

State of Idaho
Department of Water Resources



WATER RIGHT LICENSE

License No. 94-7222 Priority July 13, 1982 Amount 0.01 CFS 4.9 AF

THIS IS TO CERTIFY that TERRY OR CATHERINE LININGER of KELLOGG, IDAHO, has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated July 13, 1982, and has submitted proof to the Department of Water Resources on September 19, 1984, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a capacity of 0.02 cfs of water from Montgomery Creek tributary to Coeur d'Alene River, S. Fork and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	03/15 - 11/15	0.01 cfs	4.9 af

Location of point of diversion: NESW, Sec. 27, Twp 49N, Rge 3E, Shoshone Co.

Place of use:

TWP	RGE	SEC	NE				NW				SW				SE				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
49N	3E	27	:	:	:	:	:	:	:	:	6	:	:	:	:	:	:	:	6
			:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
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			:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	

Total number of acres irrigated:

6

NOTE: The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law.

This right is subject to all prior water rights and may be forfeited by five years of non-use.

Witness the seal and signature of the Director, affixed at Boise, this 23RD day of

OCTOBER, 1986.

Acting for the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT **APPROVED**

To appropriate the public waters of the State of Idaho

1. Name of applicant Terry or Catherine Lininger Phone 753 3271 days
786 9975 Evenings
Post office address P.O. Box 395 Wallace Idaho
2. Source of water supply Montgomery Creek which is a tributary of S. Fork Coeur d'Alene River
3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27 Township 49N
Range 3E B.M. Shoshone County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.12 for Irrigation purposes from 3/15 to 11/15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.12 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump and pipeline
with flow irrigation

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 2 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
49N	3E	27									6								6

Total number of acres to be irrigated 6

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion App
- b. Who owns the land to be irrigated or place of use Terry & Catherine Loring (buying)
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

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11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

A grid of graph paper with handwritten text. The text is as follows:

- R_{3F} (located at approximately row 10, column 15)
- T_{49N} (located at approximately row 15, column 5)
- $\times 27$ (located at approximately row 15, column 10)
- $P_{1/2} P_D$ (located at approximately row 15, column 10, below $\times 27$)

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Catherine A. Luriger
(Applicant)

DECLASSIFIED

Proposed Priority 7/13/1982

Received by AB Date 7/13/82 Time 1:55

Preliminary check by SL Fee \$ 30.00

Receipted by AB Date 7/13/82 (24241)

Publication prepared by ma Date 7/15/82

Published in Tellus Evening News

Publication dates 7/21 - 28/82

Publication approved ma Date 8/3/82

Protests filed by: Furt & Susan Copeland - 8/2/82 - withdrawn 8/20/82

Copies of protests forwarded by ma 8/9/82

Hearing held by _____ Date _____

Recommended for approval denial by ma RC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 94-7222, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before October 1, 19 84.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 10th day of September, 1982.

A. Glen Saxton
Chief, Operations Bureau

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COPY

ASSIGNMENT

THIS AGREEMENT is entered into this ____ day of November, 1981, between STEPHEN GOSS and SHELLY GOSS, husband and wife, hereinafter referred to as "Assignor," and TERRY F. LININGER and CATHERINE A. LININGER, husband and wife, hereinafter referred to as "Assignee."

WHEREAS, the Assignor did on March 4, 1980 enter into an agreement to purchase from The Bunker Hill Company of Kellogg, Idaho, the following described property, 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.

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:

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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.

which agreement will be deposited in escrow in the First National Bank of North Idaho, Wallace, Idaho.

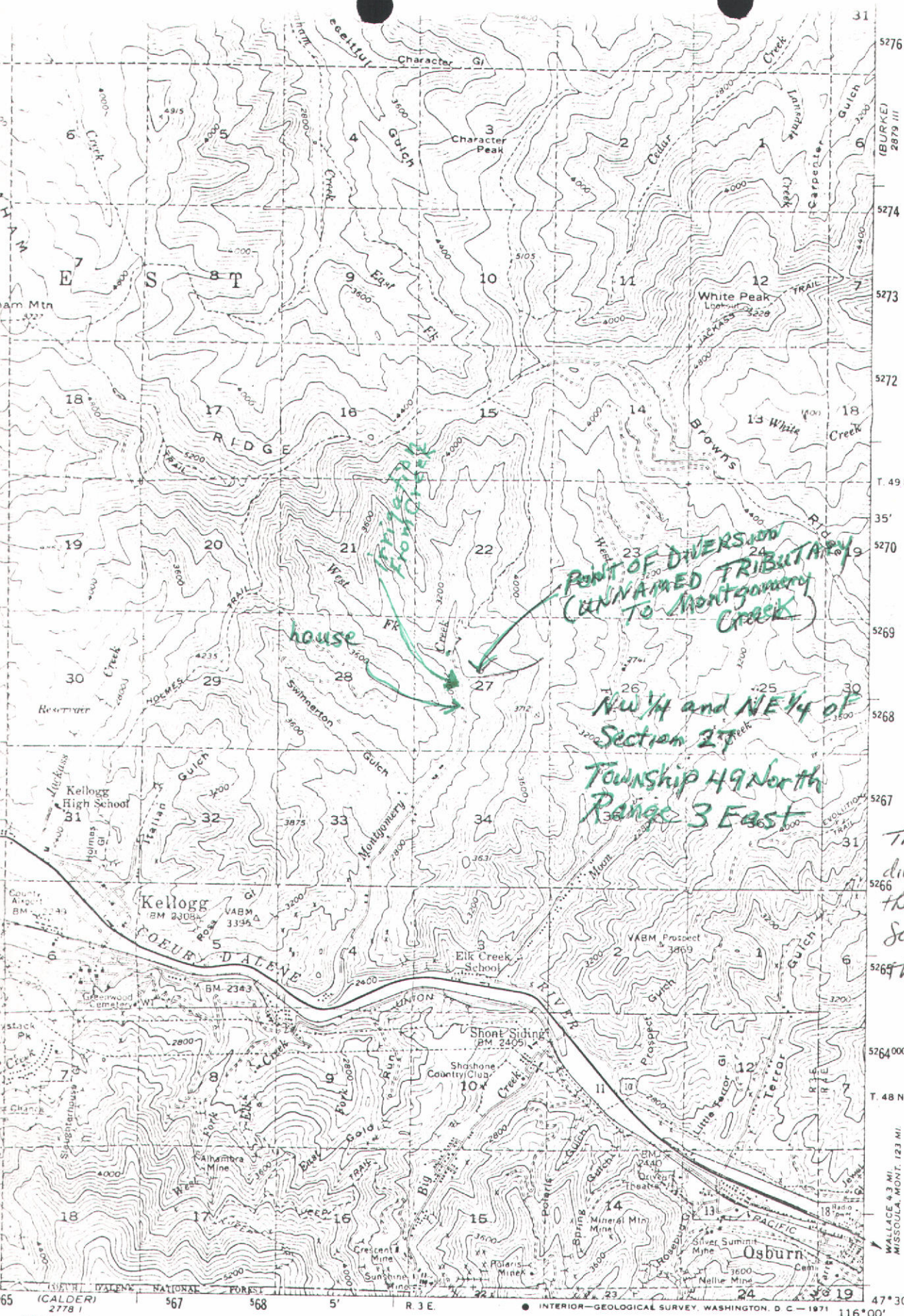
AND WHEREAS, Assignee wishes to purchase said property by way of an assignment of the agreement of March 4, 1980 from Assignor, and Assignee wishes to assume the obligations of Assignor under said Agreement of March 4, 1980, and the parties wish to set up an escrow account for the purchase of Assignor's equity in said property by Assignee.

THEREFORE, IT IS AGREED:

1. Assignment. Assignor hereby assigns to Assignee the rights and obligations of Assignor under said March 4, 1980 Agreement between Assignor and The Bunker Hill Company. Assignee specifically agrees to comply with all terms and conditions of said agreement, including prompt payment of all sums due The Bunker Hill Company under said agreement. Assignee agrees to indemnify and hold Assignor harmless from any and all breaches of said March 4, 1980 Agreement. A copy of said March 4, 1980 Agreement with Addendum thereto is attached hereto and incorporated herein.

2. Purchase Price. In addition to assuming the indebtedness owed by Assignor to The Bunker Hill Company pursuant to the

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POINT OF DIVERSION
(UNNAMED TRIBUTARY
TO MONTGOMERY
Creek)

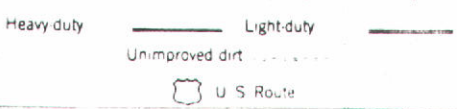
NW 1/4 and NE 1/4 of
Section 27
Township 49 North
Range 3 East

The point of
diversion is in
the NW 1/4 of
Section 27 -
the place of
use is in
the SW 1/4.

SCALE 1:62500



ROAD CLASSIFICATION



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

94-7222
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED

AUG 4 1986

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
☒ Copy of Permit
☐ Copies of any Amendments/Orders with conditions of approval
☐ Computer Data Proof Report
☒ Copy of U.S.G.S. Quad
☒ Check for Government Lots. If so, make a copy of Government Plat
Check of P/D index J.A. 7/24/86 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of exam(s) attached?
Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index J.A. 7/24/86 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?
Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

Required? ☐ yes ☒ no If yes: ☐ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☒ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☒ Fully completed and signed Field Report Form
☐ Photographs of Point of Diversion and Place of Use
☒ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed Jennifer Arpa 7/24/86 (Signature of examiner and date)
Exam Reviewed by Senior Water Resource Agent E 7/29/86 (Initial and date)
Exam Reviewed by Manager of Regional Office JMA 7/29/86 (Initial and date)
Exam Date Entered in Computer 7/30/86 (Initial and date)
Exam sent to State Office 7/31/86 (Initial and date)
Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
AUG 4 1986

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 94-7222

1. Owner: Terry or Catherine Lininger Phone No. 786-1911

Current Address: _____

2. Accompanied by: _____ EXAM. DATE: 7/23/86

Address: SAME Phone No. _____

Relationship to Permit Holder: _____

3. Source: Montgomery Creek tributary to S. Fk. Coeur d'Alene

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE

☐ Copies Attached

2. Other water rights with same point of diversion: NONE

☐ Copies Attached

☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = NTS

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).

☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater.

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System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Plastic 1" intake to $\approx$ 10 gal press tank to 1" plastic discharge
along field valves to hook hose to sprinkler head

1 Rainbird $\frac{5}{32}$ " Press at sprinkler head measured ≈ 36 psi

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Electric	Wayne	1/3		Wayne	1" plastic

***Code to correspond with No. on map and aerial photo**

5. Point(s) of Diversion:

[illegible]

6. Place(s) of Use:

Indicate Method of Determination Map

[illegible]

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
PRESS gage						

2. Measurements:

Res = 36 psi

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

$$Q = \frac{8.8(1.7)(1/3)}{2.31(2.23(25) + 2)} = .04 \text{ cfs}$$

$$\frac{8.8(.8)(.33)}{2.31(36) + 2} = \frac{2.32}{85.16} = 0.023 \text{ cfs}$$

USE AS CAPACITY ON LIC.

2. Alternate Method for Checking Purposes:

$$Q = .12 \text{ via permit}$$

$Q = .01 \text{ cfs}$ Alt. method attached using system charts

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 18.0 \text{ AF}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.9 \text{ AF}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 4.9 \text{ AF}$$

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irr.	3/15	11/15	.01 CFS	4.9 AF
Totals:			.01 CFS	4.9 AF

2. Recommended Amendments

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☒ None
☐ Other

J. AUTHENTICATION

Field Examiner's Name

Jennifer Argraves

Signature

Jennifer Argraves

Certification Date

Field Report Preparation Date

CONSULTANT SEAL

REVIEWED
BY JIM J.
9-2-86

- K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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Alternate Method: Flow Cal.

1 Rain bird $\frac{5}{32}$ "

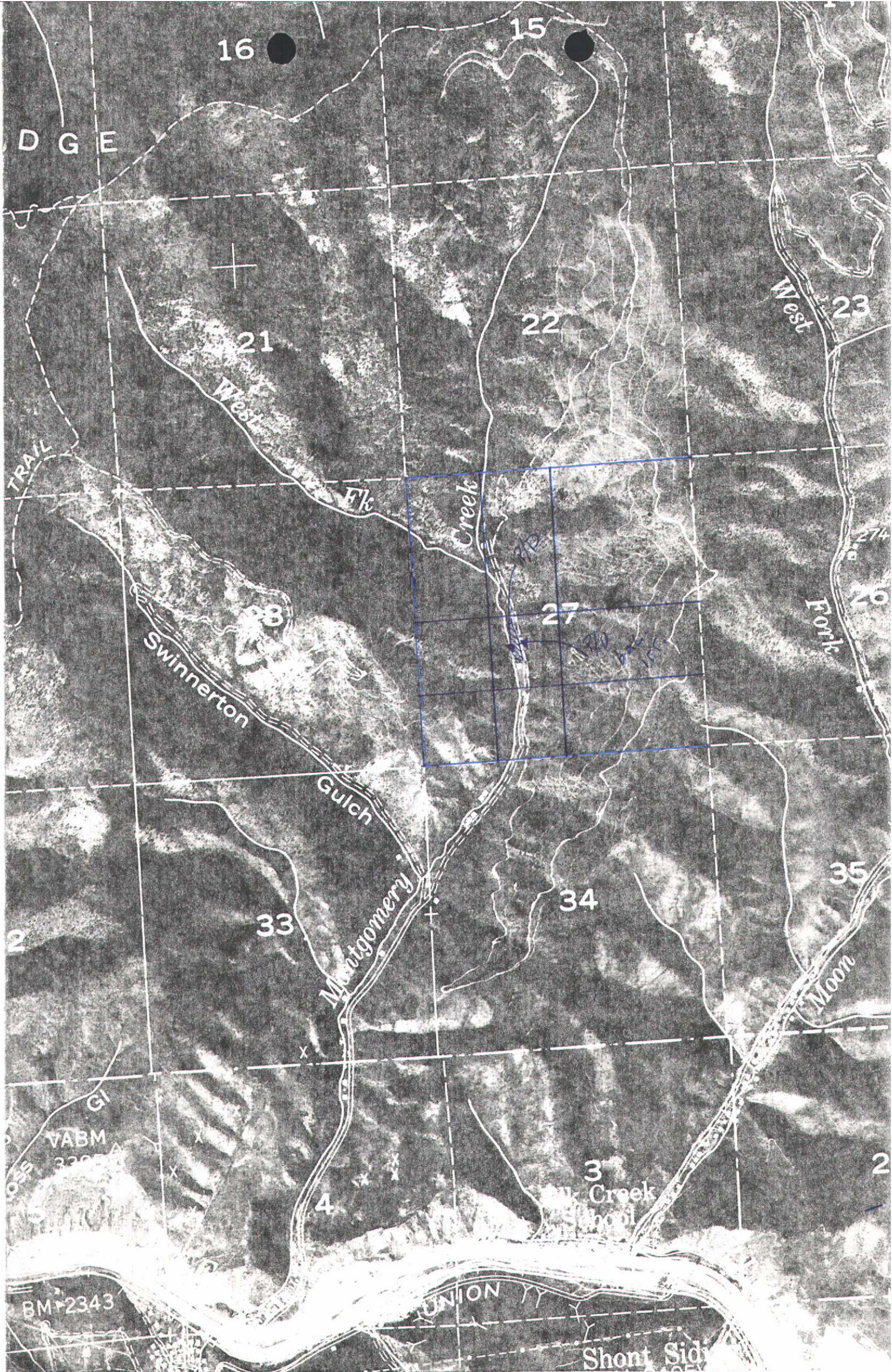
@ press = 36 PSI

From charts

$$Q = 4.22 \text{ gpm} * \frac{2.23 \text{ cfs}}{1000 \text{ gpm}}$$

$$= .01 \text{ cfs}$$

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TWP. 49N RGE. 3E SEC. 27 MAP # F-60 MAP SCALE 7 1/2

DATE OF FIELD EXAM 7/23/86

FIELD REPORT MAP PERMIT # 94-7222

4/86

RECEIVED

MAY 22 1986

Department of Water Resources

RECEIVED

MAY 14 1986

Department of Water Resources

STATE OF IDAHO Northern District Office

DEPARTMENT OF WATER RESOURCES

EXAMINATION FEE INFORMATION

For Office Use Only

Fee Received

Date

Receipt #

Receipt by

Sent to S.O.

RECEIVED

MAY 19 1986

MAY 7 1986

1. Permit No. 94-7222

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE. Department of Water Resources Northern District Office

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Terry or Catherine Lininger3. Post Office Address: HCOI Box 220 KelloggIdaho 83837 Telephone No. 208 78619114. Source of Water: Montgomery Creek

5. Extent of Use:

Domestic .04 cfs (No. of households) Stockwater .10 AFA (No. and type of stock)Irrigation 7 (acres) Other/Remark Storage for Recreation - 10 AFADiversion to storage .10 cfs6. Total rate &/or volume for which proof is submitted .12 cfs 7 acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

1952

8. Person to contact to accompany the department representative during the field examination:

Terry or Catherine LiningerHCOI Box 220 Kellogg Id. 83837 (Name)Montgomery Gulch Kellogg Id. 208-7861911 (Address) (Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

Date

Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: JK

APPLICATION NUMBER: 94-122A

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☐ Yes ☒ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____

Date: _____

PROCESSING:

- ☐ Yes ☐ No Platted by: _____ Map No. _____
☐ Yes ☐ No Other rights on same place of use. _____
☒ Yes ☐ No* In form for advertising. 8/9/82 ✓
Final date for protests: _____
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 8/3/82 ✓
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☐ Yes ☒ No Will water be delivered by watermaster? If yes, what district? _____
7/13/82 Date of priority recommended.
✓ Special conditions of approval or cover letter. _____

By: RWH

Date: 8/30/82

STATE OFFICE REVIEW:

SW/LIZ

26 04

- ☐ See attached sheet for more information.

By: RWH

Date: 9/8/82

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SEP 02 1982