

RECEIVED

March 17, 2006

MAR 20 2006
DEPARTMENT OF
WATER RESOURCES

Mr. Carter Fritschle
Water Rights Supervisor
Idaho Dept. of Water Resources
P.O. Box 83720
Boise, ID 83707-9815

Dear Mr. Fritschle:

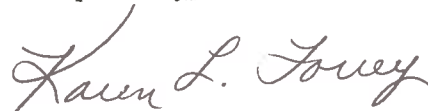
I am writing this letter to inform you that my mother, Mary J. McClusky is deceased. The property in Valley County that is attached to the Water Right Number 77-4075 is now owned by myself and my siblings. I was executor of my mother's estate and I manage matters with regards to this piece of property. This notice was forwarded onto me this week so I apologize for not meeting the March 3rd deadline.

Please make an address change attached to the Water Right Number 77-4075 to the following address:

Karen L. Forrey
1952 S. Wilde Creek Way
Boise, ID 83709

I am also enclosing the signed "Notice of Error Reply" affirming agreement of the proposed recommendation. Only an address change needs to be made in this case. Thank you for your attention to this matter. If you have any questions for me, you can reach me at (208) 362-6007.

Respectfully,



Karen L. Forrey

SCANNED

MAR 20 2006

01/05/2006

NOTICE OF ERROR
REPLY

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: March 3, 2006

Water right number: 77-4075

MARY J MC CLUSKY
123 FILLMORE ST
TWIN FALLS ID 83301-5207

*Change of address -
See attached letter*

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:

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

DATE: 3/17/06 SIGNATURE: Karen L. Forrey
Please print your name: KAREN L. FORREY

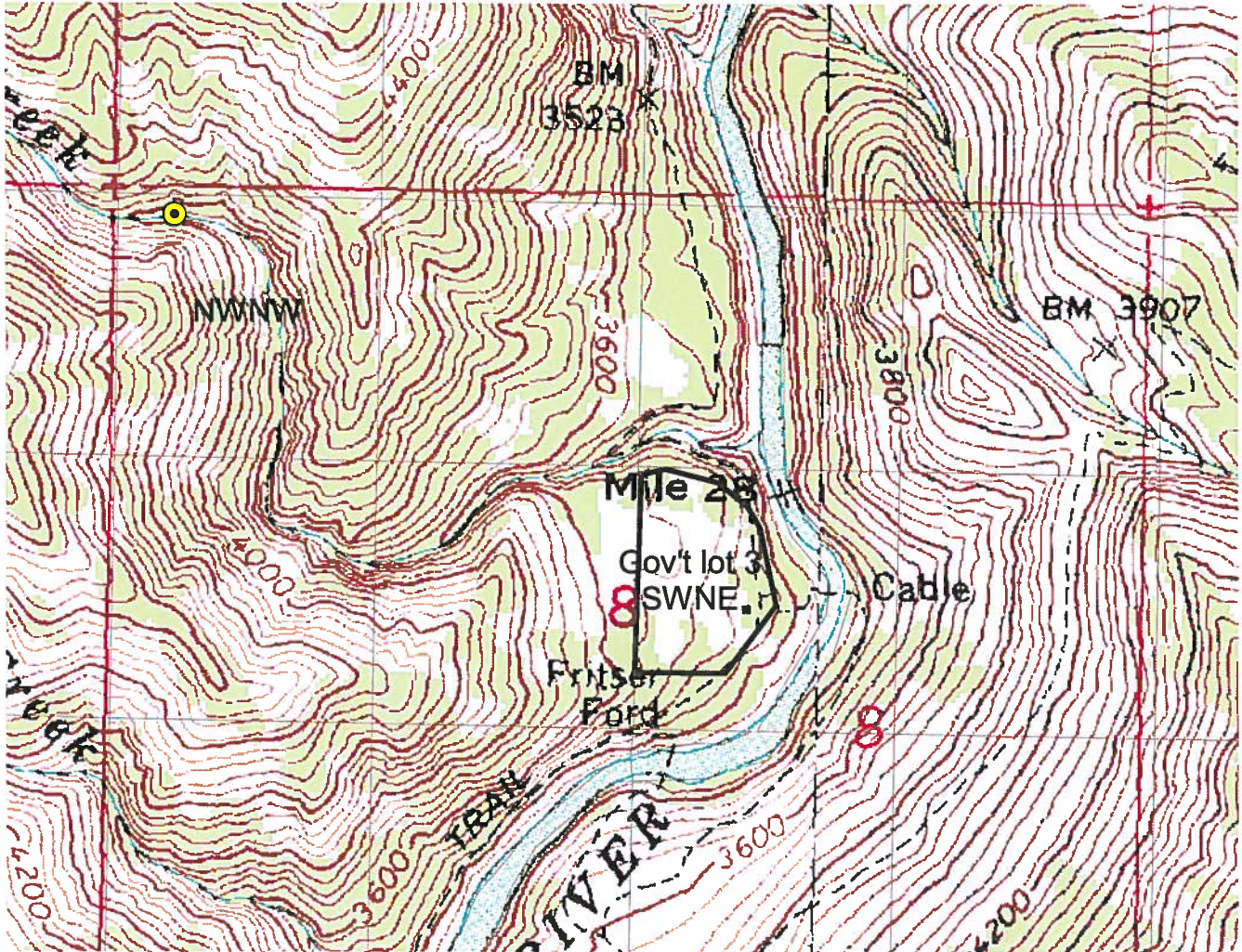
IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

*Address changed 3-21-06 at
change of ownership form sent.*

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-4075



0 500 1000 Feet

Section 8
T20N R7E



● Point of Diversion

□ Place of Use

Map prepared on December 1, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

77-4075

Attorney, John Rasholt called, 8-16-05,

could find file - However, He contacted Mrs. Wayne Fawcett
of Nampa, (daughter of claimant). There is also a son

Dr. David McClusky of Twin Falls.

Mary McClusky (claimant) is deceased.

The property is Vacation Property.

Attorney's ^{tl} in Twin → 733-0700

**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 A77-04075

Date Received _____

Receipt Number

500 3843

SCC

RECEIVED
NOV 23 1988
No ✓

Department of Water Resources
Western Regional Office

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED
NOV 15 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) MARY J. McCLUSKY Phone (208) 733-6909Mailing Address 123 Fillmore, Twin Falls ID Zip 833012. Date of Priority (Only one (1) per claim) 01-01-18983. Source of water supply (a) FRITSER CREEKwhich is tributary to (b) SALMON RIVER, SOUTH FORK4. a. Location of existing point of diversion is: Township 20N Range 07E Section 8,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of VALLEY

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 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.

SLUICE BOX, PIPE & GRAVITY IRRIGATION(EARTHEN DITCH FROM POINT OF DIVERSION TO SLUICE BOX.)

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6. Water is claimed for the following purposes:

		(both dates are inclusive)		(cfs)		(acre feet)
For	DOMESTIC	purposes from 01-01 to 12-31	amount	.02	or	
For	STOCK	purposes from 01-01 to 12-31	amount	.02	or	
For	IRRIGATION	purposes from 04-01 to 11-01	amount	.30	or	
For		purposes from to	amount		or	

7. Total quantity claimed (a) .34 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is N/A acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) ONE HOUSEHOLD; 10 RANGE CATTLE

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
20N	07E	8			D/S 15														15

Total number of acres irrigated 15

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

12. Do you own the property listed above as place of use? Yes XXXX No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. or None (X)

14. Remarks:

Last Name McCLUSKY Ident No. A77-04075

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Copies: White -State, Yellow-Claimant
OCT 05 1992

15. Basis of Claim (check one) Beneficial Use S Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 77-04075
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

X Signature of Claimant (s) Mary J. McCluskey Date Nov. 14, 1988
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
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 _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day of NOVEMBER 19 88

SEAL

Notary Public John A. Rosholt

Residing at Twin Falls

My Commission Expires 1989

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, John A. Rosholt 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 John A. Rosholt

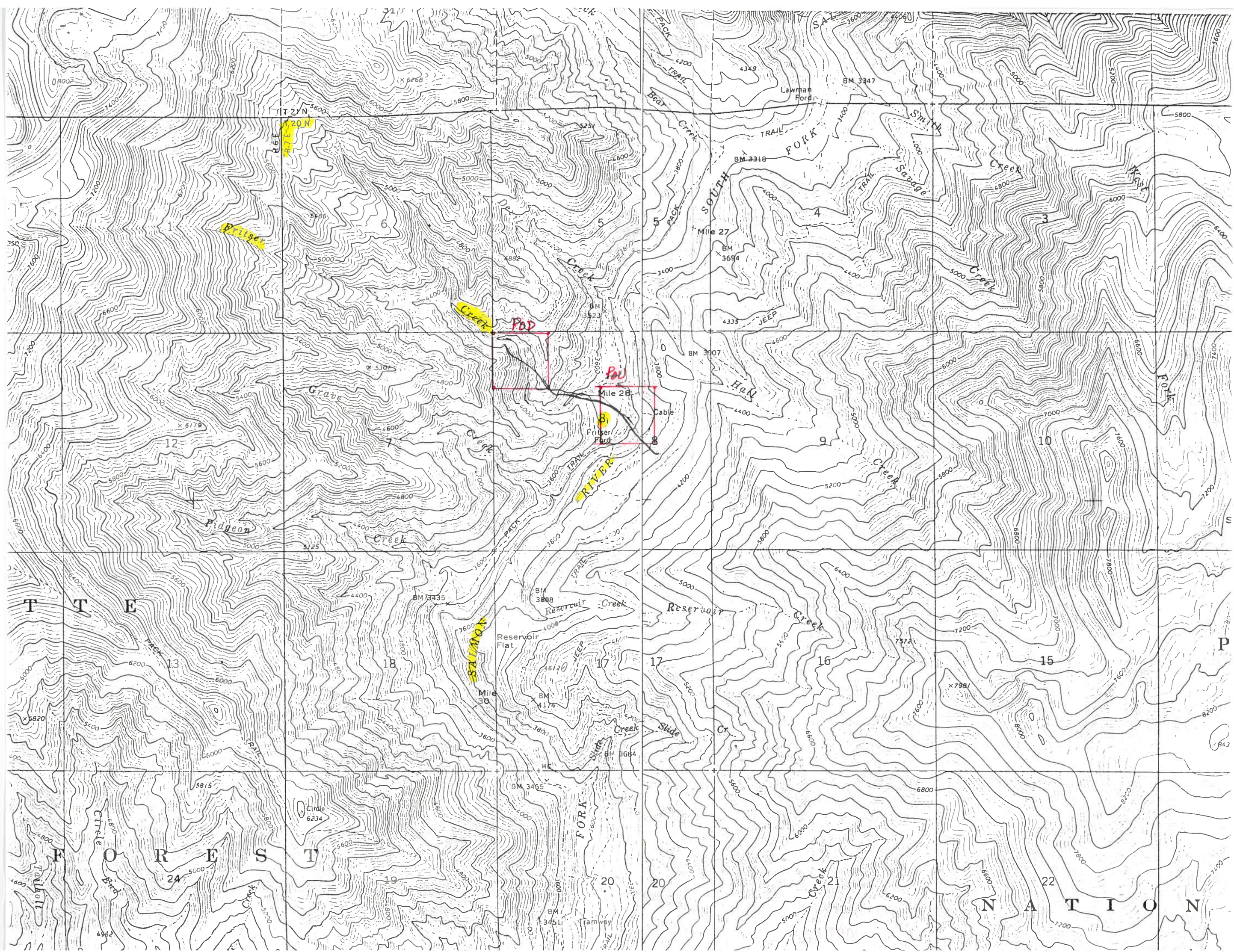
Address P.O. 1906, Twin Falls, Id 83301

Date 11/14/88

Last Name McCLUSKY Ident. Number A77-04075

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Copies White-Stats, Yellow-Claimant





Jim Zimmerman
1014 Reams Road
Moscow, ID 83843
(208) 882-1383

August 4, 2005

John A. Rosholt
Barker, Rosholt & Simpson LLP
113 Main Ave. W. Ste303
Twin Falls, ID 83301

COPY

Dear Mr. Rosholt,

My name is Jim Zimmerman and I am doing Snake River Basin Adjudication (SRBA) contract work for the Idaho Department of Water Resources (IDWR).

One of the claims assigned to me, number 77-4075, lists you as the legal representative for Mary J. McClusky, the owner of record listed on the claim. The claim is located in Valley County, Twp 20N, Rge 07E, Sec 8, B.M., along Fritser Creek, tributary to the South Fork of the Salmon River.

I want to schedule a time when I can conduct an on site field exam with a representative of Ms. McClusky. If I do not here from you by Friday, August 19, 2005, I will contact Ms. McClusky directly to schedule an exam time.

If you have any questions, please contact me.

Sincerely,

Jim Zimmerman

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: A77-04075
Date Received: 11/16/1988
Receipt No: S003843
Received By: SCC

RECEIVED

NOV 23 1988

No ✓

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARY J. MCCLUSKY
Address: 123 FILLMORE
TWIN FALLS, ID

208-733-6909

83301

2. Date of Priority: JAN 01, 1898

3. Source: FRITSER CREEK

Trib. to: SALMON RIVER, SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
20N	07E	8	NW	NW	NW		VALLEY

5. Description of diverting works:
SLUICE BOX, PIPE & GRAVITY IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.340 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME S/10 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
20N	07E	8	SW	NE	3	IRR	15.0

A77-04075

Page 1

Date: 11/16/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
20N	07E	8	SW	NE	3	DOMEST
			SW	NE	3	STOCK
					Section Acres	15.0
					Total Acres	15.0

11. Place of use in counties: VALLEY

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: _____

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

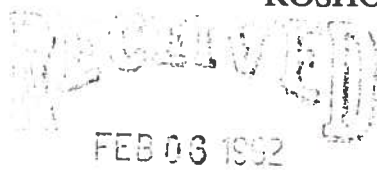
Residing at _____

My Commission Expires _____

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA



Department of Water Resources
Western Regional Office

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN STREET, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 334-6034

February 5, 1992

Attention: Adjudication Secretary
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RE: SRBA CLAIMS IN THE WESTERN REGION

Dear Adjudication Secretary:

The attached is a list of our clients for whom we filed claims in the SRBA, and who by signing and returning a letter to our office, have requested that we continue to represent them in the adjudication process.

The claims highlighted identify those we filed in your region. Please check these claims and make certain that we are shown on your computer as representative, in order for us to receive the mailings from the department and perform the required service for our clients in a timely manner.

Yours truly,

A handwritten signature in cursive script that reads "Crystal Vincent".
Crystal Vincent

CV:mw
02059207.CV

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OCT 05 1992

THE FOLLOWING LIST OF CLAIMANTS HAVE RETURNED SIGNED FORMS INDICATING THEY WISH THIS FIRM TO CONTINUE TO REPRESENT THEIR INTEREST IN THE SRBA.

<u>CLAIMANTS NAME</u>	<u>BASIN</u>
L. L. Breckenridge Co., John Breckenridge A37-07558; A47-12155; A71-00064A; A71-00069	37; 47; 71
Buckeye Farms, Inc.; Buckeye Land Co.: A36-00001 A36-00002; A36-00003H; A36-00015; A36-00016; A36-00017; A36-00018; A36-00046; A36-11146	36
Joseph Cirillo; Assigned to Bruce McCaw A37-00539D; A37-00539F; A37-12110	37
ECD, Inc.; Sagewillow, Inc. A34-10118; A37-07168; A37-07416B; A37-12209	34; 37
4th of July Creek Ranch, Inc., Ranney Draper A71-02047; A71-02054; A71-04018	71
Flying Triangle, Inc./William Brailsford A36-00030; A36-07762; A36-11142; A36-11143; A36-11144; A36-11145; A37-10152	36; 37
Thomas M. Hamilton A65-02817	65
Jones Corporation A47-02047; A47-02153; A47-02285; A47-12242; A47-12257; A47-12269; A47-12277; A47-12280; A47-12292; A47-12295	47
KMVT Broadcasting A36-10965	36
Robert McCabe A37-02544A(B)	37
Mary J. McClusky A77-04075	77
Magic Valley Distributing, Inc. A36-08018	36
Jon Mellen A37-00239D; A37-00607D; A37-00608D; A37-07191 A37-07379; A37-07476; A37-12914	37
Milner Irrigation District A01-00009; A01-00017; A01-00463; A01-02050; A01-02064B; A01-02068D; A45-04171; A45-11897; A45-11898	01; 45
Robert L. Mitchell A37-00539I; A37-12207	37

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RE: In Re the General Adjudication of Rights to the Use of
Water from the Snake River Basin Water System, Case
No. 39576, District Court for Twin Falls County, Idaho

Claimant: Mary J. McClusky

Claim No.(s): A77-04075

Yes It is my desire that the law firm of Rosholt,
Robertson & Tucker enter an appearance on my behalf in the
Adjudication and represent my interest in the Adjudication
process.

DATED this 31st day of December 1991.

Mary J. McClusky

It is not my desire that the law firm of Rosholt,
Robertson & Tucker represent my interest in the Adjudication
process.

DATED this _____ day of _____, 1991.

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OCT 05 1992