

12713 Memory Lane  
Nampa, ID 83686  
April 6, 2004

April 24, 2004

RECEIVED

APR 26 2004

Department of Water Resources  
Eastern Region

Nick L. Olson  
IDWR  
900 N. Skyline Dr.  
Idaho Falls, ID 83402-1718

*E-Vault*

Re: SRBA Claim 22-12155

*5N44E*

Dear Mr. Olson,

Here is the notarized affidavit signed by Terry Kay that shows beneficial water use as early as 1960 on our land. Please enter this affidavit with the other information I sent you pertinent to our claim, SRBA Claim 22-12155. I've added this to the original letter I sent you earlier.

We own jointly with Boyd and Barb Norton 400 acres you refer to in your letter as Rammel Hollow. There are three streams that flow on our land from the Forest Service land that is our West boundary. We filed the above Water Right Claim in May, 1989. However, we know that these streams have been used continually for livestock prior to our claim.

We are here requesting an extension on the deadline for our claim for beneficial water use for the following reasons. Your original letter went to Boyd Norton in Evergreen, Colorado while he was out of the country. We own the Rammel Hollow 400 acres jointly with the Nortons but we weren't sent a letter. After Boyd got home he sent us a copy of what you'd sent him so we could deal with it. (We live in Nampa, ID. so it's easier for us to deal with our jointly owned land) Unfortunately, by the time we received your letter the deadline was fast approaching.

The senior members of the Cook family are deceased, their children long gone from the valley. It's been very difficult and time consuming to locate others in Teton County to establish and verify Cook's livestock grazing on the land before we bought it in 1966, especially since we had a shortened time frame because we didn't receive immediate notification.

With many calls to the "old timers" in Teton County we finally contacted Terry Kay, a neighboring land owner, who remembers sheep being run on our property while it still belonged to Adrian Cook. He is willing to sign an affidavit to that effect, but we can't get it mailed to you in time to meet the deadline.

In the meantime I'm sending you the documentation we have:

- information on the history of the 400 acres indicating that it's been in use since the 1900s.
- Adrian Cook acquiring the various parcels of our land beginning as early as 1940.
- We and the Nortons bought 400 acres from Adrian Cook in Dec. 23, 1966. According to an affidavit to be signed by Terry Kay, Cook was running sheep on the land prior to the sale. There was also evidence of neighboring cows using the land for grazing. Both used the streams for watering.
- A copy of our current grazing lease agreement with Jim Douglass.

Again, I'm asking for an extension until we can get Terry Kay's affidavit to you.

Thank you for your help on this.

Sincerely,  
  
Lee McGlinsky

State of Idaho  
County of Teton  
re: Idaho Department of Water Resources Review in Basin 23, The Swan  
Valley area.  
SRBA Claim 22-12155

Affidavit of Previous Beneficial Water Use

I, Terry Kay, depose and say:

That sheep were being pastured and watered in the Rammel Hollow  
property owned by Adrian Cook in the year, 1960, the property now  
owned jointly by Al and Lee McGlinsky and Boyd and Barbara Norton.

Dated this 4-19 day of April, 2004.

signed Terry Kay  
Terry Kay

SUBSCRIBED AND SWORN BEFORE ME THIS 19th day of April, 2004

Michelle Cain  
Notary Public

