



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
LAWRENCE G. WARDEN

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

2007 OCT 29 AM 10 53

October 26, 2007

RECEIVED

OCT 30 2007

DEPARTMENT OF  
WATER RESOURCES

Hon. John Melanson  
Snake River Basin Adjudication  
253 Third Avenue North  
P.O. Box 2707  
Twin Falls, ID 83303-2707

RE: Subcase No. 75-10415 (Jakich)

Dear Judge Melanson:

The Director's Report for Basin 75 was filed with the SRBA Court on January 11, 2007. Since that filing, the Idaho Department of Water Resources ("IDWR") has discovered clerical errors in the recommendation for this water right. The recommendation for water right 75-10415 listed 1.2 cfs as the diversion rate for irrigation and .02 cfs as the diversion rate for stockwater. However, the recommendation then set the combined diversion rate to be 0.600 cfs. This combined diversion rate is in error. The proper combined diversion quantity for this right is 1.20 cfs. The combined diversion quantity for this water right was properly claimed at a rate of 1.20 cfs, as illustrated in the attached Notice of Claim to a Water Right. IDWR also erred in reporting the season of use for the irrigation portion of this right. The Department reported this as 4/01 to 11/1. The proper season of use for this water right is 4/01 to 10/31. Finally, although the basis of this right was claimed and reported as beneficial use, this water right is actually a decreed right. It is a combination of two old decreed water rights, 75-33 and 75-44. I have also attached hereto a copy of a revised recommendation in underline/strikeout format to illustrate the clerical errors contained within the original Director's Report.

I am also sending a copy of this correspondence to the claimants so that they are aware of this issue.

If you should have any questions, please feel free to contact me at 287-4811.

Sincerely,

Garrick L. Baxter  
Deputy Attorney General, IDWR

Enclosures

cc: Leonard & A. Yvonne Jakich  
Michael Holliday

Natural Resources Division - Water Resources Section  
PO. Box 83720 Boise, Idaho 83720-0098  
Telephone: (208) 287-4801; Legal FAX: (208) 287-6700

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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RIGHT NUMBER: 75-10415

NAME AND ADDRESS: A YVONNE JAKICH  
118 S SAINT CHARLES RD  
SALMON ID 83467-5224

LEONARD JAKICH  
118 S SAINT CHARLES RD  
SALMON ID 83467-5224

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: ~~0.600 CFS~~ 1.20 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1894

POINT OF  
DIVERSION:

T21N R22E S18 SWNW Lot 8 Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u>               | <u>QUANTITY</u> |
|-----------------------|------------------------------------|-----------------|
| IRRIGATION            | 4/01 <del>11/01</del> <u>10/31</u> | 1.200 CFS       |
| STOCKWATER            | 01/01 12/31                        | 0.020 CFS       |

PLACE OF USE: IRRIGATION in LEMHI County

T21N R22E S18 SWNE 30.00

STOCKWATER in LEMHI County

T21N R22E S18 SWNE

30 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 - ~~Beneficial Use~~ Decreed

This right is a combination of old right nos. 75-33 and 75-44.

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: A75-10415  
Date Received: 5/01/1990  
Receipt No: 1006840  
Received By: RLB

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LEONARD JAKICH 208-756-3352  
Address: RT. 1 BOX 153  
SALMON, ID 83467  
OR  
Name: A. YVONNE JAKICH 208-756-3352  
Address: RT. 1 BOX 153  
SALMON, ID 83467



2. Date of Priority: APR 01, 1894

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 21N      | 22E   | 24      | SE     | SE     |     |     | LEMHI  |

5. Description of diverting works:  
ROCK WING TO HEADGATE TO DITCHES; FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.200  |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |

7. Total Quantity Appropriated is:  
1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/30 HEAD BEEF CATTLE

A75-10415

Page 1

Date: 05/01/90

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10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
| 21N      | 22E   | 18      | SW         | NE  | IRR           | 30.0  |
|          |       |         | SW         | NE  | STOCK         |       |
|          |       |         |            |     | Section Acres | 30.0  |
|          |       |         |            |     | Total Acres   | 30.0  |

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: \_\_\_\_\_

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Deanna Peritt* Date: May 1, 1990  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Lemhi ) SS.

Subscribed and sworn (or affirmed) before me this 1st day  
of May 19 90  
*Helen Harrington*  
Notary Public

Seal

Residing at Helen Harrington, Notary Public  
Residing at Boise, Idaho  
My Commission Expires December 1, 1994



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