

04/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14512

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

SOURCE: WALLACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/17/1923

POINT OF
DIVERSION: T22N R21E S1 NENESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S06 SENW 2.10

2.1 ACRES TOTAL

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 - Beneficial Use

This right is a split from former right 75-14093 .

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-14512 V1

WATER RIGHT NUMBER: 75-14512 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	SANDY H SIMS PO BOX 686 SALMON, ID 83467 (208)756-6133
Original Owner	SANDY SIMS 25 ADAMS RANCH RD BOISE, ID 83716 (208)343-9912
Original Owner	BARRY MARCUS MARCUS MERRICK CHRISTIAN & HARDEE LLP 737 N 7TH ST BOISE, ID 83702 (208)342-3563
Original Owner	DERROLD SLAVIN PO BOX41 CARMEN, ID 83462 (208)756-3442
Current Owner	DAVID YANOFF 343 DIAMOND CREEK RD SALMON, ID 83467-5298 (208)756-2248

Priority Date: 04/17/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WALLACE CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/15	0.120 CFS	
	<u>Total Diversion:</u>	0.120 CFS	

Location of Point(s) of Diversion

WALLACE CREEK	NE1/4NE1/4SW1/4	Sec. 1, Twp 22N, Rge 21E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	22E	6																	2.1

Total Acres: 2.1

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 75-14512 V1

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. This right is a split from former right 75-14093 .

Remarks:

Comments:

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

April 22, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LINDA BARINAGA
DICK WILLIAMS
2655 LINDER RD
KUNA ID 83634

RE: Notice of Change of Water Right Ownership (NCO) for
75-14093 (Split into 75-14512 & 75-14513) and Amended Amended Notice of
Completed Administrative Proceeding (NCAP)

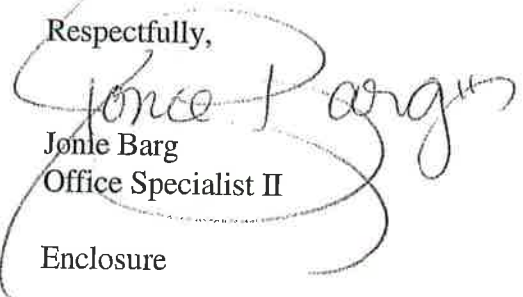
Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

cc: David Yanoff

SCANNED

JUL 10 2008

PROFILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

Water Rights: 75-14093
(Split into 75-14512 & 75-14513)

)

Case No. 39576

)

**AMENDED AMENDED
NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:
☐ Address change

☒ Substitution of Party YANOFF-BARINAGA & WILLIAMS

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 4, 2008

Ernest Carlson

Signature of IDWR Representative

PROFILED

SCANNED

JUN 06 2008

CERTIFICATE OF MAILING

I certify that on June 4, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. ✓ Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
David Yanoff
343 Diamond Creek Rd
Salmon ID 83467

3. One copy to:

✓ Claimant/Purchaser for Substitution of Party, or attorney of record:
Linda Barinaga
Dick Williams
2655 Linder Rd
Kuna ID 83634

4. One copy to:

Each party in the subcase, or attorney of record

David Yanoff
C/O Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

Dan Farley
Jeffrey V Waite
C/O Kent Foster
1000 Riverwalk Dr Ste 200
PO Box 50130
Idaho Falls ID 83405

5. ✓ One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. ✓ One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

PROFILED


Signature of person or attorney mailing the form

JUN 06 2008

04/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER

75-14093

CLAIM DISPOSITION REASON

Disallowed

Split into: 75-14512 and 75-14513

PROFILED

**SCANNED
JUN 06 2008**

04/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14512
NAME AND ADDRESS: DAVID YANOFF
343 DIAMOND CREEK RD
SALMON ID 83467-5298
SOURCE: WALLACE CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.040 CFS
PRIORITY DATE: 04/17/1923
POINT OF
DIVERSION: T22N R21E S1 NENESW Within LEMHI County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/15	0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T22N R22E S06 SENW 2.10
2.1 ACRES TOTAL

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 - Beneficial Use

This right is a split from former right 75-14093 .

PROFILED

SCANNED
JUN 06 2008

04/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14513

NAME AND ADDRESS: LINDA BARINAGA
2655 LINDER RD
KUNA ID 83634

DICK WILLIAMS
2655 LINDER RD
KUNA ID 83634

SOURCE: WALLACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/17/1923

POINT OF
DIVERSION: T22N R21E S1 NENESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

0.120 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S06 SENW 5.90

5.9 ACRES TOTAL

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 - Beneficial Use

This right is a split from former right 75-14093 .

PROFILED

SCANNED
JUN 06 2008

343 Diamond Creek Road
Salmon, ID 83467
April 17, 2008

State of Idaho
Department of Water Resources
900 N. Skyline Drive
Suite A
Idaho Falls, ID 83402-1718

RE: Water Right 75-14093 split into 75-14512 and 75-14513

Sirs:

I received a NCO for the above water right (copy of cover letter is enclosed). Water right 75-14093 was for an eight acre parcel of land that received 0.160 CFS. This parcel was split into two parcels, one of 5.9 acres and one of 2.1 acres. The water right was split into 75-14512 for the 2.1 acre parcel which received 0.120 CFS and 75-14513 which received 0.04 CFS.

I am writing because I believe the quantity of water received for each parcel is incorrect and was inadvertently reversed. I believe that the 5.9 acre parcel should receive 0.120 CFS and the 2.1 acre parcel should receive 0.040 CFS. I would appreciate it if you would review this and make the correction.

Thank you.



David Yanoff

RECEIVED

APR 21 2008

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION
April 4, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Linda Barinaga
Dick Williams
2655 Linder Rd
Kuna ID 83634

RE: Notice of Change of Water Right Ownership (NCO) for 75-14093 (Split into 75-14512 & 75-14513) and Amended Notice of Completed Administrative Proceeding (NCAP)

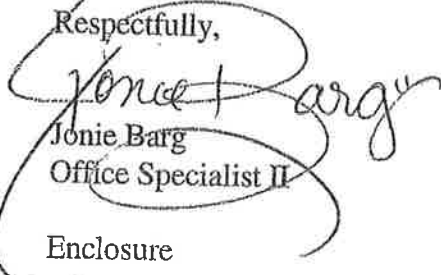
Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

cc: David Yanoff

RECEIVED

APR 21 2008

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

August 27, 2008

DAVID JEFFREY ODELL
2742 ALPENGLOW
STEVENSVILLE MT 59870

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: Notice of Change of Water Right Ownership (NCO) for 75-14512 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Bobby Kern
Office Specialist II

Enclosure

SCANNED
SEP 10 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Water Rights: 75-14512

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party YANOFF - ODELL

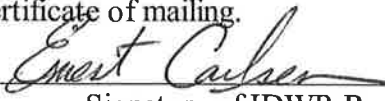
- ☐ I.C. § 42-222 transfer

- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 7-4-2008


Signature of IDWR Representative

SCANNED
SEP 10 2008

CERTIFICATE OF MAILING

I certify that on September 5, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
David Yanoff
343 Diamond Creek Rd.
Salmon, ID 83467-5298

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
David Jeffrey Odell
2742 Alpenglow
Stevensville, MT 59870

4. One copy to:

Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Signature of person or attorney mailing the form

SCANNED
SEP 10 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.

RECEIVED**AUG 18 2008****DEPARTMENT OF
WATER RESOURCES**

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
Adj. 75-14093	split - now		75-14512		

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)

David Yanoff

4. New Owner/Claimant(s)

David Jeffrey Odell
 Name Connector (Check one): ☐ and ☐ or ☐ and/or

New Mailing Address

2742 Alpenglow

City, State and ZIP Code

Stevensville, MT 59870

New Telephone Number

(406) - 777 - 3421

5. Date you acquired the property

6-11-08

RECEIVED**AUG 21 2008**

Department of Water Resources
 Eastern Region

SCANNED**AUG 18 2008**

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) _____

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 _____

SCANNED

AUG 4 8 2008



WARRANTY DEED

Order No.: 3070804699L-D

FOR VALUE RECEIVED

Grey Dog, L.L.C., who acquired title as Grey Dog LLC, an Idaho Limited Liability Co.

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

David Jeffrey Odell, a married man dealing with his sole and separate property

whose current address is

2742 Alpenglou Stevensville, MT 59870

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

**LOT 15B OF DIAMOND CREEK SUBDIVISION AMENDED, ACCORDING TO THE
OFFICIAL PLAT THEREOF, FILED IN BOOK 9 OF PLATS AT PAGE(S) 10
OFFICIAL RECORDS OF LEMHI COUNTY, IDAHO.**

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: 6/24/2008

Grey Dog, L.L.C.

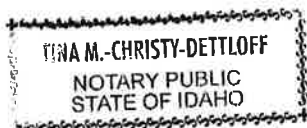
By: David Yanoff, Manager

State of Idaho

County of Lemhi

On this 24th day of June, 2008, before me, a Notary Public in and for said state, personally appeared DAVID YANOFF known or identified to me to be the Managing Member in the Limited Liability Company known as MANAGING MEMBER who executed the foregoing instrument, and acknowledged to me that his executed the same in said LLC name.

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



Tina M. Christy-Dettloff
Notary Public for the State of Idaho

Residing at: Salmon, ID

Commission Expires: 2/23/2010

SS No. 276572

Instrument was filed for record at the request

Alliance Title

12:01 o'clock P.m. 6-24-2008

and duly filed and indexed in the records of Lemhi

County

Terri J. Morton

Ex-Officio Recorder

By Eynice Carden Deputy

Fee 3.00

Return to A.T.

SCANNED

AUG 16 2008

09/04/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14512

NAME AND ADDRESS: DAVID JEFFREY ODELL
2742 ALPENGLOW RD
STEVENSVILLE MT 59870

SOURCE: WALLACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/17/1923

POINT OF
DIVERSION:

T22N R21E S1 NENESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S06

SENW 2.10

2.1 ACRES TOTAL

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 - Beneficial Use

This right is a split from former right 75-14093 .



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

April 22, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LINDA BARINAGA
DICK WILLIAMS
2655 LINDER RD
KUNA ID 83634

RE: Notice of Change of Water Right Ownership (NCO) for
75-14093 (Split into 75-14512 & 75-14513) and Amended Amended Notice of
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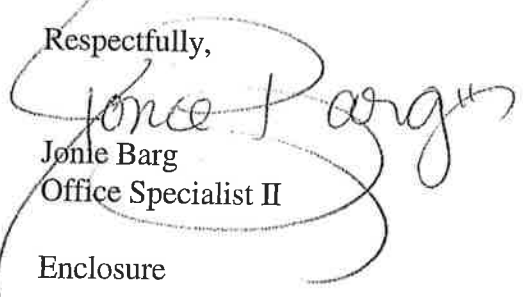
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Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonle Barg
Office Specialist II

Enclosure

cc: David Yanoff

SCANNED

JUL 10 2008

PROFILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 75-14093
(Split into 75-14512 & 75-14513)

Case No. 39576)

**AMENDED AMENDED
NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

_____ IDWR has completed the following Administrative proceeding:
☐ Address change

☒ Substitution of Party YANOFF-BARINAGA & WILLIAMS

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 4, 2008

Ernest Carlson

Signature of IDWR Representative

PROFILED

SCANNED

JUN 06 2008

CERTIFICATE OF MAILING

I certify that on June 4, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. ✓ Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
David Yanoff
343 Diamond Creek Rd
Salmon ID 83467

3. One copy to:

✓ Claimant/Purchaser for Substitution of Party, or attorney of record:
Linda Barinaga
Dick Williams
2655 Linder Rd
Kuna ID 83634

4. One copy to:

Each party in the subcase, or attorney of record

David Yanoff
C/O Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

Dan Farley
Jeffrey V Waite
C/O Kent Foster
1000 Riverwalk Dr Ste 200
PO Box 50130
Idaho Falls ID 83405

5. ✓ One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. ✓ One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

PROFILED


Signature of person or attorney mailing the form

JUN 06 2008

04/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER

75-14093

CLAIM DISPOSITION REASON

Disallowed

Split into: 75-14512 and 75-14513

PROFILED

SCANNED
JUN 06 2008

04/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14512

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

SOURCE: WALLACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/17/1923

POINT OF

DIVERSION: T22N R21E S1 NENESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S06 SENW 2.10

2.1 ACRES TOTAL

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 - Beneficial Use

This right is a split from former right 75-14093 .

PROFILED

SCANNED
JUN 06 2008

04/22/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14513

NAME AND ADDRESS: LINDA BARINAGA
2655 LINDER RD
KUNA ID 83634

DICK WILLIAMS
2655 LINDER RD
KUNA ID 83634

SOURCE: WALLACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/17/1923

POINT OF
DIVERSION: T22N R21E S1 NENESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

0.120 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S06 SENW 5.90

5.9 ACRES TOTAL

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 - Beneficial Use

This right is a split from former right 75-14093 .

PROFILED

SCANNED
JUN 06 2008

343 Diamond Creek Road
Salmon, ID 83467
April 17, 2008

State of Idaho
Department of Water Resources
900 N. Skyline Drive
Suite A
Idaho Falls, ID 83402-1718

RE: Water Right 75-14093 split into 75-14512 and 75-14513

Sirs:

I received a NCO for the above water right (copy of cover letter is enclosed). Water right 75-14093 was for an eight acre parcel of land that received 0.160 CFS. This parcel was split into two parcels, one of 5.9 acres and one of 2.1 acres. The water right was split into 75-14512 for the 2.1 acre parcel which received 0.120 CFS and 75-14513 which received 0.04 CFS.

I am writing because I believe the quantity of water received for each parcel is incorrect and was inadvertently reversed. I believe that the 5.9 acre parcel should receive 0.120 CFS and the 2.1 acre parcel should receive 0.040 CFS. I would appreciate it if you would review this and make the correction.

Thank you.



David Yanoff

RECEIVED

APR 21 2008

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION
April 4, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Linda Barinaga
Dick Williams
2655 Linder Rd
Kuna ID 83634

RE: Notice of Change of Water Right Ownership (NCO) for 75-14093 (Split into 75-14512 & 75-14513) and Amended Notice of Completed Administrative Proceeding (NCAP)

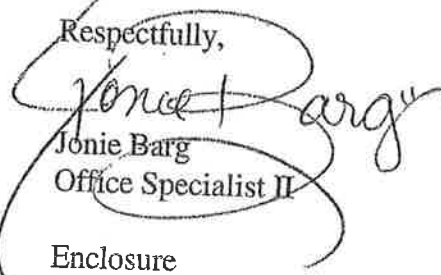
Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

cc: David Yanoff

RECEIVED

APR 21 2008

Department of Water Resources
Eastern Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION
April 4, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Linda Barinaga
Dick Williams
2655 Linder Rd
Kuna ID 83634

RE: Notice of Change of Water Right Ownership (NCO) for 75-14093 (Split into 75-14512 & 75-14513) and Amended Notice of Completed Administrative Proceeding (NCAP)

Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

cc: David Yanoff

SCANNED

APR 15 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 75-14093
(Split into 75-14512 & 75-14513)

Case No. 39576)

AMENDED
NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

_____ IDWR has completed the following Administrative proceeding:
☐ Address change

☒ Substitution of Party YANOFF-BARINAGA & WILLIAMS

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4-9-08

Ernest Carlson

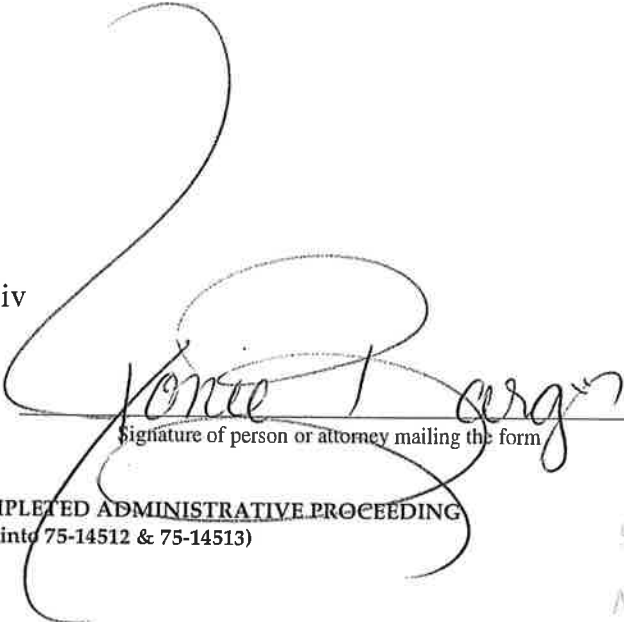
Signature of IDWR Representative

SCANNED
APR 15 2008

CERTIFICATE OF MAILING

I certify that on April 11, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
David Yanoff
343 Diamond Creek Rd
Salmon ID 83467
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Linda Barinaga
Dick Williams
2655 Linder Rd
Kuna ID 83634
4. One copy to:
Each party in the subcase, or attorney of record
David Yanoff
C/O Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250
Dan Farley
Jeffrey V Waite
C/O Kent Foster
1000 Riverwalk Dr Ste 200
PO Box 50130
Idaho Falls ID 83405
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

04/9/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER

75-14093

CLAIM DISPOSITION REASON

Disallowed

Split into: 75-14512 and 75-14513

04/09/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14512

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

SOURCE: WALLACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.120 CFS

PRIORITY DATE: 04/17/1923

POINT OF

DIVERSION: T22N R21E S1 NENESW Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

0.120 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S06

SENEW 2.10

2.1 ACRES TOTAL

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 - Beneficial Use

This right is a split from former right 75-14093 .

SCANNED

APR 1 3 2008

04/09/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14513

NAME AND ADDRESS: LINDA BARINAGA
2655 LINDER RD
KUNA ID 83634

DICK WILLIAMS
2655 LINDER RD
KUNA ID 83634

SOURCE: WALLACE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 04/17/1923

POINT OF

DIVERSION: T22N R21E S1 NENESW Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/15

0.040 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S06

SENW

5.90

5.9 ACRES TOTAL

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 - Beneficial Use

This right is a split from former right 75-14093 .

SCANNED

APR 19 2008

343 Diamond Creek Road
Salmon, ID 83467
April 6, 2008

State of Idaho
Department of Water Resources
900 N. Skyline Drive
Suite A
Idaho Falls, ID 83402-1718

RE: Water Right 75-14093

Sirs:

I recently received a Notice of Change of Water Right Ownership for 75-14093 and Notice of Completed Administrative Proceeding, dated March 14, 2008 (copy enclosed). I am the seller of this property. Please be advised that this water right is for an 8 acre parcel that was known as Lot 15 of Diamond Creek Subdivision. I divided that 8 acre parcel into two smaller parcels known as Lot 15A and Lot 15B. The parcel sold to Linda Barinaga and Dick Williams was Lot 15A and contained 5.92 acres.

In view of this, the water right needs to be split, with a prorated portion to the new owners and the remaining portion staying with Lot 15B. Please advise as to what steps I need to take to correct this situation.

Thank you.


David Yanoff

RECEIVED
APR 08 2008

SEARCHED
SERIALIZED
INDEXED
FILED

BOATNED

APR 11 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

MARCH 14, 2008

LINDA BARINAGA
DICK WILLIAMS
2655 LINDER RD
KUNA ID 83634

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: Notice of Change of Water Right Ownership (NCO) for 75-14093 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Office Specialist II

Enclosure

CC: DAVID YANOFF

SCANNED

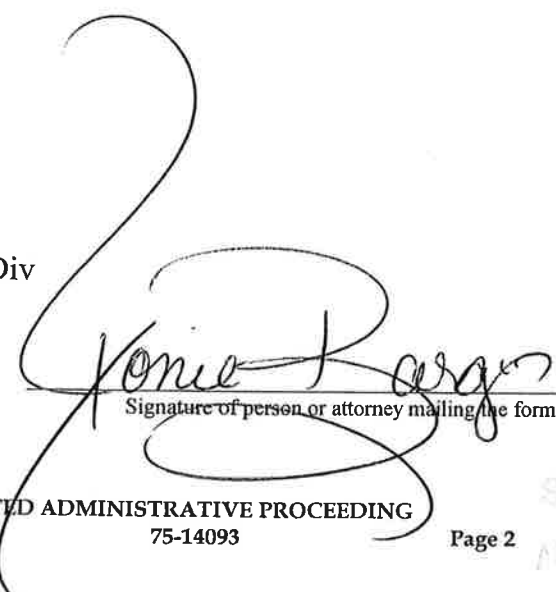
APR 01 2008

APR 15 2008

CERTIFICATE OF MAILING

I certify that on March 31, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
David Yanoff
343 Diamond Creek Rd
Salmon ID 83467
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Linda Barinaga
Dick Williams
2655 Linder Rd
Kuna ID 83634
4. One copy to:
Each party in the subcase, or attorney of record
David Yanoff Dan Farley
C/O Jerry R. Rigby Jeffrey V Waite
25 N 2nd E C/O Kent W Foster
PO Box 250 1000 Riverwalk Dr Ste 200
Rexburg ID 83440-0250 PO Box 50130
Idaho Falls ID 83405
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

Split Analysis

Water Right Number: 75-14093

Total Diversion Rate: 0.16

Total Acres 8.0

Acre-Limit 0.0

Twp	Rng	Sec	QQ	Lot	Parent	Children					
20N	22E	6	SENW		75-14093 8.0	14512 2.1	14513 5.9				
					8.0	2.1	5.9	0.0	0.0	0.0	0.0
					Total Children Acreage						8.0

Water Right To Be Split	CFS	Acres	CFS per ACRE	Acre Limit	ac-ratio
75-4209	0.16	8.0	0.0200	0.0	0
Children					
75-14508	0.042	2.1	0.0200	0.0	0
75-14509	0.118	5.9	0.0200	0.0	0
	0.16	8.0		0.0	