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MAR 20 2009
DEPARTMENT OF
WATER RESOURCES

March 19, 2009

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

RE: Motion to File Late Notice of Claim and Notice of Claim to a Water Right
#63-9907

Dear Sir or Madam:

Enclosed you will find a Motion to File Late Notice of Claim and Notice of Claim to a
Water Right #63-9907

Also enclosed is a check in the amount of \$206.00 for the claim filing fee and late filing
fee.

Please return a conformed copy in the enclosed self-address envelope to confirm it was
received.

If you have any questions please contact me.

Regards,

A handwritten signature in cursive script that reads "Paul Drury". The signature is written in dark ink and is positioned above the printed name.

Paul Drury

Encl.

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MAR 20 2009

DEPARTMENT OF
WATER RESOURCES

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

Case 39576

) Subcase 63-9907

) (Insert water right number)

) 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 that 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: John A. Kanaley and Paula M. Kanaley

My address is: 152 E Clear Creek Dr., Meridian, ID 83646

My phone number is: Work: Home: (208) 884-4636

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:

When we acquired the property in 1995 the seller did not provide us with the water right and adjudication information. Only after discussing with our new neighbor did we realize that a late claim must be filed. We started researching the process for ourselves and discovered water rights were already attached to the property. We called IDWR and they informed us how to proceed.

☐ 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.)

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 \$206.

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 Tuesday, June 16, 2009 at 1:30 p.m.

(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:

- ☐ 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 Ada

John A. Kanaley and Paula M. Kanaley, 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.

 Paula Kanaley
Signature of person filing motion

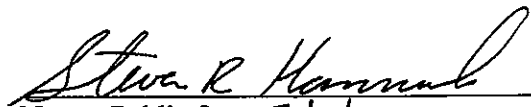
Attorney signing in representative capacity

Subscribed and sworn to before me on:

3-19-09

(Insert Date)




Notary Public for Idaho
Residing at: Boise
My Commission expires: 8-18-11

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 March 19, 2019 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, MCS 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)

Barbara A. Hitz
Signature of person or attorney mailing the form

RECEIVED

MAR 20 2009

Should questions arise during the processing of this application please contact:
Paul Drury - ERO Resources Corp. (208) 373-7983

DEPARTMENT OF
WATER RESOURCES

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 63-9907

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) John A. Kanaley and Paula M. Kanaley Phone (208) 884-4636
 Mailing Address 152 E. Clear Creek Dr. Meridian ID 83646
Street or Box City State
2. Date of Priority (Only one (1) per claim) May 25 1982
Month Day Year (YYYY)
3. Source of water supply (Check one) Ground Water (X) or Other () (a) _____
 which is tributary to (b) _____
4. a. Location of Point of Diversion is: Township 4N, Range 1E, Section 19,
NW, 1/4 of NW, 1/4 of _____, Govt. Lot _____, B.M., County of Ada
 Parcel (PIN) no. R1472050700 Clearvue Estates Subdivision Block 29
 Additional points of diversion if any: _____
 If available, GPS Coordinates N 43.67648 W116.39117
 b. If instream flow, beginning point of claimed instream flow is:
 Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4,
 Govt. Lot _____, B.M., County of _____
 Ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4
 Govt. Lot _____, B.M., 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. Flowing (20 gpm) artesian well with 8" casing, 63' deep, 10"
borehole sealed to 30' B.G., with 5" diameter, 35 slot screen and 3/16" gravel pack from 48' to 63" B.G. 1
horsepower 230V submersible pump set at 45' B.G., StaRite Model #20P4E02H-02, delivers water to irrigation
system. Test pump 75 gpm at 20' pumping level. Artesian well overflows to small pond that has been modified
since the license.

Last Name Kanaley Ident. Number 63-9907

6. Water is claimed for the following purposes:

For Irrigation purposes from 4/1 to 10/31 amount 0.06 (cfs) or 13.5 (acre feet)
For Stockwater purposes from 1/1 to 12/31 amount 0.02 (cfs) or 0.2 (acre feet)
For _____ purposes from _____ to _____ amount _____ (cfs) or _____ (acre feet)
For _____ purposes from _____ to _____ amount _____ (cfs) or _____ (acre feet)

7. Total quantity claimed (a) 0.08 (cfs) and/or (b) _____ (acre feet)

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

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	1E	19					3												
							S												

Parcel (PIN) no(s). R1472050700 Total number of acres irrigated 3

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

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.
_____ or None (X)

13. Remarks: Acquired the property in 1995. Constructed a home and enlarged the pond in 1996. A transfer application has been submitted to cover these new beneficial uses.

A 1986 aerial photograph of the property showing the point of diversion and place of used is attached to this claim as Attachment A.

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

Scale: 2 inches equals 1 mile.

See Attachment A

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

Court _____ Decree Date _____ Plaintiff vs Defendant _____

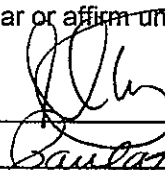
If applicable provide IDWR Water Right Number 63-9907

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 (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments: 1

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)  Date 3-19-09
Saulat Kanaley Date 3-19-2009

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 _____

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 _____ Date _____

Address _____



ERO

ERO Resources Corp.
3314 Grace Street
Boise, ID 83703
(208) 373-7983
Fax: 373-7985



- Well
- ▬ Property Line
- ▨ Irrigated Area

50 0 50 100 Feet



Site Plan
152 E. Clear Creek Drive
Meridian, Idaho 83646
Clearvue Estates Subdivision Block 29
NW1/4 NW1/4 Section 19, T4N, R1E, B.M.

Data Source:
1986 Aerial Photograph
Ada County Assessor's Office

Attachment A
Kanaley

Prepared For: John and Paula Kanaley
Prepared By: ERO Resources
Date Prepared: March 2009