

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 22-7228B V1

WATER RIGHT NUMBER: 22-7228B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SCHIESS BROTHERS C/O LYLE SCHIESS 498 W 675 S VICTOR, ID 83455 (208)787-2468

Priority Date: 04/25/1977
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.310 CFS	113.00 AF
<u>Total Diversion:</u>		0.310 CFS	113.00 AF

<u>Location of Point(s) of Diversion</u>		
GROUND WATER	NW1/4SW1/4	Sec. 17, Twp 04N, Rge 45E, B.M.
TETON County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
04N	45E	18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	39.0
																			39.0

Total Acres: 39

- Conditions of Approval:
- 1. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
 - 2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
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Comments:

1. dcarlson 4/26/2006 as licensed
Comment: season of use extended by remarks

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	4/26/2006 9:52:31 AM	dcarlson			Active
POD	4/26/2006 9:53:10 AM	dcarlson			Active
POU	4/26/2006 9:55:06 AM	dcarlson			Active
Summary			04/26/2006	dcarlson	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
POD	4/26/2006 9:54:30 AM	dcarlson	Updated shape
POD	4/26/2006 9:53:11 AM	dcarlson	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
General	4/26/2006 9:52:32 AM	dcarlson	(Yes) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 2. Was the owner or the owners predecessor in interest of the place of use joined in the later decree? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?

04/26/2006

**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:

Water right number: 22-7228B

SCHIESS BROTHERS

C/O LYLE SCHIESS

498 W 675 S

VICTOR ID 83455

Telephone Number: (208) 787-2468

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:

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

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

DATE: Dec 8, 2006 SIGNATURE: Lyle Schiess
Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



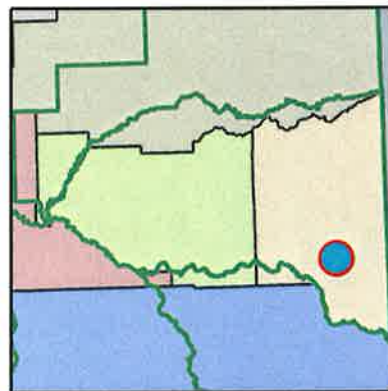
Idaho Department of Water Resources

Adjudication Claim:

22-7228B

Legend

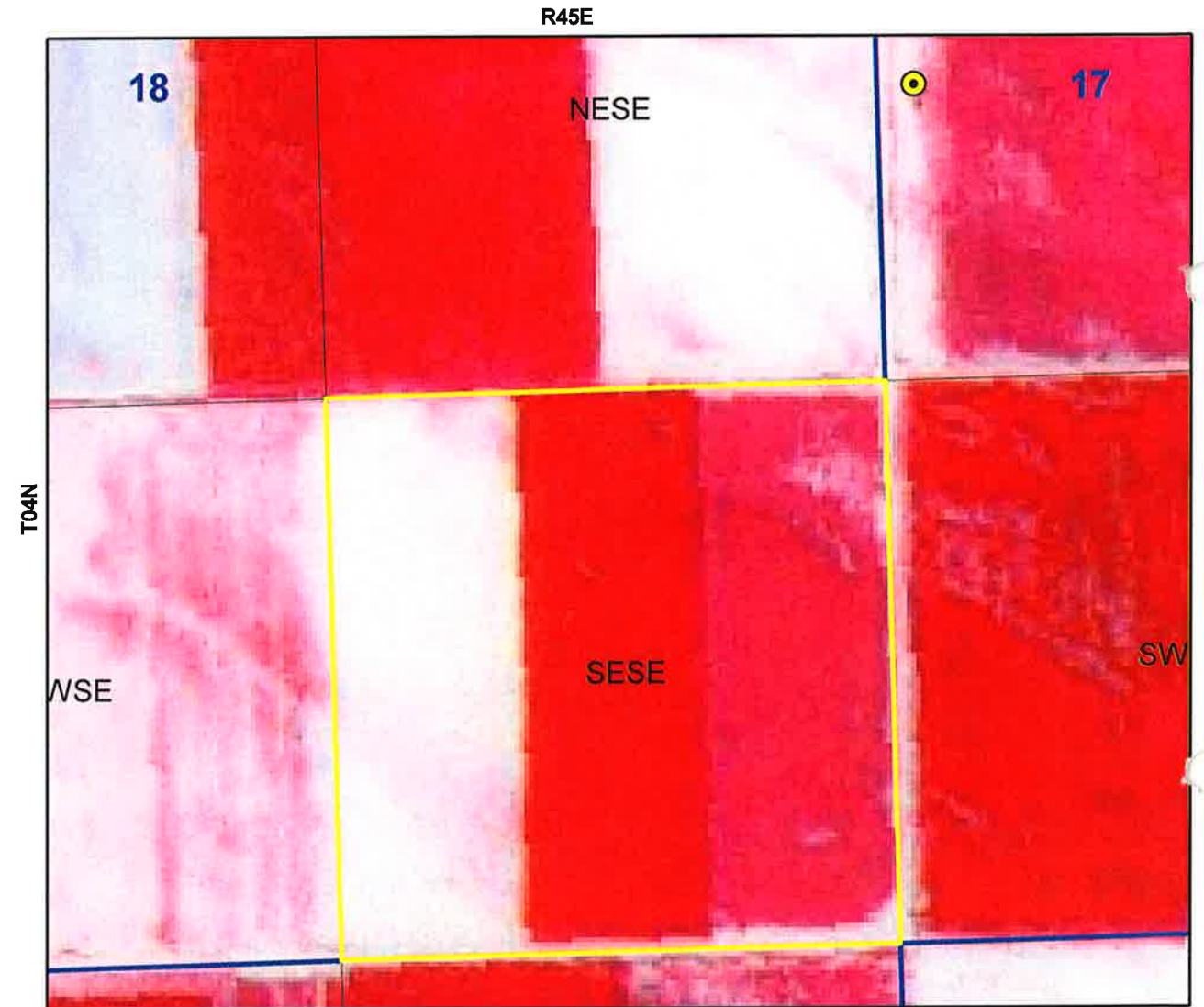
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by D. Carlson
On Wednesday, April 26, 2006
1987/88 Aerial Photography



0 0.2 0.4 Miles

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7228 Priority April 25, 1977 Amount 1.59 cfs

THIS IS TO CERTIFY, that Merle Kunz, Duane H. Kunz, Darrell Kunz, Clarence Kunz & Edwin Schiess of Victor, Idaho, has complied with the terms and conditions of Permit No. 22-7228 issued pursuant to Application for Permit dated April 25, 1977, and has submitted proof to the Department of Water Resources on May 26, 1982, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.59 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>October 15</u>	at <u>1.59</u> cfs and	<u>577.1</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 1.59 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 577.1 acre feet per-year, said waters to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Twp 4N, Rge 45E in the County of Teton

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	45E	17							40	40	40	39							159
		18															39		39

Total number of acres irrigated 198

NOTE: 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 may be forfeited by five years of non-use.

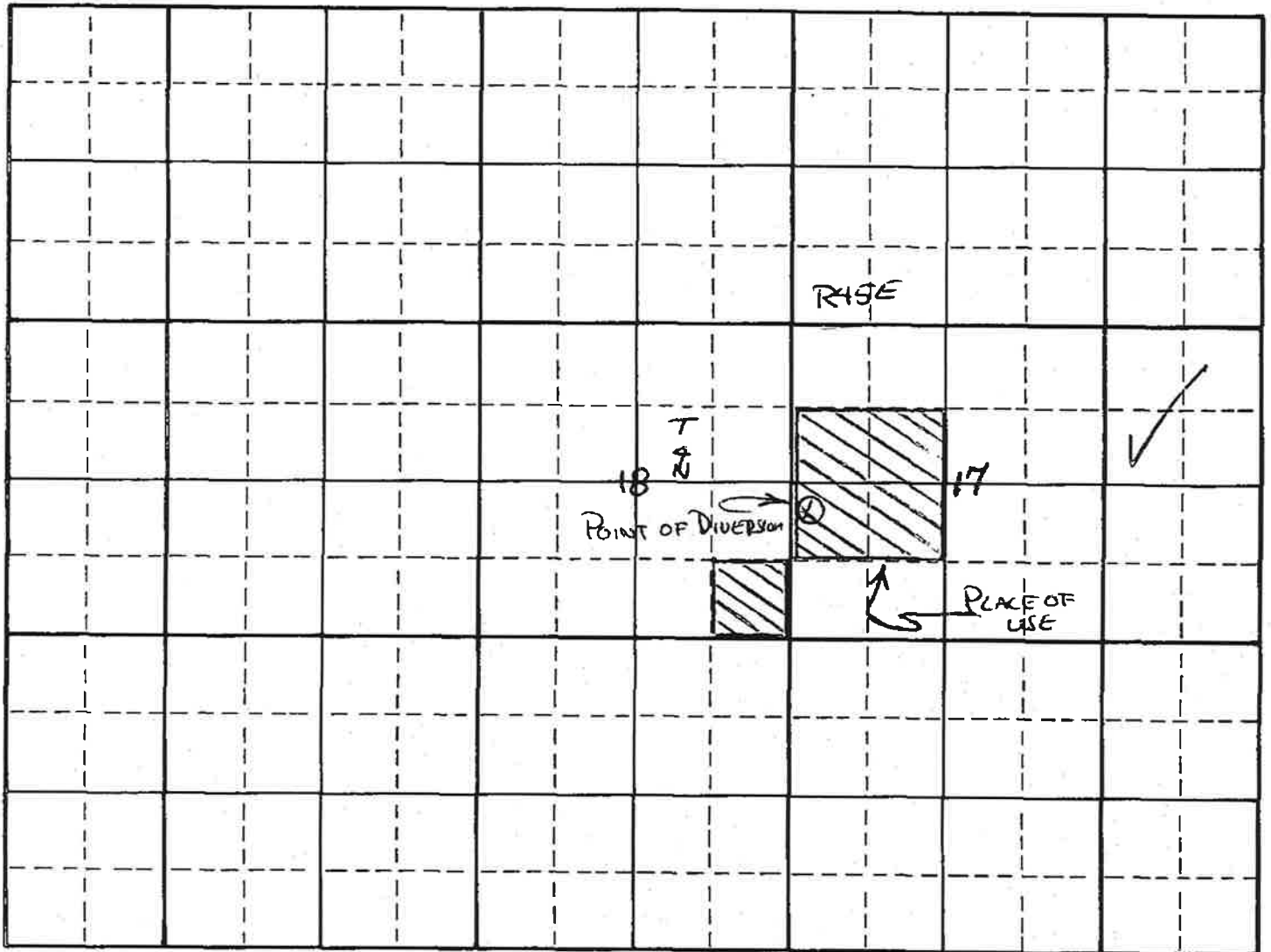
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 12TH day of SEPTEMBER, 19 84.

Acting for the Ronnan C Young
Director

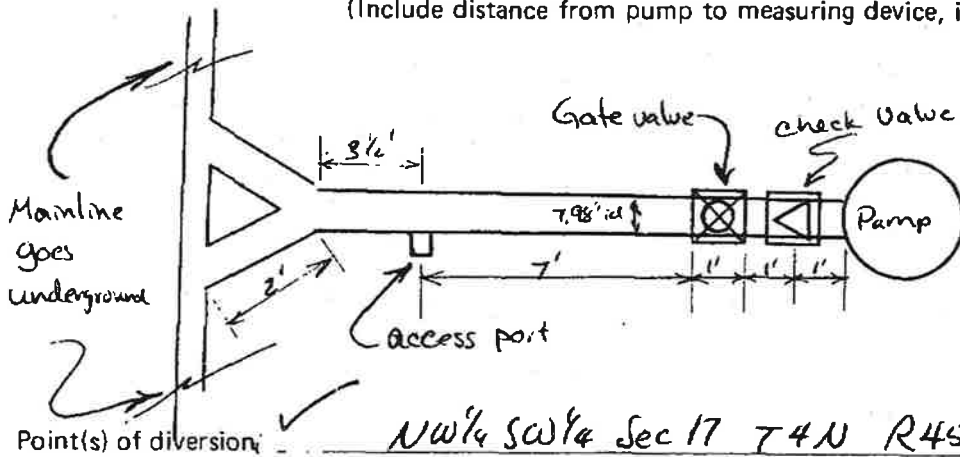
Remarks "I conducted a remeasurement on 2 August 1983 the measurement was less (7.4" unadjusted using same meter and annubar) recommend using original reading.

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NW 1/4 SW 1/4 Sec 17 T4N R45E

Place(s) of Use ✓

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4 N	45E	17							40	40	40	39							159
		18															39		39
																			198 ✓

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Examiner's Signature Keith Carlson Date 6 Dec 1983
 Checked by J. W. Jones Date 12-9-1983
 Approved by Ray Walker Date 8-3-84

IDWR SUPPLEMENTAL FIELD REPORT
FOR ANNUBAR MEASUREMENT

Measured by: KEITH C WILSON Date August 5, 1982

Owner: Merle, Duane H, Darrell, Clarence Kuhl Permit No. 22-7228
and Edwin Schiess

Description of well &/or measuring site (give distance to restrictions upstream and downstream): Well pump to 7.98" id mainline with check valve, and gate valve. Access port on side of mainline 3 1/2 feet from "T" (upstream) and 7 feet downstream of gate valve, check valve pump area.

Measured inside diameter of pipe in inches (A) 7.98"

Size of Annubar used in test 7.981

State ID# of Annubar Meter used 191136

Size Eagle Eye Meter used 2-13"

State ID# of Meter used 091462

Date of Last Calibration of Meter 4-23-82

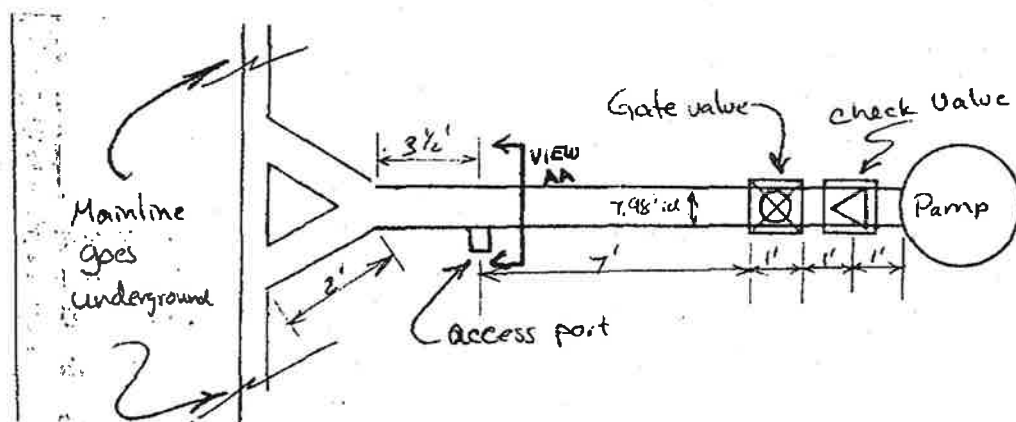
Observed inches of H2O read on Meter 8.5"

$B = Hx + b = 1.6302(8.5) - 0.2637$
Adjusted inches of H2O from Last Calibration (B) 8.49"

CALCULATION: $\frac{(3.85) \times (A)^2 \times \sqrt{B}}{448.8} = \frac{714.67}{448.8} = 1.59 \checkmark$ cfs measured

Where A and B are measured in inches and 3.85 is a constant for the model 75 Annubar.

SKETCH:



View AA

TOP



Kew

G-11

Place of use 2

TAN

NOT TO SCALE

A-14
515

Date: ~~RE/RE/RE~~

Merle Duane Donald Clarence Kue
Edwin Schiess
(Name)

PERMIT NO. 22-7228

Accompanied by: Ryan Kume

EXAMINATION: DATE: 8-5-82
8-2-83

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
GE	75	BKJ227451	Johnston	M/I

Measuring Device Type: Annubar

Meter # Annubar # 191136 Size # 7.5

Remarks:

Measurement calculations: 8.5"

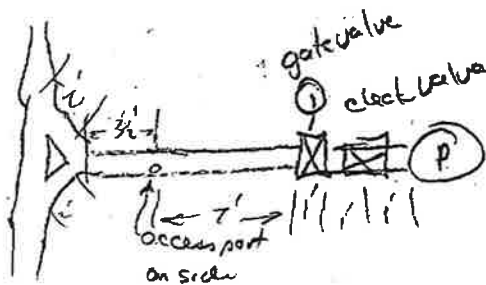
Removal at 8-2-83
Meter 091463 7.9"

$$\frac{32}{160} \times \frac{1}{32} \times 40 = 1.6 \text{ cfs}$$

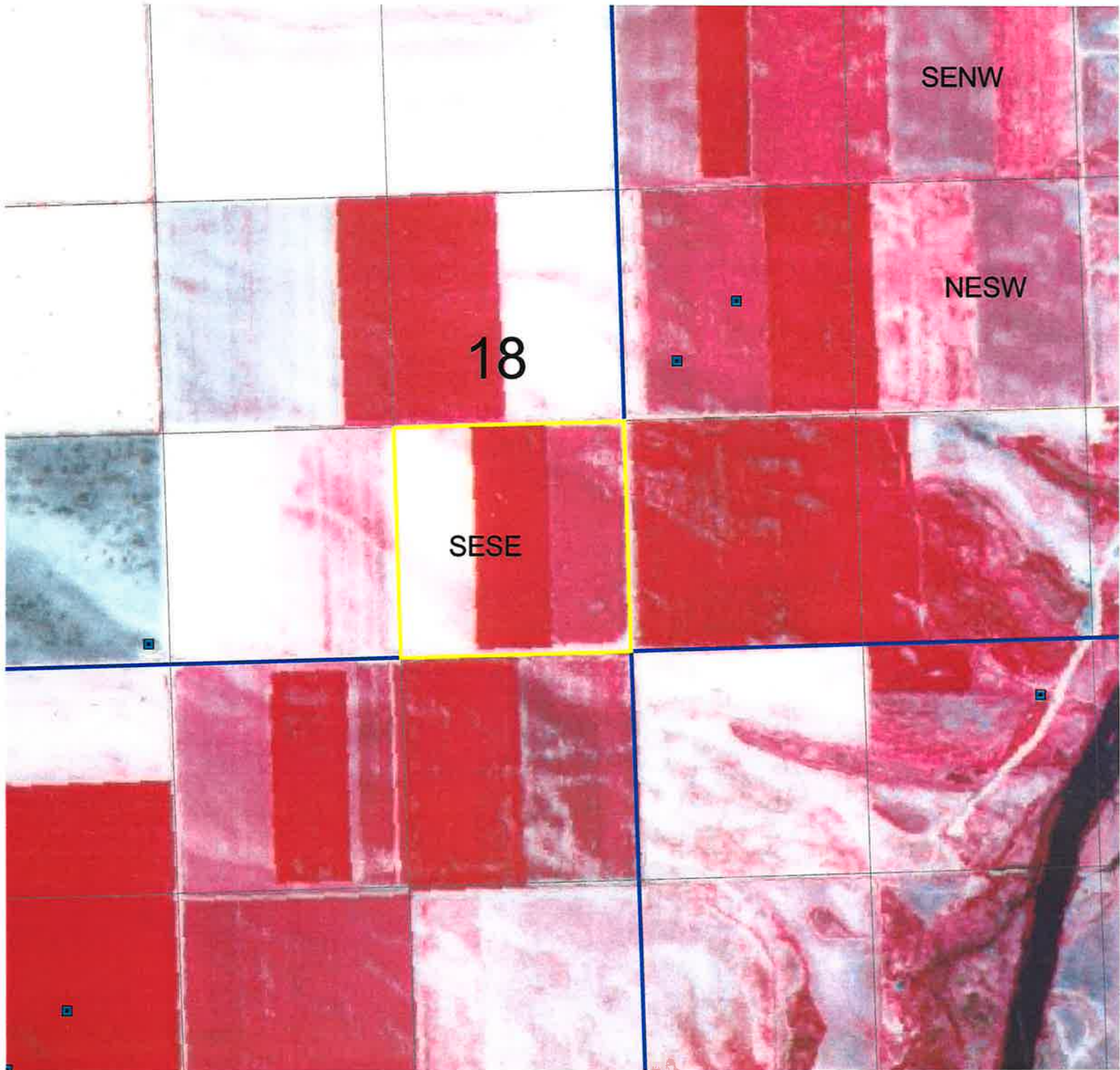
1.6 cfs

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter 8" Length



22-7228B



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-07228B
Date Received: 8/12/1988
Receipt No: E001259
Received By: EAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SCHIESS BROTHERS 208-787-2468
Address: C/O LYLE SCHIESS
498 W. 675 S.
VICTOR, ID 83455

2. Date of Priority: APR 25, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	45E	17	SW	NW	SW		TETON

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.310		

7. Total Quantity Appropriated is:
0.310 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 78.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	18	SE	SE		IRR	39.0
Section Acres							39.0

A22-07228B

Page 1

Date: 08/12/88

MICROFILMED
OCT 29 1992



10. Place of Use: Continued

Total Acres 39.0

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am partner of

Schuess Brothers, that I have signed the foregoing
Organization

document in the space below as partner of

Schuess Brothers and that the statements contained in the
Organization

foregoing document are true and correct.

John Schuess
Signature of Authorized Agent

Schuess Brothers
Title and Organization

Aug 12, 1988
Date

State of Idaho)
County of Bonneville) ss.

Subscribed and sworn (or affirmed) before me this 12 day

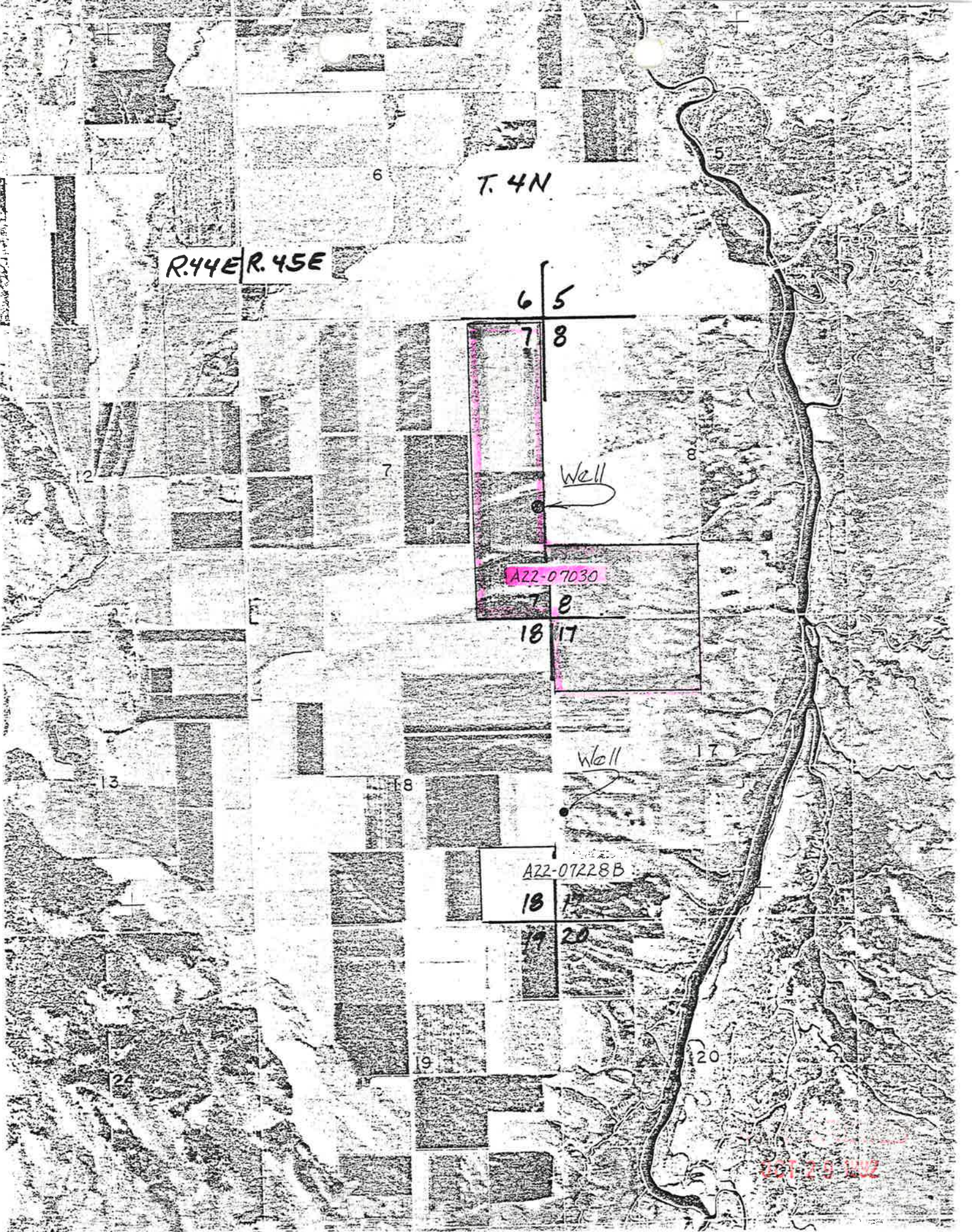
of Aug 19 88

Ernest Carlson
Notary Public

Seal

Residing at Blake Forks, ID

My Commission Expires 14 June 1994



T. 4N

R. 44E | R. 45E

6 5
7 8

Well

A22-07030

7 8
18 17

Well

A22-07228B

18 17
19 20

JUL 15 1992