



IDAHO DEPARTMENT OF
WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene, ID 83815-7763

Phone: 208-762-2800 • Fax: 208-762-2819 • Email: northerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

November 29, 2023

JOHN HAWLEY
KAREN HAWLEY
RYAN HAWLEY
6259 CARR ST #3
ARVADA, CO 80004

RE: Evidence of priority date for CFPRBA Claim No. 97-9078, limited recommendation of CFPRBA Claim No. 97-7102

Dear Claimant(s),

The Department of Water Resources has received your Clark Fork-Pend Oreille River Basin Adjudication (CFPRBA) water right claims. We are unable to fully recommend your adjudication claims at this time for the following reason.

The Notice of Claim to a Water Right identified with number 97-7102 was submitted for the use of water from the from an unnamed stream for recreation storage, stockwater, wildlife from storage, fire protection from storage, and irrigation of one acre to irrigate. As this claim is based upon a previously issued license, the claimed uses must match that of the original water right, unless confirmed through an accomplished transfer. Water right no. 97-7102 does not include water for wildlife or fire protection from storage and thus those purposes of use cannot be included in our recommendation of the claim. If you have added additional water uses from the unnamed stream beyond what was previously licensed, then an Application for Permit (enclosed) should be submitted for those uses. Please keep in mind that a water right is not required to divert water for the purpose of suppressing an active fire, but if water is diverted into a hydrant system or applied to land for prevention of future fires, then a water right is required.

Additionally, water right no. 97-7102 was licensed with a maximum diversion rate of 0.04 CFS, but your claim included a maximum diversion rate of 0.02 CFS. If this underclaimed diversion rate was in error, that can be corrected with the submission of an Amended Notice of Claim to a Water Right form. If the capacity of the delivery system has been reduced and the claimed rate of 0.02 CFS is accurate, than no amendment is needed. For your convenience, I have enclosed a partially completed amended claim form for 97-7102, which includes all the elements of the original license along with the corrected maximum diversion rate. The amended sections have been highlighted, and if any additional changes are made to the claim form, please initial those changes before signing. There is no charge for amending the claim.

The other Notice of Claim to a Water Right we received from you, identified with number 97-9078, was submitted for the use of water from the from the same unnamed stream for domestic use in four cabins with a claimed priority date of June 16, 1965. Sufficient evidence of beneficial use

was not submitted with the claim to support this priority date and prove the extent of domestic use at that time. A field examination was performed onsite by IDWR staff for water right no. 97-7102 on September 14, 1981, and the uses you are claiming were not included in that report. When claiming domestic use in multiple homes, the priority date of that use will be the date the final home claimed was added to the system.

Your claim also includes a statement detailing your intention to claim water for future use. Water cannot be claimed in the adjudication for future uses, only existing water rights established lawfully in accordance with Idaho laws by either beneficial use or the permit system. The permit system for establishing a water right became mandatory for uses developed from surface water after May 20, 1971 (except for watering stock directly from streams).

We will move forward with the recommendation of water right claim no. 97-9078 once provided sufficient evidence to verify the extend of beneficial use of this water source for domestic purposes within the claimed place of use beginning on or before the priority date claimed. Additionally, I have enclosed a parcel map of the claimed property for you to mark the point of diversion and place of use locations for your current water uses (domestic, stockwater, and irrigation). **Please submit the required evidence and completed map within 30 days, referencing the corresponding claim number listed above with all documents submitted.**

PLEASE NOTE: If no further evidence is submitted, IDWR will recommend the Court decree claim no. 97-9078 for domestic use in one home and a shared point of diversion with water right 97-7102 at its last known location. It will be to your advantage to provide clear and convincing evidence to ensure the water rights are recorded accurately.

If you have any questions or concerns, do not hesitate to contact our office and we will be happy to help. I can be reached by phone during business hours at 208-762-2815 or by email at evan.roda@idwr.idaho.gov.

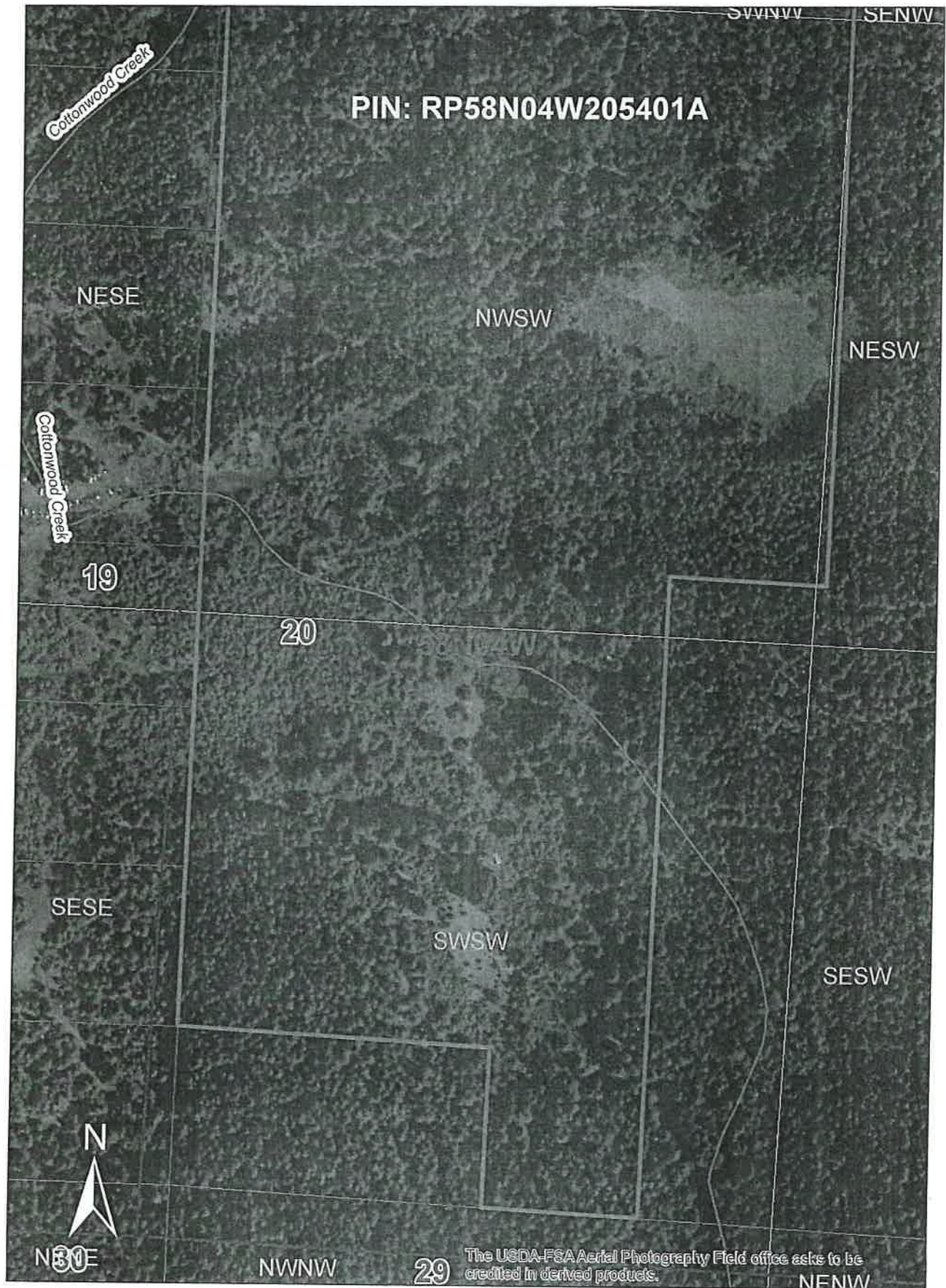
Best Regards,



Evan W. Roda
Senior Water Supervisor
Northern Region

Enclosures: Amended Notice of Claim to a Water Right No. 97-7102, Parcel Location Map, Application for Permit w/ Instructions

PARCEL LOCATION FOR CFPRBA CLAIMS 97-7102 & 97-9078



2021 AERIAL PHOTO

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

Ident. Number: 97-7102

Date Received:

Receipt No: T113355

Claim Fee:

Received By: _____

AMENDED

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

1. Name of Claimant(s)

KAREN HAWLEY
6259 CARR ST #3
ARVADA CO 80004

Phone: (720) 490-2145

JOHN HAWLEY
6259 CARR ST #3
ARVADA CO 80004

Phone: (720) 285-7700

RYAN HAWLEY
6259 CARR ST #3
ARVADA CO 80004

Phone: (720) 243-2418

2. Date of Priority: 8/4/1977

3. Source:
UNNAMED STREAM

Trib. to:
SINKS

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
58N	04W	20	SW SW		BONNER	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
DIVERSION TO STORAGE	1 /1	12/31	0.02		

IRRIGATION	4 /1	10/15	0.02	1.5
RECREATION STORAGE	1 /1	12/31		1.0
STOCKWATER	1 /1	12/31	0.02	0.2

7. Total Quantity Appropriated is:

0.04 C.F.S. and/or 2.7 A.F.A.

8. Non-irrigation uses:

pond

Use as stated in 97-7102 or similar. Stock numbers and types change regularly. Estimated use .02cfs, .2AFA

9. Place of use:

IRRIGATION within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
58N	04W	20	SW		SW		1

Total Acres = 1

RECREATION STORAGE within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
58N	04W	20	SW		SW		

STOCKWATER within BONNER County

Township	Range	Section	¼	of	¼	Lot	Acres
58N	04W	20	NW		SW		
58N	04W	20	SW		SW		

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

The same water source (unnamed creek/spring) also provides piped domestic water per license 71-7102 and actual use.

12. Remarks:

Priority Date Explanation:

Priority date per 97-7102. Actual use begins with Pack river properties. The purchased from US gov to log this land and engage in forest practices. . Private ownership with domestic use follows.

13. Basis of Claim: License

14. 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 CLARK FORK-PEND OREILLE 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

Date: _____