

H. Dennis Havens

CERTIFIED PUBLIC ACCOUNTANT

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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.

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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,



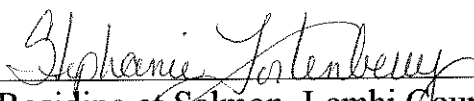
H. Dennis Havens, Owner
Havens Trust

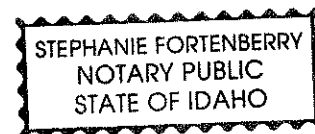


H. Dennis Havens, Trustee for the H. C. & I. V.

State of Idaho)
County of Lemhi)

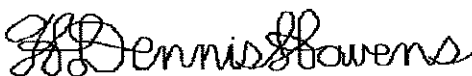
On this 29 day of July, 2005 before me, a notary public in and for said State, personally appeared H. Dennis Havens known to me to be the person(s) whose name (is are) subscribed to the within instrument, and acknowledged to me that (he they) executed the same.

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



Thank you very much.

Sincerely,



H. Dennis Havens

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	

Location of Point(s) of Diversion

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:

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

Remarks: