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JUN 19 2009

DEPARTMENT OF  
WATER RESOURCES

JUN 19 2009

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

JUN 18 2009

By \_\_\_\_\_

Clerk

Deputy 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: 63-09907

Case No. 39576

ORDER GRANTING MOTION TO FILE  
LATE NOTICE OF CLAIM

On March 20, 2009, John A. and Paula M. Kanaley filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on June 16, 2009. 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 June 18, 2009.

  
JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

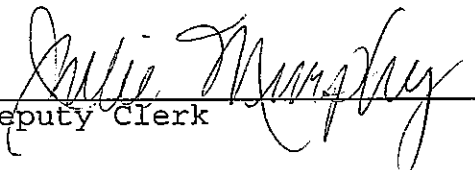
CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING  
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on June 18,  
2009, with sufficient first-class postage to the following:

PAUL DRURY  
ERO RESOURCES CORP  
3314 GRACE ST  
BOISE, ID 83703  
Phone: 208-373-7983

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

JOHN A KANALEY  
PAULA M KANALEY  
152 E CLEAR CREEK DR  
MERIDIAN, ID 83646  
Phone: 208-884-4636

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

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

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

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

MAR 20 2009

By \_\_\_\_\_

Clerk  
 Deputy Clerk

## 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 Zip 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 W 116.39117

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) ☒ Official Use ( ) Posted Notice ( ) License ☒ Permit ( ) Decree ( )

Court \_\_\_\_\_ Decree Date \_\_\_\_\_ Plaintiff vs Defendant \_\_\_\_\_

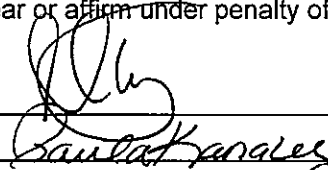
If applicable provide IDWR Water Right Number 63-9907

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  
\_\_\_\_\_ 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Last Name Kanaley Ident. Number 63-9907



**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

# Idaho Department of Water Resources Receipt

Receipt ID: C088861

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|                |                              |               |               |        |       |
|----------------|------------------------------|---------------|---------------|--------|-------|
| Payment Amount | \$206.00                     | Date Received | 6/19/09 11:08 | Region | STATE |
| Payment Type   | Check                        | Check Number  | 1122          |        |       |
| Payer          | KANALEY, JOHN A. OR PAULA M. |               |               |        |       |

Comments Subcase: 63-09907

## Fee Details

| Amount   | Description             | Fund | Fund<br>Detail | PCA   | Subobject |
|----------|-------------------------|------|----------------|-------|-----------|
| \$206.00 | ADJUDICATION FILING FEE | 0337 |                | 41503 | 1155      |

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SR7

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Signature Line (Department Representative)