

10/07

Water Right No. #77-04075

FEE \$100.00

RECEIVED

FEB 16 2010

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHTJef
3/19/10

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Mrs. Mary J. McClusky (NOTE: Mary McClusky is now deceased, see change of ownership form)

2. Mailing address 1952 S. Wilde Creek Way, Boise, Idaho 83709 Email nurse4e@cablone.net

3. The right was obtained or is evidenced by:

a. Decree to Mary J. McClusky C/O Karen L. Forrey in Case of Water Right #77-04075

vs. State of Idaho Water Resources, Dated October 13, 2006 in SRBA Twin Falls County

Court, County of Twin Falls fully describe decree: Partial Decree pursuant to I.R.C.P. 54 (b) for water right #77-04075 in SRBA Case # 39576

b. License No. ??? (Unsure of this) c. Claim No. 77-04075 d. SRBA No. 39576

4. Source of water Fritser Creek (a perennial stream) tributary to South Fork of the Salmon River

5. Date of priority of right January 1, 1898

6. Description of Right:

amount 0.30 CFS for agricultural irrigation water purposes from April 1 to October 31

amount 0.02 CFS for livestock water purposes from January 1 to December 31

amount 0.02 CFS for domestic drinking water purposes from January 1 to December 31

7. Point of Diversion SE 1/4 of the NW 1/4 of Sec. 08 Township. 20N Range. 07E County Valley

8. Lands irrigated or Place(s) of Use: NW NW 1/4 NW

Fritser Ranch is located in both the NW 1/4 and the SW 1/4 of the NE quarter of Section 8, T20N, R7E, BM.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	07E	08			X														15 AC agriculture
20N	07E	08		X	X														44 AC livestock
20N	07E	08		X	X														44 AC domestic

All in 

Total Acres 44 ACRES Total Ranch

(15 AC irr)

AMENDED

9. Give the last date when water was put to beneficial use October 16, 2009. (This was for domestic water withdrawn by hand from Fritser Creek and carried in buckets to our house)

Length of extension of time requested FIVE years, or until March 29, 2016

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use: Our family has continually owned the Fritser Ranch in Valley County Idaho since 1898. Our 44 acre ranch is located on the South Fork of the Salmon River with Fritser Creek running right through our ranch property. Since 1898 our family has drawn water from Fritser Creek to water our crops, water our livestock and provide domestic water to the property. In 2007, the Zena Creek wildfire in the Payette National Forest totally burned our intake structure within Fritser Creek and the transmission pipe system which enabled us to water our pasture, orchard crops and receive domestic water to our home. The historical road access to our property has been closed by the Payette National Forest. Presently our only access is by a 5 mile long foot trail. In 2008, we attempted to begin the rebuilding process to our water system, however my husband fell off of the trail leading to our ranch suffering life threatening injuries. We are trying to re-establish reasonable access again to our property so we don't have to only use the five mile trail to carry heavy materials (pipe, concrete & steel) to our property. We are in the process of re-establishing reasonable access to our property, but it is taking longer than expected. I don't believe I can meet the date of March 29, 2011 to get the water system up and running. For this reason, I am requesting an extension to rebuild our water system within the 5 year beneficial use period which would be from 3/29/11 to 3/29/16.

The information contained in this application is true to the best of my knowledge.

Karen L. Forey

(Signature of Applicant)

Subscribed and sworn to before me this 29th day of JANUARY, 20 10

AMANDA R WILSON
Notary Public
State of Idaho

Amanda R Wilson

(Notary Public)

My commission expires 04/24/2015 Residing at JPMORGAN CHASE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby approve said application subject to the following conditions or reasons:

The right holder shall resume beneficial use of water on or before October 31, 2016.

Signed this 28th day of July, 20 10

[Signature]
Chief, Water Allocation Bureau

FOR DEPARTMENT USE ONLY

Date Received 2-16-2010 FEE Received by DB Date 2-16-2010 Receipt # W038139

Preliminary T by SL Publication prepared by DB Pub. approved by _____ Date _____

Published in STAR NEWS Dates Published APRIL 1 & 8, 2010

Protests filed by _____

Copies of protests forwarded by _____ Hearing held by _____ Date _____

Recommended for - APPROVAL / DENIAL By _____

* *is original signature per Karen Forey confirmation 3/19/10. -SL*

SCANNED

MAR 25 2010