



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

April 1, 2008

Duane & Terri O'Reilly
3825 Summerset Way
Boise, ID 83709

RE: SRBA Subcase No.63-9157

Dear Mr.& Ms.O'Reilly:

I am enclosing a Standard Form 5 ("SF5") for your review and signature. The SF5 is the document required by the Snake River Basin Adjudication ("SRBA") Court to settle water right disputes. If the document is acceptable, please sign on the indicated signature lines, initial the revised recommendation, and return the original document to me.

Upon receipt of the signed SF5, I will circulate the document to the remaining parties for their review and signature.

If you should have any questions or comments, please feel free to contact me at (208) 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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 No. 63-9157
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(s):

Duane O'Reilly, Jr. Date

Terri O'Reilly Date

OBJECTOR:

New York Irrigation District

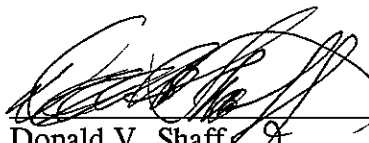
RESPONDENT:

United States of America
Bureau of Reclamation

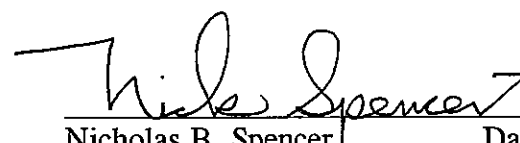
Chas. F. McDevitt Date
Attorney for Objector

David W. Gehlert, USDOJ Date
Attorney for Respondent

IDWR Concurrence:

 4-01-08

Donald V. Shaff Date
Adjudication Bureau Chief

 3-31-08

Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

03/31/2008

INITIAL
HERE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-9157

NAME AND ADDRESS: DUANE O REILLY JR
3825 SUMMERSET WAY
BOISE ID 83709

TERRI O REILLY
3825 SUMMERSET WAY
BOISE ID 83709

SOURCE: EIGHTMILE CREEK

TRIBUTARY: FIVEMILE CREEK

QUANTITY: 0.020 CFS
4.50 AFY

PRIORITY DATE: 06/14/1978

POINT OF
DIVERSION:

T03N R01E S27 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.020 CFS
4.50 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 1 PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT
EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK
IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED
EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN
THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION in ADA County

T03N R01E S27 NWSE 1.00

1 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.

The source of this water right is primarily waste water. The wasting of
water may be discontinued at any time.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

PROPERTY IS ALSO KNOWN AS LOT 19, BLK 9, FIVE MILE ESTATES WEST
#18.

PARCEL NO. R2847270190.

CERTIFICATE OF MAILING

I certify that on _____, 2008, 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
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

NEW YORK IRRIGATION DISTRICT
Represented by:
CHARLES F MC DEVITT
420 W. BANNOCK ST.
P.O. BOX 2564
BOISE, ID 83701

NEW YORK IRRIGATION DISTRICT
Represented by:
KENDAL A. MC DEVITT
405 S. 8TH ST, STE 202
BOISE, ID 83702

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

DUANE O' REILLY JR
TERRI O' REILLY
3825 SUMMERSET WAY
BOISE, ID 83709

Signature of person or attorney mailing form