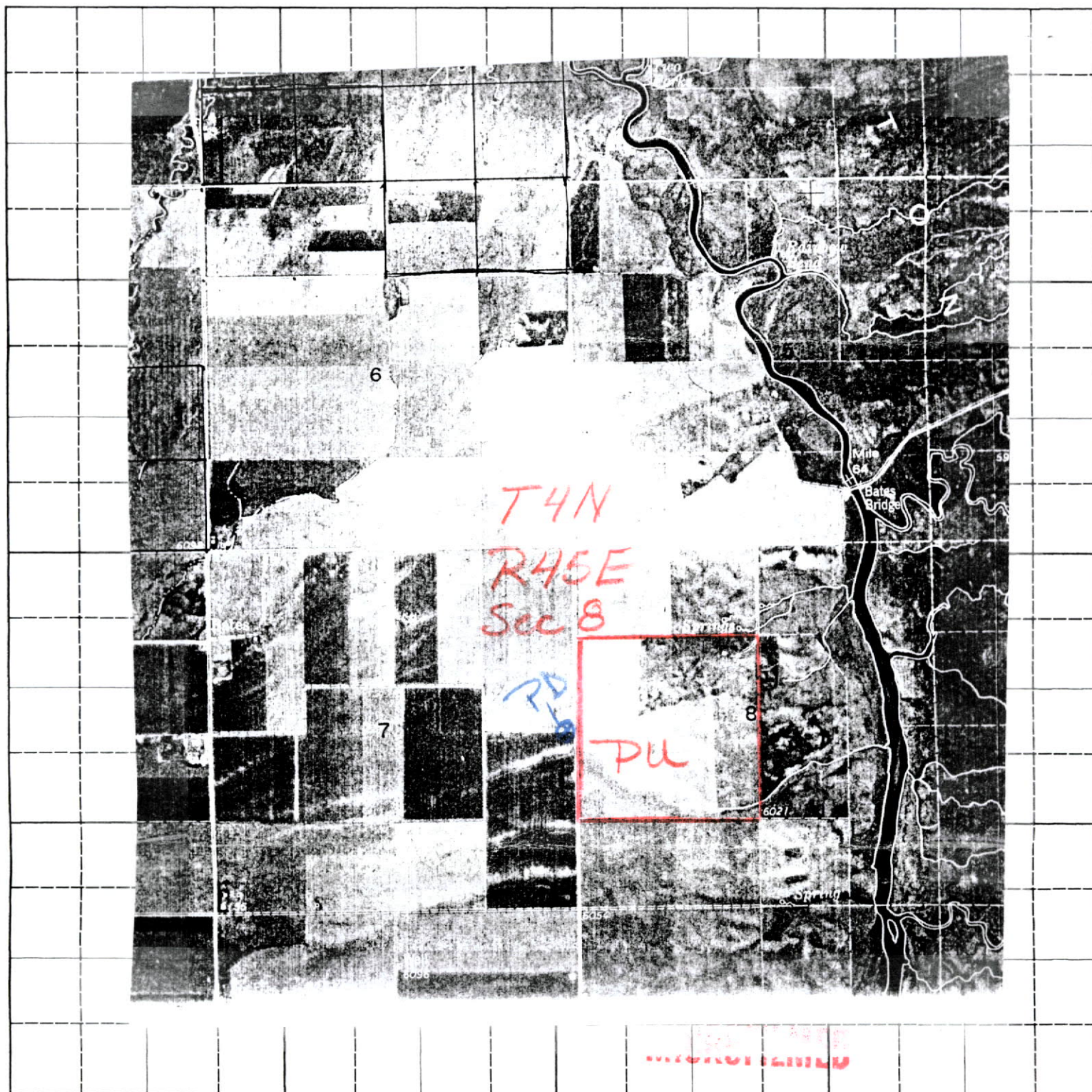


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

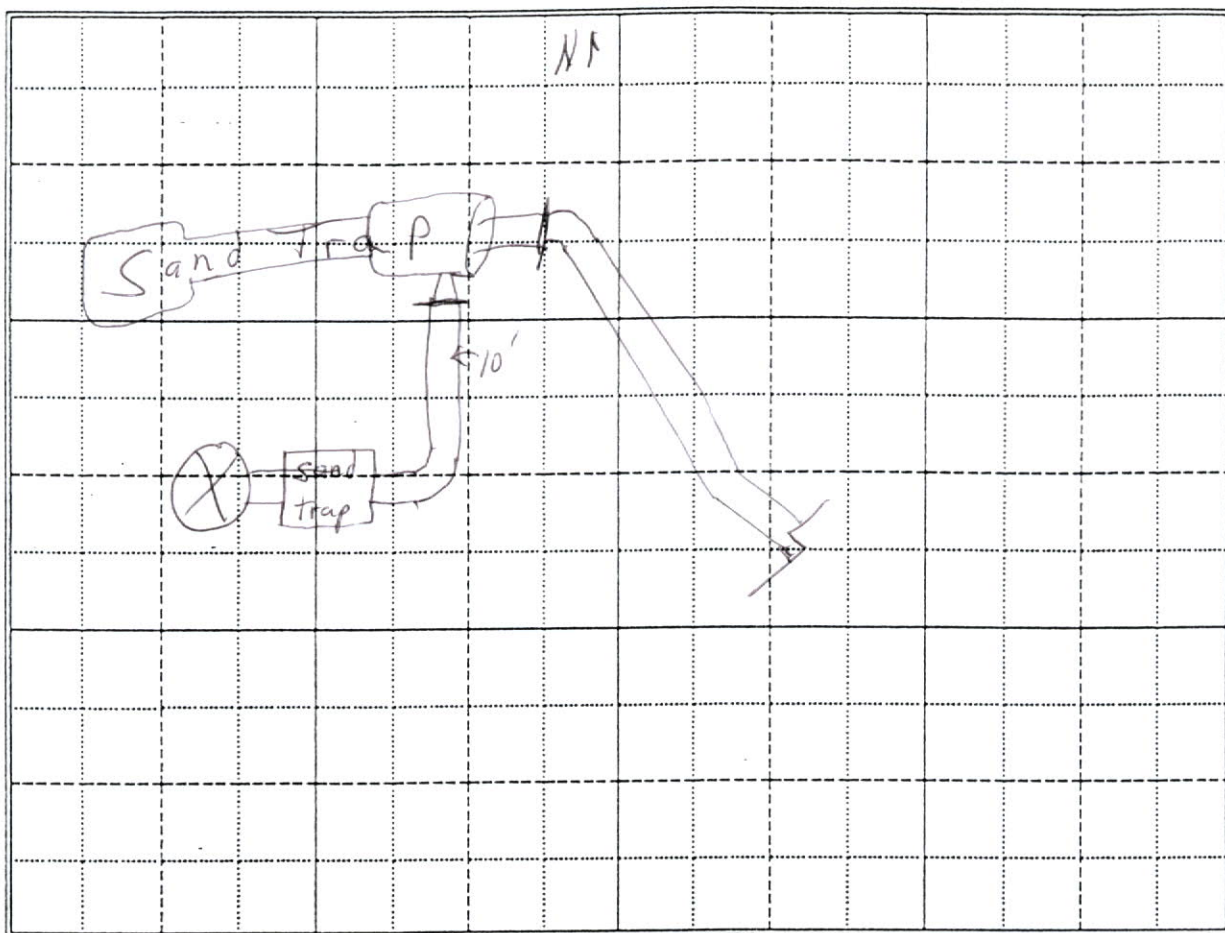
AUG 14 1990

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.

[Signature]

(Applicant)

3. Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

____ Copy of USGS 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)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Motors	100	20211 90	Johnston	5952?

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic		Fuji				

2. Measurements:

Dia 10.02 Thick .107 Steel
Observed GPM 1113

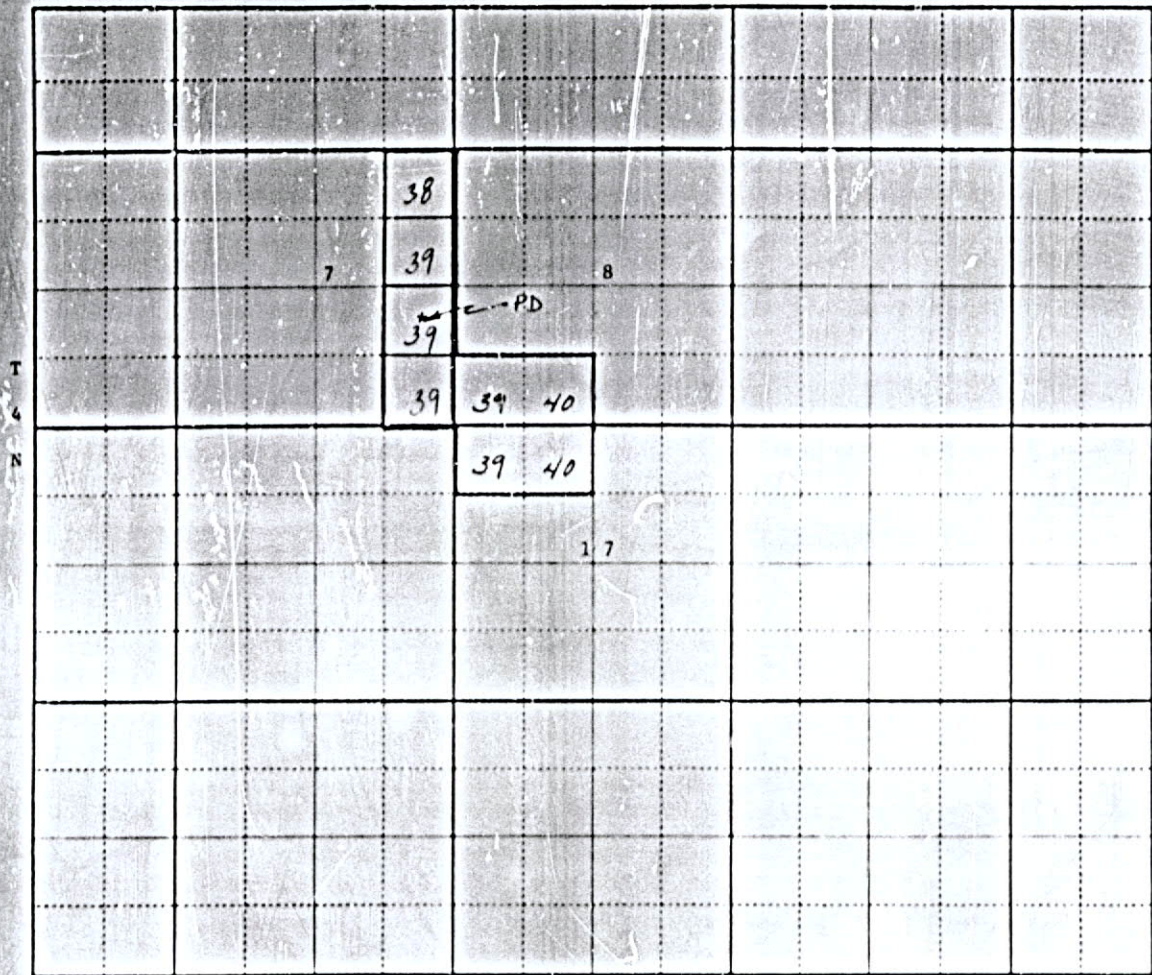
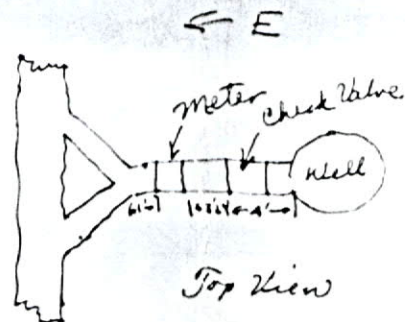


Diagram of System



22-7030



POD # 22-7671 looking west



POU looking east

22-7671

Pod

583
T274

SEE G-11

NHEL NHEL

NHEL NHEL

HEL

HEL

HEL

POU

HEL

2 265

3 324

4 448

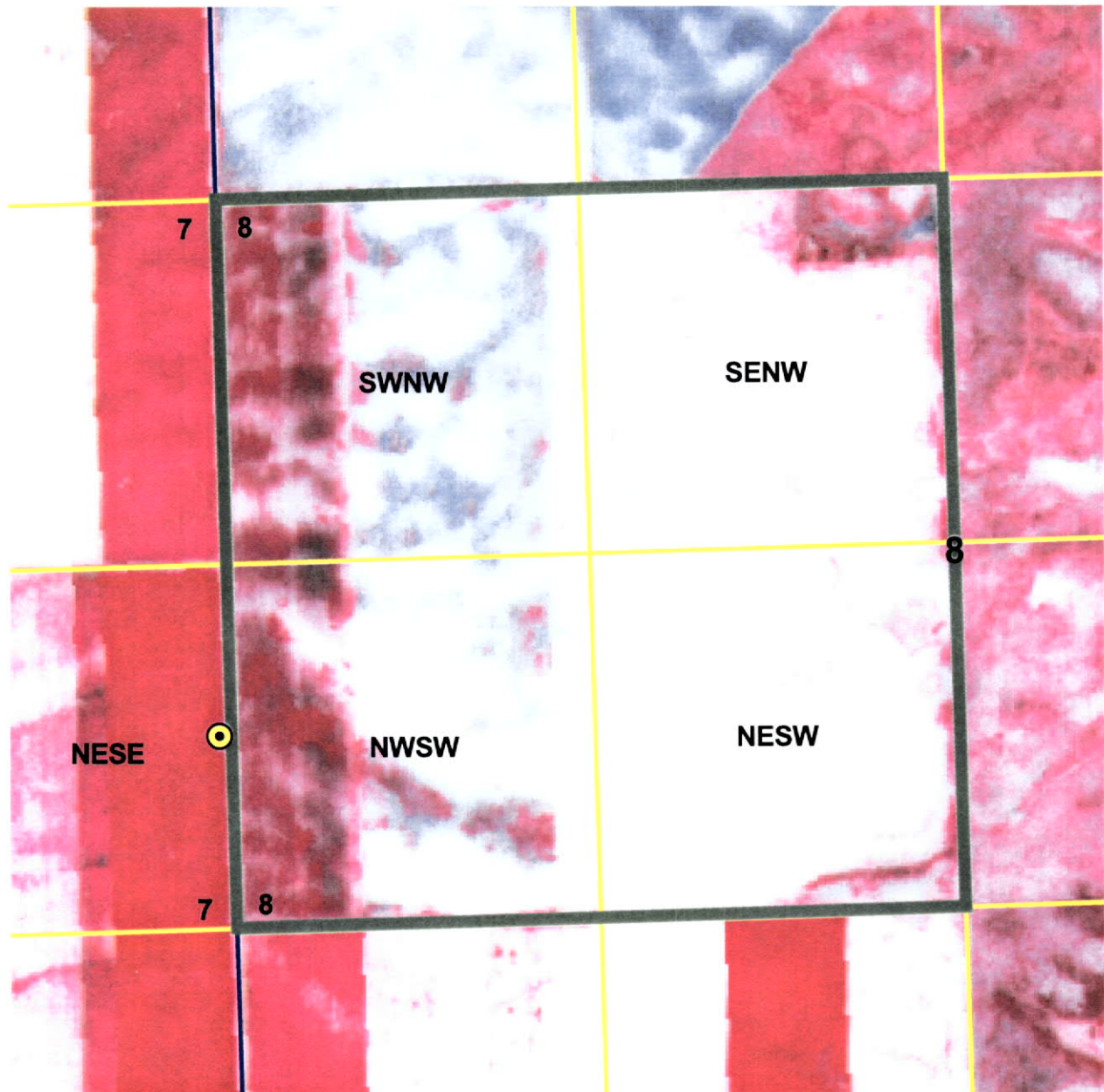
5 300

7 8

8 9

22-07671

04N, 45E SEC. 8



● POINT OF DIVERSION



PLACE OF USE

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07671

Proposed Priority: April 26, 1990 Maximum Diversion Rate: 3.20 CFS
This is to certify, that **LYNN SCHIESS**

LYLE SCHIESS
478 W. 675 S.
VICTOR, ID 83455

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/15 to 10/15	3.20 CFS

LOCATION OF POINT(S) OF DIVERSION: NENESE Sec. 7, Township 04N, Range 45E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	45E	8	SWNW 40	SESW 40	NESW 40	160
			NWSW 40			

Total number of acres irrigated: 160

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **August 1, 1992**.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. 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.
7. The issuance of this permit in no way grants any right-of-way or easement across the land of another.
8. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

MICROFILMED

AUG 14 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07671

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

31st day of

July

, 1970

for

J. Keith Higginson

R. Keith Higginson, Director

MICROFILMED

AUG 14 1990

105 100

Form 202
6/85

22~7671

Ident. No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Lynn or Kyle Schiess Phone (208) 787-2930
Post office address 478 West 675 South Victor, Idaho 83455
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 7 Township 4N Range 45E B.M. Teton County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 3.20 for Irrigation purposes from April 15 to October 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 is (a) 3.20 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. well and pump to mainline and
sprinkler system
 - b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
 - c. Proposed well diameter is 18" inches; proposed depth of well is 210' feet.
 - d. Is ground water with a temperature of greater than 90°F being sought? no
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).

RECORDED

AUG 14 1990

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	45E	08							40	40	40	40							160

Total number of acres to be irrigated 160

10. Describe any other water rights used for the same purposes as described above. NONE

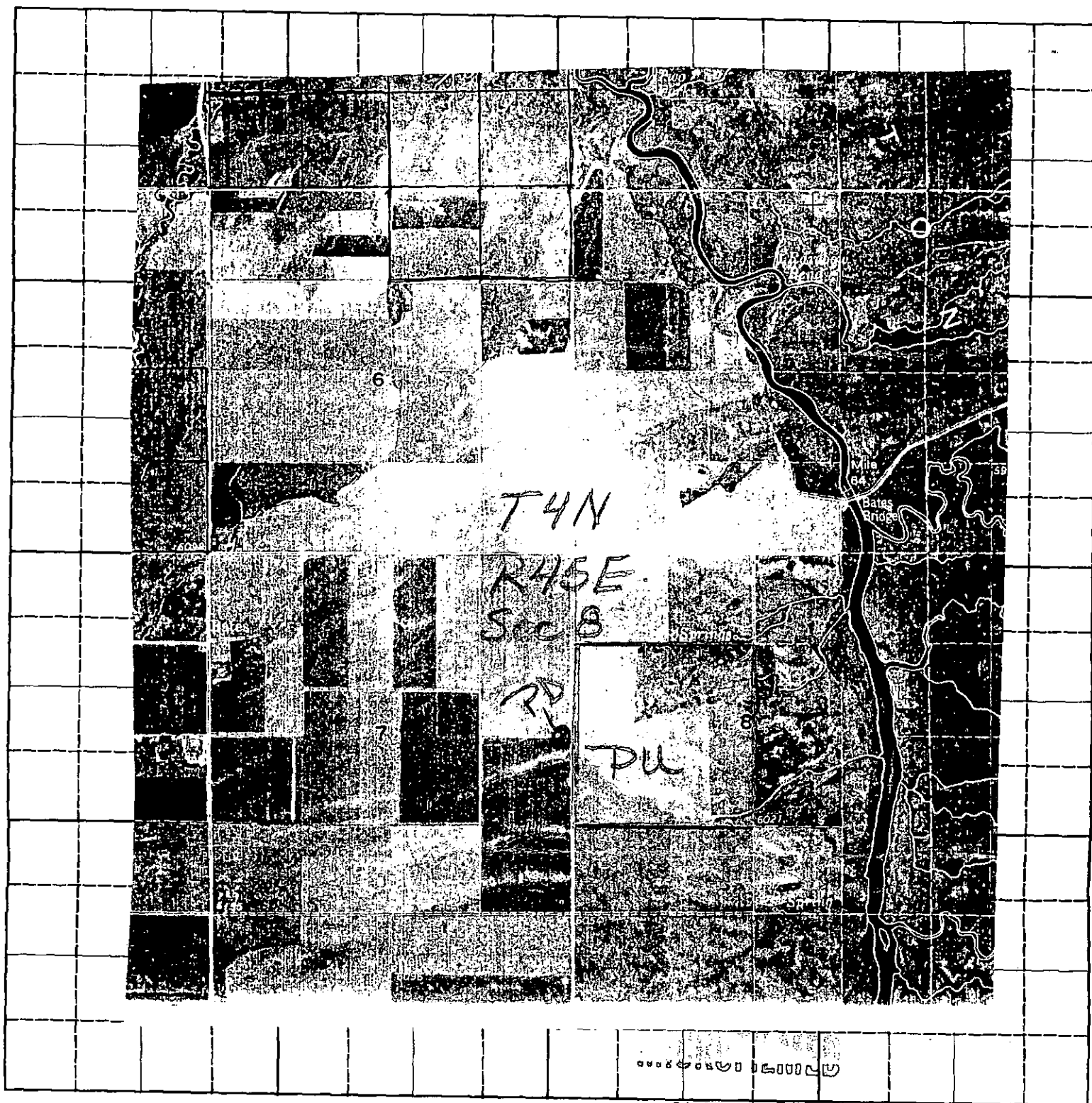
- Who owns the property at the point of diversion? Lynn & Kyle Schiess
- Who owns the land to be irrigated or place of use? George Spencer Trust
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. The applicants have a lease with the George Spencer Trust, to farm the ground.

12. Remarks: The water will be diverted from the well under license 22-07030

RECORDED

AUG 14 1990

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



Scale: 2 inches equal 1 mile.

AUG 14 1990

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.

[Signature]

(Applicant)

Prepared by Dennis Dunn 22 June 89

Received by Jo Date 4-26-90 Time 1:20 P Preliminary check by _____
Fee \$ 105.⁰⁰ Receipted by Jo # E013698 Date _____
Publication prepared by RB Date 6-7¹⁴-90 Published in Teton Valley News
Publication approved CW Date 6-26-90

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. _____, and said application is hereby _____.

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 _____, 19 ____.
- 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. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

RECEIVED

JUN 21 1990

AFFIDAVIT OF PUBLICATION

State of Idaho)

County of Teton)

I, Nadine Soose being first duly sworn, depose and say that I am the secretary of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement, or publication of

notice of application for water rights
And affiant further says that said attached notice, advertisement, or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for two consecutive issues thereof; first publication having been made on the 7th day of June, 1990.

And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least five columns each, printed from typed matter, of at least sixteen inches deep.

Nadine Soose

State of Idaho)

County of Teton)

On this 19th day of June in the year of 1990 before me, a Notary Public, personally appeared Nadine Soose 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.

Ned A. Reeb
Notary Public for Idaho

Residing at Driggs, Idaho

My commission expires 12-2-91

RECEIVED

JUN 20 1990

Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

22-07669

TARGHEE RANCHES II LTD.
C/O RICHARD L. OLSEN
P.O. BOX 1087
POCATELLO, ID 83204

Source: GROUNDWATER

Diversion Pt: SENE Sec 19 T 05N
R 46E
Use: DOMESTIC (.270 CFS)
Total Diversion: (.270 CFS)

Date Filed: 4-3-1990

In: T05N R46E S19 SENE NESE
NWSE

22-07670

DRAKE BROTHERS
C/O ASA J. DRAKE
641 S. 450 W.
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt: SENW Sec 5 T 04N
R 45E

Use: IRRIGATION (1.400 CFS)
DOMESTIC (.060 CFS)
Total Diversion: (1.460 CFS)

Date Filed: 5-17-1990

In: T04N R45E S05 SWNW
SENW

70.0 ACRES TOTAL

22-07671

SCHIESS, LYNN
SCHIESS, LYLE
478 W. 675 S.
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt: NENESE Sec 7 T
04N R 45E

Use: IRRIGATION (3.200 CFS)
Total Diversion: (3.200 CFS)

Date Filed: 4-26-1990

In: T04N R45E S08 SWNW
SENW NESW NWSW

160.0 ACRES TOTAL

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 25, 1990.

R. Keith Higginson, Director

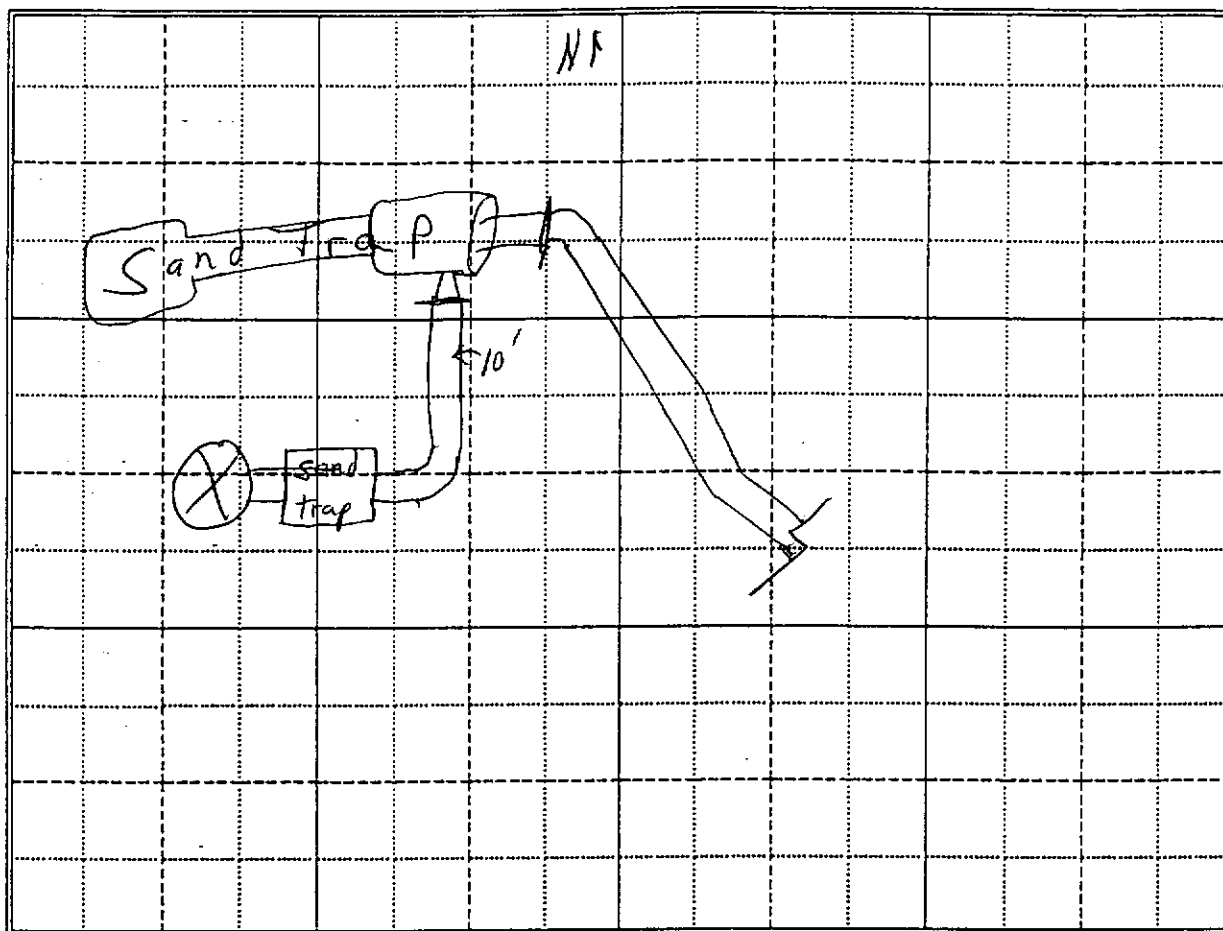
Published in the Teton Valley
News June 7 and 14, 1990.

RECEIVED

AUG 14 1990

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = _____

_____ Copy of USGS 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)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	US Motors	100	20211 90	Johnston	5952?

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Polysonic		Fuji				

2. Measurements:

Dia 10.02 Thick .107 Steel
Observed GPM 1113

4 1/2 mile wheel lines were operating during the flow test.

Mr. Schiess expressed concern that it had been a while since he had worked on the pump. He didn't think it was operating as efficiently as it has in the past.

The highest flow I noticed on the polysonic was 1113 gpm.
The permit was for 1434 gpm.

Mr. Schiess indicated that 4 1/2 mile wheel lines is the most the pump will run.

System pressure was 68 psi before large sand trap and 62 psi after.

22-7030 measured same WELL/PUMP/MOTOR
AT 4.0 CFS IN 1974.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

$$\frac{1113}{448.83} = 2.48 \text{ cfs}$$

Measured in 1974 at
 4.0 cfs

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 158 \times 3.5 = 553 \text{ AF/A}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.48(200)1.9835 = 983$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{D.R.} = 553 \text{ AF/A}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/15	10/31/15?	2.48 cfs	553 AF/A
Totals:			2.48 cfs	553 AF/A

2. 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

I. AUTHENTICATION

Field Examiner's Name Steve Mueller Date 8-18-00

Reviewer DAVE CARLSON Date 3/7/2002

SEAL

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

THIS IS TO CERTIFY that **EDWIN E. SCHIESS**
has complied with the terms and conditions of Permit
No. **22-7030** Project **Feb. 11, 1970** Amount **4.0 cfs**
February 11, 1970
June 20, 1974

Victor, Idaho.

22-7030

1.0 cfs

a ground water source

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic	from Jan. 1 to Dec. 31	at 0.04 cfs and	1.2 acre feet
Irrigation	from May 15 to Oct. 15 (both dates inclusive)	at 4.00 cfs and	939 acre feet or 3.0 af per acre

Subject, however, to the condition that no more than **4.0 cfs** of water be diverted at any one time, and that the amount of water so diverted and to which each 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 **940.2** acre feet per year and is to be diverted within the **NE 1/4 of Sec. 7,**

Twp. 4 N, Rgc. 45 E, D. M.

in the County of **Teton**

Description and location of place of use:

Twp.	Range	Sec.	NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4 N	45 E	7	38			39					39			39	153
		8							39	40					79
		17				40	30								70
Domestic User															
4 N	45 E	7									N				

Total number of acres irrigated **313**

A measuring device of a type approved by the Department shall be permanently maintained as part of the diverting works.

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, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this **30** day of **January**, 19 **75**

Director

22-7030

DATE OF EXAM Aug 2, 1974

ACREAGE 3.13

Found 3.13

Recommended 3.13

Irrigation Requirement 3.13

USE AF Ann. from May 15 to Oct 15

Irrigation Q 1.0 CFS 937 AF Ann. from Jan 1 to Dec 31

Domestic Q 0.0 AF Ann. from

Livestock Q 0.0 AF Ann. from

Is water contaminated? no

Name source N/S Rge EW B.M. Sec Sub County

Exchange? yes no

Name source exchanged with N/A EW B.M. Sec Sub County

Point of injection N/S Rge EW B.M. Sec Sub County

Point of exchange N/S Rge EW B.M. Sec Sub County

Total Q measured 1.0 CFS Method of measurement McCrometer Meter

Total Q recommended 1.0 CFS Meter No 7310321 Type saddle Condition good

Total V recommended 940.2 in hr

Recommended Amendments 339 AF Ann

P.D.

Place of Use Nature of Use

Other

None

MEASUREMENT CALCULATION:

Discharged 4.35.6 cu ft in 129 seconds = 4 CFS

$V = (3.13)(3) = 9.39 AF < (4)(1.983)(152)$

SYSTEM DESCRIPTION:

100 HP U.S. Holloshaft Motor # R221190 with Johnston pump

#5452 10" diam discharge port from meter to surface

main line north to south - total depth 200 ft - static water

level 29' - down to 65'

REMARKS:

Contacted Mrs. Penny Schiess

Domestic use for 1 single family dwelling - domestic use

in NE 1/4 SE 1/4 Sec 7 Twp 4 N. Rge 45 E Jan 1 - Dec 31

Well capacity was 5.2 m - Holloshaft with portable surface

main line

Examiner's Signature John F. Finkbeiner Date Aug 2, 1974

Checked by Loren O. Halvick Date Dec 24, 1974

Approved by Date

22-7030

ZZ-7030



POD # 22-7671 looking west



POU looking east

22-7671

pod

583

1274

HEEL

HEEL

HEEL

HEEL

POD

2 265 13 324

4 1218

15 306

22-07671

04N, 45E SEC. 8



⊙ POINT OF DIVERSION



PLACE OF USE

July 13, 1992

LYNN SCHIESS
LYLE SCHIESS
478 W. 675 S.
VICTOR ID 83455

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07671

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Karen L. Gustafson
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JUL 29 1992

Form 217
RECEIVED
JUL 6 1992

OFFICE USE ONLY
Amt. of Fee \$ 125.00
Date 7-2-92
Receipt No. 5017571
Receipt by HCS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07671 Telephone No. 787-2930
2. Name(s) of Permit Holder(s): Lynn or Lyle Schress
3. Mailing Address: 478 W. 625 S. Victor, ID 83455
4. Source of Water: Groundwater

If **GROUNDWATER**, Well Driller's Name: unknown Date Drilled: 1970

OPTIONAL:

Pump horsepower: 100 Pressure (psi): _____ Dynamic pumping level (ft.): 160'

5. Extent of Use (as authorized by the permit):

Domestic _____ (No. of households) Stockwater _____ (No. and type of stock)

Irrigation 160 (No. of acres) Other _____

6. Total rate and/or volume for which proof is submitted 2.0 cfs OR _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? _____ Yes X No Installed? _____ Yes _____ No

OR

Flow Measurement Port: Required? _____ Yes X No Installed? _____ Yes _____ No

8. Fee Enclosed: \$ 125.00 (See License Fee Schedule on back of Instruction Sheet)

9. Person to contact to accompany the Department representative during field examination of the water system.

Lynn Schress See above
Name Telephone No.

Address _____

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED

JUL 29 1992

7-2-92 [Signature]
Date Signature (and title, if on behalf of a company or organization)

ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE

Permit No. 22-07671 Reviewed by Klg Date 7/7/92

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

 Surface water source
✓ Ground water source
NA Drilling permit required?
1970 / Copy in the file? Drilling Permit No.
/ Amount paid for permit Correct?
/ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
25 Amount Submitted
yes Correct?
NA Required?
/ Installed?
/ Waiver requested?

PRIORITY CALCULATION

Date proof received NA
Date proof due / -
No. of days late / =
Priority Date / +
New Priority Date /

DEFICIENCIES OR ACTION ITEMS

proof acceptable

DATA ENTRY

New Address

Proof Made 7/6/92
7/13/92 Klg

May 31, 1992

LYNN SCHIESS
LYLE SCHIESS
478 W. 675 S.
VICTOR ID 83455

PROOF DUE NOTICE

RE: PERMIT NO. 22-07671

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1992. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

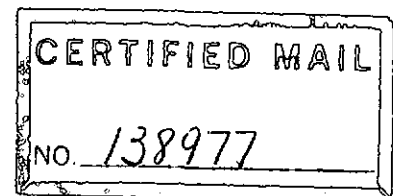
If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Karen L. Gustafson
Secretary/Records Manager

Enclosures



MINNEAPOLIS
JUL 29 1992

32-7671

OCT 5 1990

RECEIVED

SEP 10 1990

Department of Water Resources

Department of Water Resources
Eastern District Office

DEAR MR. CARLSON,

PLEASE ACCEPT MY APOLOGIES. WE STILL PLAN ON GOING THROUGH WITH PLANS AS INDICATED. MOST OF WHAT WAS SAID IN MY PREVIOUS LETTER, WAS WHAT I WAS ASK TO FIND OUT FROM OTHER PARTIES. THAT WAS THEIR COMMENTS, AND I'M SORRY BUT I PROBABLY HEARD THEIR WAY.

1) OBTAIN THE RIGHT-OF-WAY. I'VE TALKED TO RICHARD BRIMS WHO IS SELLING GROUND FOR MRS. KORIZ. WE LOOK AT THE PLACE OF CONSTRUCTION, EXPLAINED WHAT WAS TO BE DONE. HE THINKS THERE SHOULD BE NO PROPLES, BUT I CALLED FRIDAY AFTERNOON AND AS OF YET HE HASN'T BEEN ABLE TO CONTACT HER. SHE HAS MOVED, BUT HE HOPES TO GET IN TOUCH THIS WEEK END.

2) OTHER BOUQUET CREEK USERS. MY PREVIOUS LETTER STATED THEIR FEELINGS.

3) 1 1/2" PLASTIC PIPE APX. 500' 50¢/FT.

REVERSE FLOW VALVE 26.80

CHECK VALVE GATE 18.05, BAIL 30.80

FREE LABOR AND USE OF MERE KIRZ

HA?

5) PAY COST

WE FEEL THAT A 1" PIPE WOULD BE SUFFICIENT WATER, INSTEAD OF 1 1/2" PIPE. WOULD

JUL 29 1992

THEIR BE ANY RESTRICTIONS FOR MR. KUNZ
ONCE PROTECT IS DONE? WOULD HE BE ABLE TO
RUN CONSTANT WHEEL PUMP IS RUNNING?

IN YOUR LAST LETTER I GOT
THE IMPRESSION YOU FEEL THE SAME WAY
AS MR. KUNZ, THAT WE ARE THE
CAUSE OF THE PROBLEM. WE ARE NOT
THE CAUSE, AS MR. KUNZ HAS SO CLEVERLY
MADE OTHERS THINK.

YOURS TRULY SCHIESS
Edmund SchieSS

MICROFILMED

JUL 29 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 22, 1990

RE: Bouquet Springs

Mr. Lyle Schiess
498 W. 675 S.
Victor, ID 83455

Dear Mr. Schiess:

Thank you for meeting with Norm Young and me today, and for your willingness to discuss the alleged well/spring interference problems. At the meeting, it was agreed that the dispute could be resolved by a cooperative project that would bring water from the Delbert Kunz/Mike Kunz well to the Bouquet Spring headbox. It was understood that agreeing to the project and participating in its funding and construction did not constitute any admission by the Schiess' that pumping their well interferes with the flow of Bouquet Springs or Bouquet Creek.

The agreed to project involves extending a buried 1 1/2 inch, heavy-duty PVC pipe from the existing well discharge pipe to the spring box. The PVC line will include a solenoid operated valve that would close to stop backflow in the line whenever the Kunz well is not pumping. A backflow prevention device will also be installed in the existing discharge pipe or mainline from the well. A manually operated valve will also be installed in the PVC line at the tap into the existing discharge pipe.

The accomplishment of this project is predicated upon the accomplishment of the following agreed upon tasks:

Schiess Brothers will:

1) Obtain the right-of-way or other permission for the pipeline to be installed from the well to the headbox. If permission cannot be obtained, the Schiess Brothers and Delbert Kunz will consider alternative routes for the project.

MICROFILMED
JUL 29 1992

Mr. Lyle Schiess
August 22, 1990
Page 2

2) Determine, to their satisfaction, that participation in the project will not increase their exposure to similar claims from other Bouquet Creek users.

3) Determine the materials needed, the cost of the materials, and the cost of installation.

4) Cause the project to be constructed assuming that the project is acceptable from the outcome of tasks 1, 2, and 3.

5) Pay the cost of the project except as otherwise described in this letter.

Delbert Kunz will:

6) Obtain a backflow prevention device for the existing discharge pipe or mainline and pay one-half of the cost of the device.

7) Pay all operation and maintenance costs associated with the completed system.

8) Make any needed water right filings and pay filing fees.

9) Obtain Mike Kunz and Jean Kunz's concurrence with the project.

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Idaho Department of Water Resources will:

1) Prepare an appropriate water right application for proper permitting of the water use through the line and forward the document to Delbert Kunz for filing.

2) Expedite processing of the filing, including the required legal notice.

All agreed to pursue their tasks to allow the project to be completed this fall. However, actual construction will not start until the right-of-way question is resolved and any needed water right approvals are obtained.

MICROFILMED
JUL 29 1992

Mr. Lyle Schiess
August 22, 1990
Page 3

Please review this letter carefully and reply in writing to me by September 10, 1990, indicating your concurrence with the contents of this letter or clarifying any parts of the letter that can be misunderstood or that does not agree with your understanding of the meeting.

Sincerely yours,



RONALD D. CARLSON
Eastern Regional Supervisor

cc: Norm Young

RECEIVED
JUL 29 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 22, 1990

RE: Bouquet Springs

Mr. Delbert Kunz
490 W. 625 S.
Victor, ID 83455

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MICROFILMED
JUL 29 1992

Mr. Delbert Kunz
August 22, 1990
Page 2

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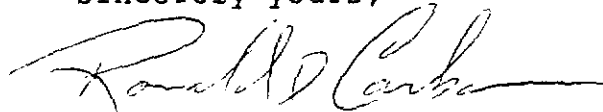
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RECEIVED
JUL 29 1992

Mr. Delbert Kunz
August 22, 1990
Page 3

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Sincerely yours,



RONALD D. CARLSON
Eastern Regional Supervisor

cc: Norm Young

RECEIVED
JUL 29 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 22, 1990

RE: Bouquet Springs

Mr. Lynn Schiess
478 W. 675 S.
Victor, ID 83455

Dear Mr. Schiess:

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Mr. Lynn Schiess
August 22, 1990
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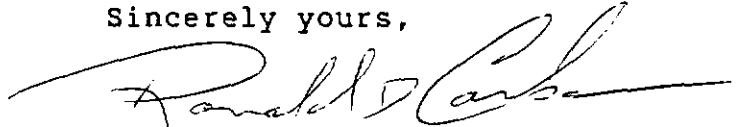
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MICROFILMED
JUL 29 1992

Mr. Lynn Schiess
August 22, 1990
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Sincerely yours,



RONALD D. CARLSON
Eastern Regional Supervisor

cc: Norm Young

RECEIVED
JUL 29 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 22, 1990

RE: Bouquet Springs

Mr. Ervin Schiess
Victor,
ID 83455

Dear Mr. Schiess:

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JUL 29 1992

Mr. Ervin Schiess
August 22, 1990
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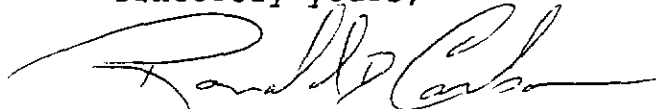
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JUL 29 1992

Mr. Ervin Schiess
August 22, 1990
Page 3

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Sincerely yours,



RONALD D. CARLSON
Eastern Regional Supervisor

cc: Norm Young

WICR 100-1000

JUL 29 1992

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
August 1, 1990

LYNN SCHIESS
LYLE SCHIESS
478 W. 675 S.
VICTOR, ID 83455

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 22-07671

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you

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AUG 14 1990

commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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AUG 14 1990

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY DM DATE 5/4/90 APPLICATION NUMBER 227671
LYNN or Lyle Schiess
REQUIRED INFORMATION

- ☐ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
☐ Address
☐ Source (See USGS Quad for names of water sources)
☐ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
☐ County
☐ Quantity (flow and/or volume)
☐ Period of Use
☐ Nature of proposed use (Include description of use.)
☐ Description of diverting works
☐ Time required for beneficial use of water
☐ Place of use or acres irrigated
☐ Map
☐ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
☐ Fee
☐ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☐ Overlapping place of use (Describe source & relationship to present application on the back.)
☒ Overlapping point of diversion
☐ Yes ☐ No Field check required
☐ Yes ☐ No Field check by _____
☐ Yes ☐ No Field report attached
☐ Yes ☐ No Critical groundwater area
☐ Yes ☐ No Groundwater management area
☐ Yes ☐ No Send dam safety information
☐ Yes ☐ No Send power requirement letter
☐ Yes ☐ No Send fish farm requirement letter
☐ Yes ☐ No Power residency affidavit
☐ Yes ☐ No Power efficiency form
☐ Yes ☐ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
☐ Yes ☐ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested

RECEIVED
JUL 16 1990

Department of Water Resources

PROCESSING ☒ Yes ☐ No Inform for advertising
☐ Yes ☒ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO ☐ Idaho Dept. of Health & Welfare ☐ U.S. BLM
☐ Idaho Dept. of Fish & Game ☐ U.S. Forest Service
☐ Idaho Dept. of Lands ☒ Water District 01
☐ Adjudication Bureau Unit ☐ Other
I want Ben to see this applic.

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received
☒ Yes ☐ No Application published correctly. If not, record action taken.

☒ Yes ☐ No Publication dates & paper, recorded on application
☐ Yes ☒ No Protests received
Final date for protest 6-25-90
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☐ Yes ☒ No Measuring device required
☒ Yes ☒ No Access port required Flow Task Force Memo
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what Dist 01-P05
☒ Yes ☐ No Special conditions of approval or cover letter below.

See below for additional information

Date of priority recommended 4-26-90
By HWT

Date 7-11-90

STATE OFFICE REVIEW

P05, P23

P17

48 49 46 26 04

See below for additional information

By kw

Date 7-24-90

ADDITIONAL INFORMATION

POSSIBLE AD OVERLAP WITH 22-07030

Condition: L0167

App. in NON-TRUST area -
OK to allow 2 yes. to complete

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7671 and
have the following comments/objections to the approval of this
application for permit:

Schiess and Del Kuntz have
been having a dispute over
alleged well interference - Schiess
well - Del Kuntz Spring. We
should check to make sure
this is not the same well.

June 26, 1990

Date


RONALD D. CARLSON, WATERMASTER
Water District No. 01

Call made to Del Kuntz 7-11-90; this is not
the problem well! HWT

RECORDED
INDEXED

AUG 14 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MAY 30, 1990

TETON VALLEY NEWS
P.O. BOX 509
DRIGGS, ID 83422

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 25, 1990.

Yours truly,

Rita Bodell
Secretary

Encl.

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AUG 14 1990

22-07671

SCHIESS, LYNN
SCHIESS, LYLE
478 W. 675 S.
VICTOR, ID 83455

Source: GROUNDWATER

Diversion Pt: NENESE Sec 7 T 04N R 45E

Use: IRRIGATION (3.200 CFS)
Total Diversion: (3.200 CFS)

Date Filed: 4/26/ 1990

In: T04N R45E S08 SWNW SENW NESW NWSW
160.0 ACRES TOTAL

MICROFILMED

AUG 14 1990

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 25, 1990.

R. Keith Higginson, Director

Published 6/ 7/1990 & 6/14/1990

MICROFILMED

AUG 14 1990

23-May-1990

Lynn or Lyle Schiess
478 W. 675 S.
Victor, ID 83455

RE: Application for Permit No. 22-7671

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Teton Valley News on June 7 & 14, 1990. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

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AUG 14 1990

Sawtooth Door Company

151 Maxwell Avenue
Twin Falls, Idaho 83301

(208) 734-7770

April 16, 1990

Mr. & Mrs. Lynn Schiess
478 W. 675 S.
Victor, ID 83455

Dear Lynn & Lyle:

Enclosed is a statement regarding the water right
of your well that you requested. I believe it will
suffice the Water Resource Board.

Sincerely,



Carol S. Reynolds

Enclosure

P. S. You can continue running the ranch.

RECORDED

AUG 14 1990

Sawtooth Door Company

151 Maxwell Avenue
Twin Falls, Idaho 83301

(208) 734-7770

April 16, 1990

TO WHOM IT MAY CONCERN:

Any water used on the George Spencer farm from the Schiess' well, will not be claimed by the estate as their water.

This does not relinquish any water rights now existing on the property owned by the estate.

Sincerely,



Carol S. Reynolds
Personal Representative
for the Estate of
George Spencer

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AUG 14 1990