

Norton
McClinsky
922-12155

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

RECEIVED

Ident. Number: A22-12155
Date Received: 4/12/1989
Receipt No: C002802
Received By: _____

MAY 5 1989

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	BOYD E. NORTON	303-674-3009
Address:	P.O.BOX 2605	
	EVERGREEN, CO	80439
OR		
Name:	BARBARA NORTON	303-674-3009
Address:	P.O.BOX 2605	
	EVERGREEN, CO	80439
OR		
Name:	ALFRED M. MC GLINSKY	208-465-0404
Address:	12713 BENNETT LANE	
	NAMPA, ID	83651
OR		
Name:	LEE MC GLINSKY	208-465-0404
Address:	12713	
	NAMPA, ID	83651

A2212155



2. Date of Priority: DEC 31, 1965

3. Source: RAMMEL HOLLOW Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	44E	6	NW	SW	SW		TETON

5. Description of diverting works:
NONE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
STOCKWATER	04/01	11/01	0.040		
IRRIGATION	04/15	10/15	0.300		

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

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A.F.A.

Date: 04/12/89

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8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:

TWO HOUSE HOLDS, FIVE HORSES, THREE LLAMAS, TWENTY-FIVE BEEF

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	44E	6			STOCK	
					STOCK	
					STOCK	
					DOMEST	
			NW	NW	DOMEST	
			SW	NW	IRR	5.0
			SE	NW	DOMEST	
			NE	SW	IRR	5.0
			NW	SW	DOMEST	
			SW	SW	DOMEST	
			SE	SW	IRR	5.0
			SW	SE	DOMEST	
					Section Acres	15.0
					Total Acres	15.0

11. Place of use in counties: TETON

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: BENEFICIAL USE

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 _____

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 422-12155Date Received 10-05-88Receipt Number 002802

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1) BARBARA OR BOYD E. NORTON AND/OR
1. Name of Claimant (s) 2) LEE OR ALFRED M. MCGLINSKY
1) P.O. BOX 2605, EVERGREEN, CO
Mailing Address 2) 12713 BENNETT LANE, Nampa, ID
1) (303) 674 3009
Phone 2) (208) 465 0404
1) 80439
Zip 2) 83651

2. Date of Priority (Only one (1) per claim) PRE 1966

3. Source of water supply (a) RAMMELL CREEK HOLLOW
which is tributary to (b) SINKS TRIBUTARY TO TETON RIVER

4. a. Location of existing point of diversion is: Township 5N Range 44E Section 6,
NW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, 7 B.M., County of TETON

Additional points of diversion if any: _____

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

Township 5N Range 44E Section 6, NW 1/4 of SW 1/4 of SW 1/4,

Govt. Lot 7 B.M., County of TETON

ending point is: Township 5N Range 44E Section 6, SE 1/4 of SE 1/4 of
NW 1/4, Govt. Lot _____ B.M., County of TETON

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.

1) PRIOR DWELLINGS AND DOMESTIC USES ARE IN EVIDENCE.

2) INSTREAM STOCK WATER

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For DOMESTIC + IRRIGATION purposes from JAN 1 to DEC 31 amount .08 or _____

For STOCK WATER purposes from APR 1 to NOV 1 amount .04 or _____

For IRRIGATION purposes from APR 15 to OCT 15 amount .30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 0.42 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 30 ~~de minimus~~ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2 HOUSEHOLDS; 5 HORSES, 3 LLAMAS, 25 RANGE CATTLE

SINGLE OWNERSHIP

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

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	
5N	44E	6						D+S	5 ACRES D+S	D+S	5 ACRES D+S	D+S	D+S	5 ACRES D+S			D+S		15
6N	44E	31									LOT 3 D+S	LOT 4 D+S	X				X		3,4

Total number of acres irrigated 400 15

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

12. Do you own the property listed above as place of use? Yes ☒ 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 (✓)

14. Remarks:

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Last Name NORTON ^{AND/OR} MCGLINSKY Ident No. 422-12155

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

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.

Signature of Claimant (s) Alfred M. McGlinsky Date 5 Oct 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 Canyon) SS.

Subscribed and sworn (or affirmed) before me this 5th day of October 19 88

SEAL

Notary Public W.D. Wallace

Residing at Caldwell, Id

My Commission Expires Aug 1, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 6 1992

Last Name NORTON ^{NO} McGLINSKY Ident. Number A22-12155

Copies White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 22, 1988

Tolson CD

Mr. Alfred M. McGlinsky
12713 Bennett Lane
Nampa, ID 83651

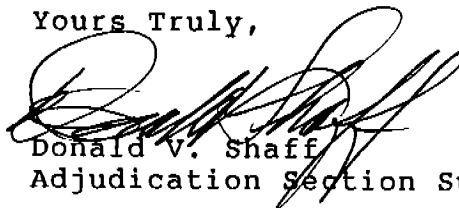
Dear Mr. McGlinsky:

We have conducted a computer search for water rights on the lands you described in the legal description provided to us on September 14, 1988. We have find no records of any filing on those lands.

We do find that the prior owner, Mr. Adrian H. Cook has filed water rights in the past, but not in relation to the lands you now own. As was explained to you when you visited the office, this search does not rule out any water rights that may have been established by Mr. Cook through the beneficial use of the water. These uses would constitute valid rights, but the rights may never have been recorded in our office. We, of course, have no way of knowing what water usage you or your predecessors may have developed and you will need to search out any beneficial use rights on your own.

I am enclosing several forms for your possible use. If we can be of any further help, please do not hesitate to contact this office.

Yours Truly,



Donald V. Shaff
Adjudication Section Supervisor

DVS:db

Enclosures

Short Form - 2

Long Form - 4

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12713 Bennett Lane
Nampa, Idaho 83405
Sept. 14, 1988

R. Kieth Higgenson, Director
Idaho Dept. of Water Resources
1301 Orchard Ave.
Boise, ID 83706

RECEIVED

SEP 14 1988

Dear Mr. Higgenson:

Department of Water Resources

Hand-Delivered

Yesterday I was in to the IDWR offices to inquire about action necessary to protect water rights on 400 acres of Teton County land we own jointly with Boyd E. Norton of Evergreen, Colorado. Boyd had received a COMMENCEMENT NOTICE (Civil No. 39576) indicating that we have until Oct. 6 to file the necessary claims.

The person with whom I consulted stated that IDWR would determine what prior rights have been established for the land upon receipt of the enclosed legal description of the property. She also stated that they would then advise me of their findings in time for my completion of the Notice of Claim forms now being requested.

It seems important to check for prior rights for domestic, stockwater, irrigation and power since this land has had multiple uses in the past and since several streams pass through or near, originating, perhaps, on Targee National Forest land which adjoins our property on the west and the south. It may be helpful to know that we purchased the land from Adrian H. Cook in June of 1966 and that the land is titled under the name of Boyd E. Norton only at this time.

Thank you for your assistance in this matter of extreme importance. I will appreciate your earliest reply.

Sincerely,

Alfred M. McGlinsky

Alfred M. McGlinsky

cc: Boyd E. Norton
P.O. Box 2605
Evergreen, CO 80439

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NOV 06 1992

CONTRACT OF SALE

THIS AGREEMENT, made and entered into this 27 day of July, 1966, by and between DONALD H. COOK and MARTHA W. COOK, husband and wife, of the County of Teton, State of Idaho, hereinafter termed "Sellers", and BOYD NORTON of the County of Bonneville, State of Idaho, hereinafter termed "Buyer",

WITNESSETH:

I.

Sellers hereby agree to sell to Buyer on the performance of the agreements of the Buyer as hereinafter mentioned, and convey by good and sufficient warranty deed, free of liens and encumbrances, excepting any that may have attached by reason of any act or deed of said Buyer, and excepting any liens to which this agreement is made expressly subject, the following described real property situate in Teton County, Idaho, to-wit:

The West Half of the West Half (W 1/2 W 1/2), also known as Lots Four (4), Five (5), Six (6) and Seven (7), the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) and also beginning at the north quarter corner of the Southwest Quarter (SW 1/4), thence East 1100 feet, South 1100 feet, East 1540 feet, South 220 feet, West 2640 feet, North 1320 feet to the place of beginning, all in Section Six (6), Township Five (5) North, Range Forty-four (44) EBM. Also Lots Three (3) and Four (4) in Section Thirty-one (31), Township Six (6) North, Range Forty-four (44), EBM, containing 400 acres, more or less.

Said premises are sold subject to easements, rights, rights of

LAW OFFICES OF
PETERSEN, MOSS & OLSEN
455 E STREET
IDAHO FALLS, IDAHO 83401

CONTRACT OF SALE

THIS AGREEMENT, made and entered into this 27 day of July, 1960, by and between ORIAN H. COOK and MARTHA W. COOK, husband and wife, of the County of Teton, State of Idaho, hereinafter termed "Sellers", and BOYD NORTON of the County of Bonneville, State of Idaho, hereinafter termed "Buyer",

WITNESSETH:

I.

Sellers hereby agree to sell to Buyer on the performance of the agreements of the Buyer as hereinafter mentioned, and convey by good and sufficient warranty deed, free of liens and encumbrances, excepting any that may have attached by reason of any act or deed of said Buyer, and excepting any liens to which this agreement is made expressly subject, the following described real property situate in Teton County, Idaho, to-wit:

The West Half of the West Half (W 1/2 W 1/2), also known as Lots Four (4), Five (5), Six (6) and Seven (7), the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4), Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) and also beginning at the north quarter corner of the Southwest Quarter (SW 1/4), thence East 1100 feet, South 1100 feet, East 1540 feet, South 220 feet, West 2640 feet, North 1320 feet to the place of beginning, all in Section Six (6), Township Five (5) North, Range Forty-four (44) EBM. Also Lots Three (3) and Four (4) in Section Thirty-one (31), Township Six (6) North, Range Forty-four (44), EBM, containing 400 acres, more or less.

Said premises are sold subject to easements, rights, rights of

WITNESSED

To: Dena

From: Joe C.

No meter right was located for the logs given.

If you have specific question please ask them.

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AL Fred M. McShinsky

T5N R44E Section 6

W2 W2 also known as lots 4, 5, 6 & 7

= NONE

SE NW

= NONE

SESW

= NONE

SW SE

= NONE

T6N R44E Section 31

lots 3 & 4

= NONE

There appears to be no water rights filed on the above lands by legal land description

Adrian H. Cook has rights filed ^{by that} ~~to that~~ name

22-02281^{SR}, 22-04072ST, neither water right is for the lands listed above.

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4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

C002802

CLAIMANT'S NAME

B. Norton & Mc Blinsky

CLAIM IDENT. NO.

A22-12155

DATE RECEIVED

10/5/88

CK #

AMOUNT \$ 105.00

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☐ YES ☒ NO
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO
8. If required is a consumptive use entered? ☐ YES ☒ N/A
- Is the consumptive use correct? ☐ YES ☒ N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☒ N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO
12. Is the ownership of p.u. checked? ☒ YES ☐ NO
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☒ N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☐ YES ☒ Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: Bruce A. SchellDate: 10/5/88Claim must be returned to claimant: ☒ (Yes) ☐ (No)Claimant must be notified of modifications: ☒ (Yes) ☐ (No)

Receipt Prepared by: _____

Claim data entered by: _____

Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

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Comments: _____

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