

10/18/2006

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

RIGHT NUMBER: 75-10939

NAME AND ADDRESS: H DENNIS HAVENS
1107 MAIN ST
SALMON ID 83467

SOURCE: KIDS CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.010 CFS

PRIORITY DATE: 09/30/1939

POINT OF DIVERSION:

T21N R22E S8 NWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

0.010 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T21N R22E S08 NWNW 0.30

0.3 ACRES TOTAL

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

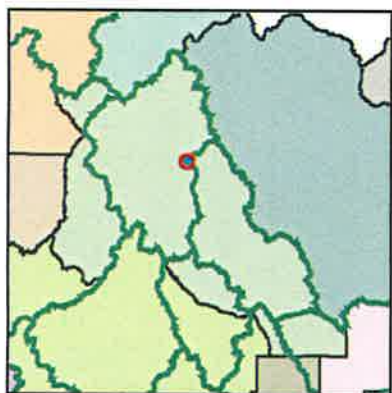


Idaho Department of Water Resources

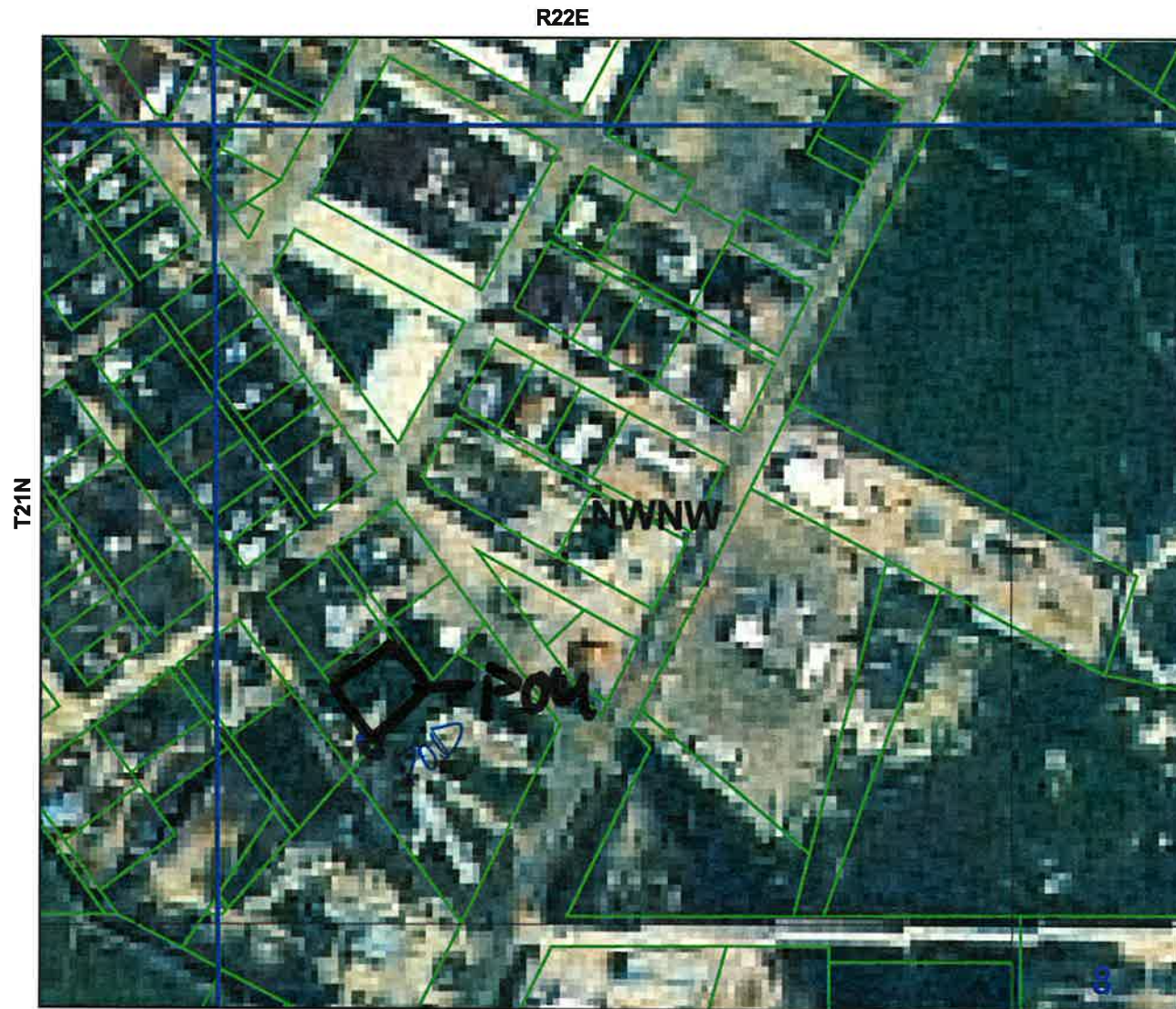
SRBA Claim:
75-10939

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles

Prepared by R. Brown
On Tuesday, May 16, 2006
1987/88 Aerial Photography

Taylor, Greg

From: Taylor, Greg
Sent: Saturday, December 16, 2006 11:07 AM
To: 'dhavens@salmoninternet.com'
Subject: Water Right #75-10939

Mr. Havens:

You are correct that if the legal description in the recommendation is correct than you are okay. But, because we want to be as accurate as possible, please tell us where the actual dot should be. We currently have it at the SW corner of your property. Please e-mail me a map or try to explain in a narrative where the point should be and I will make the change. Because our deadline for reviewing these rights is approaching rapidly, your prompt attention is requested.

Sincerely,
Greg Taylor
762-2805

2
H. Dennis Havens

CERTIFIED PUBLIC ACCOUNTANT

PH (208) 756 - 2111

1107 Main Street
Salmon, Idaho 83467

FAX PH (208) 756 - 2111
dhavens @ salmoninternet.com

November 28, 200

Idaho Department of Water Resources
322 East Front Street
P O Box 83720
Boise ID 83720

RECEIVED
DEC 6 1 2006
DEPARTMENT OF
WATER RESOURCES

RECEIVED
DEC 07 2006
IDWR/North

Re: Water Right # 75-10939

Dear Sirs:

I received your Preliminary Directors Report and the accompanying map. There is a question on it but before I sent in a Notice of Error, I thought I would ask if it is necessary.

On the map, the point of diversion is incorrectly shown. However, I see that the point of diversion has a legal description that is just Township, Range etc.,. That legal description is broad enough to cover the actual point of diversion.

So my question is, should I ask for correction of the map , by way of a Notice of Error, or is the legal description (which seems adequate) superior to the map and no correction is needed?

Also, if it does need correction, how would I go about describing where the mark should go on the map?

Thank you very much.

Sincerely,

H. Dennis Havens

H. Dennis Havens

SCANNED
DEC - 4 2006

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

CLAIM NO(s). 75-10939

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: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0017298

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

pump 1.5 hp 5' off creek

.11 cfs theoretical

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

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

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: _____ Stock # _____ List types: _____

Additional comments: _____

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

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

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

pump to sprinkler

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 08-01-06

FIELD EXAMINER: Ashley Barton

Print Name

Signature

H. Dennis Havens

CERTIFIED PUBLIC ACCOUNTANT

PH (208) 756 - 2111

1107 Main Street
Salmon, Idaho 83467

FAX PH (208) 756 - 2111
dhavens @ salmoninternet.com

July 27, 2005

Idaho Department of Water Resources
322 East Front Street
P O Box 83720
Boise ID 83720

Re: Water Right # 75-10939 & 75-10941

Dear Sirs:

By way of history, this property was purchased by my father Harold C. Havens in 1938 or 1939 I believe. I was born there in 1940. There was always a ditch that came out of "kids creek", I think it is called the "town ditch" which ran adjacent to this property and crossed a portion of it. I recall that it went down Union avenue for several blocks and then turned off it in a couple of directions.

My parents watered yard, garden, and pasture out of this ditch until about 1953 when the city paved Union Avenue and removed the culvert at that time. Most people on down the ditch had stopped using it. We then began to pump water direct from "kids creek" and have done so until the present.

The chain of ownership of the property is confusing since it has been divided among the children of Harold C. and Ila V. Havens. In 1961 a parcel was given to my sister, Hallie J. Proksch.

In 1971, due to the impending death of my father, the remaining property was placed in the H. C. & I. V. Havens trust. In 1977, a parcel was given to me, H. Dennis Havens (Water right # 75-10939) out of the trust. We continued to share the pump and drew water from "Kids Creek".

Upon the death of my mother, Ila V. Havens, the H. C. & I. V. Havens Trust was dissolved and the property was distributed to the children; Patrica J. Asplund, Hallie J. Proksch, Virginia I. Havens, and me, H. Dennis Havens.

Harold C. Havens, and his children who are the subsequent owners have continuously used water out of this source on the property since it's purchase in the late 1930's. We continue to do so for irrigation during the growing season of approximately April to November of each year.

The usage has been small and with the number of people involved, legal water rights have been passed on but not as a formal separate document from the deeds. When Mr. Havens bought the property he could not have foreseen the complicated and irrational requirements that are now being imposed on the present owners. So care was not thought to be required to document these things in the manner that is now required.

SCANNED

AUG 02 2005

Page 2.

I therefore declare that I have personal knowledge that this water had been used at least since 1948 when I personally saw the water diverted for beneficial use. And I was told by my father that he had used the water since his purchase of the property in 1939.

The water was used for irrigation on the parcels of land herein identified as:

NW ¼ NW ¼ Section 8 Township 21N, Range 22E, Boise Meridian. For 1.3 Acres and 0.3 Acres at that location.

I declare the above information is true and correct to the best of my knowledge.

Signed,



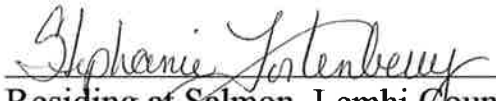
H. Dennis Havens, Owner
Havens Trust

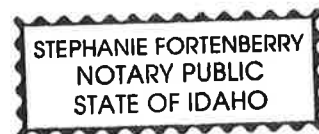


H. Dennis Havens, Trustee for the H. C. & I. V.

State of Idaho)
County of Lemhi)

On this 29 day of July, 2005 before me, a notary public in and for said State, personally appeared H. Dennis Havens known to me to be the person(s) whose name (is are) subscribed to the within instrument, and acknowledged to me that (he they) executed the same.

 (Notary Public)
Residing at Salmon, Lemhi County, Idaho
My commission expires 6/16/09



Thank you very much.

Sincerely,



H. Dennis Havens

SCANNED

AUG 02 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10941

WATER RIGHT NUMBER: 75-10941

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	H C & I V HAVENS TRUST H DENNIS HAVENS TRUSTEE 1107 MAIN ST SALMON, ID 83467 (208)756-2111

Priority Date: 09/30/1939
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
KIDS CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.030 CFS	
	<u>Total Diversion:</u>	0.030 CFS	

<u>Location of Point(s) of Diversion</u>		
KIDS CREEK	NW1/4NW1/4	Sec. 8, Twp 21N, Rge 22E, B.M.
LEMHI County		

Place of Use
IRRIGATION Within LEMHI County
T21N R22E S08 NWNW 1.3
Total Acres: 1.3

Conditions of Approval:

- CLAIMANT INDICATES SOURCE IS NOT FROM A SPRING, RATHER, THE CREEK HEADS FROM SPRINGS. THE WATER IS OBTAINED FROM A CREEK PUMP.

Remarks:

SCANNED

AUG 02 2005

SEARCHED
OCT 17 2011

MARCH 3, 1993

H. DENNIS HAVENS
1107 MAIN ST.
SALMON ID 83467

RE: DOMESTIC ADJUDICATION CLAIMS; A75-10939, A75-10940

Dear Mr. Havens:

Pursuant to our telephone conversation of March 2, 1993, regarding your Notices of Claim to a Water Right, A75-10939 and A75-10940, I am forwarding a computer generated copy for your review and verification.

The date (month, day, and year) water was first used for the purpose(s) claimed was only partially completed in Item #2. Since the notice only listed a month and year the last day of that month was used to complete the priority date. The Priority Date is entered as September 30, 1939, on both claims.

Please review the Notice for accuracy. In a few cases, modifications were made by the Department for clarity. Should you determine certain items need to be changed, make the necessary changes on this form, sign it, having your signature notarized, and return it to this office by April 4, 1993. If there are no changes simply keep this Notice for your records.

If you should have any questions regarding this matter please feel free to contact me at (208) 525-7161.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Agent - Adjudications

Enclosures: Notices of Claim A75-10939, A75-10940

MICROFILMED

APR 19 1994

POOR ORIGINAL

CONVERSATION MEMORANDUM

DATE 3-02-93

FILE A75-10939 Hany
A75-10944

NAME OF PARTY H. DENNIS HAYENS

EMPLOYEE ABR

RE: Notes: Change of Address: ~~1107~~ 1107 MAIN ST.

MR. HAYENS INFORMS ME THAT HAYENS TRUST WAS DISAPPEARED
ABOUT 6 MOS. PAST TO TRUST RECIPIENTS. REQUESTS CHANGES
OF OWNERSHIP FORMS.

RE: A75-10939 AND A75-10941 - BOTH CLAIMS INDICATE
#5 DESCRIPTION OF EXISTING DIVERSION WORKS AS: PUMP AND SPRING
WHILE SOURCE OF WATER, #3, INDICATES KIDS CREEK. MR.
HAYENS STATES THE PUMP IS IN THE CREEK WHICH HEADS
FROM SPRINGS.

MICROFILMED

APR 19 1994

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Hawens

CLAIM

ENT. NO.

A75-10939

DATE RECEIVED

CK #

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☐ YES ☐ NO ☐ *
2. Is a priority date entered? ☐ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☐ YES ☐ NO ☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☐ YES ☐ NO ☐ *
3. (a) Is a source entered? ☐ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☐ YES ☐ NO ☐ N/A ☐ *
4. Is the legal description of the p.d. sufficient? ☐ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☐ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☐ YES ☐ NO ☐ *
Is the period of use included? ☐ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☐ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☐ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☐ YES ☐ NO ☐ N/A ☐ *
Is the consumptive use correct? ☐ YES ☐ NO ☐ N/A ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☐ YES ☐ NO ☐ N/A ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☐ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☐ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☐ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☐ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☐ YES ☐ NO ☐ N/A ☐ *
15. Is the basis of the claim indicated? ☐ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☐ NO ☐ N/A ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☐ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☐ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☐ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☐ YES ☐ NO ☐ Exempt ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☐ NO ☐ N/A ☐ *
22. Should this claim be data entered? ☐ YES ☐ NO ☐ *

Claim checked by: JtDate: 1-31-91Claim must be returned to claimant: ☐ (Yes) ☐ (No)Claimant must be notified of modifications: ☐ (Yes) ☐ (No)

Receipt Prepared by: _____

Date: _____

Claim data entered by: _____

Date: _____

Sent to claimant by: _____

Date: _____

Checked by: APR 19 1994

Date: _____

Comments: Apply 30th Send D.E.U. LTR.Need 3rd gtr. in #4? Map shows NW NW NWD.3ac ? why #5100
Frank

SCANNED

OCT 1 2 1993

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: A75-10939
Date Received: 3/ 2/1993
Receipt No: E015050
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: H. DENNIS HAVENS 208-756-2111
Address: 1107 MAIN ST.
SALMON ID 83467

2. Date of Priority: SEP 30, 1939

3. Source: KIDS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
21N	22E	8	NW	NW	NW		LEMHI

5. Description of diverting works:
PUMP IN KIDS CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE LISTED

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
21N	22E	8	NW	NW		IRR	0.3

Section Acres 0.3

10. Place of Use: Continued

Total Acres 0.3

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 _____

51⁰⁰
50⁰⁰ late
101⁰⁰

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 A95-10939

Date Received _____

Receipt Number E015050/80

RECEIVED

JUL 27 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) H. Dennis Havens Phone (208) 756-2111

Mailing Address P.O. Box E., Salmon, ID Zip 83467

2. Date of Priority (Only one (1) per claim) September, 1939

3. Source of water supply (a) Kids Creek
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 21N Range 22E Section 8
NW 1/4 of NW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Temhi

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., 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 and spring

A7510939



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APR 19 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount .01 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .01 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. 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	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
21N	22E	8						.3											.3

Total number of acres irrigated .3

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

12. Do you own the property listed above as place of use? Yes XX 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.
_____ or None (X)

14. Remarks:

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APR 19 1994

Last Name Havens Ident No. _____

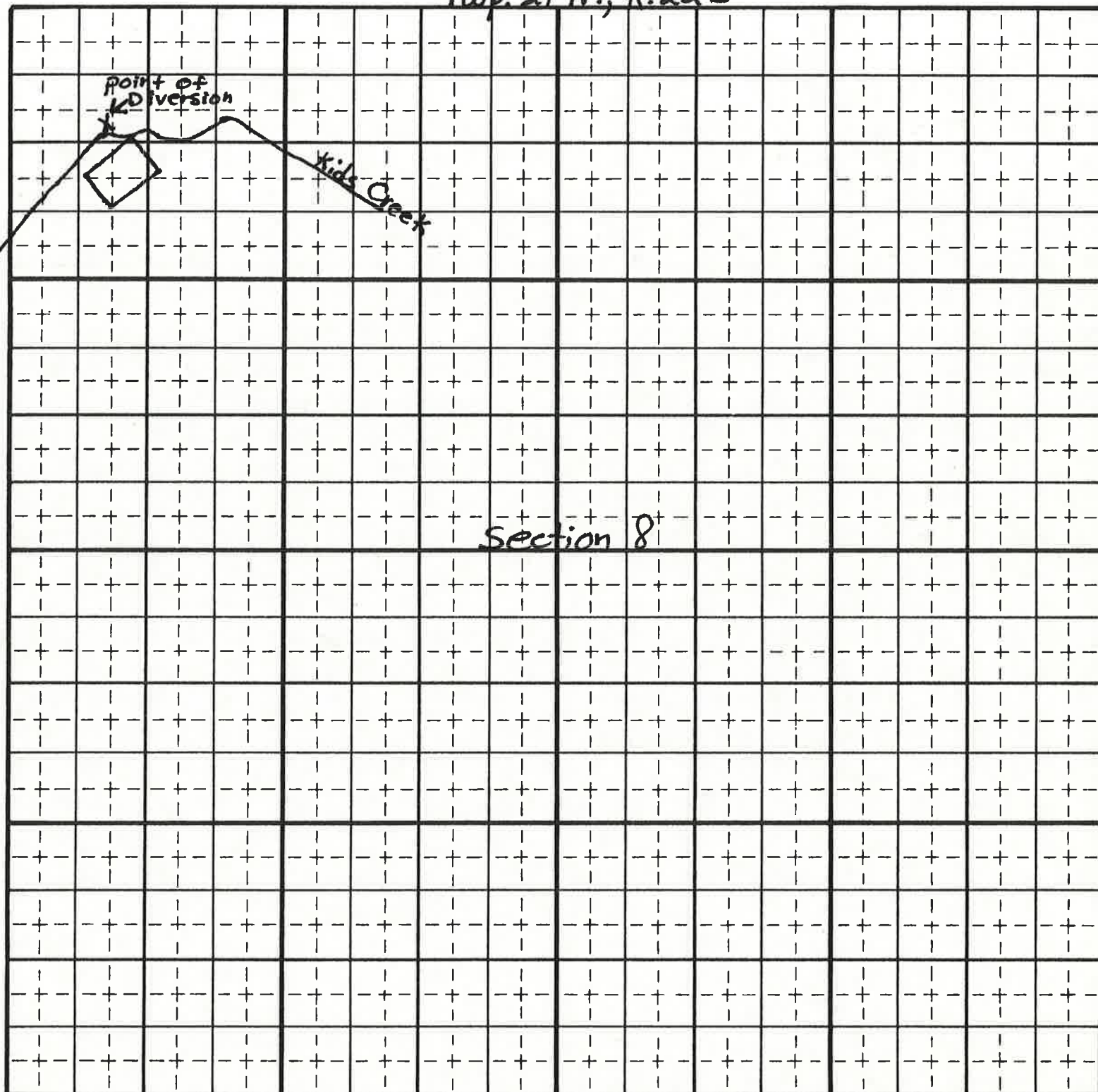
Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

POOR ORIGINAL

Twp. 21 N., R. 22 E



MICROFILMED

Last Name Havens Ident No. _____

APR 19 1994
Copies: White State, Yellow Claimant

15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *David Havens* Date 2/13/90

Date _____

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

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 13th day of July 19 90

SEAL

Notary Public *Susan E. Ziegler*

Residing at Salmon, Idaho

My Commission Expires 9-4-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name Havens Ident. Number _____

MICROFILMED

APR 19 1994
Copies White-State, Yellow-Claimant