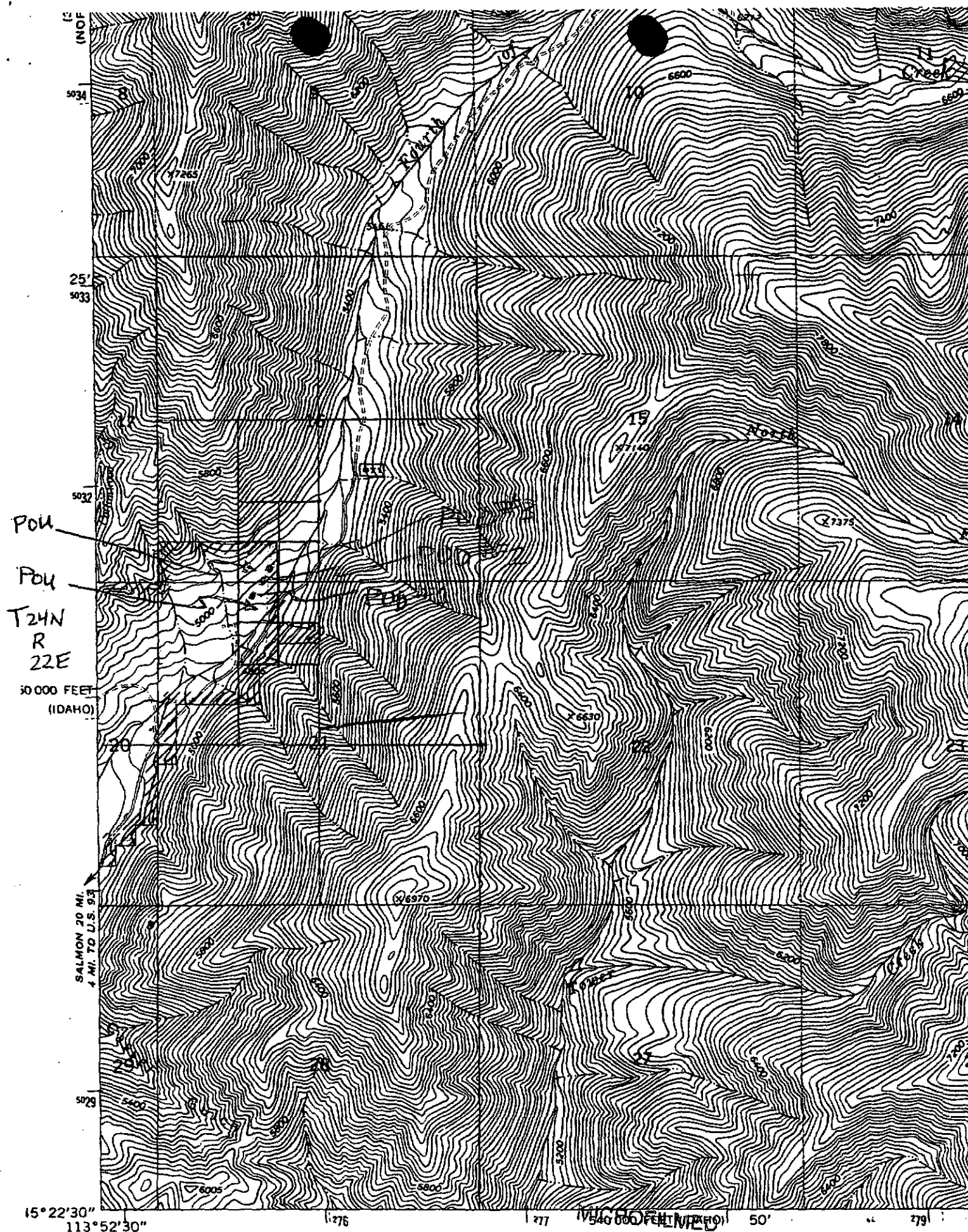
MICROFILMED

JUN 20 2001

Michael C Dougherty Jane E Dougherty
 Signature of Applicant (and wife, if applicable)

Received by HWT Date 12-14-00 Time 11:59 am Preliminary check by _____

Fee \$ 50 (amnd) Received by HWT # EO26374 Date 12-14-00
 Publication prepared by SC Date 1/18 & 1/25/01 Published in Recorder Herald



Maped, edited, and published by the Geological Survey 1966

JUN 20 2001

(Internet)

RECEIVED

OCT 02

Ident. No.

75-07676

STATE OF IDAHO Department of Water Resources
Eastern Region

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho



1. Name of Applicant MICHAEL CHARLES DOUGHERTY AND/OR JANE E. DOUGHERTY SANASTROM Phone 763-444-6155
Mailing address 25297 DAVENPORT ST NE, ISANTI, MN 55040
2. Source of water supply Springs which is a tributary of Sinks
3. Location of point of diversion is Township 24N Range 22E Sec. 16 in the SW 1/4, SE 1/4, SW 1/4, Govt. Lot _____, B.M., Lehmi County; additional points of diversion if any: SW SE SW S16 T24N R22E NW NE NW S21 T24N R22E
4. Water will be used for the following purposes:
- | |
|--|
| Amount <u>0.04 cfs</u> for <u>DOMESTIC</u> purposes from <u>01-01</u> to <u>12-31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>0.02 cfs</u> for <u>Stockwater</u> purposes from <u>01-01</u> to <u>12-31</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>_____</u> for <u>_____</u> purposes from <u>_____</u> to <u>_____</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>_____</u> for <u>_____</u> purposes from <u>_____</u> to <u>_____</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>_____</u> for <u>_____</u> purposes from <u>_____</u> to <u>_____</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
| Amount <u>_____</u> for <u>_____</u> purposes from <u>_____</u> to <u>_____</u> (both dates inclusive) |
| (cfs or acre-feet per annum) |
5. Total quantity to be appropriated is (a) .06 cfs cubic feet per second and/or (b) _____ acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source develop spring and pipe to home
- 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 5 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. one
- e. Other; describe fully. _____

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JUN 20 2001

8. 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	N E				N W				S W				S E				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	22E	16											D/S						
		21		D/S															

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. NONE

11. a. Who owns the property at the point of diversion? applicant

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

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: _____

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.)

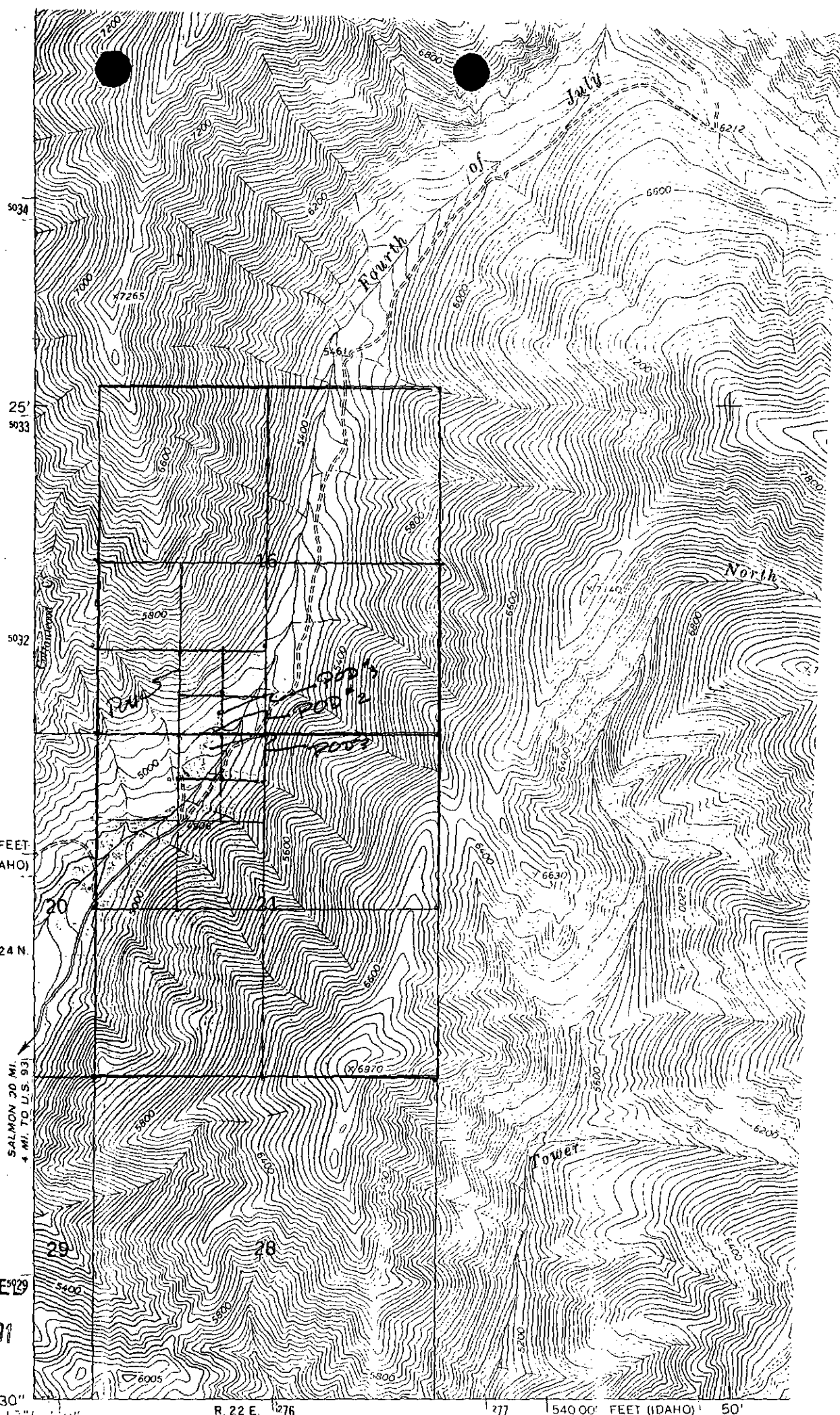
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Michael Dougherty
Signature of Applicant (and title, if applicable)

Received by HWT Date 10-02-2000 Time _____ Preliminary check by _____
Fee \$ 100.00 Receipted by HWT # E026220 Date 10-3-00
Publication prepared by SC Date 10/19 & 10/26/00 Published in Recorder Herald
Publication approved _____ Date 11/15/00

MICROFILMED

JUN 20 2001



5034

25'

5033

5032

1 360 000 FEET
(IDAHO)

T. 24 N.

SALMON 30 MI.
4 MI. TO U.S. 93

MICROFILMED
JUN 20 2001

45° 22' 30"

R. 22 E.

277

540 00' FEET (IDAHO)

50'



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 16, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MICHAEL C DOUGHERTY
JANE E DOUGHERTY SANDSTROM
25297 DAVENPORT ST NE
ISANTI MN 55040

RE: Permit No. 75-7676

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.

MICROFILMED

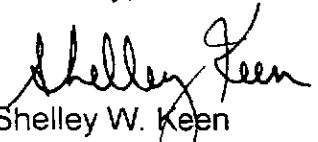
JUN 20 2001

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 a 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 208-327-7946.

Sincerely,


Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosure(s)

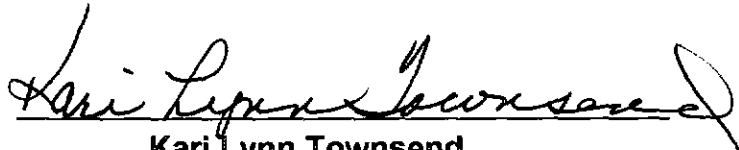
MICROFILMED
JUN 20 2001

CERTIFICATE OF MAILING

I hereby certify that on March 16, 2001 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. 75-7676

**MICHAEL C DOUGHERTY
JANE E DOUGHERTY SANDSTROM
25297 DAVENPORT ST N E
ISANTI MN 55040**


Kari Lynn Townsend
Secretary

MICROFILMED
JUN 20 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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 Idaho Water Resource Board (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).

MICROFILMED
JUN 20 2001

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.

MICROFILMED
JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 7, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

MICHAEL C. &/OR JANE E. DOUGHERTY
25297 DAVENPORT ST NE
ISANTI MN 55040

RE: Application for Permit No. 75-07676

Dear Mr. and Mrs. Dougherty:

The above referenced application has been forwarded to us from our Eastern Regional Office for final permit review and approval.

As you are probably aware, this application proposes use of water within a region that is tributary to the Frank Church-River of No Return Wilderness Area. In October of 1999, a moratorium was established for the wilderness and tributary areas. The moratorium prevents the department from approving any application that proposes consumptive use of water.

In-house domestic use with no associated irrigation can be considered as non-consumptive. Therefore, if you wish to have the department proceed with permit approval, you must be willing to limit the domestic use to 13,000 gallons per day and limit to in-house use only.

If you agree to these limitations, please let me know within the next two weeks so that the permit can be prepared for signature. If you do not agree to these limitations and desire to have the department hold the application indefinitely until the moratorium no longer prevents approval for the consumptive use associated with the irrigation of lawns, gardens, and landscape, please let me know that within the 14 day period also.

If you have any questions, please give me a call.

Sincerely,

Sharla Curtis

Sr. Water Resource Agent

MICROFILMED

JUN 20 2001

3/13 - Jane Dougherty called & said they agree w/ the above limitations.
SC

APPLICATION FOR PERMIT
STATE OFFICE ANALYSIS

Reviewed by Sharla Curtis on 2/22/01

No. 75-07676 Name: Dougherty Corp. Officers N/A Ad ok _____ Govt Lots _____

AREA OF CONCERN: No/Yes S/C Moratorium _____ GWMA _____ TRUST/NON-TRUST _____

GROUNDWATER: (✓Flow Chart)

DRILLING PERMIT

All wells - 046(P23)
Basin 34 - 084 (if necessary)
Irr. w/in WD - P05
WMD - North/East/West
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 067

WMD

Supp irr (irr = only use) - 065-104
Supp irr (+ other uses) - 100-105
≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M

LOCATION:

Boise Front LoGeo - 058 (<85 GW)
Mitigation - 121
42-248 Area - P84
Swan Falls Flag
Trust - 051(P74) (consumptive uses)
Non-Trust - 048-049 (consumptive uses or non-cons. > 1.0 cfs)

USES:

STORAGE - 18A-01H(P01), 01P-18B(P09)-NA
IRR ≤ 5 ac - R66/R67/R68/R69 (0.03 cfs/ac)
5 ac - R62/R63/R64/R65 (0.02 cfs/ac)
STOCKWATER - R37 (BLM/USFS) NA
MINING - 054-106(P10)
FISH PROP - 029(70'S only)-007-042-106 (P10)
HEAT/COOL - R07(injection well)
FIRE/PROT. - 077

BENEFICIAL USE DUE: 3 / 01 / 2006

MISC CONDITIONS/REMARKS:

Protested - 020-W19
Development Period
≤ 1 yr - P16
> 1 yr - 26(P17)
Ownership - 004
Non-consumptive - 027
Water Quality - 106-R07

SURFACE WATER: (✓Flow Chart)

F&G contacted - Yes/No Response _____
In/Above MSF - WB9
PLANNING REVIEW/RESPONSE _____
In-stream development - P52
WD - R04 (WD# _____)
≤ 0.20 cfs/others - 01H(P01), 01P or No MD
> 0.20 cfs - 01J(P08)

SPRINGS/SINK, INACTIVE WD & REST OF STATE

≤ 0.24 cfs/5 acres - No MD
> 0.24 cfs/5 acres - 01M or No MD

RIVER BASINS: (SW special considerations)

Snake R (01) - W22(P04), N/A
(02,03) - 007 (w/ remark WB9 if above Weiser)
Payette R (65) - 047(P04) (Payette Lake)
Salmon R (70's) - 029 (fish screens) NA
Weiser R (67) - 086-087

USES:

POWER - 17H-17K (+uses)-08A-025(P18)-01N-106 (P10)
MUNICIPAL
Restricted area - 022,075
Irr., GW supp to SW - 102
DOMESTIC W01 (1)
Surface water - WB5 (Big Wood or Boise above Star Bridge)
27A (Payette R)
> 1 in restricted area - 070-071-075(no parks/common areas, etc)
Irr use listed separate - WB5
Moratorium approvable - W03 (2500 gpd - meets domestic definition
i.e. D/convenience store)

Multiple pd's per X/V - W22 2 in SWSESW
Subd lot desc (pd) - W59
Subd lot desc (pu) - W60
Use definitions - W02 example - 25 horses, mules or sheep
Pre-1987 development - 068-074 (allow 120 days for proof due)
Single p/d intended - 076

IRRIGATION SEASON _____ (Per updated map)

IRR VOLUME/ACRE _____

OTHER CONDITIONS/REMARKS _____

COMMENTS _____

Shape files made

RECEIVED

FEB 14 2001

DEPARTMENT OF WATER RESOURCES

Dist for Staffing _____
Submitted for advertising _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT ANALYSIS PERMIT

Dougherty

INITIAL REVIEW BY HWT DATE 10-3-00 APPLICATION NO. 75-07676

REQUIRED INFORMATION:

- ☒ Name (if applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☒ Address
☒ Source (See USGS Quad for names of water sources)
☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivision, local name, flow and/or volume)
☒ County
☒ Quantity (flow and/or volume)
☒ Period of Use
☒ Nature of proposed use (Include description of use.)
☒ Description of diverting works
☒ Time required for beneficial use of water
☒ Place of use or acres irrigated
☒ Map
☒ Signature (If applicant is corp., partnership, or municipality, title of signatory is required)
☒ Fee
☒ Yes _____ No* In form to receipt

ADDITIONAL INFORMATION:

- _____ Overlapping place of use (Describe source & relationship to present application on the back)
_____ Overlapping point of diversion
_____ Yes _____ No Critical groundwater area
_____ Yes ☒ No Groundwater management area
_____ Yes ☒ No Send dam safety information
_____ Yes ☒ No Send fish farm requirement letter
_____ Yes ☒ No Power residency affidavit
_____ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet)
_____ Yes _____ No Public Water System
_____ Yes ☒ No Planning section review
_____ Yes ☒ No Moratorium Hold file
_____ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

_____ Date Requested _____

PROCESSING:

- ☒ Yes _____ No _____ In form for advertising
☒ Yes ☒ No _____ Statewide advertising
☒ Yes _____ No _____ Fee amount, receipt date & No. recorded on application

SEND COPIES TO:

- _____ Id Dept of Health & Welfare
_____ Id Dept of Fish & Game
_____ Id Dept of Lands
_____ Adjudication Bureau Unit
_____ U.S. BLM
_____ U.S. Forest Service
_____ Water District
_____ Other _____

FINAL REGIONAL PROCESSING REVIEW:

☒ Yes	☐ No	Affidavit of publication received
☒ Yes	☐ No	Application published correctly. If not, record action taken
☒ Yes	☐ No	Publication dates & paper, recorded on application
☐ Yes	☒ No	Protests received
☐ Yes	☐ No	Final date for protest
☐ Yes	☐ No	Protests, dates, resolution of protest, recorded on application
☐ Yes	☐ No	Recommendations attached
☐ Yes	☐ No	Measuring device required
☐ Yes	☐ No	Access port required
☐ Yes	☐ No	Will water be delivered by watermaster? If yes, what District
☐ Yes	☐ No	Special conditions of approval or cover letter below.

Date of priority recommend 12-14-00

By: [Signature] Date: 2-8-01

STATE OFFICE REVIEW:

By: _____ Date: _____

ADDITIONAL INFORMATION:

LOCAL PUBLIC INTEREST:

Comments received from:

☐ City	☐ Id Fish & Game	☐ Irrigation District
☐ County	☐ Id Health & Welfare	☐ Canal Company
☐ Reservations	☐ Div. Of Environment	☐ Other _____

Project impacts/implications report

COMMENTS

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
TRANSFER NO. 68803**

James Whittaker OR Paula Whittaker, PO Box 240, Leadore ID 83464, has filed Application No. 68803 to add a point of diversion to the following water right within LEMHI County:

Decree: 74-00354; Source: Big Eightmile Creek/Lemhi River; Amount: 2.40 cfs; Priority Date: 08/28/1918; Point of Diversion: NWSE SEC 28 T16N R25E; The water is used for irrigation of 154 acres within SEC 22 T16N R25E.

TO BE CHANGED AS FOLLOWS:

The applicant intends to add a second point of diversion on Big Eightmile Creek in the SENE SEC 5 T15N R25E. No additional water or ground is involved. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before February 5, 2001 to be considered by the Department in its decision to grant or deny any part of the application. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

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

75-7676

MICHAEL C DOUGHERTY

JANE E DOUGHERTY

SANDSTROM

25297 Davenport St NE

Isanti MN 55040

Diversion Point: SWSESW Sec 16

T24N R22E and NWNENW Sec 21

T24N R22E in LEMHI County

Source: SPRINGS

Use: DOMESTIC (1/01 To 12/31 0.04 CFS)

Use: STOCKWATER (1/01 To 12/31 0.02 CFS)

Total Diversion: (0.06 CFS)

Date Filed: 09/28/2000

PLACE OF USE: STOCKWATER

T24NR22E Sec 16 SESW

T24N R22E Sec 21 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 12-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 900 N Skyline Dr Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 for each application on or before February 5, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

01-18-2tc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **NOTICE OF PROPOSED - WATER RIGHT TRANSFER NO. 68803**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO(2)** consecutive issue(s), commencing with the issue dated **1-18-2001** and ending with the issue dated **1-25-2001**.

STATE OF IDAHO

County of Lemhi

ss.

On this **26th day of January** in this year of 2001 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

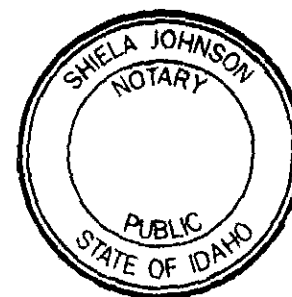
Shiela Johnson

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 01-02-2007

Publication Fee \$103.68



RECEIVED

JAN 30 2001

Department of Water Resources
Eastern Region

MICROFILMED
JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

January 9, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Michael Charles Dougherty or
Jame E Dougherty Sandstrom
25297 Davenport St NE
Isanti MN 55040

RE: Applications for Permit 75-07676 (Re-Advertising)

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on January 18 and 25, 2001. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED

JUN 20 2001



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 9, 2001

RECORDER-HERALD
PO BOX 310
SALMON ID 83467

RE: Advertising of Legal Ad

Dear Legal Notice Department:

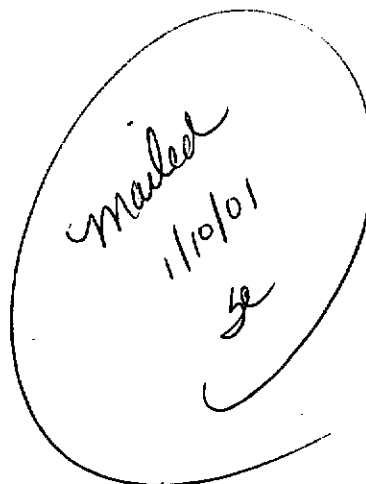
Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

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 February 5, 2001. Your cooperation is appreciated.

Sincerely,

Sharla Cox
Administrative Assistant

MICROFILMED
JUN 20 2001



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

75-7676

MICHAEL C DOUGHERTY
JANE E DOUGHERTY SANDSTROM
25297 Davenport St NE
Isanti MN 55040

Diversion Point: SWSESW Sec 16 T24N R22E and NWNENW Sec 21 T24N R22E in LEMHI County

Source: SPRINGS

Use: DOMESTIC (1/01 To 12/31 0.04 CFS)

Use: STOCKWATER (1/01 To 12/31 0.02 CFS)

Total Diversion: (0.06 CFS)

Date Filed: 09/28/2000

PLACE OF USE: STOCKWATER

T24N R22E Sec 16 SESW

T24N R22E Sec 21 NENW

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 12-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, 900 N Skyline Dr Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 for each application on or before February 5, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER,
Director

Published in the Recorder Herald on January 18 and 25, 2001

MICROFILMED
JUN 20 2001

12/5/00

HELLO HAROLD,

THANKS FOR YOUR HELP IN GETTING OUR APPLICATION
STRAIGHTENED OUT. WE MADE A FEW MINOR ADJUSTMENTS
TO YOUR WORKSHEET & IT SHOULD BE OK. (I COPIED
THE TOPO MAP WHICH THE U.S. FOREST SERVICE INCLUDED
IN THEIR LETTER - IT HAS THE PRIVATE LAND BOUNDARIES
MARKED FOR FURTHER CLARIFICATION.)

PLEASE GIVE ME A CALL IF THERE ARE ANY ISSUES.

RECEIVED

MICROFILMED

JUN 20 2001

DEC 11 2000

THANKS AGAIN,

Department of Water Resources
Eastern Region

Mike Dougherty

952-828-5626(W)
763-444-6155(H)

**X NOTICE OF APPLICATION
FOR WATER RIGHT**

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

75-07676

DOUGHERTY, MICHAEL

CHARLES

DOUGHERTY, SANDSTROM,

JANE E

25297 DAVENPORT ST NE

ISANTL, MN 55040

Source: SPRINGS Tributary:

SINKS

Diversion Pt: SWSESW Sec 16 T

24N R 22E in LEMHI County,

NWNEW Sec 21 T 24N R 22E

in LEMHI County.

Use: DOMESTIC (0.040 CFS)

STOCKWATER (0.020 CFS)

Total Diversion: (0.060 CFS)

Date Filed: 9/28/2000

In: LEMHI County

T24N R22E S16 SWSW

S21 NWNE

Any protests against the pro-

posed application must be filed with

the Dept. of Water Resources, 900

N Skyline Dr., Ste A, Idaho Falls ID

83402, together with a protest fee of

\$25.00 on or before NOVEMBER 6,

2000 to be considered by the Depart-

ment in its decision to grant or deny

any part of the proposed application.

The protestant must also send a

copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 10/19/2000 & 10/26/

2000

10-19-21c

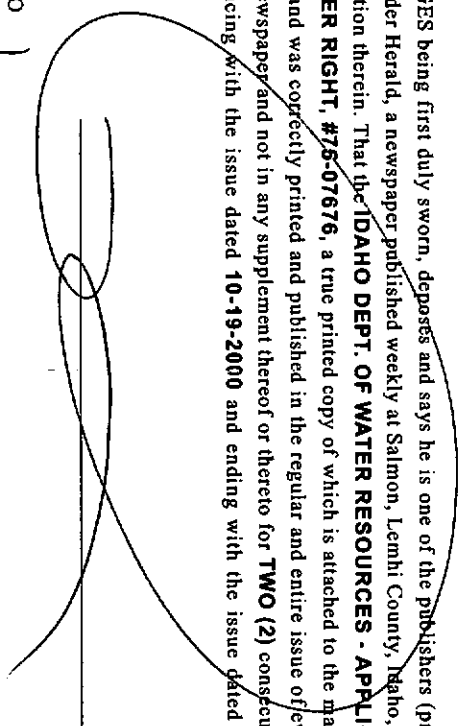
Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (print-
ers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and
of general circulation therein. That the IDAHO DEPT. OF WATER RESOURCES - APPLICA-
TION FOR WATER RIGHT, #75-07676, a true printed copy of which is attached to the margin
hereof, has been and was correctly printed and published in the regular and entire issue of every
number of said newspaper and not in any supplement thereof or thereto for TWO (2) consecutive
issue(s), commencing with the issue dated 10-19-2000 and ending with the issue dated 10-
26-2000.



STATE OF IDAHO

County of Lemhi

ss.

On this 13th day of November in this year of 2000 before me, A Notary Public, personally
appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed
to the within instrument, and being by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that he executed the same.



Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 2-19-2003

Publication Fee \$59.04

RECEIVED

NOV 15 2000

Department of Water Resources
Eastern Region

MICROFILMED

JUN 20 2001

United States
Department of
Agriculture

Forest
Service

Boise Adjudication Team
Recreation and Lands
Intermountain Region

380 ParkCenter, Suite 330
Boise, ID 83706

Reply to: 2540

Date: November 7, 2000

Ernie Carlson
Idaho Department of Water Resources
900 N. Skyline
Idaho Falls, ID 83402

RECEIVED

NOV 09 2000

Department of Water Resources
Eastern Region

Dear Ernie:

We have reviewed application for permit no. 75-07676 filed by Michael and Jane Dougherty. Their points of diversion in the SWSESW of Section 16 and NWNENW of Section 21, T24N, R22E are all on private land and depicted correctly on the map that is part of their application. The places of use are the SWSW of Section 16 and NWNE of Section 21. We detect an error in their intended place of use in Section 21 because the NWNE is all National Forest System land. We suspect the intended place of use should be the NENW of Section 21, which is private land.

We would like to avoid a formal protest of this application because of the apparent confusion in the place of use in Section 21. We do not think the Dougherty's intend to use water on the National Forest System lands based on the map that is part of their application.

By a copy of this letter we are notifying Dougherty's of our concern and we will encourage them to contact you to clarify their position with respect to water use in Section 21. Hopefully this will lead to a correction or amendment to their application that will not involve the National Forest. To the extent that they profess a desire to use water on the National Forest in the NWNE of Section 21, they are not authorized to occupy or use the National Forest in this area for this purpose. A permit to develop and use water on lands not owned by them as identified in number 11b of their application should not be approved. Their application is incorrect in either number 9b or 11b. This inconsistency needs to be rectified prior to approval of their application.

We also suggest that because the land ownership in this area is in parcels smaller than 40 acre quarter-quarters as required by the State in Part 9b of the application, that an effort be made to define the places of use down to 10 acre subdivisions. It would also be helpful to include a phrase that this water use is all on private land. This is because even the use in the SWSW of Section 16 could be a problem in the future. The north ½ of the SWSW is National Forest while the south ½ is private land. More precise descriptions would benefit any person trying to review this water use at some time in the future.

I am including copies of application no. 75-07676 with problem areas highlighted and a Forest Service map showing federal and private land ownership in the area so that you can see the reasons for our concerns. If you have any questions about this matter, please contact Steve Spencer in Boise at (208) 331-5944.

Sincerely,

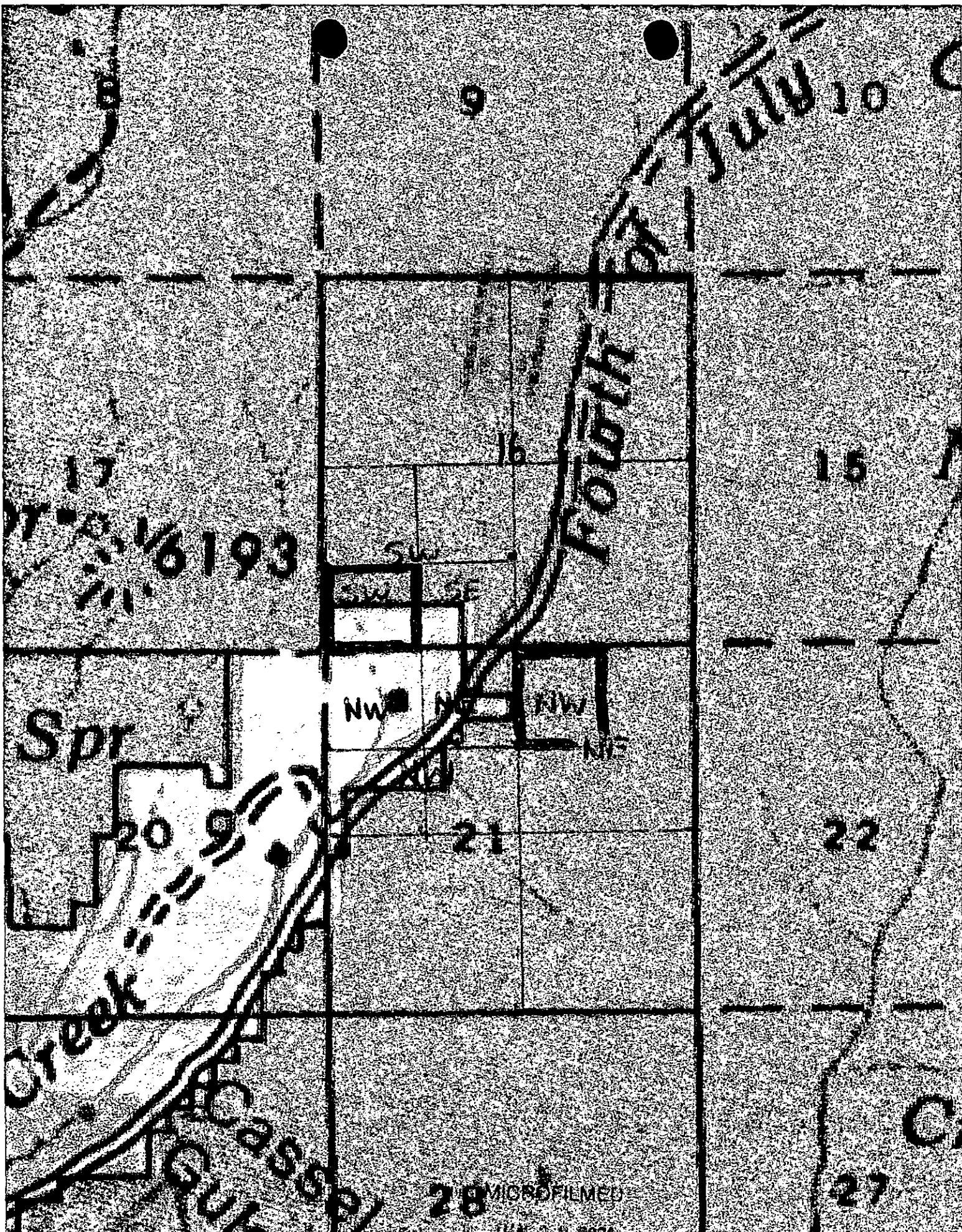


MICHAEL E. COLLETTE
Team Leader
Boise Adjudication Team

Cc: Michael Dougherty
Betsy Rieffenberger

MICROFILMED

JUN 20 2001



MICROFILMED

JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 11, 2000

MICHAEL CHARLES DOUGHERTY AND/OR JANE E DOUGHERTY
25297 DAVENPORT ST NE
ISANTI MN 55040

RE: Applications for Permit #75-07676

Dear Applicant:

This office is currently in the process of advertising the application in the Recorder Herald on October 19 and 26, 2000. The advertisement will be published once a week for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Harold W. Jones
Water Right Supervisor

HWJ::sc

MICROFILMED
JUN 20 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

OCTOBER 11, 2000

Legal Notices Department
RECORDER-HERALD
P.O. BOX 310
SALMON, ID 83467

Dear Legal Dept.:

Enclosed you will find legal notices which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. 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. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 6, 2000.

Yours truly,

Sharla Cox
Senior Secretary

Encl.

MICROFILMED
JUN 20 2001

mailed
10/11/00
SC

NOTICE OF APPLICATION FOR WATER RIGHT

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

75-07676

DOUGHERTY, MICHAEL CHARLES
DOUGHERTY SANDSTROM, JANE E
25297 DAVENPORT ST NE
ISANTI, MN 55040

Source: SPRINGS

Tributary: SINKS

Diversion Pt: SWSESW Sec 16 T 24N R 22E in LEMHI County.
NWNENW Sec 21 T 24N R 22E in LEMHI County.

```

Use: DOMESTIC          (      0.040 CFS)
    STOCKWATER         (      0.020 CFS)
        Total Diversion: (      0.060 CFS)

```

Date Filed: 9/28/2000

In: LEMHI County
T24N R22E S16 SWSW
S21 NWNE

Any protests against the proposed application must be filed with the Dept. of Water Resources, 900 N Skyline Dr., Ste A, Idaho Falls ID 83402, together with a protest fee of \$25.00 on or before NOVEMBER 6, 2000. to be considered by the Department in its decision to grant or deny any part of the proposed application. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

Published: 10/19/2000 & 10/26/2000

MICROFILMED

JUN 20 2001