

12/11/2006

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

RIGHT NUMBER: 75-4184
NAME AND ADDRESS: EVELYN YAKOVAC
662 HWY 93 N
CARMEN ID 83462

MATT YAKOVAC
662 HWY 93 N
CARMEN ID 83462

SOURCE: SPRING TRIBUTARY: SALMON RIVER
WASTE WATER TRIBUTARY: SALMON RIVER
QUANTITY: 0.220 CFS
PRIORITY DATE: 07/01/1950
POINT OF DIVERSION:

T23N R22E S31 NESE Lot 7 Within LEMHI County
T23N R22E S32 SWSW 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	0.200 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S31 Lot 7 NESE 7.20 T23N R22E S31 SESE 2.80

STOCKWATER same as IRRIGATION

10 ACRES TOTAL

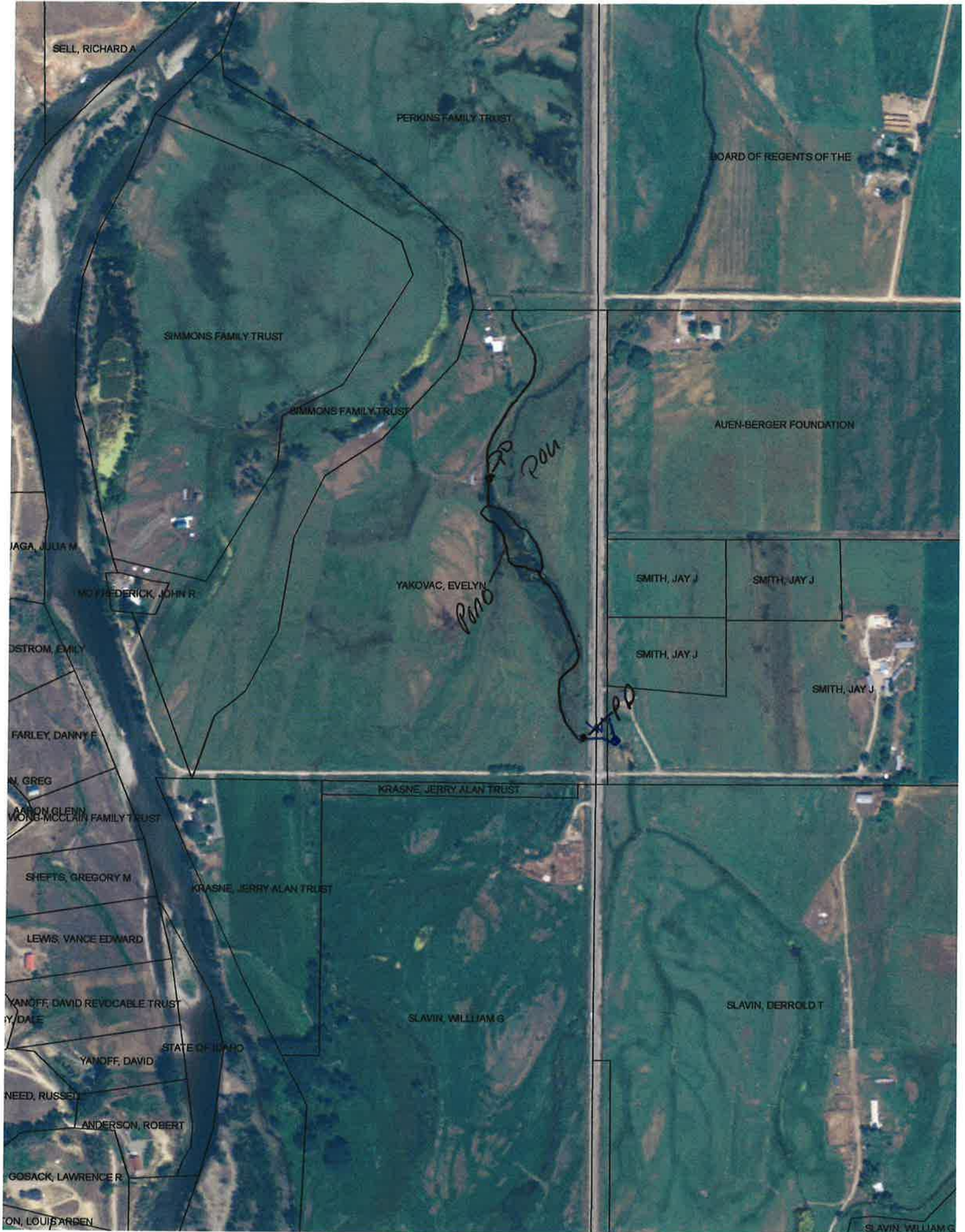
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



SELL, RICHARD A

PERKINS FAMILY TRUST

BOARD OF REGENTS OF THE

SIMMONS FAMILY TRUST

SIMMONS FAMILY TRUST

AUER-BERGER FOUNDATION

YAGA, JULIA M

MOY FREDERICK, JOHN R

YAKOVAC, EVELYN

SMITH, JAY J

SMITH, JAY J

DSTROM, EMILY

SMITH, JAY J

SMITH, JAY J

FARLEY, DANNY F

N, GREG

WONG-MCLAIN FAMILY TRUST

KRASNE, JERRY ALAN TRUST

SHEETS, GREGORY M

KRASNE, JERRY ALAN TRUST

LEWIS, VANCE EDWARD

YANOFF, DAVID REVOCABLE TRUST

Y, DALE

SLAVIN, WILLIAM G

SLAVIN, DERROLD T

STATE OF ILLINOIS

YANOFF, DAVID

NEED, RUSSELL

ANDERSON, ROBERT

GOSACK, LAWRENCE R

ON, LOUIS BARDEN

SLAVIN, WILLIAM G

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: 75-4184

EVELYN YAKOVAC
662 HWY 93 N
CARMEN ID 83462
Telephone Number: (208)756-3145

MATT YAKOVAC
PO BOX 12
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):

Dates were switched at Time of Filing
Priority Date should be 1950-7-01 For WR# 4184

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

Enclosed 2 statement to Prove Correction

SCANNED
DEC - 6 2006

SCANNED

OCT 08 2001

NOVEMBER 16, 1992

EVELYN YAKOVAC
PO BOX 12
CARMEN ID 83462

RE: NOTICE OF CLAIM A75-04184

Dear Ms Yakovac:

While doing the initial comparison between computer generated Notices and hard copy Notices filed by claimants in Basin 75 (Lemhi County) in April, 1990, it **has come to our attention that a signed and notarized copy of your notice is not in our files.**

Although a Notice of Claim to your water right has been data entered in our computer system, it is necessary that we have a signed and notarized Notice before we can process the Notice and make recommendations to the court. Since your names on the Notice of Claim are separated by "and/or" only one of you need sign it before a Notary Public.

I have enclosed for your convenience a typed Notice of Claim that must be signed in the presence of a Notary and returned to this department within 10 days (November 30, 1992). If the signed Notice is not returned by this date, this office will initiate procedures for refunding the filing fee paid in conjunction with the Notice of Claim form you submitted for the Snake River Basin Adjudication (SRBA).

The effect of this action will be to remove this Notice from the Department's records. Should you decide to refile this Notice once the refund has been issued, the new filing will be subject to a late fee of \$50.00

I will keep your Notice of Claim in my office until December 1, 1992. If we have not heard from you, the refund process will be initiated.

I am sorry for the delay in returning this Notice and any inconvenience. We have so many Notices from all over the State that have similar problems, it has taken us awhile to get to all of them. Please do not hesitate to contact this office if you have any questions regarding

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DEC 15 1992

this matter (525-7161).

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Notice of Claim A75-04184

FILE: TIC

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

CLAIM NO(s). 75-4184

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.: A0017214^{Pond} A0017215^{Sprink}

Township 22N Range 22E Section 5 1/4 NW 1/4 NW 1/4 NW - Sprink
Township 22N Range 22E Section 6 1/4 NE 1/4 NE 1/4 NE - div from pond

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

headgate ditches 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

only one P/D in 22N 22E 6 NE NE NE

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 9-20-02

FIELD EXAMINER: _____

Bob Foster
Print Name

Bob Foster
Signature

SCANNED

RECEIVED

OCT 10 2001

NOV 19 1992

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: A75-04184

Date Received: 4/25/1990

Receipt No: M006755

Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

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

AND/OR

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

2. Date of Priority: APR 1, 1923

3. Source: WASTE WATER Trib. to: SINKS
SPRING POND
POND SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
22N	22E	5	NW	NW			LEMHI
		6	NE	NE			LEMHI
			SE	NE			LEMHI

5. Description of diverting works:
DITCHES, SPRING & POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.750		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 RANGE.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	31	NE	SE		IRR	5.0
			SE	SE		IRR	5.0

Section Acres 10.0

Total Acres 10.0

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:
A75-04183

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 Yakovlev

Date:

11/17/92

Date:

State of Idaho)
County of LEMHI) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of NOVEMBER 19 92

Seal

M. A. Sp.
Notary Public

Residing at SALMON IDAHO

My Commission Expires 10/26/93

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: A75-04184
Date Received: 4/25/1990
Receipt No: MO06755
Received By: AS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND/OR

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

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SPRING POND
POND SALMON RIVER

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22N	22E	5	NW	NW	NW		LEMHI
		6	NE	NE	NE		LEMHI
			SE	SE	SE		LEMHI

5. Description of diverting works:
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A.F.A.

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S/50 RANGE.

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Date: 04/25/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	31	NE	SE		IRR	5.0
			SE	SE		IRR	5.0
						Section Acres	10.0
						Total Acres	10.0

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:
A75-04183

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of Lewia) SS.

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

Allen Beardsley
Notary Public

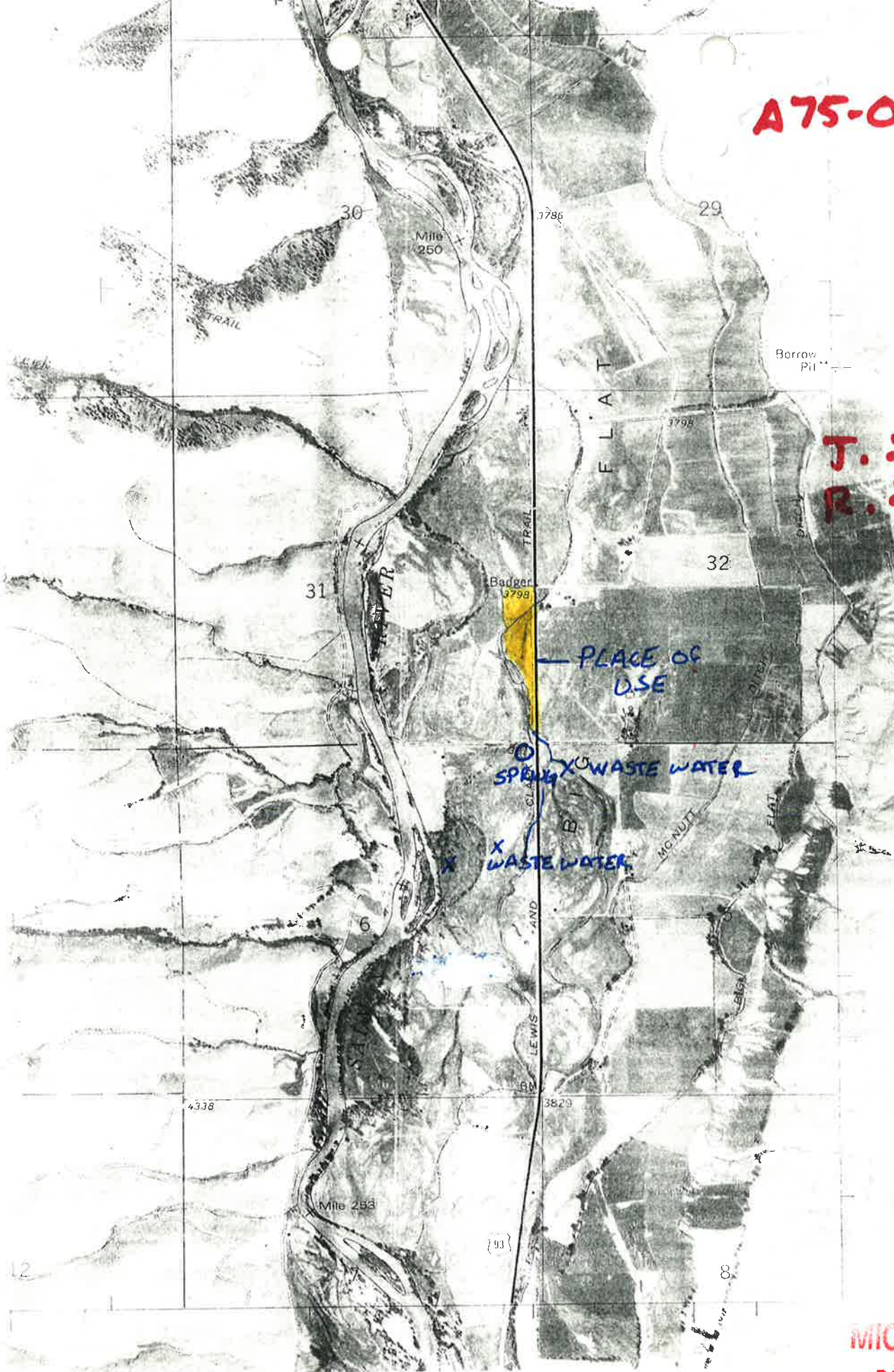
Seal

Residing at Cataldo
My Commission Expires 7/20/94

A75-04184

T. 23 N.
R. 22 E.

T23
T22



50 15000m. N

45°15'

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2 73000m. E

1 MILE