

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 COEUR D'ALENE-  
SPOKANE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 49576

Ident. Number: 93-7158

Date Received: 3/24/2011

Receipt No: T092734

Received By:

**NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED  
UNDER STATE LAW**

1. Name of Claimant(s)

DAMAN BROTHERS Phone:(208) 274-5333  
1828 SHEEP CREEK ROAD  
DESMET ID 83824

DAMAN LAND & TIMBER LLC Phone:(201) 274-5333  
1828 SHEEP CREEK ROAD  
DESMET ID 83824

2. Date of Priority: 8/10/1965

3. Source: POND Tributary to: SHEEP CREEK

4. Point of Diversion:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4 of 1/4</u> | <u>Lot</u> | <u>County</u> | <u>Type</u> |
|-----------------|--------------|----------------|--------------------------|------------|---------------|-------------|
| 44N             | 04W          | 31             | SW SW                    | 4          | BENEWAH       |             |
| 43N             | 04W          | 6              | NE NW                    | 3          | BENEWAH       |             |
| 44N             | 05W          | 25             | SE SE                    |            | BENEWAH       |             |
| 44N             | 05W          | 36             | SE SW                    |            | BENEWAH       |             |

5. Description of diverting works:

6. Water is used for the following purposes:

| <u>Purpose</u>  | <u>From To</u> | <u>C.F.S.</u> | <u>(or) A.F.A</u> |
|-----------------|----------------|---------------|-------------------|
| FIRE PROTECTION | 1 /1 12/31     | 0             | 5                 |
| STOCKWATER      | 1 /1 12/31     | 0.04          | 0                 |

7. Total Quantity Appropriated is: 0.04 C.F.S. and/or 5 A.F.A

8. Non-irrigation uses:

| <u>Number of Homes:</u> | <u>Water Use</u> | <u>Type Of Stock</u> | <u>Number Of Stock</u> |
|-------------------------|------------------|----------------------|------------------------|
|                         | STOCKWATER       | Cattle               | 100                    |

9. Place of use:

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u>      | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|-----------------|--------------|
| 43N             | 04W          | 6              | NW NW             | 4          | FIRE PROTECTION |              |
|                 |              |                | SW NW             | 5          | FIRE PROTECTION |              |
|                 |              |                | NE NW             | 3          | FIRE PROTECTION |              |
|                 |              |                | SE NW             |            | FIRE PROTECTION |              |
|                 |              |                | NW NE             | 2          | FIRE PROTECTION |              |
|                 |              |                | SW NE             |            | FIRE PROTECTION |              |

Section Acres

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u> | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|------------|--------------|
| 43N             | 04W          | 6              | NW NW             | 4          | STOCKWATER |              |
|                 |              |                | NW NE             | 2          | STOCKWATER |              |
|                 |              |                | SW NE             |            | STOCKWATER |              |
|                 |              |                | NE NW             | 3          | STOCKWATER |              |
|                 |              |                | SE NW             |            | STOCKWATER |              |
|                 |              |                | SW NW             | 5          | STOCKWATER |              |

Section Acres

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u>      | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|-----------------|--------------|
| 44N             | 04W          | 30             | SW SW             | 4          | FIRE PROTECTION |              |

Section Acres

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u> | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|------------|--------------|
| 44N             | 04W          | 30             | SW SW             | 4          | STOCKWATER |              |

Section Acres

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u>      | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|-----------------|--------------|
| 44N             | 04W          | 31             | SW NW             | 2          | FIRE PROTECTION |              |
|                 |              |                | NW NW             | 1          | FIRE PROTECTION |              |
|                 |              |                | SW SW             | 4          | FIRE PROTECTION |              |
|                 |              |                | SE SW             |            | FIRE PROTECTION |              |

Section Acres

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u> | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|------------|--------------|
| 44N             | 04W          | 31             | SE SW             |            | STOCKWATER |              |
|                 |              |                | NW NW             | 1          | STOCKWATER |              |
|                 |              |                | SW SW             | 4          | STOCKWATER |              |
|                 |              |                | SW NW             | 2          | STOCKWATER |              |

Section Acres

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u>      | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|-----------------|--------------|
| 44N             | 05W          | 25             | SE SE             |            | FIRE PROTECTION |              |
| Section Acres   |              |                |                   |            |                 |              |

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u> | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|------------|--------------|
| 44N             | 05W          | 25             | SE SE             |            | STOCKWATER |              |
| Section Acres   |              |                |                   |            |            |              |

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u>      | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|-----------------|--------------|
| 44N             | 05W          | 36             | SE NW             |            | FIRE PROTECTION |              |
|                 |              |                | NE SW             |            | FIRE PROTECTION |              |
|                 |              |                | SE SE             |            | FIRE PROTECTION |              |
|                 |              |                | NE NE             |            | FIRE PROTECTION |              |
|                 |              |                | SE SW             |            | FIRE PROTECTION |              |
|                 |              |                | NW NE             |            | FIRE PROTECTION |              |
|                 |              |                | NE SE             |            | FIRE PROTECTION |              |
|                 |              |                | SW SE             |            | FIRE PROTECTION |              |
|                 |              |                | SE NE             |            | FIRE PROTECTION |              |
|                 |              |                | SW NE             |            | FIRE PROTECTION |              |
|                 |              |                | NW SE             |            | FIRE PROTECTION |              |
| Section Acres   |              |                |                   |            |                 |              |

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>1/4 of 1/4</u> | <u>Lot</u> | <u>Use</u> | <u>Acres</u> |
|-----------------|--------------|----------------|-------------------|------------|------------|--------------|
| 44N             | 05W          | 36             | SE NW             |            | STOCKWATER |              |
|                 |              |                | NE SW             |            | STOCKWATER |              |
|                 |              |                | SE SE             |            | STOCKWATER |              |
|                 |              |                | SE NE             |            | STOCKWATER |              |
|                 |              |                | SW NE             |            | STOCKWATER |              |
|                 |              |                | NW SE             |            | STOCKWATER |              |
|                 |              |                | NW NE             |            | STOCKWATER |              |
|                 |              |                | NE SE             |            | STOCKWATER |              |
|                 |              |                | SW SE             |            | STOCKWATER |              |
|                 |              |                | NE NE             |            | STOCKWATER |              |
|                 |              |                | SE SW             |            | STOCKWATER |              |
| Section Acres   |              |                |                   |            |            |              |
| Total Acres     |              |                |                   |            |            |              |

10. Place of use in counties: BENEWAH

11. Do you own the property listed above as place of use? Yes

12. Other Water Rights Used:

13. Remarks:

Priority date description: These Ponds were constructed in the mid 1960s by my father (home place) and the previous owner (adjacent property purchased) for stockwater and fire protection. Maintenance has been done on these ponds approximately 5 years ago when we had access to an excavator. The banks were reshaped and silt removed.

| Description of use: | <u>Water Use</u> | <u>Description</u>                                                                                                                 |
|---------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------|
|                     | FIRE PROTECTION  | Water is available for use for fire protection in Timberd areas. Pond NO 1 1.6AF, Pond NO 2 .7AF, Pond NO 3 1.5AF, Pond NO 4 1.2AF |
|                     | STOCKWATER       | Water in Ponds is available for stockwater use in the cattle pasture.                                                              |

14. Basis of Claim: Beneficial Use

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Coeur d'Alene-Spokane River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Individuals: I/We do solemnly swear or affirm under penalty or perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

For Organizations: I do solemnly swear or affirm under penalty or perjury that I am

\_\_\_\_\_, of \_\_\_\_\_,  
Title Organization

That I have signed the foregoing document in the space below as

\_\_\_\_\_, of \_\_\_\_\_,  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_ Date: \_\_\_\_\_

Title and Organization \_\_\_\_\_

Please print name