

11/20/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-4183

MATT YAKOVAC

PO BOX 12

CARMEN ID 83462

Telephone Number: (208)756-3145

EVELYN YAKOVAC

662 HWY 93 N

CARMEN ID 83462

Telephone Number: (208)756-3145

RECEIVED
DEC - 4 2006
IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

*at Time of Filing Priority Dates were switched with
WR # 4184 should be 4-1-1923 for this right*

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

AFFIDAVIT

Claim No. 75-4183
State of Idaho
County of Bonneville

Almon Jensen

being first duly sworn,

deposes and says: Pertaining to Claim of Water Right No. 75-4183 from the Salmon River by Matt and Evelyn Yakovac. Their claim to 4 cfs of water with a priority of 7/1/50 diversion point of SE¹/₄SW¹/₄, Sec. 6, T. 22N, R. 22E, Lemhi County.

John Nolan obtained a right of way 4/2/1900 from Anna B. Davis for an irrigation ditch through her property, recorded Lemhi County in Book A of agreements, page 466.

This right of way agreement shall be perpetual and run with the land and be
obligatory upon the heirs and assigns forever". This right of way, ditch and
water rights have been deeded by all former owners to the present owners.

This ditch to be built (known as the John Nolan ditch) having sufficient size to carry at least 410 inches of water from the Salmon River to the Anna B. Davis property, of which the maximum of 60 inches could be used by Anna B. Davis or her assigns. There was a total of 285 acres more or less in the Anna B. Davis property at the time of this agreement. The present owners are: Don Stewart 100 acres more or less, George Biggs 100 acres more or less, Matt and Evelyn Yakovac 84 acres more or less. The balance of the ditch capacity to be used on the John Nolan property Lot 1, Sec. 31, Lot 12, Sec. 30, T. 23N, R. 22E.

I do not object to the Yakovacs receiving 4 cfs water right from the Salmon River but I do object to them using the John Nolan ditch to carry the 4 cfs water from the Salmon River to their property.

Box 821 Salmon Falls
83467

Abner Jensen
(Signature)

Subscribed and sworn to before me this 19 day of December, 1980

Kathleen A. Walker
(Notary Public)

Residing at Hardy 7000
My Commission Expires 2/15/1983

MICROFILM AREA

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernst

Right Number

75 4183

Applicant

Ja Kovac.

NOTE: 75-4183 IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

12/15

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernst Carlson

Date 12-10-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By K Hansen

Date 12/17/80

MICROFILMED

Oct 29, 1980

As to whom it may concern

J. E. C. Bolander do hereby state that in 1934 I lived on the Griffith place now owned by Dr. Boyd Limmon and used water to irrigate my place out of the ditch now known as the Leindberg ditch. The only other two using water from this ditch were the Siep Hampton place now owned by ~~Boyd~~ Leindberg and the Hyman Carlson place now owned by Matt Nakorac. I know that the water from this source was used by those three people only for many years prior to that.

J. E. C. Bolander

STATE OF IDAHO
County of Lemhi

On October 30, 1980 personally appeared before me J. E. C. Bolander
Notary Public for the above state
and subscribed before me the above written instrument.

Notary Public
Lifetime Commission
Salmon, Idaho

RECORDED