

12/18/2006

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

RIGHT NUMBER: 75-14437

NAME AND ADDRESS: DAVID YANOFF
343 DIAMOND CREEK RD
SALMON ID 83467-5298

SOURCE: WALLACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.050 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION:

T22N R22E S6 NWSW Lot 7 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.050 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S06 Lot 3 NWNE 1.50 T22N R22E S06 Lot 9 SWNE 2.40

3.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 3.9 acres in a single irrigation season. Combined Right Nos.: 75-14437 & 75-14438.

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 - Decreed

Place of use is located within Lot 2 of Diamond Creek Subdivision.

Pedigree Search (History of Water Right Number splits)

Adjudication Pedigree for 75-83

-- Water Right Number / Status / Reason for split

--75-83 /See Remarks /Transfer

--75-83A /See Remarks /Ownership Change

--75-83G /PARENT /Ownership Change

--75-14095 /Active /Ownership Change

--75-14096 /Active /Ownership Change

--75-83H /See Remarks /Ownership Change

--75-83K /Active /Ownership Change

--75-14305 /Active /Ownership Change

--75-14306 /Active /Ownership Change

--75-83B /Active /Transfer

--75-83C /Active /Transfer

--75-83D /Parent /Ownership Change

--75-83E /See Remarks /Ownership Change

--75-13954 /Parent /Ownership Change

--75-13985 /Active /Ownership Change

--75-13986 /Active /Ownership Change

--75-13955 /Active /Ownership Change

--75-83F /See Remarks /Ownership Change

--75-13948 /Active /Ownership Change

--75-13949 /Parent /Ownership Change

--75-14381 /Active /Ownership Change

--75-14382 /Active /Ownership Change

Water Right Pedigree for 75-83

75-14437 - .05 3.9 AC YANOFF
75-14439 - .06 5.9 AC YANOFF

SCANNED

FEB 01 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

206 Van Dreff, Suite B, Salmon, Idaho 83467-4117

Phone: (208) 756-6644 FAX: (208) 756-6644

August 10, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

David Yanoff
246 North Sixth Street
Lehigh, Pa. 182235

Mr. Yanoff:

I have enclosed a copy of the water right claim of which a portion of would be associated to your property in the Diamond Creek subdivision. I have also enclosed a Change of Water Right Ownership form and instructions, which needs to be completed and returned to the office highlighted in the instructions. Please be advised the filing fee does not apply to this claim to a water right.

Please feel free to contact me at the above address if you have questions or need assistance in completing the ownership change.

Sincerely,

A handwritten signature in cursive script that reads "Robert E. Foster".

Robert E. Foster
Sr. Water Rights Agent

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FEB 01 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 8, 2004

DAVID YANOFF
70 TOWBEE DR
PALMERTON PA 18071

Dear Mr. Yanoff:

Our department received your ownership change request for water rights in the Diamond Creek Subdivision. Due to the confusing nature of these rights, we have decided not to process ownership changes until our agents conduct field exams of the Salmon River drainage in 2005.

While I cannot guarantee you have water rights, if your property was historically irrigated, it is likely you have a share of the Diamond Creek rights.

Respectfully,

Ernest Carlsen
Water Rights Supervisor

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FEB 01 2008

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

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	75-83	✓			
	75-84	✓			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Barry Marcus, et al
737 N. 7th St. Boise, ID 83702
4. New Owner/Claimant(s) David Yano
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 343 Diamond Creek Rd.
 City, State and ZIP Code Salmon, ID 83467
 New Telephone Number (208) 756-2248
5. Date you acquired the property 01-26-2000

SW NE Lot 9
 22 N 22 E S 6

SCANNED
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 FEB 01 2003
 FEB 01 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

DLCC (DAVID YANOFF)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

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FEB 01 2008

WARRANTY DEED

Order No.:307000341L-C

FOR VALUE RECEIVED

John Michael Gwartney, a married man dealing with his sole and separate property

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

David B. Yanoff, an unmarried person

whose current address is

70 Towhee Drive Palmerton, PA 18071

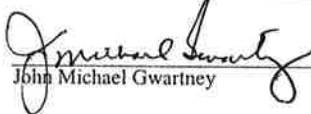
the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

Lot 2 of Diamond Creek Subdivision, according to the official plat thereof, filed in Book 5 of Plats at Page(s) 45 Official Records of Lemhi County, Idaho, and corrected by Affidavit Authorizing Changes On Plat recorded October 28, 1983 as Instrument No. 169591.

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: 7/18/2000


John Michael Gwartney

State of Idaho

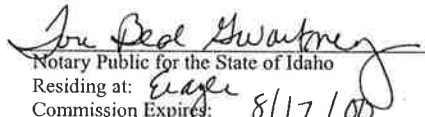
County of Lemhi

On this 26th day of July, before me, a Notary Public in and for said state, personally appeared John Michael Gwartney and

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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




Notary Public for the State of Idaho

Residing at: Boise

Commission Expires: 8/17/00

State of Idaho)
County of Lemhi)

SS No. 244872

This instrument was filed for record at the request

of Alliance Title

at 3:08 o'clock p.m. on July 27, 2000

at the County Clerk's Office, Lemhi County, Idaho

By Janet Sumner Deputy

Fee \$3.00

Return to A.T.

SCANNED

FEB 01 2001

DIAMOND CREEK

Located in Lots 3, 4, 5, 6, & 9, and the SE¹/₄ NW¹/₄,
 Section 6, T.22N., R.22E., B.M.,
 and Lots 10 and 11, Section 31,
 T.23N., R.22E., B.M.,
 Lemhi County, Idaho

CERTIFICATE OF SURVEYOR

This is to certify that I, James S. Johnston, C.E./L.S. No. 2237,
 State of Idaho, made the survey of the land as described in the
 foregoing Certificate of Owners and designated herein as
 DIAMOND CREEK, and that this plat, comprised of 3 sheets, is
 a true and correct representation of said survey
 as made and staked by me or under my supervision in accordance
 with the laws of the State of Idaho on said land.

159000

COUNTY RECORDER'S CERTIFICATE

James S. Johnston

Selling Real Estate Since 1948

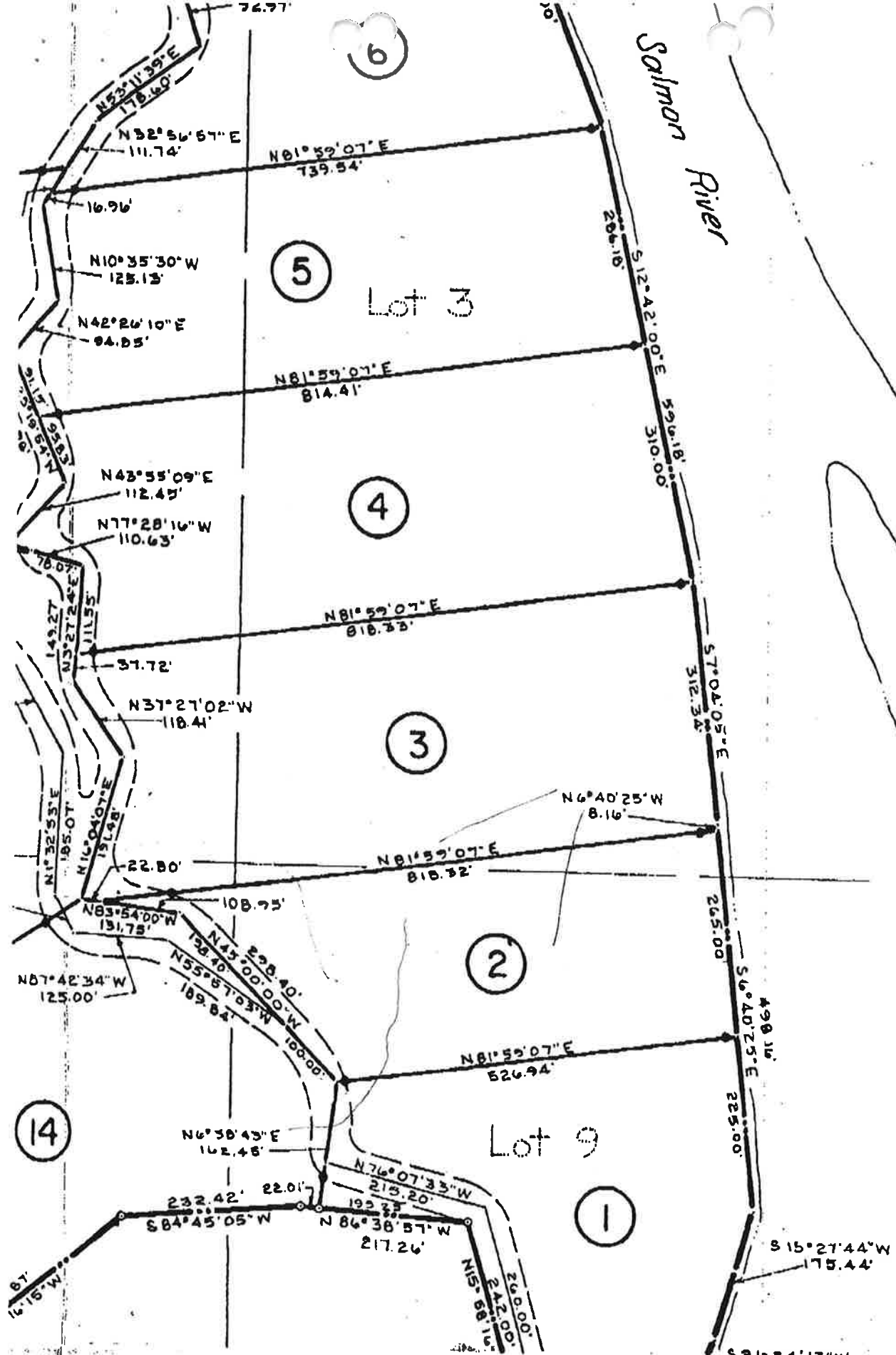
tract purchasers

3, 4, 5, 6, and 9,
 and U.S. Government
 County, Idaho,

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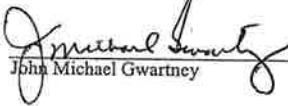
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And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/18/2000


John Michael Gwartney

State of Idaho

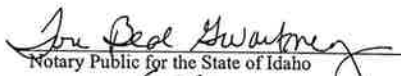
County of Lemhi

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known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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




Notary Public for the State of Idaho
Residing at: Eagle
Commission Expires: 8/17/00

State of Idaho)
County of Lemhi) SS No. 244872
This Instrument was filed for record at the request
of Alliance Title
at 3:00 o'clock p.m. July 27, 2000
and duly filmed and indexed in the records of Lemhi
County Teri J. Merion
Ex-Officio Recorder
By Janet Sumner Deputy
Fee \$3.00
Return to A.T.

SCANNED
FEB 01 2008

WARRANTY DEED

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John Michael Gwartney

State of Idaho

}
} ss.
}

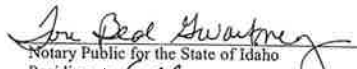
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Notary Public for the State of Idaho
Residing at: Elgin
Commission Expires: 8/17/00

State of Idaho) SS No. 244872
County of Lemhi)
This Instrument was filed for record at the request
of Alliance Title
at 3:08 o'clock p.m. July 27, 2000
and duly filed and indexed in the records of Lemhi
County
Trent J. Morton
Ex-Officio Recorder
By Janet Summers Deputy
Fee \$3.00
Return to A.T.

RECORDED
FEB 11 2001

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 75-14437
Date Received: 12/18/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID YANOFF Phone: (208)756-2248

343 DIAMOND CREEK RD
SALMON ID USA 83467-5298

2. Date of Priority: 05/13/1898

3. Source: WALLACE CREEK Trib. to: SALMON RIVER

4. Point of Diversion: 0.05

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	22E	6	NW SW 7	LEMHI	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.05	

7. Total Quantity Appropriated is:

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	6	SW	NE	9	IRRIGATION

3.9

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: This is part of 75-83H

15. Basis of Claim: Decreed