

11/10/2006

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

RIGHT NUMBER: 75-13941

NAME AND ADDRESS: JACK D CHERRY
PO BOX 300
REINBACK IA 50669

SOURCE: SALMON RIVER
SPRING

TRIBUTARY: SNAKE RIVER
TRIBUTARY: SALMON RIVER

QUANTITY: 0.520 CFS

PRIORITY DATE: 04/20/1955

POINT OF DIVERSION:

T21N R22E S18 SESW Lot 4 Within LEMHI County
T21N R22E S18 SESW Lot 4 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/01	0.500 CFS
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R22E S18 Lot 3 NESW 19.00 T21N R22E S18 Lot 4 SESW 9.00

STOCKWATER same as IRRIGATION

28 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



Idaho Department of Water Resources

SRBA Claim:

~~75-44470~~

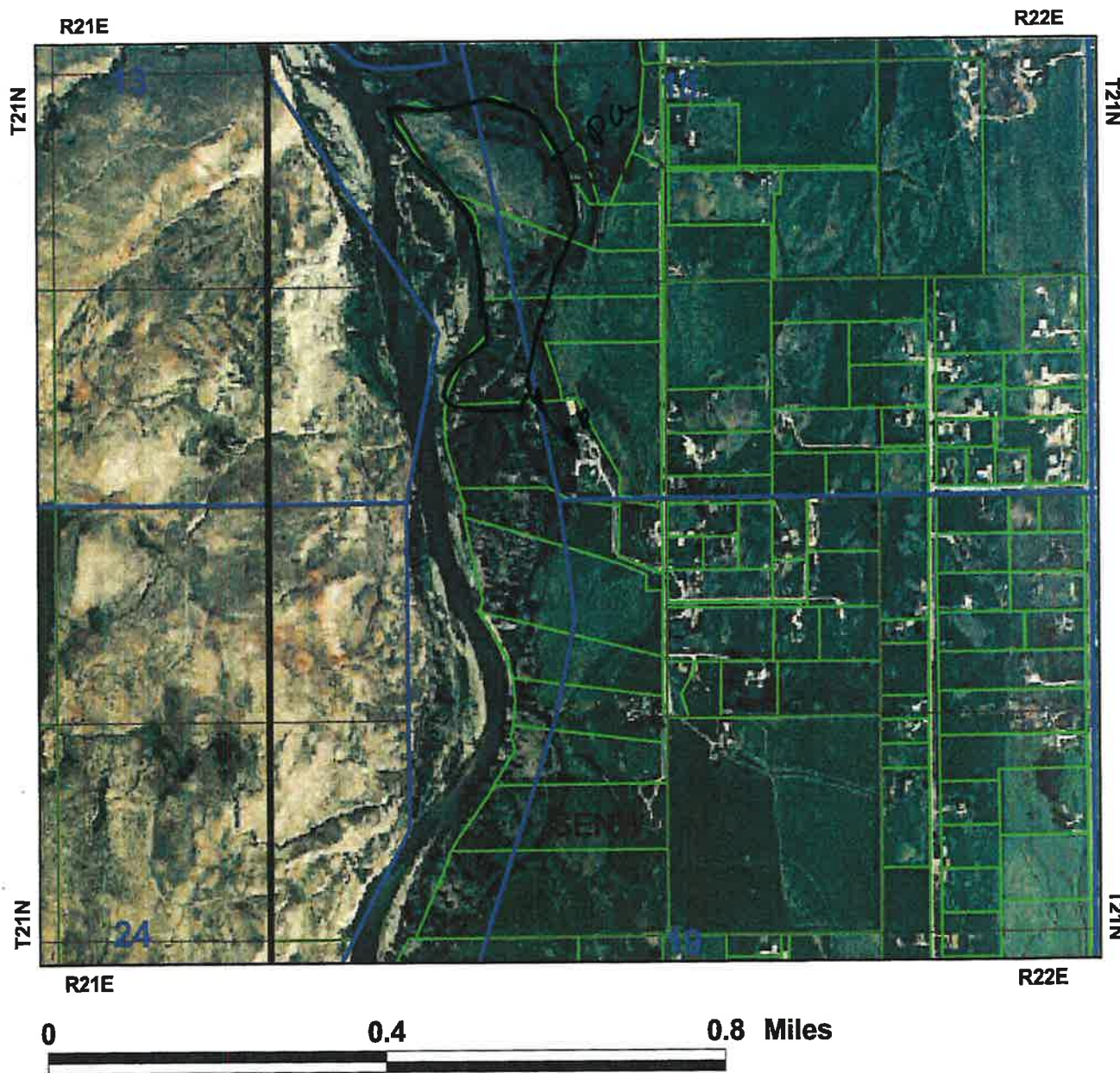
13941

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Tuesday, May 16, 2006
1987/88 Aerial Photography

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

CLAIM NO(s). 75-41174

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.: A0017212

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 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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-13941

RECEIVED

AUG 08 2005

Department of Water Resources
Adjudication Bureau

WATER RIGHT NUMBER: 75-13941

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACK D CHERRY PO BOX 300 REINBACK, IA 50669 (319)345-6060
Original Owner	A YVONNE JAKICH 118 S SAINT CHARLES RD SALMON, ID 83467-5224 (208)756-3352
Original Owner	LEONARD JAKICH 118 S SAINT CHARLES RD SALMON, ID 83467-5224 (208)756-3352

Priority Date: 04/20/1955

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SALMON RIVER	SNAKE RIVER
SPRING	SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/01	0.500 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
<u>Total Diversion:</u>		0.520 CFS	

<u>Location of Point(s) of Diversion</u>		
SALMON RIVER	L4 (SW1/4SW1/4)	Sec. 18, Twp 21N, Rge 22E, B.M.
LEMHI County		
SPRING	L3 (SW1/4SW1/4)	Sec. 18, Twp 21N, Rge 22E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T21N R22E S16 SWSW 28.0

Total Acres: 28

STOCKWATER same as IRRIGATIONConditions of Approval:

1. STOCKWATER, 40 HEAD

Remarks: I Leonard Jakich & the family of Jakich, used water out of the skew ditch in 1955, the use of water was for Irrigation & Stockwater. Leonard Jakich previous owner

7/27/05



Erin G. Robie
Notary Public
Salmon, Idaho

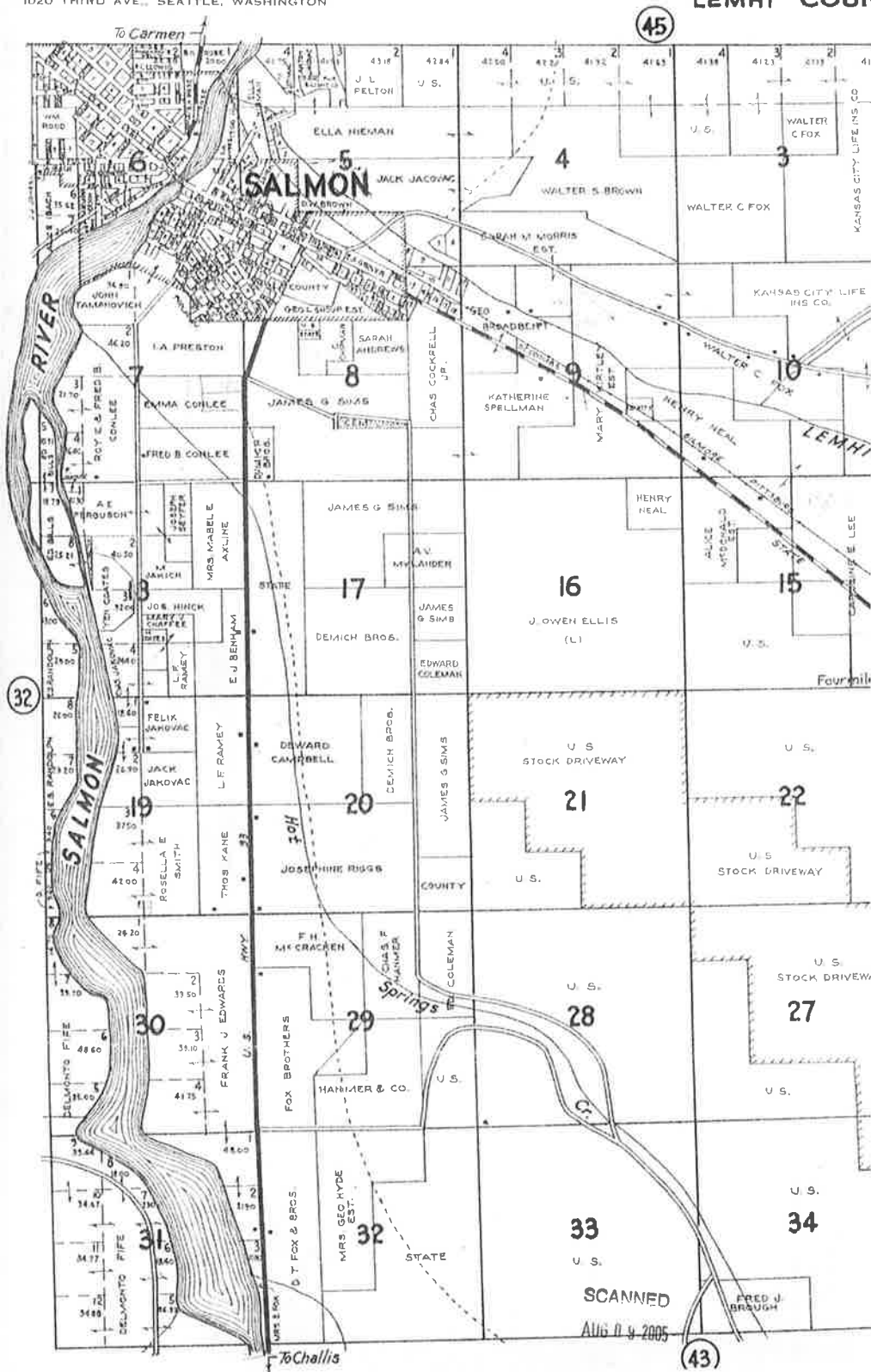
SCANNED

AUG 09 2005

FOR SALE BY
CHAS. F. METSKER
514 S. W. OAK STREET, PORTLAND, OREGON
111 SOUTH 10TH ST., TACOMA, WASHINGTON
1020 THIRD AVE., SEATTLE, WASHINGTON

TOWNSHIP 21 N., 1

LEMHI COUN





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 4, 2002

JACK D CHERRY
PO BOX 300
REINBECK IA 50669

RE: CHANGE IN OWNERSHIP FOR 75-13941 & 75-4117F

Dear Mr. Cherry:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-4117H, Jakich, 0.32cfs, 4.5 acres
75-4117J, Cherry, 0.91 cfs, 12.9 acres

75-13941, Cherry, 0.52 cfs, 28 acres

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

cc: Leonard Jakich

4/5/1989

SRBA CLAIMS RECEIVING CHECK ST #2

CLAIMANT'S NAME

Jakich, Leonard

CLAIM IDENT. NO.

A75-13941

DATE RECEIVED

3-9-99

CK #

4006

AMOUNT \$

128.00

YES

NO Required
Info?

1. Is the name and address complete with zip code? X NO *
2. Is a priority date entered? X *
- Is the priority date acceptable in view of mandatory filing dates? X *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. X *
3. (a) Is a source entered? X *
- (b) Is a tributary to entered? (if required) X N/A *
4. Is the legal description of the p.d. sufficient? X *
5. Is there a description of the diverting works? X *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. X *
- Is the period of use included? X *
- Is a quantity claimed for each use? X *
7. Is a total quantity claimed entered? X *
8. If required is a consumptive use entered? X N/A *
- Is the consumptive use correct? X N/A *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. X N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? X *
11. Is (are) the county(ies) entered? X *
12. Is the ownership of p.u. checked? X *
13. Are other water rights listed or "none" indicated? X *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) X N/A *
15. Is the basis of the claim indicated? X *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) X N/A *
17. Is the claim signed by the claimant, and is the signature appropriate? X *
- Organizations must complete the organization block. X *
18. Has the claim been signed, sealed, and dated by a notary? X *
19. Was this claim filed on time, or was an extension granted? X *
20. Is the fee enclosed correct? X Exempt (1 entry fee) *
21. If this claim is based on an existing water right, has the identification number been entered? X N/A *
22. Should this claim be data entered? X *

Claim checked by: JHDate: 3-9-99Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)Receipt Prepared by: JHDate: 3-9-99Claim data entered by: JHDate: 3-9-99Checked by: JHDate: 3-9-99Sent to claimant by: JHDate: 3-10-99

Comments: _____

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 75-13941
Date Received: 3/9/1999
Receipt No: E024822
Received By:

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

1. Name of Claimant(s)

JACK D CHERRY Phone: (319)345-6060
PO BOX 300
REINBACK IA USA 50669

2. Date of Priority: 04/20/1955

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
21N	22E	18	SW SW 4	LEMHI	
21N	22E	18	SW SW 3	LEMHI	

5. Description of diverting works:

HEADGATE INTO DITCH, PUMP FROM SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/01	0.5	
STOCKWATER	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.52 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
21N	22E	18	SW SW	IRRIGATION	28

Section Acres	28
Total Acres	28

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:

14. Remarks:

STOCKWATER, 40 HEAD

15. Basis of Claim: Beneficial Use

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: **A75-13941**
Date Received: 3/ 9/1999
Receipt No: E024822
Received By: JH

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

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

AND

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

2. Date of Priority: APR 20, 1955

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
21N	22E	18	SW	SW	SW	3	LEMHI
			SW	SW	SW	4	LEMHI

5. Description of diverting works:
HEADGATE INTO DITCH, PUMP FROM SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.500		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A7513941



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	22E	18	SW	SW		IRR	28.0
Section Acres							28.0
Total Acres							28.0

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:
75-04116

14. Remarks:
STOCKWATER, 40 HEAD

15. Basis of Claim: BENEFICIAL USE

MAR 19 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSDepartment of Water Resources
Eastern RegionIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A75-13941

Date Received

3-9-99

Receipt Number

E024822

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Leonard & A. Yvonne Jakich Phone (208) 756-3352Mailing Address Rt. 1, Box 153 Salmon, ID Zip 834672. Date of Priority (Only one (1) per claim) April - 19553. Source of water supply (a) Salmon River & UNKNOWN Springs & waste water
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 21 N Range 22 E Section 18,
SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, 3 & 4 B.M., County of Lemhi

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.The diversion was a 8 ft wooden headgate into open ditches. The Corp. of Engineers put in a flood control dike along the River, thus causing most of the water from the river source to diminish. To irrigate said land today would probably be by pump from the unnamed Springs & waste water ditch or slough

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For pasture irrigation purposes from 4/1 to 10/1 amount 0.50 or _____

For Stock water purposes from 1/1 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.52 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater 40 head of livestock

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>21N</u>	<u>22E</u>	<u>18</u>											<u>28</u>						

Total number of acres irrigated 28

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes ✓ No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

14. Remarks: High water from the original point of diversion runs into unnamed springs & waste water ditch or slough.
The point of diversion to be used by pump would be in U.S. Govt. Lots 3 & 4, Section 18, T21N R22E B.M.
SW corner of SW

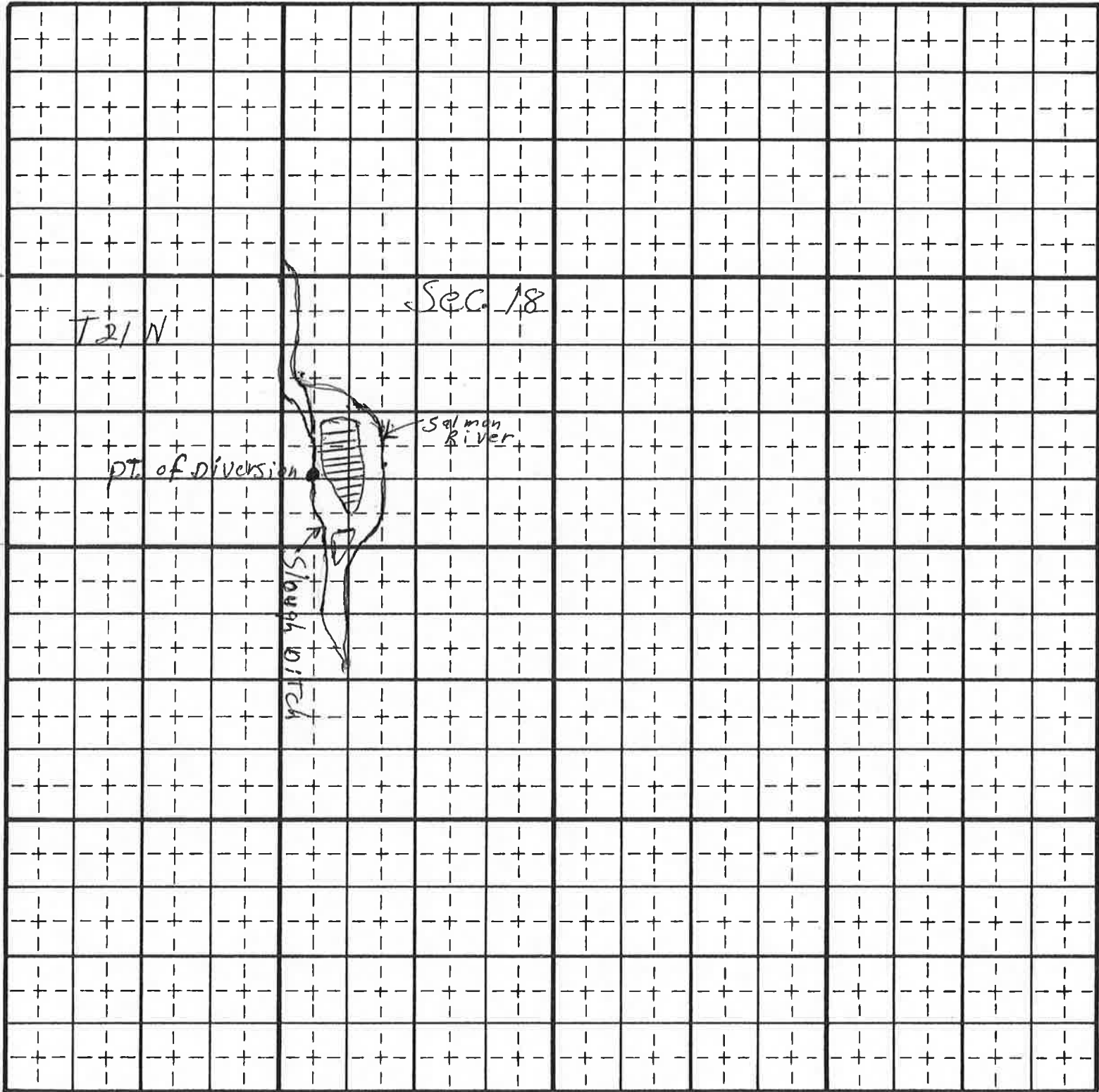
Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R 22 E



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75-04116
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) Leonard Jakich Date 3/8/99
D. Hyman Jakich Date 3/8/99

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ Title _____ of _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or IDAHO)
County of Lenah) SS.

Subscribed and sworn (or affirmed) before me this 8th day of March 19 99



Notary Public Robert E. Foster
Residing at Salmon Id.
My Commission Expires 02-16-2001

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name _____ Ident. Number _____