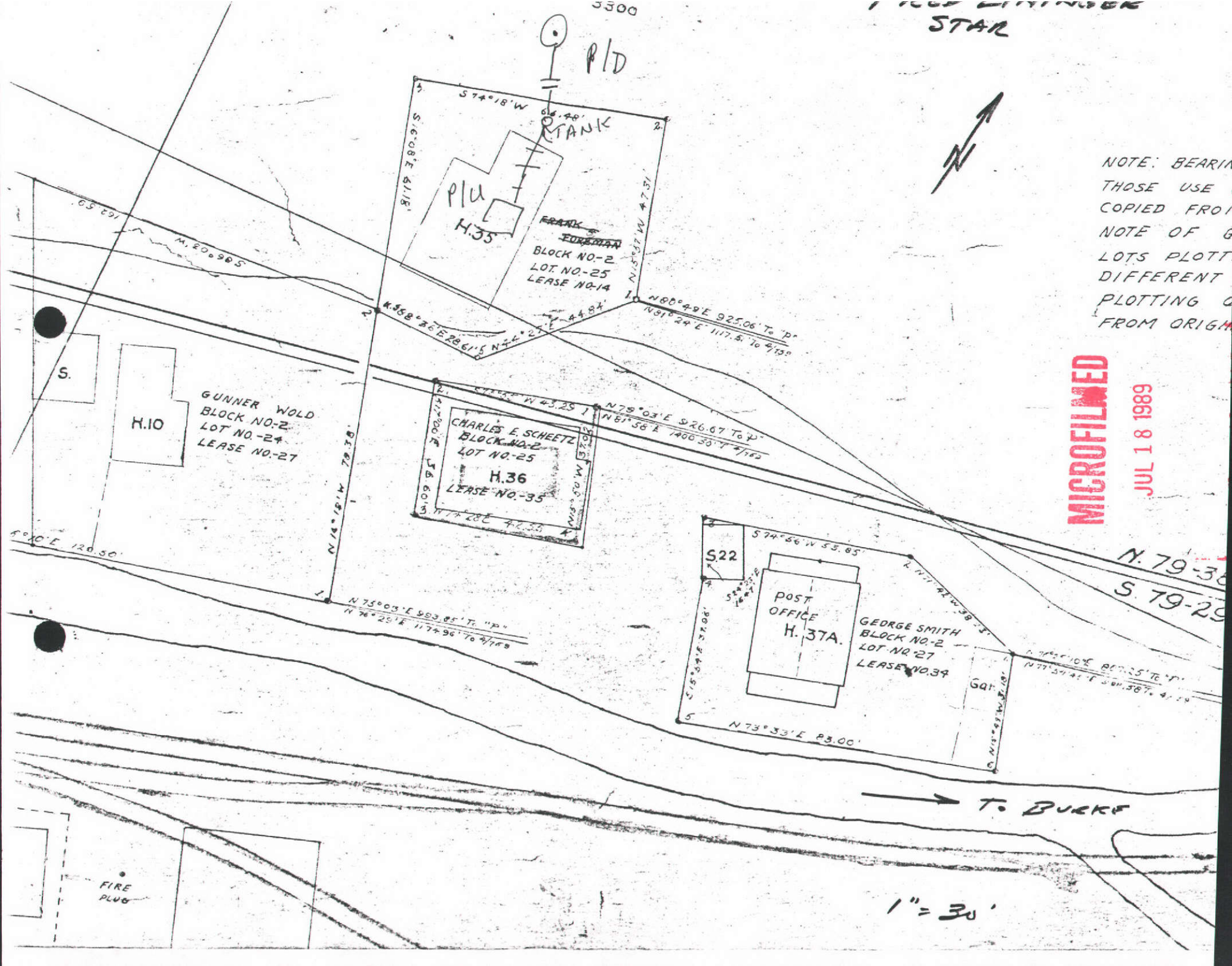


STAR

NOTE: BEARING
THOSE USE
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DIFFERENT
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FROM ORIG

MICROFILMED

JUL 18 1989



5300

P/D

FRANK

PLU
H. 35

FRANK
FOREMAN
BLOCK NO. 2
LOT NO. 25
LEASE NO. 14

CHARLES E. SCHEETZ
BLOCK NO. 2
LOT NO. 25
H. 36
LEASE NO. 35

GUNNER WOLD
BLOCK NO. 2
LOT NO. 24
LEASE NO. 27

H. 10

POST
OFFICE
H. 37A

GEORGE SMITH
BLOCK NO. 2
LOT NO. 27
LEASE NO. 39

FIRE
PLUG

T. BURKE

1" = 30'

PROOF OF PUBLICATION

) State of Idaho Department of Water Resources
) 1910 Northwest Blvd. Suite 210
) Coeur d'Alene, Idaho 83814

RECEIVED

JUN 27 1989

NORTHERN REGION
IDWR

s/ R. N. "Bud" Budvarson, being first duty sworn deposes and says:

SHOSHONE COUNTY NEWS-PRESS, a daily newspaper of general circulation in said county, published in the City of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of this notice hereinafter described, and that the _____

Legal Notice

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in supplement thereto, for a period of (2) two consecutive weeks/days, the first publication thereof being in its issue dated 6/15/89 and the last publication thereof being in the issue dated 6/22/89.

STATE OF IDAHO

COUNTY OF _____

On this 23rd day of June in the year of 1989, before me, a Notary Public, personally appeared R. N. "Bud" Budvarson, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Judith A. Bond
Notary Public for Idaho

Residing at Kellogg, Idaho

My commission expires: 10/17/94

MICROFILMED

JUL 18 1989

Legal Notice

NOTICE OF APPLICATION FOR
WATER RIGHT
The Following claim(s) have been

filed on water rights created by diversion
and beneficial use:

94-04287

LININGER, FRED
LININGER, GERALDINE.
P.O. BOX 709

OSBURN, ID 83849

Source: SPRING Tributary: CANYON
CREEK

Diversion Pt: SENW Sec 18 T 48N R 05E

Use: DOMESTIC (.040 CFS)

Date Filed: 6/1/1927

In: T48N R05E S18 SENW

For additional information concern-
ing the property location, call the
Northern Regional Office at 765-4639.

Exceptions to a claim may be filed
with the Director, Dept. of Water Re-
sources, Northern Region, 1910
Northwest Blvd., Suite 210, Coeur
d'Alene, Idaho 83814

R. KEITH HIGGINSON, Director

Legal #SHO 179

2 x 6-15/22/1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
94-4287					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Fred and/or Geraldine Lininger
P.O. Box 709, Osburn, ID 83849; (208) 752-6022
4. New Owner/Claimant(s) Robert Kilmer, Pamela Kilmer
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
 New Mailing Address 8486 Blaine Rd. 3475 BURKE RD
 City, State and ZIP Code Blaine, WA 98230 WALLACE ID 83273
 New Telephone Number (360) 371-5453 208-556-0982
5. Date you acquired the property January 10, 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Robert A. Kilmer
Samela J. Kilmer

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by CB Date 1/22/02 Fee \$25⁰⁰
 Received by CB Date 1/22/02 Receipt No. N014814
 Processed by _____ AJ Date _____ WR _____ Date _____

AFTER RECORDING, MAIL TO GRANTEE.
FATCO #5043/

401815
WARRANTY DEED

For Value Received GERALDINE M. LININGER, a widow by Terry F. Lininger, attorney in fact

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

ROBERT KILMER and PAMELA KILMER, husband and wife

whose address is: 8486 Blaine Rd, Blaine, WA 98230

Hereinafter called the Grantee, the following described premises situated in Shoshone County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 1-9-02

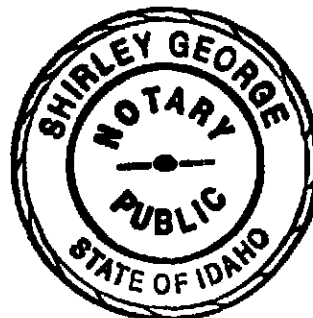
Geraldine M. Lininger by
GERALDINE M. LININGER, BY

Terry F. Lininger
TERRY F. LININGER, HER ATTORNEY IN FACT FOR

STATE OF Idaho)
: SS
COUNTY OF Shoshone)

On This 9th day of JANUARY, in the year 2002, before me, a Notary Public in and for said State, personally appeared TERRY F. LININGER, known or identified to me to be the person whose name is subscribed to the within Instrument as the attorney-in-fact of GERALDINE M. LININGER, and acknowledged to me that TERRY F. LININGER subscribed the name of GERALDINE M. LININGER thereto as principal and HIS own name as attorney-in-fact.

Shirley George
Notary Public of Idaho
Residing at Pinehurst
Commission Expires 3-12-2005



AMENDED PLAT
BLOCKS 2,4,5,&6 - GEM TOWNSITE
Portion of Unsurveyed Section 18,
Township 48 North, Range 5 East, B.M.
Shoshone County, Idaho

HECLA COORDINATE SYSTEM AS DEFINED BY
CONTROL POINTS...
SEE RECORDS OF SURVEY BY PEHL
RECORDED AS SHOSHONE COUNTY INST.
NO'S 332377 & 332404.

3 1/2" A
PEHL
SET 1/2"

This sketch is furnished without
warranty for the purpose of
assisting in locating said premises
and the Company assumes no li-
ability for inaccuracies therein.

CHIEF MS 759

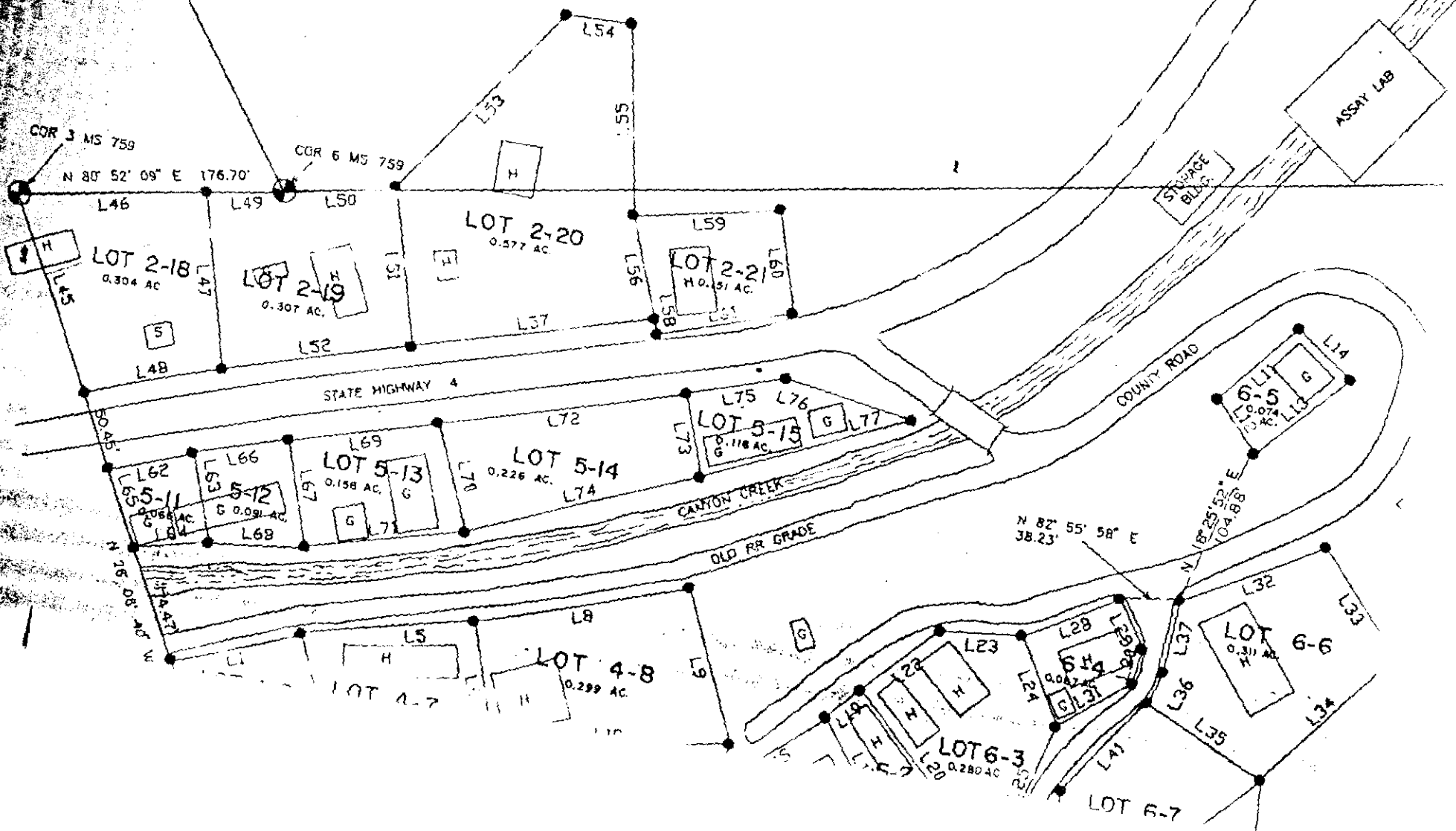


EXHIBIT "A"

A tract of land know as Lot 20 of Block 2 of Gem Townsite as per Record of Survey Instrument No. 338992, located in the Chief Lode and the Josie Lode of Mineral Survey 759, unsurveyed Section 18, Township 48 North, Range 5 East B.M., Shoshone County, Idaho; more particularly described as follows:

Beginning at a point from whence Corner 6 of the Chief Lode Mineral Survey 759 bears South 78°26'12" West a distance of 72.41 feet; thence

North 35°55'18" East a distance of 155.95 feet to a point; thence

North 88°16'30" East a distance of 42.89 feet to a point; thence

South 09°05'16" East a distance of 122.77 feet to a point; thence

South 19°55'53" East a distance of 68.20 feet to a point; thence

South 74°28'07" West a distance of 157.59 feet to a point; thence

North 14°08'07" West a distance of 103.07 feet to the TRUE POINT OF BEGINNING.

401815

First American Title

Deeds

First American Title

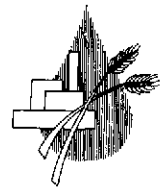
Wallace, ID

Fee \$ 6.00

'02 JAN 10 PM 4 15

MARCIA WINGFIELD
SHOSHONE COUNTY RECORDER
By *Janet Zamboni* DEPUTY

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 FRED OR GERALDINE LININGER
(Name of Claimant)
Box 709 OSBURN, ID 83849 Telephone No. 752-6022
(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) 1927

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)
SPRING tributary to CANYON CREEK

(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, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.04</u>		Use <u>DOMESTIC</u>		Period of Use From <u>JAN 1</u>	To <u>DEC 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) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NW 1/4, Sec. 18 Twp. 48N Rge. 5E B.M., County of SHOSHONE
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. GRAVITY FLOW PIPELINE

(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.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
48N	5E	18								D									

No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
DOMESTIC USE - 1 HOME WITH LAWN & GARDEN.

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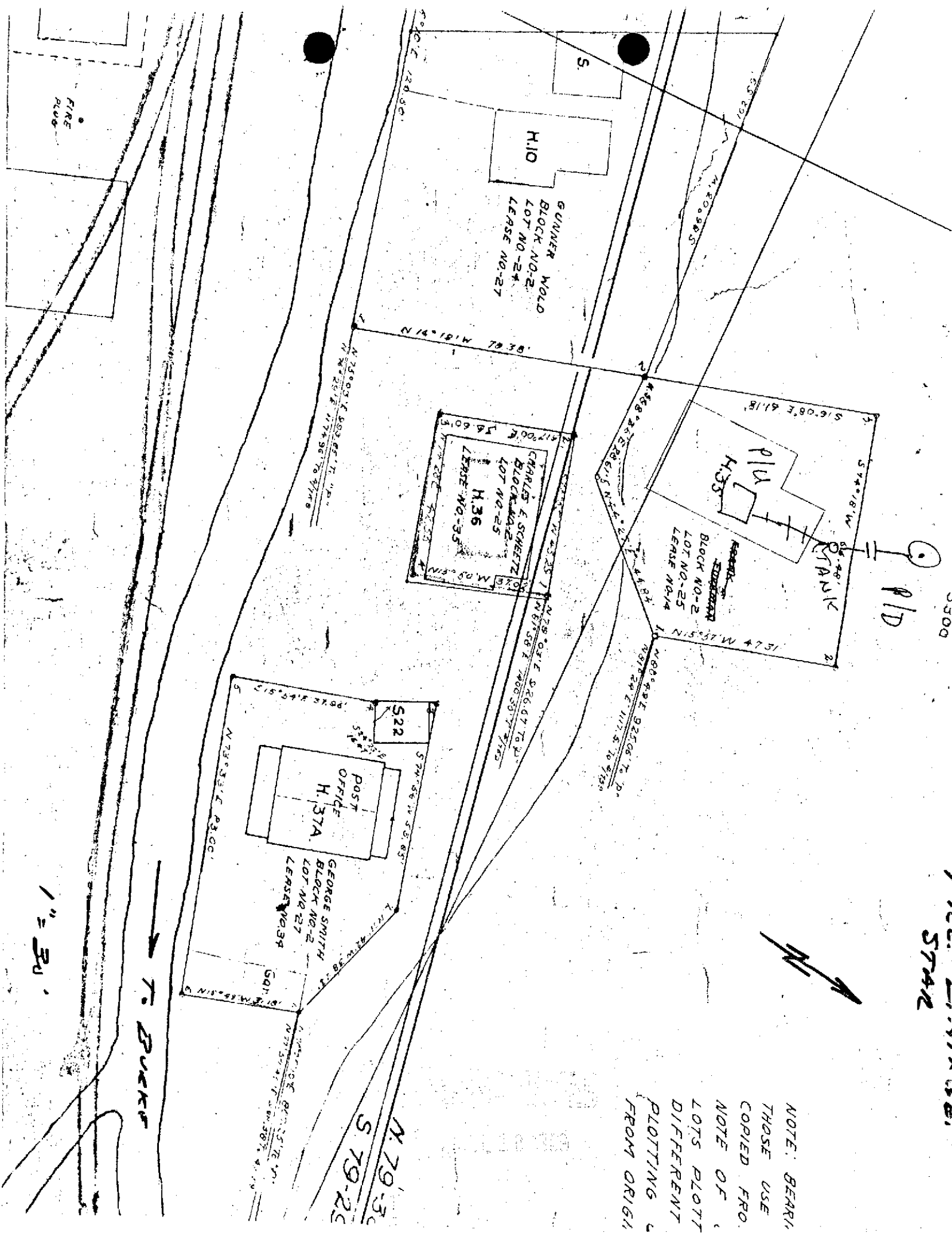
NOTE: Include here the type and number of stock watered: _____

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks

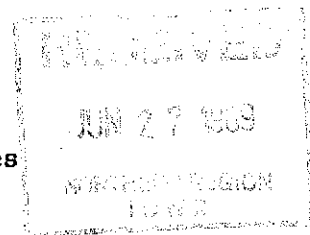
1000' L. 1000' W. 1000' H.
STAIR

NOTE: BEARINGS
THOSE USE
COPIED FROM
NOTE OF
LOTS PLOTTED
DIFFERENT
FROM ORIGIN



PROOF OF PUBLICATION

) State of Idaho Department of Water Resources
) 1910 Northwest Blvd. Suite 210
) Coeur d'Alene, Idaho 83814



s/ R. N. "Bud" Budvarson, being first duty sworn deposes and says:

SHOSHONE COUNTY NEWS-PRESS, a daily newspaper of general circulation in said county, published in the City of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of this notice hereinafter described, and that the _____

Legal Notice

of which the annexed is a true copy, was published in each regular weekly/daily issue of said newspaper, and not in supplement thereto, for a period of (2) two consecutive weeks/days, the first publication thereof being in its issue dated 6/15/89 and the last publication thereof being in the issue dated 6/22/89.

STATE OF IDAHO

COUNTY OF _____

On this 23rd day of June in the year of 1989, before me, a Notary Public, personally appeared R. N. "Bud" Budvarson, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Notary Public for Idaho
Residing at Kellogg, Idaho

My commission expires: 10/17/94

RECORDED

JUL 18 1989

6/29/89

filed on water rights created by diversion and beneficial use:

92-04287

LININGER, FRED
LININGER, GERALDINE
P.O. BOX 709
OSBURN, ID 83849
Source: SPRING Tributary: CANYON CREEK
Diversion Pt: SENW Sec 18 T 48N R 05E
Use: DOMESTIC (.040 CFS)
Date Filed: 6/1/1927
In: T48N R05E S18 SENW

For additional information concerning the property location, call the Northern Regional Office at 765-4639.

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, Idaho 83814

R. KEITH HIGGINSON, Director
Legal #SHO 179
2 x 6-15/22/1989

Legal Notice

NOTICE OF APPLICATION FOR
WATER RIGHT
The Following claim(s) have been



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 15, 2004

ROBERT KILMER
PAMELA KILMER
3475 BURKE RD
WALLACE ID 83873

RE: Change of Ownership for Water Right 94-4287

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

RECEIVED

SEP 27 2004

DEPARTMENT OF
WATER RESOURCES

September 24, 2004

Robert and Pamela Kilmer
3475 Burke Rd.
Wallace, ID 83873
(208) 556-0982

KariLynn Townsend
IDWR - State Office
1301 N. Orchard Street
Boise, ID 83706-2237

Re: Water Right 94-4287

Dear Ms Townsend,

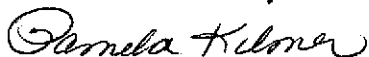
Please find enclosed the map I told you about for Gem, Idaho. Note that the old lots 24, 25 and 26 in Block 2 are shown within the boundaries of the current lot 20 (0200 on the map). The current lots' boundary lines were drawn in red lines on the courthouse original over the old lines.

On our property, the old lot 25 of block 2 is in the upper section of the current lot 20, which is where the spring is located.

I hope this is the information you need.

Thank you,

Sincerely,



Pamela Kilmer

P.S. Our former address that you have in your records was:
8486 Blaine Rd.
Blaine, WA 98230



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 22, 2002

ROBERT AND PAMELA KILMER
8486 BLAINE RD
BLAINE WA 98230

RECEIVED

JAN 28 2002

Department of Water Resources

Re: Water Right 94-4287

Dear Mr. and Mrs. Kilmer:

This acknowledges receipt of the Notice of Change in Water Right Ownership papers for the above referenced water right, changing the ownership from Fred and/or Geraldine Lininger to you. Enclosed is receipt No. N014814, for your records.

We are forwarding the paperwork to the State Office for processing.

If you have any questions, please contact KariLynn Townsend in our State Office, at 208-327-7941.

Sincerely,

A handwritten signature in cursive script that reads "Dianne Ball".

Dianne Ball
Administrative Assistant

Enc. - Receipt No. N014814

db

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JK

Right Number 74-4287 Applicant LININGER

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.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By [Signature] Date 6/29/89

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By SC Date 7/10/89

MICROFILMED

JUL 18 1989

RECEIVED
JUL 10 1989

Department of Water Resources

94-04287

LININGER, FRED
LININGER, GERALDINE.
P.O. BOX 709
OSBURN, ID 83849

Source: SPRING

Tributary: CANYON CREEK

Diversion Pt: SENW Sec 18 T 48N R 05E

Use: DOMESTIC (.040 CFS)

Date Filed: 6/01/1927

In: T48N R05E S18 SENW

MICROFILMED

JUL 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Northern Region
1910 Northwest Blvd., Suite 210

Coeur d'Alene, Idaho 83814
(208) 765-4639

JULY 5, 1989

FRED LININGER
GERALDINE. LININGER
P.O. BOX 709
OSBURN, ID 83849

Re: Claim No. 94-04287

Dear Claimants(s):

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 the information or evidence added at any time. Please refer to the claim identification number when corresponding with the 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.

Sincerely,

ROBERT G. HAYNES, P. E.
Manager, Northern Regional Office

RGH:pms

Enclosure

MICROFILMED

JUL 18 1989