

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 67-15154

Priority: June 24, 2016

Maximum Diversion Rate: 0.37 CFS

This is to certify, that JERRY N LUNSFORD And
GEORGINE LUNSFORD
2394 KEITHLEY CREEK RD
MIDVALE ID 83645

has applied for a permit to appropriate water from:

Source: KEITHLEY CREEK

Tributary: WEISER RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 10/31	0.37 CFS

LOCATION OF POINT(S) OF DIVERSION:

KEITHLEY CREEK L3 (NE¼NW¼) Sec. 5, Twp 13N, Rge 03W, B.M. WASHINGTON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N 03W 5					1.0	4.0	3.0	1.0									9.0
14N 03W 32					L3	L4						10.0					10.0

Total Acres: 19

CONDITIONS OF APPROVAL

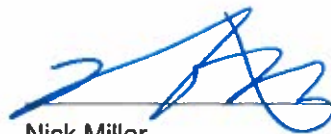
1. Proof of application of water to beneficial use shall be submitted on or before **August 01, 2018**.
2. Subject to all prior water rights.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 67.
5. Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
6. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
7. Diversion of water after June 15 of each year in violation of the conditions of this water right is cause for the director to cancel or revoke this water right.
8. This right does not grant any right-of-way or easement across the land of another.

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9. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
10. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.

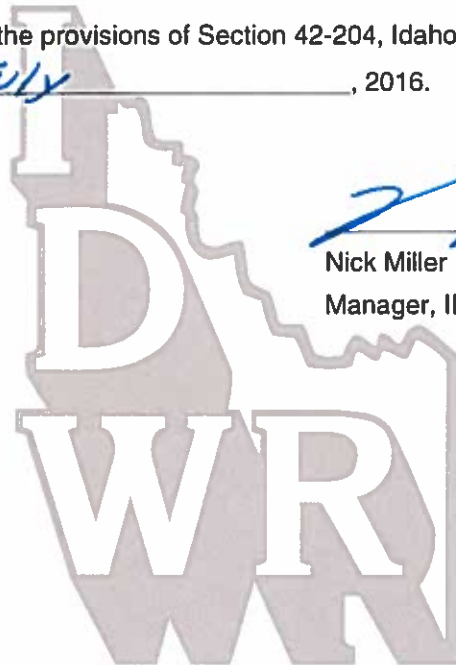
This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.

Signed this 21st day of July, 2016.



Nick Miller

Manager, IDWR Western Region

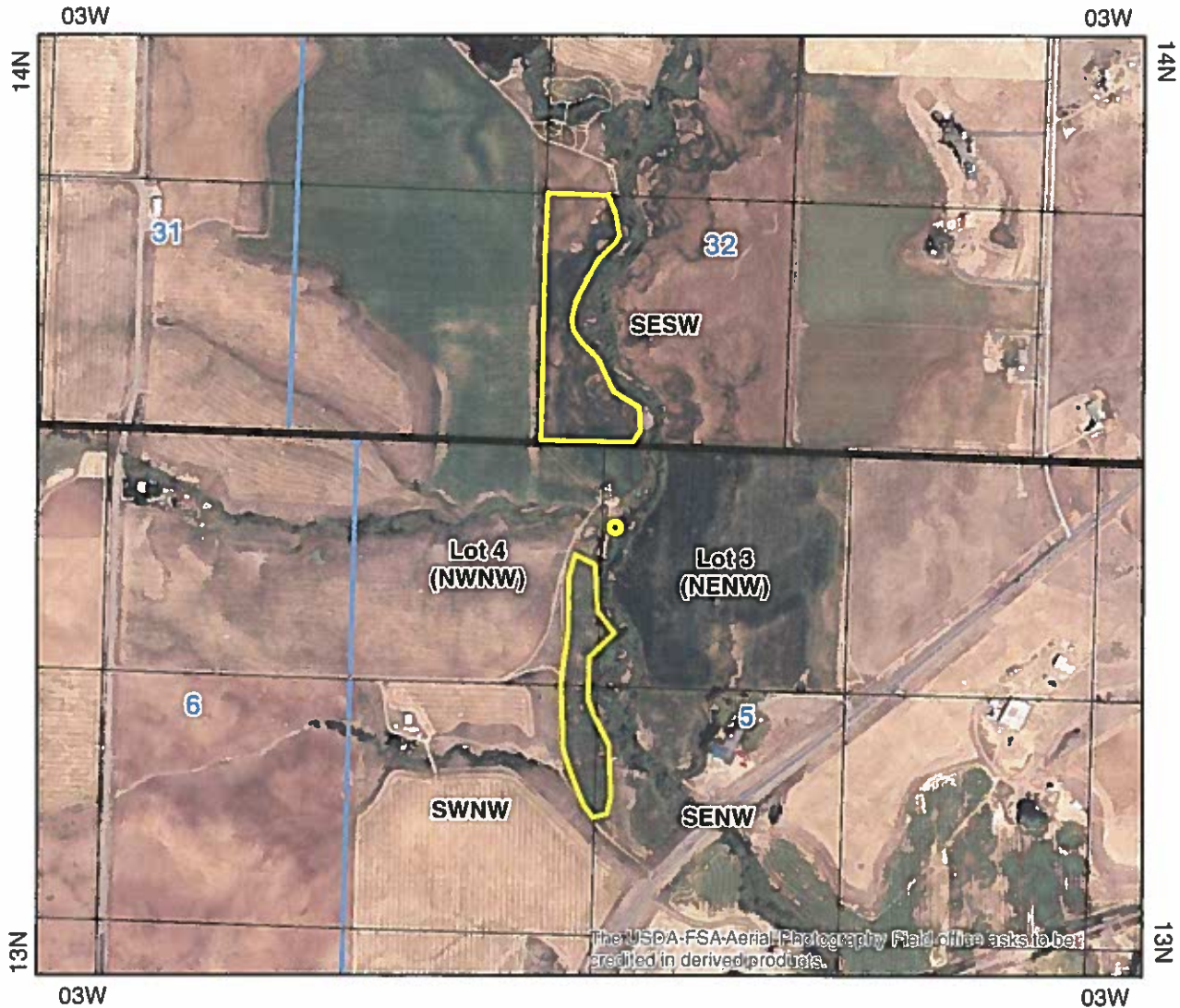


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

67-15154

This map depicts the IRRIGATION place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.1 0.2 0.4 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

July 21, 2016

GEORGINE LUNSFORD
JERRY N LUNSFORD
2394 KEITHLEY CREEK RD
MIDVALE ID 83645

RE: Permit No.67-15154

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

The permit is a PRELIMINARY ORDER issued by the Department pursuant to Section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

As a permit owner you must commence the excavation or construction of the diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The date shown under condition no. 1 is the date when the project must be completed.

The Department will send you a 'Proof Due Notice' approximately 60 days prior to the above referenced date requesting you to file either a Proof of Beneficial Use form or a Request for Extension of Time form.

Please note that a separate stream channel alteration permit must be obtained from the Department prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller

Western Regional Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO. 67-15154

**GEORGINE LUNSFORD
JERRY N LUNSFORD
2394 KEITHLEY CREEK RD
MIDVALE ID 83645**

**BRANDI S. BONNER
WATERMASTER OF DISTRICT 67
2297 SNAPP LN
MIDVALE ID 83645**



**Kari Lynn Townsend
Secretary**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MEMORANDUM

TO: Water Right File 67-15154
FROM: Patrick Kelly
DATE: 7/20/2016
SUBJECT: Priority date advanced

Application for permit 67-15154 was received March 18, 2016 without a detailed map. Application was not complete until the department received a map on June 24, 2016. According to statute 42-202(4), an application is not complete without a plan and map of the proposed works for beneficial use.

AFFIDAVIT OF PUBLICATION

RECEIVED

MAY 02 2016

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO)
County of Washington) ss.Sarah Bokes, being duly sworn,
deposes and says:That she is the Clerk of
THE WEISER SIGNAL AMERICAN, a weekly newspaper
published at Weiser, in the County of Washington and State of
Idaho; that said paper has been and is in general circulation in
the county aforesaid, and in the vicinity of Weiser; that the ad-
vertisement, a copy of which is attached hereto, was published insaid newspaper once a week for two consecutive weeks in
the regular and entire issue of said paper during the period and
time of publication, and was published in the newspaper proper
and not in a supplement; that said paper has been established
and regularly published for more than seventy-eight consecutive
weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 20, 2016

and ending

with the issue of April 27, 2016
Sarah BokesFees, \$ 122.00Subscribed and sworn to before me this 27date of April 2016Stephanie McDaniel

Notary Public, residing at Weiser, Idaho.

My commission expires 09-14-18No.
The following application has been filed to appropriate the
public waters of the State of Idaho:

67-15154

GEORGINE LUNSFORD

JERRY N LUNSFORD

2394 KEITHLEY CREEK RD

MIDVALE, ID 83645

Point of Diversion L3(NENW) S5 T13N R03W WASHING-
TON County Source KEITHLEY CREEK Tributary WEIS-
ER RIVER

Use: IRRIGATION 03/15 to 10/31 0.37 CFS

Total Diversion: 0.37 CFS

Date Filed: 3/31/2016

Place of Use: IRRIGATION

T13N R03W S5 NW(ALL)

T14N R03W S32 SESW

Total Acres: 18.5

Permits will be subject to all prior water rights. For additional
information concerning the property location, contact West-
ern Region office at (208) 334-2190; or for a full description
of the right(s), please see [www.idwr.idaho.gov/WaterMan-
agement/WaterRights](http://www.idwr.idaho.gov/WaterManagement/WaterRights). Protests may be submitted based on
the criteria of Idaho Code § 42-203A. Any protest against the
approval of the application(s) must be filed with the Direc-
tor, Dept. of Water Resources, Western Region, 2735 Airport
Way, Boise ID 83705 together with a protest fee of \$25.00 for
each application on or before 5/9/2016. The protestant must
also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 4/20/2016 and 4/27/2016

16-2S



Neely, Rachel

From: Brandi Horton [watermaster67@hotmail.com]
Sent: Friday, April 29, 2016 6:59 PM
To: Neely, Rachel
Subject: RE: Application for Permit No. 67-15154
Attachments: Recommendation - Application 67-15154 (Jerry & Georgine Lunsford).doc

Good morning Rachel!

Attached is my recommendation for Application for Permit (67-15154) for Jerry & Georgine Lunsford...

Have a Great Day!

Brandi Horton
Watermaster-Dist.67
2297 Snapp Lane
Midvale, ID 83645
(208) 550-0313

Sent from [Mail](#) for Windows 10

From: [Neely, Rachel](#)
Sent: Thursday, April 14, 2016 12:24 PM
To: [Brandi Horton](#)
Subject: Application for Permit No. 67-15154

April 14, 2016

BRANDI HORTON
WATER DISTRICT #67
2297 SNAPP LN
MIDVALE ID 83645

RE: Application for Permit No. 67-15154

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application(s). A copy of the application(s) is enclosed with this email for your reference. Please review the application(s), complete the enclosed recommendation form, and submit your reply, if any, to this office by the protest deadline of May 9, 2016.

If you desire to formally protest approval of this application, you may do so by filing a written protest along with a \$25.00 filing fee for each protested application by the protest deadline..

IDWR will assume you do not object to this application(s) if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,

APR 29 2016

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATERMASTER

WATER RESOURCES
WESTERN REGION

Application No: 67-15154

Applicant's Name: Jerry and Georgine Lunsford

Watermaster's Recommendation:

- a) ☒ I do not oppose approval of this application.
- b) ☐ I do not oppose approval of this application if conditioned as follows:

 No water shall be diverted under this right after June 15* of each year without prior approval of the watermaster. New rights are curtailed each year based on the water supply (seniority system). Use of a new right can continue during water shortages if the new right is mitigated with a lease of storage water from the Watermaster.

Other conditions:

- c) ☐ I oppose approval of this application for the following reasons:

- d) ☐ Additional comments:

Dated this 29 day of April, 2016

Water District No: 67 Brandi S. Horton
Watermaster's signature

* Watermaster provided copy of this recommendation to the applicant regarding 6/15 curtailments.

APPLICATION NUMBER 67-15154

RECEIVED

APR 18 2016

WATER RESOURCES
WESTERN REGION

CHOOSE ONE OF THE FOLLOWING OPTIONS:

 NO

An approved application with a June 15 curtailment requirement will not work for me. I withdraw my application. Please issue a full refund of the application fee that I paid.

X YES

An approved application with a June 15 curtailment requirement will work for me. Please process my application.

 If Yes: Provide at least 1 example of specific irrigation you will benefit from through June 15:

Irrigate
will irrigate alfalfa or wheat until dry out by 6/15

 MORE TIME

I request an interruption in processing for up to six months, the maximum amount of additional time under IDWR Water Appropriation Rule 40, to help me decide what to do.

Applicant Name (Print)

Jerry Lunford

Applicant Signature

Jerry Lunford

Date

4-18-16

Return to:

IDWR Western Region
2735 Airport WY
Boise, ID 83705-5082