

07/07/2015

NOTICE OF ERROR
REPLY

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: 94-8633

TERRY F LININGER
2625 MONTGOMERY GULCH RD
KELLOGG ID 83837
Telephone Number: (208) 786-1911

CATHERINE A LININGER
2625 MONTGOMERY GULCH RD
KELLOGG ID 83837
Telephone Number: (208) 786-1911

RECEIVED

SEP 28 2015

IDWR/NORTHERN

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *Source is Spring located East of Montgomery Creek. Point of Diversion is described in deed Recorded AS INST 380130 Copy Attached*

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

Point of Diversion

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

Diversion Point incorrect AS water is diverted from Spring that flows to Montgomery Creek.

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

DATE: *9-21-15*

SIGNATURE: *Catherine A. Lininger - Terry J. Lininger*

Please print your name: *Catherine A. Lininger Terry F. Lininger*

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

380130

WARRANTY DEED

THIS INDENTURE, Made this 24th day of November,
1981, by and between STEPHEN GOSS and SHELLY R. GOSS, husband
and wife, the PARTIES OF THE FIRST PART, and TERRY F. LININGER
and CATHERINE A. LININGER, husband and wife, the PARTIES OF THE
SECOND PART, ~~1904 Burke Rd., Wallace, ID 83873.~~

WITNESSETH: ~~HCA box 220 Montgomery Gulch Kellogg Id 83837~~
2625 Montgomery Gulch Kellogg Id 83837

That the parties of the first part, for and in consideration
of the sum of One Dollar (\$1.00), lawful money of the United
States of America, and other good and valuable consideration
to them in hand paid by the said parties of the second part,
the receipt whereof is hereby acknowledged, have granted,
bargained and sold and by these presents do grant, bargain,
sell, convey and confirm unto the said parties of the second
part, and to their heirs and assigns forever all of the following-
described real property situated in the County of Shoshone,
State of Idaho, to-wit:

A parcel of land situated in the N 1/2 of the
SW 1/4 of Section 27, Township 49 North, Range 3
E.B.M., and more particularly described as follows:

Beginning at the southeast corner of said tract a
point marked by a 2" iron pipe whence the S 1/4
corner of Section 27, Township 49 North, Range 3
E.B.M., bears S. 27° 56.6' E., 1499.89 feet distant;
Thence N. 89° 49' W., 171.0 ft. to a point;
Thence N. 11° 19' E., 90.47 ft. to a point;
Thence N. 12° 50' W., 348.0 ft. to a point;
Thence N. 15° 00' W., 440.0 ft. to a point;
Thence N. 8° 30' W., 362.35 ft. to a point;
Thence East 288.25 ft. to a point marked by a
drill steel pin;
Thence S. 1° 35' E., 209.0 ft. to a point
marked by a drill steel pin;
Thence S. 11° 20' E., 641.0 ft. to a point
marked by a drill steel pin;
Thence S. 5° 30' E., 214.0 ft. to a point
marked by a drill steel pin;
Thence S. 14° 45' W., 167.0 ft. to the place of
beginning and containing 6.818 acres more or
less.

380/30

Together with 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 & Spring Easement

Said easement to extend 10 feet on either side of the following described center line. 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° W 125 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.

TV Antenna & Cable Easement

Said easement to extend 10 feet on either side of the following described center line and also include the right of ingress and egress for maintenance of said line and antenna:

Beginning at the log house on said Homesite and running East 2800 feet to a point on top of the ridge and termination of easement.

TOGETHER with 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 thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, of the parties of the first part.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever.

And the parties of the first part, and their heirs, shall and will WARRANT and by these presents forever DEFEND

the premises in the quiet and peaceable possession of the parties of the second part, their heirs and assigns, against the parties of the first part, and their heirs, and against all and every person and persons whomsoever lawfully claiming the same.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands the day and year first above written.

Stephen Goss
STEPHEN GOSS

Shelly R. Goss
SHELLY R. GOSS

STATE OF IDAHO)
 : ss
County of Shoshone)

On this 24th day of November, 1981, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared STEPHEN GOSS and SHELLY R. GOSS, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Fred M. Gible
Notary Public for the State of Idaho
Residing at Kellogg

380130

FILED

'97 OCT 31 AM 11 08

MARCIA WINGFIELD
SHOSHONE CTY RECORDER
BY [Signature] DEPUTY

RECORDED
OF THE REGISTERED
Donna Kelso
Deeds
RECEIVED
Terry F. Lindeger
HCOI, Box 220
Montgomery Gulch
Kellogg, ID 83837
9.00