

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 63-9157
Date Received: 7/9/2004
Receipt No: W031963
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DUANE O REILLY JR
3825 SUMMERSET WAY
BOISE ID USA 83709

Phone: (208)362-0127

TERRI O REILLY
3825 SUMMERSET WAY
BOISE ID USA 83709

Phone: (208)362-0127

2. Date of Priority: 06/14/1978

3. Source: EIGHTMILE CREEK Trib. to: FIVEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	01E	27	NW SE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.02	4.5

7. Total Quantity Appropriated is:
0.02 C.F.S. and/or 4.5 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

SCANNED
OCT 06 2006

63-9157

07/12/2004

SCANNED
JUL 12 2004

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	27	NW	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Fees paid under receipt no. W031963

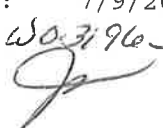
PROPERTY IS ALSO KNOWN AS LOT 19, BLK 9, FIVE MILE ESTATES W. #8.

15. Basis of Claim: License

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 63-9157
Date Received: 7/9/2004
Receipt No: 40,3963
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DUANE O REILLY JR Phone: (208)362-0127

3825 SUMMERSET WAY
BOISE ID USA 83709

TERRI O REILLY Phone: (208)362-0127

3825 SUMMERSET WAY
BOISE ID USA 83709

2. Date of Priority: 06/14/1978

3. Source: EIGHTMILE CREEK Trib. to: FIVEMILE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
----------	-------	---------	-----------------------	--------	------

03N	01E	27	NW SE	ADA	
-----	-----	----	-------	-----	--

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.02	4.5

7. Total Quantity Appropriated is:
0.02 C.F.S. and/or 4.5 A.F.A.

SCANNED
JUL 12 2004

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	01E	27	NW	SE	IRRIGATION	1
					Section Acres	1
					Total Acres	1

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks: AKA LOT 19, BLK 9, FIVE MILE ESTATES W. # 8

15. Basis of Claim: License

16. 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: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Duan O'Ryan Jr Date: 7-9-04
7-9-04 Date:

State of Idaho)
County of ADA) SS.

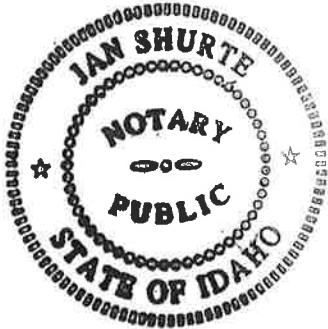
Subscribed and sworn (or affirmed) before me this

of July 2004

9th day
Ian Shurte
Notary Public

Residing at Meridian ID

My commission Expires 9-14-2006



Receipt Details for ID W031963

Status	Adjustment Type	Version
		1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
7/9/2004 4:38:21 PM	7/12/2004 2:30:30 PM	WESTERN	\$51.00	Check
Payer		DUANE O REILLY		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
4155			
Card Expiration Date	Credit Card Transaction #		

Comment Adjudication Claim Fee for 63-9157

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$51.00	ADJUDICATION FILING FEE	42503	0337			1155

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------



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

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.

**SIGN
HERE**
↓
CLAIMANT(s):

Duane O'Reilly, Jr.

Date

**SIGN
HERE**
↓

Terri O'Reilly

Date

OBJECTOR:

New York Irrigation District

RESPONDENT:

United States of America
Bureau of Reclamation

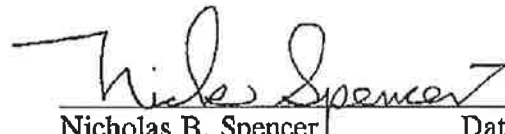
Chas. F. McDevitt Date
Attorney for Objector

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.

[Signature]
NBS

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

RECEIVED

SEP 12 2008

DEPARTMENT OF
WATER RESOURCES

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

SEP 11 2008

By _____
Clark

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 No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-09157

A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On April 2, 2006, the New York Irrigation District, through its attorney Charles F. McDevitt, filed an objection to the *Director's Report*, asserting that the source of the right should be identified as wastewater. A status conference was held on August 5, 2008, at which the claimants, Duane O'Reilly, Jr., and Terri O'Reilly, failed to appear. An *Order to Show Cause* was issued, and a hearing thereon was held on September 5, 2008. Again the claimants failed to appear. Pursuant to the terms of the *Order to Show Cause*, the objection is granted, resulting in the recommendation that the partial decree issued for the water right include a remark regarding wastewater.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-09157 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated Sept. 11, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication

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 No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-09157



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

SOURCE: EIGHTMILE CREEK TRIBUTARY: FIVEMILE CREEK

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

QUANTITY: 0.02 CFS
4.50 APY

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 TO 11-15	0.02 CFS 4.50 APY

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 Within Ada County
T03N R01E S27 NWSE 1.0
1.0 Acres Total

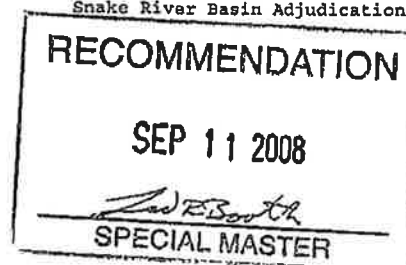
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

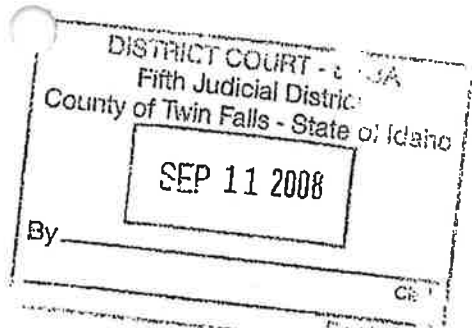
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(5).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication





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 No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

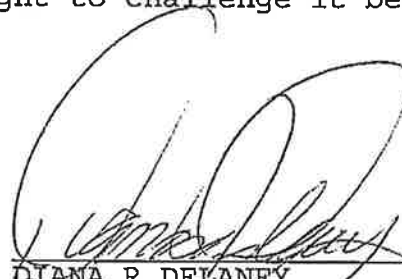
Water Right(s): 63-09157

On September 11, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED September 11, 2008.



DIANA R. DELANEY
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)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-09157

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on September 11, 2008, with sufficient first-class postage prepaid to the following:

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

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

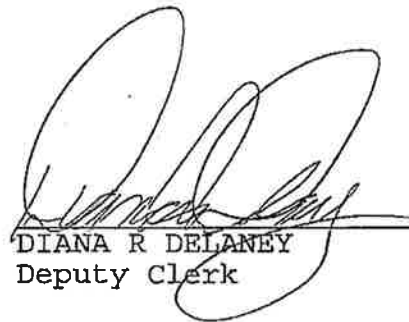
USDI BUREAU OF RECLAMATION

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

CERTIFICATE OF MAILING

PAGE 1
09/11/08

DUANE O REILLY JR
TERRI O REILLY
3825 SUMMERSET WAY
BOISE, ID 83709
Phone: 208-362-0127



DIANA R DELANEY
Deputy Clerk

RECEIVED

AUG 26 2008
DEPARTMENT OF
WATER RESOURCES

Deputy Clerk
Clerk
By
AUG 25 2008
DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho

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: 63-09157

)

Case No. 39576

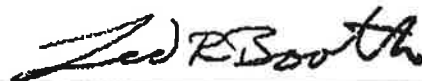
)

NOTICE CLARIFYING DATE OF HEARING
ON ORDER TO SHOW CAUSE

On August 8, 2008, this Court entered an *Order to Show Cause* in the above-referenced subcase. Hearing on the *Order to Show Cause* was set for Friday, September 4, 2008, at 4:00 P.M. That date is incorrect.

NOTICE IS GIVEN that hearing on the *Order to Show Cause* is set for Friday, September 5, 2008 at 4:00 P.M. Parties may participate by telephone by dialing the number 1-225-383-1099 and when prompted entering code 675342. If you have any difficulty connecting to this call, call the SRBA Court immediately at 208-736-3011.

DATED August 25, 2008.



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE CLARIFYING DATE OF HEARING ON ORDER TO SHOW CAUSE was mailed on August 25, 2008, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

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
PO BOX 83720
BOISE, ID 83720-0098

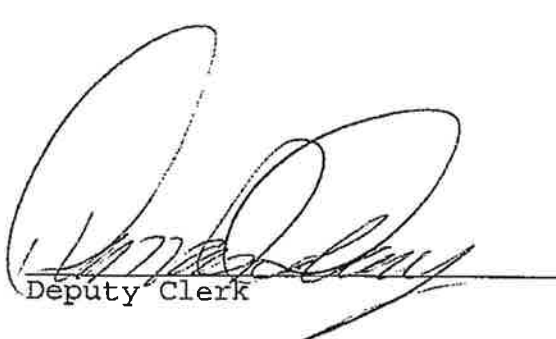
DUANE O REILLY JR
TERRI O REILLY
3825 SUMMERSET WAY
BOISE, ID 83709
Phone: 208-362-0127

NOTICE

Page 1 8/25/08

FILE COPY FOR 01319

Deputy Clerk



RECEIVED

AUG 11 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho
AUG - 8 2008
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 63-09157
	)
Case No. 39576	) ORDER TO SHOW CAUSE
_____	)

A status conference held on August 5, 2008. Duane O'Reilley, Jr., and Terry O'Reilly (hereinafter "Claimants") were notified of the status conference via first class mail sent to their last known address. The Claimants failed to appear at the status conference. The Claimants and the objector had previously represented to this Special Master that they had reached a settlement, and that settlement documents were being circulated and would be filed with the Court. The purpose of the status conference was to ascertain why settlement documents have not been filed.

It is **hereby ordered** that the Claimant shall appear before this Special Master on **Friday, September 4, 2008, at 4:00 P.M.** Mountain Time, at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho, to show cause why the objection filed by the New York Irrigation District should not be granted. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimant being deemed to have consented to the inclusion of a remark in the water right decree that satisfies the New York Irrigation District's objection.**

A copy of this *Order to Show Cause* shall be served upon the Claimant and the Objector not less than five (5) days prior to the date herein shown. Service of the *Order to Show Cause* shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated Aug 8, 2008

A handwritten signature in dark ink, appearing to read 'T.R. Booth', written over a horizontal line.

THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on August 08, 2008, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

USDI BUREAU OF RECLAMATION

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

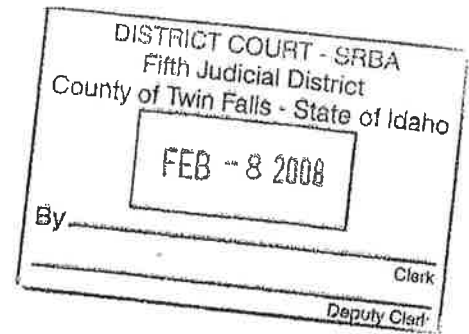
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DUANE O REILLY JR
TERRI O REILLY
3825 SUMMERSET WAY
BOISE, ID 83709
Phone: 208-362-0127

RECEIVED

FEB 11 2008

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) Subcase 63-09157
Case No. 39576) ORDER TO SHOW CAUSE
)
) ORDER VACATING TRIAL

On September 19, 2007, a *Trial Scheduling Order* was issued in the above-captioned subcase, which included a pre-trial conference to be held on February 5, 2008. The *Trial Scheduling Order* was sent to Duane O'Reilly and Terri O'Reilly (hereinafter "Claimants") via first class mail sent to their last known address. The Claimants failed to appear at the February 5, 2008, pretrial conference either in person or through counsel.

Due to the uncertainty of whether the Claimants intend to actively participate in defending their water right claim against the objection filed thereto by the New York Irrigation District, the trial in this matter previously scheduled to begin on February 20, 2008 at 9:00 AM is **vacated**.

It is **hereby ordered** that the Claimants shall appear before this Special Master on **February 20, 2008, at 1:30 P.M.** Mountain Time, at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, or participate by telephone by dialing 1-225-383-1099 participation code 675342, to show cause regarding their failure to participate at the pre-trial conference. In the absence of a showing of good cause, and pursuant to I.R.C.P. 41(c), it will be the recommendation of this Special Master that the Claimants' water right be decreed by the SRBA Court with the elements of the right as set forth in the *Director's Report*, together with the following remark: **"The source of this water right is waste water. The wasting of water may be discontinued at anytime."**

Participation in the show cause hearing is **not mandatory** and failure to appear will not be considered contempt of court. **However, failure to appear will result in the Claimants being deemed to have consented to the inclusion of the above-quoted remark.** If the Claimants participate in the hearing and make a showing of good cause for their failure to appear at the pre-trial conference, a trial date will be reset.

Pursuant to I.R.C.P. 6(c)(2), the parties to this subcase are hereby notified that they may elect to produce testimony and evidence at the hearing, or to cross-examine the adverse party and/or the adverse party's affiants, by giving notice to the court and the adverse party at least twenty-four (24) hours before the hearing, such notice shall designate the person(s) sought to be cross-examined. In the event that such notice is given by any party, telephonic participation at the hearing will not be available, and the parties must appear in person.

A copy of this **Order to Show Cause** shall be served upon the Claimants not less than five (5) days prior to the date herein shown, upon which those parties are required to appear before this Special Master and show cause. Service of the **Order to Show Cause** shall be made in accordance with I.R.C.P. 5(b) and 6(c)(2).

IT IS SO ORDERED

Dated

Feb 8, 2008



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER TO SHOW CAUSE was mailed on February 08, 2008, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NEW YORK IRRIGATION DISTRICT

Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

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
PO BOX 83720
BOISE, ID 83720-0098

DUANE O REILLY JR
TERRI O REILLY
3825 SUMMERSET WAY
BOISE, ID 83709
Phone: 208-362-0127

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 SEP 19 PM 4 52

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	) Subcases 63-08447 and 63-09157
	)
Case No. 39576	) TRIAL SCHEDULING ORDER
	)
_____	) ORDER OF JOINT TRIAL

A Scheduling Conference was held on September 11, 2007. Pursuant to I.R.C.P. 42(a), and because there is a common question of fact regarding the origin of water in Eight Mile Creek -- which is the source of water for both of the above-captioned water rights -- it is **ordered** that the trials in subcases 63-08447 and 63-09157 shall be held jointly. The following dates shall govern the conduct of these subcases through trial:

October 31, 2007	5:00 PM	Disclosure of Witnesses. Disclosure of all witnesses, except impeachment witnesses, shall be completed by this deadline. All non-disclosed witnesses, except impeachment witnesses, shall be excluded from testifying in the trial unless permitted by the Special Master in the interests of justice. I.R.C.P. 16(e)(6)(J).
December 14, 2007	5:00 PM	Discovery Served and Responses Completed. Deadline for completion of all discovery, meaning that all discovery is served and response is complete, including the taking of depositions of lay and expert witnesses, all interrogatories, request for production / inspections and admissions. Motions to compel should be filed accordingly so as to accommodate this deadline.
January 8, 2008	5:00 PM	Hearing on Motion for Summary Judgment. Motions for summary judgment shall be filed, notice for hearing, and actually heard by this deadline. The filing and service of the motion, affidavits, and briefing shall be conducted in compliance with I.R.C.P. 56(c). (This deadline applies only to

subcase 63-09157 for the reason that summary judgment proceedings have already occurred in subcase 63-08447)

February 5, 2008 10:00 AM Final Pre-Trial Conference. Pursuant to I.R.C.P. 16, a final pre-trial conference will be held at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

February 20, 2008 9:00 AM Trial. The trial be held at the Idaho Supreme Court Building, 451 West State Street, Boise, Idaho, in the lower-level conference room.

Dated September 19, 2007



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the TRIAL SCHEDULING ORDER was mailed on September 19, 2007, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NEW YORK IRRIGATION DISTRICT

Represented by:
KENDAL A. MC DEVITT
405 S 8TH ST, STE 202
BOISE, ID 83702
Phone: 208-246-8650

JENNIFER & ROBERT B KANDLER
JENNIFER KANDLER
ROBERT B KANDLER

Represented by:
THOMAS B. DOMINICK
DOMINICK LAW OFFICES PLLC
PARK CENTER POINTE
1501 TYRELL LANE
BOISE, ID 83706
Phone: 208-336-2844

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
PO BOX 83720
BOISE, ID 83720-0098

DUANE O REILLY JR
TERRI O REILLY
3825 SUMMERSET WAY
BOISE, ID 83709
Phone: 208-362-0127



2006 AUG 16 AM 9:07

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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 63-09157
Case No. 39576)
ORDER GRANTING MOTION TO
AMEND STANDARD FORM 1
OBJECTION

On May 15, 2006, the New York Irrigation District, by and through their attorneys of record McDevitt & Miller, LLP, filed a *Motion to Amend Standard Form 1 Objection*, together with a proposed *Amended Standard Form 1 Objection*. Pursuant to Idaho Rule of Civil Procedure 15(a), and good cause appearing, the *Motion* is hereby **granted**.

The Clerk of the Court is instructed to file the *Amended Objection*, which shall replace the objection previously filed on April 21, 2006.

Dated August 14, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

SCANNED
OCT 06 2006

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO AMEND STANDARD FORM 1 OBJECTION was mailed on August 16, 2006, with sufficient first-class postage to the following:

NEW YORK IRRIGATION DISTRICT

Represented by:
CHARLES F MC DEVITT
420 W BANNOCK ST
PO BOX 2564
BOISE, ID 83701
Phone: 208-343-7500

NAMPA AND MERIDIAN

Represented by:
DANIEL V. STEENSON
455 S THIRD ST
PO BOX 2773
BOISE, ID 83701-2773
Phone: 208-342-4591

USDI BUREAU OF RECLAMATION

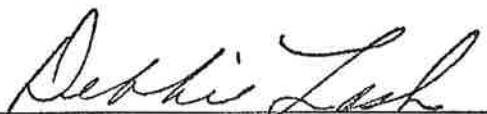
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

DUANE O REILLY JR

TERRI O REILLY
3825 SUMMERSET WAY
BOISE, ID 83709
Phone: 208-362-0127


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)

Case No. 39576)

A. Subcase **63-9157**

(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☒ Name and Address
2. ☒ Source
3. ☒ Quantity
4. ☒ Priority Date
5. ☒ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☒ Purpose(s) of Use
8. ☒ Period of Year
9. ☒ Place of Use
10. Recommendation:
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06



Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6-23, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Duane & Terri O Reilly
Address: 3825 S. Summerset Way
Boise, ID 83709

3. One copy to the party who filed the objection at the following address:

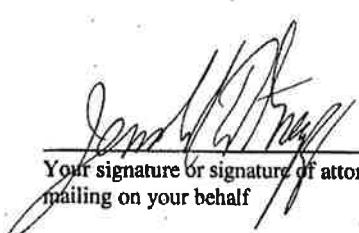
Name: Nampa & Meridian Irrigation District
Address: c/o Daniel V. Steenson & S. Bryce Farris
Ringert Clark, Chtd
P. O. Box 2773
Boise, ID 83701

4. 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 4449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf

**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 No. 39576)

A. Subcase **63-9157**
(Insert water right number
from the Objection Form)

**STANDARD FORM 2
RESPONSE TO OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: E. Gail McGarry
United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706 -1234
Daytime Phone: (208) 378-5306

Name & Address of Attorney, if any:

David W. Gehlert (303) 844-1386 Trial Attorney,
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: New York Irrigation District
C/O Chas F. McDevitt
McDevitt & Miller LLP
Address: 420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

D. I am responding to the objections to the following elements. (Please check the appropriate box (es)).

1. ☐ **Name and Address**
2. ☒ **Source**
3. ☐ **Quantity**
4. ☐ **Priority Date**
5. ☐ **Point(s) of Diversion**
6. ☐ **Instream Flow Description**
7. ☐ **Purpose(s) of Use**
8. ☐ **Period of Year**
9. ☐ **Place of Use**
10. **Recommendation**
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response as defined by I.C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/23/06

Connie L. Wensman



SF. 2 – Response to Objection
Amended 10/16/97

Notary Public for: Idaho
Residing at: Meredon
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

F. CERTIFICATE OF MAILING

I certify that on 6 - 33, 2006, I mailed the original and copies of this response, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: Terri & Duane O'Reilly Jr.
Address: 3825 S. Summerset Way
Boise, ID 83709

3. One copy to the party who filed the objection at the following address:

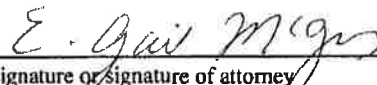
Name: Name: New York Irrigation District
C/O Chas F. McDevitt, McDevitt & Miller LLP
Address: P.O. Box 2564-83701, Boise, ID 83702

4. 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 4449
Boise, ID 83711-4449

United States Department of Justice
Environment & Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Your signature or signature of attorney
mailing on your behalf

COPY

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) A. Subcase 63-9157
(Insert water right number)
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
)

RECEIVED
APR 24 2006
DEPARTMENT OF
WATER RESOURCES

NAME AND ADDRESS OF PERSON OBJECTING

Name: New York Irrigation District
Address: 6616 Overland Road
Boise, ID 83709
Daytime Phone: 208-378-1023

Name & Address of Attorney, if any:
Chas F. McDevitt & Miller LLP
McDevitt & Miller LLP
420 W. Bannock
P.O. Box 2564-83701
Boise, ID 83702

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Current Owner:

Name: Terri O. Reilly
Duane O. Reilly Jr.
Address: 3825 Summerset Way
Boise, ID 83709

Original Owner:

Name: Cameron G. Murphy
Ellen M. Murphy
Address: 3825 Summerset Way
Boise, ID 83709

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The waste waters claimed belong to the Boise-Kuna Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
- 10 ☐ **I object because:**
 - ☒ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

REASONS SUPPORTING OBJECTIONS(S):

There has been no lawful appropriation of this right. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

VERIFICATION

State of Idaho)
)ss.
County of Ada)

Chas F. McDevitt, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


Chas F. McDevitt
McDEVITT & MILLER LLP

Subscribed and sworn to before me on: 4-21-06 Tracy A. Higgs



Notary Public for State of ID
Residing at: Boise ID
My Commission Expires: 6/2007

CERTIFICATE OF MAILING

I certify that on April 25th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Current Owner:

Name: Terri O. Reilly
Duane O. Reilly Jr.
Address: 3825 Summerset Way
Boise, ID 83709

Original Owner:

Name: Cameron G. Murphy
Ellen M. Murphy
Address: 3825 Summerset Way
Boise, ID 83709

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Heather Houle, Legal Assistant
McDEVITT & MILLER LLP

RECEIVED
JUN 21 2006
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 No. 39576

A. Subcase 63-9157

(Insert water right no.)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: NAMPA & MERIDIAN IRRIGATION DISTRICT

Address: 1503 First Street South
Nampa, Idaho 83651

Daytime Phone: 208-466-7861

Name & Address of Attorney, if any:
Daniel V. Steenson
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS'S REPORT

Name: Duane O Reilly Jr
Terri O Reilly

Address: 3825 Somerset Way
Boise, Idaho 83709

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. ☒ **Name and Address**
Should be: Disallowed. See below.
2. ☒ **Source**
Should be: Disallowed. See below.
3. ☒ **Quantity**
Should be: Disallowed. See below.
4. ☒ **Priority Date**
Should be: Disallowed. See below.
5. ☒ **Point(s) of Diversion**
Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
Should be: N/A
7. ☒ **Purpose(s) of Use**
Should be: Disallowed. See below.
8. ☒ **Period of Year**
Should be: Disallowed. See below.
9. ☒ **Place of Use**
Should be: Disallowed. See below.
10. ☒ **I object because:**
 - ☒ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION (S):** This claimed water right is within the boundaries of Nampa & Meridian Irrigation District ("NMID") and the source of said claim is a drain which was constructed or enlarged by or for NMID. Said drain is owned, operated, maintained and controlled by NMID and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by NMID. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

S. Bryce Farris

Subscribed and sworn to before me on: April 20, 2021



Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/01/15

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 20th, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the Claimant of the water right at the following address:

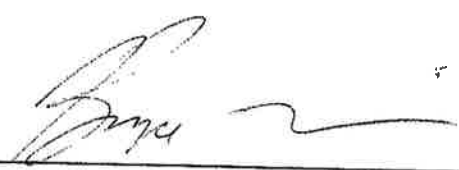
Name: Duane O Reilly Jr.
Terri O Reilly
Address: 3825 Somerset Way
Boise, Idaho 83709

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

05/31/2005

NOTICE OF ERROR
REPLY

RECEIVED

JUN 13 2005

WATER RESOURCES
WESTERN REGION

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-9157

DUANE O REILLY JR
3825 SUMMERSET WAY
BOISE ID 83709
Telephone Number: (208)362-0127

TERRI O REILLY
3825 SUMMERSET WAY
BOISE ID 83709
Telephone Number: (208)362-0127

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 6-07-05 SIGNATURE: Duane O'Reilly Jr

Please print your name: DUANE O'REILLY JR

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

10/05/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF 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
4.500 AFY

PRIORITY DATE: 06/14/1978

POINT OF DIVERSION:

T03N R01E S27 NWSE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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 Within ADA County

T03N R01E S27 NWSE 1.0

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.

EXPLANATORY MATERIAL: License

PARCEL NO. R2847270190.

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



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R1E SECTION 27
Water Right(s) : 63-9157



1320 0 1320 Feet

TOTAL IRRIGATED ACRES = 1.0



-  Point of Diversion
-  Place Of Use
-  Quarter Quarter Lines
-  Section Lines

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared By: Vicky Music
Date: October 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9157 V1

WATER RIGHT NUMBER: 63-9157 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CAMERON G MURPHY 3825 SUMMERSET WY BOISE, ID 83709
Original Owner	ELLEN M MURPHY 3825 SUMMERSET WY BOISE, ID 83709
Current Owner	DUANE O REILLY JR 3825 SUMMERSET WAY BOISE, ID 83709
Current Owner	TERRI O REILLY 3825 SUMMERSET WAY BOISE, ID 83709

Priority Date: 06/14/1978

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
EIGHTMILE CREEK	FIVEMILE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.020 CFS	4.50 AF
<u>Total Diversion:</u>		0.020 CFS	4.50 AF

Location of Point(s) of Diversion

EIGHTMILE CREEK	NW1/4SE1/4	Sec. 27, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	01E	27														1.0			1.0

Total Acres: 1

Conditions of Approval:

1. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9157 V1

1. Explanatory PARCEL NO. R2847270190.
2. Explanatory PROPERTY IS ALSO KNOWN AS LOT 19, BLK 9, FIVE MILE ESTATES WEST #18.
3. Purpose of Use 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.

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal:
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	10/5/2004 2:50:42 PM	vmusic			Active
Priority Date	10/5/2004 2:51:30 PM	vmusic			Active
POD	10/5/2004 2:52:56 PM	vmusic			Active
Source	10/5/2004 2:54:32 PM	vmusic			Active
POU	10/5/2004 2:55:18 PM	vmusic			Active
Use	10/5/2004 2:56:45 PM	vmusic			Active
Season	10/5/2004 2:57:34 PM	vmusic			Active
Quantity	10/5/2004 3:07:07 PM	vmusic			Active
Summary			10/05/2004	vmusic	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
---------	-----------------	----------	----------

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9157 V1

POD	10/5/2004 2:52:56 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
POU	10/5/2004 2:55:56 PM	vmusic	Edited shape boundary
Contacts	10/5/2004 2:50:43 PM	vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW OF LICENSED RIGHT.
Priority Date	10/5/2004 2:51:30 PM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POU	10/5/2004 2:55:18 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Quantity	10/5/2004 3:07:08 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - SEE LICENSING EXAM.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-9157 V1

Summary	10/5/2004 3:09:48 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	10/5/2004 2:53:37 PM	vmusic	Edited point location
Source	10/5/2004 2:54:32 PM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	10/5/2004 2:56:46 PM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	10/5/2004 2:57:34 PM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

desktop review/vlm

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- NA ☒ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☒ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information none
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- NA ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-9157

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

*See licensing exam***OVERLAP REVIEW**Other water rights with the same point of diversion: *NO*

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

*NA**note shoulder remark: 3/1 - 11/15***WATER USES**☒ No change☐ Different Uses

Use *IVV* From *3/15* To *11/15* Amount *.02* CFS *clean 50 m 4.5* AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount *NA* CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																			1

Overlap with other water rights: no

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

no

Delivery System Narrative: see licensing exam

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Drill # R2847270190
property aka Lot 19 Blk 9 Five mile Estates W #18
504 son's water remark

AFTER EXAM THE FILE SHOULD CONTAIN:

- NAC
- ☒ Completed claim checklist
 - ☐ Photographs of POD's and POU
 - ☐ GPS readings
 - ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 10-5-04

FIELD EXAMINER: Wick Mosele

Over (ap NW/4) T3N R1E S27 SE/4

Bas	Seque	St	Basis	Status	Right ID	Priority	Dat	Rate(c	Volun	Source	Water Use	Owner(s)	Version			
63	7896		License	Active	346649	11/13/1973		0.25	181	GROUND	DOMESTIC	UNITED WATER IDAHO INC (Current)				
63	9157		License	Active	579277	6/14/1978		0.02	4.5	EIGHTMIL	IRRIGATIO	O REILLY, TERRI (Current); O REILLY JR, DUANE (Cu				
63	4226		Statutory C	Active	53292	7/1/1972		0.04		GROUND	DOMESTIC	WESTBROOK, RUSSELL F (Current)				
63	4374		Decreed	Active	142331	1/29/1973		0.04		GROUND	DOMESTIC	SCURLOCK, RODERICK H (Current); SCURLOCK, RU				
63	7896		License	Active	55430	11/13/1973		0.25	181	GROUND	DOMESTIC	UNITED WATER IDAHO INC (Current)				
63	9157		License	Active	56695	6/14/1978		0.02	4.5	EIGHTMIL	IRRIGATIO	MURPHY, CAMERON G (Current); MURPHY, ELLEN M				
63	9731		License	Active	57273	5/7/1981		0.02	3.6	EIGHTMIL	IRRIGATIO	DORAN, JASON G (Current); DORAN, STACY L (Curre				
63	10507		License	Active	58046	6/17/1987		0.03	3.6	EIGHTMIL	IRRIGATIO	FOGG, JOHN C (Current); FOGG, SHARON K (Current)				
63	15052		Decreed	Active	378510	12/31/1978		0.04		GROUND	DOMESTIC	STEWART, RAMON (Current)				
63	15915		Decreed	Active	147699	10/4/1972		0.06		GROUND	DOMESTIC	BERRY, SHELLEY L (Current)				
63	16048		Decreed	Active	377310	12/31/1974		0.04		GROUND	DOMESTIC	WILLEY, CHRISTINA B (Current); WILLEY, W DOANE (				
63	16143		Decreed	Active	147706	10/27/1972		0.04		GROUND	DOMESTIC	JOHNSON, DONALD LEE (Current); JOHNSON, F YVO				
63	16310		Decreed	Active	377795	11/25/1972		0.06		GROUND	DOMESTIC	LABRUM, EVELYN P (Current); LABRUM, OWEN A (Cu				
63	16762		Decreed	Active	377960	7/1/1972		0.05		GROUND	DOMESTIC	NISBETT, ROBERT S (Current); NISBETT, SHARON L (				
63	17215		Decreed	Active	379016	1/1/1973		0.06		GROUND	DOMESTIC	RUBELT, GAIL (Current); RUBELT, JUSTIN (Current)				
63	17437		Decreed	Active	379069	5/1/1972		0.04		GROUND	DOMESTIC	COMPTON, KAREN I (Current); COMPTON, MARTIN B				
63	17465		Decreed	Active	379089	8/1/1971		0.04		GROUND	DOMESTIC	HORTON, ARTHUR J (Current); HORTON, NORMA (Cu				
63	17515		Decreed	Active	379108	5/15/1973		0.04		GROUND	DOMESTIC	RARDIN, MARION A (Current)				
63	17667		Decreed	Active	379199	5/31/1973		0.06		GROUND	DOMESTIC	FRISCH, DONNA B (Current); FRISCH, MARVIN C (Cur				
63	17762		Decreed	Active	379245	9/13/1972		0.04		GROUND	DOMESTIC	MOGENSEN, KRISTINE K (Current); MOGENSEN, MIC				
63	18083		Decreed	Active	380134	1/7/1972		0.04		GROUND	DOMESTIC	CATLIN, JANET (Current); CATLIN, WILLIAM R (Curren				
63	18248		Decreed	Active	380215	6/1/1973		0.04		GROUND	DOMESTIC	CAPPORELLI, JOHN (Current); CAPPORELLI, JUDY (C				
63	18280		Decreed	Active	147014	5/20/1973		0.06		GROUND	DOMESTIC	TEEL, DIANE L (Current); TEEL, PAUL L (Current)				
63	19362		Decreed	Active	373267	7/31/1973		0.04		GROUND	DOMESTIC	MC DONALD, JAMES (Current); MC DONALD, JEANET				
63	19950		Decreed	Active	378343	6/1/1972		0.04		GROUND	DOMESTIC	HARRIS, ALLEN A (Current); HARRIS, PAT H (Current)				
63	21880		Decreed	Active	148352	4/15/1985		0.06		GROUND	DOMESTIC	NEULS-SOFALY, CHRISTY (Current); SOFALY, JUSTI				
63	21971		Decreed	Active	197381	5/27/1974		0.04		GROUND	DOMESTIC	FLOWER, IRMA E (Current); FLOWER, WILBUR D (Cur				
63	22472		Decreed	Active	194142	11/1/1973		0.04		GROUND	DOMESTIC	GIVENS, JAMES E (Current); GIVENS, M EILEEN (Curre				
63	22552		Decreed	Active	147721	4/17/1972		0.04		GROUND	DOMESTIC	RUSSELL, MARLENE J (Current); RUSSELL, ROBERT				
63	22649		Decreed	Active	147781	7/1/1974		0.04		GROUND	DOMESTIC	MC GUIRE, DELBERT (Current)				
63	22669		Decreed	Active	148441	10/1/1972		0.06		GROUND	DOMESTIC	WHIPPLE, RONALD E (Current); WHIPPLE, TERI L (Cu				
63	22779		Decreed	Active	147956	6/1/1974		0.06		GROUND	DOMESTIC	KOZAKIEWICZ, CINDY (Current); KOZAKIEWICZ, VINC				
63	22823		Decreed	Active	147983	1/10/1974		0.06		GROUND	DOMESTIC	SLADE, LEONA B (Current); SLADE, MAX B (Current)				
63	23883		Decreed	Active	141763	7/26/1972		0.04		GROUND	DOMESTIC	MC LAUGHLIN, JERRY L (Current); MC LAUGHLIN, MA				
63	27461		Decreed	Active	120949	3/15/1972		0.04		GROUND	DOMESTIC	MC GOWAN, BARBARA J (Current); MC GOWAN, STA				
63	27499		Decreed	Active	120978	1/1/1975		0.04		GROUND	DOMESTIC	TENNYSON, JAMES T (Current); TENNYSON, PATRIC				
63	12568			Active	547802	3/1/2000		0.1		EIGHTMIL	IRRIGATIO	MASCHMANN, CHRISTINE (Current); MASCHMANN, R				

Overlap within T3N R1E S27 NWSE

Search Information - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Home Search Favorites Media Links Yahoo! Shortcut to Internet Explorer Customize Links IDWR Workflow

Address http://wenet/apps/appsMisc/infoSearch.asp Go

Information Search (WR/AJ)

Basin	Seque...	Suffix	Versio...	Source Table	Basis	Status	Priority Date	Di...	Source List	Water Use List	Owner List	Applic...
63	7896			wrAdjudication...	License	Active	1973-11-13	0.25	GROUND WA...	DOMESTIC	UNITED WAT...	
63	9157			wrAdjudication...	License	Active	1978-06-14	0.02	EIGHTMILE C...	IRRIGATION	O REILLY, TE...	
63	7896			wrWaterRight	License	Active	1973-11-13	0.25	GROUND WA...	DOMESTIC	UNITED WAT...	
63	9157			wrWaterRight	License	Active	1978-06-14	0.02	EIGHTMILE C...	IRRIGATION	MURPHY, CA...	
63	9731			wrWaterRight	License	Active	1981-05-07	0.02	EIGHTMILE C...	IRRIGATION	DORAN, JASO...	
63	10507			wrWaterRight	License	Active	1987-06-17	0.03	EIGHTMILE C...	IRRIGATION	FOGG, JOHN C...	
63	12568			wrWaterPermit		Active	2000-03-01	0.10	EIGHTMILE C...	IRRIGATION, ...	MASCHMANN,...	

The number of records is 7

View Documents Print Proof Report Print Transfer Part 2

Parameters Results

Done Local intranet

Start Links Yahoo! Shortcut to Internet Explorer 2:36 PM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-9157

WATER RIGHT NUMBER: 63-9157

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CAMERON G MURPHY 3825 SUMMERSET WY BOISE, ID 83709
Original Owner	ELLEN M MURPHY 3825 SUMMERSET WY BOISE, ID 83709
Current Owner	DUANE O REILLY JR 3825 SUMMERSET WAY BOISE, ID 83709
Current Owner	TERRI O REILLY 3825 SUMMERSET WAY BOISE, ID 83709

Priority Date: 06/14/1978 ✓

Basis: License ✓

Status: Active

<u>Source</u>	<u>Tributary</u>
EIGHTMILE CREEK ✓	FIVEMILE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION ✓	3/15 to 11/15 ✓	0.020 CFS ✓	4.50 AF ✓
<u>Total Diversion:</u>		0.020 CFS	4.50 AF

<u>Location of Point(s) of Diversion</u>		
EIGHTMILE CREEK ✓	NW1/4SE1/4	Sec. 27, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use
IRRIGATION Within ADA County ✓
 T03N R01E S27 NWSE 1.0 ✓
 Total Acres: 1

Conditions of Approval:Remarks:

1. General Fees paid under receipt no. W031963
2. Explanatory PROPERTY IS ALSO KNOWN AS LOT 19, BLK 9, FIVE MILE ESTATES W. #8.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-9157 Priority June 14, 1978 Amount .02 cfs

THIS IS TO CERTIFY, that CAMERON G. &/OR ELLEN M. MURPHY
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 63-9157 issued pursuant to Application for Permit dated June 14, 1978
and has submitted proof to the Department of Water Resources on _____
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of .11 cfs of water from Eight Mile Creek
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>March 15</u> to <u>November 15</u> at <u>.02</u> cfs and <u>4.5</u> acre feet		
	from _____ to _____ at _____ cfs and _____		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than .02 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
4.5 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27, T. 3N,
R. 1E in the County of Ada

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NEW	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
3N	1E	27																	1

Total number of acres irrigated 1

Use of water under this license is subject to control by the watermaster of
State Water District No. 63, Boise River.

Point of Diversion and Point of Use: Lot 19, Block 9, Five Mile Estates West #8.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24TH day of
May, 19 82.

Acting for the Director

Norman C. Young

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-9157

WATER RIGHT NUMBER: 63-9157

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	CAMERON G MURPHY 3825 SUMMERSET WY BOISE, ID 83709
Original Owner	ELLEN M MURPHY 3825 SUMMERSET WY BOISE, ID 83709
Current Owner	DUANE O REILLY JR 3825 SUMMERSET WAY BOISE, ID 83709
Current Owner	TERRI O REILLY 3825 SUMMERSET WAY BOISE, ID 83709

Priority Date: 06/14/1978 /

Basis: License /

Status: Active

<u>Source</u>	<u>Tributary</u>
EIGHTMILE CREEK	FIVEMILE CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15 /	0.020 CFS	4.50 AF
	<u>Total Diversion:</u>	0.020 CFS	4.50 AF

Location of Point(s) of Diversion

EIGHTMILE CREEK	NW1/4SE1/4	Sec. 27, Twp 03N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION Within ADA County

T03N R01E S27 NWSE 1.0

Total Acres: 1

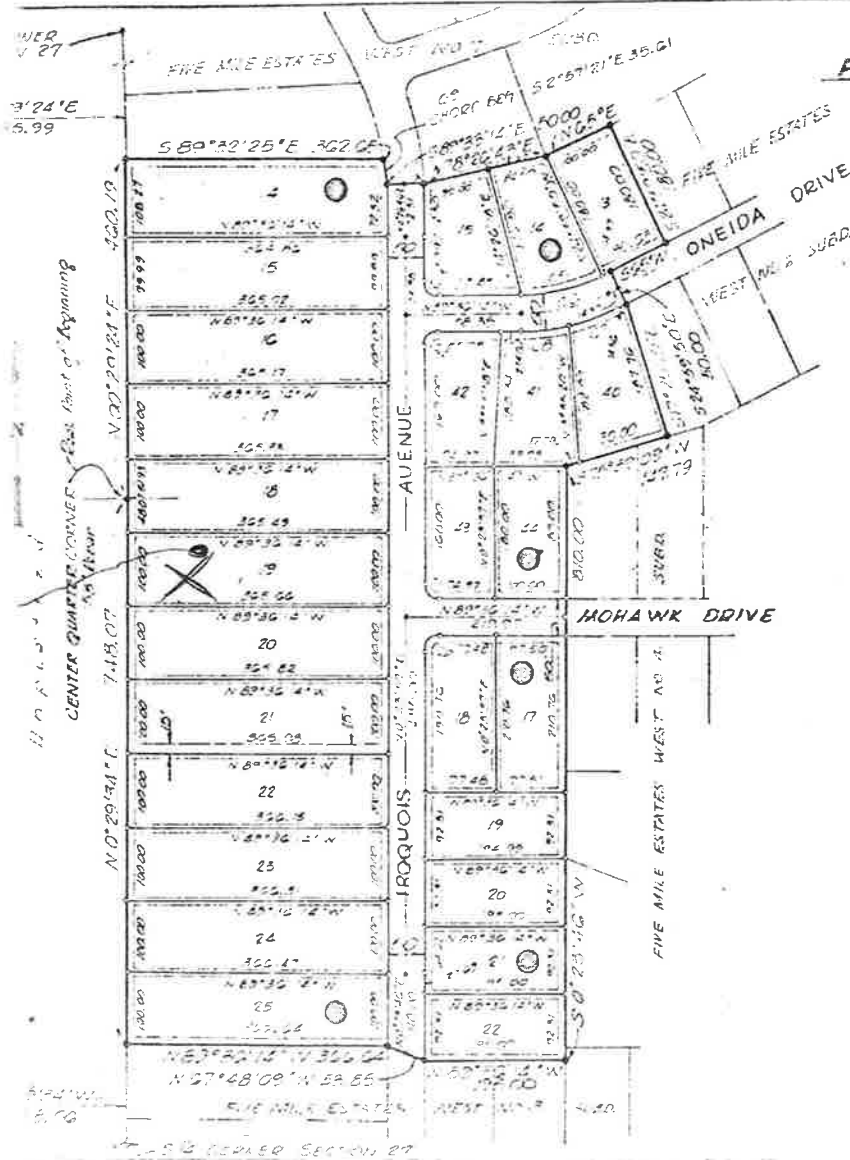
Conditions of Approval:

Remarks:

1. General Fees paid under receipt no. W031963
2. Explanatory PROPERTY IS ALSO KNOWN AS LOT 19, BLK 9, FIVE MILE ESTATES W. #8.

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

Pd & Place of Use

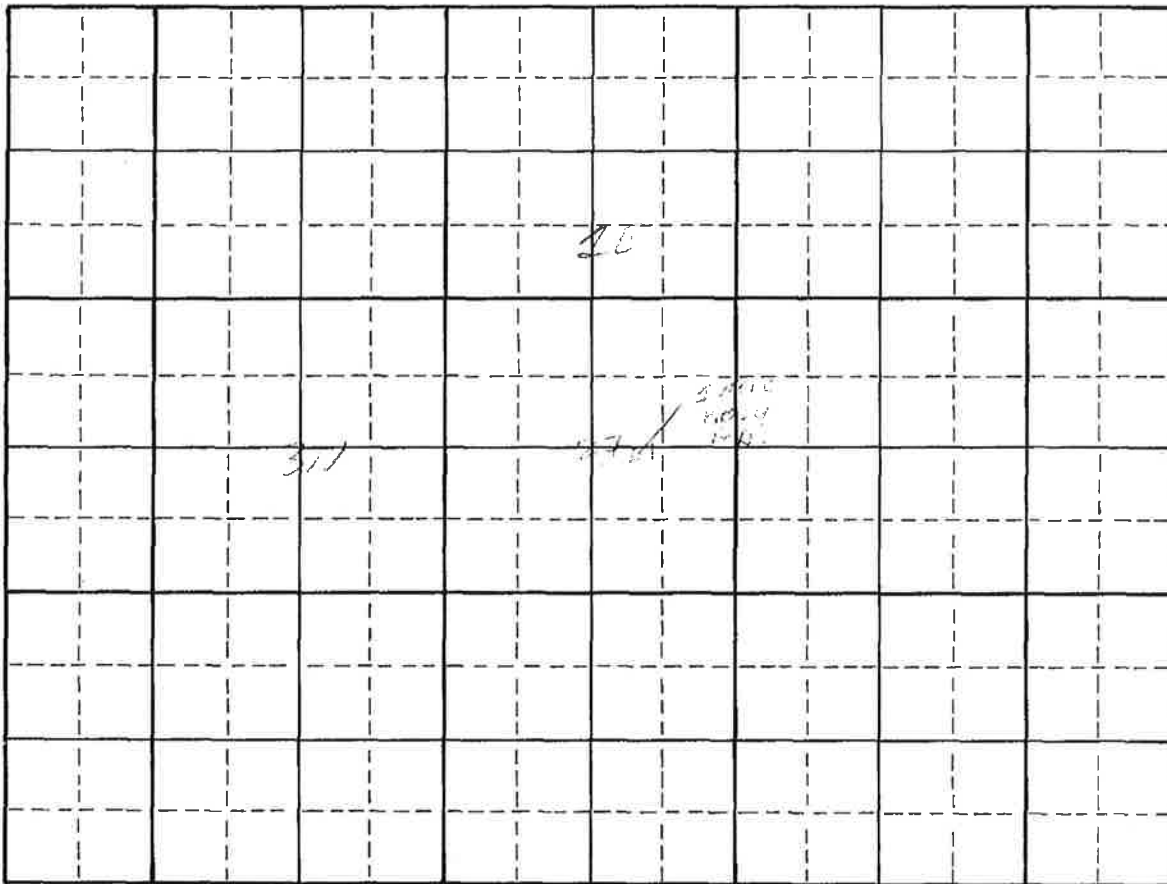


Book 37
Page 3112

(Applicant)

Edgar M. Murphy

MAP (Attach Aerial Photo)



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)

Point(s) of diversion: NW 1/4 S77 34 1E

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
34	1E	27																	1

Recommendations/Amendments:

☐ Change as reflected above

☐ Add P.D. as reflected above

☐ None

☐ Change as reflected above

☐ Add P.U. as reflected above

☐ Other

Examined Signature

Date

Checked by

Date

Approved by

Date

6/25/82 5/7/82 4/24/82 4/24/82