

10/01/2003

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

RIGHT NUMBER: 27-4116

NAME AND ADDRESS: DONNA R HAWKER
1655 RIVERTON RD
BLACKFOOT ID 83221

ROBERT D HAWKER
1655 RIVERTON RD
BLACKFOOT ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.120 CFS

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

PRIORITY DATE: 06/01/1955

POINT OF DIVERSION:

T03S R35E S4 SWSW Within BINGHAM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.120 CFS

PLACE OF USE: DOMESTIC Within BINGHAM County

T03S R35E S04 SWSW

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 IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

RP 1299900

An aerial photograph of a coastal area, likely a wetland or marsh, with a prominent red overlay. The image is divided into a grid by thin red lines. The red area covers most of the frame, while the blue areas represent water or open land. The text "03S35E4SWSW" is printed in white in the center of the red area. The bottom of the image shows a different, less saturated view of the same area.

03S35E4SWSW

1987/88 NAPP Photoaradhu.

01/08/2004

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:

Water right number: 27-4116

DONNA R HAWKER
1655 RIVERTON RD
BLACKFOOT ID 83221
Telephone Number: (208) 785-4596

ROBERT D HAWKER
1655 RIVERTON RD
BLACKFOOT ID 83221
Telephone Number: (208) 785-4596

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Priority date

2. Describe the changes you wish to make in the proposed recommendation:

Change from 1955 To 1931

3. Give a brief explanation as to why you disagree with these portions:

The well was drilled before the house was built because it is underneath the house. We understand the house was built in 1931.

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

DATE: 5-24-05 SIGNATURE: Robert D. Hawker

Please print your name: Robert D. Hawker

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

PROFILED

SCANNED
JUN 02 2005

RECEIVED
JUN 02 2005

Department of Water Resources
Eastern Region

KMJ
6/2

Notes

10-1-03 8:26Am I called Robert Hawker.
to find out the number of spaces in
the park. He said the will service
7 spaces.

PROFILED

SON
MAY 11 2003

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner	<i>see claim</i>					
---------------	------------------	--	--	--	--	--

Name connector: and ____, or ____, and/or ____

Current Owner						
---------------	--	--	--	--	--	--

Current Owner						
---------------	--	--	--	--	--	--

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

*desk top review*Reviewer: *CB*Date: *10-1-03*

Priority Date Data Entry FormClaim Number: 27-4116

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

affidavitsReviewer: CBDate: 10/1/03

Priority DateClaim No. 27-4116

1. Should this water use have been included in a later court decree of the water rights from this source? Yes ☐ No ☒
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes ☐ No ☐
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes ☐ No ☐
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes ☐ No ☐
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes ☐ No ☒
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☐ No ☐
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes ☐ No ☐
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes ☐ No ☒
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes ☐ No ☒
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes ☐ No ☒
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes ☐ No ☐
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit. Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes ☐ No ☐
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes ☒ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes ☐ No ☐
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes ☐ No ☐
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes ☒ No ☐
If Yes, go to 16
If No, Enter the appropriate basis of claim.
16. Is a Priority Date remark and/or condition required? Yes ☐ No ☒
If Yes, Enter the appropriate basis of claim. Priority Date review is complete
If No, Priority Date review is complete.

B.U.

Priority Date

Claim Number: 21-4114

Water Right Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec. _____, _____, _____, _____. County: _____

Source: _____ Tributary: _____

Recommended Point of Diversion: T 3S, R 35E, Sec. 4, SE, SW, SW. County: Bingham

Source: G.W. Tributary: _____

X Use Claimed POD and Source as Recommended POD and Source

[illegible]

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Document how the PCB and Source were verified and/or Pump and Motor data.

1987/88 NAPP Photography, 1974 Blackfoot Orthoquad,

Transfers Changing POD _____

Reviewer: CB

Date: 10-1-03

Point of Diversion

Claim No. 27 - 4116

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes () No (X)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No (X)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10

Yes () No ()

4. Does the parent right have a POD?

If Yes, go to 5
If No, go to 6

Yes () No ()

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6

Yes () No ()

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7
If No, go to 9

Yes () No (X)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9
If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes () No ()

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9

Yes () No ()

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10
If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes (X) No ()

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete.

Yes () No (X)

Point of Diversion

Source

Claim No. 27-4016

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☐ No ☒
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☒
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11
Yes ☐ No ☐
4. Does the parent right have a Source?
If Yes, go to 5
If No, go to 7
Yes ☐ No ☐
5. Can the claimed Source be verified using the water right file?
If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7
Yes ☐ No ☐
6. Is the basis of claim a Posted Notice?
If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7
Yes ☐ No ☒
7. Is there evidence that there has been a change in the Source?
If Yes, go to 8
If No, go to 10
Yes ☐ No ☒
8. Can the change be verified as an accomplished transfer?
If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9
Yes ☐ No ☐
9. Did the claimant file a transfer?
If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10
Yes ☐ No ☐
10. Does the file contain all of the necessary information to verify the Source?
If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11
Yes ☒ No ☐
11. Is a Source remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.
Yes ☐ No ☒

Source

Purpose of Use Data Entry Form

Claim Number: 27-4116☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Domestic	7			

Document how the Purpose of Use was verified:

1987/88 NAPP Photograph, Sept. 17-1972/
Blackfoot Orthogquad

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 10-1-03

Purpose of Use

Claim No. 27-4116

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes () No (X)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No (X)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

Yes () No ()

4. Does the parent right have a Purpose of Use?

If Yes, go to 5
If No, go to 6

Yes () No ()

5. Can the claimed Purpose of Use be verified using the water right file?

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6

Yes () No ()

6. Is there evidence that there has been a change in the Purpose of Use?

If Yes, go to 7
If No, go to 11

Yes () No (X)

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C04, go to 11
If No, go to 8

Yes () No ()

8. Does the change include an enlargement of the Purpose of Use?

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

Yes () No ()

9. Was an enlargement claim filed?

If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10

Yes () No ()

10. Did the claimant file an enlargement claim?

If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

11. Does the file contain all of the necessary information to verify the Water Use?

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes (X) No ()

12. Did the claimant file a transfer?

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes () No ()

13. Is a Purpose of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Yes () No (X)

Purpose of Use

Place Of Use Data Entry Form

Claim Number:

27-4116

☒ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

1987/88 NAPP Photography / 1974 Blackfoot
outlooked

Transfers Changing POU _____

Reviewer:

CB

Date:

10/1/03

Place of Use

Claim No. 27-4116

1. Is the basis of claim a Decree or License.

If Yes, go to 2a

If No, go to 2b

Yes () No (X)

2a. Is a POU required?

If Yes, go to 5

If No, go to 14

Yes () No ()

2b. Is a POU required?

If Yes, go to 3

If No, go to 14

Yes () No (X)

3. Is the basis of claim a Permit or Application?

If Yes, go to 4

If No, go to 7

Yes () No ()

4. Has the License been issued?

If Yes, go to 6

If No, recommend the POU as shown on the Permit. Go to 14

Yes () No ()

5. Does the parent right have a POU?

If Yes, go to 6

If No, go to 7

Yes () No ()

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14

If No, go to 7

Yes () No ()

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8

If No, go to 13

Yes () No ()

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13

If No, go to 9

Yes () No ()

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10

If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes () No ()

10. Was an enlargement claim filed?

If Yes, go to 13

If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes () No ()

11. Did the claimant file an enlargement claim?

If Yes, go to 13

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14

If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes () No ()

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14

If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes () No ()

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POU review is complete.

If No, POU review is complete.

Yes () No (X)

Place of Use

Period of Use and Quantity Data Entry Form

Claim Number: 27-4116☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Qty was verified by graph in IDWR examiners
handbook,

Reviewer: CBDate: 10/1/03

- Is the basis of claim a Decree or License? Yes ☐ No ☒
 If Yes, go to 4
 If No, go to 2
- Is the basis of claim a Permit or Application? Yes ☐ No ☒
 If Yes, go to 3
 If No, go to 6
- Has the License been issued? Yes ☐ No ☐
 If Yes, go to 5
 If No, recommend the Period of Use as shown on the Permit. Go to 18
- Does the parent right have a Period of Use? Yes ☐ No ☐
 If Yes, go to 5
 If No, go to 6
- Can the claimed Period of Use be verified using the water right file? Yes ☐ No ☐
 If Yes, go to 14
 If No, go to 6
- Is there evidence that there has been a change in the Period of Use? Yes ☐ No ☒
 If Yes, go to 7
 If No, go to 12
- Does the change include an enlargement in the Period of Use? Yes ☐ No ☐
 If Yes, go to 9
 If No, go to 8
- Can the change be recommended as an accomplished transfer? Yes ☐ No ☐
 If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
 If No, notify claimant that a transfer is necessary. Go to 11
- Was an enlargement claim filed? Yes ☐ No ☐
 If Yes, go to 12
 If No, notify claimant that an enlargement claim is necessary. Go to 10
- Did the claimant file an enlargement claim? Yes ☐ No ☐
 If Yes, go to 12
 If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
1. Was a transfer filed? Yes ☐ No ☐
 If Yes, go to 14
 If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
2. Does the file contain all of the necessary information to verify the Period of Use? Yes ☒ No ☐
 If Yes, go to 13
 If No, collect the necessary information. Conduct field exam if necessary. Go to 13
3. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined? Yes ☐ No ☒
 If Yes, go to 14
 If No, go to 15
4. Is irrigation claimed as a purpose of use? Yes ☐ No ☐
 If Yes, go to 16
 If No, recommend the Period of Use of the parent right. Go to 18
5. Is irrigation claimed as a purpose of use? Yes ☐ No ☒
 If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
 If No, the Period of Use is usually recommended as claimed. Go to 18
6. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? Yes ☐ No ☐
 If Yes, go to 17
 If No, recommend the Period of Use of the parent right. Go to 18
7. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use? Yes ☐ No ☐
 If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
 If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
8. Is a Period of Use remark and/or condition required? Yes ☐ No ☒
 If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.

Period of Use

Quantity

Claim No. 27 - 4116

1. Is the basis of claim a Decree or License?
If Yes, go to 4
If No, go to 2
Yes ☐ No ☒
2. Is the basis of claim a Permit or Application?
If Yes, go to 3
If No, go to 6
Yes ☐ No ☒
3. Has the License been issued?
If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11
Yes ☐ No ☐
4. Does the parent right have a diversion rate and/or volume?
If Yes, go to 5
If No, go to 7
Yes ☐ No ☐
5. Can the claimed diversion rate and/or volume be verified using the water right file?
If Yes, go to 8
If No, go to 7
Yes ☐ No ☐
6. Is the basis of claim a posted notice?
If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7
Yes ☐ No ☒
7. Is a flow measurement required?
If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9
Domestic
Yes ☐ No ☒
8. Does the parent right have an annual diversion volume limit?
If Yes, go to 10
If No, go to 9
Yes ☐ No ☐
9. Is the source Ground Water and does the purpose of use require a diversion volume limit?
If Yes, go to 10
If No, go to 11
IDWR Standards
Yes ☒ No ☐
10. Is irrigation a purpose of use?
If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
Yes ☐ No ☒
11. Has a diversion volume limit for this water use been established by a decree, license or transfer?
If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12
Yes ☐ No ☐
12. Is a Quantity remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.
Yes ☒ No ☐

Quantity

Summary

Claim No. 27 - 4116

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

If Yes, go to 2

If No, go to 3

Yes () No (X)

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4

If No, status will be set as Active. Go to 5

Yes () No ()

3. Is the water being used for all of the purposes claimed and to the extent claimed?

If Yes, status will be set as Active. Go to 5

If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

Yes (X) No ()

4. Is any portion of the claim being recommended?

If Yes, status will be set as Active. Go to 5

If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

Yes () No ()

5. Is an additional remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Go to 6

If No, go to 6

Yes (X) No ()

6. Would you like to view the recommended right?

If Yes, go to 7

If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes (X) No ()

7. Is this a "split" or "combined" right?

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 8

If No, go to 8

Yes (X) No (X)

8. Do you have documents you would like to attach or link to the file?

If Yes, go to PowerDOCS and profile the documents. Go to 9

If No, go to 9

Yes () No (X)

9. Would you like to set the verification date?

If Yes, the review is complete.

If No, the review is incomplete. The recommendation must be verified to complete the review.

Yes (X) No ()

Q - 5 410

Summary

Claim No.: 27-4116

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

N13 Atty Cond

N11 Gen. Cond.

Split or Combined Right Analysis:

NO

Attached Field Notes or Other Documents:

no

Claim No.: 27-4116

Reviewer CB

Date 10/1/03



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Robert Hawker
1655 Riverton Road
Blackfoot, Idaho 83221

May 14, 2003

Re: Evidence of Priority

Claim No.(s) A27-04116

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by June 30, 2003, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
 Adjudication Claim Report

May 19, 2003

State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, ID

Claim No. A27-04116

Dear Sirs:

I purchased my home with 2 ½ acres of ground with three shares of water rights in West Side Ditch in 1965. This was part of a farm formerly owned by Parley Clark. I have paid for three shares each year and used it for irrigation purchases.

Robert D. Hawker
Robert D. Hawker 5-20-03

Claim No. A27-04116

Dear Sirs:

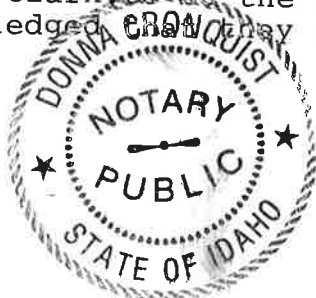
I am the son of Parley Clark, former owner of this property, and I lived on this property beginning in 1932, and can verify that the water was used for irrigation of this property from that time on.



Dyle G. Clark
Dyle G. Clark 5/20/03

State of Idaho
County of Bingham

On May 20, 2003 personally appeared before me, Robert D. Hawker and Dyle G. Clark, to be the signer of the above instrument, and they acknowledged that they signed it.



Donna Cronquist
NOTARY PUBLIC
12-2-2004
MY COMMISSION EXPIRES

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 27-4116

Dates and Other Information:

Claim Received Date: 4/20/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
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

Lyle G. Clark did not remember the name of the person his father bought the place from, but he bought it in 1931.

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: E006954

Date: 04/20/89
Time: 11:19:03

Received

From: HAWKER, ROBERT D./DONNA R

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$62.00
	Total	\$62.00

CHECK 1780

WR/NO: A27-04116

Idaho Department of Water Resources

Region: EASTERN

Signature: 

STATE OF IDAHO
Department of Water Resources

No 30991

Boise, Idaho, June 21, 1983

RECEIVED
FROM

Robert Hawker of Blackfoot \$30⁰⁰
Thirty & 00/100 DOLLARS

FOR

Claim	\$	30	00
	\$		
Cash	\$		
	\$		
TOTAL - - -	\$	30	00

William Wray

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

04/29/2003

WATER RIGHT NO. 27-4116

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONNA HAWKER
Current Owner	ROBERT HAWKER
	RT 3 BOX 39
	BLACKFOOT, ID 83221

Priority Date: 06/01/1955
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER	1/01	12/31	0.12 CFS	
Total Diversion			0.12 CFS	

Location of Point(s) of Diversion:

GROUND WATER	SWSW	Sec. 04	Township 03S	Range 35E	BINGHAM County
--------------	------	---------	--------------	-----------	----------------

Place(s) of use:

Place of Use Legal Description: STOCKWATER BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
03S	35E	4		SWSW										

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Close

AJ5809NP
No. R27-04116

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 02/06/98
PAGE: 9

FEE 62.00

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DONNA R HAWKER	06/01/1955	DOMESTIC	01-01 12-31	0.12 CFS	0.04 CFS
C	ROBERT D HAWKER 1655 RIVERTON RD BLACKFOOT ID 83221 (208) 785-4596					
TOTAL DIVERSION:					0.12 CFS	0.04 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T03S R35E S04 SWSW BINGHAM County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
T	R	S	Ac	T	R	S	Ac	T	R	S	Ac	T	R	S	Ac
03S	35E	4	:	:	:	:	:	:	:	:	:	:	:	:	:

POU County: BINGHAM

Non-Irrigation Uses: 1 HOME

Other Rights: IRR. RTS. FROM WEST SIDE DITCH

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP RP 1299900

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

E00 6954

*✓ RBT
2/6/98*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Robert or Donna Hawker
 Rt. 3, Box 39, Blackfoot, Idaho 83221 ^(Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 785-4596

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1955

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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	0.12 cfs	Use	Domestic	Period of Use From 1-1	To 12-31
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) $\frac{0.12 \text{ cfs}}{(\text{cfs, af})}$ TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4 Twp. 3S Rge. 35E B.M., County of Bingham
 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. Describe any changes in the system and give the date of the change. Well, pump with line to home and seven trailer spaces.

(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.

[illegible]

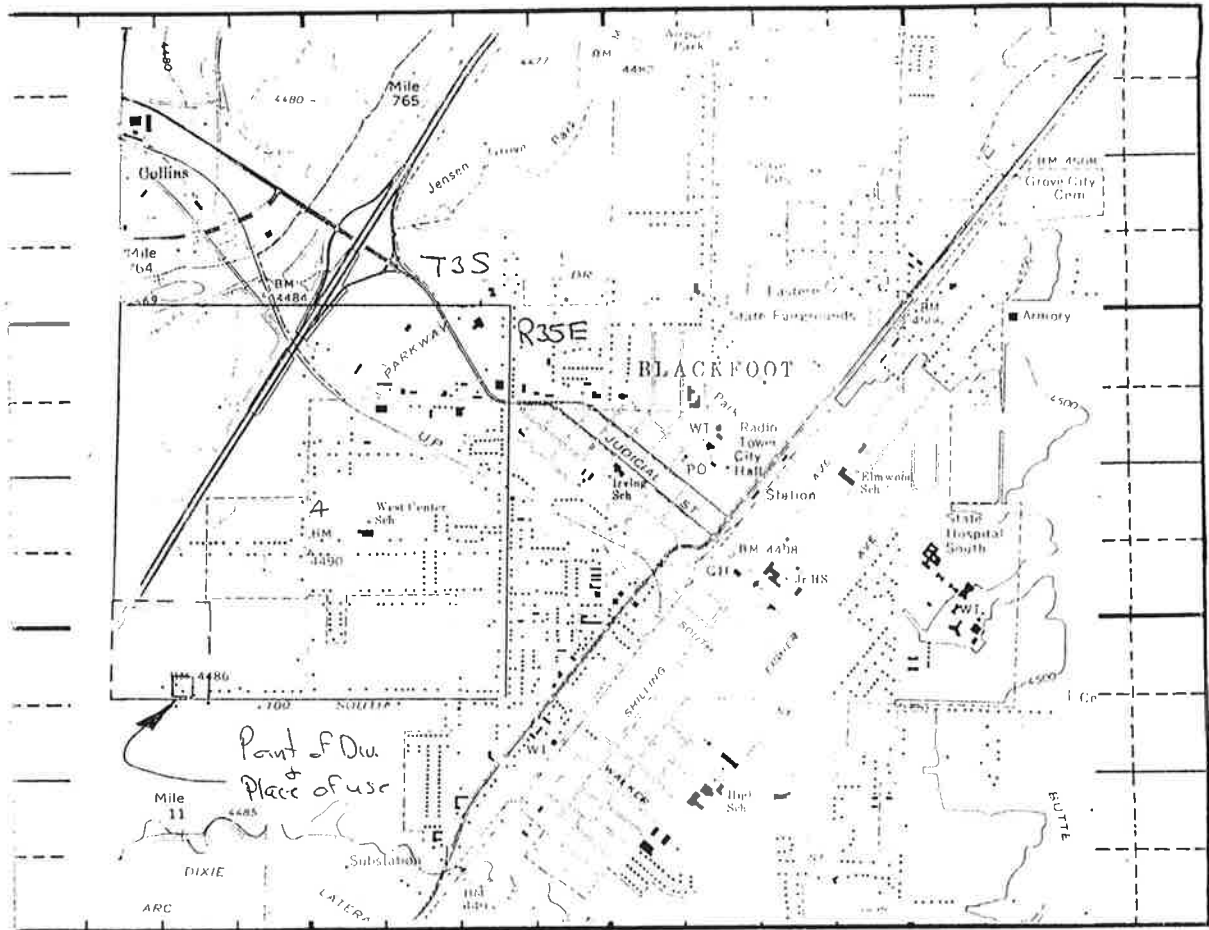
No. of acres _____

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

NOTE: Include here the type and number of stock watered:

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

(8) Remarks _____



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 Sonneville) 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 21st day of June, 1983.

(Claimant)

Notary Public

Residing at Snake Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

Received by CW Date 6-21-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by gum Date 6-21-83 claimant by: _____
\$30.00 fee received by CW Date 6-21-83
Published in Blackfoot News #30991
Dates 8/11 - 8/18/83

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (O) NUMBER -

+ - FIRST NAME - - +

+ - - - - - ADDRESS - - - - - +

ROBERT D.

1 - 1655 RIVERTON RD.

2 -
3 -

CITY- BLACKFOOT

STATE- ID ZIP- 83221

PHONE - 208-785-4596

1 - 1655 RIVERTON RD.

2 -
3 -

CITY- BLACKFOOT

STATE- ID ZIP- 83221

PHONE - 208-785-4596

```

+ - - - REGION - - - +
15 EASTERN

```

+ - - - STAGE - - - +
S - STATUTORY CLAIM

+ - - - STATUS - - - - +

+ - - - - - TRIBUTARY - - - - -

STREAM INDEX (BLANK IF NO INDEX CODE)

03S 35E 4 SW SW (11) BINGHAM

DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

9.120

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.120 0.0

DESCRIPTION

035

35E

4

SW SW

4

TC

doi:10.1017/S0022292412001909

+ - - DIVERSION MEANS - 45' WELL W/ JET PUMP TYPED TO HOME AND 6 SLOT MOBILE HOME PARK

+ - - NON-IRRIGATION USE - D/6 TRAILOR SPACES AND ONE HOME

+ - - OTHER RIGHTS FOR SAME USE - IRR. RTS. FROM WEST SIDE DITCH

----- REMARKS -----
NO REMARKS FOUND.

----- OLD WATER RIGHT NUMBERS -----
NO OLD WATER RIGHT NUMBERS FOUND.

----- - - - CONDITIONS OF APPROVAL - - - -----
NO CONDITIONS OF APPROVAL FOUND.

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - DECREE DATE - +
00/00/0000+-----COMMENTS-----
NO COMMENTS FOUND

+-----ADJUDICATION RIGHTS DATES AND FLAGS AREA-----+

RP 1299900

Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exsm
Other (See Remarks)
☒ County Records
☐ Witness Statement
☐ Project Records
☐ DWR Records

AUG - 1991

ENTERED 11/20/96
CHECKED AN

CERTIFIED
SEP 04 1991
WATER EXAMINER

SCANNED

JUL 13 2001

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: A27-04116

Date Received: 4/20/1989

Receipt No: 6006954

Received By: SSA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT D. HAWKER 208-785-4596
Address: 1655 RIVERTON RD.
BLACKFOOT, ID 83221

OR

Name: DONNA R. HAWKER 208-785-4596
Address: 1655 RIVERTON RD.
BLACKFOOT, ID 83221

2. Date of Priority: JUN 01, 1955

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03S	35E	4	SW	SW			BINGHAM

5. Description of diverting works:

45' WELL W/ JET PUMP ~~TYPED~~ TO HOME AND 6 SLOT MOBILE HOME PARK
~~PIPED~~

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.120		

7. Total Quantity Appropriated is:

0.120 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

D/6 TRAILOR SPACES AND ONE HOME

A27-04116

Page 1

Date: 04/20/89

MICROFILMED

NOV 12 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03S	35E	4	SW SW		DOMEST	

11. Place of use in counties: BINGHAM

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

13. Other Water Rights Used:
IRR. RTS. FROM WEST SIDE DITCH

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: 0

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): Robert D. Hawker Date: 4-20-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 20 day
of April 19 89

Seal

[Signature]
Notary Public

Residing at Idaho Falls, ID
My Commission Expires 22 Aug 1994