

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APR 14 2014

DEC 20 2012

Department of Water Resources

Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

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?
75-10415 OK	Yes ☐		Yes ☐		Yes ☐
Split into	Yes ☐		Yes ☐		Yes ☐
75-10415	Yes ☐		Yes ☐		Yes ☐
75-14783	Yes ☐		Yes ☐		Yes ☐
75-14784	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Leonard Jakich and Adelene Yvonne Jakich
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Derik T. Linger and Kayla C. Linger
Name of each new owner as listed on the conveyance document
- Derik and/or Kayla Linger
New owner continued ☐ Name connector ☐ and ☐ or ☒ and/or
- Box 872 5 South Jakich Dr.
Mailing address
- Salmon ID 83467
City State ZIP
- (208) 756-7746 dLinger@custertel.net
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: 9/16/2012

6. 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 #

75-10415

7. Signature: [Signature]
Signature of new owner/claimant

Title, if applicable

Date

Signature: [Signature]
Signature of new owner/claimant

Title, if applicable

Date

For IDWR Office Use Only

Received by

Date

4/14/2014

Receipt No.

E039725

Receipt Amt.

\$100.-

Approved by

Processed by

Date

9/12/2014

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
**INSTRUCTIONS FOR FILING A
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All persons owning or claiming ownership of a water right or claim are required to provide notice to the Department of Water Resources (IDWR) of any change in ownership of any part of the water right or claim or of any change in the owner's mailing address within 120 days of the change. Forms to report ownership changes and/or to update an address are available on IDWR's website at www.idwr.idaho.gov. In addition, all new owners of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

A notice is required for changes in ownership from one individual to another, from an individual to a business entity (even if the business is owned by the individual), or from one business entity to another (even if both businesses are owned by the same individual). Adding or removing a name is considered an ownership change which requires the submission of evidence to support the change and the filing fee.

Separate brochures describing the adjudication of water rights and the ownership change notice requirement are available from IDWR. Please contact your nearest IDWR office if you would like more information or need help completing this form. A list of IDWR offices is on page 2 of these instructions, or you can call 1-800-451-4129. Water right information can be found on the department's website using the "Search Tools" and "Water Right & Adjudication Search" links at www.idwr.idaho.gov.

Please note:

- Unlike licensed or decreed water rights, which are real property, water right permits, applications for new water rights, and applications to transfer existing water rights are considered the personal property of the permit holders/applicants. Permit holders and applicants must assign their interest in a permit and/or application to the new owner. Assignment forms are available on the department's website at www.idwr.idaho.gov, or from any IDWR office. The fee for an assignment of permit is \$25. There is no charge for an assignment of application for permit or application for transfer.
- If you want to change or add a point of diversion, place of use, season of use, or purpose of use of a water right, you must file an Application for Transfer. The ownership of a water right can also be updated through the transfer process.
- The combined portions of a divided ("split") water right cannot exceed the total flow rate, volume, or period of use of the original right.
- IDWR has no jurisdiction concerning easements, rights-of-way, and zoning matters. The buyer and seller must make these provisions where necessary.

LINE INSTRUCTIONS:

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be divided ("split") to provide you your share of each right. Mark the box "Yes" if a division of the water right is required.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, and the water rights are held by the organization, please do not use this form to record a change. Please contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but you do not know the numbers, you may contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. Fill in the name of the current water right holder/claimant.
3. Fill in each name as listed on the conveyance document and complete the current contact information. For water rights, IDWR will update the ownership to the individual(s)/entities listed on the conveyance document. For active adjudication claims, IDWR will update the claimant information to match the conveyance document unless the new claimant provides good cause for the variance.

4. You may have acquired only a portion of the water right(s) held by the seller. If you did not acquire the entire water right/property, please check the appropriate box. Water rights are often conveyed as an appurtenance to the land where they are used, and the conveyance document for the land often does not have specific language regarding the water right. Please read your deed or other conveyance document carefully to be sure. When the conveyance document does not specifically address water rights, it will be assumed that the water rights are to be split proportionate to the amount of land acquired.
5. Indicate the date the water rights and/or adjudication claims were conveyed to you. This may be the date of closing in the case of a real estate transaction, the date a contract was signed, or the date of a court order.

6. **ATTACHMENTS:**

IDWR cannot process this change without **documentation of ownership**. The documentation may be in the form of a deed, court decree or other conveyance document. If you are submitting a quitclaim deed and the grantor's name does not match the water right holder of record, you will need to provide a chain of title that goes back to the water right holder/claimant of record. You may obtain this information from the assessor's office in the county where the property is located. Items that are **not** conveyance documents are deeds of trust, mortgages, purchase and sales agreements, and property tax notices.

Submit a **plat map, survey map, or aerial photograph** of the place of use for each water right or claim listed in item #1 (if necessary to clarify division of water rights or complex property descriptions). If your right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent aerial photograph with the irrigated acres outlined and point(s) of diversion clearly marked. You also have the option of printing a map using the Create a Map tool on IDWR's website at: www.idwr.idaho.gov. It is not necessary to obtain a new survey for purposes of this form before contacting IDWR.

The Idaho Legislature has waived the fee to file a Notice of Change in Water Right Ownership for any water right pending in a general water right adjudication such as the Snake River Basin Adjudication or the Northern Idaho Adjudication. This waiver ends when a partial decree is issued for the water right that has been claimed. For water rights not pending in a general adjudication, the **filing fee** is \$25 per water right, except for those water rights that will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right.

7. One of the new owner(s) must sign the form in the space(s) provided. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.

When you have completed the Notice of Change in Water Right Ownership, retain a copy and **file the original form, necessary attachments, and filing fee with the IDWR office nearest you.**

IDWR Northern Region
7600 N. Mineral Dr., Suite 100
Coeur d'Alene, ID 83815-7763
(208) 762-2800

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
(208) 525-7161

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
(208) 736-3033

~ OR ~

IDWR State Office
322 East Front St, 6th Floor
P.O. Box 83720
Boise, ID 83720-0098
(208) 287-4800

WATER RIGHT NUMBER: 75-10415

Owner Type: Name and Address
 Current Owner A YVONNE JAKICH
 118 S SAINT CHARLES RD
 SALMON, ID 83467-5224
 (208)756-3352

Current Owner LEONARD JAKICH
 118 S SAINT CHARLES RD
 SALMON, ID 83467-5224
 (208)756-3352

Priority Date: 4/1/1894Basis: DecreedStatus: ActiveSource:
SALMON RIVERTributary:
SNAKE RIVER

<u>Beneficial Use:</u>	<u>From / To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	1.200 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion</u>	1.200 CFS	

Location of Point(s) of Diversion:

SALMON RIVER L14(SESE) Sec. 6, Twp 20N, Rge 22E B.M. LEMHI County

Place of Use:IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	18				30.0													30
Total Acres: 30.0																			

STOCKWATER within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	22E	18				X													

Conditions of Approval:

1. C18 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.
2. R05 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. 75C.
3. R43 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.
4. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. 004 This right does not grant any right-of-way or easement across the land of another.

6. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. 029 Prior to the diversion and use of water under transfer 74193, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
8. P29 This right is a combination of old Right Nos. 75-33 and 75-44.
9. F01 Water is delivered through the Runsten Mintzer Ditch.
10. T07 The right holder shall accomplish the change authorized by transfer 74193 prior to January 18, 2009.
11. T08 Failure of the right holder to comply with the conditions of transfer 74193 is cause for the Director to rescind approval of the transfer.
12. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
13. X02 Stockwater use is for 30 range cattle.

I CERTIFY THIS TO BE A
TRUE AND CORRECT COPY

Instrument # 291415
LEMHI COUNTY, Idaho
Sep 14, 2012 10:49:23 am
For: ALLIANCE TITLE
TERRI J MORTON, Recorder
TMORTON Debut
Pages: 2
Fee: \$ 13.00

WARRANTY DEED

ATEC Order No.: 155903

FOR VALUE RECEIVED

Leonard Jakich and Adlene Yvonne Jakich, also known of record as Yvonne
Jakich and A. Yvonne Jakich, husband and wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Derik T. Linger and Kayla C. Linger, husband and wife

whose current address is

PO Box 872
Salmon, ID 83467

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

Lot 4 of Jakich Family Estates Subdivision recorded in Book 9 at Page 78 and
Amended in Book 9 at Page 83, Official Records of Lemhi County, Idaho.

Together with: An Irrigation Easement

A 20 foot wide easement for the purpose of building and maintaining a irrigation
system for Lots 1, 2, 3 and 4 of the Jakich Family Estates Subdivision, located in
Section 18, T. 21 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more
particularly described as follows:

Beginning at the Southwest corner of Lot 3 of said subdivision run thence N. 00° 02'
45" E. along the westerly boundary of said subdivision a distance of 486.00 feet to
the Northwest corner of Lot 2 of said subdivision;

Thence S. 89° 46' 11" E. along the Northerly boundary of said Lot 2 a distance of 20
feet;

Thence S. 00° 02' 45" W. a distance of 486.00 ft. to a point on the southerly
boundary of said Lot 3;

Thence N. 89° 46' 11" W. along said boundary a distance of 20.00 ft. to the point of
beginning.

This deed is being recorded to correct that certain deed recorded August 24, 2012 as
Instrument No. 291270.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated:

9-14-2012

Leonard Jakich

Leonard Jakich

Adelene Yvonne Jakich

Adelene Yvonne Jakich

State of Idaho) ss
County of Lemhi)

15 September

On this 14th day of August, 2012, before me, Heidi Scumler, a Notary Public in and for said state, personally appeared Leonard Jakich and Adelene Yvonne Jakich, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Heidi Scumler
Notary Public for the State of Idaho

Residing at: Salmon

Commission Expires: May 19, 2015



