

11/12/2006

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

RIGHT NUMBER: 75-13962

NAME AND ADDRESS: JOHN A JAKOVAC
112 HWY 93 S
SALMON ID 83467

DEBORAH A JAKOVAC
112 HIGHWAY 93 S
SALMON ID 83467-5341

SOURCE: SMOUT CREEK

TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.470 CFS

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION:

T23N R23E S30 NWSESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.470 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T23N R23E S30	SWSE	0.10	T23N R23E S30	SESE	1.00
T23N R23E S31	NENE	3.00	T23N R23E S31	NWNE	11.50

15.6 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

125 gpm



Idaho Department of Water Resources

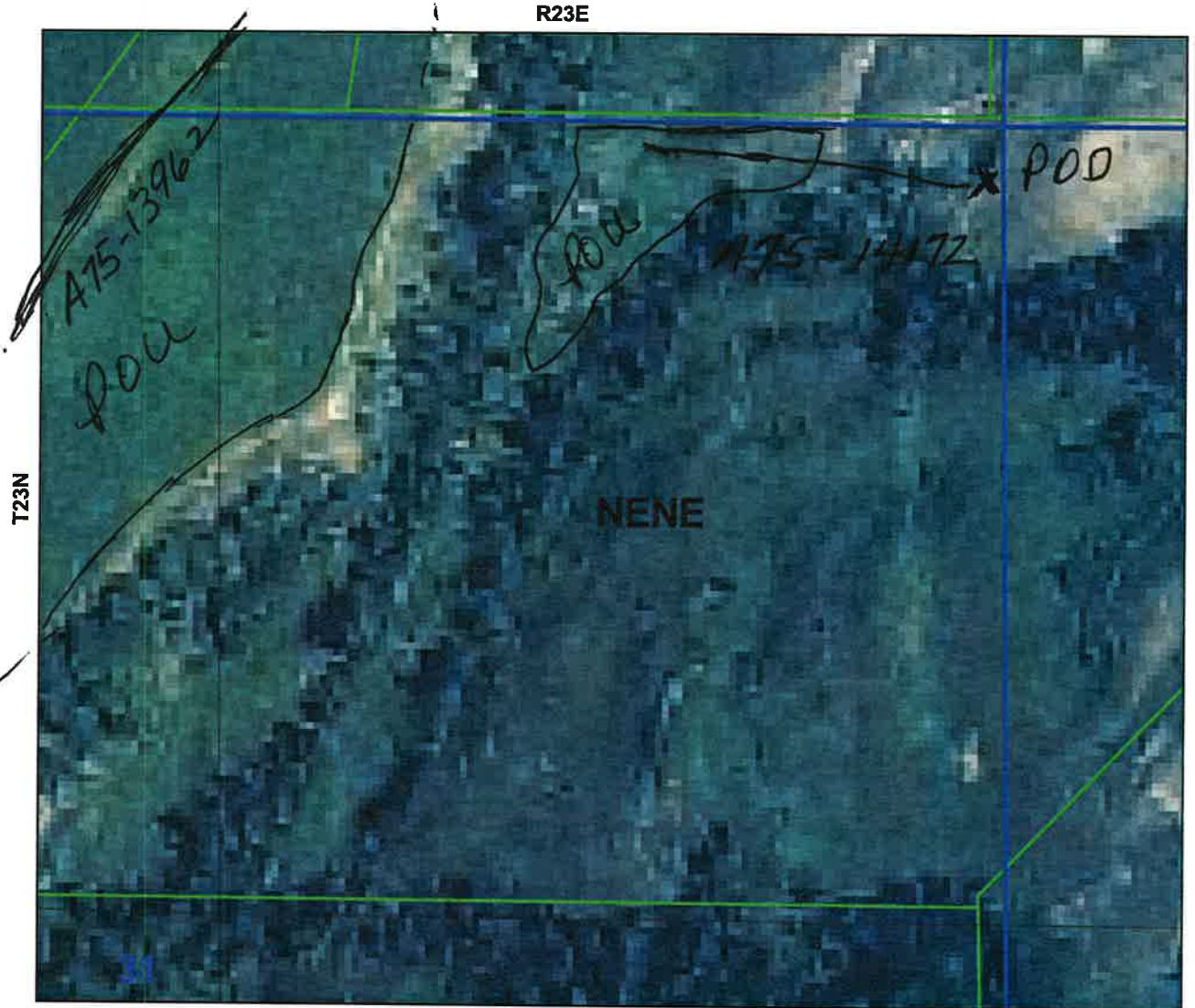
SRBA Claim:
75-14172

Legend

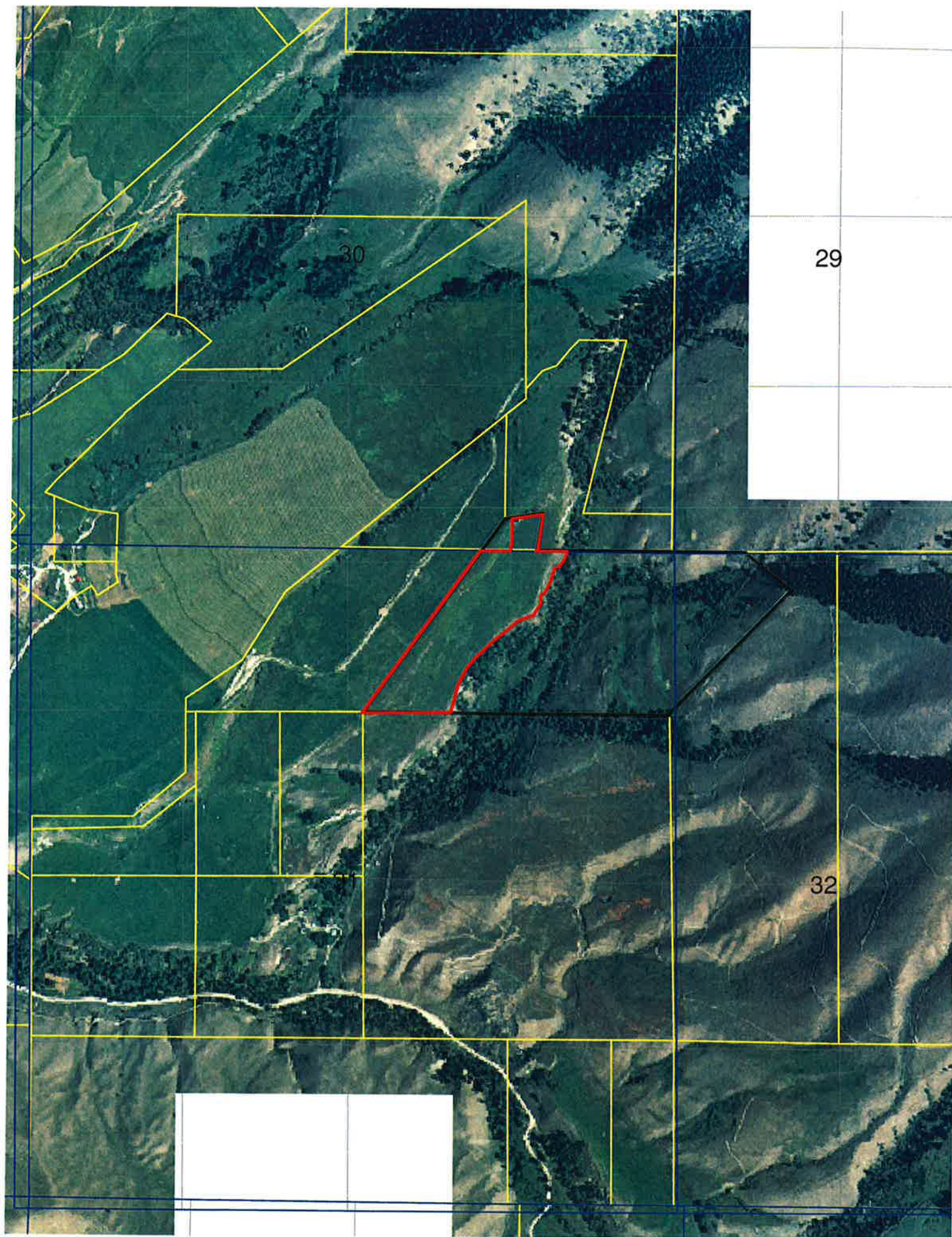
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography



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: 75-13962

JOHN A JAKOVAC
112 HWY 93 S
SALMON ID 83467
Telephone Number: (208)756-3656

DEBORAH A JAKOVAC
112 HIGHWAY 93 S
SALMON ID 83467-5341
Telephone Number: (208)756-3656

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
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:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/06/06 SIGNATURE: 
Please print your name: John Jakovac

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

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

CLAIM NO(s).

~~A 75-13962~~ A 75-13962

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:

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:

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

*Jakovacs have only one point of diversion
which is T23N R23E Sec 30 NW 1/4 SE 1/4 SE 1/4*

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name _____

Jack F. Ellis
Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

September 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN & DEBORAH JAKOVAC
RT 1 BOX 177
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR 75-04205

Dear Mr. & Mrs. Jakovac:

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:

75-04205:

75-13961, 2.34 CFS ON 55.1 ACRES, ELLIS

75-13962, 0.66 CFS ON 15.6 ACRES, JAKOVAC

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,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree

Technical Records Specialist

Enclosure

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JUN 20 2000

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right Number(s) PERMIT NUMBERS 75-2097 & 75-2140 A75-04205 75-13961 Ellis
75-13962 Jakovac
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 - AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) JACK F. ELLIS OR DIANE M. ELLIS
P.O. BOX 301, SALMON, IDAHO 83467
4. New Owner/Claimant(s) JOHN A. JAKOVAC AND DEBORAH A. JAKOVAC
Name connector (Check one): ☒ AND, ☐ OR, ☐ AND/OR
New Mailing Address ROUTE 1, BOX 177,
SALMON, IDAHO 83467
City, State and ZIP Code _____
New Telephone Number (208) 756 - 3656
5. Date you acquired the property JUNE 12, 2000
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated 15.6 Number and type of stock _____
Diversion rate in CFS .66 Number of homes _____ Other uses IRRIGATION
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. (SEE PAGE NO. 2 OF NOTICE OF CLAIM TO A WATER RIGHT AND THE PORTION THAT IS CIRCLED PERTAINS TO PORTION BEING TRANSFERRED)
7. Signature of New Owner/Claimant(s) John A. Jakovac Date _____
Deborah A. Jakovac Date 6-12-00
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

WARRANTY DEED

244484

FOR VALUE RECEIVED, JACK F. ELLIS and DIANE ELLIS, husband and wife, Grantors, do hereby Grant, Bargain, Sell and Convey unto JOHN A. JAKOVAC and DEBORAH A. JAKOVAC, husband and wife, Grantees, whose address is Route 1 Box 177, Salmon, Idaho 83467, all of Grantors' interest, in and to the following described premises, in Lemhi County, Idaho, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

SUBJECT HOWEVER TO a restriction that the described property shall not be subdivided or be used for residential purposes to a greater extent than the extent required for occupancy of a single family dwelling or residence with normal and customary outbuildings associated with agricultural or rural usage. This restriction, however, shall terminate and be of no further force or effect as of and after January 1, 2040. The benefit of this restriction shall run with the adjoining lands now in the ownership of Sellers.

Together with all appurtenances.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their successors, administrators and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances save and excepting therefrom all covenants, conditions, easements and restrictions of record, as recorded in the records of Lemhi County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 6/12/2000

Jack F. Ellis
Jack F. Ellis

Diane Ellis
Diane Ellis

STATE OF IDAHO)
) ss.
County of Lemhi)
On this 12th day of
June, 2000, before
me, a Notary Public, personally
appeared JACK F. ELLIS and
DIANE ELLIS, husband and
wife, known or identified to me
to be the persons whose names
are subscribed to the within
instrument and acknowledged

STATE OF IDAHO, COUNTY OF LEMHI
I hereby certify that this instrument
was filed for record at the request of
Lemhi Title
at 42 minutes past 2
o'clock P.M., this 12th day of
June, 2000, in my office,
and recorded as Instrument No.
244484

Shirley L. Martin

EXHIBIT "A"

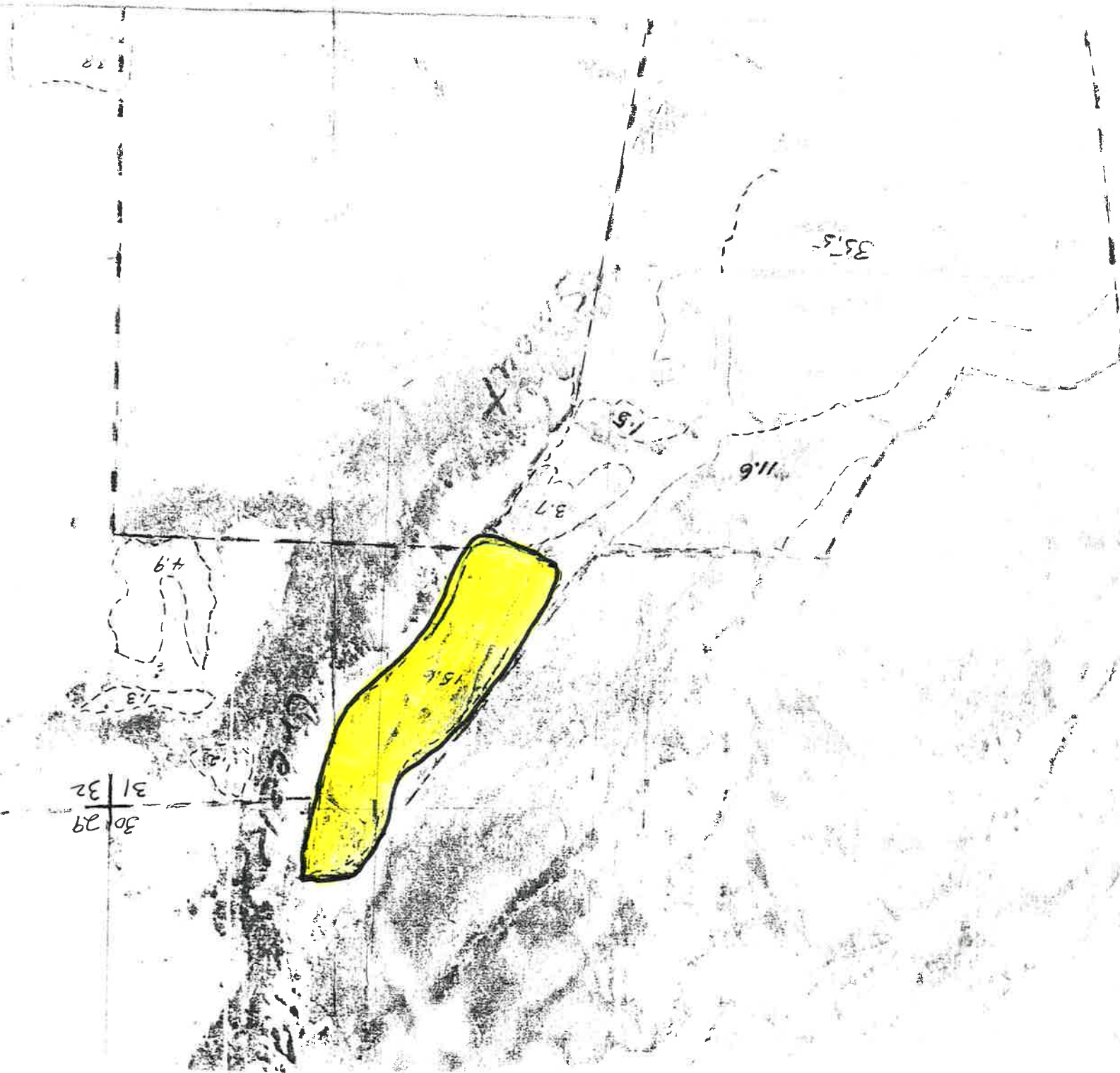
LEGAL DESCRIPTION

THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 31, TOWNSHIP 23 NORTH, RANGE 23 EAST, BOISE MERIDIAN,
LEMHI COUNTY, IDAHO.

ALSO:

A FRACTION OF THE S $\frac{1}{2}$ SE $\frac{1}{4}$, SECTION 30 AND A FRACTION OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 31,
TOWNSHIP 23 NORTH, RANGE 23 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO:
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 31, RUN THENCE
EAST 259.0 FEET; THENCE NORTH 8°15' EAST, 300.0 FEET; THENCE SOUTH 81°00' WEST,
305.0 FEET; THENCE SOUTH 35°33' WEST, 1939.0 FEET TO THE SOUTH BOUNDARY OF THE
NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 31; THENCE EAST ALONG SAID SOUTH BOUNDARY OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF
SECTION 31, 1124.0 FEET TO THE SOUTHEAST CORNER OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 31;
THENCE NORTH ALONG THE EAST BOUNDARY OF THE NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 31, 1320 FEET
TO THE POINT OF BEGINNING.



75-13962

T23N R23E

SESE

30 29
31 32

NWNE

NENE



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 75-13962
Date Received: 9/29/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JOHN A JAKOVAC Phone: (208) 756-3656
RT 1 BOX 177
SALMON ID USA 83467

DEBORAH A JAKOVAC Phone: (208) 756-3656
RT 1 BOX 177
SALMON ID USA 83467

2. Date of Priority: 05/01/1915

3. Source: SMOUT CREEK Trib. to: Freeman Creek

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	23E	31	NE SW NE		LEMHI
23N	23E	31	SW NE NE		LEMHI
23N	23E	30	NW SE SE		LEMHI

5. Description of diverting works:
DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/01	0.66	

7. Total Quantity Appropriated is:
0.66 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
23N	23E	30	SE SE	IRRIGATION	2.4
					Section Acres 2.4
23N	23E	31	NE NE	IRRIGATION	3.7
			NW NE	IRRIGATION	9.5
					Section Acres 13.2
					Total Acres 15.6

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:

SPLIT FROM 75-4205

15. Basis of Claim: Statutory Claim

A7513962

