

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80653**

This is to certify that: JACK P JAKOVAC AND
SHARON M JAKOVAC
71 RED ROCK STAGE RD
SALMON, ID 83467

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-216J	WR/DECREED	4/15/1885	0.940 cfs	N/A	N/A	63.2	WITHINGTON CREEK

Associated Water Rights Also Included in the Transfer Approval (Conditions Updated)

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
74-2165A	WR/DECREED	11/6/1913	1.000 cfs	N/A		67.0	LEMHI RIVER
74-221	WR/DECREED	7/26/1909	1.870 cfs	N/A		63.2	WITHINGTON CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
74-216J	NO	NO	NO	YES	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
74-216J	74-216J	0.940 cfs	N/A	N/A	63.2	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		0.940 cfs	N/A	N/A	63.2		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 8th day of April, 2016.



PAMELA S. SKAGGS, Water Rights Supervisor

Transfer No. 80653

WATER RIGHT NO. 74-216J
As Modified by Transfer No. 80653

In accordance with the approval of Transfer No. 80653, Water Right No. 74-216J is now described as follows:

Right Holder: SHARON M JAKOVAC
JACK P JAKOVAC
71 RED ROCK STAGE RD
SALMON, ID 83467

Priority Date: 4/15/1885

Source: WITHINGTON CREEK **Tributary:** LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	0.940 cfs 0.940 cfs

LOCATION OF POINT(S) OF DIVERSION

WITHINGTON CREEK	SWSW	Sec 3 Twp 20N Rge 23E LEMHI County
WITHINGTON CREEK	NWNE	Sec 9 Twp 20N Rge 23E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	3										12.9	17.5						30.4
20N	23E	4																6.6	6.6
20N	23E	9	26.2																26.2

POU Total Acres: 63.2

CONDITIONS OF APPROVAL

1. Rights 74-216J and 74-221 when combined shall not exceed the irrigation of 63.2 acres.
2. Rights 74-216J, 74-221 and 74-2165A when combined shall not exceed the irrigation of 67.5 acres.
3. The following rights are diverted through point of diversion in NWNE, Sec 9 described above:
74-221.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 74J.

Transfer No. 80653

WATER RIGHT NO. 74-216J
As Modified by Transfer No. 80653

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 74-2165A
As Modified by Transfer No. 80653

In accordance with the approval of Transfer No. 80653, Water Right No. 74-2165A is now described as follows:

Right Holder: JACK P JAKOVAC
 SHARON M JAKOVAC
 71 RED ROCK STAGE RD
 SALMON, ID 83467

Priority Date: 11/6/1913

Source: LEMHI RIVER

Tributary: SALMON RIVER

BENEFICIAL USE
 IRRIGATION

From 03/15 **To** 11/15

Diversion Rate
 1.000 cfs
 1.000 cfs

LOCATION OF POINT(S) OF DIVERSION

LEMHI RIVER SENE Sec 25 Twp 20N Rge 23E LEMHI County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	3										17.0	18.0						35.0
20N	23E	4																6.0	6.0
20N	23E	9	26.0																26.0

POU Total Acres: 67.0

CONDITIONS OF APPROVAL

1. This right authorizes the irrigation of 67.5 total acres.
2. Rights 74-216J, 74-221, and 74-2165A when combined shall not exceed the irrigation of 67.5 acres.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 80653

WATER RIGHT NO. 74-221

As Modified by Transfer No. 80653

In accordance with the approval of Transfer No. 80653, Water Right No. 74-221 is now described as follows:

Right Holder: JACK P JAKOVAC
SHARON M JAKOVAC
71 RED ROCK STAGE RD
SALMON, ID 83467

Priority Date: 7/26/1909

Source: WITHINGTON CREEK **Tributary:** LEMHI RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/15	to 11/15	1.870 cfs 1.870 cfs

LOCATION OF POINT(S) OF DIVERSION

WITHINGTON CREEK NWNE Sec 9 Twp 20N Rge 23E LEMHI County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	23E	3										12.9	17.5						30.4
20N	23E	4																6.6	6.6
20N	23E	9	26.2																26.2

POU Total Acres: 63.2

CONDITIONS OF APPROVAL

1. Rights 74-216J and 74-221 when combined shall not exceed the irrigation of 63.2 acres.
2. Rights 74-216J, 74-221, and 74-2165A when combined shall not exceed the irrigation of 67.5 acres.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

Transfer No. 80653



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

April 12, 2016

SHARON M JAKOVAC
JACK P JAKOVAC
71 RED ROCK STAGE RD
SALMON ID 83467

Re: Transfer No: 80653
Water Right No(s): 74-216J , 74-221 , 74-2165A
Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)287-4800.

Sincerely,


For

Pamela Skaggs

Water Rights Supervisor

Enclosure

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80653

Water Right No(s): 74-216J , 74-221 , 74-2165A

**SHARON M JAKOVAC
71 RED ROCK STAGE RD
SALMON ID 83467**

**JACK P JAKOVAC
71 RED ROCK STAGE RD
SALMON ID 83467**



**Darla Block
Technical Records Specialist**

Edl, Michele

From: Yenter, Cindy
Sent: Wednesday, April 06, 2016 1:25 PM
To: Edl, Michele
Subject: RE: any news from WM of Withington Cr?
Attachments: 74J wm comment.pdf

Alright, Ms Edl, here's your comments. I will be on vaca the rest of the week - catch up with you later!
cy

From: Edl, Michele
Sent: Monday, April 04, 2016 5:39 PM
To: Yenter, Cindy
Subject: any news from WM of Withington Cr?

This day on my calendar had a note to contact you about your visits with new WM 74J and Mr. Jakovac. (This is in reference to xfer 80653)

I know you are busy and news can wait 'til Wed's meeting.

Michele

RECEIVED
APR 07 2016
DEPT OF WATER RESOURCES

State of Idaho
Department of Water Resources
Transfer of Water Right(s)
RECOMMENDATION FORM

Transfer Application No.: 80653

Water Right No(s): 74-216J

Transfer Applicant's Name: JAKOVAC

Water master's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if it is conditioned as follows:
- c) ☐ I oppose approval of this application for the following reasons:
- d) ☐ Additional comments:

Dated this 6 day of April, 2016

Water District No.


Water master's Signature

Gary Thomas
Printed Name

RECEIVED

MAR 01 2016

DEPARTMENT OF
WATER RESOURCES

Affidavit of Publication

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80653

SHARON M JAKOVAC and JACK P JAKOVAC, 71 RED ROCK STAGE RD, SALMON, ID 83467; has filed Application No. 80653 for changes to the following water rights within LEMHI County(s): Right No(s). 74-216J; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows:

add a point of diversion in the SWSW Sec 3 T20N R23E for 0.94 cfs from Withington Creek

For additional information concerning the property location, contact IDWR State office at (208) 287-4800; or for a full description of the transfer, please see <http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm> Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any

protest against the proposed change must be filed with the Department of Water Resources, 322 E Front St, PO Box 83720, Boise ID 83720-0098 together with a protest fee of \$25.00 for each application on or before 3/7/2016. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

2-18-2tc

STATE OF IDAHO

County of Lemhi

ss.

RICKY G. HODGES being first duly sworn, deposes and says he is one of the publishers (printers) of The Recorder Herald, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein. That the **NOTICE OF PROPOSED WATER RIGHTS**, a true printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for **TWO (2)** consecutive issue(s), commencing with the issue dated **2-18-2016** and ending with the issue dated **2-25-2016**.

STATE OF IDAHO

County of Lemhi

ss.

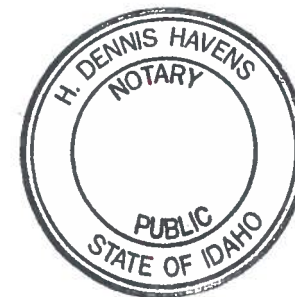
On this **25th day of February** in this year of 2016 before me, A Notary Public, personally appeared RICKY G. HODGES, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

H. Dennis Havens

Notary Public for Idaho

Residing At Salmon, Idaho

My Commission expires: 11-30-2018



Publication Fee \$81.00

MEMORANDUM

Date: February 4, 2016
To: Transfer 80653
From: Michele Edl
Re: Review & Evaluation of Sufficiency of Information

The purpose of the transfer is to add a POD to one of two rights owned by the applicant and diverted from Withington Creek for irrigation of a 63.2-acre POU. The additional POD will be located on the applicant's property in the SWSW of Sec 3, T20N, R23E.

Authority to File: The applicant is the owner-of-record for decreed water right 74-216J and according to available Lemhi County information, also owns the POU and the proposed POD.

Water Right Validity: The water rights are presumed to be valid. The partial decrees for the three appurtenant rights were issued by the SRBA on 2/9/2007. A review of aerial photography shows that the property has been irrigated.

Injury to Other Water Rights: No injury is expected. The diversion is for an existing use and will continue to be under watermaster control. Between the original POD and the additional POD proposed by this transfer, is a diversion locally known as Withington 2. Withington 2 is the authorized POD for four water rights and those water rights all have the same priority date as Right 74-216J.

Enlargement of Use: No enlargement is anticipated. No change to the flow rate or the number of irrigated acres is proposed. Right 74-216J was decreed for 0.94 cfs and along with decreed right 74-221, is appurtenant to the same 63.2 acres.

Local Public interest: No negative impact is anticipated. The application will be advertised.

Beneficial Use/Conservation of Water Resources: The applicant proposes a beneficial use consistent with conservation of water resources in Idaho.

Effect on Economy the Local Area: Review staff has no information to suggest that this transfer will negatively impact the economy of the local area.

Effect on Agricultural Base of the Local Area: Review staff has no information to suggest that this transfer will negatively impact the agricultural base of the local area.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.