

06/03/2009

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-33076

NAME AND ADDRESS: GAIL A SCHNEIDER
20240 PINTO LN
CALDWELL ID 83607

RONALD G SCHNEIDER
20240 PINTO LN
CALDWELL ID 83607

SOURCE: SPRINGS
UNNAMED DRAIN

TRIBUTARY: BOISE RIVER
TRIBUTARY: BOISE RIVER

The source of this right includes wastewater. The wasting of this water may be discontinued at any time.

QUANTITY: 0.200 CFS

PRIORITY DATE: 03/18/1952

POINT OF DIVERSION:

T04N R04W S23 SESE Within CANYON County
T04N R04W S23 SESE Within CANYON County
T04N R04W S23 NESESE Within CANYON County
T04N R04W S23 NESESE Within CANYON County
T04N R04W S23 NESESE Within CANYON County
T04N R04W S23 NESESE Within CANYON County
T04N R04W S23 NESESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.200 CFS

PLACE OF USE: IRRIGATION in CANYON County

T04N R04W S23 SESE 10.00

10 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

NOTE: DIVERSION FROM DITCH NOT LISTED - ONLY THOSE POD'S FROM DRAIN

Idaho Department of Water Resources

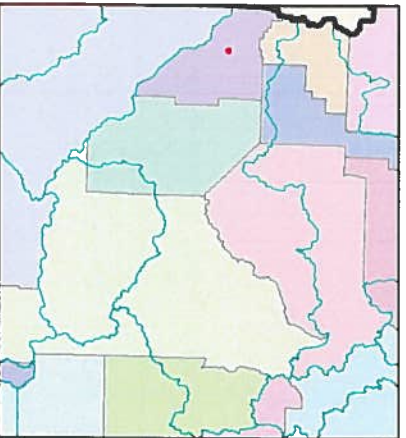


Adjudication Recommendation
63-33076
(IRRIGATION)

R04W

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Canyon County
IDWR Basin 63



0 0.05 0.1 0.2 Miles



Prepared by Jan Shurte
On June 03, 2009
2004 Aerial Photography

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, December 30, 2008 4:24 PM
To: Courtney, Andrea
Cc: Williams, Ray
Subject: RE: 63-2650, -33057, -33058, -33059, -33076 Steiner/Garbarino/Schneider hrg on late objection

I did explain to them about the priority date and they did not seem to mind. Now, when they see it in black and white maybe. They did not seem to have heartburn over the Steiner's since the Steiner's agreed that the water was never used for irrigation (again I believe the license was a quarter mile off) and they changed it to fire protection which the Schneider's stated would be the case anyway if there is ever a fire. So, they have no problem with the Steiner's portion except they don't believe Steiner's ever had a right to any of the license. The reason we received the change of ownership from Steiner's is because SM wanted us to send the new owners notices. The other party never responded. It would be very difficult to change that 1946 license at this point in time, mistake or not. It has been through objection periods when the license was filed and when the recommendation was first put in there. The Schneider's did not object to the license being in error, although they believe it is, and in our meeting I told them that I could recommend their late claim based on information in the license file and their earliest priority date would be 3-18-1952, one day after the field exam was conducted. Or, if possible the same date as the license, I'm not sure I can do that yet. One thing I cannot find is the objection to the Steiner's right. The Schneider's did not have a problem with the fire protection change when they were in here. So, I don't know about that one and I cannot get the SRBA homepage documents to open, nor our own for some reason today. Jan

From: Courtney, Andrea
Sent: Tuesday, December 30, 2008 2:50 PM
To: Shurte, Jan
Cc: Williams, Ray
Subject: RE: 63-2650, -33057, -33058, -33059, -33076 Steiner/Garbarino/Schneider hrg on late objection

Jan~

Thanks for the explanation. That is helpful. So it sounds as if we'll have an amended SF5 for Garbarino's right (Ray~ probably, best to file it at some point after the Schneiders' late claim is recommended (that's be my preference if I were in their shoes), but maybe we can get the parties' signatures if/after SMBooth grants the late objection and then we can just hold onto the amended SF5).

Were the Schneiders being overinclusive to object to Steiner's right, too?

Have you talked with the Schneiders about the possibilities for their late claim (in other words, any indication if the priority date will bother them)?

Andrea

From: Shurte, Jan
Sent: Tuesday, December 30, 2008 2:37 PM
To: Courtney, Andrea
Cc: Shurte, Jan
Subject: RE: 63-2650, -33057, -33058, -33059, -33076 Steiner/Garbarino/Schneider hrg on late objection

Andrea,

These are a little tough to explain. The license map and the lay of the land for 63-2650 is in error in my opinion. Schneider's did submit an ownership change, but we rejected it because it did not match the legal on the license or claim. So, they filed a late claim. I just received it from the state office last week or the week before. Their objection is to the portion split off due to ownership change by Garbarino who does own a portion of the original license/claim that was actually irrigated. Their only problem with his split is that both the unn. drain and springs are listed. The Schneider's maintain that Garbarino does not and has not used the spring(s). That is what their objection is about. Kay spoke to Garbarino and he does not use the spring(s). He only uses the Unn. drain. So, he's ok with that change and so are the Schneiders.

The way I see this should go is that the objection be approved, the springs removed if Garbarino follows through and the late claim for Schneider recommended back to the priority date one day after the field exam. That's the earliest date I

can give them due to the license. Even though it looks like the license was a quarter-quarter off, it has been split into three parts based on the old license and no one objected to the way the license was issued. That person would be Ron Schneider's parents. They even filed their claim that way. So, the best way to fix it is as explained, at least that's what I think.

Jan

From: Courtney, Andrea

Sent: Tuesday, December 30, 2008 9:13 AM

To: Shurte, Jan

Cc: Williams, Ray

Subject: 63-2650, -33057, -33058, -33059, -33076 Steiner/Garbarino/Schneider hrg on late objection

Jan~

We've got a hearing on Ron Schneider's late objection for these on 1/6/09. These are weird ones (were Kay's originally). We have SF5s on file for 33057 & 33058, but Schneider filed the late objection insisting everyone is trespassing. -2650 is based on a license, the three sequential ones were split from it based on a State of Idaho objection. (-33076 is an as-yet uncontested overlap to Ron Schneider that SMBooth is tracking with the group. Schneider's late claim was granted in Oct of 2008, and does not appear to have been reported in the fall late claims report.) The tracking sheet said you were going to talk to the claimants in the meantime. Any update?

Hope you had a great Christmas!

Andrea

10-5-08

63-2650 - Map in field exam done in 1952 shows 40 acres in the N¹/₂SE¹/₄. S. 23. 1946 priority date - no context - claim filed same as license. In looking at the field exam - map + the lay of the land for West End Drain, it does look as if it should have ~~the~~ laid with a portion (south portion) in the SE¹/₄SE¹/₄ which is Schneiders (Ron + Gail's) property. Rec. for 40 in the N¹/₂SE¹/₄ + objected to by State of Idaho for the same strip of land along Hwy 19.

So, Carl Schneider informed Ron + Gail of this + they thought an ownership change had ~~been~~ had not been done for their portion of the right. The springs are located on their property + they do use water out of the unnamed drain, now referred to as the West End Drain by the irrig. district. When they submitted the change of ownership we denied it because it was not appurtenant to the place of use listed on the report, or license. It is in the N¹/₂SE¹/₄SE¹/₄. Kay advised these people to file a late notice of

claim. They did and it is numbered 63-33076 claiming the same priority as the orig. license 63-2650.

Problems are in that per S. M. Booth we contacted the new owner for the 40 acres in the NESE. I have Gatarino filed a C of O for the portion migrated on the orig. license in the NESE to the tune of 29 acres + .58 cfs. Then, Steiner filed a change of ownership to the N $\frac{1}{2}$ NESE which appears as if it was not migrated from 63-2650. Steiner actually agreed, changed their claim to Eir Protection only and that is what it has been recommended for. The remaining 4.9 acres we did not get a change of ownership for remains in the name of George (Dec) and Carol Schneider. Ray did talk to a previous owner on 7-8-08 Brenda St. Rine who was in the process of changing selling the property + would let the new owners know. She stated they had never used the water on this property either.

My idea is that we should rent

the objection of the Schneider to Gabardine because he does not use the springs & doesn't care if they are on his or not.

Then, issue a recommendation on 63-33076 - late claim - trying to get the priority date back as far as possible since it appears it should have been licensed. Next date is for Motion ~~on~~ the late objection is 1-6-09.

MOTION DENIED BECAUSE THE SPRING FLOWS INTO THE UNK. ~~STAI~~ DRAIN, SO THE SPECIAL MASTER FELT IT WOULD NOT BE OK. I AGREE & SO DID THE SCHNEIDER'S. SEE SM&R IN 63-33058.



Pinto Ln.

→ To

19 →

Our Property
20240 Pinto Ln
CALDWELL, ID

Pink = property Ln.

Blue = Parker Drain +

Pioneer Irrigation Canal

X = Artesian Springs, Approx. Location

* = WELL

WHITE = Privately owned Ditch

Dumping into Both

Pioneer & Parker Drain



State of Idaho

License and Certificate of Water Right

Water License No. 19971

Amount 0.9 second foot

Water District No.

Priority November 18, 1946

THIS IS TO CERTIFY that IRVIN CORNING of Route 2, Caldwell, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 18, 1946; that Permit No. 19971 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.9 second foot was issued thereunder on December 22, 1951, showing that said works were completed on the 13th day of December, 1951; and that on the 4th day of February, 1952,

IRVIN CORNING

of Caldwell, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a drain ditch and spring, ~~and spring~~, for the purpose of irrigation and domestic use, under Use Permit No. 19971 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4896, on the 22nd day of March, 1952;

The right hereby confirmed dates from November 18, 1946;

The Point of Diversion is located

in the SE 1/4 of Sec. 23, Twp. 4 N., R. 4 E., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.9 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N.	4 W.	23	NE 1/4 SE 1/4	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 22nd day of March, 1952.

MARK H. KULP

State Reclamation Engineer

(SEAL)

63 1050

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 19971This proof is for Beneficial use In Water District No. _____1. Name of applicant Irvin Corning, Route 2, Caldwell, Idaho2. Source of water supply: Drain ditch and spring3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23T. 4 N. R. 4 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: This system consists of a drain ditch just below the bench which is the first bench to the South of W. End Drain. The drain picks up water the full length of the drain and is connected to two horizontal wells extending into the bank a distance of approximately 20 ft. at P.D. No. 2 and approximately 35 ft. at P.D. No. 3. In each case, the well has been dug with a drag line and is approximately 6 ft. deep. The ditch then extends N. to the W. End Drain and crosses the W. End Drain in a 12 in. culvert pipe, thence in ample sized ditches to the fields to be irrigated. The works for crossing the W. End Drain consist of 36 ft. of culvert pipe, level with the ditch on the No. side, connected to the ditch by bulkhead. On the So. end, a 16 ft. length connects to the ditch by a concrete bulkhead and opens into the W. End Drain to conduct the water into the drain when it is not being used for irrigation. Between this pipe and the level one, there is a squared pipe 8 in. by 16 in. leading

5. Water is used for: Irrigation and domestic purposes.

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Twp. 4 North, Range 4 West, B. M.40 acres as listed.

4.) vertically to the top pipe. When it is desired to irrigate, a valve ^{closes} crosses the discharge from the opening into the ^{west end} drain, and the water then rises vertically 38 in. into the top pipe whence it flows to the fields.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Boise River

Remarks: This system undoubtedly delivers very much more than 40 in. of water during the irrigation season, inasmuch as there is a good sized stream flowing into the drain at the present time, ^{and} when this is a low water period.

This examination was made on the 17th day of March, 1952(Signed) E. H. Humphrey Examiner.

19971

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

63-2450

Application No. 27435
Permit No. 19971
District No.

1. Name of Applicant: IRVIN CORNING

Postoffice address: Route 2, Caldwell

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 0.80 cubic feet per second.

3. Source of water supply: .40 from drain ditch and .40/ from spring which is a tributary of

4. Location of point of diversion: feet distant from the corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23 , T. 4 N. , R. 4 W. , B.M., County of Canyon

5. Water is to be used for Domestic and irrigation purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section T. , R. , B.M. in the of Section . T. . R. . B.M.
(b) Amount of power generated: H.P. under feet head.
(c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B.M., in the of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 500.00

8. Kind of works: Ditch and flume

9. Height of dam None feet; length of dam at top feet; length of dam at bottom feet; material used in dam:

10. Size of headgate: Width feet; height feet;

11. Ditch: Width at bottom 2 feet; width at water line 5 feet; depth of water 2 feet;

dimensions of flume: across drain ditch 12"

Diameter of pipe inches; length of conduit 1/2 miles.

Average grade per mile 5 feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is None additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

14-A. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

Claim No(s). 63-33076

Claim No(s). 63-33076

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098
Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 3, 2008

RONALD G AND GAIL A SCHNEIDER
20240 PINTO LN
CALDWELL ID 83607

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #63-33076

Dear Claimants:

The Notice of Claim you filed was received from the SRBA Court recently. I have enclosed receipt #C087659 for the filing fees you paid. Please retain the receipt for your records.

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

On the claim form you submitted, you indicated you wanted to receive a copy of the monthly docket sheet. The docket sheet can be ordered through the SRBA Court in Twin Falls. I have enclosed the Court's order form for your possible use.

Please contact the court at 208/736-3011 if you have any questions regarding the docket sheet.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:state
Enclosures:

Receipt Referenced Above
Docket Sheet Order Form

SCANNED

NOV - 3 2008

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:

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho
03-33076
C087659
JUL 29 2008

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) Ronald G. + Gail 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. _____

SCANNED

OCT 27 2008

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
springs 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

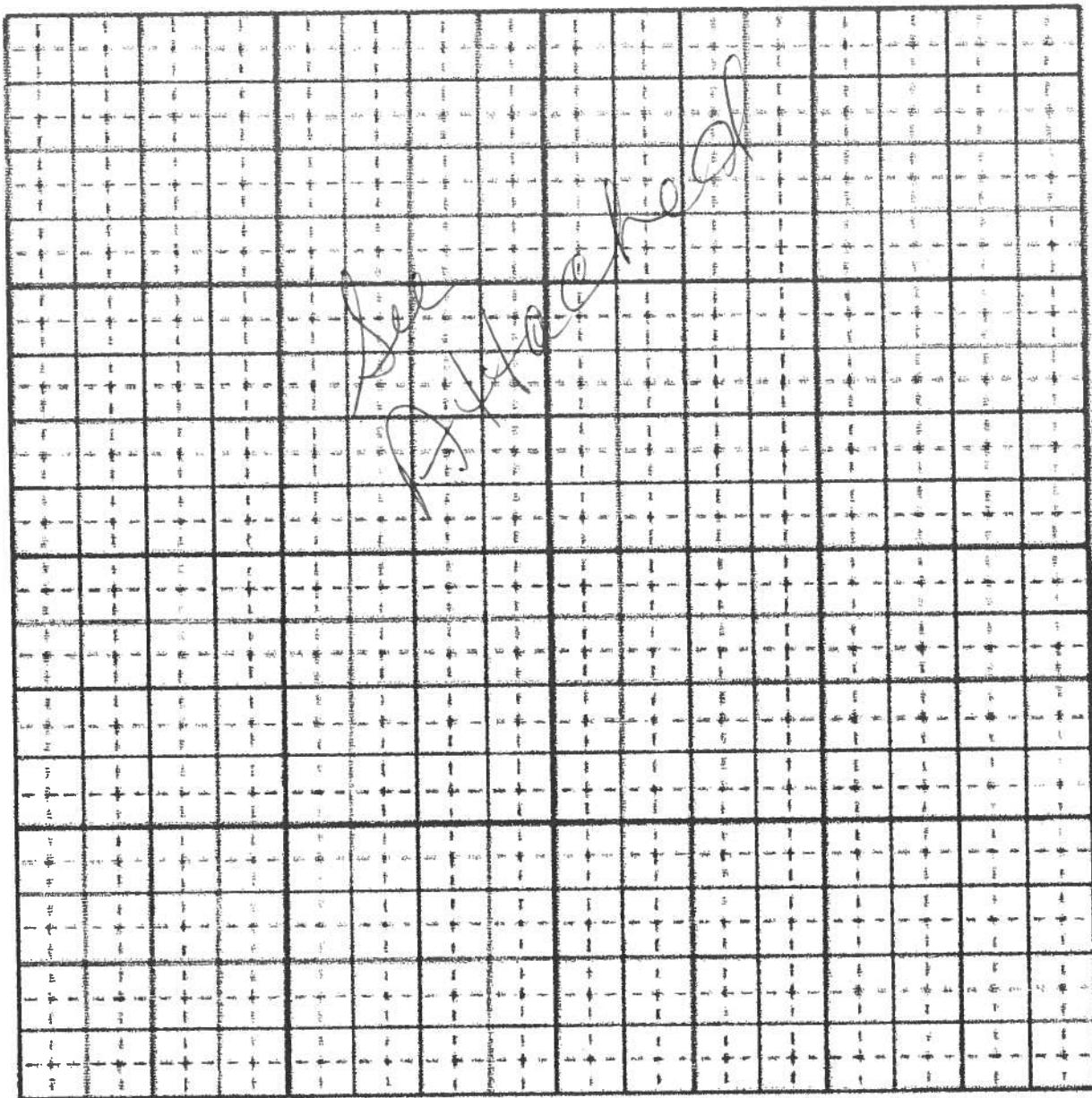
Last Name Schneider Ident No. _____

SCANNED

OCT 27 2008

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

Scale: 2 Inches equals 1 mile



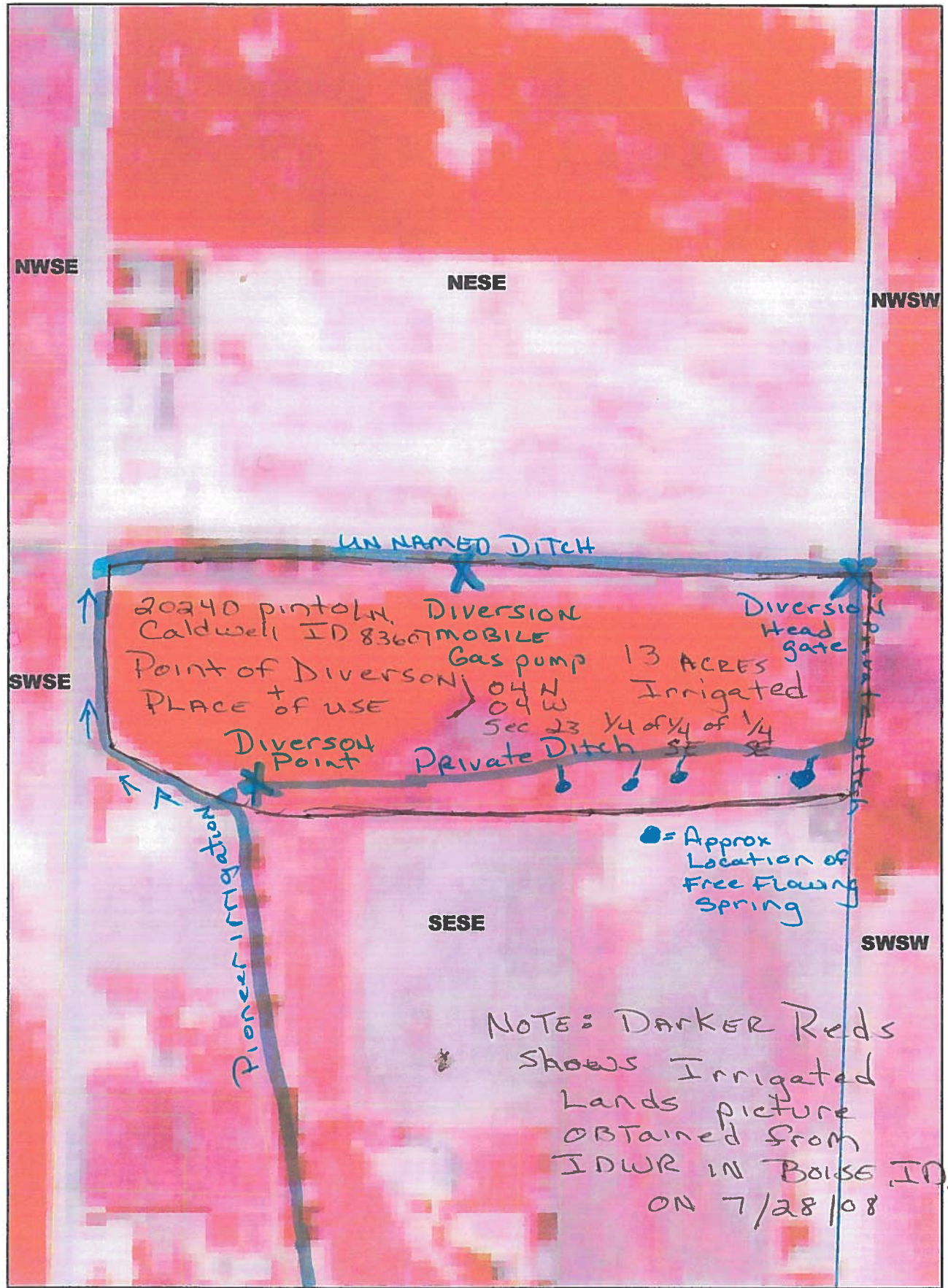
Last Name Schneider

Ident No. _____

SCANNED

OCT 27 2008

14N, R4W, Sec. 23



SCANNED

OCT 27 2008

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 _____

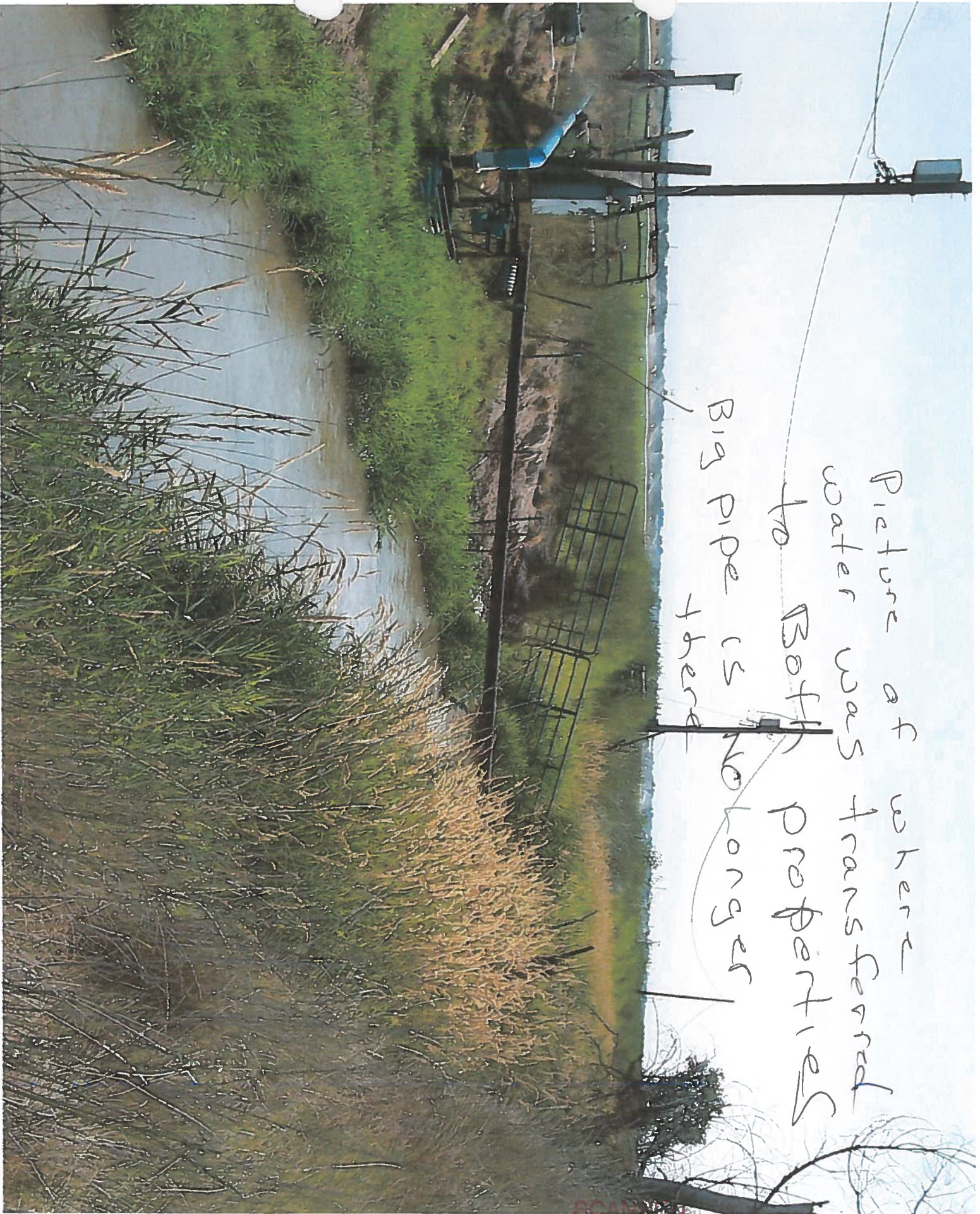
Date _____

Last Name Schneider Ident No. _____

SCANNED

OCT 27 2008

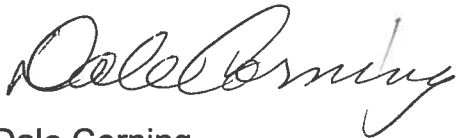
Picture of where
water was transferred
to Both properties
Big pipe is no longer
there



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 cursive script, appearing to read "Dale Corning".

Dale Corning
19004 Lower Pleasant Ridge Road
Caldwell, ID 83607

208-459-9176

SCANNED

OCT 27 2008

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 good 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 Garbarino.

My husband now deceased bought a small home in Glen Leaf Id.

If you have any more questions you may contact me at 208-484-9485.

Thank you
Carol A. Schneider

SCANNED

OCT 27 2008

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

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

CLAIMANT'S NAME

Schneider Rnald/Gail

CLAIM IDENT. NO.

63-33076

DATE RECEIVED

BOOK #

AMOUNT \$

YES

NO

Required
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO N/A *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☒ YES ☐ NO N/A *
- Is the consumptive use correct? ☒ YES ☐ NO N/A *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO N/A *
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO N/A See Cor.
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO n/a *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☒ YES ☐ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO N/A *
22. Should this claim be data entered? ☒ YES ☐ NO *

Claim checked by: as

Date: _____

Claim must be returned to claimant: _____

(Yes) ☒ (No) ☐

Claimant must be notified of modifications: _____

(Yes) ☒ (No) ☐

Receipt Prepared by: _____

Claim data entered by: as

Sent to claimant by: _____

Date: _____

Date: 8-4-08

Date: _____

Checked by: _____

Date: _____

Comments: shape made 8-5-08. asO/C C. Smith8/26/08

Hearing: 10-21-08

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 Fees ok

Subcase 63-33076

(Insert water right number)

Case 39576

Claim is complete
C. Santon
8-26-08

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 83407

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
PROCESSES

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 \$ 8113.00

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

DELUXE WALLET OR DUPLICATE

PAY TO
THE ORDER OF

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

Security Features
Included
Details on Back.



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

MEMO

Claim fees

Gail A. Schneider MP

SPECIALTY INK

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- ☐ 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:

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VERIFICATION (Must be completed)

State of Idaho

County of Canyon

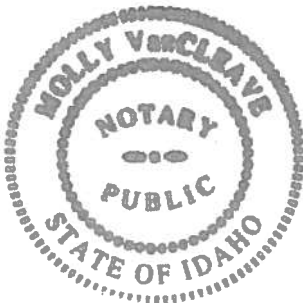
Ronald G. Schneider
Gail A. Schneider, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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 Home 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.

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CERTIFICATE OF MAILING

I certify that on 7/29/08, 1998, 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)



Signature of person or attorney mailing the form

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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 63-33076

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 _____, 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 _____
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.

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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.

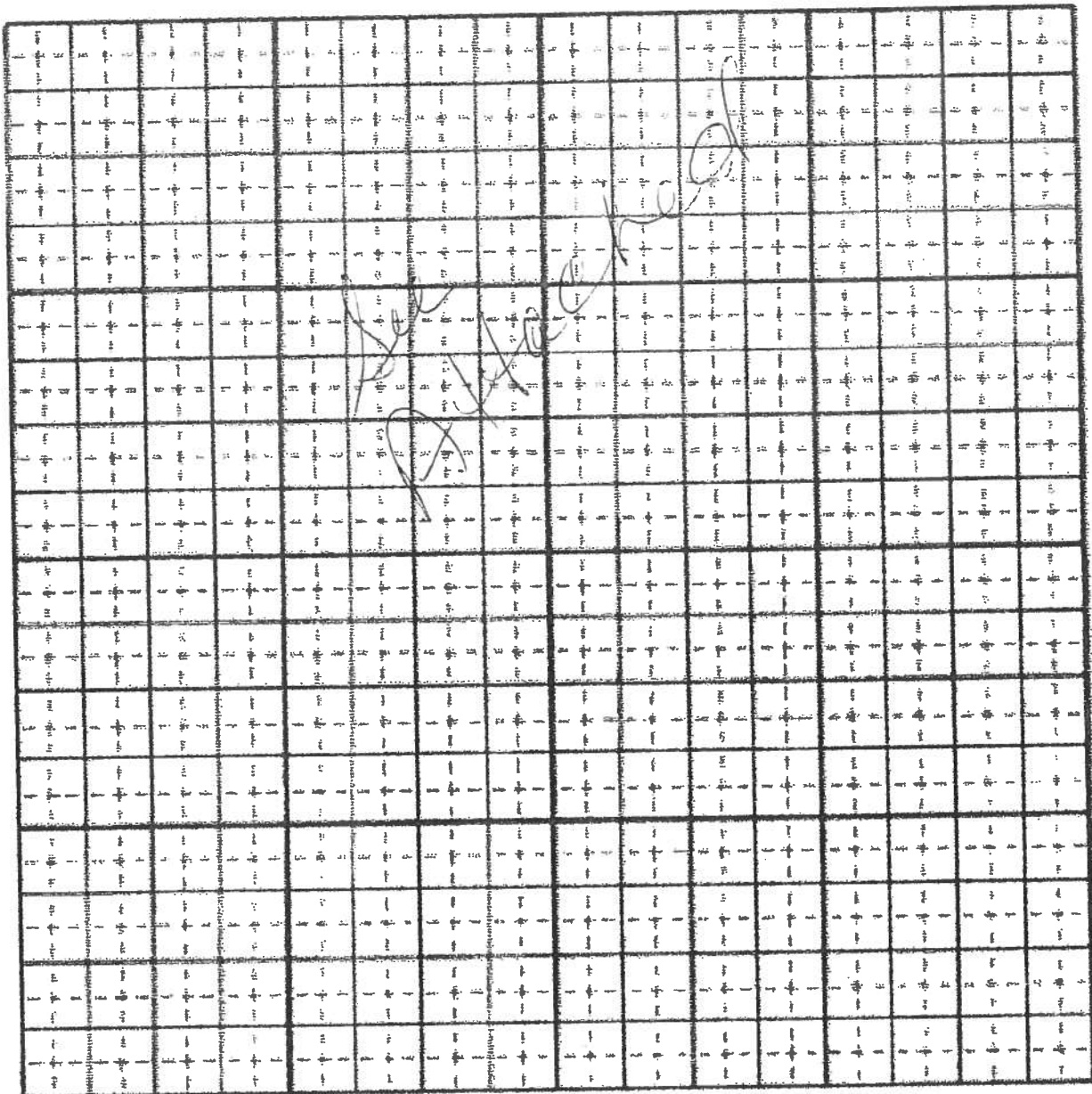
PIONEER Irrigation or None ()

13. Remarks: WE ARE PAYING Pioneer irrigation for the use of their water which dumps into the UNNAMED DRAIN + THE FREE FLOWING SPRINGS 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

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

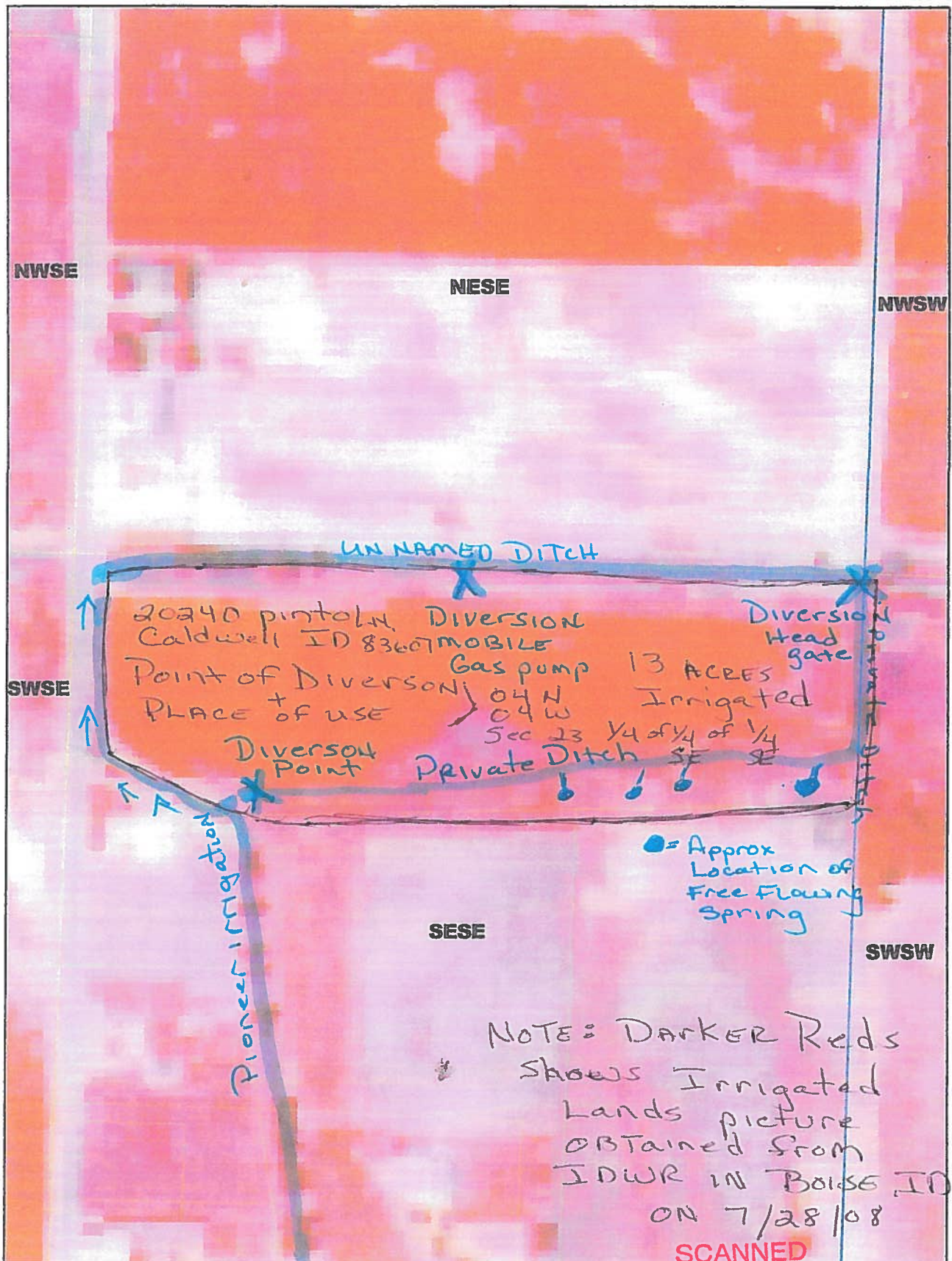
Scale: 2 Inches equals 1 mile



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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) [Signature] Date: 7/28/08
[Signature] 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 _____,
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 _____



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This Map is attached
proof of possession
and the Commission
for variations, if any

Scale 1" = 200'

NE $\frac{1}{4}$ SE $\frac{1}{4}$

1548A

#934304

A 15.720
B 63.720
C 25.40

Original Property
Purchased 28.78
By George
Carol
Schneider

WEST END
PARKER DRAIN

13.00 ACRES

262.0

A

#934304

B

BE $\frac{1}{4}$ SE $\frac{1}{4}$

1062.0

C

1919.93

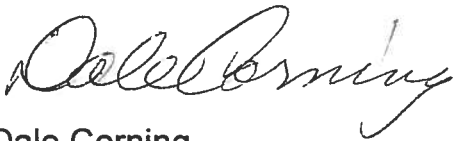
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AUG 04 2008

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 cursive script, appearing to read "Dale Corning".

Dale Corning
19004 Lower Pleasant Ridge Road
Caldwell, ID 83607

208-459-9176

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AUG 04 2008

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 good 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

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AUG 04 2008