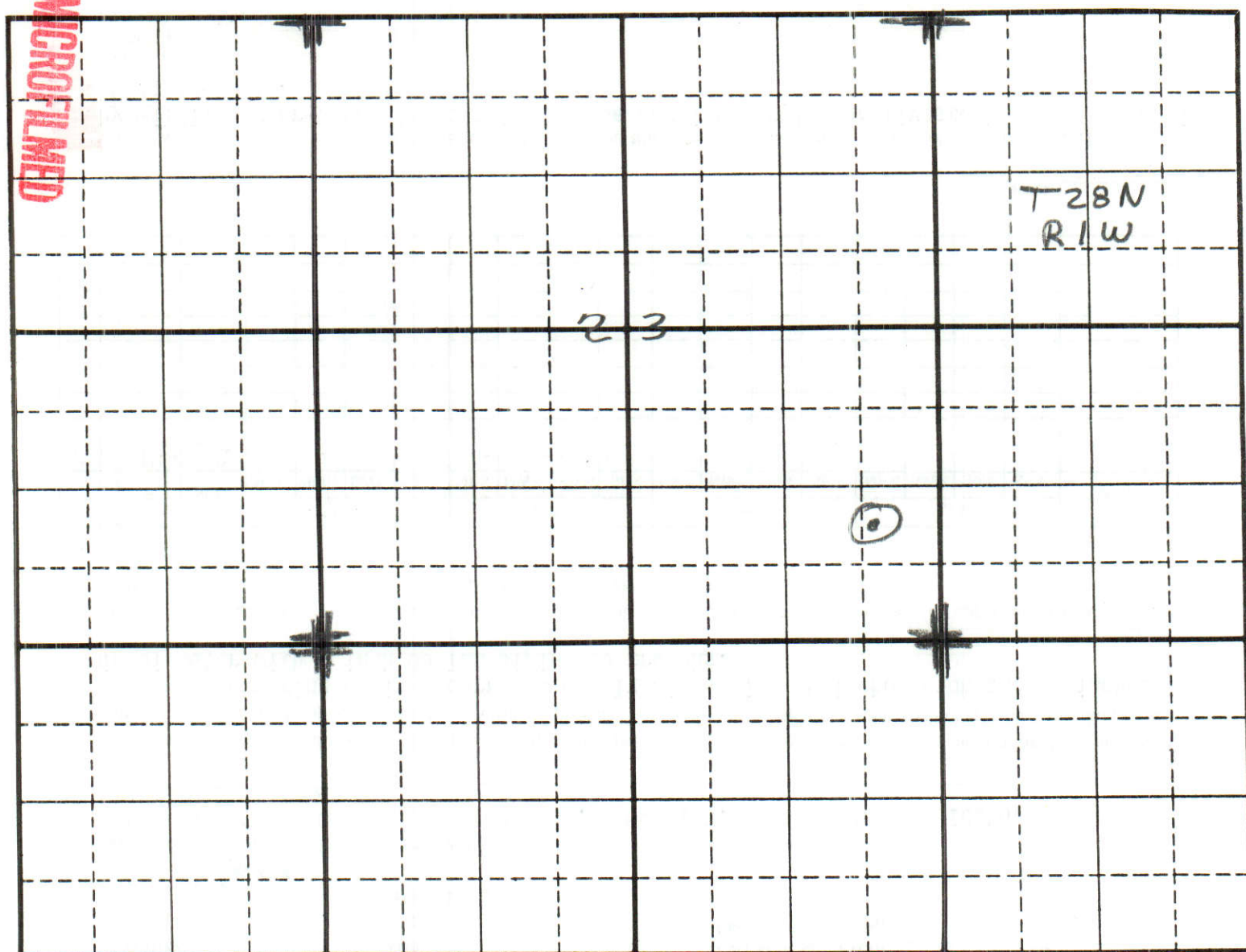


- (8) Remarks Applicants include the Bureau of Land Management and the lessee in the Scully Creek allotment. The lessee cooperating in this project include: Justing and Roscoe Smith of Grangeville, Idaho. Livestock usage was claimed by D-permit 1007 and is IDWR #79-2101. The priority date is based on our grazing files and project report (attached).



Scale: 4 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 Rodman) 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 15th day of June, 1983.

Wayne Finne
(Claimant)
John W. Hannon
Notary Public
Residing at Hayden Lake, Id

My commission expires Lifetime

ID-910-BP3-0003

FOR DEPARTMENT USE ONLY

Received by SLE Date 6/16/83 Exception filed by: _____ Date _____
Prelim. check by 645 Date 6/24/83 Forwarded to claimant by: _____
30⁰⁰ \$20.00 fee received by 79 Date 9-2-83 #32644
Published in Idaho County Free Press _____
Dates 10/27 & 11/3/83 _____

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 U.S.D.I., Bureau of Land Management, Coeur d'Alene District
(Name of Claimant)
1808 North Third, Coeur d'Alene, ID 83814 Telephone No. (208) 765-7356
(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) September 7, 1945

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)
Smith Spring tributary to Rice Cree/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:

Quantity	(cfs, gpm, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
<u>0.01</u>	<u>AFAY</u>	<u>Wildlife</u>		Period of Use From <u>1/1</u>	To <u>12/31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 0.01 TOTAL QUANTITY USED.
(cfs, gpm, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ SE ¼, Sec. 23 Twp. 28N. Rge. 1 W. B.M., County of Idaho
Additional points of diversion:

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. The springbox is a corrugated galvanized pipe 36 inches high and 18 inches in diameter with 2 inch outlet piping to troughs.

(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	
28N	1W	23																X	

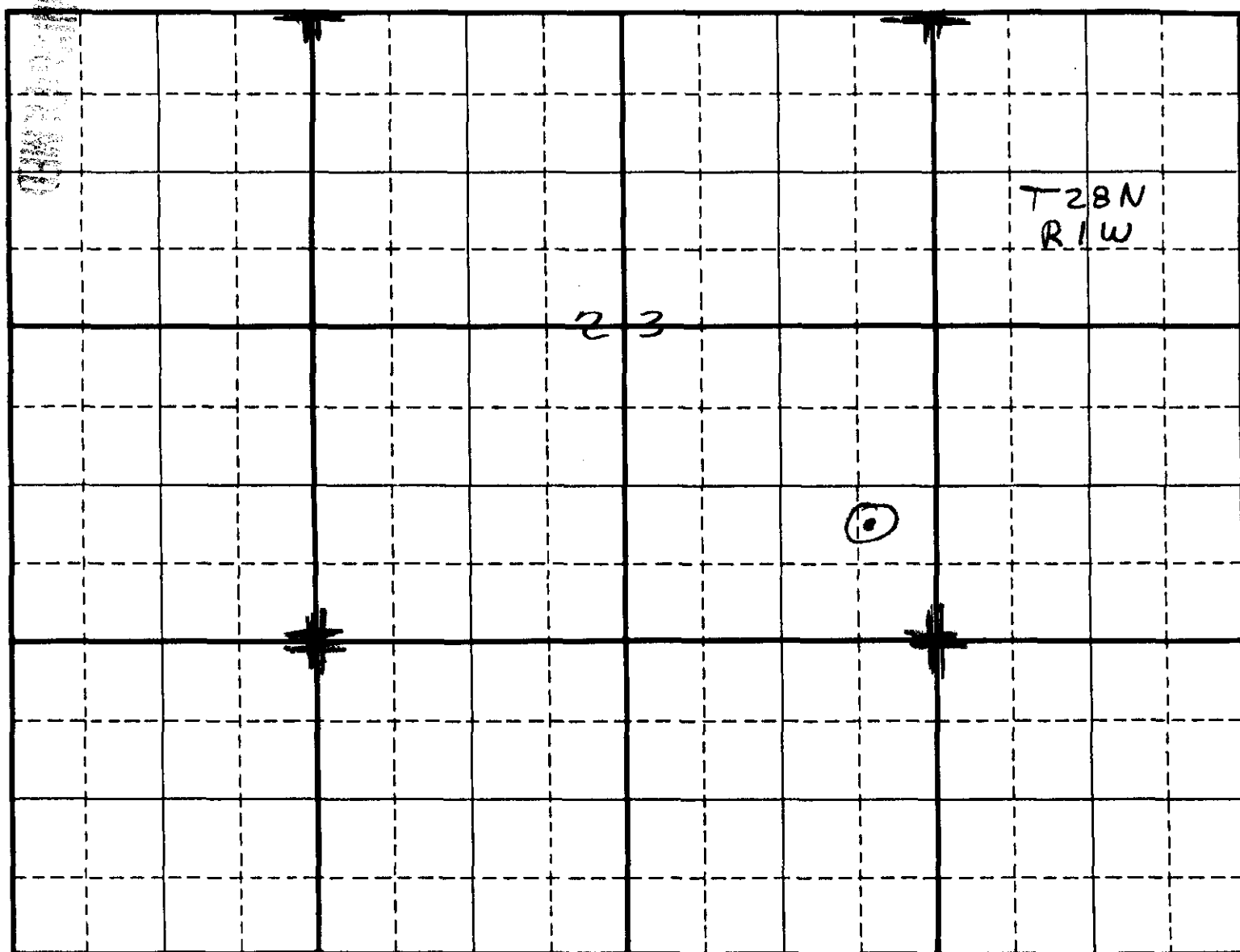
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: This spring is used by wildlife year-round in addition to the earlier permit for livestock usage (D-permit 1007; 79-2101).

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: U.S.D.I., BLM

(8) Remarks Applicants include the Bureau of Land Management and the lessee in the Scully Creek allotment. The lessee cooperating in this project include: Justing and Roscoe Smith of Grangeville, Idaho. Livestock usage was claimed by D-permit 1007 and is IDWR #79-2101. The priority date is based on our grazing files and project report (attached).



Scale: 4 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 Rockwell) 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 15 day of June

Wayne J. Jinn
(Claimant)
1983

John W. Hannon
Notary Public
Residing at Hayden Lake, Id

My commission expires Lifetime

ID 910 BP3-0003

FOR DEPARTMENT USE ONLY

Received by <u>SKP</u>	Date <u>6/16/83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>645</u>	Date <u>6/24/83</u>		claimant by:	
30 ⁰⁰ \$20.00 fee received by <u>79</u>	Date <u>9-2-83</u>	# <u>32644</u>		
Published in <u>Idaho County Free Press</u>				
Dates <u>10/27 & 11/3/83</u>				

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICEPrelim. field report
Idaho Project _____
Spring Development
T. 28 N., R. 1 W., B. M.
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23
Flow - 4320 gal. per 24 hrs.~~WASHINGTON~~
Range Development Service
714 Spalding Bldg.
Portland 4, Oreg.

September 7, 1945

Approved: G. P. Howell
G. P. Howell
Regional Conservationist
9-10-45

I 425

The Commissioner,
General Land Office,
Washington, D. C.

Sir:

Submitter herewith is a final report on Idaho Project No. _____, which is a spring development on public domain lands leased to Smith Brothers, Joseph, Idaho, under Section 15 of the Taylor Grazing Act. The Smith Brothers are holders of Grazing Leases 013557, 013673, and 014112. The improvement is located on grazing lease 013557, and all leases are Coeur d'Alene series. Hartman lease

Location: Idaho County, Idaho.

This improvement is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, section 23, T. 28 N., R. 1 W., Boise Meridian. The spring bears North 28° 20' West a distance of 516 feet from the Southeast corner of the above mentioned section 23.

The section corner common to sections 23, 24, 25, and 26, T. 28 N., R. 1 W., B. M., was found and identified as a marked stone, 6 inches by 8 inches by 16 inches, projecting 8 inches above ground, with 2 grooves on the South face and 1 on the East face. All bearing trees were found to be in good condition.

Description of Improvement:

1. Project started: _____ Completed: _____
2. The spring was developed by excavating the source of the water flow and placing a metal spring box, 18 inches in diameter by 36 inches in height, in the excavation. The metal spring box was fabricated of standard 18 inch galvanized culvert material, and the periphery adjacent to the water flow were bored with a sufficient number of holes to permit ingress of the water. The space outside of the spring box adjacent to the inlet holes was backfilled with coarse gravel and rock in order to prevent the accumulation of silt which would plug the inlet holes. A two inch wooden cover was placed on top of the head box to keep out debris and to permit cleaning.



The collected water was then taken out of the box through 50 feet of 2 inch galvanized iron pipe, buried a minimum of 6 inches under ground, and delivered to 2 metal troughs having a capacity of approximately 230 gallons. These troughs are semi-cylindrical, the approximate diameter being 29 inches, the length 8 feet, and are connected near the bottom with a galvanized iron pipe which the water level in both troughs at the same height.

A 2 inch galvanized iron overflow pipe, 20 feet long, carries the excess water to a natural drainageway.

The two metal troughs are held from overturning by 6 cedar posts set securely in the ground and are fastened on either side to wooden stringers, which in turn are fastened with lag screws to the above mentioned posts. A substantial guard was built over the troughs to prevent damage from crowding livestock.

After this spring development was completed, the flow of water was estimated to be 4320 gallons per twenty-four hours. The slope of the inlet and overflow pipe lines is sufficient to carry this amount of water.

3. Water Rights:

Since the water developed originates upon the public domain, and as there are no prior appropriators of record who have put this water to beneficial use, no water filing has been made. In putting this water to beneficial use, the Government's rights thereto should be assured at all times.

4. Benefits:

One operator is directly benefited by this improvement with stock benefited as follows:

	Cattle ✓	Horses
Smith Brothers	100	5

Acreage benefited as follows:

Lands subject to Sec. 15, Taylor Grazing Act	240 acres ✓
Privately owned lands	80 "
Total area benefited	320 "

5. Cost of Improvement:

To the Government:

Materials:	1942	1946
	S & M	S & M
2 half round metal troughs, 8' long, 29" d.	28.00	35.00
1 metal spring box, 18" x 36"		5.00
80 ft. galv. pipe, 2" @ .30	24.00	
1 elbow, 90 deg., 2", galv.	.94	
1 gate valve, 2"		7.50

1 nipple, 2" x 6", galv.		.70
2 nipples, 1½" x 6", galv. @ .50		1.00
2 nipples, 1½" x 1½", galv. @ .75		1.50
2 Unions, ground, 2" @ 2.60		5.20
1 Union, ground, 1½", @ 1.80		1.80
2 bushings, galv., 2" x 1½" @ .30		.60
1 tee, galv., 2"		1.40
1 plug, galv., 2"		.20
2 return bends, open, galv., @ 1.00		2.00
2 pcs. 2x4x10, fir, S4S		.78
2 pcs. 2x6x12, fir, S4S		1.34
6 pcs. 2x6x10, fir, S4S		3.60
32 lag screws, galv., 5/16 x 6" @ .08		2.56
2 lbs. nails, galv, 16 d. @ .08		.16
4 lbs. nails, galv., roofing, 2" @ .10		.40
Totals	\$52.94	~~\$70.74~~ 102.19
Total cost to the Government-----	~~\$123.68~~	155.13

To the Lessee:

Labor to excavate water source and install troughs and pipeline-----	\$50.00
Labor to fence water head using local material-----	5.00
Transportation of materials from Cottonwood, Idaho, to project site-----	20.00
Transportation of materials from E. M. Fisher ranch near Craigmont to Cottonwood, Idaho. <u>3.00</u>	
Total cost to the Lessee-----	\$78.00

78.00
233.13

Summary:

Total cost to the Government-----	\$123.68
Total cost to the Lessee-----	78.00
Total cost of project-----	201.68
RDS cost per ac., Sec. 15 lands ben.---	0.515 ✓
Total cost per ac., Sec. 15 lands ben.--	0.840
Total cost per ac., all lands benefited	0.630

6. Maintenance Agreement:

The lessee has agreed to maintain the development at his expense and has executed an agreement to that effect, the original of which is attached.

RANGE REPORT

1. Status:

Smith Brothers grazing lease, Coeur d'Alene Serial No. 013557, extends for a period of 5 years, beginning March 29, 1943. It includes an area of 1120 acres for an annual rental of \$56. This lease is listed under the name of D. L. Harriman, but the reassignment papers have been filed. Formal approval of The Commissioner, General Land Office has not been received as of August 14, 1945. ✓

2. Area:

This area is mountainous and broken up with steep sided ravines but the entire area is accessible to livestock. The altitude varies from 2500 to 3000 feet above sea level. The average growing season is from April 15 to October 1 with approximately 7 inches of rainfall during that period. The soil is a shallow, rocky clay loam with numerous rock outcrops.

3. Forage:

<u>Principal plants</u>	<u>Density</u>	<u>Vigor</u>	<u>Palatability</u>
Bluebunch wheatgrass	Medium	Good	Excellent
Sandberg's bluegrass	Medium	Good	Excellent
<u>Secondary plants</u>			
Cheat grass	Medium	Good	Good
Bitterbrush	Low	Good	Good

4. Erosion:

No sheet or wind erosion is apparent. Some gully erosion is found on the steeper slopes but is not spreading and does not present a hazard to the existing plant cover.

5. Watering places:

Stock may now water at the developed spring previously described in this report. Another developed spring is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, section 23, T. 28 N., R. 1 W., B. M. This spring was developed under project I-11-S and furnishes an excellent supply of water for the lower portion of this range.

6. Value for purposes other than grazing:

None as the highest use of the land is for the grazing of domestic livestock.

7. Grazing Value:

Very little information as to past use of the area could be obtained but it is evident that much overgrazing has resulted during the open range period before any regulation was attempted. Fencing of the land and controlled use under Section 15 of the Taylor Grazing Act has done much toward returning the area to its normal productive capacity. It is estimated that the carrying capacity of this land is 4 acres per animal unit month. Such a rate of stocking will allow the plant cover to improve in density. This is an important unit of the lessee's holdings, and at present is being used as a fall fattening pasture for steers and dry cows. Such deferred grazing gives complete protection during the growing season.

The present use is 100 cattle and 5 horses for $1\frac{1}{2}$ months.

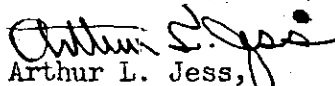
8. Conclusions:

This spring development, as described in the foregoing report, is located within an area having a good stand of desirable forage grasses. Poor utilization of the higher ground and ridge tops has been the case for several years as the only water source was located on the lower levels. Livestock would tend to drift into the canyon after water and would then graze in the immediate vicinity, rather than return to the better feed along the ridge tops, which would create an overgrazing problem near the original source of water.

This new development has provided a source of water near the ridge top and has done much to effect proper utilization of the forage, and has prevented overgrazing of the lower slopes. The cutting down of the climbing and trailing time by providing a new source of water at a higher location has increased the beef production of this unit.

It is estimated that this improvement has made available through better utilization, 50 animal unit months of forage, which will result in an increased beef production of 2250 pounds annually. As 100 cattle are benefited, there can be no doubt as to the financial justification of the project.

Respectfully submitted,


Arthur L. Jess,
Agri. Engineer.

**NOTICE OF CLAIMS
TO WATER RIGHTS**

The following claim(s)
have been filed on water
right(s) created by diversion
and beneficial use:

79-4411

HITCHCOCK, M.G.
P.O. BOX 431, WHITE
SWAN, WA 98952

Source: SPRING trib. to
VANCE GULCH

Priority Date: 08/18/1919

Diversion Pt: NWNW Sec 19

T 29N R 02W

Use: STOCKWATER (0.02
CFS)

In: NWNW Sec 19 T 29N R
02W.

79-4412

U.S. DEPT. OF INTERIOR
BUREAU OF LAND
MGMT., COEUR D ALENE
DIST., 1808 N. THIRD,
COEUR D ALENE, ID 83814

Source: SMITH SPRING
trib. to RICE CREEK

Priority Date: 09/07/1945

Diversion Pt: SESE Sec 23 T

28N R 01W

Use: WILDLIFE (0.01 CFS)

In: SESE Sec 23 T 28N R
01W.

79-4413

U.S. DEPT. OF INTERIOR
BUREAU OF LAND
MGMT., COEUR D ALENE
DIST., 1808 N. THIRD,
COEUR D ALENE, ID 83814

Source: CEMETERY
SPRING trib. to UNNAMED
STREAMS

Priority Date: 06/01/1967

Diversion Pt: NENW Sec 27

T 28N R 01E

Use: STOCKWATER (0.01

CFS) WILDLIFE (0.01 CFS)

In: NENW Sec 27 T 28N R
01E.

79-4414

U.S. DEPT. OF INTERIOR
BUREAU OF LAND
MGMT., COEUR D ALENE
DISTR., 1808 N. THIRD,
COEUR D ALENE, ID 83814

Source: SPRING trib. to
CALMON RIVER

Priority Date: 06/01/1956

Diversion Pt: NESE Sec 19 T

31N R 02W

Use: STOCKWATER (0.01

CFS) WILDLIFE (0.01 CFS)

In: NESE Sec 19 T 31N R
02W.

79-4415

U.S. DEPT. OF INTERIOR
BUREAU OF LAND
MGMT., COEUR D ALENE
DIST., 1808 N. THIRD,
COEUR D ALENE, ID 83814

Source: SPRING trib. to
CALMON RIVER

Priority Date: 06/01/1963

Diversion Pt: NWSW Sec 25

T 30N R 01W

Use: STOCKWATER (0.01

CFS) WILDLIFE (0.01 CFS)

In: NWSW Sec 25 T 30N R
01W.

Exceptions to a claim may
be filed with the Director,
Dept. of Water Resources,
Eastern Region, Statehouse,
Boise, Idaho 83720.

KENDUNN, Dir.

Published 10/26 & 11/2/83.

026-N2

AFFIDAVIT OF PUBLICATION

Nona Donaldson

being first duly

sworn, says he is the office manager
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for 2 weeks,
being published 2 times, the first publication being
on the 26 day of October, 19 83,
and the last publication on the 2 day of
November, 19 83, and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Nona Donaldson

Subscribed and sworn to before me this 2 day
of November, 19 83

[Signature]

Notary Public

for State of Idaho, residing at Grangeville, Idaho.

RECEIVED
NOV 26 1983

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: CLS

Right Number 79-4412 Applicant BLM

NOTE: 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:

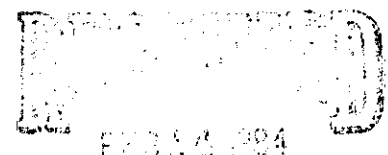
- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 11/22/83
 - ☒ Claim published correctly. Idaho County Newspaper
 - ☒ Exceptions processed. 10/27 & 11/3/83
30/
- By OBS Date 2/13/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.
- By PC Date 2/15/84



29-4412

U. S. DEPT. OF INTERIOR

BUREAU OF LAND MGMT., COEUR D'ALENE DIST., 1808 N. THIRD,
COEUR D'ALENE, ID 83814

Source: SMITH SPRING trib. to RICE CREEK

Priority Date: 09/07/1945

Diversion Pt: SESE Sec 23 T 28N R 01W

Use: WILDLIFE (0.01 CFS)

In: SESE Sec 23 T 28N R 01W

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

NOVEMBER 16, 1983

U. S. DEPT. OF INTERIOR
BUREAU OF LAND MGMT.
COEUR D'ALENE DIST.
1808 N. THIRD
COEUR D'ALENE ID 83814

RE: Claim No. 79-4412

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,

DAVID B. SHAW
Western Region Supervisor

Enclosure