

Affidavit

State of Idaho, County of Lemhi

Re: Opposition to the Granting of WATER RIGHT NO. 75-14951 to the Stenlunds

Our current legal names are Daniel Carl Schuler and Nicole Ann Schuler. We currently reside at 51 Little 4th of July Creek Road, North Fork, Idaho 83466. Our mailing address is PO Box 1361 Salmon, ID 83467.

We are the owners of approximately 10 acres and our home residence at 51 Little Fourth of July Creek in North Fork, Idaho. We have a legal water right, # 75-14821, with a priority date of May 22, 1913, consisting of 0.13 CFS for 6.5 acres.

For background information, we purchased our home and land in April 2018. Upon purchase, the property was established with an existing flood irrigation system, used by some previous owner, to irrigate. The flood irrigation system utilized gated 3 and 2 inch poly pipe connected to a vented PVC outlet from Little Fourth of July Creek. After use of the existing flood irrigation system to establish beneficial use of the water right, we eventually determined that the perforated (gated) pipe used to flood irrigate was not efficient nor was it resourceful of the already minimal water flow in the Little 4th of July Creek during the hottest part of the year. I removed the gated pipe from the field as I believe it is not the best method available to use a limited resource. As a result, at the time of this writing, we are currently not using any water since I am in the process of researching a precision irrigation system that makes use of limited water resources and a slow application rate. Although we are not currently using or taking any water from our right on the Little Fourth of July Creek, we fully intend to resume beneficial use at the time of installation of the new system (likely K-line irrigation pods) on or about April 1st, 2020. Even so, we plan to utilize this system only sparingly and as long as my use does not infringe on the rights of any senior water right holder.

We believe the creek's volume of water flow does not support any new water user, let alone a new water user who is upstream from Rob and Cindy Hallen, who have the senior water right on the creek. Currently the creek is only a few inches deep and no more than a foot wide, and that is with no water currently being used by anyone. We noticed that the Stenlund's water right does not include any max or capped volume of water for use per day. Their application remarks state that the water will be used to fill one or two tanks on either end of their property. No information (that I can view via IDWR's website) is provided as to how large their tanks are or how often they will be filled from the creek, yet they were granted the same allotment of water that I am allowed for domestic use at my home from my well, 0.04 CFS. My groundwater use is capped at 13,000 gallons a day, however; I do not see a cap on the Stenlund water right directly from the creek. To muddy the waters even more, the Stenlund application for water rights stated that there is one home on the property, which there is not, and won't ever be due to set back requirements. Despite this fact, their allotment of 0.04 CFS for domestic use roughly equates to 14 GPM, or over 20,000 gallons a day, from the creek around the clock all year long.

In short, we believe that there is not enough water in the creek to support the new Water Right# 75-14951. We do not support the granting of this new water right and would like to see more specific information be made public concerning how large the tanks are that the Stenlund's would like to fill and how often they will be filled. Should IDWR ignore this information, we would still like to request that IDWR reconsider the rate of water flow for domestic use allotted to this non-residence recreation property with an appropriate max cap. Please include us as interested parties in this matter.

We hereby state the information above is true to the best of our knowledge. We also confirm that the information here is both accurate and complete, and relevant information has not been omitted.

9/6/2019

Date:

Nicole Schuler

Signature

Nicole Schuler

Printed name

Daniel Schuler

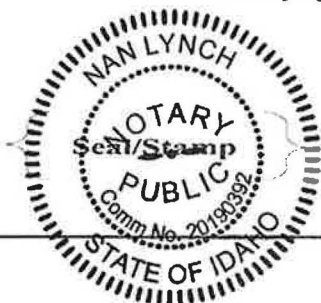
Signature

DANIEL SCHULER

Printed name

State of Idaho
County of Lemhi } Venue

This instrument was signed or acknowledged before me on 9/6/19 } S. o. P.
by Daniel Schuler and Nicole Schuler
Print name of signer(s)



Nan Lynch
Notary Signature

Notary's
Signature



