

RECEIVED

Scale: 2 inches equal 1 mile.

\_\_\_\_\_

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

*Matt Yakovae*

Sworn to before me this 19<sup>th</sup> day of November, 1980

Notary Public  
Residing at SALMON IDAHO

My commission expires LIFETIME

Received by KW Date 11/21/80 Exception filed by: \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by \_\_\_\_\_ Date \_\_\_\_\_  
\$20.00 fee received by KW Date 11/13/80 # 16081  
Published in The Recorder-Herald \_\_\_\_\_  
Dates 12/4 & 12/11/80 \_\_\_\_\_

NOTICE OF CLAIMS  
TO WATER RIGHTS

Notice is hereby given  
that the following claim(s)  
to water right(s) have  
been established by diver-  
sion and application to  
beneficial use:

75-4184

YAKOVAC, MATT &/or  
EVELYN  
P.O. BOX 12, CARMEN,  
ID 83462

Source: WASTE WATER  
tributary to SINKS

Priority Date: 04/01/1923

Amount: 4.10 CFS

Diversion Point: NWNW

Sec 05 T 22N R 22E NENE

SWNE SENE Sec 06 T

22N R 22E NWSE Sec 06

T 22N R 22E, LEMHI Co.

Use: IRRIGATION, (4.00

CFS) from 06/01 to 12/01

STOCKWATER (0.10

CFS) from 04/01 to 03/31

Place of Use: NESE

NWSE SWSE SESE Sec

31 T 23N R 22E FOR 84

ACRES

Diversion Means: DITCH-  
ES.

Any exception to any  
claim of water right may  
be filed with the Director  
of the Idaho Department  
of Water Resources, 150  
Shoup Ave., Idaho Falls,  
Idaho 83401.

C. STEPHEN ALLRED  
Director

Published 12/04 & 12/  
11/80.

12-4-2tc

# Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

RECEIVED

DEC 15 1980

Department of Water Resources  
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes  
and says that he is one of the printers (publisher) of the RECORDER HERALD,  
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general  
circulation therein,

That the Notice of Claim to Water Right No. 75-4184

a true  
printed copy of which is attached to the margin hereof, has been and was correct-  
ly printed and published in the regular and entire issue of every number of said  
newspaper and not in any supplement thereof or thereto for 2  
consecutive issues, commencing with the issue dated Dec. 4, 1980  
and ending with the issue dated Dec. 11, 1980

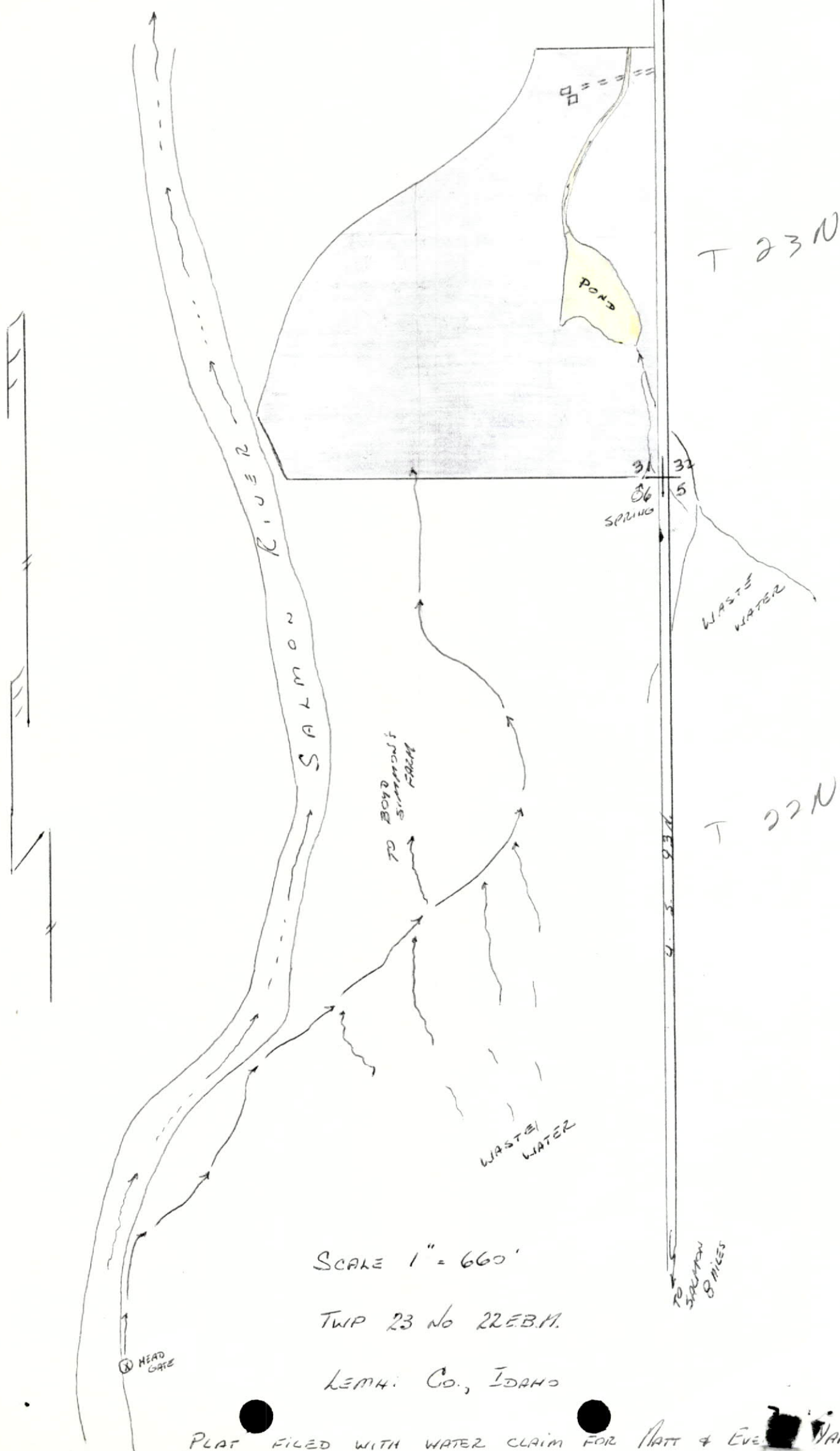
Subscribed and sworn to before me, this eleventh  
day of December, 1980

Wesley Armstrong  
Notary Public for the State of Idaho,  
Residing at Salmon, Idaho

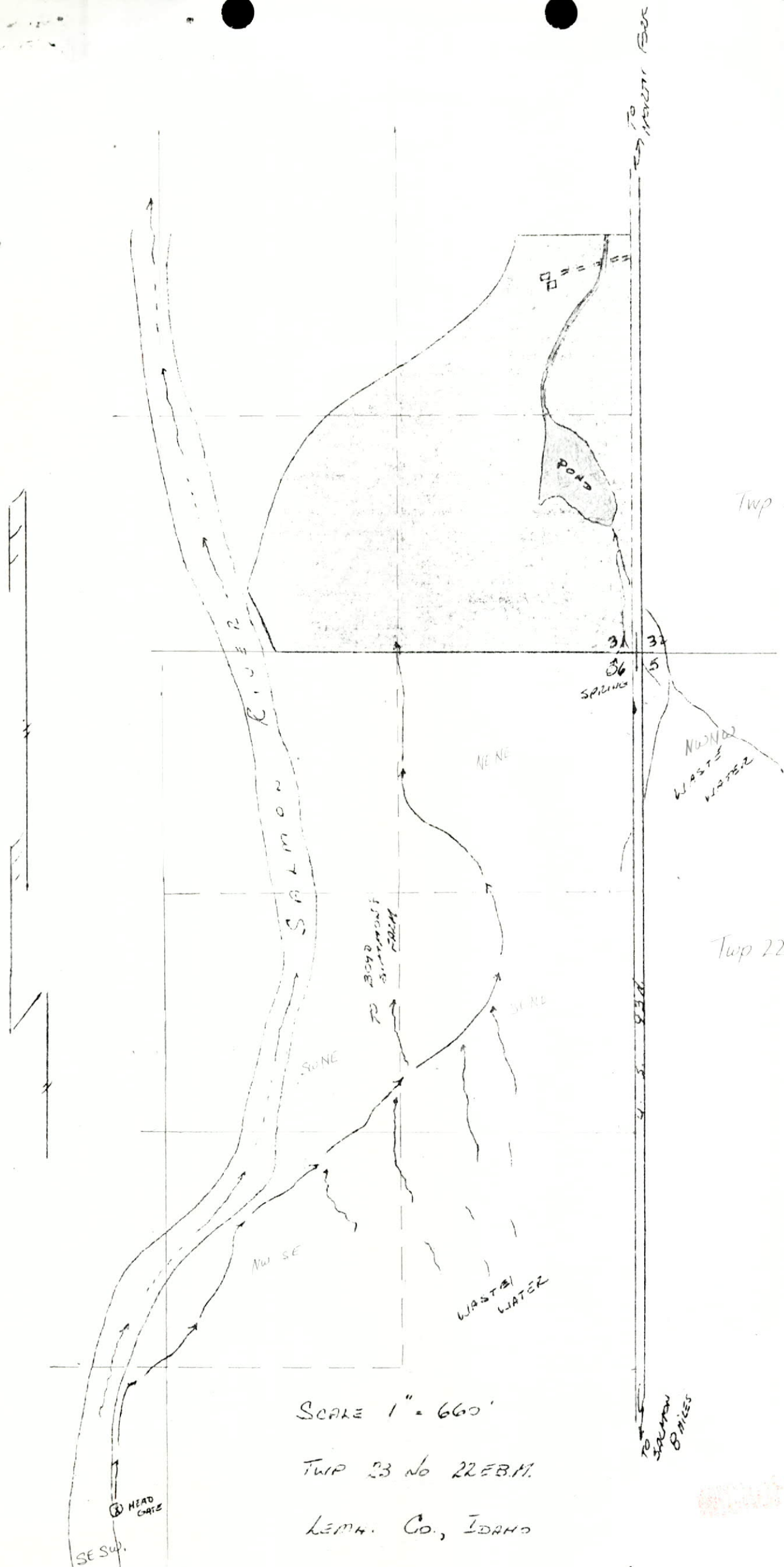
Publication Fee \$ 16.56

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SCALE 1" = 660'

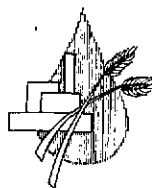
TWP 23 NO 22 E.B.M.

LEMA. CO., IDAHO

RECEIVED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that MATT &/or EVELYN YAKOVAC  
(Name of Claimant)

Box 12, Carmen, ID 83462 Telephone No. 756-3145  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1923

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
waste water tributary to sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|          | (cfs, gpd, AFA) | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)            |                    |
|----------|-----------------|-------------------------------------|-----------------------------------|--------------------|
|          |                 |                                     | (Mo., Day)                        | (Mo., Day)         |
| Quantity | <u>4.0 cfs</u>  | Use <u>irrigation</u>               | Period of Use From <u>June 1</u>  | To <u>Dec. 1</u>   |
| Quantity | <u>0.1 cfs</u>  | Use <u>stockwater</u>               | Period of Use From <u>April 1</u> | To <u>March 31</u> |
| Quantity |                 | Use                                 | Period of Use From                | To                 |
| Quantity |                 | Use                                 | Period of Use From                | To                 |
| Quantity |                 | Use                                 | Period of Use From                | To                 |

(4) 4.10 cfs TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
NW ¼ NW ¼, Sec. 5 Twp. 22N Rge. 22E B.M., County of Lemhi  
Additional points of diversion: NE¼NE¼, SW¼NE¼, SE¼NE¼, NW¼SE¼, Sec. 6, Twp. 22N, Rge. 22E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Waste water is collected in open ditches and conveyed to the place of use.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T   | R   | SEC. | NE¼ |     |     |     | NW¼ |     |     |     | SW¼ |     |     |     | SE¼ |     |     |     | TOTAL |
|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-------|
|     |     |      | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ |       |
| 23N | 22E | 31   |     |     |     |     |     |     |     |     |     |     |     |     | 23  | 1   | 22  | 38  | 84    |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |
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|     |     |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |       |

No. of acres 84

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:  
Place of stockwater use is the same as the place of use for irrigation.

NOTE: Include here the type and number of stock watered: 50 - 60 stock cattle, 2 - 3 horses

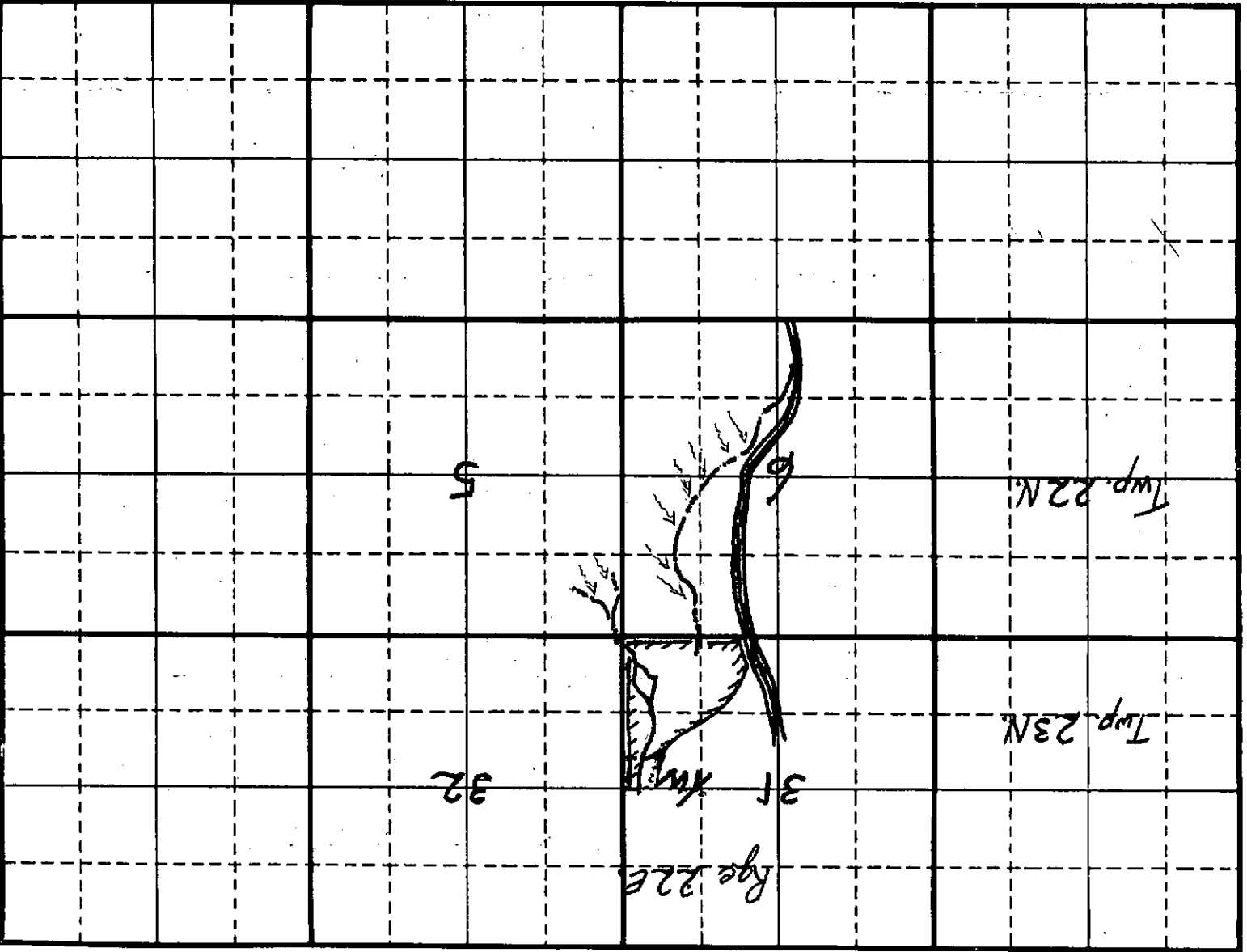
(7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

MICROFILMED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of \_\_\_\_\_  
) ss.  
)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 19<sup>th</sup> day of November, 1980

Notary Public  
Residing at



FOR DEPARTMENT USE ONLY

Received by \_\_\_\_\_ Date 11/21/80  
Prelim. check by \_\_\_\_\_ Date 11/13/80 #16081  
\$20.00 fee received by \_\_\_\_\_  
Published in The Recorder-Herald  
Dates 12/4 & 12/11/80  
Forwarded to \_\_\_\_\_  
claimant by: \_\_\_\_\_  
Date \_\_\_\_\_



NOTICE OF CLAIMS  
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Notice is hereby given  
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sion and application to  
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75-4184

YAKOVAC, MATT &/or  
EVELYN

P.O. BOX 12, CARMEN,  
ID 83462

Source: WASTE WATER  
tributary to SINKS

Priority Date: 04/01/1923

Amount: 4.10 CFS

Diversion Point: NWNW

Sec 05 T 22N R 22E NENE

SWNE SENE Sec 06 T

22N R 22E NWSE Sec 06

T 22N R 22E, LEMHI Co.

Use: IRRIGATION, (4.00

CFS) from 06/01 to 12/01

STOCKWATER (0.10

CFS) from 04/01 to 03/31

Place of Use: NESE

NWSE SWSE SESE Sec

31 T 23N R 22E FOR 84

ACRES

Diversion Means: DITCH-  
ES.

Any exception to any  
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of the Idaho Department  
of Water Resources, 150  
Shoup Ave., Idaho Falls,  
Idaho 83401.

C. STEPHEN ALLRED

Director

Published 12/04 & 12/  
11/80.

12-4-2tc

# Affidavit of Publication

RECEIVED

STATE OF IDAHO

County of Lemhi

ss.

DEC 15 1980

Department of Water Resources  
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes  
and says that he is one of the printers (publisher) of the RECORDER HERALD,  
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general  
circulation therein.

That the Notice of Claim to Water Right No. 75-4184

a true  
printed copy of which is attached to the margin hereof, has been and was correct-  
ly printed and published in the regular and entire issue of every number of said  
newspaper and not in any supplement thereof or thereto for 2  
consecutive issues, commencing with the issue dated Dec. 4, 1980  
and ending with the issue dated Dec. 11, 1980

*Jerry G. Rosin*

Subscribed and sworn to before me, this eleventh  
day of December, 1980

*Wendy Armstrong*  
Notary Public for the State of Idaho,  
Residing at Salmon, Idaho

Publication Fee \$ 16.56

WICROFT MED

Box 12,  
Carmen, Idaho 83462  
March 4, 1981

State of Idaho  
Department of Water Resources  
Federal Building  
Idaho Falls, Idaho 83401

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MAR 6 1981

Department of Water Resources  
Eastern District Office

RE: MATT and EVELYN YAKOVAC  
Water Right Filings #75-4183 and #75-4184

Dear Sir;

Attached please find an Addendum to Water Rights Claims as referenced above. This statement is filed for the purpose of rebutting those affidavits filed by Mr. Almon Jensen, in which he stated his objections to the subject filings.

We submit this affidavit for your review and consideration and request that it be affixed as a permanent part of the subject Water Right Filings.

If you require any further information please let us know.

Thank you.

Sincerely,

  
EVELYN YAKOVAC

EY/bs

Attachments

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MAR 6 1981

Department of Water Resources  
Eastern District Office

ADDENDUMS TO WATER CLAIMS

#75-4183 & #75-4184

- I. The following statement is prepared and submitted as an addendum to the Water Right Filings #75-4183 & #75-4184. This statement is filed with the intent of rebutting those affidavits filed by Mr. Almon Jensen in which his objections to the subject filings were expressed.
- II. AFFIDAVIT ON 75-4183: Mr. Jensen has produced a 1900 filing of a ditch R-O-W by one John Nolan, which was to provide irrigation water for lands now owned by Mr. Jensen, ourselves, and others. It is our contention that this Nolan ditch was never constructed, or if constructed, was ineffectual and was abandoned. As a result, later ditches were dug and have since been delivering irrigation water to beneficial use as diagramed on the claim maps. As evidence, notarized statements by E. C. Bolander and Albert Proksch are submitted herewith as Attachments "A" and "B". Mr. Bolander utilized the Lindburg ditch which at that time headed up in one of the many sloughs in the area. In 1950, Mr. Proksch had the ditch extended from the sloughs to the Salmon River. It is on this basis that our priority is established.
- Mr. Bolander, in his statement, indicates that only 3 tracts, none of which were the lands now owned by Mr. Jensen, were receiving water from this Lindberg ditch. So, if the Nolan ditch were in existence, it was located at some other point than was this Lindberg ditch.
- III. AFFIDAVIT ON 75-4184: Mr. Jensen, in this document, is objecting to our having any use of the waste water being stored on our lands in a facility expressly constructed to alleviate flooding of our property and provide a controlled usage of this waste water by our place, Mr. Jensen's place and the Hot Springs Ranch property. This usage was to be done on an equal priority basis. As evidence to this effect, a notarized Affidavit Of Waste Water Use by one of the principles involved in the construction of the pond and ditch is submitted herewith as Attachment "C". The Jensen property is referred to as the Bloomsberg Place, the Hot Springs property

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III. (Cont.)

is the Dave Shultz Ranch and our property is referred to as the  
Hi Carlson property.

We have no objection to Mr. Jensen's use of water from this  
source and system. We do, however, strongly object to being denied  
the rightful use of a part of this water as filed for on our  
Claim #75-4184.

Matt Yakovac  
MATT YAKOVAC  
Evelyn Yakovac  
EVELYN YAKOVAC  
Box 12  
Carmen, Idaho 83462

STATE OF IDAHO )  
                  )  
County of Lemhi )

Subscribed and sworn to before me this 4<sup>th</sup> day of March, 1981.

Richard W. Peterson  
NOTARY PUBLIC

Residing at Salmon, Idaho. My Commission expires October 1, 1982

Attachments: "A", "B", and "C".

MICROFILMED

Oct 29, 1980

To Whom it may concern

I E. C Bolander do hereby state that in 1934 I lived on the Griffith place now owned by Dr. Boyd Simmons and used water to irrigate my place out of the ditch now known as the Lindberg ditch. The only other two using water from this ditch were the Lige Hampton place now owned by Lloyd Lindberg and the Hiram Carlson place now owned by Matt Yakovac.

I know that the water from this source was used by those three people only for many years prior to that.

*E. C. Bolander*

STATE OF IDAHO  
County of Lemhi

On October 30, 1980 personally appeared before me a Notary Public for the above state E. C. Bolander and subscribed before me the above written instrument.

*David J. Board*  
Notary Public  
Lifetime Commission  
Salmon, Idaho

POOR QUALITY ORIGINAL

MICROFILMED

ATTACHMENT "A"

Oct 30, 1980

To whom it may concern.

I Albert Proksch had the ditch built in 1950 by John Jewett. I irrigated my place till 1954. It is the same ditch that Matt Yakovac and Boyd Simmons uses now.

Albert Proksch

State of Idaho

County of Lemhi

On October 30, 1980 personally appeared before me Albert Proksch known to be to be the person who has written the above instrument.

David McBrat  
Notary Public  
Lifetime Commission  
Salmon, Idaho

MICROFILMED

AFFIDAVIT

OF

WASTE WATER USE

STATE OF IDAHO )

) ss

County of Lemhi )

Forrest Keirnes, Being first duly sworn, deposes and says that;

1. He is an adult male resident of Lemhi County, Idaho.
2. That he and his brother, Dee Keirnes, purchased what has been known as the old Bloomsburg place and an additional forty four (44) acres from Dave Schultz in the early 1950's. Said real property is located on what is commonly known as "Big Flat", Lemhi County, Idaho. Said property was adjacent to the Hi Carlson property, which lays south of the Bloomsburg property.
3. That both the Bloomsburg property, Carlson property, and the Dave Schultz Ranch used waste water which flowed from the Southern end of "Big Flat" through these properties. Partial flooding of the Carlson property was necessary to obtain a flow of waste water to the Bloomsburg place. In the middle or late 1950's, your affiant, Mr. Carlson, and Mr. Schultz agreed that affiant would put a dike and ditch across the Carlson property to alleviate flooding and allow all three to continue use of said waste water out of the created pond and ditch. It was specifically agreed that Mr. Carlson could continue using waste water out of the ditch and created pond.
4. That your affiant constructed the ditch and dike and that all three above parties continued to use the waste water.
5. That the current owner of the property purchased by affiant is or is reputed to be Mr. and Mrs. Alman Jensen. The

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current owner of the Hi Carlson place is or is reputed to be Mr. and Mrs. Matt Yakovac, and the current owner of the Dave Schultz place is Mr. and Mrs. Dorsey McLaughlin.

Dated: August 27, 1980.

Forrest Keirnes  
Forrest Keirnes

SUBSCRIBED AND SWORN To before me this 27 day of August, 1980.

John L. McLaughlin  
Notary Public for Idaho  
Residing at Salmon, Idaho

WATER RIGHT NUMBER 75-4184

OWNER LAST NAME - YAKOVAC

FIRST NAME - MATT

ORIG OWNER -

OWNER LAST NAME - YAKOVAC

FIRST NAME - EVELYN

ORIG OWNER -

ADDRESS LINE 1 - P.O. BOX 12

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CARMEN CITY -

ID8346 STATE - 2 ZIP CODE -

SOURCE - WASTE WATER

TRIBUTARY OF - SINKS

STAGE - STATRY CLM

STATUS -

PRIORITY - 04-01-1923 COUNTY - LEMHI

TOTAL DIV. RATE - 4.1000 -CFS

TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND -

WATER DIST. - DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWNW 05 22N 22E LOT REDIV -

NWSE 06 22N 22E LOT REDIV -

SWNE 06 22N 22E LOT REDIV -

SENE 06 22N 22E LOT REDIV -

FROM - 06-01 TO - 12-01 USE - IRRIGATION

USE DIV. RATE - 4.0000 CFS USE DIV. VOLUME - .00 AFA

FROM - 04-01 TO - 03-31 USE - STOCKWATER

USE DIV. RATE - .1000 CFS USE DIV. VOLUME - .00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 23N RNG 22E SEC 31 TRACT NESE LOT AC 23 TRACT NWSE LOT AC 01

TRACT SWSE LOT AC 22 TRACT SESE LOT AC 38

DATE - TOTAL ACRES 84

DECREE NAME -

REMARKS -

NON IRRIG USE - S/60 RANGE.

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS - DITCHES.

State of Idaho  
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: Ernest

Right Number 75 4184 Applicant Yakovac

NOTE: 75-4184 IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
  - ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
  - ☒ Source.
  - ☒ Quantity, use, period.
  - ☒ Point(s) of diversion.
  - ☒ Location of use.
  - ☒ Signature/notarization/fee.
- 12/22

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date 12-30-1980

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Lawson Date 1/8/81

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75 4184

WATER RIGHT  
DATA ENTRY LOG

[illegible]

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Ave.  
Idaho Falls, Idaho 83401  
(208) 525-7161

DECEMBER 22, 1980

MATT YAKOVAC  
EVELYN YAKOVAC  
P.O. BOX 12

CARMEN  
ID83462

RE: Claim No. 75-4184

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON  
Eastern Region Supervisor

Enclosure

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December 23, 1980

RE: Claim to a Water Right No. 75-4183 and 75-4184

Matt &/or Evelyn Yakovac  
Box 12  
Carmen, Idaho 83462

Dear Mr. & Mrs. Yakovac:

Enclosed please find a copy of the exception filed in connection with the above referenced claim. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....  
.At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw:kw

Enclosure

MICROFILMED

December 23, 1980

RE: Claims to Water Rights Nos. 75-4183 and 75-4184

Almon Jensen  
Box 821  
Salmon, Idaho 83467

Dear Mr. Jensen:

We have received the exception dated December 19, 1980, filed against the above referenced claim to a water right. The following is a quote from the provisions of the Idaho Code under which this claim has been filed:

42-225b. Recording of claims by department-----Corrections.-----

.....  
At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Administration (renamed Department of Water Resources, July 1, 1974) and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for conformation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Very truly yours,

RONALD D. CARLSON  
Eastern Regional Supervisor

RDC:cw:kw

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

150 Shoup Ave.  
Idaho Falls, Idaho 83401  
(208) 525-7161

NOVEMBER 26, 1980

The Recorder-Herald  
P. O. Box 310  
Salmon, Idaho 83467

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before DECEMBER 22, 1980.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

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ZS-4184-

YAKOVAC, MATT &/or EVELYN

P.O. BOX 12,

CARMEN,

ID8346. 2

Source: WASTE WATER tributary to SINKS

Priority Date: 04/01/1923

Amount: 4.10 CFS

Diversion Point: NWNW Sec 05 T 22N R 22E NENE SWNE SENE Sec 06 T 22N R 22E  
NWSE Sec 06 T 22N R 22E, LEMHI Co.

Use: IRRIGATION (4.00 CFS) from 06/01 to 12/01  
STOCKWATER (0.10 CFS) from 04/01 to 03/31

Place of Use: NESE NWSE SWSE SESE Sec 31 T 23N R 22E FOR 84 ACRES

Diversion Means: DITCHES.

NOTICE OF CLAIMS  
TO WATER RIGHTS

Notice is hereby given  
that the following claim(s)  
to water right(s) have  
been established by diver-  
sion and application to  
beneficial use.

73-4184

YAKOVAC, MATT &/or  
EVELYN

P.O. BOX 12, CARMEN,  
ID 83462

Source: WASTE WATER  
tributary to SINKS

Priority Date: 04/01/1923

Amount: 4.10 CFS

Diversion Point: NWNW

Sec 05 T 22N R 22E NENE

SWNE SENE Sec 06 T

22N R 22E NWSE Sec 06

T 22N R 22E LEMHI Co.

Use: IRRIGATION (4.00

CFS) from 06/01 to 12/01

STOCKWATER (0.10

CFS) from 04/01 to 03/31

Place of Use: NESE

NWSE SWSE SESE Sec

31 T 23N R 22E FOR 84

ACRES

Diversion Means: DITCH

ES.

Any exception to any  
claim of water right may  
be filed with the Director  
of the Idaho Department  
of Water Resources, 150  
Shoup Ave, Idaho Falls,  
Idaho 83401.

C. STEPHEN ALLRED

Director

Published 12/04 & 12/

11/80

12-4-2tc

RECEIVED

DEC 3 1980

Department of Water Resources  
Eastern District Office

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November 14, 1980

Mr. and Mrs. Matt Yakovac  
Box 12  
Carman, ID 83462

Dear Mr. and Mrs. Yakovac:

In reviewing the two claims to a water right you recently filed with our office, I feel that the claim concerning waste water needs a more accurate description of the points of diversion. On the enclosed typed claim I have attempted to accomplish this by designating the 40 acre subdivision in which your conveyance ditches are located. Please review this claim to insure it's accuracy, initialing any changes you make. When you are confident the claim is in correct form, simply sign it in the presence of a notary and return it to this office.

If you have any questions concerning the changes I have made, feel free to call me.

Respectfully submitted,

ERNEST CARLSEN  
Sr. Resource Analyst

EC:kw  
Enclosure

RECEIVED  
NOV 15 1980

# STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that MATT & EVELYN YAKOVAC  
(Name of Claimant)  
Box 12, Carman, Idaho 83462 Telephone No. 256-3145  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1923

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
Waste water (pond) tributary to Sinks (Salmon River)

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| (cfs, gpd, AFA)         | (Domestic, Irrigation, Stock, Etc.) | (Both dates inclusive)<br>(Mo., Day) | (Mo., Day)       |
|-------------------------|-------------------------------------|--------------------------------------|------------------|
| Quantity <u>4 CFS</u>   | Use <u>IRRIGATION</u>               | Period of Use From <u>JUNE 1</u>     | To <u>DEC 1</u>  |
| Quantity <u>.10 CFS</u> | Use <u>STOCK WATER</u>              | Period of Use From <u>APR 1</u>      | To <u>MAR 31</u> |
| Quantity _____          | Use _____                           | Period of Use From _____             | To _____         |
| Quantity _____          | Use _____                           | Period of Use From _____             | To _____         |
| Quantity _____          | Use _____                           | Period of Use From _____             | To _____         |

(4) 4.1 CFS TOTAL QUANTITY USED.  
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)  
# E 1/2 Sec. 6 Twp. 23 N. Rge. 22 E B.M., County of Lemhi

Additional points of diversion: ALSO, THE POND RECEIVES WATER FROM WASTE WATER FLOWING FROM NW 1/4 OF SECTION 5 TWP 23 N. Rge 22 E 31

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. WATER IS WASTE WATER FROM USERS OBTAINING THEIR IRRIGATION WATER VIA THE McNABB DITCH OUT OF THE SALMON RIVER; SEE THE ATTACHED PLAT FOR ACTUAL PTS. OF DIVERSION -

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T    | R    | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|------|------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|      |      |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |       |
| 23 N | 22 E | 31   |        |        |        |        |        |        |        |        |        |        |        |        | 23     | 1      | 22     | 38     | 84    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |       |

No. of acres 84

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: WATER FROM THE POND & SPRING IS USED FOR STOCK WATER THE YEAR AROUND... IT IS WARM ENOUGH THAT IT DOESN'T FREEZE. PLACE OF STOCK WATER USE IS THE SAME AS THE PLACE OF USE FOR IRRIGATION

NOTE: Include here the type and number of stock watered: 50-60 STOCK CATTLE - 2-3 HORSES

(7) If you are claiming water as a member of an organization, list name of organization: NONE

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2025 APR 11 10 10 AM

**REPROFILMED**

[illegible]

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

October

Salmon

Leptone

Date \_\_\_\_\_

Date 11/13/80 # 16081

\_\_\_\_\_

\_\_\_\_\_

---

PLAT FILED WITH WATER CLAIM FOR 1/4T & E 1/4T 22E20N

LENN: Co., IDAHO

TWP 23 N. 22E20N

SCALE 1" = 660'

TO  
SALMON  
RIVER

HEAD  
CREEK

WASTED  
WATER

TO BOYD  
SUMMIT  
TRAIL

SALMON  
RIVER

WASTED  
WATER

SPRING

POND

T 22N

T 23N

TO  
MOUNTAIN  
SIDE

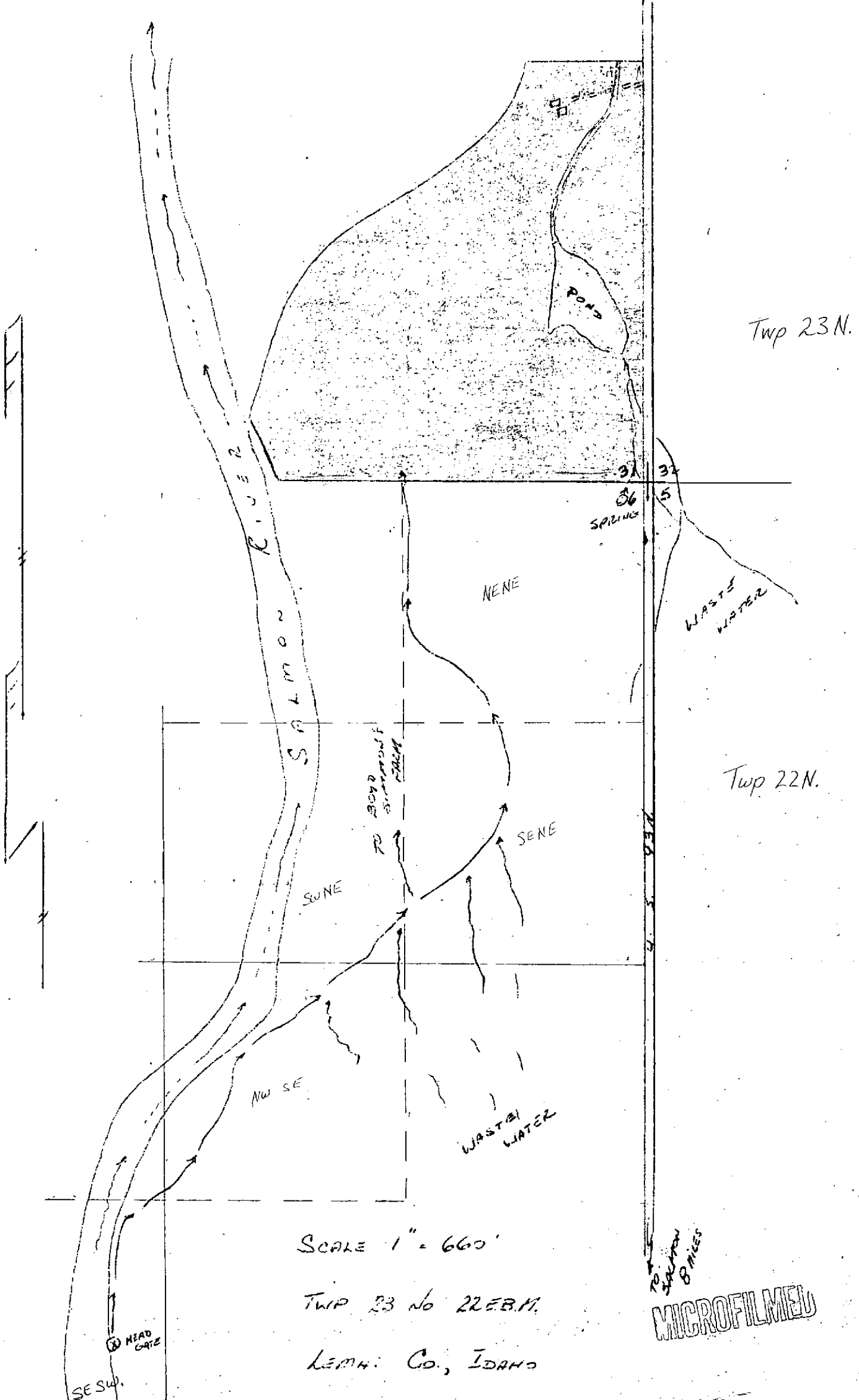
DEPT. OF AGRICULTURE

Appraiser's Initials:

PLAT OF FARM

NO.

Use Standard Legend. Indicate roads and show direction and distance to nearest town. Indicate points of compass—show scale of map. Designate section numbers at section centers. If more than one source of irrigation supply, indicate area served by each.



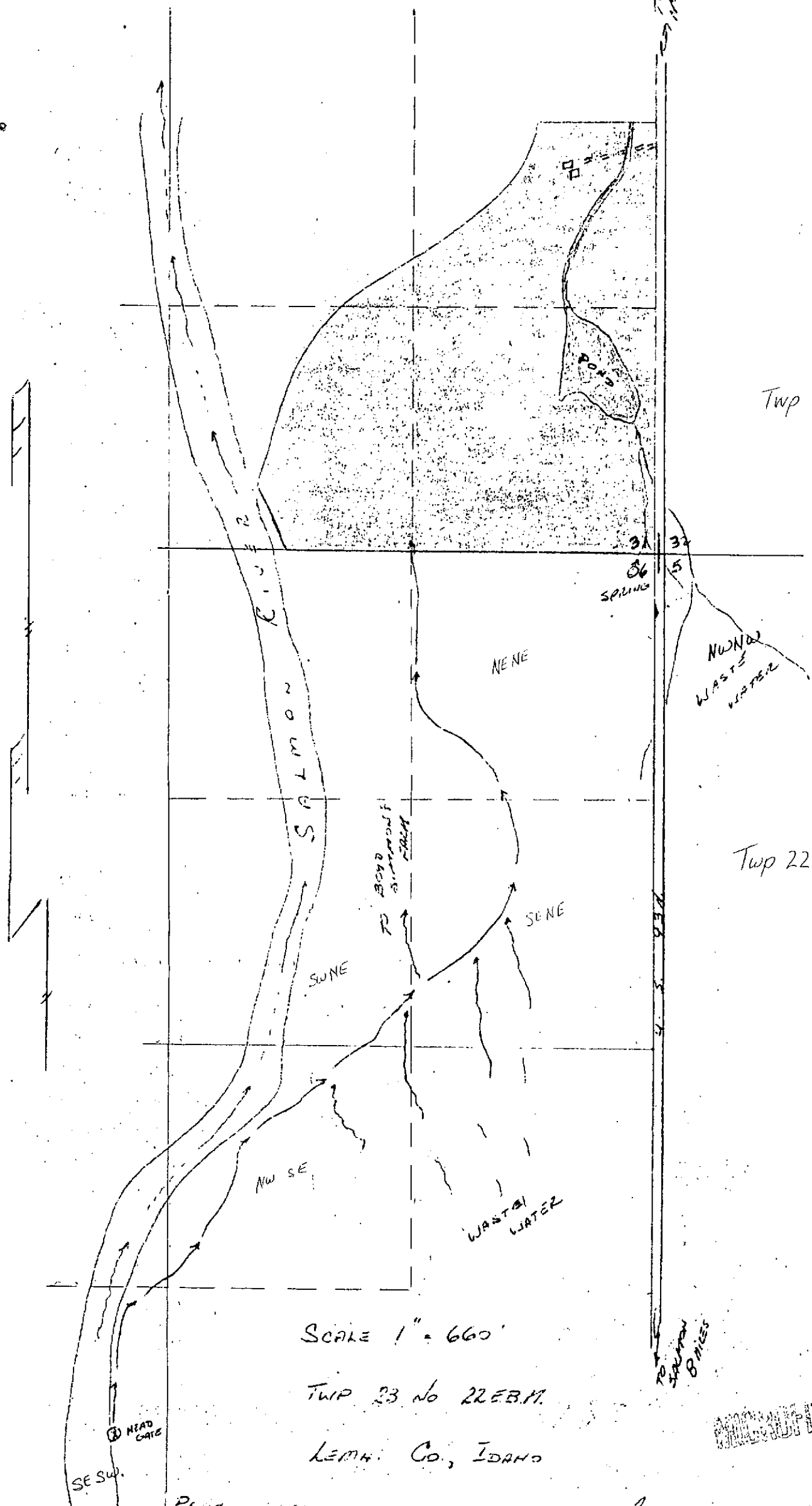
SCALE 1" = 660'

TWP 23 No 22 E.B.M.

LEMH. CO., IDAHO

PLAT FILED WITH WATER CLAIM FOR Matt & Evelyn YAKOVAC

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Twp 23N.

Twp 22N.

SCALE 1" = 660'

TWP 23 No 22 E.B.M.

LEMHI CO., IDAHO

NOT LINED