

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APR 12 2016

Notice of Change in Water Right Ownership

DEPT OF WATER RESOURCES
SOUTHERN REGION

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
75-14847/75-4183	Yes ☒		Yes ☐		Yes ☐
75-14848/75-4184	Yes ☒		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Matt Yakovac and Evelyn Yakovac
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Jaycob J. Smith and Chyenne A. Smith
New owner(s) as listed on the conveyance document Name connector ☒ and ☐ or ☐ and/or
- | | | | |
|----------------------------|---------------------------|-----------|--------------|
| <u>24 Smith Ranch Road</u> | <u>Carmen</u> | <u>Id</u> | <u>83462</u> |
| Mailing address | City | State | ZIP |
| <u>208-940-1020</u> | <u>jlazysco.yahoo.com</u> | | |
| Telephone | Email | | |
4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☒ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 04/05/2016
6. If the water right described herein has been rented from the Water Supply Bank, rental proceeds will be disbursed in the following manner regardless of any arrangements between the buyer(s) and seller(s) to the contrary:
- Rental payments will go to the lessor(s) of record at the beginning of the rental season.
 - If a change in ownership is processed by the Department during a rental season, rental payment will be made to the person or entity who is the lessor of record at the beginning of that rental season.
 - New lessor(s) of record will receive payment after the following rental season.
7. This form must be signed and submitted with the following **REQUIRED** items:
- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
 - Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
 - Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

SUPPORT DATA

IN FILE # 75-4183

8. Signature: Jaycob J. Smith Owner 4-9-2016
Signature of new owner/claimant Title, if applicable Date
- Signature: Chyenne A. Smith owner 4-9-2016
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by DM Date 4-12-2016 Receipt No. S035384 Receipt Amt. \$100-
Approved by _____ Processed by _____ Date _____ \$25-

also see S035383



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

AFFIDAVIT OF SURVIVING SPOUSE

STATE OF IDAHO)
) ss.
COUNTY of Lemhi)

EVELYN YAKOVAC, of Salmon, Idaho, being first duly sworn and deposes and says:

That I and my spouse, MATTHEW JOHN YAKOVAC, a.k.a. MATT YAKOVAC, now deceased were married on August 4, 1940, and that during such marriage I and my deceased spouse purchased the following described property:

Parcel I purchased on or about May 3, 1971:

A fraction of Lot Seven (7), Lot Twelve (12), and a fraction of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 31, Township 23 North, Range 22 E.B.M.
Containing 82 acres, more or less.

Together with any and all water, water rights, ditch and ditch rights used in connection therewith.

That the above described property was purchased from community funds, or funds acquired during affiant's coverture with the said MATT YAKOVAC.

That MATT YAKOVAC died December 12, 2003 leaving surviving him the affiant, Mac Junior Yakovac, of Salmon, Idaho, Sherry Ann Kinsella, of Jackson, Wyoming and Virginia Pauline Perry, of Salmon, Idaho, his and your affiant's children.

That the estate of MATT YAKOVAC has not been probated but if such estate is probated, the affiant as the surviving spouse would pursuant to the laws of the State of Idaho be entitled to the sole and exclusive ownership, custody and control of all the community property of the community of EVELYN YAKOVAC and MATT YAKOVAC, deceased, including the real property described above.

That the surviving spouse shall assume and be liable for any and all indebtedness that might be a claim against the above described property.

State of Idaho)
County of Lemhi) ss. No. 258195
This instrument was filed for record at the request
of Winters Law Office
at 2:00 o'clock p.m. 4-8 2004
and duly filed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder
By Terri J. Morton Propriety
Fee 9.00
Return to _____

Evelyn Yakovac
EVELYN YAKOVAC

258195

SUBSCRIBED AND SWORN to before me this 15th day of April, 2004.



Lorraine Sorensen
Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 3-20-06

CERTIFIED COPY OF DEATH CERTIFICATE ATTACHED

AFFIDAVIT OF SURVIVING SPOUSE - 2

CERTIFICATE OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
BUREAU OF HEALTH POLICY AND VITAL STATISTICS
CERTIFICATE OF DEATH

Date Filed **DECEMBER 22, 2003**

State File No. **2003-09651**

DECEDENT - LEGAL NAME MATHEW JOHN YAKOVAC			
SEX MALE	SOCIAL SECURITY NUMBER [REDACTED]	AGE 86 YEARS	DATE OF BIRTH JULY 08, 1917
BIRTH PLACE SALMON, IDAHO		PLACE OF RESIDENCE CARMEN, IDAHO	
MARITAL STATUS AT TIME OF DEATH MARRIED		NAME OF SURVIVING SPOUSE (if wife, maiden name) EVELYN WHITE	WAS DECEDENT EVER IN U.S. ARMED FORCES? NO
FATHER - NAME FELIX YAKOVAC		BIRTH PLACE YUGOSLAVIA	
MOTHER - MAIDEN NAME PAULINE KOVACICH		BIRTH PLACE YUGOSLAVIA	
METHOD OF DISPOSITION BURIAL	FUNERAL SERVICE LICENSEE BENJAMIN GARDNER		
NAME AND ADDRESS OF FUNERAL FACILITY SALMON RIVER FUNERAL CHAPEL, SALMON, IDAHO			
DATE OF DEATH DEC 12, 2003	TIME OF DEATH 10:51 P.M.	CITY, TOWN OR LOCATION OF DEATH SALMON, IDAHO	COUNTY OF DEATH LEMHI
CAUSE OF DEATH (underlying cause last) SUBDURAL HEMATOMA ACUTE BLEED		Approximate Interval Between Onset and Death 2 WEEKS	
DUE TO (or as a consequence of):			
DUE TO (or as a consequence of):			
DUE TO (or as a consequence of):			
OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH but not resulting in the underlying cause given above NONE STATED			WAS AN AUTOPSY PERFORMED? NO
MANNER OF DEATH NATURAL	NAME OF CERTIFIER SAMUEL D. GARDNER, D.O.		TITLE PHYSICIAN
CORONER SUBSEQUENT CERTIFICATION IF NECESSARY			
INTERNAL CAUSES ONLY			
DATE OF INJURY	TIME OF INJURY	PLACE OF INJURY	INJURY AT WORK
LOCATION WHERE INJURY OCCURRED			
DESCRIPTION OF HOW INJURY OCCURRED			

258195

This is a true and correct reproduction of the document officially registered and placed on file with the IDAHO BUREAU OF HEALTH POLICY AND VITAL STATISTICS.

DATE ISSUED **DECEMBER 23, 2003**

This copy is not valid unless prepared on engraved border displaying state seal and signature of the Registrar.

Jane S. Smith
JANE S. SMITH
STATE REGISTRAR



DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE

THIS DEED, made by VIRGINIA PAULINE PERRY, as Personal Representative of the estate of EVELYN GLADYS YAKOVAC, deceased, Grantor, to SHERRY ANN KINSELLA, a married woman, dealing with her sole and separate property, whose current address is PO Box 4682, Jackson, WY 83001, Grantee;

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Case No. CV-10-309, in Lemhi County, Idaho;

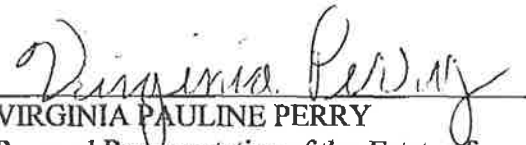
WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Lemhi County, Idaho:

SEE ATTACHED EXHIBIT A

with all appurtenances thereto.

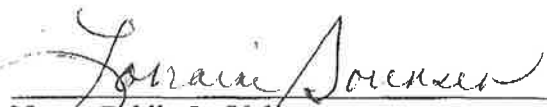
EXECUTED this 23rd day of February, 2011.


VIRGINIA PAULINE PERRY
Personal Representative of the Estate of
Evelyn Gladys Yakovac, deceased.

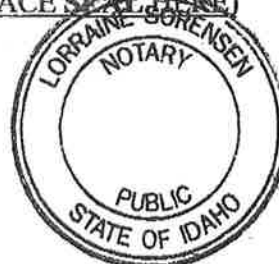
STATE OF IDAHO)
) ss
COUNTY OF Lemhi)

On this 23rd day of February, 2011, before me, the undersigned, a Notary Public in and for said state, personally appeared, VIRGINIA PAULINE PERRY, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of EVELYN GLADYS YAKOVAC, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for Idaho
My Commission Expires: 4/10/12

(PLACE SEAL HERE)



PARCEL "C"

A parcel of land located in the SE1/4 of Section 31, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, more particularly described as follows;

Commencing at the SE Corner of said Section 31, from which the NE Corner bears N 00°57'29"W a distance of 5283.43 ft., the Basis of Bearing for this description, run thence S 89°36'02"W a distance of 20.69 ft. to a point on the westerly right-of-way of Highway 93 and the POINT OF BEGINNING;

Thence S 89°36'02"W a distance of 2036.50 ft.;

Thence N 20°02'55"W a distance of 114.95 ft.;

Thence N 09°25'58"W a distance of 155.43 ft. to a point in an existing fence line on the bank of the old river channel of 1925;

Thence the following courses along said fence line and channel;

N 01°39'33"W 18.03 ft.; N 22°47'53"E 417.87 ft.;

Thence N 89°57'21"E a distance of 1929.89 ft. to a point on the westerly right-of-way of Highway 93;

Thence S 00°52'57"E along said right-of-way a distance of 651.92 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 30.82 ACRES

Trustee's Deed

For Value Received

Joseph Raymond Kinsella and Sherry Ann Y. Kinsella, Trustees of the Kinsella Family Trust, dated the 26th day of August, 2014

the grantors, do hereby grant, bargain, sell and convey unto

Jaycob J. Smith and Chyenne A. Smith, husband and wife

Whose current address is:

**24 Smith Ranch Road
Carmen, ID 83462**

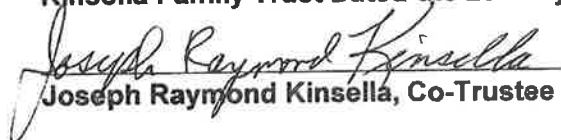
the grantee, the following described premises, to-wit:

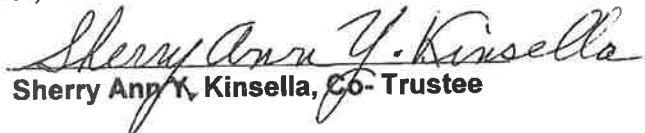
See Attached Legal

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs 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 and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: ~~March~~ ^{April} 5, 2016

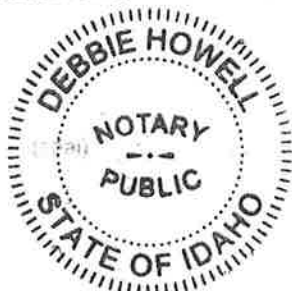
Kinsella Family Trust Dated the 26th day of August, 2014


Joseph Raymond Kinsella, Co-Trustee


Sherry Ann Y. Kinsella, Co-Trustee

State of Idaho)
County of Lehi) ss

On this 5 day of ~~March~~ ^{April}, 2016, before me a notary public in the above referenced state, personally appeared **Joseph Rymond Kinsella and Sherry Ann Y kinsella**, known or identified to me (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument as the Co-Trustees of the Kinsella Family Trust Dated the 26th day of August, 2014, and acknowledged to me that they subscribed the name of the Kinsella Family Trust Dated the 26th day of August, 2014thereto as principal, and their own names as Co-Trustees.




Notary Public
Residing at: Salmon, Id
My Commission Expires: 7-19-22

Legal Description

A parcel of land located in the SE1/4 of Section 31, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, more particularly described as follows;

Commencing at the SE Corner of said Section 31, from which the NE Corner bears N 00°57'29"W a distance of 5283.43 ft., the Basis of Bearing for this description, run thence S 89°36'02"W a distance of 20.69 ft. to a point on the westerly right-of-way of Highway 93 and the POINT OF BEGINNING;

Thence S 89°36'02"W a distance of 2036.50 ft.;

Thence N 20°02'55"W a distance of 114.95 ft.;

Thence N 09°25'58"W a distance of 155.43 ft. to a point in an existing fence line on the bank of the old river channel of 1925;

Thence the following courses along said fence line and channel;

N 01deg39'33"W 18.03 ft.; N 22deg47'53"E 417.87 ft.;

Thence N 89°57'21"E a distance of 1929.89 ft. to a point on the westerly right-of-way of Highway 93;

Thence S 00°52'57"E along said right-of-way a distance of 651.92 ft. to the POINT OF BEGINNING.

DEED OF DISTRIBUTION BY PERSONAL REPRESENTATIVE

THIS DEED, made by VIRGINIA PAULINE PERRY, as Personal Representative of the estate of EVELYN GLADYS YAKOVAC, deceased, Grantor, to MAC JUNIOR YAKOVAC, dealing with his sole and separate property, whose current address is 37 Lovers Lane, Salmon, ID 83467, Grantee;

WHEREAS, Grantor is the qualified Personal Representative of said estate, filed as Case No. CV-10-309, in Lemhi County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Lemhi County, Idaho:

SEE ATTACHED EXHIBIT A

with all appurtenances thereto.

EXECUTED this 23rd day of February, 2011.

Virginia Perry
VIRGINIA PAULINE PERRY
Personal Representative of the Estate of
Evelyn Gladys Yakovac, deceased.

STATE OF IDAHO)
) ss
COUNTY OF Lemhi)

On this 23rd day of February, 2011, before me, the undersigned, a Notary Public in and for said state, personally appeared, VIRGINIA PAULINE PERRY, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of EVELYN GLADYS YAKOVAC, deceased, and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year first above written.



Lorraine Sorenson
Notary Public for Idaho
My Commission Expires: 4/10/12

PARCEL "B"

A parcel of land located in the SE1/4 of Section 31, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, more particularly described as follows;

Commencing at the SE Corner of said Section 31, from which the NE Corner of said section bears N 00°57'29"W a distance of 5283.43 ft., the Basis of Bearing for this description, run thence S 89°36'02"W a distance of 20.69 ft. to a point on the westerly right-of-way of Highway 93, run thence N 00°52'57"W along said right-of-way a distance 651.92 ft. to the POINT OF BEGINNING;

Thence S 89°57'21"W a distance of 1929.89 ft. to a point in an existing fence line on the bank of the old river channel of 1925;

Thence the following courses along said fence line and channel;

N 22°47'53"E	16.21 ft.;	N 27°13'17"E	21.75 ft.;
N 35°52'42"E	37.31 ft.;	N 37°47'48"E	233.49 ft.;
N 18°35'57"E	152.58 ft.;	N 14°53'03"E	83.13 ft.;
N 16°52'29"E	124.97 ft.;	N 32°57'17"E	15.13 ft.;
N 47°04'48"E	137.53 ft.;	N 41°51'24"E	57.97 ft.;

Thence East a distance of 1483.36 ft. to a point on the westerly right-of-way of Highway 93;

Thence S 00°52'57"E along said right-of-way a distance of 741.68 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 29.20 ACRES

Warranty Deed

For Value Received

Mac Yakovac and Billy Mac Yakovac

the grantors, do hereby grant, bargain, sell and convey unto

Jaycob J. Smith and Chyenne A. Smith, husband and wife

Whose current address is:

**24 Smith Ranch Road
Carmen, ID 83462**

the grantee, the following described premises, to-wit:

See Attached Legal

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs 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 EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: ~~March~~ ^{April} 5, 2016

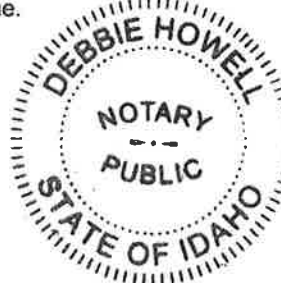
Mac Yakovac
Mac Yakovac

Billy Mac Yakovac
Billy Mac Yakovac

STATE OF Idaho,
COUNTY OF Leumi } ss

On this 5 day of April, 2016, before me, a notary public in and for said State, personally appeared **Mac Yakovac and Billy Mac Yakovac** known to me or proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Debbie A. Howell
Notary Public
Residing at: Salmon ID
Comm. Expires: 1-19-22



Legal Description

T-5509

A parcel of land located in the SE1/4 of Section 31, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, more particularly described as follows;

Commencing at the SE Corner of said Section 31, from which the NE Corner of said section bears N 00°57'29"W a distance of 5283.43 ft., the Basis of Bearing for this description, run thence S 89°36'02"W a distance of 20.69 ft. to a point on the westerly right-of-way of Highway 93, run thence N 00deg52'57"W along said right-of-way a distance 651.92 ft. to the POINT OF BEGINNING;

Thence S 89deg57'21"W a distance of 1929.89 ft. to a point in an existing fence line on the bank of the old river channel of 1925;

Thence the following courses along said fence line and channel;

N 22deg47'53"E 16.21 ft.; N 27°13'17"E 21.75 ft.;

N 35deg52'42"E 37.31 ft.; N 37deg47'48"E 233.49 ft.;

N 18deg35'57"E 152.58 ft.; N 14deg53'03"E 83.13 ft.;

N 16deg52'29"E 124.97 ft.; N 32deg57'17"E 15.13 ft.;

N 47deg04'48"E 137.53 ft.; N 41°51'24"E 57.97 ft.;

Thence East a distance of 1483.36 ft. to a point on the westerly right-of-way of Highway 93;

Thence S 00deg52'57"E along said right-of-way a distance of 741.68 ft. to the POINT OF BEGINNING.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 12, 2016

JAYCOB SMITH
CHYENNE SMITH
24 SMITH RANCH RD
CARMEN ID 83462

Re: Change/Split of Ownership of Water Rights 75-4183 and 75-4184
Water Right 75-4183 / Split into 75-4183 (Smith) and 75-14847 (Yenter)
Water Right 75-4184 / Split into 75-4184 (Smith) and 75-14848 (Yenter)

Dear Water Right Holder(s):

The Department acknowledges receipt of correspondence splitting ownership of the above referenced water rights. The Department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Sections 42-222 and 42-223, Idaho Code.

Also, please note that Section 42-248, Idaho Code, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Forms to file a change of ownership of a water right and/or a change in the address of the water right owner are available from any department office, or at the department's website at: www.idwr.idaho.gov.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure