

02/11/2008

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

RIGHT NUMBER: 37-4099

NAME AND ADDRESS: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009

SOURCE: WASTE WATER

TRIBUTARY: THORN CREEK

QUANTITY: 2.000 CFS

PRIORITY DATE: 04/01/1953

POINT OF DIVERSION:

T04S R16E S31 SENE Within GOODING County

T04S R16E S31 SENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.000 CFS

PLACE OF USE:

IRRIGATION in GOODING County

T04S R16E S31

SWNE

21.70

T04S R16E S31

SENE

17.70

T04S R16E S31

SENE

3.30

42.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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

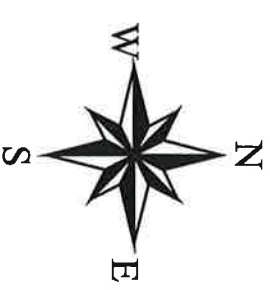
Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

Use of this right is combined with water from Big Wood Canal Co.



30 29
31 32

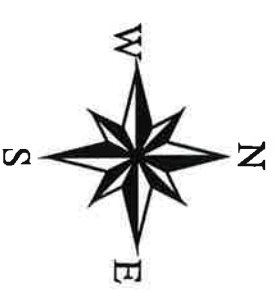
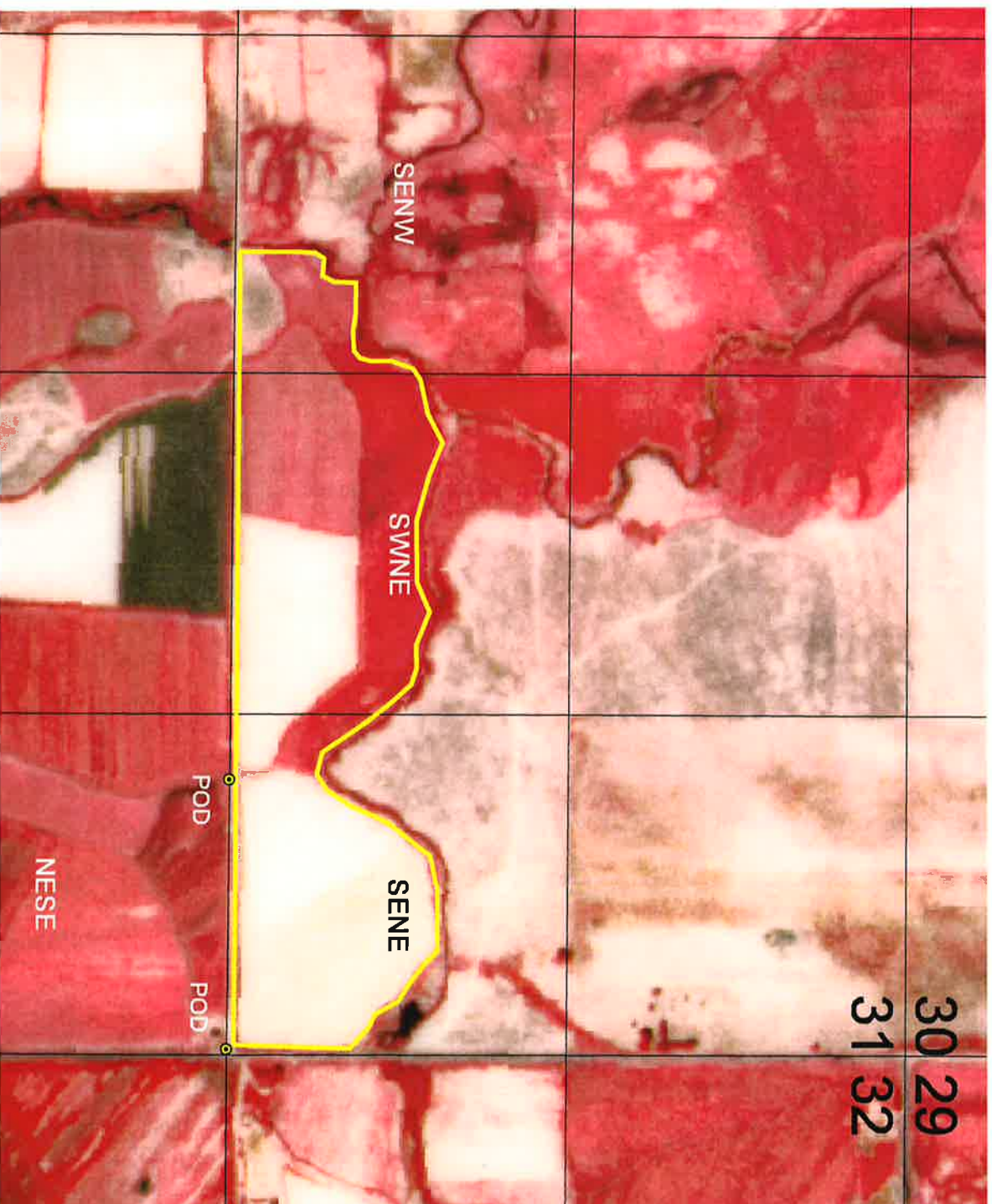
T04S R16E
S31



Map prepared by: Carter Fritschle
Date prepared: 12/14/04 - Revised 02/08/08
2004 NAIP photography
Idaho Department of Water Resources

37-4099

30 29
31 32
T04S R16E
S31



Map prepared by: Carter Fritschle
Date prepared: 12/14/04
1987-1988 NAPP photography
Idaho Department of Water Resources



Tag No. A0013774 – Image No. 301

Cement drain ditch → flows to the west



Tag No. A0013775 – Image No. 302

Ditch continues to the west

04/17/2007

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

RIGHT NUMBER: 37-4099

NAME AND ADDRESS: BLACK BUTTE HILLS LLC
PO BOX 1607
BELLEVUE WA 98009

SOURCE: WASTE WATER

TRIBUTARY: THORN CREEK

QUANTITY: 0.860 CFS

PRIORITY DATE: 04/01/1953

POINT OF DIVERSION:

T04S R16E S31 SENE Within GOODING County

T04S R16E S31 SENE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.860 CFS

PLACE OF USE: IRRIGATION in GOODING County

T04S R16E S31	SWNE	21.70	T04S R16E S31	SENE	17.70
T04S R16E S31	SENE	3.30			

42.7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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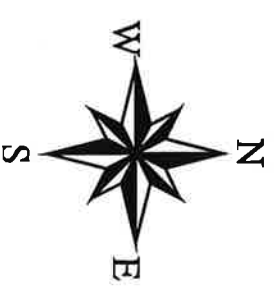
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

Use of this right is combined with water from Big Wood Canal Co.

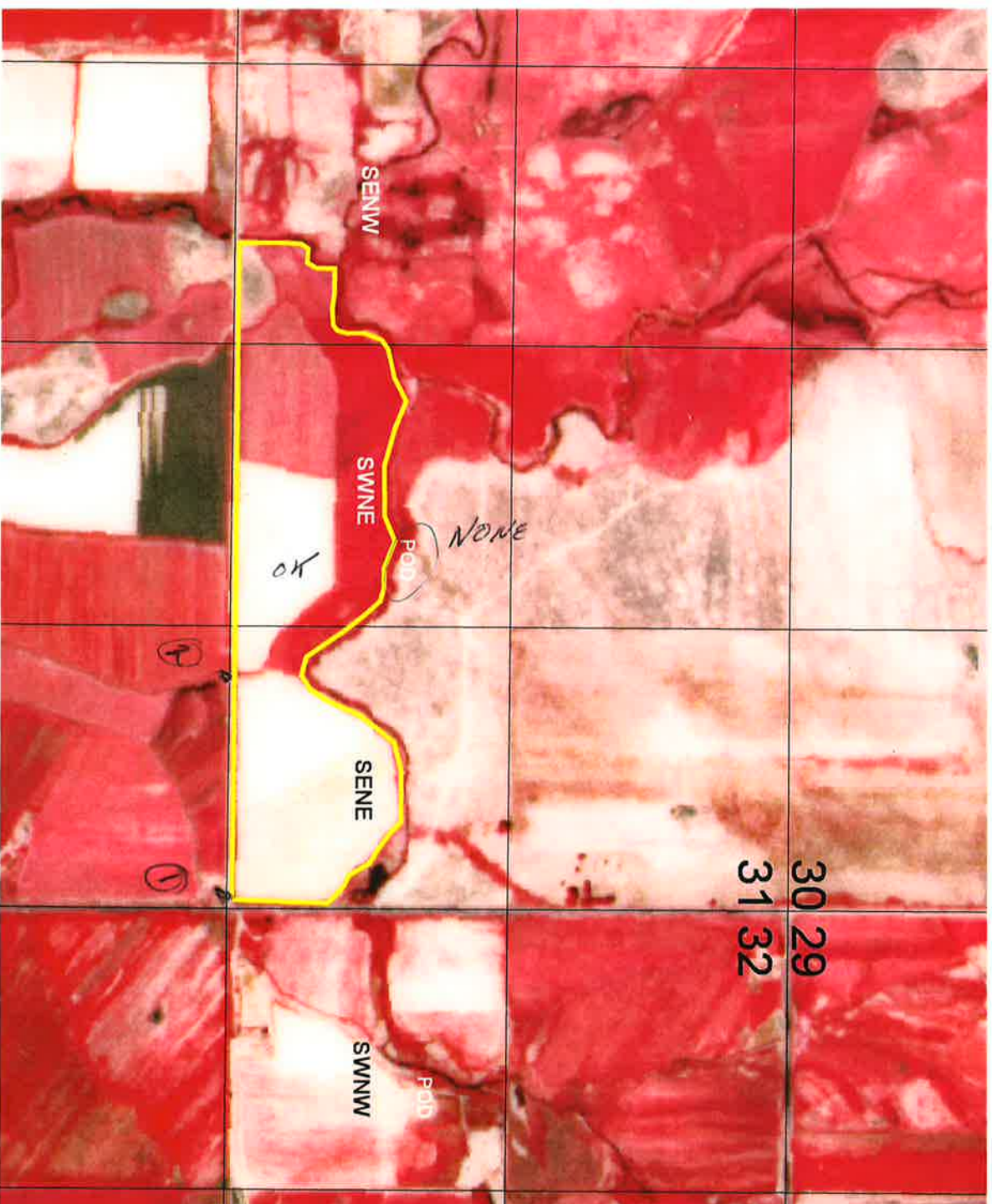
30	29	104S R16E
31	32	

S31



Map prepared by: Carter Fritschle
Date prepared: 12/14/04
1987-1988 NAPP photography
Idaho Department of Water Resources

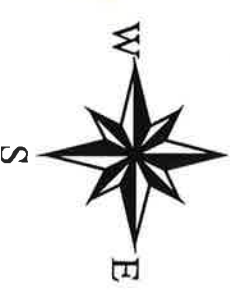
37-4099



T04S R16E

S31

as per Rod Gonzales
(Foreman) the land
in yellow is a good
indication for this
water right - There is
no POD on north side
as indicated. See
1 & 2 for POD for this
property N



Contacts Data Entry Form

Claim Number 37-4099

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	^{Sold} PAULINE S DAMELE	655 W COUNTY LINE RD	CITY GOODING	ID	83330	(208)886-2797 ⁵³⁹⁻³⁹⁰¹
Current Owner	STEPHEN D DAMELE	655 W COUNTY LINE RD	GOODING	ID	83330	(208)886-2797

Date of Field Exam: 9-1-04 Time: 11 AMAccompanied By: Rod Gonzales Phone Number: 720-5548 Cell
764-3904 FairfieldRelationship to Claimant: Foreman

Directions to Property (if different from above) and/or update owner information:

6 miles North of Gooding - 6 miles East - on
Lincoln - Gooding Co line 1 1/2 mile North
to 1150

I talked to Tim Spect (attorney) he will
provide letter on priority date - Deeds -
address - Tim said all info will be at
Southern office.



LEE R. PETERSON
234 S View Rd.
Jerome, ID 83338

Date: 9-1-04

Point of Diversion and Source Data Entry Form

Claim Number 37-4099

Claimed Point of Diversion and Source

T04S R16E S31 SWNE Within GOODING County Source: WASTE WATER THORNE CREEK

T04S R16E S32 SWNW Within LINCOLN County Source: WASTE WATER THORNE CREEK

 Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T04S R16E S31 SWNE Within LINCOLN County

T04S R16E S32 SWNW Within LINCOLN County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

① waste ditch-east property Thorne Cr

② " " south " " "

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? NONE

Document how the POD and Source were verified:

The foreman showed me POD & POD's

			Plate	Photo
①	<u>step 1</u>	<u>2451564</u>	<u>1314862</u>	<u>Acc 13774 1030 301</u>
②	<u>" 2</u>	<u>2451245</u>	<u>1314866</u>	<u>775 302</u>

Reviewer: 

Date: 9-1-04

Place Of Use Data Entry Form

Claim Number 37-4099

Claimed Place Of Use

T04S R16E S31	SWNE	21.7	T04S R16E S31	SENE	17.7
T04S R16E S31	SENE	3.3			

Total Acres 42.7 *OK*☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T04S R16E S31	SWNE	22.0	T04S R16E S31	SENE	18.0
T04S R16E S31	SENE	3.0			

Total Acres 43

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
<i>SEE color photo</i>					<i>Gooding</i>			<i>irrigation</i>

Total Acres 42 *OK 25 per Foreman*

Document how the POU was verified:

*Foreman and I looked over area*Reviewer: Date: *9-1-04*

Period of Use and Quantity Data Entry Form

Claim Number 37-4099

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	2	76 MGD - SOURCE

Overall Diversion Rate 2

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	2	

Overall Diversion Rate 2

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
irrigation	when available early spring	usually mid summer	VARIES	each MO of year

Overall Diversion Rate VARIESOverall Diversion Volume quite a lot to none

Document how the Period of Use and/or Diversion Rate were verified:

as per foreman and irrigator - the last few
years this water has been rather short -
now none

Reviewer: Date: 9-1-04



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 30, 2004

37-4099, 37-4383, 37-4384 AND 37-4386

STEPHEN D DAMELE
PAULINE S DAMELE
655 W COUNTY LINE RD
GOODING, ID 83330

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
AUGUST 27, 2004

The Notices of Claim to a Water Right (claim) identified with the numbers shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

If you no longer own the property to which the claims are appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claims disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim numbers. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

Sincerely,


Carter Fritschle
Water Rights Supervisor

Enclosure
cc: James P. Speck

Fritschle, Carter

From: Jones, Doug
Sent: Monday, April 19, 2004 1:55 PM
To: Fritschle, Carter
Subject: FW: Damele Ranch



37-4099.pdf



37-4383.pdf



37-4384.pdf



37-4386.pdf

FYI and the pdf for 4384. Hardcopy to

follow (maybe with folks down for
the pub meetings on Thurs).

-----Original Message-----

From: Jones, Doug
Sent: Monday, April 19, 2004 1:05 PM
To: 'Jim Speck'
Subject: RE: Damele Ranch

Jim,

Attached are copies of the AJ claim files for four of the
claims. Right 37-4385 is a decreed D&S right and a copy is not
available. These rights are in Carter's review area and he has asked
that I forward the message that evidence of priority is lacking for
these claims (except -4385, since it is decreed).

Doug Jones

-----Original Message-----

From: Jim Speck [mailto:jimspeck@cox-internet.com]
Sent: Friday, April 16, 2004 4:10 PM
To: 'Mr. Doug Jones'
Cc: gonsales@rmci.net
Subject: Re: Damele Ranch

Hi Doug,

Can you send to me as soon as you get a chance the SRBA files
for
37-4099, 37-4383, 37-4384, 37-4385 & 37-4386. Thanks again for all your
help.

Jim

James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jimspeck@cox-internet.com

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to
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