

NOTICE OF ERROR
REPLY

97/97/8045
RECEIVED
AUG 11 2015

DEPT. OF WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 30, 2015

Water right number: 94-7722

DENNIS W WRIGHT
29957 E HARDY LOOP
CATALDO ID 83810
Telephone Number: (208)682-4234

AMY WRIGHT
29957 E HARDY LOOP
CATALDO ID 83810
Telephone Number: (208)682-4234

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

see ATTACHMENTS

3. Give a brief explanation as to why you disagree with these portions:

See Map 94-7013

*Home SE SW sec 19
Location*

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, (208) 762-2800

Dennis and Amy Wright
29957 E. Hardy Loop
Cataldo, Id. 83810
208-682-4234
August 8, 2015

Idaho Dept. of Water Resources
Re: # 94-7722

We disagree with the recommendation for the following reasons:

We have owned the springs for 35 years. We have spent thousands of dollars in maintenance and improvements. The electrical equipment at both springs was installed, paid for and belongs to us. The electrical underground service was installed and paid for by us also. (Originally there never was one). We have also bought 2 pumps. As you can see we do have a vested interest in the springs.

We do hold senior water rights that were granted to the property by President Roosevelt on November 14, 1907. (see attached document). These rights supersede all other rights.

Other rights of use would be for 1 unit of water from the springs. (see attached exhibit 1). While Ervin and Margene McNutt have the right to use and maintain the water, they do not own the springs or the property that they are on. They do not have easements to maintain drainage ditches that affect the springs. We own the property that the developed springs are on. The ownership of the springs remains with the property as shown on our recorded warranty deed #931776, book 322, page 566 recorded in Kootenai, County.

In closing we are not questioning Ervin and Margene's right of use of water from the springs, but we have the same rights.

Thank-you
Dennis and Amy Wright

EXHIBIT I

That portion of the Northeast quarter of the Northwest quarter of Section 30, Township 49 North, Range 1 East, Boise Meridian, Kootenai County, State of Idaho, described as follows:

1275458

BEGINNING at the North quarter corner of Section 30; thence

West along the North line of said section, 909 feet to a point marked by a metal pin, being the TRUE POINT OF BEGINNING; thence

continuing West along the North line of said Section, 411 feet to the point of intersection with the West line of the Northeast quarter of the Northwest quarter; thence

South along said West line a distance of 546.6 feet to a point marked by a metal pin; thence

East on a line parallel to and 546.6 feet distant from the North line of Section 30, a distance of 217 feet to a point marked by a metal pin; thence

Northeasterly approximately 580 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that portion described as follows:

COMMENCING at the Northwest corner of the said Northeast quarter of the said Northwest quarter; thence

due South 378 feet to the State Highway; thence

Northeasterly along said Highway 353 feet to a point on the North line of said Subdivision, where the said highway intersects; thence

due West on said North line 138 feet to the PLACE OF BEGINNING.

GRANTOR grants unto Ervin A. McNutt and Margene Y. McNutt, husband and wife, their heirs, successors and assigns, the right to use and maintain two existing springs on the following described property:
NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 49 North, Range 1 E.B.M., Less rights of way of view and of record and less: a tract in the NW corner of said tract described as follows:
Beginning at the NW corner of Section 30; thence West along the North line of said Section, 909 feet to a point marked by a metal pin, being the true point of beginning; thence continuing West along the North line of said Section, 411 feet to the point of intersection with the West line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence South along said West line a distance of 546.6 feet to a point marked by a metal pin; thence East on a line parallel to and 546.6 feet distant from the North line of Section 30, a distance 217 feet to a point marked by a metal pin; thence northeasterly approximately 580 feet to the true point of beginning; and including the right to fence said springs and maintain the water and electric lines in connection with the use of water from said springs, which reserved right runs with the property.

GRANTOR RESERVES unto DENNIS W. WRIGHT and AMY L. WIRGHT a non-exclusive right to use the existing roads on property herein described as a means of access to the property formerly deeded.

RESERVING UNTO THE GRANTOR: 1 Unit Domestic Water Use to Dennis Wright; and 1 Unit Domestic Water Use to Larry Reinhofer; and 1 Unit Domestic Water Use to Mark Sverdsten.

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General

JOHN KNOX JR. that there is, therefore, granted by the United States unto the said

Andrew Spinkhafer

the tract of land above described.

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said

Andrew Spinkhafer

and to *his* heirs

and assigns, forever; subject to any vested and accrued water rights for mining, agriculture, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his or therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I,

Abraham P. Russell

President of the United States

of America, have caused these Letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given

under my hand, at the City of Washington, the *fourteenth* day

of *November* in the year of our Lord one thousand nine hundred

(Office Seal)

and *seventy*

and of the Independence of the United States the

one hundred and *thirty second*.

BY THE PRESIDENT:

Abraham P. Russell

By

J. M. McKean

Secretary.

Recorded ~~into~~ Vol. 684 Page 318

W. H. Sanford
Recorder of the General Land Office.

Filed for record at the request of *Andrew Spinkhafer* on the

23

day of

June.

1904, at 11 o'clock, A. M.

By

Deputy-

Geo. H. Russell

County Recorder.