

12/11/2006

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

RIGHT NUMBER: 75-4183

NAME AND ADDRESS: MATT YAKOVAC
662 HWY 93 N
CARMEN ID 83462

EVELYN YAKOVAC
662 HWY 93 N
CARMEN ID 83462

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/01/1923

POINT OF DIVERSION:

T22N R22E S6 NWSE Lot 12 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

2.000 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S31	NESE	14.00	T23N R22E S31	NWSE	1.00
T23N R22E S31	SWSE	17.00	T23N R22E S31	SESE	38.00

70 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

12/11/2006

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POINT OF DIVERSION:

T22N R22E S6 NWSE Lot 12 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.000 CFS

PLACE OF USE: IRRIGATION in LEMHI County

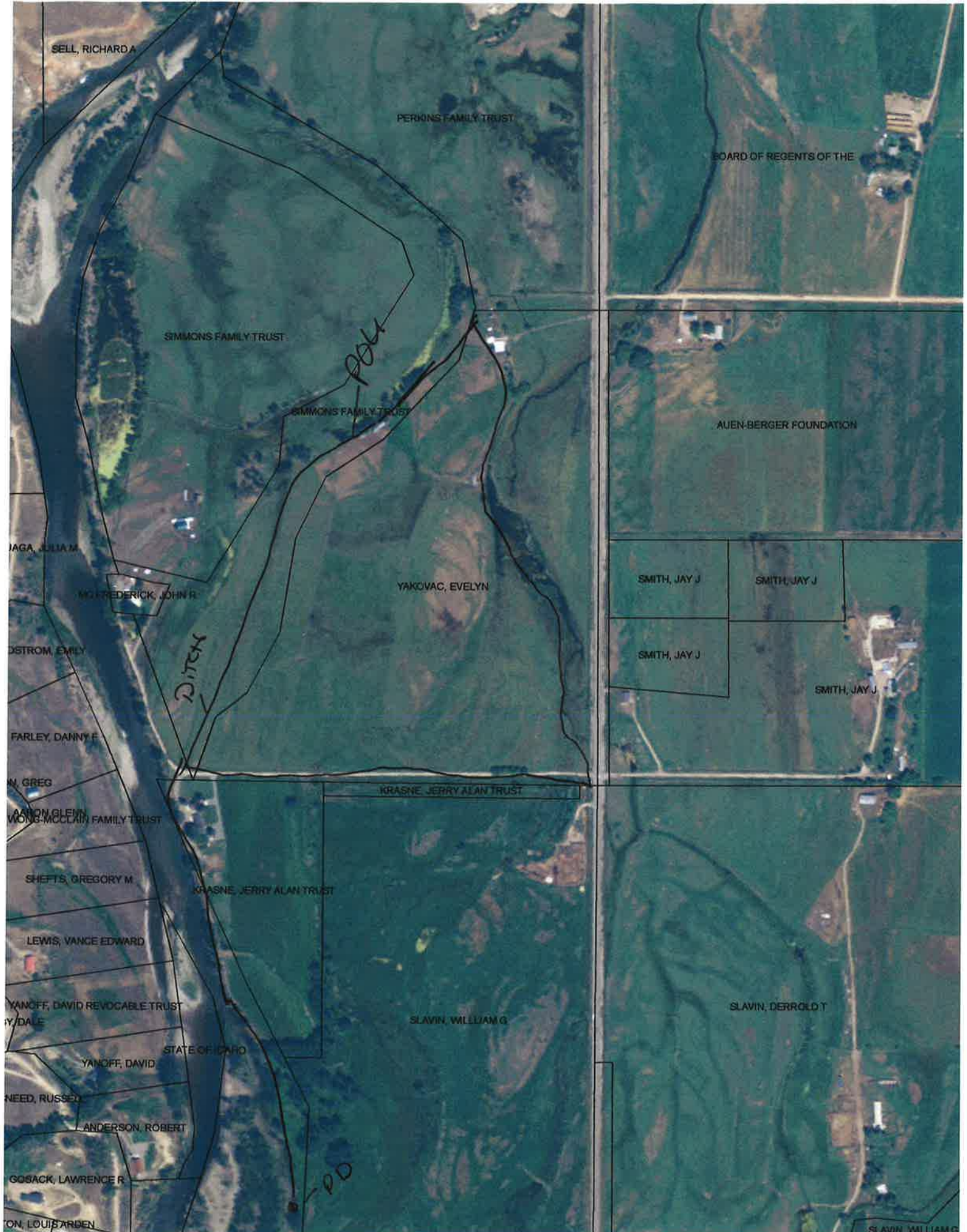
T23N R22E S31	NESE	14.00	T23N R22E S31	NWSE	1.00
T23N R22E S31	SWSE	17.00	T23N R22E S31	SESE	38.00

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



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

SCANNED
DEC - 8 2006

AFFIDAVIT

Almon Jensen

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 SE $\frac{1}{4}$ SW $\frac{1}{4}$, 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 Mark 4001
My Commission Expires 2/15/1983

MICROFILM

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

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 Ernest Carlson

Date 12-10-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

Kavanaugh

Date

12/17/80

MICROFILMED

Oct 29, 1980

To Whom it may concern

I E. C. Bolander do hereby state that in 1934 I lived on the Griffith place now owned by Or Boyd Simmons and used water to irrigate my place out of the ditch now known as the Lindberg ditch. The only other two using water from this ditch were the Lige Hampton place now owned by ~~Or~~ Boyd Lindberg and the Hiram Carlson place now owned by Matt Yakovac.

I know that the water from this source was used by those three people only for many years prior to that.

E. C. Bolander

STATE OF IDAHO
County of Lemhi

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

Dorel H. Board
Notary Public
Lifetime Commission
Salmon, Idaho

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 22 2005

Department of Water Resources

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s):

75-4183

75-4184

75-10288

[] Name(s):

Evelyn Yakovac

+ spouse - deceased - Matt Yakovac
can stay on her rights /tc
w/Evelyn 9-28-05.

[] Old Mailing Address:

P.O. Box 12

Carmen ID. 83462

[] New Mailing Address:

662 HW 93 N.

Carmen Idaho

83462

Telephone Number:

(208) 756-3145

[] Signature(s) of Owner(s)

Evelyn Yakovac

(Include your title if on behalf of company or organization)

Date:

8, 17, 005

All words changed 9-28-05

SCANNED

SCANNED

AUG 23 2005

SEP 7 2005

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)**

CLAIM NO(s). 75-4183

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0017208 S-4A

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

headgate ditch to place of use

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

NO water being diverted at time of exam

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 9-20-06

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature

SCANNED
OCT 08 2001

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: A75-04183

Date Received: 4/25/1990

Receipt No:

Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MATT YAKOVAC 208-756-3145
Address: P.O. BOX 12
CARMEN, ID 83462

AND/OR

Name: EVELYN YAKOVAC 208-756-3145
Address: P.O. BOX 12
CARMEN, ID 83462

2. Date of Priority: JUL 01, 1950

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
22N	22E	6	SE	SW			LEMHI

5. Description of diverting works:
DAM, HEADGATE & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	4.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK INCIDENTAL TO IRRIGATION

A7504183



A75-04183

Page 1

Date: 04/25/90

MICROFILMED
DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
23N	22E	31	NE		SE		IRR	14.0
			NW		SE		IRR	1.0
			SW		SE		IRR	17.0
			SE		SE		IRR	38.0
							Section Acres	70.0
							Total Acres	70.0

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: STATUTORY CLAIM

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): Matt Yabovak Date: April 25/90

Date: _____

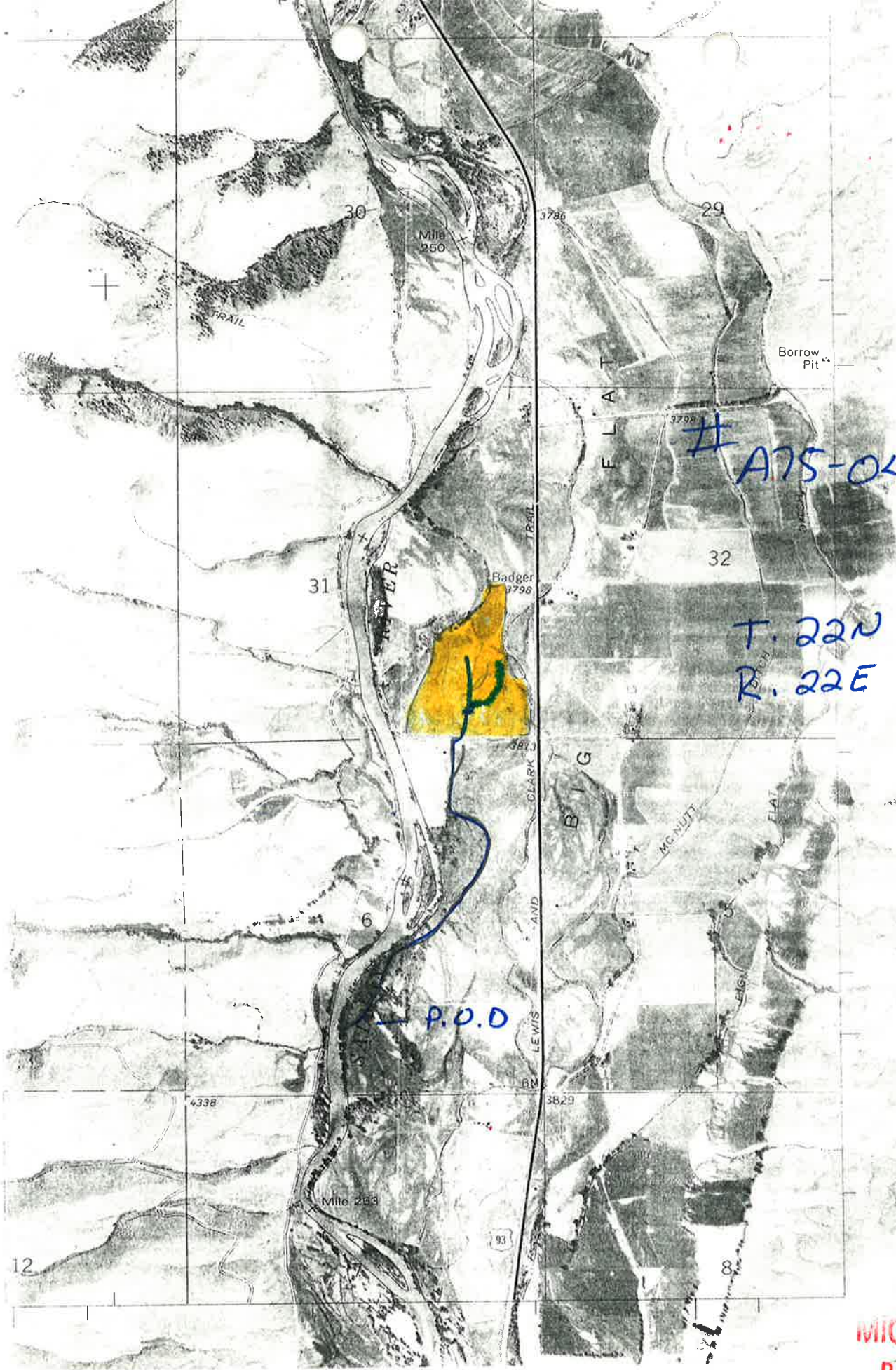
State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of April 19 90

Alta Benish
Notary Public

Seal

Residing at Cataldo
My Commission Expires 7/20/94



T
T

50' 1500m. N.

45°15'

MICROFILMED

113°52'30" DEC 15 1992

273000m. E.