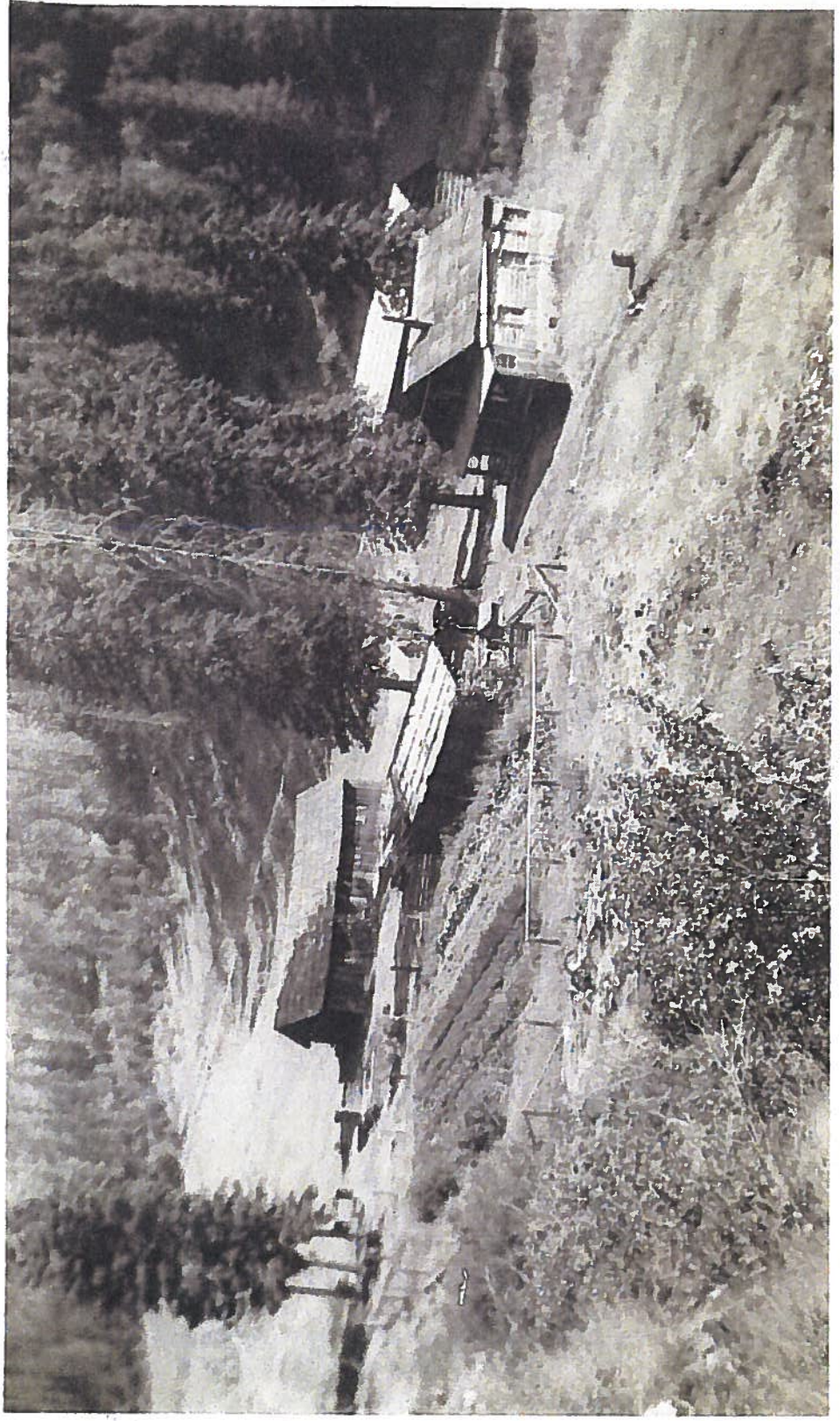


Land Patent Details						
Accession Nr: 397790 Document Type: Serial Patent State: Idaho Issue Date: 4/11/1914 Cancelled: No						
Names On Document			Miscellaneous Information			
 GUNTENSPERGER, JOSEPH			Land Office:	Coeur D Alene		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	---		
			Militia:	---		
Military Rank: ---			State In Favor Of:	---		
			Authority:	May 20, 1862: Homestead EntryOriginal (12 Stat. 392)		
Document Numbers			Survey Information			
Document Nr: 08656			Total Acres:	160.		
Misc. Doc. Nr: 0			Survey Date:	---		
BLM Serial Nr: IDCDA 0008656			Geographic Name:	---		
Indian Allot. Nr: ---			Metes/Bounds:	No		
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	049N - 003E	S½NW¼	27		Shoshone
ID	Boise	049N - 003E	N½SW¼	27		Shoshone

Picture taken from family records of
Catherine Gunzger

The Gunzberger Homestead in fall 1909



Sept 1939 ci.

**CHAIN OF TITLE AND HISTORY OF
S2NW & N2SW
27-49-3 East, B.M., Shoshone County, State of Idaho**

Prepared for Terry and Catherine Lininger

Joseph Guntensperger arrived in the Coeur d'Alenes in 1886 and was one of the original members of the Burke Miner's Union¹. He worked at the Tamarack Mine before moving closer to Kellogg and homesteading the S2NW and the N2SW of Section 27, Township 49 North, Range 2 East, B.M., Shoshone County, State of Idaho. Joe received the patent to this land from the United States on April 11, 1914, which means that he must have been located on the property at least five years earlier in order to prove up the claim.²

The location of the original Guntensperger's cabin on this land is not known but was described to be a one-room log structure. We do know by personal recollection of Vern LaCrosse whose family rented the homestead after Joe's death, that Joe had constructed a modern home described as having "two bedrooms upstairs and a covered porch on the northeast end. The kitchen occupied one corner of the house and contained an old fashioned pitcher pump. There was a bedroom and a combination dining room and sitting room on the first floor."³ Mr. LaCrosse further states that "the pond . . . was quite large and contained a dam with a weir on the downstream end and a screen to prevent fish escaping. The upper end had a minor dam made of logs and dirt with a control device that fish could spawn and return to the main pond."

Although this house burned in 1939 or 1940, it was rebuilt on the original foundation and is the present homesite now owned and occupied by Terry and Cathy Lininger.

In 1936 Guntensperger granted a 60 foot right of way to the USA for the Montgomery Moon Ridge Road No. 946.1. In partial consideration for this grant, the USA agreed to re-enforce the hillside with log cribbing across from the barn.⁴ Some of this cribbing is still visible today.

The first deed to this property was filed May 27, 1937 in Book 68, Deeds, at page 596, records of Shoshone County, State of Idaho wherein Joseph Guntensperger conveyed his homestead to Sam Orlandini⁵. Sam Orlandini did not take possession of the property as he died July 10, 1937.⁶ So apparently, the earlier transaction either

¹ Wallace Press Times, Friday, July 22, 1938, page 1 "Injuries Fatal to District Pioneer."

² U.S. Patent No. 397790

³ "Once Upon A Time . . . Shoshone County, Montgomery Gulch, Kellogg" by Vern LaCrosse August 15, 2000.

⁴ Road Right of Way to USA recorded in Book 66, Deeds, at page 522

⁵ Records of Deed, Shoshone County, Book 68, Deeds, page 596.

⁶ Decree of Distribution of Estate of Sam Orlandini, Book 69, Deeds, Page 542, records of Shoshone County, State of Idaho.

allowed Joe to continue to occupy this property or the property was leased back to Joe by Sam's widow Ermelina. Either way, Joe was living here when he died in 1938.

On July 6, 1938 Joe was in an automobile accident which, according to the notice in the Wallace Press-Times, ultimately claimed his life on July 21, 1938. This article stated "Mr. Guntensperger who homesteaded in Montgomery gulch 50 years and has made his home there since was returning to his home from Smelterville" when the accident occurred.

After Joe's death, Ermelina Orlandini rented the property to Albert LaCrosse who moved his wife and four children to the homestead in September, 1938.⁸ It is not known when the Orlandini family actually became to occupy the property but it is believed to have occurred prior to 1954. On May 7, 1954, the Estate of Ermelina Orlandini was distributed to her two sons, Silvio and Bruno Orlandini.⁹ Silvio with his wife Mary moved to the homestead and remained there up until 1978.

So the Orlandini family held the property for the next 40 years when on October 9, 1978 Silvio Orlandini, individually and as the personal representative of the Estate of Bruno Orlandini conveyed a 6.818 acre parcel to the Bunker Hill Company.¹⁰ This parcel described by a metes and bounds description also included "all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits" which would include the water system(s) servicing this property.

On November 24, 1981, the Bunker Hill Company conveyed this 6.818 acre tract to Stephen Goss and Shelly R. Goss, husband and wife.¹¹ A deed dated the same date, i.e., November 24, 1981, conveyed the 6.818 acre tract to Terry F. Lininger and Catherine A. Lininger, husband and wife¹²

These deeds also included, "easements for the purpose of constructing, reconstructing, or repairing a water tank, with the right of ingress and egress to maintain a television antenna and a water tank and the line leading from the same to the dwelling situate on said premises over and across the following described property:

"Water Line and Spring Easement – Said easement extend 10 feet on either side of the following centerline. Also said easement shall include the right of ingress and egress for pipe replacement and/or maintenance work: Beginning at the northeast corner of the Homesite Tract, Thence N 8°W125 feet to a point; thence N 70°E 105 feet to a concrete water storage unit; thence N 50°E 100 feet to the point of water intake and end of easements."

⁷ Wallace Press Times, Friday, July 22, 1938, page 1 "Injuries Fatal to District Pioneer."

⁸ "Once Upon A Time . . . Shoshone County, Montgomery Gulch, Idaho" by Vern LaCrosse

⁹ Decree of Distribution of Estate of Ermelina Orlandini, Book 88, Deeds, Page 493, records of Shoshone County, State of Idaho.

¹⁰ Records of Deed, Shoshone County, Instrument No. 275914

¹¹ Warranty Deed, Instrument No. 380129, records of Shoshone County, State of Idaho.

¹² Warranty Deed, Instrument No. 380130, records of Shoshone County, State of Idaho.

Not mentioned in this deed but just as pertinent is the irrigation line servicing the homesite. Since these deeds include the appurtenances and this line is clearly an appurtenance, the easement for this line is by prescription. Prescription is the method of acquiring an easement by the adverse use of another's property.¹³

On the same day of the previous deed to Bunker Hill Company another deed was recorded for the balance of the original homestead naming the Bunker Hill Company as the Grantor¹⁴. Thus the remainder of the original Guntensperger homestead merged with other properties owned by the Bunker Hill Company.

From this research, we know that this particular homesite was occupied as early as 1909 and waters were diverted for both domestic and agricultural use. Improvements and upgrades, i.e., the concrete storage tank constructed by the 1930's and irrigation lines servicing the 6.818 acres have continuously been made to the property and used by its occupants.

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¹³ Description from "The Title Handbook 1993," Chicago Title Insurance Co., Ticor Title Insurance Co., Security Union Title Insurance Co.

¹⁴ Records of Deed, Shoshone County, State of Idaho, Instrument No. 283658