
Re: Water Right Use History

From Dan Schu <dan.schu@yahoo.com>

Date Mon 6/8/2026 11:52 AM

To Stewart, Christian <Christian.Stewart@idwr.idaho.gov>

 1 attachment (4 MB)

51 Little 4th Water Rights- Schuler.pdf;

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Hi Christian,

My apologies for the delay. I've been busy with work and had my laptop crash so it took me awhile to recover emails and documents.

Attached to this email are affidavits showing the use of the water right in the last 5 years along the westernly portion of my property located in T24N R21E Sec 25NENE . Specifically, during the 2022 Moose Fire I used the system which consisted of moveable sprinklers and cheap lay flat irrigation line, to routinely water this area of my property. I pumped the water from Little 4th of July Creek and moved the sprinklers as needed. To be clear, I was not fighting active fire with the water, but I was using the water to routinely irrigate the natural pasture and brush along my western boundary to green this area up with the hopes of creating a fire resistant break that would keep fire from entering Little 4th of July Creek Canyon. This is called a "living firebreak" or a "green firebreak" and I did this in accordance with recommendations from Idaho Fire Wise, the Land Conservation Assistance Network and the Idaho Department of Lands. During the fire, I also had Forest Service firefighters stationed along Little 4th of July Creek who also told me that it would be a good idea to start getting water on my Western fenceline in case the fire jumped the Salmon River and headed East towards my property. The fire never jumped the river and stayed probably a mile from my property but I periodically continued to water the vegetation and natural brush and pasture grasses to maintain this living green firebreak until the end of the irrigation season in October. This use was beneficial to my neighbors and I and wholly in accordance with my water right.

After the fire, Gerry Gavin, who rented 68 Little 4th of July Creek from me, then grazed his livestock on this area that I had routinely irrigated. The next spring after the fire, Mr. Gavin bought Rye Grass and also spread it over this area with the hopes that it would provide good forage for his goats. The animals routinely grazed this area as do the white tail and mule deer to this day. My watering of this area and Mr Gavin's broadcasting of Rye grass seed over this pasture and hillside have improved the wildlife grazing opportunities for the year round white tail and upland birds. In addition to improving the wildlife habitat, the irrigating and subsequent planting of rye grass has also improved the aesthetics of the property.

The living green firebreak, the improved wildlife grazing habitat, and the improved asthetics from the irrigation of this area of my property have all been proven to be beneficial to me and my direct neighbors.

Lastly I have included pictures of the moveable sprinklers still along my western fenceline. You can see the sprinklers are attached to stakes that allow me to easily pull them up, move them to the next spot, and hammer the stakes back down in the ground. Each sprinkler has quick connect couplings on each end to connect to cheap 25' and 50' lengths of layflat irrigation pipe. Our county this year has already declared a drought and its clear that this will be a dry summer like it was during the 2022 Moose Fire. Because of these conditions, I will be irrigating this western portion of my land again as we get closer to summer to make sure that my living green firebreak is in good shape for the fire season to come.

To whom it may concern,

I am writing this letter regarding Dan Schuler and his property at 51 Little 4th of July Rd, North Fork ID, 83466. I would like to state that I have seen Dan and Nicky irrigate the upper portion of their property. More specifically in 2022 I witnessed them attempting to irrigate to create a fire break during the Moose Fire. I was also his neighbor for almost a year from Sept 2024 to July 2025. During this time, I grazed my goats from March of 2025 to July of 2025 on his upper pasture that he irrigated. Issues did arise several times that I had seen firsthand that the ranch above him had diverted water excessively for flood irrigation. This amounted to a meager amount of water to irrigate as best he could. If you have any further questions I can be reached at the number or email address below.

Respectfully,

Gerald Gavin

Gerald.gavin03@gmail.com

2089939066

GENERAL AFFIDAVIT

State of Idaho

County of Lemhi

I, David Schuler, of 285 Fourth of July Creek Road, North Fork, ID 83466, do hereby swear under oath that:

During the 2022 Moose Fire, I personally witnessed and assisted the owner, Daniel Schuler, with the placement of a portable irrigation system along the western fenceline of the pasture/field west of his residence located within T24N R21E Sec 25 NENE. The hillside was irrigated to reduce the combustibility of the vegetation, as recommended by Idaho Fire Wise.

Under penalty of perjury, I hereby declare and affirm that the above stated facts, to the best of my knowledge, are true and correct.

Dated this 20 day of APRIL, 2026.


Signature

DAVID SCHULER
Printed name

AFFIDAVIT

I, Kirk Loy, of 2007 Highway 93N, North Fork, ID 83466, do hereby swear under oath that:

During the 2022 Moose Fire, I personally witnessed the placement of portable irrigation sprinklers along the western fenceline of the field west of Dan Schuler's residence located at 51 Little Fourth of July Creek Road, North Fork, ID 83466. I witnessed Dan watering this area along the western boundary of his property marked by his fenceline to increase the moisture content of the brush and grass in order to create a "living" fire break along his property boundary. Dan used gas powered pumps to get the water from Little 4th of July Creek, through lay-flat irrigation line, and up to the fenceline. The Moose Fire was such a real threat to our homes that I personally evacuated my own home a few miles North of Dan under recommendation from the Lemhi County Sheriff's Office. To this day, Dan periodically waters this area, especially when he allows his friends to graze goats or horses on his property.

Under penalty of perjury, I hereby declare and affirm that the above stated facts, to the best of my knowledge, are true and correct.

Dated this day of, 2026 April 29

Signature



Printed name

Kirk Loy

AFFIDAVIT

State of Idaho
County of Lemhi

I, Tim Koetje, of 45 Little 4th of July Creek Rd, North Fork, ID 83466, do hereby swear under oath that:

I am Dan and Nikki Schuler's closest neighbor. During the several months long 2022 Moose Fire, I witnessed the placement of portable irrigation sprinklers along the western fenceline of the field west of Dan Schuler's residence located at 51 Little Fourth of July Creek Road, North Fork, ID 83466. Dan irrigated this area off and on for a period of time to hopefully keep any grass fire from spreading into our canyon. Dan moved the sprinklers around as needed. I found his actions beneficial in trying to keep the area damp and moisture in the plantlife as a "living fire break." After the 2022 fire, Dan's friend Jerry Gavin then subsequently grazed this area with pack goats, llamas and other livestock for the hunting season.

Under penalty of perjury, I hereby declare and affirm that the above stated facts, to the best of my knowledge, are true and correct.

Dated this 30 day of April, 2024.

Signature

Printed name

Tim Koetje









