

RECEIVED

OCT 23 2008
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

OCT 22 2008

Clerk
Clerk

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

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On July 29, 2008, Ronald & Gail Schneider filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on October 21, 2008. This *Motion* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this *Order* will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated October 22, 2008.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on October 22, 2008, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GAIL A SCHNEIDER
RONALD G SCHNEIDER
20240 PINTO LN
CALDWELL, ID 83607
Phone: 208-459-1226

A handwritten signature in cursive script, appearing to read "Julie Murphy", is written over a horizontal line.

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

DISTRICT COURT - SRBA	
CIVIL CASE NUMBER: 39576	Ident. Number 02-53076
County of Twin Falls - State of Idaho	
Date Received:	Receipt No:
Received By: JUL 29 2008	
By:	Clerk
	Deputy Clerk

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) Ronald G. + Earl A. Schneider Phone (208) 459-1226
Mailing Address 20240 Pinto Ln. Caldwell ID ZIP 83607
Street or Box City State
- Date of Priority (Only one (1) per claim) NOV 18, 1996 ?
Month Day Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other () (a) Springs + UNNAMED DRAIN
which is tributary to (b) BOISE RIVER
- 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 _____, 1/4
Govt. Lot _____, BM., County of _____
ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4 of
_____, 1/4 Govt. Lot _____, BM., County of _____
- 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.

Last Name Schneider Ident No. _____

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.

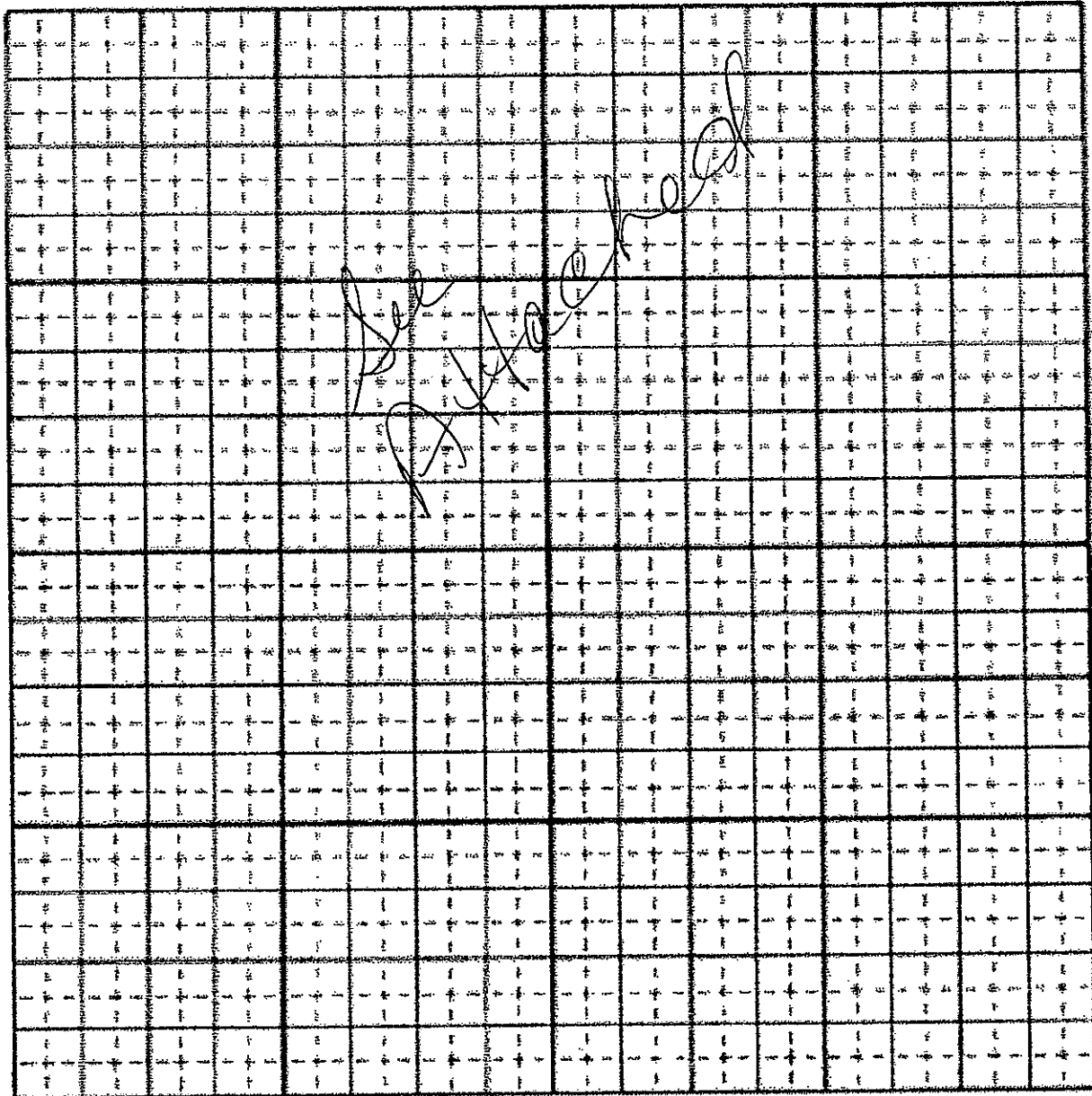
Pioneer Irrigation or None ()

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 USE TO BE A HEAD GATE LOCATED ~~WEST~~ 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

Last Name Schneider Ident No. _____

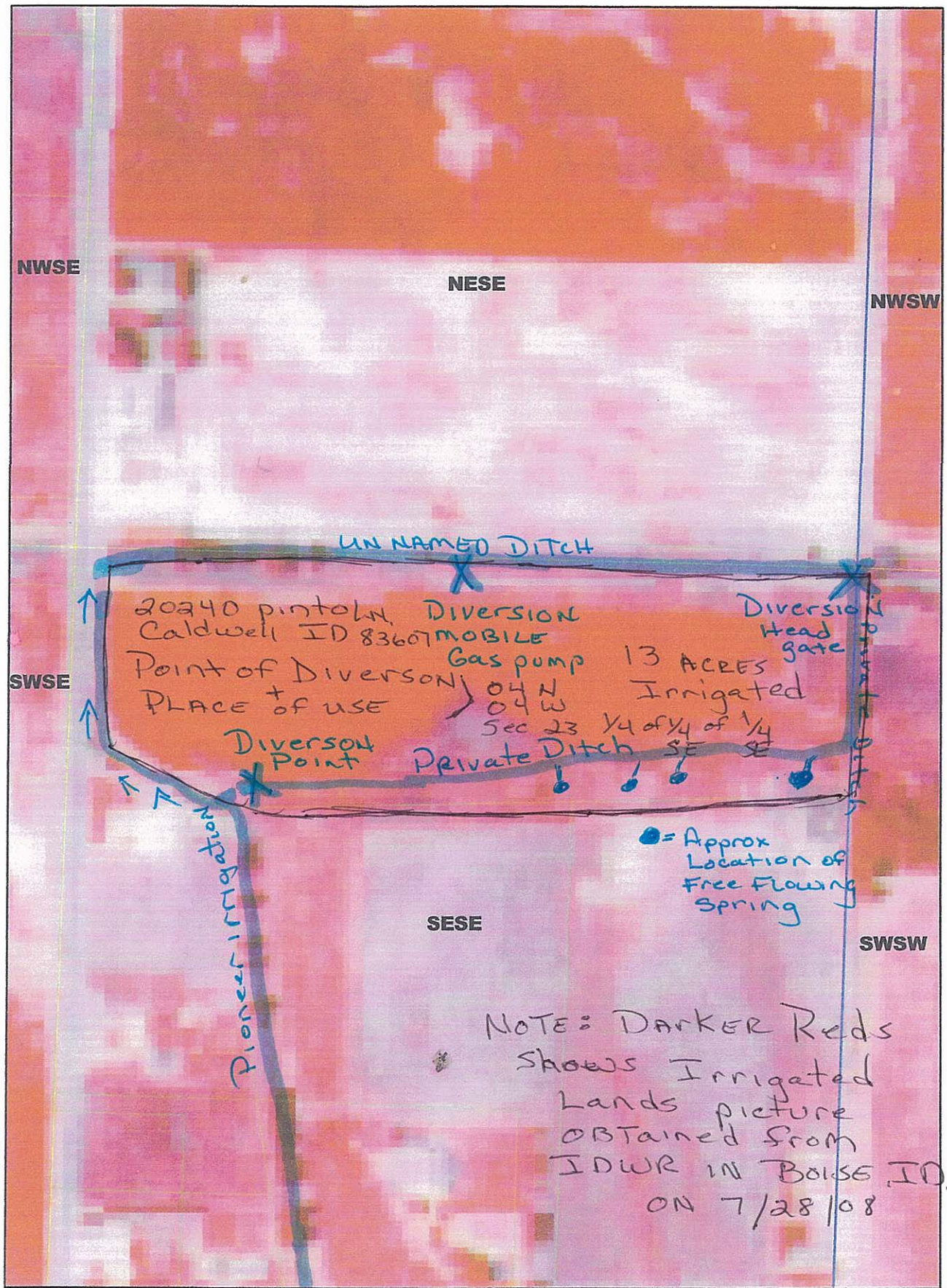
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile



Last Name Schneider Ident No. _____

T4N, R4W, Sec. 23



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) Ronald S. Schneider Date: 7/28/08
Gail A. 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.

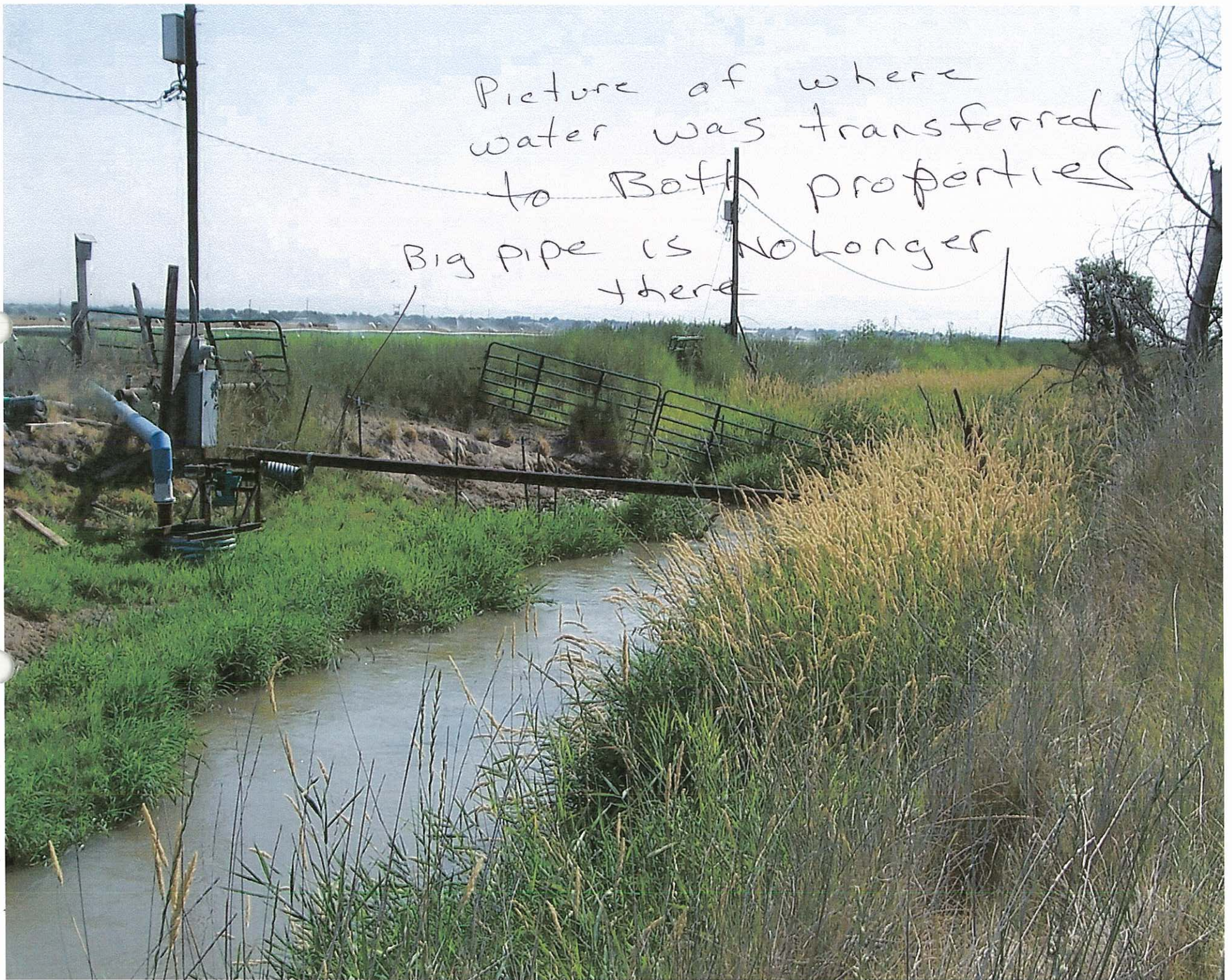
Signature _____

Address _____

Date _____

Last Name Schneider Ident No. _____

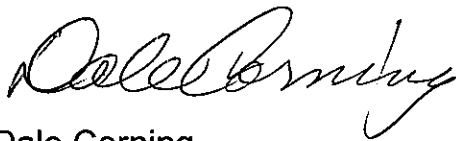
Picture of where
water was transferred
to Both properties
Big pipe is no longer
there



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" being more prominent than the last name "Corning".

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 20340 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 Glenleaf Id.

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

Thank you
Carol A. Schneider