

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

In Re SRBA

)

Subcase 63-33076

(Insert water right number)

)

)

Case 39576

)

STANDARD FORM 4

)

)

MOTION TO FILE:

)

☒ LATE NOTICE OF CLAIM

)

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is Ronald G. + Gail A. Schneider

My address is 20240 Pinto Lane, Caldwell, ID 83607

My phone number is: Work (208) 459-0842 Home 208 459-1226

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

WE DID NOT KNOW THAT OUR PROPERTY WAS
NOT INCLUDED + WE WERE NOT AWARE OF
ANY LITIGATION UNTIL JUST RECENTLY

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

2 WRITTEN STATEMENTS FROM PREVIOUS OWNERS
NOTICE OF CLAIM

PHOTOGRAPHS OF PROPERTY Location of Springs
OLD PIPES USED TO
TRANSFER WATER BETWEEN
PROPERTIES

I have attached:

☒ A fully completed Notice of Claim (available from IDWR).

☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ \$113.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☐ I must amend my Notice of Claim to the use of water in the SRBA because:

GAIL A. SCHNEIDER
RONALD G. SCHNEIDER
20240 PINTO LANE
CALDWELL, ID 83607

92-7014/3241
0030087506

2315

DATE 7-28-08

DELIVER WALLET OR DUPLICATE

PAY TO
THE ORDER OF

Idaho Department of Water Resources \$ *113.00*
One Hundred Thirteen Dollars & 00/100 DOLLARS

Security Features
Included.
Details on Back.

Home Federal

HomeLine #468-5000
RETAIL BANKING CENTER
P.O. BOX 190 • NAMPA, ID 83653-0190

MEMO

Claim fees

Gail A. Schneider

SPECIALTY UNIT

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Canyon

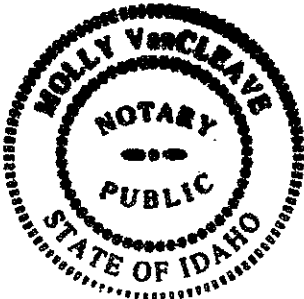
Ronald G. Schneider
Gail A. Schneider, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Gail A. Schneider
Ronald G. Schneider
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on 7/28/08
(Insert Date)



Molly VanCleave
Notary Public for Hanna Federal
Residing at: 923 Dearborn Caldwell ID 83605
My Commission expires: 6/16/2014

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on 7/29/08, 199 , I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Maia A. Schneider
Signature of person or attorney mailing the form

RECEIVED

AUG 01 2008

DEPARTMENT OF
WATER RESOURCES

Form No.42-1409 (2)a (Internet)

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 _____

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ronald G. + Earl A. Schneider Phone (208) 459-1226
Mailing Address 20270 Pinto Ln. Caldwell ID ZIP 83607
Street or Box City State
2. Date of Priority (Only one (1) per claim) Nov 18, 1946
Month Day Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other () (a) Springs + UNNAMED DRAIN
which is tributary to (b) BOISE RIVER
4. a. Location of Point of Diversion is: Township 4 N, Range 4 W, Section 23,
SE, 1/4 of SE, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of CANYON
Additional points of diversion if any: ALSO OUT OF THE UNNAMED DITCH
If available, GPS Coordinates _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of _____,
Govt. Lot _____, BM., County of _____
ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of _____,
1/4 Govt. Lot _____, BM., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. WE USE A GAS PUMP TO PUMP
WATER OUT OF THE UNNAMED DRAIN TO HAND LINE SPRINKLERS
WE ALSO HAVE DAMED UP OUR PRIVATELY OWNED DITCHES
THAT THE SPRINGS FLOW THRU TO WATER.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 03/01 to 11/15 amount 0.26 or 13 acres

For Domestic purposes from 01/01 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.26 (cfs) and/or (b) 13 (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Domestic - 1 household

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4W	23																13	13

Total number of acres irrigated 13

10. In which county (ies) are lands listed above as place of use located? CAYON

11. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

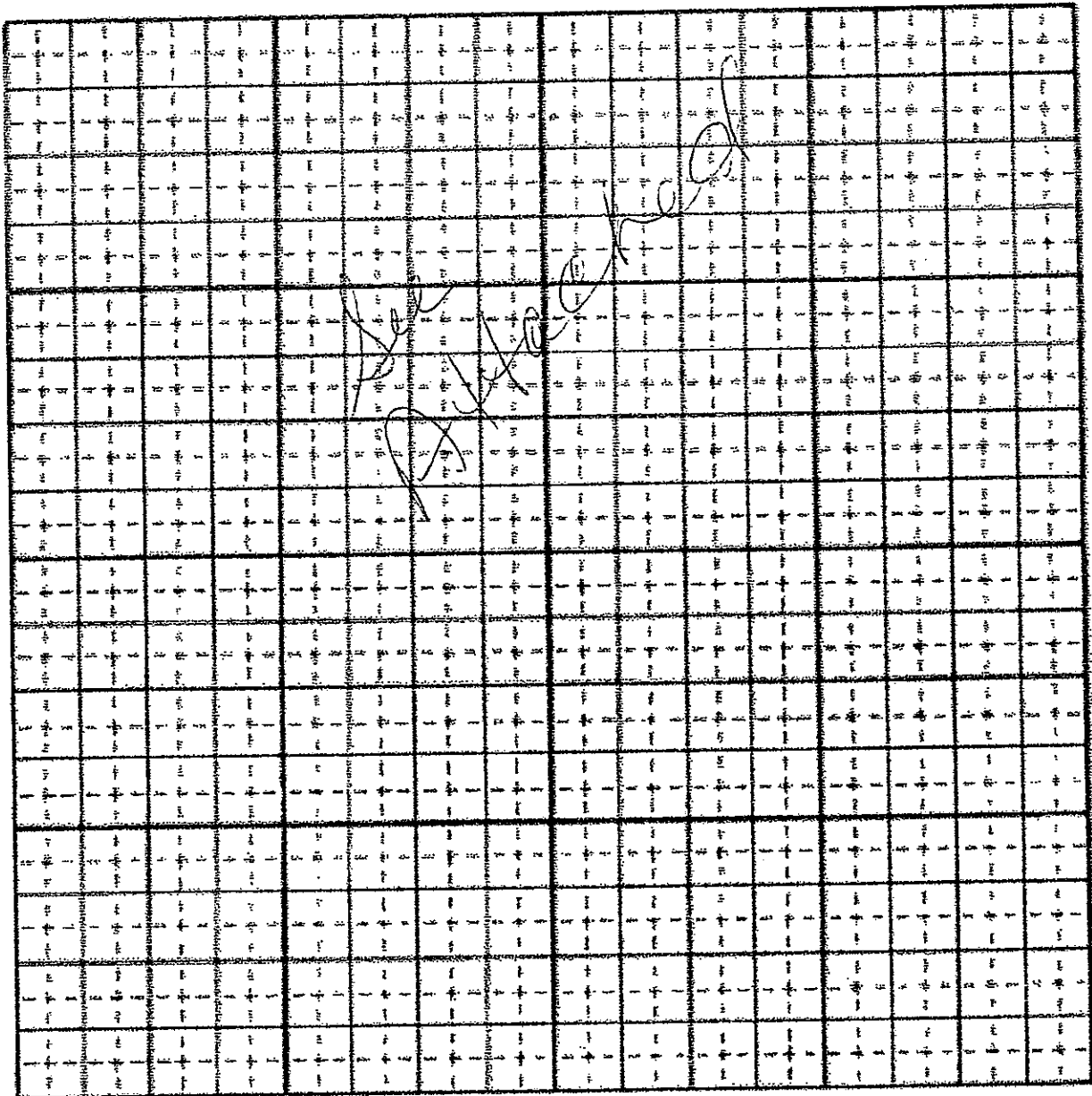
12. Describe any other water rights used at the same place and for the same purposes as described above.

PIONEER Irrigation or None ()

13. Remarks: WE ARE PAYING Pioneer irrigation for the use
of their water which dumps into the
unnamed drain + the free flowing
spring located on south side of our
property there is to be a head gate located
south west part - to divert Pioneer irrigation water
to our ditches that the spring water flows
thru which then was used to irrigate this portion
we live on and also it was carried across the
unnamed ditch to irrigate the 28 acres there

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

Scale: 2 Inches equals 1 mile



Hand-drawn map of a 13-acre irrigated land parcel in Caldwell, ID. The map shows a rectangular area with a "UN NAMED DITCH" along the top and a "Private Ditch" along the right. A "Pioneer Irrigation" line runs along the bottom-left. Key features include a "Diversion Point", "Gas pump", "Diversion Head gate", and "Point of Diversion". The land is labeled "20340 pinto Ln, Caldwell ID 83607 MOBILE" and "13 ACRES Irrigated". A legend indicates that darker red shading represents irrigated lands. A note at the bottom states: "NOTE: DARKER REDS SHOWS IRRIGATED LANDS picture OBTAINED FROM IDWR IN BOISE, ID ON 7/28/08".

NOTE: DARKER REDS
SHOWS IRRIGATED
LANDS PICTURE
OBTAINED FROM
IDWR IN BOISE, ID.
ON 7/28/08

14. Basis of Claim (Check One) Beneficial Use ☒ Posted Notice ☐ License ☒ Permit ☐ Decree ☐

Court 39576 Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. 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 ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: any that pertain to this case

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Donald S. Schneider Date: 7/28/08
Maile Schneider Date: 7/28/08

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

Please Print Name

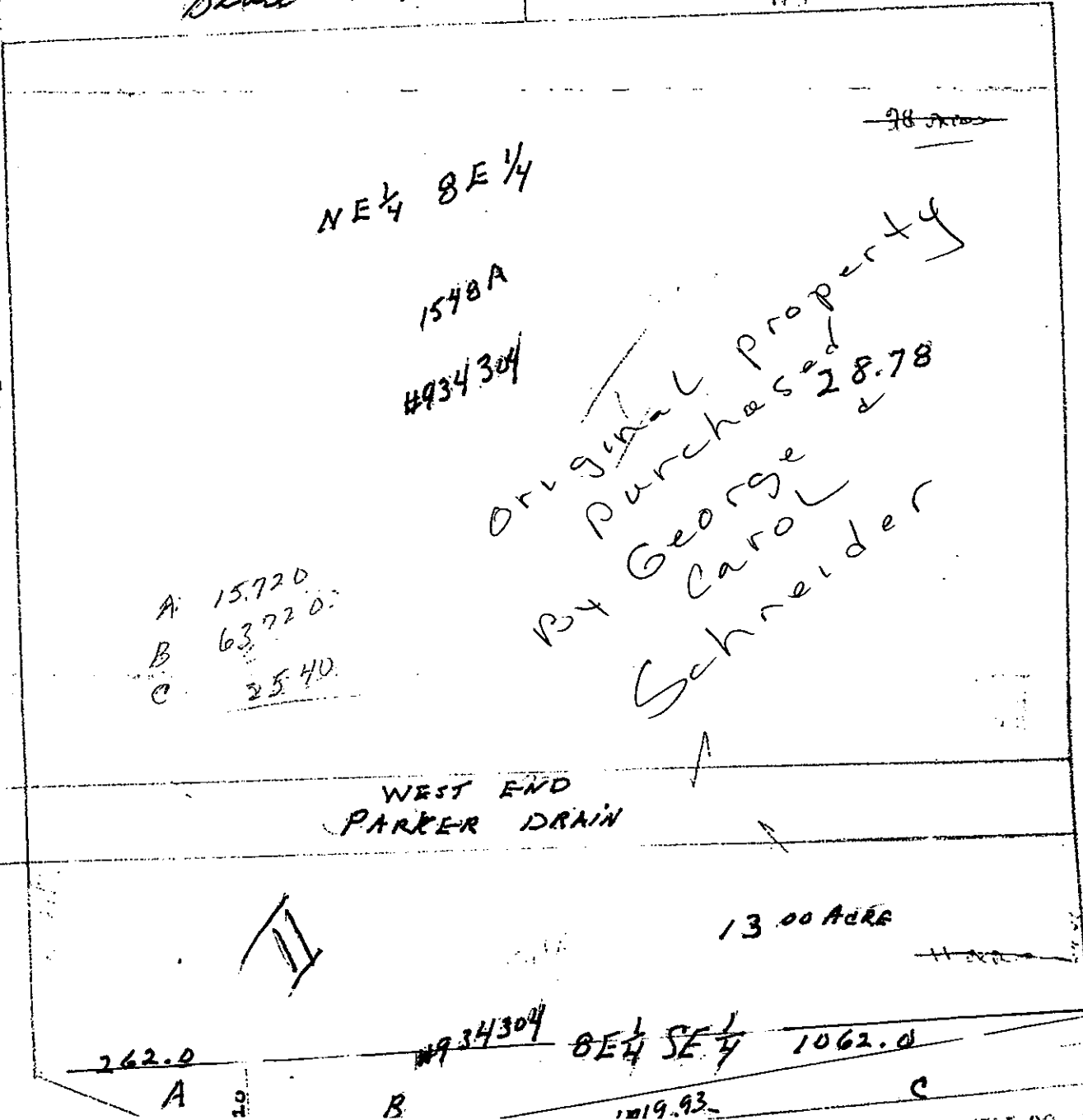
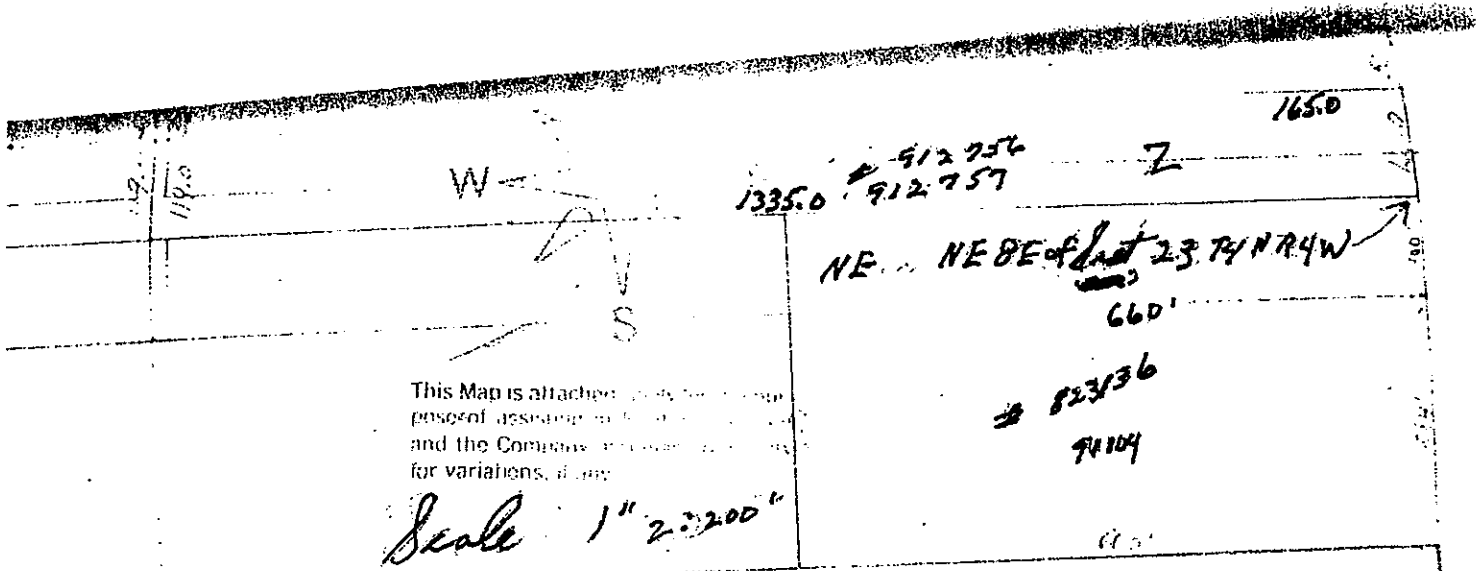
16. Notice of Appearance:
Notice is hereby given that I, _____, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

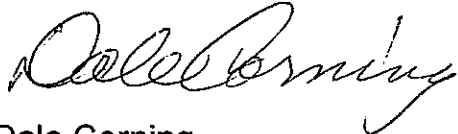




July 28, 2008

I, Dale Corning, can testify that the land owned by Ron & Gail Schneider has been irrigated prior to 1971 with the spring water and runoff water. The springs are located on their property.

This land was owned by my grandfather Nathan Corning in the 1930s, 1940s, and 1950s. Then this land was owned by my father Irvin Corning in the 1960s and 1970s. So I have personal experience and memory that it was irrigated with this water during the late 1940s thru the 1970s when the land was sold. My property still has a common property line with the Schneiders.

A handwritten signature in black ink, appearing to read "Dale Corning". The signature is fluid and cursive, with the first name "Dale" and last name "Corning" clearly distinguishable.

Dale Corning
19004 Lower Pleasant Ridge Road
Caldwell, ID 83607

208-459-9176

July 28, 2008

To Whom It may Concern,

my husband George W. Schneider & Carol bought a farm house with 40 Acres from H David Christensen & Sandra on Pinto Rd in the rural area of Caldwell, the address 20334 in the year of 1984. The property was divided by a waste ditch. On the N side of the ditch was 28 point some acres with the house, on the other side South side was 11 point some acres.

The north side of the ditch had a free flowing Artesian well, that ran into the drain ditch, the South side has a Spring with also runs into the ditch, that's where we got the right to irrigate both sides of our property.

We sold the South side with the Spring in 1999 to our Sons Daughter-in-law Ronald & Paul Schneider address of 20240 Pinto Rd, They were told of the Spring that gave them the right to irrigate.

We later sold the 28 some acres to Shane Gasbarino.

My husband now deceased bought a small home in Greenleaf Id.

If you have any more questions you may contact me at 208-434-9485.

Thank you
Carol A. Schneider