



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

429
DISTRICT COURT - SRBA
TWIN FALLS CO. IDAHO
FILED
2007 OCT 28 PM 10 53

October 26, 2007

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,

A handwritten signature in black ink, appearing to read "G. Baxter", written over a horizontal line.

Garrick L. Baxter
Deputy Attorney General, IDWR

Enclosures

cc: Leonard & A. Yvonne Jakich
Michael Holliday

Natural Resources Division - Water Resources Section
P.O. 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

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 ~~11/01~~ <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: AMS

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

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Date: 05/01/90

MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	22E	18	SW SW	NE NE	IRR STOCK	30.0
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): *Leonard Patrick* 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

Seal

Helen Harrington
Notary Public

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

