

11/22/2006

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

RIGHT NUMBER: 22-13632

NAME AND ADDRESS: RICHARD L LAVENDER
PO BOX 585
HAMILTON MT 59840

SOURCE: CRANDALL SPRING

TRIBUTARY: SINKS

QUANTITY: 0.040 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/24/1911

POINT OF DIVERSION:
T04N R46E S20 SENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.040 CFS
STOCKWATER	01/01 12/31	0.030 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R46E S20 NWNW 1.80

STOCKWATER same as IRRIGATION
DOMESTIC same as IRRIGATION

1.8 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

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.

SOURCE ALSO KNOWN AS NEAL SPRING.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is renumbered from former right 22-2060 .



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

JAMES E. RISCH
Governor

KARL J. DREHER
Director

DANIEL T WILLERT FAMILY TRUST
PO BOX 487
WILSON WY 83014

RE: CHANGE IN WATER RIGHT OWNERSHIP FOR 22-13632

Dear Mr. Willert:

It has come to our attention that you may have recently purchased a tract of land in Teton County. The property to which I am referring was most recently owned by Richard L. Lavender. The legal description is as follows:

T04N, R46E, S20, NWNW

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have questions regarding this matter, please call 525-7161.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist
Enclosure(s)

DEPARTMEN

EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ADDRESS SERVICE
REQUESTED

22-13632

Willert, Daniel T Family Trust
P.O. Box 487
Wilson Wy 83014

of



RICHARD L LAVENDER
PO BOX 585
HAMILTON MT 59840



1571 PB352
8952 \$ 00.63 NOV 28
5929 MAILED FROM ZIP CODE 8



Idaho Department of Water Resources

SRBA Recommendation:

22-13632

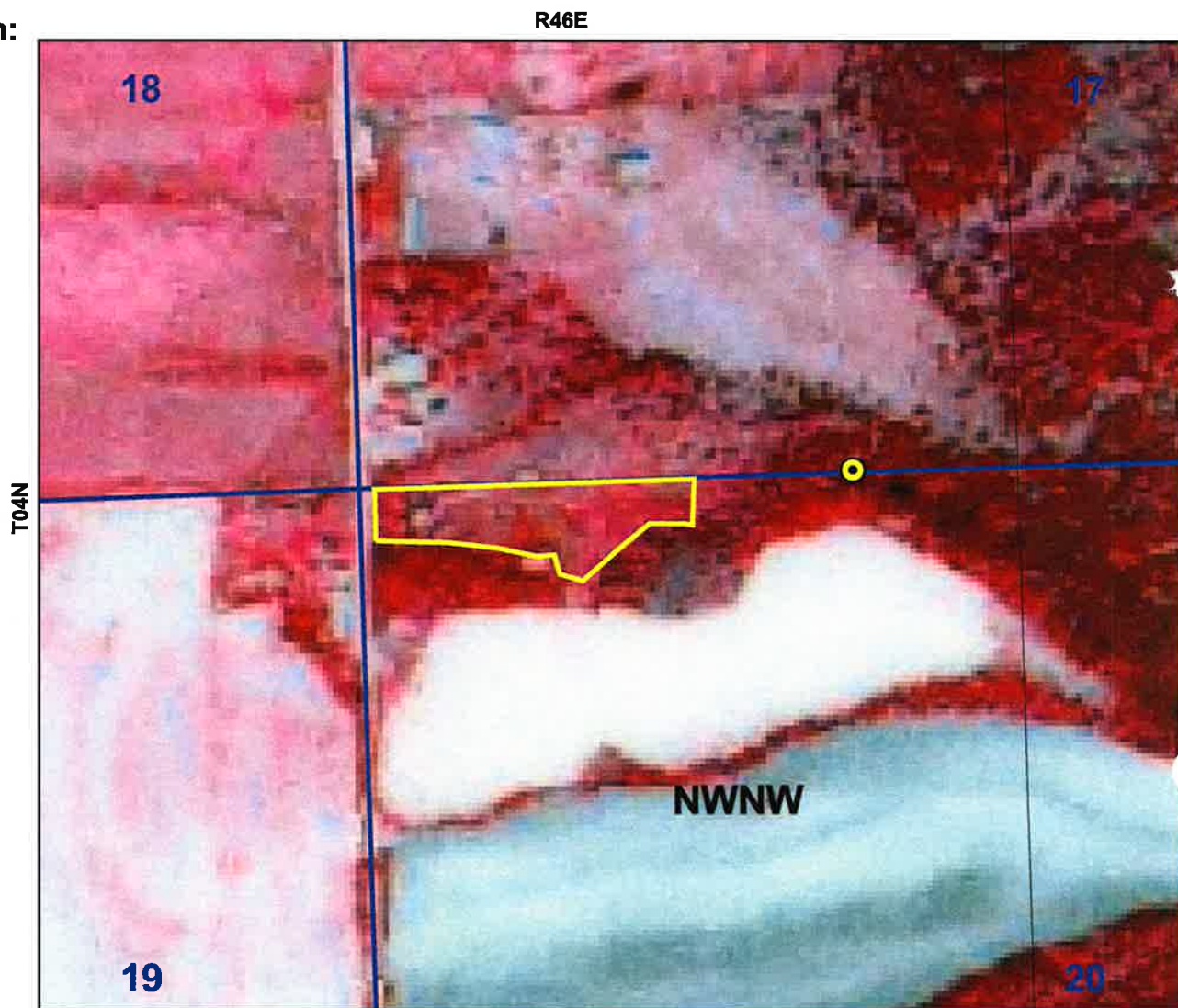
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



0 0.1 0.2 Miles

Prepared by T. Galbraith
On Wednesday, November 22, 2006
1987/88 Aerial Photography

State of Idaho
License and Certificate of Water Right

Water License No. 7584
Water District No. 36-0

Amount 1.6
Priority 7-24-1911.

THIS IS TO CERTIFY that **DAVID S. NEAL**
of **Driggs, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **July 17th**, 19 **11**; that Permit No. **7584**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of **2**
second feet, was issued thereunder on **August 28th**, 19 **16**, showing that said works
were completed on the **15th** day of **July**, 19 **16**; and that on the **1st**
day of **September**, 19 **17**, **David S. Neal**

of **Driggs**, State of **Idaho**, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of **Neal Spring**,
~~under Use Permit No. 7584~~, for the purpose of **irrigation and domestic use**,
under Use Permit No. **7584** of the State Engineer, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Engineer of Idaho and entered of record in Volume **5** of Licenses, at page **2335**, on the **15th**
day of **October**, 19 **18**;

The right hereby confirmed dates from **July 24th**, 19 **11**;

The Point of Diversion is located **near NW corner**
in the **SE ¼ NW ¼**, Sec. **20**, Tp. **4 N.**, R. **46 E.**, B.M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed **1.6** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N	46 E	20	NW ¼ NW ¼	40	40
			SW ¼ NW ¼	40	40

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

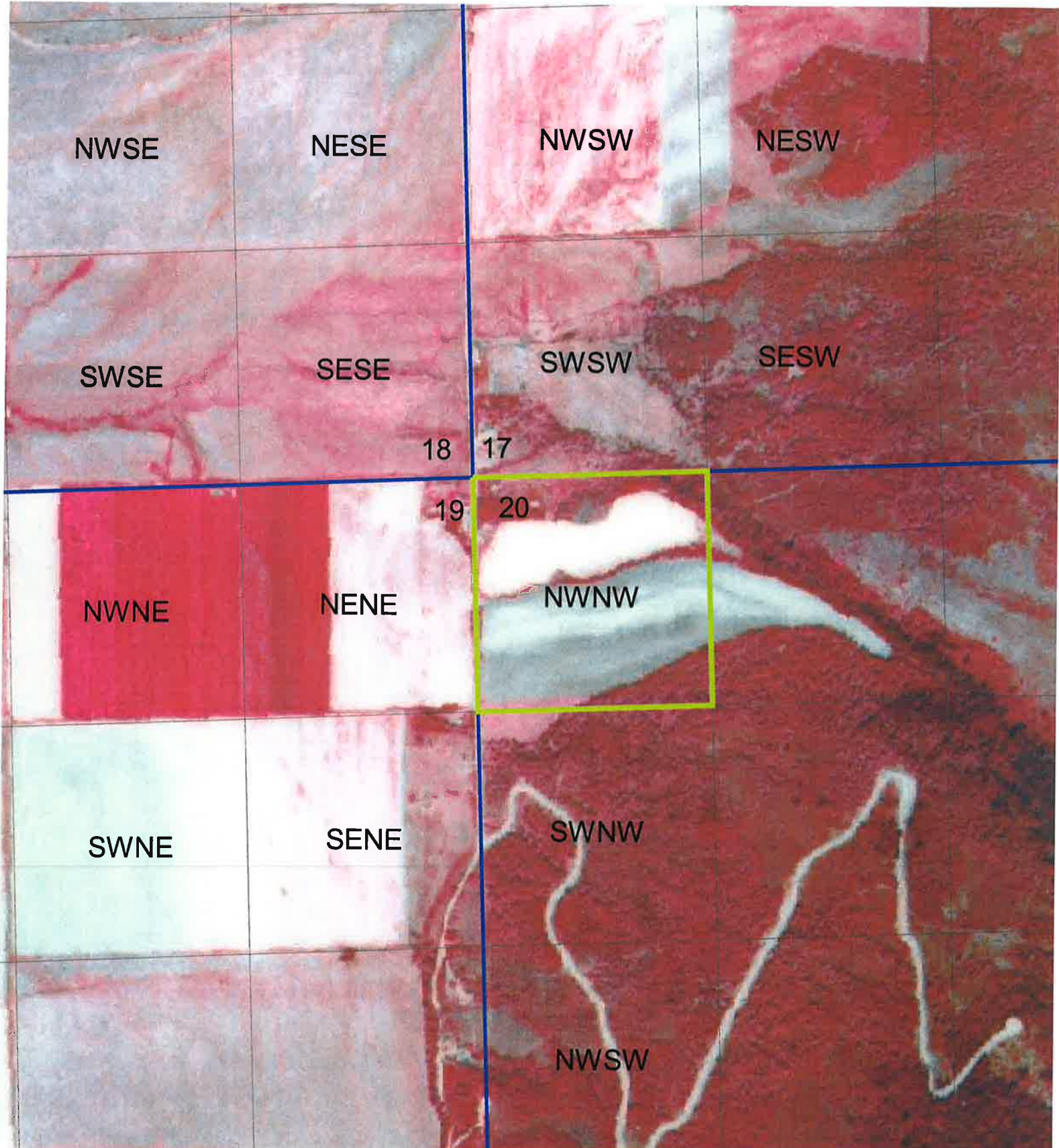
WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this **15th**
day of **October**, 19 **18**.

(SEAL)

FRED A. WILKIE,
State Engineer.

22-2060

4N 46E



11-27-1988

DWR

Dear Mr. Olenichak,

Thank you for your letter of Oct 26, 1988. And thank you for completing the correct form for us. You have been very helpful.

Our basis of claim is as shown on the form (question no. 15) Water Right Number 7584 (copy attached).

The License identifies the water as "Neal Spring". The attached aerial photo and topographic map both identifies "Crandall Spring" at the location of "Neal Spring". Therefore, it is possible that "Crandall Spring" and "Neal Spring" maybe one and the same.

The point of diversion is indicated with a red X on

MICROFILMED

OCT 29 1992

the aerial photo. The area
of use is circled.

Thank you again for
being so helpful.

Sincerely,

Richard Lavender

RICHARD L. LAVENDER
P.O. Box 586
HAMILTON, MT 59840

RECEIVED

NOV 25 1988

Department of Water Resources
Eastern District Office

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OCT 29 1992

State of Idaho

License and Certificate of Water Right

Water License No. 7584 (22-2060)

Water District No. 36-C

Amount 1.6 cfs

Priority 7-24-1911

THIS IS TO CERTIFY that DAVID S. NEAL of Driggs, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, on July 17th, 1911, that Permit No. 7584 was issued under said application; that by the use of construction of works with a carrying capacity of 2 second feet was issued thereunder on August 28th, 1916, showing that said works were completed on the 15th day of July, 1916, and that on the 1st day of September, 1917, David S. Neal

of Driggs, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the water of Neal Spring, for the purpose of irrigation and domestic use, under Use Permit No. 7584 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Engineer of Idaho and entered of record, Volume 5 of Licenses, at page 2385, on the 15th day of October, 1918.

The right hereby confirmed dates from July 24th, 1911.

The Point of Diversion is located near NW corner in the SE 1/4 NW 1/4, Sec. 20, Tp. 4 N., R. 46 E., T. 4 N.

That the amount of water to which such right is entitled, and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.6 cubic feet per second.

Description and location of use:

Twp	Range	Sec	Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 N	46 E	20	NW 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	40

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

OCT 29 1992



State of
DEPA
150 Shou

EASTERN REGION

BARBARA LAVENDER
OR RICHARD L. LAVENDER
P.O. BOX 585 961-4638
HAMILTON, MT 59840

10-6 19 88 151

75-1238/919

Pay to the Order of Idaho Dept Water Resources \$ 25.00
Twenty Five and 00/100 Dollars
Ravalli County Federal Credit Union
P.O. Box 329 (406) 363-4631
Hamilton, MT 59840
Payable Through Security State Bank - Cannon Falls, MN
For Notice of Claim Richard L. Lavender
⑆091912385⑆1140000202602⑆0151

October 26, 1988

Richard L. Lavender
P.O. Box 585
Hamilton, MT 59840

RE: Returned Water Right Claim

Dear Mr. Lavender:

The Idaho Department of Water Resources (IDWR) is returning your water right claim for Neal Spring because it appears you completed the wrong form. The (green) form that you sent October 6, 1988, is for stock and domestic uses only. Domestic use includes watering up to 1/2 acre of lawn and garden.

I have enclosed a completed claim for the irrigation, domestic, and stock uses previously submitted. The fee for an irrigation claim is \$50.00 plus a variable fee of \$1.00 per acre. There is no fee for domestic and stock uses when accompanied on an irrigation claim. Also, a map or aerial photo must be submitted indicating the location of the diversion, acres irrigated, and domestic/stock place of use.

Please indicate on the enclosed aerial photo or topographic map the point of diversion and place of use; sign the irrigation claim form (signatures must be notarized); and return to the IDWR along with the \$53.00 filing fee within 30-days of the date of this letter. Otherwise, you must remove the irrigation use, modify the claimed flow rates, and resubmit the domestic/stock (green) form with the \$25.00 filing fee.

Failure to submit the irrigation claim (or resubmit the domestic/stock claim if removing irrigation) with the appropriate filing fee within the 30-day period may result in forfeiture of your water right or an assessment of a \$50.00 late-fee in addition to the normal fee. If you have any questions, please give me a call at (205)-525-7161.

Sincerely,

Tony Olenichak

Tony Olenichak
Water Right Agent, SR

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OCT 29 1992

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

Renumbered From 22-2060

Ident. Number 22-13632
Date Received: 11/28/1988
Receipt No:
Received By:

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

1. Name of Claimant(s)

RICHARD L LAVENDER Phone: (406)961-4638
PO BOX 585
HAMILTON MT USA 59840

2. Date of Priority: 07/24/1911

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	46E	20	SE NW	TETON	

5. Description of diverting works:

WOOD DIVERSION BOX IN STREAM OF WATER FROM SPRING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.09	
STOCKWATER	1/01	12/31	0.03	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	46E	20	NW NW	IRRIGATION STOCKWATER	3

NW

NW

DOMESTIC

Section Acres 3

Total Acres 3

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

This right was renumbered to right 22-13632 .

SOURCE ALSO KNOWN AS NEAL SPRING.

This right is renumbered from former right 22-2060 .

15. Basis of Claim: License

