





BOISE

FOREST

T7N
R7E

A63-04323

MICROFILMED

AUG 20 1992

Lookout
7969
Sunset
Mtn



29

6795X

Flowing 250 ft/sec

UNNAMED STREAM

MONTANA

Creek

PIPELINE

CROWN

TUNING DOO

QUARTZ

6400

SRBA Claim Number A63-4323

Date of Photos 11/03/2001, 11/07/2001

Photographer D Minicucci

Legal Description T7NR7E529 NWSW

① Point of Diversion
(upper)

Photo taken

11/03/2001



② Point of Diversion
(upper)

Photo taken

11/07/2001

GPS Measurement

location "FROGST"



SRBA Claim Number A63-4323

Date of Photos 11/03/2001

Photographer PPWICVCC

Legal Description T7N R7E S29 NWSW

③ Cistern used
at one time at
upper diversion



④ Lower Point of
Diversion,

Small Pond.

Observer is
applicant's grandson.

GPS measurements
location "FROGPN"



SRBA Claim Number A63-4323

Date of Photos 11/03/2001

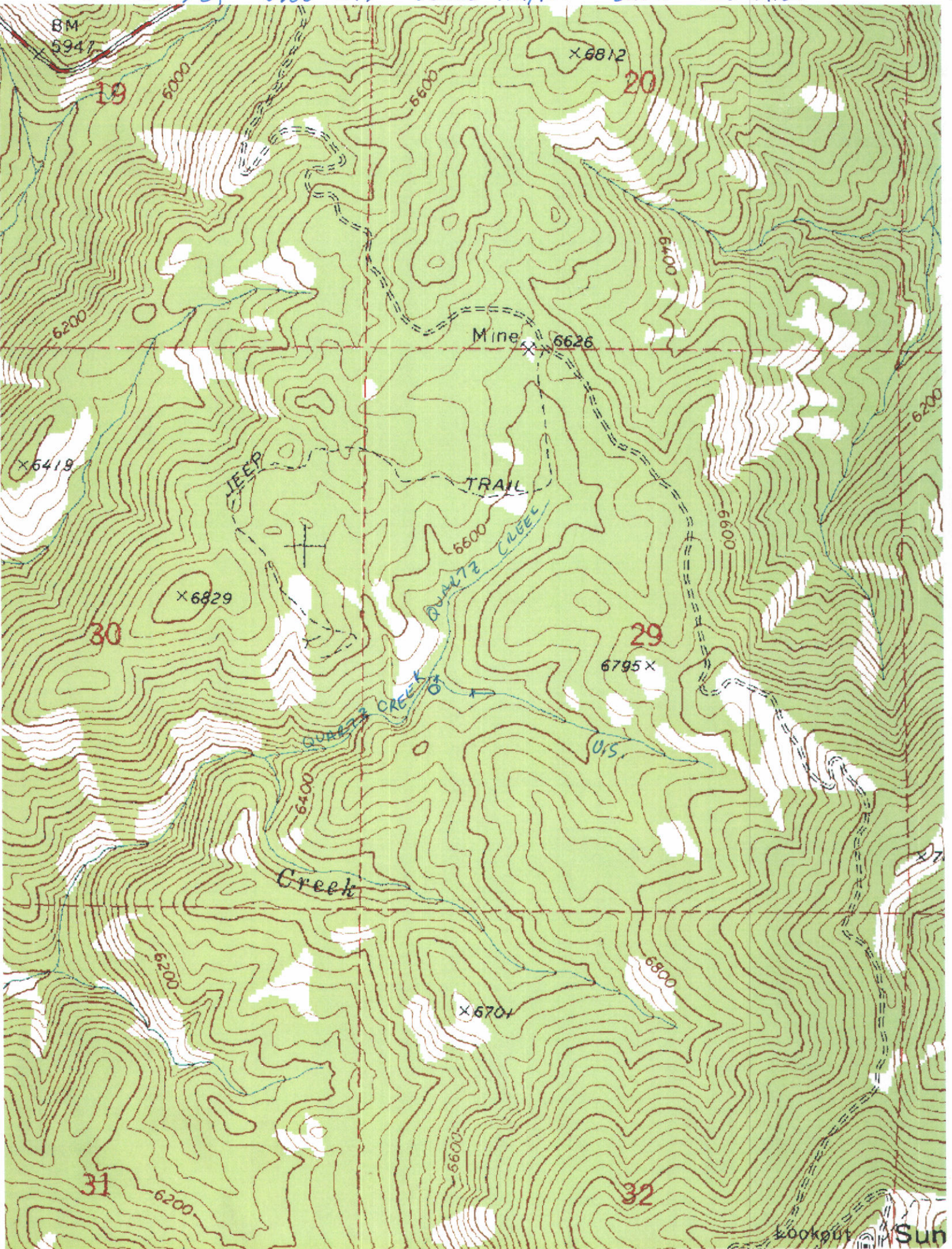
Photographer P. D'Amico

Legal Description T7NR7E529NWSW

⑤ Place of Use

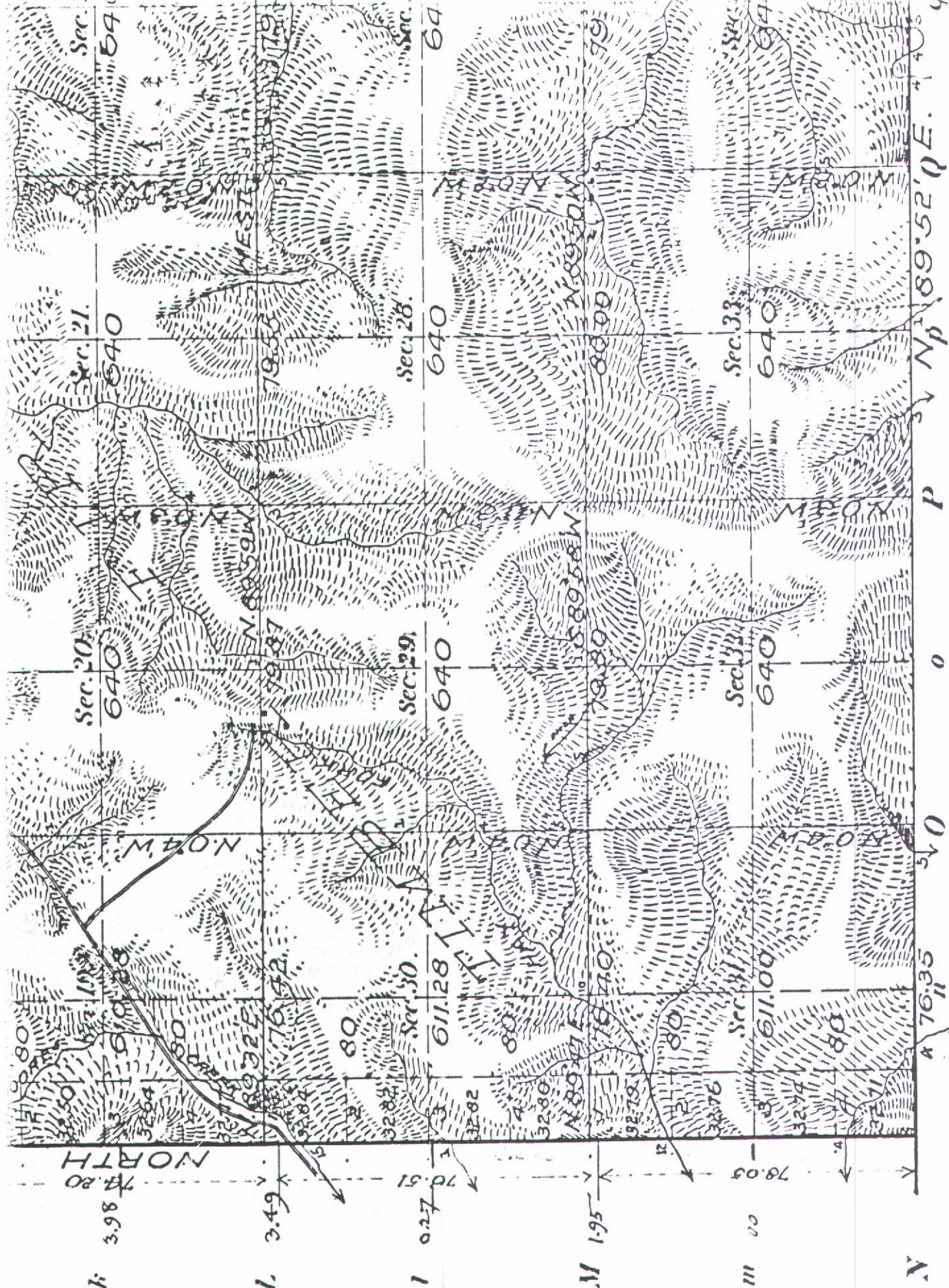
Located at
confluence of 2
unnamed streams.





T7N
R7E

Govt Plat
1896



Total number of Acres 22628.00

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch. Lk.	When Surveyed	Mean Declination
N. F. & S. Township lines	Lymann B. Wendell	No. 175	77 71 26	Aug 11 - Sep 23, 1896	

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: **A63-04323**
Date Received: 5/19/1989
Receipt No: C006955
Received By: _____

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

1. Name: RALPH F FROGLEY 208-342-4146
Address: 821 S OWYHEE ST
BOISE ID 83705-2202
AND/OR
Name: DOROTHY D FROGLEY 208-342-4146
Address: 821 S OWYHEE ST
BOISE ID 83705-2202

2. Date of Priority: JUN 1, 1938

3. Source: UNNAMED STREAM Trib. to: HAYFORK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	07E	29	NE	NW	SW		BOISE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
FIRE PROTECTION	01/01	12/31	0.060		
MINING	01/01	12/31	0.060		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC AND FIRE PROTECTION FOR CABIN, MINING

MICROFILMED
OCT 07 1996

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	07E	29	NW	SW		DOMEST	
			NW	SW		MINING	
			NW	SW		FIRE	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
63-04127

14. Remarks:

UPDATED ADDRESS TO MATCH MOST RECENTLY-SUBMITTED CLAIM, A63-22196
SS 02/09/96.

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)
) SS.
County of _____)

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: A63-04323
Date Received: 5/19/1989
Receipt No: C006955
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALPH F. FROGLEY 208-343-7070
Address: 2913 OVERLAND
BOISE, ID 83705

AND/OR

Name: DOROTHY D. FROGLEY 208-342-4146
Address: 2913 OVERLAND
BOISE, ID 83705

2. Date of Priority: JUN 01, 1938

3. Source: UNNAMED STREAM Trib. to: HAYFORK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	07E	29	NE	NW	SW		BOISE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
FIRE PROTECTION	01/01	12/31	0.060		
MINING	01/01	12/31	0.060		

7. Total Quantity Appropriated is:

0.060 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC AND FIRE PROTECTION FOR CABIN, MINING

A63-04323

Page

1

Date: 07/17/89

MICROFILMED

AUG 20 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	07E	29	NW		SW		DOMEST	
			NW		SW		MINING	
			NW		SW		FIRE	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
63-04127

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 _____

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: A63-04323
Date Received: 5/19/1989
Receipt No: COO6955
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALPH F. FROGLEY 208-343-7070
Address: 2913 OVERLAND
BOISE, ID 83705

AND/OR

Name: DOROTHY D. FROGLEY 208-342-4146
Address: 2913 OVERLAND
BOISE, ID 83705

2. Date of Priority: JUN 01, 1938

3. Source: UNNAMED STREAM Trib. to: HAYFORK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	07E	29	NE	NW	SW		BOISE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
FIRE PROTECTION	01/01	12/31	0.060		
MINING	01/01	12/31	0.060		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

DOMESTIC AND FIRE PROTECTION FOR CABIN, MINING

A63-04323

Page 1

Date: 05/19/89

MICROFILMED
AUG 28 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	07E	29	NW	SW		DOMEST	
			NW	SW		MINING	
			NW	SW		FIRE	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
63-04127

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):

[Handwritten Signature]

Date: 5-18-89

Date:

State of Idaho

County of Ada

)
) SS.
)

Subscribed and sworn (or affirmed) before me this 19 day

of may 19 89

[Handwritten Signature]
Notary Public

Seal

Residing at Boise

My Commission Expires 4-11-95

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

Identification No. _____

Date Received _____

Receipt Number C006954

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) RALPH F. FROGLEY Phone (208) 342-4146

Mailing Address 1821 S Owyhee Boise, IDAHO Zip 83705

2. Date of Priority (Only one per claim) JUNE 1, 1996 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other () (a) SPRING

which is tributary to (b) HAYFORK Name or kind of source

4. Location of point of diversion is: Township 7N Range 7E

Section 30 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____, BM.,

County of BOISE

Additional points of diversion if any: DIRECT DOWNWARD FLOW SUNSET SPRING TO DEEDED PROPERTY

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. NONE - GRAVITY

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For <u>DOMESTIC</u> purposes from	Month/Day <u>1-1</u> to	Month/Day <u>12-31</u>	amount <u>.03</u> (cfs)
(Both dates are inclusive)			
For <u>MINING</u> purposes from	Month/Day <u>1-1</u> to	Month/Day <u>12-31</u>	amount <u>.04</u>

7. Total quantity claimed .03 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) THREE - NON-IRRIGATION USE - NON STOCK WATER

RECEIVED
SEP 22 1989

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 7N Range 7E
Section 30 1/4 of NE 1/4, Govt. Lot 3E B.M.,

County of _____ for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any —

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

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

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood 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) [Signature] Date 5-19-89

[Signature] Date 9-15-89

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____ that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho/or Idaho)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 19 day of May 1989

SEAL

Notary Public Maybelis B. Lemus

Residing at Boise

My Commission Expires 4-11-95

Last Name Frogley Ident No. _____

Copies: White-State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

April 19, 1990

Mr. and Mrs. Ralph F. Frogley
821 S. Owyhee
Boise, ID 83705

RE: Notice of Claim to a Water Right
Boise County

Dear Mr. and Mrs. Frogley:

We are returning the enclosed Notice of Claim to a Water Right because of amendments which you made when the form was returned to you previously.

You amended the form to reflect a mining use in addition to the domestic use. Please note that the form which you completed is limited to small domestic and stockwater uses. If you wish to claim a water use for mining, you will need to use the enclosed form (printed in black ink). In addition, the fee schedule is different than that for domestic uses. Based on the information you completed, the correct filing fee for a claim for domestic and mining for the amounts of water shown would be \$54.00. The form used for your domestic well needs to be amended to delete the mining use.

If you wish to claim the mining use, please complete the correct form, forward the balance due and return the form to this office with a copy of this letter. All the previous requirements still must be completed, including the notarization of the signature(s).

If either this claim (amended) or a replacement claim is returned to this office by May 21, 1990, late fees will not be assessed. Please do not hesitate to contact the Department if you have any questions or need assistance. If you prefer, please call 327-7862 and we would be happy to set up an appointment to discuss this matter with you in person.

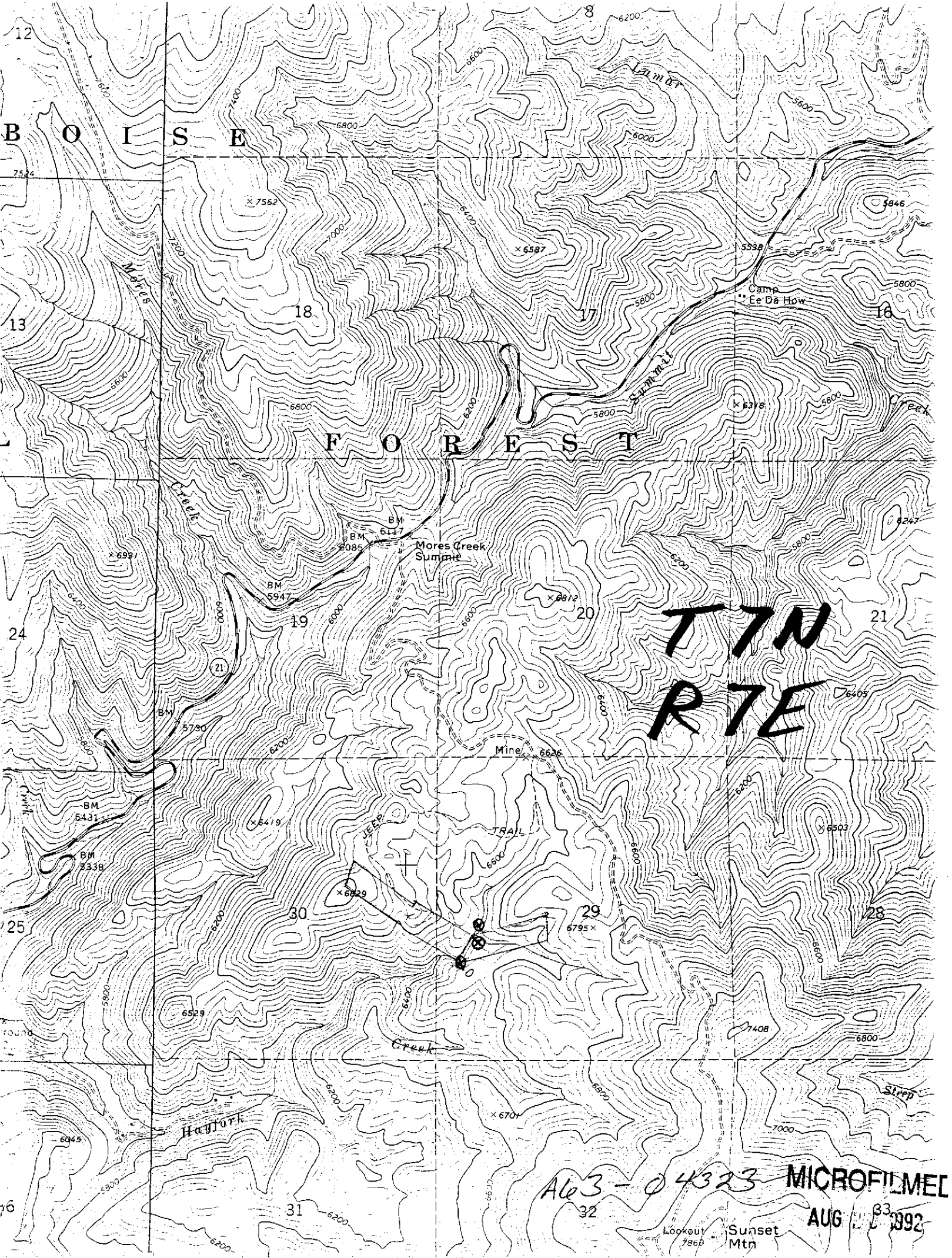
Sincerely,

Donald V. Shaff
for Donald V. Shaff
Manager, Adjudication Section

DVS:HHT:sf:state

Enclosures:

Notice of Claim
Notice of Claim form (long)
Receipt No. C006954

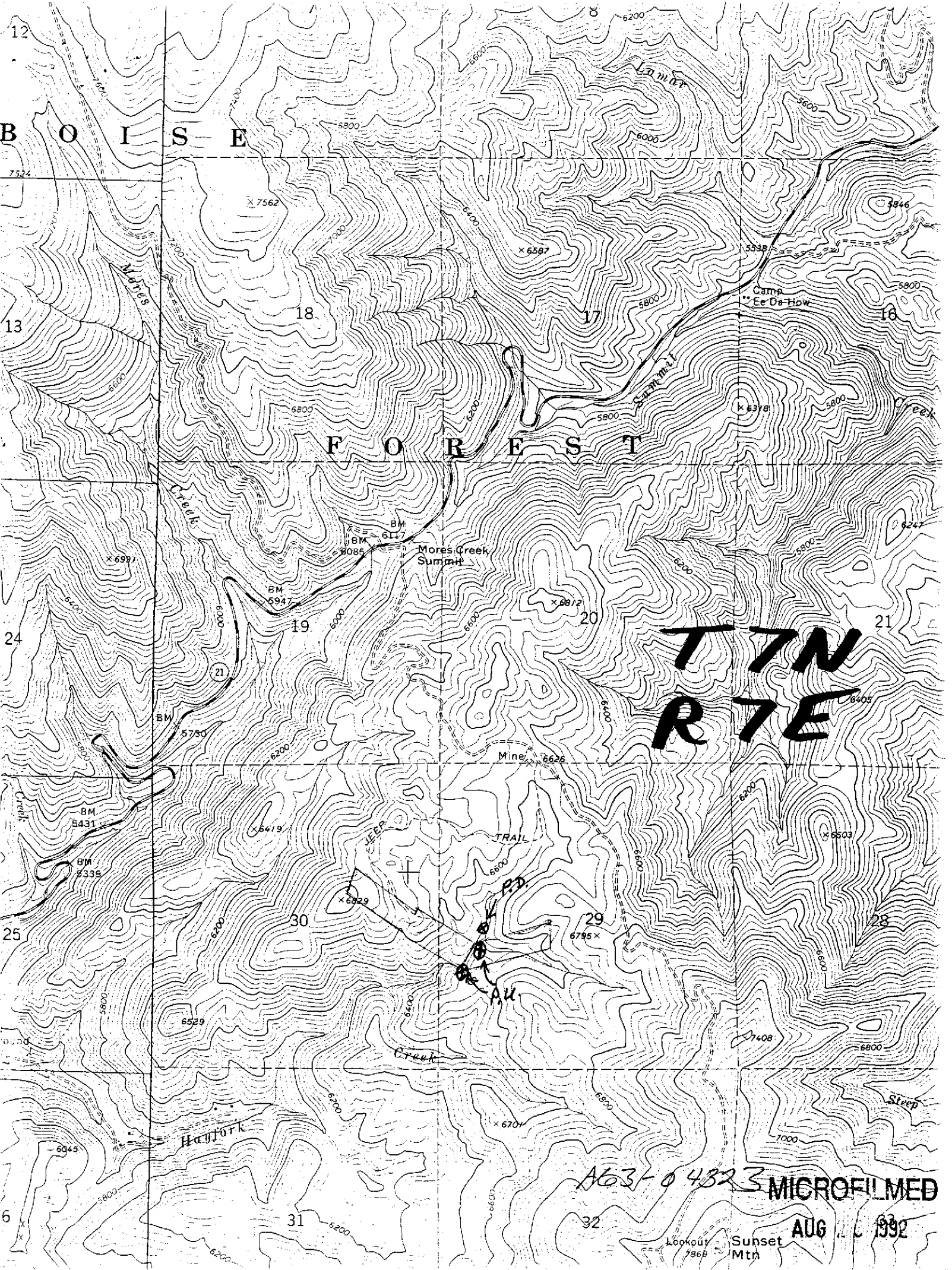


**T7N
R7E**

Alc3 - 04323 MICROFILMED

AUG 1992

Lookout
7869
Sunset
Mtn

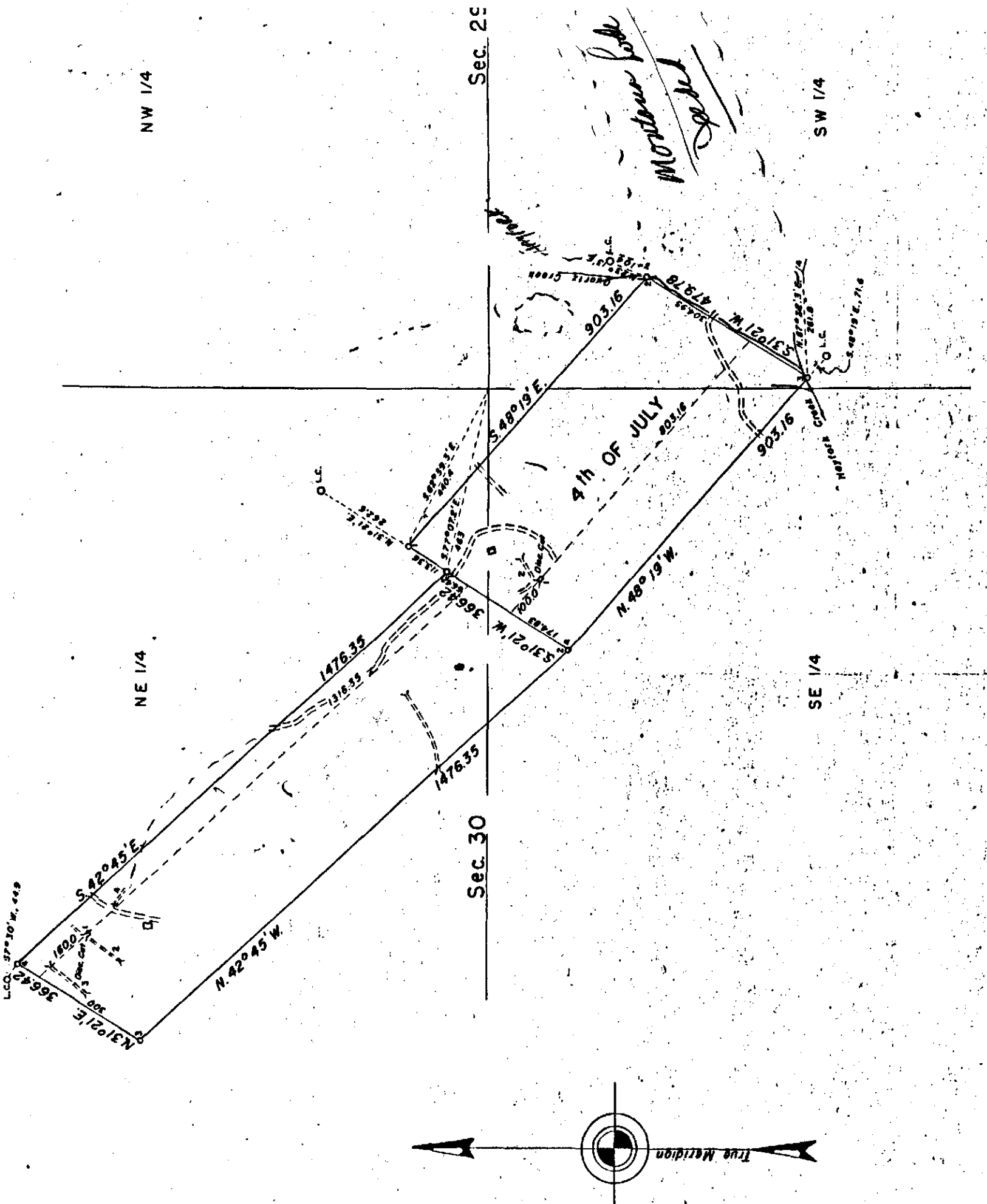


**T7N
R7E**

A63-04823 MICROFILMED

AUG 1992

Lookout Sunset
7868 Mtn



MICROFILMED

AUG 20 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 12, 2002

DORTHY D FROGLEY
RALPH F FROGLEY
821 S OWYHEE ST
BOISE ID 83705-2202

RE: Preliminary Recommendation for Snake River Basin Adjudication (SRBA) claims
63-04623, 63-15424, and 63-22196.

Dear Dorthy,

Per our conversation on April 12, 2002, I am enclosing copies of the preliminary recommendations the department is going to recommend to the SRBA court sometime in early June. We spoke about how two of the claims are recommended as disallowed. Look at the comments to the lower portion of the recommendation to explain why they were disallowed, but the short story is that these were basically duplicate claims. All water uses claimed were recommended under 63-04623 except mining, which we discussed.

Please look over the preliminary recommendations and feel free to call me if you have any questions or concerns. As we discussed, if you choose to pursue the mining portion of the claims, the department will require evidence of when the water was first used for mining purposes on your property and when the last time the water was used for mining purposes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig L. Saxton', is written over a horizontal line.

Craig L. Saxton
Water Resource Agent
Adjudication Bureau

IDAHO DEPT. OF WATER RESOURCES
EASTERN REGION

CONVERSATIONAL MEMORANDUM

DATE: 4/12/02

PAGE: 1 OF 1

CLAIM NUMBER: 63-04323

NAME OF PARTY: Dorothy Frogly 342-4146

EMPLOYEE: Craig Lorton

RE: Returned call to Dorothy^{on 4/11/02} she didn't receive
PDR mailing and was concerned that she
needed to do something else. I told her
I am sending her copies of the recommendations.

We spoke about mining. She said she doesn't
think mining was ever done on her property. She will
look into it and I told her I need Evidence
of when mining started and the last time
water was used for mining purposes. I told her
I would have a hard time recommending mining
on her place if it was never used.

C.L.

02/19/2002

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

RIGHT NUMBER: 63-4323

NAME AND ADDRESS: DOROTHY D FROGLEY
821 S OWYHEE ST
BOISE ID 837052202

RALPH F FROGLEY
821 S OWYHEE ST
BOISE ID 837052202

SOURCE: UNNAMED STREAM

TRIBUTARY: HAYFORK CREEK

QUANTITY: 0.06 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1938

POINT OF DIVERSION:

T07N R07E S29 NENWSW Within BOISE County

T07N R07E S29 NENWSW Within BOISE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
FIRE PROTECTION	01/01 12/31	0.060 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: FIRE PROTECTION Within BOISE County

T07N R07E S29 NWSW

DOMESTIC Within BOISE County

T07N R07E S29 NWSW

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 QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Beneficial Use

PARCEL NO: RP07SN07E294900A

Domestic for 1 Home

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4323 V1

WATER RIGHT NUMBER: 63-4323 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DOROTHY D FROGLEY 821 S OWYHEE ST BOISE, ID 837052202 (208)342-4146
Current Owner	RALPH F FROGLEY 821 S OWYHEE ST BOISE, ID 837052202 (208)342-4146

Priority Date: 06/01/1938

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	HAYFORK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FIRE PROTECTION	01/01 to 12/31	0.060 CFS	
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4NW1/4SW1/4	Sec. 29, Twp 07N, Rge 07E, B.M.
BOISE County		
UNNAMED STREAM	NE1/4NW1/4SW1/4	Sec. 29, Twp 07N, Rge 07E, B.M.
BOISE County		

Place of UseFIRE PROTECTION Within BOISE County

T07N R07E S29 NWSW

DOMESTIC Within BOISE County

T07N R07E S29 NWSW

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.
2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-4323 V1

Remarks:

1. Explanatory PARCEL NO: RP07SN07E294900A

Comments:

1. csaxton 2/19/2002 Mining

Comment: Maria Minicuccis notes indicate that evidence showing when water was last used for mining was requested on 11/21/01. At this time, no evidence was provided. No priority evidence provided either. Mining use not recommended.

2. csaxton 2/19/2002 Source

Comment: Source is unnamed stream and is actually tributary to an unnamed stream locally known as Quartz Creek. Finally it feeds into USGS defined tributary of Hayfork Creek.

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: S
Owner Name Connector: AND
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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	2/19/2002 1:28:25 PM	csaxton			Active
POD	2/19/2002 1:28:53 PM	csaxton			Active
Source	2/19/2002 1:36:52 PM	csaxton			Active
POU	2/19/2002 1:38:10 PM	csaxton			Active
Use	2/19/2002 1:40:55 PM	csaxton			Active
Season	2/19/2002 1:43:02 PM	csaxton			Active
Quantity	2/19/2002 1:46:10 PM	csaxton			Active
Summary	2/19/2002 1:52:41 PM	csaxton	2/19/2002 1:52:41 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	2/19/2002 1:27:25 PM	csaxton	(No) 1. Do you want to schedule an appointment?

Comment for 1: Maria Minicucci did field exam on 11/3 and 11/7 of 2001.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4323 V1

POD	2/19/2002 1:28:54 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Priority Date	2/19/2002 1:28:25 PM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (Yes) 14. Can any portion of the claim be recommended as a valid water right? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - No priority evidence provided. Recommend Domestic and Fire protection.
POD	2/19/2002 1:31:46 PM	csaxton	Edited point location
POD	2/19/2002 1:32:12 PM	csaxton	Edited point location
Source	2/19/2002 1:36:52 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Field Exam by Maria Minicucci on 11/3 and 11/07 of 2001.
POU	2/19/2002 1:38:11 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Field exam by Maria Minicucci on 11/03 and 11/07 of 2001.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-4323 V1

Use	2/19/2002 1:40:56 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Field exam by Maria Minicucci on 11/03 and 11/07 of 2001.
Season	2/19/2002 1:43:02 PM	csaxton	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - IDWR standard for Domestic and Fire Protection.
POD	2/19/2002 1:46:11 PM	csaxton	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per David Tuthill, claims for 0.20 cfs or less do not require measurement.
Summary	2/19/2002 1:52:41 PM	csaxton	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). A63-4323

1. No Change NAME IS SAME ✓
NEW OWNER: _____
No Change ADDRESS
NEW ADDRESS: _____

2. No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority.

Priority date, per claimant, is: 06/01/1938
(If the priority date, based on your exam, seems questionable, explain below.)

Evidence letter 2 sent 01/24/2002. Without evidence,
recommend as domestic.

3. No Change — SAME SOURCE ✓ Source stream flows into another
Source is different than that claimed: unnamed stream AKA Quartz Creek.
Quartz Creek is Trib. to Hayfork Creek.
Source found: _____ Add remark if timing is
recommended. Timing is
from Quartz Creek.

4. No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:

Township 7N Range 7E Section 29 1/4 1/4 NW 1/4 SW unable to
Township _____ Range _____ Section _____ 1/4 1/4 _____ confirm
10 acre tract

5. No Change - DESCRIPTION OF DIVERTING WORKS
Incomplete description, list below:

2 points of diversion. One point, located at driveway on east side, is a
small pond. Second point is upstream and consists of a gated pipe
in the stream to an above-ground 2" black plastic pipe. Pipe
follows stream bed to POV.

6. No Change - WATER USES
Different uses, (list uses found):

Use	<u>Dom</u>	From	<u>1/1</u>	To	<u>12/31</u>	Amount	<u>.04</u>	CFS	<u>AFA</u>
Use		From		To		Amount		CFS	<u>AFA</u>
Use		From		To		Amount		CFS	<u>AFA</u>

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____ AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change - NON-IRRIGATION USES:

Changes Exam found:

Domestic # of homes: 1 Stock # _____ List types: _____

Additional comments: Domestic use includes fire protection

9. No Change — PLACE OF USE: (If changed, list below.)

Use:	<u>Dom</u>	Township	<u>7N</u>	Range	<u>7E</u>	Section	<u>29</u>	<u>1/4 NW 1/4 SW</u>
Use:		Township		Range		Section		<u>1/4 1/4</u>
Use:		Township		Range		Section		<u>1/4 1/4</u>
Use:		Township		Range		Section		<u>1/4 1/4</u>

Remarks: (Comments pertinent to field examination) See additional attachment

Cannot recommend mining or fire protection as uses without evidence of priority. Field exam found mining use to southwest, on Quartz Creek. This use was claimed under Ab3-15424 which is

in violation of the mandatory permit statute. However, found mining

SYSTEM DIAGRAM INCLUDED

Shown on GIS Layout

(NA)

may also be described in Ab3-4323; see claim may that

CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 11/03/2001

FIELD EXAMINER:

MARCA MINICUCCI

Print Name

[Signature]
Signature

show division on Quartz Creek

Memorandum to Files: A63-4323 A63-15424 A63-22196

IDWR Agent: Maria Minicucci 

Date: January 24, 2002

These claims appear to be duplicates of each other, some overlapping more than others. Mr. Frogley is ill, and Mrs. Frogley was unsure of the intention of each of the above-referenced claims. After reviewing the claims, she asked her son Mr. Drew Frogley, to contact me to participate in a field exam.

A field exam was conducted on November 3, 2001. Mr. Drew Frogley and his 3 children were present.

Since there was a locked gate across the access road, we walked down to the Frogley's cabin. This roadway parallels an unnamed stream, known locally as Quartz Creek. We went past a couple of small ponds that may have been used in mining operations in the past. There was equipment at one of the streams that may have been a small crusher.

Upon arrival at the Frogley cabin, Drew showed me the very small pond next to the driveway, situated on a tributary to Quartz Creek. Water is pooled here for use in the cabin. Upstream on this unnamed stream is another diversion, consisting of a gated pipe set into the streambed, parallel with the stream. This pipe is necked down into a 2 inch black plastic pipe that parallels the streambed. Although not currently hooked up, water from this diversion is also used at the cabin.

We walked further downstream on Quartz Creek. Drew showed me a small tunnel mine, and indicated that they had put a pump in the stream to wash gravels taken from the mine (there is a small flat area at the site of the tunnel). He thought mining at that location had last taken place in 1995. As far as he knew, there was no other mining activity on the Frogley property (AKA Montana Lode).

Frogley property is entirely in section 29. The Frogleys and the neighbors, the Eilers, mined the property in section 30 (Fourth of July and Forth of July 2). At one time, the Frogleys had a monetary interest in the activities on the Eilers' claim. However, since that time the Eilers have lost their permit/right to mine on the Fourth of July claims, and the mining rights are no longer valid. The USFS considers the Eilers' cabin to be in trespass.

A63-4323

This claim appears to be for domestic and fire protection use at the Frogley cabin. Mining was not on the original statutory claim, but was added in the SRBA. Two of the points of diversion indicated on the claim match those found in the field (the northern-most point was not found, but may indicate the location of the small ponds found upstream of the Frogley cabin). The point of diversion upstream of the cabin on the unnamed stream that was found during the field exam is not shown on the claim map. Otherwise, it appears

that this claim describes the uses found by field exam. If mining is recommended under this claim, a remark should be added that indicates that the mining use is diverted from an unnamed stream AKA Quartz Creek.

A63-22196

This claim appears to describe the same uses as A63-4323, plus the additional uses on the Eilers' mining claims. An unaccompanied walk through the area of the Fourth of July claims on November 7, 2001, found no uses. The USFS considers these mining claims to be invalid, and the cabin in trespass.

This claim could be recommended for mining use if mining is not recommended under A63-4323. The source is the unnamed stream AKA Quartz Creek. If mining is recommended under A63-4323, A63-22196 should be recommended for disallowal.

A63-15424

This claim should be recommended for disallowal because the claimed priority date is in violation of the mandatory permit statute. The claim appears to describe the mining uses on the Frogley property verified by field exam.

*Handwritten
6/5
twice



SRBA Claim Number A63-4323

Date of Photos 11/03/2001, 11/07/2001

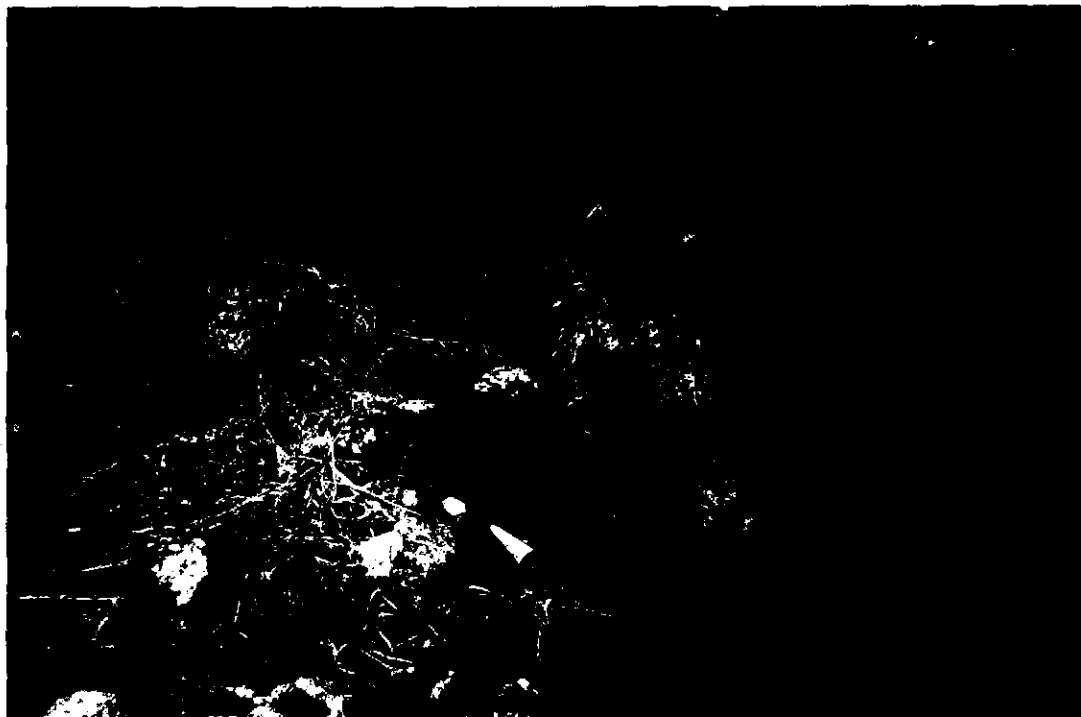
Photographer D. Minicucci

Legal Description T7NR7E529 NWSW

① Point of Diversion
(upper)

Photo taken

11/03/2001



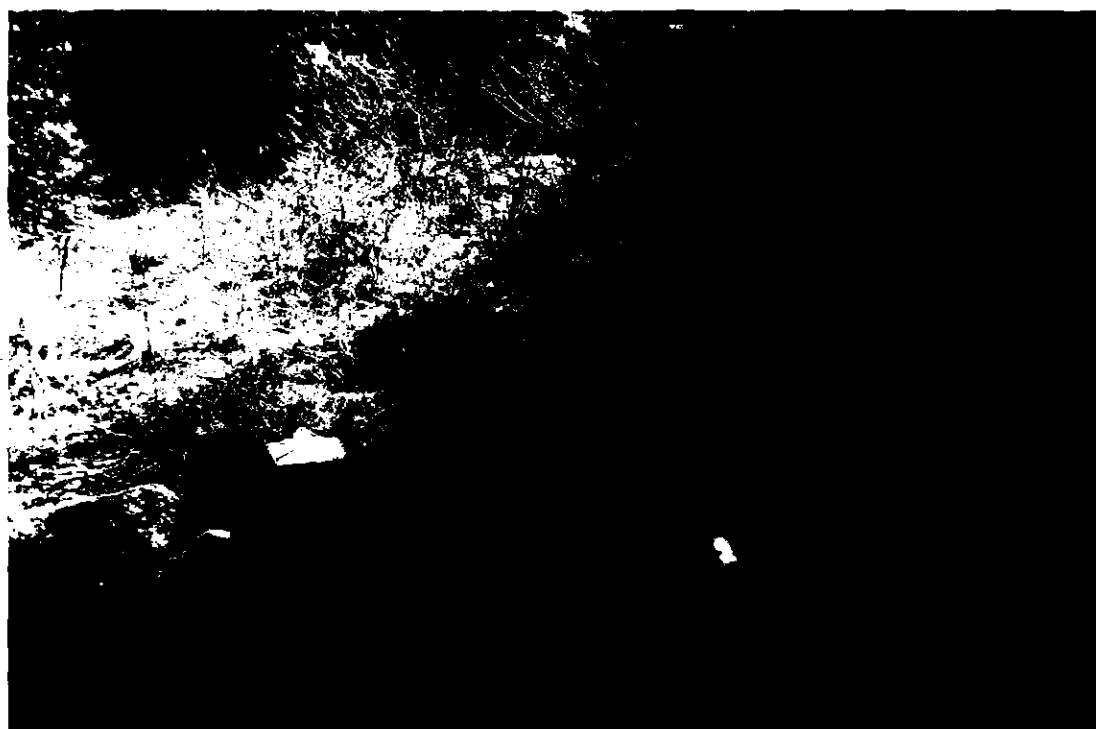
② Point of Diversion
(upper)

Photo taken

11/07/2001

GPS Measurement

Location "FROGST"



SRBA Claim Number A63-4323

Date of Photos 11/03/2001

Photographer DDINICCCI

Legal Description T4N R7E S29 NWSW

③ Cistern used
at one time at
upper diversion

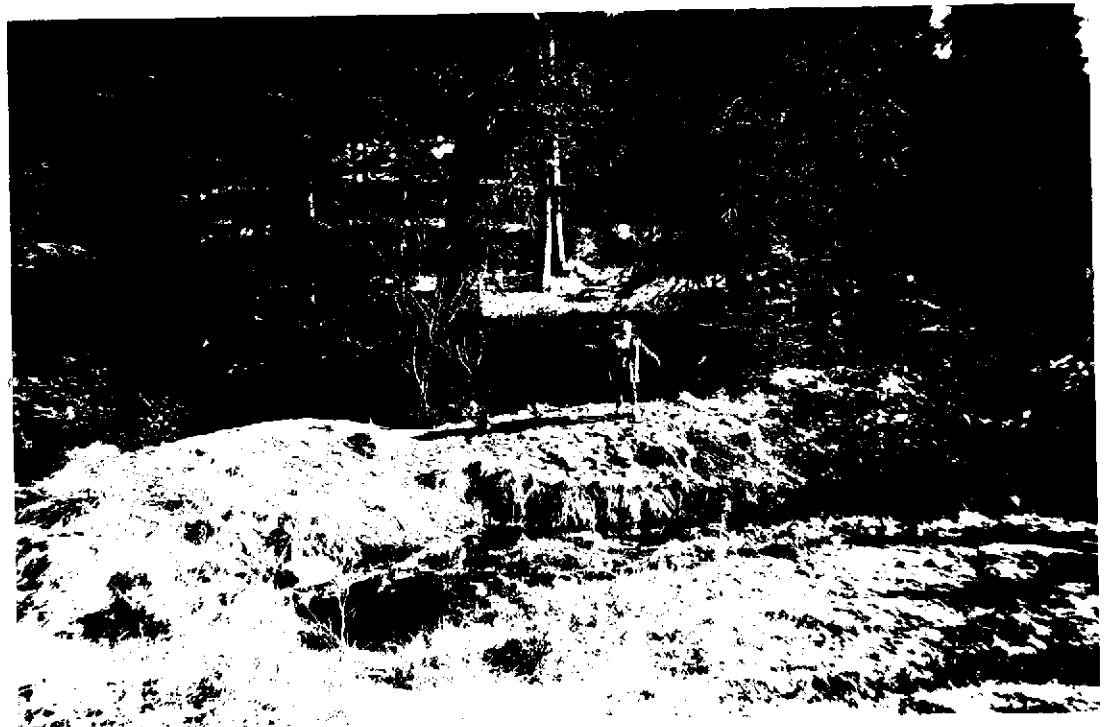


④ Lower Point of
Diversion,

Small Pond.

Observer is
applicant's grandson.

GPS measurement
location "FROGPN"



SRBA Claim Number A63-4323

Date of Photos 11/03/2001

Photographer PPINICUCCI

Legal Description T7NR7E529NWSW

⑤ Place of Use

Located at
confluence of 2
unnamed streams.





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

RALPH F FROGLEY
821 S OWYHEE ST
BOISE, ID 837052202

Re: Claim No(s) 63-4323

63-15424, 63-22196

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

photo 4: Pipe from cistern to cabin

Eilers

11/07/2001 M Noon

PHOTO 13 : Eilers' cabin? GPS meas. location "EILERS"

Location: Past locked gate, RT turn @
first of ponds (mining). Climb ridge, along
ridge short way, road turns toward Frogley property.
Down elevation to cabin overlooking Hayfork drainage. (RT side of road)

33°F

(in the shade)

2 seater located on left side of road.

1 room cabin w/ loft. Water jugs on table.

Green asphalt ~~the~~ roof

Road narrows past cabin - down gradient

ends a small stream (ditch?). May have continued?

Pipe w/ mechanical eq. on other side of stream. Pipe is $\approx 24"$ long,
welded shut on both ends (capped). (Protected w/ black canvas
@ one time?) Follow ridge on other side of small creek,
then over other side, cross small creek to road to
Frogley's. Just above P Prosperity sign.

Frogley

PHOTO 1: Pond area x road from house - Down use only.

DIV. 1

Collected under road to stream that parallels access road

GPS meas. location "FROGPN"

DIV. 2

Pipe in creek to 2" flexible black PVC that follows

PHOTO 2

creek bed. GPS meas. location "FROGST"

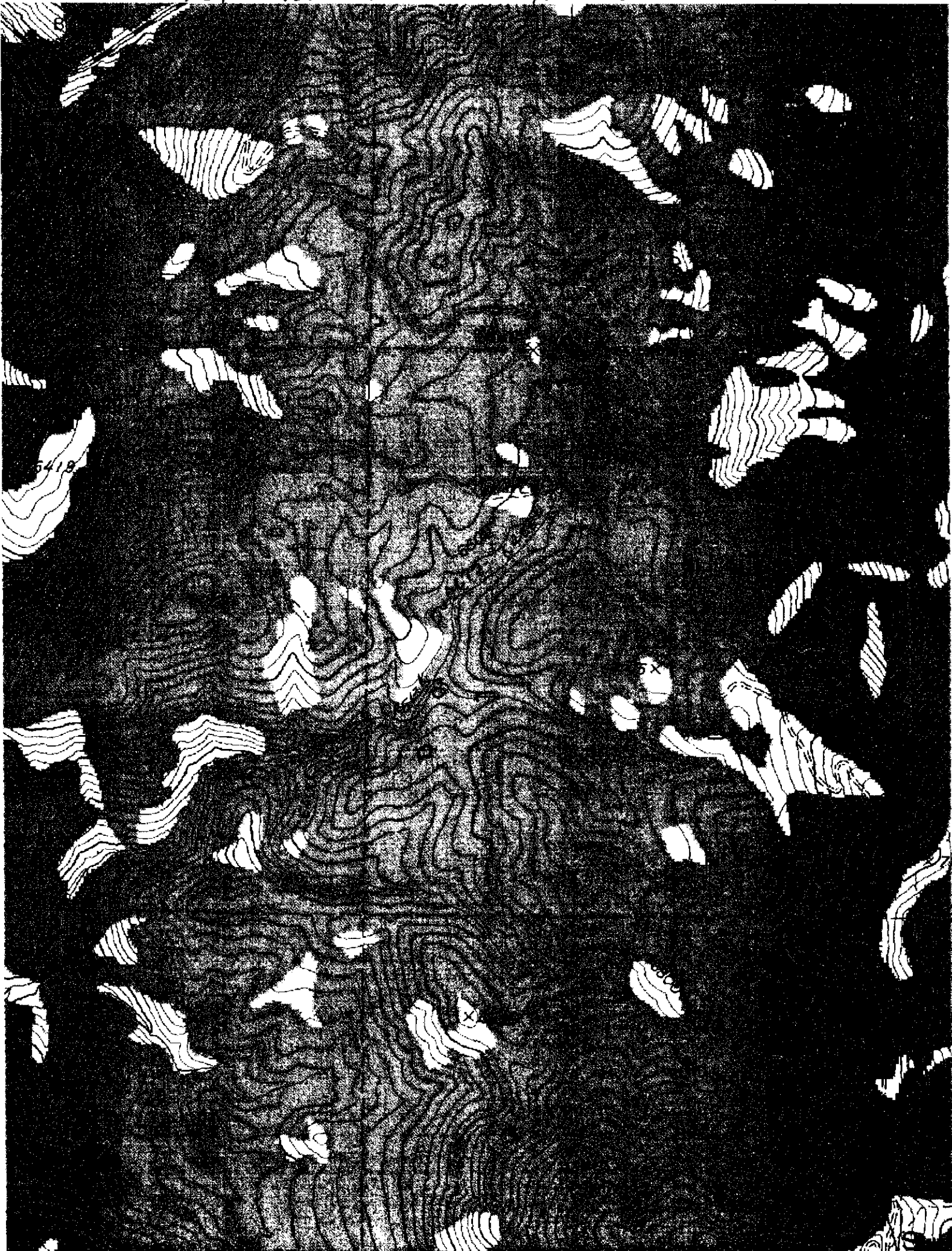
Coff Pipe is buried beneath stream. Bared pipe collects
from creek. Located @ gradient drop - may also
have been stream crossing @ one time.

PHOTO 3: Cabin
from creek

Pipe breaks off 30' down stream. Picks up again,
Necks down to 1". Lost in willows.

Large cabin w/ sleeping area, living area, + loft
Porch on creek side.

Woodpecker: Black eye stripe
Backed up down tree trunk
Not on way.



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Ralph F. &/or Dorothy D. Frogley
 (name of claimant)
 of 2913 Overland, Boise, ID 83705
 (mailing address), claims a right to the diversion and beneficial use of
 the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) E. Fork Hayfork Creek
 tributary to Hayfork Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>0.04</u>	Use	<u>Domestic</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount	<u>0.06</u>	Use	<u>Fire Protection</u>	Period of Use:	From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 0.06 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) 1938

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

NE 1/4 SW 1/4, Sec. 29 Twp. 7 N Rge. 7 E B.M. County of Boise

Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Diversion dam with 2" X 80' and 1400' X 3/4" plastic pipeline to cabin.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
7N	7E	29									X								

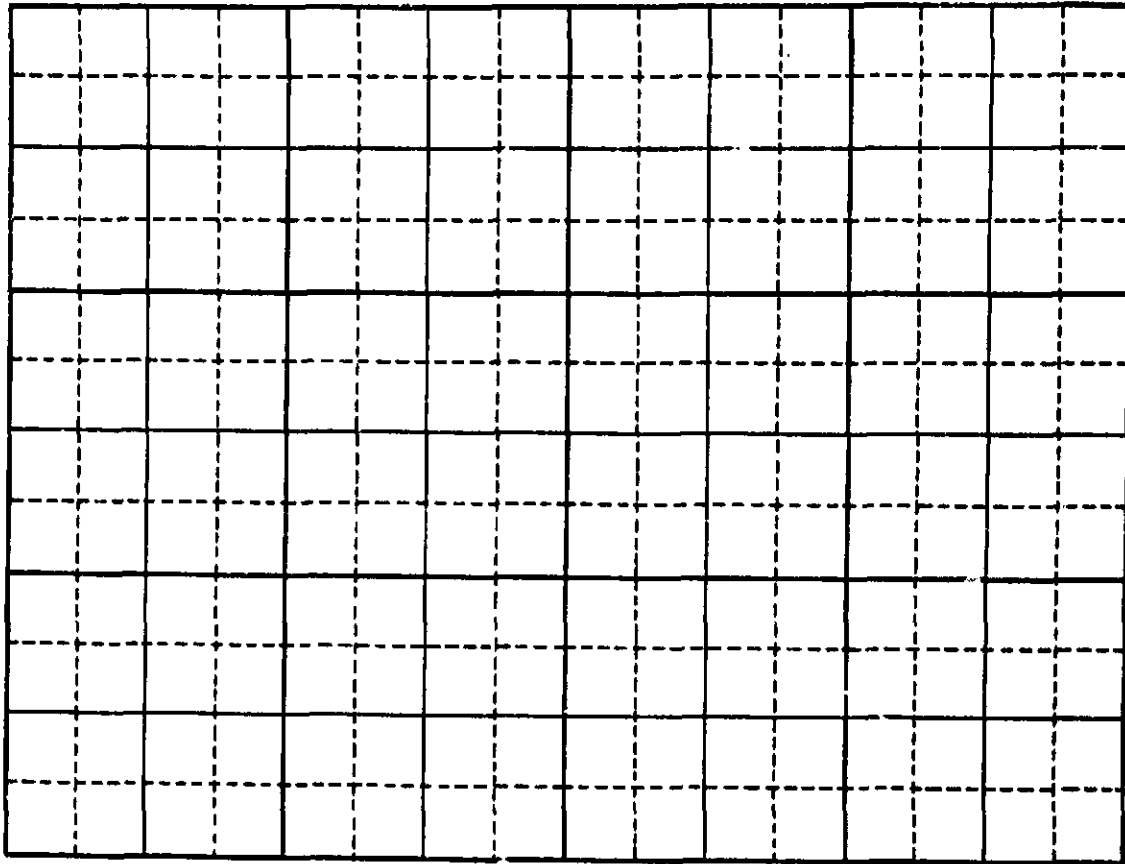
Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

Domestic use and fire protection for one summer cabin.

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 22nd day of August

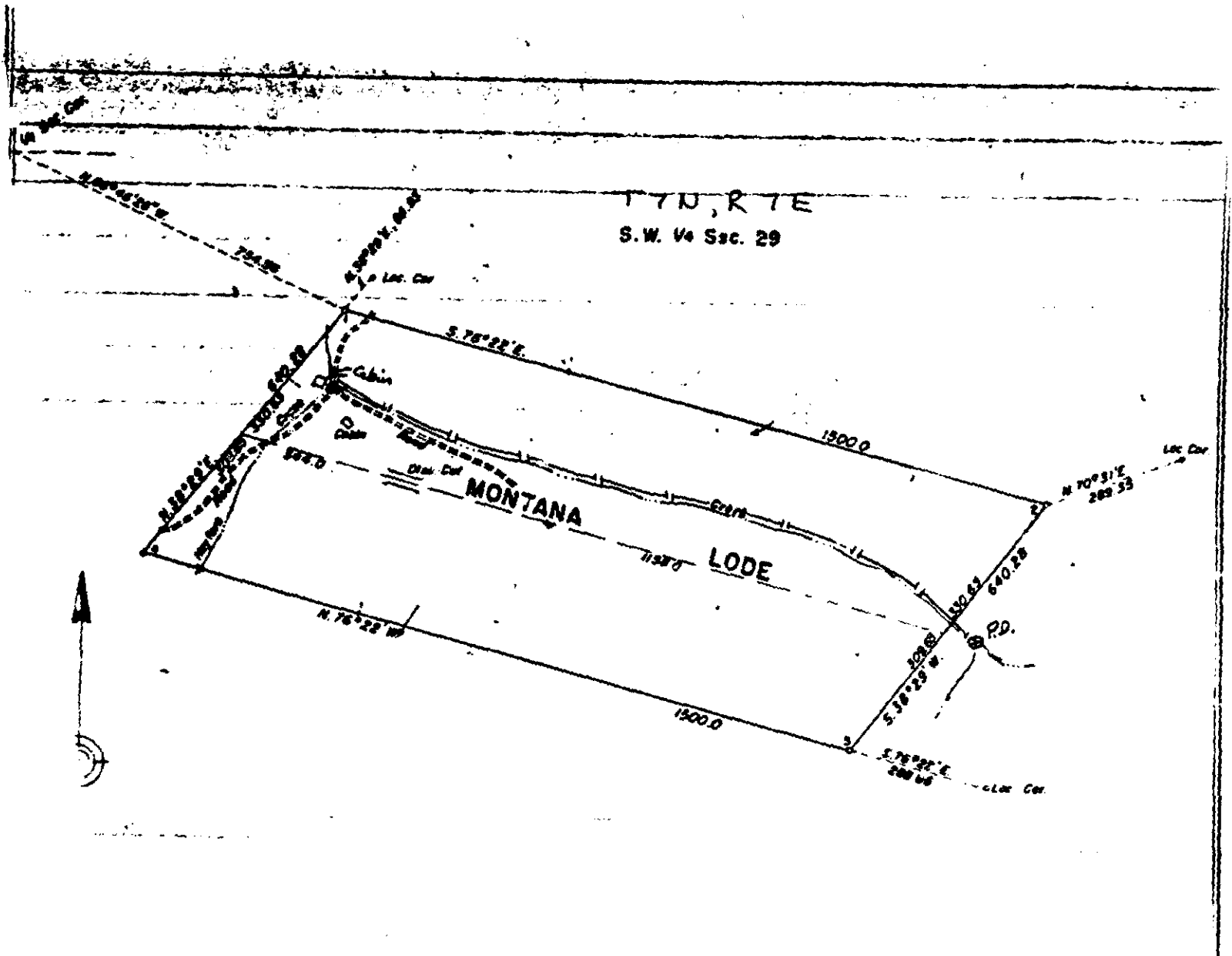
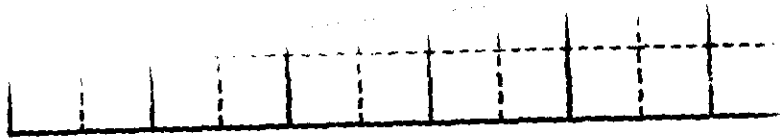
Notary Public

Residing at Boise, Id

My commission expires 12-26-75

For Department Use Only

Received by <u>CLS</u>	Date <u>8-22-75</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CLS</u>	Date <u>8-22-75</u>		claimant by:	
\$10.00 fee received by <u>CLS</u>	Date <u>8-22-75</u>	<u>#1281</u>		
Approved for publication by <u>CLS</u>	Date <u>10-22-75</u>			
Published in <u>Idaho World</u>				
Dates <u>Sept 5 & 12</u>	<u>75</u>			



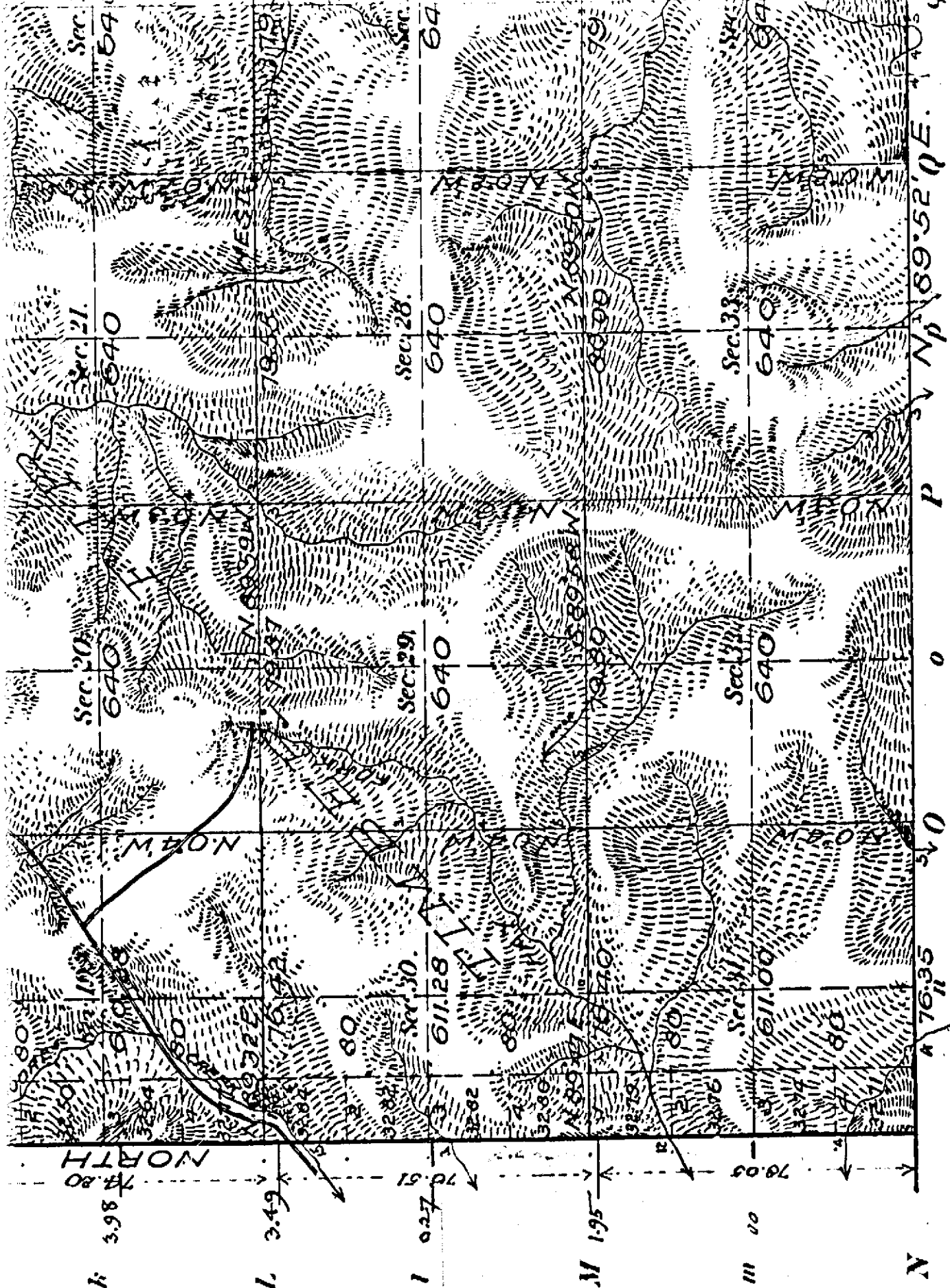
Lot:

Block 5

1/4 Sec.
1/4 Strip
1/4 Sec.

T7N
R7E

Govt Plat
1896



Total number of Acres 22628.06

Survey Designated	By Whom Surveyed	Date of Contract	Amount of Survey M. Ch. Ft.	When Surveyed	Mean Declination
N. F. S. Township lines	Lymon B. Hendall	No 175	77 71 26	Aug 11 Sep 23 1896	

11/13/2001

Mrs. Frogley 342 4146

11:40 left msg on machine.

Rec. ^{A63-}4323 Don.

Reg. With for
other claims

11/21/2001: Mrs. Frogley

Fire in home destroyed home

Living wren right may be valuable in
the future - mining may take place in the future.

If she can provide evidence that mining
right has not been forfeited, I will rec. Right
for uses she shows.

No use now, but may have been in the
past close enough to claim filing to avoid
forfeiture.

rr

ADJUDICATION MEMORANDUM

CLAIM NO.: Frogley / Eilers

SUBJECT: _____

EMPLOYEE: M Minicucci

DATE: 11/05/2001

Id City RD (USFS) 392 6681

Russell Hicks X3729

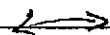
Frogley's ~~are~~ land is private (end of road,
(Nbr 4th of July claim.) cabin)

Located @ confluence of two
unnamed streams in S.29

Claims have lapsed + re-instated



Eilers : Cabin is in trespass (USFS) (A63-04127)



Unpatented mining claims = subsurface mining
only. Not property ownership.

BLM is ultimate mining authority (373-3891)

Recording of claims (373-3885)

11/01/2001

Drew Mr. Frogley 323 1003 (Mrs. Frogley's son)

Returned call 9:15 & left msg

Left msg @ 4:00 that asking for return
call tomorrow a.m.

11/02/2001

Returned Mr. Frogley's message. left msg: Say OK, pls
call by 1:00

Important Message



Time: 11:37 Date: 11-2

For: Maria

From: Drew Frogley

Telephone: 323-1003

☐ Telephoned

☒ Please call

☐ Wants to see you

☐ Will call again

☐ Returned your call

☐ URGENT

☐ Was here to see you

Message: _____

Taken by: _____

Post-it® 7679-4 ©3M 1993

10/26/2001

Mrs. Frogley - In office visit

Deeded property "Montana Code" is only property for which Frogleys have an interest

MR. Frogley + MR. Eilers were partners in mining activity, on 4th of July claims.

Road goes directly to cabin

Eilers cabin is still there + one other
Frogleys' cabin is log, metal roof, porch
Door faces road.

Go past on ^{How} cabin, straight to Frogley, (RT goes to Eilers)

No mining use any more, although Mrs. Frogley's children would know more about it.

Mrs. Frogley will ask her children to call me for field exam. I will call Eilers (also have claims) to coordinate field exams.

10/29/2001 : Mrs. Frogley : Lawsuit against US govt. Lost lawsuit. No mining rights. She will contact her son for field exam this Saturday (Nov. 3).

**IDWR FIELD EXAM
COMMUNICATION DOCUMENTATION**

Claim Number(s) A63-04323, A63-15424, A63-22196

Contact Person Ralph (Dorothy) Frogley 342 4146

Date/Time of Exam

IDWR Employee/Agent N NINICUCCI

Directions to Property

11/02/2001

~ 1 hr from Boise.

1 cabin on patented land.

1 cabin on claim land.

Meet @ turnout for SUNSET MTN.

Mores @ SUMMIT - RT TO SUNSET LOOKOUT. 9:30 A.M.

Info to determine measurement method

Water is used for domestic @ cabin + mining in the past. Still some small operations.

Miscellaneous 9/21/2001: Mas. Frogley is unsure of what was claimed where.

She will come into the office (she will call first) to look at maps, explain uses, and arrange field exam. NIN

10/19/2001: Mas. Frogley

She thinks they may have

"given up" on these properties.

She will come in (week after next)

to review claims + submit written withdrawal.

NIN



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 24, 2002

Dorothy D Frogley
Ralph F Frogley
821 S Owyhee Street
Boise ID 83705-2202

RE: Snake River Basin Adjudication (SRBA)
Notices of Claims to a Water Right Nos. **A63-4323, A63-15424, A63-22196**

Dear Mrs. and Mr. Frogley,

This office is preparing its recommendation to the SRBA court for the above-referenced claims. The court requires that the Department of Water Resources obtain evidence from the claimants of the claimed priority date. The Department sent a letter to you on August 15, 2001, requesting evidence of the priority dates claimed in each of your claims. The Department has not received any information from you to support the claimed priority dates.

Please submit the requested information for claim numbers **A63-4323** and **A63-22196** by **February 20, 2002**. If no information supporting the claimed priority dates is submitted, your claims may be recommended to the SRBA court for disallowal. This could jeopardize your use of the water in the future.

Claim number **A63-15424** will be recommended to the SRBA court for disallowal. The reason for this recommendation is that the claimed priority date is in violation of Idaho law. Idaho law states that development of a surface water source (streams, springs, etc.) requires a permit from the Idaho Department of Water Resources. This law went into effect on May 20, 1971. The development described in claim number **A63-15424** occurred in 1975 and so required a permit at that time. Since none was obtained, this use of water is not valid under Idaho law.

Please do not hesitate to contact this office with any questions, or if you need additional information. Our telephone number is listed at the top of the letter.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Maria Minicucci'.

Maria Minicucci



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

RALPH F FROGLEY
821 S OWYHEE ST
BOISE, ID 837052202

Re: Claim No(s) 63-4323

63-15424, 63-22196

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh
Enclosures

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS**

**In Re Snake River Basin Adjudication Case
No. 39576**

**Notice of Filing Director's Report and Supplemental
Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.**

**TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:**

**THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH
THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT.
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PRO-
CEEDINGS ON THESE WATER RIGHT CLAIMS.**

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

62306
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

*Modified A63-04323
A63-15424
current add. 2-9-96
has old address*

*A63-04323
-15424
-22196
filed '89*

322-4146

1st of 1995
RALPH F FROGLEY
DOROTHY D FROGLEY
2913 OVERLAND
BOISE 1

*ADDRESS OK
one THIS
CLAIM*

RECEIVED
APR 24 1995

Department of Water Resources
MICROFILMED

RECEIVED
FEB 14 1996
WATER RESOURCES
WESTERN REGION

FRGLEY 437052010 1244 04/1995
FORWARDING TIME EXPIRED
FROGLEY
221 S OWYHEE ST
BOISE ID 83705-2202
RETURN TO SENDER

NOTICE OF FILING DIRECTOR'S REPORT

DIRECTOR'S REPORT

This Director's Report Part II is a report by the Director of the Idaho Department of Water Resources (IDWR). It contains abstracts of claims by the United States and Indian Tribes to "non-consumptive" water rights (such as instream flows) throughout the Snake River Basin. The abstracts summarize the claims without substantively changing the water right as claimed. The Supplemental Director's Report Part II includes abstracts of claims not included in the Director's Report Part II. The supplemental report also includes abstracts of amended claims, which contain changes to claims previously abstracted in the Director's Report Part II.

The Director's Report Part III contains the claims filed for these water rights, and includes both the claim documents and maps. The Supplemental Director's Report Part III includes claims not included in the Director's Report Part III, as well as amended claims which contain changes to claims included in the Director's Report Part III.

Complete copies of Part II of the reports are available for inspections at all offices of IDWR and at the other locations printed on this notice. Complete copies of Part III of the reports are available for inspection at the State Office of IDWR and the SRBA District Court. Copies of all or a portion of the reports are available from the IDWR State Office subject to payments of costs of mailing and/or copying.

OBJECTIONS TO DIRECTOR'S REPORT

You may file an objection to any portion of the Director's Reports with the SRBA District Court. You must use a court approved objection form that is available from IDWR, which contains instructions for filing the objection. All objections must be **received** by the court on or before October 16, 1995. You must mail a copy of your objection to IDWR and the United States as shown on the objection form. If you are objecting to an abstract of a claim filed by an Indian tribe, you must also mail a copy of the objection to the tribe at the address shown in the report.

RESPONSES TO OBJECTIONS

The United States and the Indian Tribes may but are not required to file a response to an objection to abstracts of their claims with the SRBA District Court.

PARTIAL DECREE OF UNCONTESTED PORTIONS OF DIRECTOR'S REPORT

Those portions of the Director's Report to which no objections are filed will be decreed by the district court after a hearing to be held at 1:30 p.m., May 21, 1996 at the SRBA Courthouse in Twin Falls.

NOTICE OF FURTHER PROCEEDINGS

You will be mailed a notice of further proceedings on an objection to **your water right, your objection, or your response**. You will not be mailed notice of other objections or proceedings on other objections.

Notice of other objections and responses to other objections will be included on a monthly docket sheet distributed by the SRBA District Court. A subscription to the docket sheet may be obtained from the court for a small annual fee (\$7.50 for the calendar year 1995).

IDWR has filed or will file Director's Reports for all other claims within the Snake River Basin, one for each of the reporting areas in the Snake River Basin. Notice of the filing of these reports, and of further proceedings on these reports, will also be included in the docket sheet.

You may be affected by orders and decrees entered by the court in proceedings on other objections and proceeding on other reports. **It is very important that you subscribe to the docket sheet** if you wish to stay informed of these other proceedings. For further information as to documents filed with the court and hearings scheduled before the court in the SRBA, you must inquire at the SRBA District Court.

FURTHER INFORMATION

The court has adopted procedures for the post-report phase of the SRBA, which are set forth in the order of the court entitled "SRBA Administrative Order No. 1." A copy of this order can be obtained from the State Office of IDWR or the SRBA District Court.

If you have questions about the SRBA, please call any office of IDWR listed in this notice. If you have questions concerning your rights and responsibilities as a claimant in the SRBA, please consult your attorney.

R. KEITH HIGGINSON

Director, Idaho Department of Water Resource