

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 CLARK FORK-PEND OREILLE RIVER
BASIN WATER SYSTEM

CIVIL CASE NUMBER: 69576

Claim ID: 97-7031

Date Received: 6-21-2022

Receipt No: N040134

Claim Fee: 125.00 By: JB

RECEIVED

JUN 21 2022

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR / NORTH

Please type or print clearly

1. Name of claimant(s) EW Hawk, LLC Phone () _____
Mailing address P.O. Box 253, Sandpoint, Idaho Zip 83864
Street or Box City State
Email address (optional) _____
2. Date of priority: (Only one per claim) 05/08/1973 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Priest River
which is tributary to (b) Pend Oreille River
4. a. Location of point of diversion is: Township 57N, Range 04W, Section 18,
SW 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bonner
Parcel no. RP57N04W188720A
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Pump with electric motor, mainline and laterals and pivot for sprinkler system

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 05/15 to 10/01 amount 1.5 or 225

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.5 (cfs) and/or (b) 225 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
57N	04W	19			15		24			36									75

Parcel no(s). RP57N04W192402A, RP57N04W191201A Total number of acres irrigated 75

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

11. Do you own the property listed above as place of use? Yes (✓) No ()
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (✓)

13. Remarks (Include an explanation of the priority date selected):

See attached Quitclaim Deed Instrument No. 814329 Recorded 08-19-2011 (4 pages).

See attached Map and Aerial for all parcels (2 pages).

See attached Parcel Maps and Aerials For Bonner County Parcel Nos. RP57N04W192402A and RP57N04W191201A (4 pages).

Water rights for the property commenced by F.N. McGhee.

Water Right Numbers: 97-7031, 97-7032, 97-7030. Present Number 97-7031.

See attached Water Rights Report and Map for Water Right No. 97-7031 (106 pages).

Name of claimant(s) EW Hawk, LLC

Claim ID _____

Scale: 2 inches equals 1 mile

A 16x16 grid of squares, each containing a dashed crosshair for handwriting practice. The grid is composed of 16 columns and 16 rows, totaling 256 squares. Each square has a dashed crosshair in the center, consisting of a vertical line and a horizontal line intersecting at the middle. The grid is designed for handwriting practice, with the dashed lines providing a guide for letter formation and placement.

Claim ID _____

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☒) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 97-7031

15. Signature(s)

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Clark Fork-Pend Oreille River Basin Water System 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: 4 (116 pages total).

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Edmund W. Hawkins Jr. Date: 06/09/2022

Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Manager of EW Hawk, LLC
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent [See Above] Date _____

Printed Name of Authorized Agent Edmund W. Hawkins Jr.

16. Notice of Appearance:

Notice is hereby given that I, (please print) John A. Finney, Attorney at Law, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature John A. Finney FSB No. 5413 Date 6/17/2022

Address 120 E. Lake St, Ste 317, Sandpoint, Idaho 83864

Name of claimant(s) EW Hawk, LLC Claim ID _____

WATER RIGHT LICENSE

THIS IS TO CERTIFY, that F. N. MCGHEE

Beneficial Use Period of Use Rate of Diversion Annual Volume

Irrigation from May 15 to October 1 at 1.5 cfs and 225 acre feet

from to at cfs and

from to at cfs and

Subject, however, to the condition that no more than 1.5 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 225 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ Sec. 18, Twp. 57N,
Rge. 4W, B.M. _____ in the County of Bonner

Description and location of place of use:

[illegible]

Total number of acres irrigated 75

CONDITION: The maximum volume of water diverted under this license when combined with License No. 97-7032 shall not exceed 2.79 cfs.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of March, 19 80.

Stephen M. Ross
Director

MICROFILMED

return to
Mountain West Bank
attn. Louise Masterson
P.O. Box 1059
Coeur d'Alene, ID 83814

Instrument # 814329

BONNER COUNTY, SANDPOINT, IDAHO
8-19-2011 03:41:16 No. of Pages: 4

Recorded for : STI

MARIE SCOTT

Fee: 19.00

Ex-Officio Recorder Deputy

Index to: QUIT CLAIM DEED

(THIS SPACE RESERVED FOR RECORDER'S USE)

QUITCLAIM DEED

For Value Received

Edward W. Hawkins, Jr. and Rebecca A. Hawkins, Husband and wife

do hereby convey, release, remise and forever quit claim unto EW Hawk, LLC, an Idaho limited liability company whose current address is: 109 N Ella, Sandpoint, ID 83864

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART OF SAID LEGAL DESCRIPTION.

together with their appurtenances and including after acquired title.

Dated: August 17th, 2011

Edward W. Hawkins, Jr.
Edward W. Hawkins, Jr.

Rebecca A. Hawkins
Rebecca A. Hawkins

State of IDAHO

County of Bonner

On this 17th day of August, in the year 20 11, before me
SHARON ROGET, a notary public in and for the State of IDAHO,
personally appeared Edward W. Hawkins, Jr. and Rebecca A. Hawkins, known or identified to
me (or proved to me on the oath of _____), to be the persons whose names
are subscribed to the within instrument and acknowledged to me that they executed the same.

Sharon Roget
Notary Public

Residing At Sandpoint

My commission expires 1/23/15

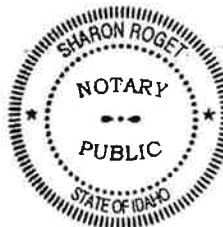


EXHIBIT "A"

PARCEL 1

A tract of land in the South half of the Southeast quarter of Section 18 and the North half of the Northeast quarter of Section 19, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho more particularly described as follows:

Commencing at the Center quarter corner of said Section 18, which is marked by a 3-1/4" diameter aluminum cap, marked RLS 853 (from which the South quarter corner bears South 00°20'23" West 2612.80 feet distant and is marked by a 3-1/4" aluminum cap marked RLS 853);

Thence along the West line of the Southeast quarter of said Section 18 South 00°20'23" West 2080.13 feet to a 5/8" rebar with yellow plastic cap marked PLS 8792, said point marks the true point of beginning of the tract of land hereinafter described;

Thence departing said West line South 89°59'56" East 1225.08 feet to the "Post Dam" low water mark at the West bank of the Priest River (as depicted on the record of Survey by PLS 8792 on file at Instrument No. 690502 in the records of Bonner County, previously described);

Thence along said low water mark the following 4 courses:

- 1) South 33°03'25" East 15.42 feet;
- 2) South 31°38'46" East 45.16 feet;
- 3) South 44°23'02" East 42.60 feet;
- 4) South 47°58'19" East 35.35 feet to a point on the East line of the Southwest quarter of the Southeast quarter of said Section 18;

Thence departing said low water mark South 00°10'10" West 428.94 feet to the East Sixteenth corner between Sections 18 and 19, which is marked by a 1/2" copperweld cap marked PLS 853;

Thence departing Section 18 and entering Section 19 South 00°22'06" West along the East line of the Northwest quarter of the Northeast quarter a distance of 138.61 feet to a 5/8" rebar with plastic cap marked PLS 8792;

Thence departing said East line North 89°52'45" West 1314.90 feet;

Thence North 00°16'09" East 137.63 feet to the South quarter corner of Section 18, which is marked by a 3-1/4" aluminum cap, marked PLS 853;

Thence entering Section 18 North 00°20'23" East along the West line of the Southeast quarter 532.66 feet to the true point of beginning.

EXCEPTING THEREFROM the right of way of U. S. Forest Service Road Number 334 as depicted on the previously described surveys of record.

PARCEL 2

A tract of land located in that portion of the North half of the Northeast quarter of Section 19, lying West of Peninsula Road (County Road) in Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, more particularly described as follows:

Commencing at the North quarter corner of said Section 19, which is marked by a 3-1/4" diameter aluminum cap marked RLS 853 (from which the Northwest Section corner bears North 89°55'27" West 2860.49 feet distant and is marked by a 3-1/4" aluminum cap marked RLS 853);

Thence along the North line of the Northeast quarter of said Section 19 South 89°55'19" East 1315.14 feet to the East Sixteenth corner between Sections 18 and 19 which is marked by a 1-1/2" copperweld monument stamped RLS 853, said point marks the true point of beginning of the tract of land hereinafter described;

Thence continuing along said North line of the Northeast quarter of said Section 19 North 89°50'54" East 1223.50 feet to a point on the West right of way line of Peninsula Road, said point is marked by a 5/8" rebar with yellow plastic cap marked PLS 8792;

Thence along said right of way line South 10°41'08" West 391.34 feet to a 3" brass cap stamped "Idaho State Highway Right of Way R1PT 231+29.10" set in a 5" diameter concrete monument;

Thence along the arc of a non-tangent, 929.93 foot radius curve which lies concave Northwesterly an arc distance of 424.06 feet and whose chord bears South 23°44'58" West 420.40 feet to a point;

Thence South 36°48'48" West on a non-tangent line 220.50 feet to a point of curvature;

Thence along the arc of a 1612.02 foot radius, non-tangent curve which lies concave Northwesterly an arc distance of 389.44 feet and whose chord bears South 43°40'22" West 388.49 feet to a 3" brass cap stamped "Idaho State Highway Right of Way R1PC 220+77.72" set in a 5" diameter concrete monument;

Thence South 50°36'43" West 133.38 feet to a 5/8" rebar with yellow plastic cap marked PLS 8792 which lies on the North line of the South half of the Northeast quarter of said Section 19;

Thence departing said West right of way line North 89°42'40" West along the North line of the South half of the Northeast quarter 1799.45 feet to the Center North Sixteenth corner of said Section 19 which is marked by a 5/8" rebar with yellow plastic cap marked PLS 8792;

Thence along the West line of the North half of the Northeast quarter North 00°16'09" East 1169.86 feet to a point in a marsh;

Thence South 89°52'45" East 1314.90 feet to a point on the West line of the Northeast quarter of the Northeast quarter of said Section 19 which is marked by a 5/8" rebar with yellow plastic cap marked PLS 8792;

Thence along said West line North 00°22'06" East 138.61 feet to the true point of beginning.

EXCEPT that portion granted to Bonner County by Deed recorded May 5, 1938 in Book 58 of Deeds, Page 576, records of Bonner County, Idaho.

AND EXCEPT the right of way of U. S. Forest Service Road Number 334 as depicted on the previously described surveys of record.

SUBJECT TO easements and agreements of record.

PARCEL 3

Government Lots 1 and 2 and the East half of the Northwest quarter of Section 19, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho.

EXCEPT a portion of the South half of the Southeast quarter of the Northwest quarter of Section 19, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, being more particularly described as follows:

Commencing at the Center quarter corner of said Section 19 which is marked by a 5/8" diameter rebar with yellow plastic cap marked PLS 5713 (and depicted on the Amended Record of Survey by PLS 8792 on file in the office of the Bonner County Recorder as Instrument No. 690502), from which the South quarter corner bears South 00°15'30" West 2562.23 feet distant, said Center quarter corner marks the true point of beginning.

Thence along the East-West centerline of said Section 19 North 89°32'08" West 14.79 feet to a point of intersection with the existing North-South barbed wire fence (depicted on the previously described Record of Survey);

Thence departing the East-West centerline of Section 19 and along the existing North-South barbed wire fence North $00^{\circ}03'58''$ West 122.71 feet, more or less, to a point of intersection with the existing East-West barbed wire fence line extended Westward;

Thence departing the existing North-South barbed wire fence line South $88^{\circ}34'57''$ East along the existing East-West barbed wire fence a distance of 15.51 feet to a point of intersection with the North-South centerline of said Section 19;

Thence departing said fence line South $00^{\circ}16'09''$ West 122.45 feet, more or less, to the Center quarter corner of Section 19, previously described, the true point of beginning.

TOGETHER WITH the right to use and maintain a roadway as set forth in that certain Grant of Right of Way recorded January 19, 1951 in Book 17 of Miscellaneous/Page 407, records of Bonner County, Idaho.

PARCEL 4

That part of the South half of the Northeast quarter of Section 19, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho, lying West and North of County Road known as Peninsula Road, (FAS 5783) and less the following described tract:

Beginning at the center of said Section 19, running thence North 100 feet;

Thence East 351.8 feet;

Thence South $52^{\circ}49'$ West along the right of way of proposed state road at the intersection East and West centerline Section 19;

Thence West 255.12 feet to the place of beginning.

AND LESS the South 22.5 feet thereof.

TOGETHER WITH a 60' wide non-exclusive easement for ingress, egress and utilities following the centerline of the existing road for the benefit of this property and all properties located within the Northwest quarter of Sections 18 and 19, Township 57 North, Range 4 West, Boise Meridian, Bonner County, Idaho.

Find structure or access



L4

SESW

118

SWSE

SESE

PP57N04W188720A

13

PP57N04W192402A

L1

NENN

NWNE

NENE

ENE

21

L2

SENW

SWNE

SENE

ENE

119

PP57N04W191201A

Peninsula Rd

Peninsula Loop

Lower Quartz Creek Rd

Tetanka Way

1:9027





Find structure or access



Parcels (1 of 1)

Parcel #: RP57N04W192402A

Owner: Ew Hawk Llc

Acres: 173.74

Tax Code Area: 0340000

Last Assessed Value: \$166239

Deed1: [814329 QC](#)

Deed2: [814327 QC](#)

Deed3: [810204 WD](#)

Deed4: [751546 QC](#)

Deed5: [750104 SE](#)

Description: 132-Land-ag/timb w/non-res imp

Legal Description: 19-57N-4W NW LESS TAX 12

1:9027



Powered by Esri



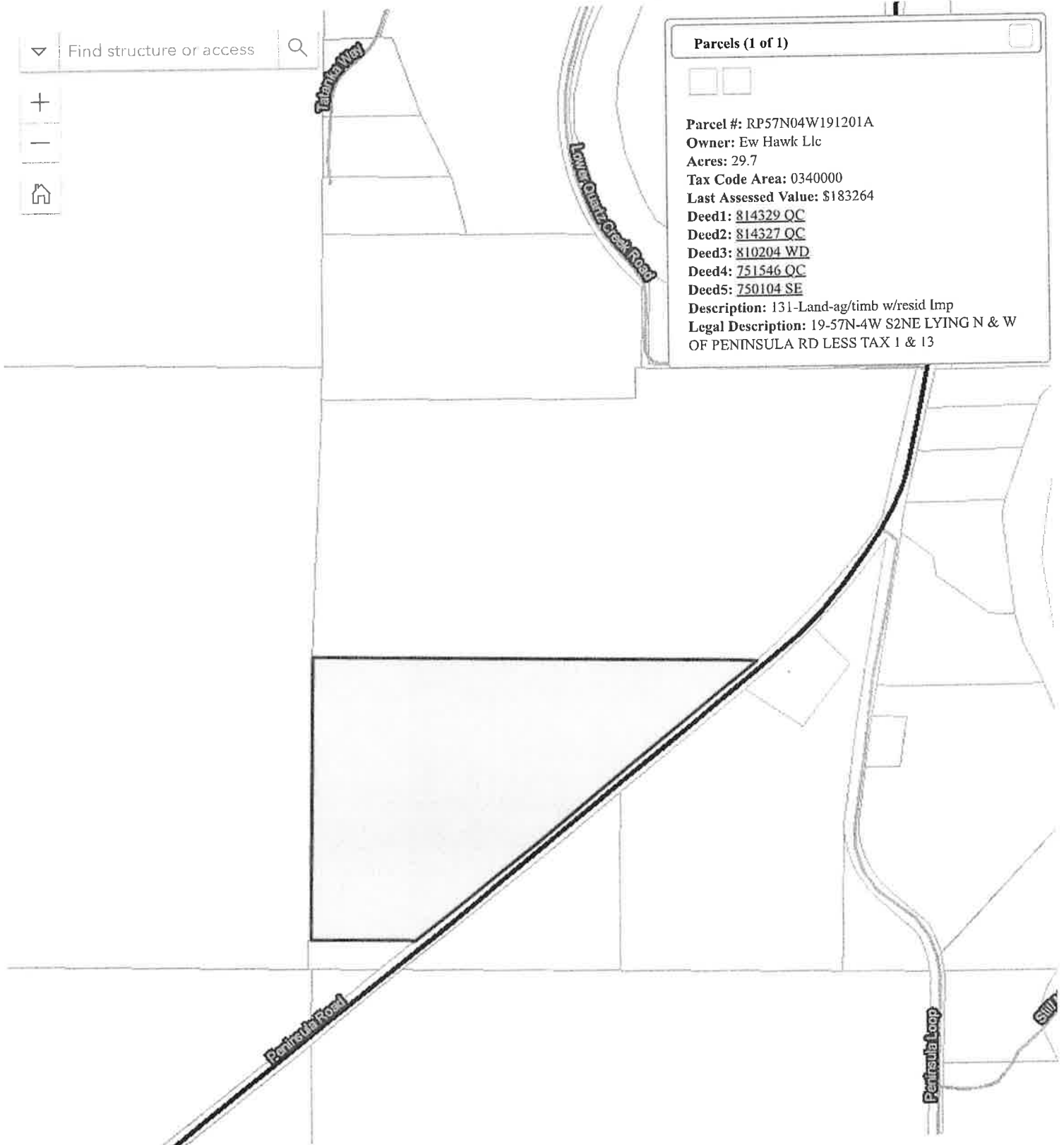
Find structure or access



1:9027



Powered by Esri





Find structure or access



1:9027



Powered by Esri

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

3/15/2022

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 97-7031

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	REBECCA A HAWKINS
Current Owner	EDWARD W HAWKINS JR PO BOX 253 SANDPOINT, ID 83864 2082637569
Original Owner	F N MC GHEE RT 1 BOX 615 SANDPOINT, ID 83864

Priority Date: 05/08/1973

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
PRIEST RIVER	PEND OREILLE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/15	10/01	1.5 CFS	225 AFA
Total Diversion			1.5 CFS	225 AFA

Location of Point(s) of Diversion:

PRIEST RIVER|SWSE|Sec. 18|Township 57N|Range 04W|BONNER County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BONNER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
57N	04W	19		SWNE	15									
				NENW	24		SENW	36						

Total Acres: 75

Conditions of Approval:

1. LIC. INCORRECTLY SHOWS TRIB. AS PEND OREILLE LAKE. THE MAXIMUM RATE OF DIVERSION UNDER THIS LICENSE WHEN COMBINED WITH LICENSE NOS. 97-7475 AND 97-7476 SHALL NOT EXCEED 2.79 CFS.

Dates:

Licensed Date: 03/27/1980

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration 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: And

Water District Number: NWD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit:

Combined Volume Limit:

Combined Rate Limit: 2.79

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Rights

DOCUMENT SEARCH RESULTS

[New Search](#)

Water Right # 97-7031

To sort, click a column heading. To view a document, click the link in the Document Name column.

DOCUMENT NAME	PROCESS	DOCUMENT DATE	DATE RECEIVED
Acknowledgement Letter	Owner Change	3/4/2009	
Letter Enclosing Fee	Owner Change	2/4/2009	2/9/2009
Fee Receipt	Owner Change	2/9/2009	
Letter Acknowledging Receipt of Ownership Change	Owner Change	7/3/2008	
Ownership Change	Owner Change		7/3/2008
Letter Acknowledging Receipt of Ownership Change	Owner Change	12/29/2006	
Ownership Change	Owner Change		12/14/2006
Letter Acknowledging Receipt of Ownership Change	Owner Change	8/15/2005	
Ownership Change	Owner Change		8/3/2005
Letter Enclosing Water Right Assignment	Owner Change	11/9/1992	11/10/1992
Backfile	Water Right Archives		

FINNEY FINNEY & FINNEY, P.A.

ATTORNEYS AT LAW

OLD POWER HOUSE BUILDING
120 EAST LAKE STREET, SUITE 317

SANDPOINT, IDAHO 83864-1366

PHONE: 1-208-263-7712 FAX: 1-208-263-8211

Gary A. Finney / John A. Finney / Rex A. Finney / Adam O. Finney

RECEIVED

JUN 21 2022

IDWR / NORTH

June 17, 2022

Idaho Department of Water Resources
Northern Region
7600 Mineral Dr, Ste 100
Coeur d'Alene, ID 83815-7763

Re: In Re General Adjudication Clark Fork-Pend Oreille
River Basin, Civil Case No. 69576
Our Client: EW Hawk, LLC
Our File No. 8673

Dear Department:

Please find enclosed for filing in the above referenced
action several claims by EW Hawk, LLC, as follows:

1. An original Notice Of Claim To A Water Right with attachments (120 pages total). Also, enclosed is a copy of the first page of the Notice for conforming and returning to me in the enclosed self-addressed stamped envelope.
2. An original Notice Of Claim To A Water Right with attachments (22 pages total). Also, enclosed is a copy of the first page of the Notice for conforming and returning to me in the enclosed self-addressed stamped envelope.
3. An original Notice Of Claim To A Water Right with attachments (7 pages total). Also, enclosed is a copy of the first page of the Notice for conforming and returning to me in the enclosed self-addressed stamped envelope.
4. An original Notice Of Claim To A Water Right with attachments (6 pages total). Also, enclosed is a copy of the first page of the Notice for conforming and returning to me in the enclosed self-addressed stamped envelope.

Lastly, enclosed is Finney Finney & Finney, P.A. Check No. 25293 in the sum of \$277.00 payable to the Idaho Department of Water Resources for the filing fees, calculated as follows (using the above referenced paragraph numbers):

1. \$50.00 flat fee plus 75 acres at \$1.00 per acre variable fee of \$75.00 = \$125.00.
2. \$50.00 flat fee plus 52 acres at \$1.00 per acre variable fee of \$52.00 = \$102.00.
3. \$25.00 flat fee.
4. \$25.00 flat fee.

Thank you. If you have any questions or concerns, please let me know.

Very truly yours,


JOHN A. FINNEY
Attorney at Law

JAF:cme
Enclosures