

State of Idaho
Department of Water Resources
Water Right License
Water Right No. 67-15154

Priority: June 24, 2016

Maximum Diversion Rate: 0.34 CFS

Maximum Diversion Volume: 67.2 AF

It is hereby certified that:

GEORGINE LUNSFORD 2394 KEITHLEY CREEK RD MIDVALE ID 83645 AND
JERRY N LUNSFORD 2394 KEITHLY CREEK RD MIDVALE ID 83645-5022

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 31, 2016, and has submitted Proof of Beneficial Use on July 21, 2021. An examination confirms water is diverted from:

Source: KEITHLEY CREEK

Tributary: WEISER RIVER

Beneficial Use

IRRIGATION

Period of Use

03/15 to 10/31

Rate of Diversion

0.34 CFS

Annual Volume

67.2 AF

Location of Point(s) of DiversionKEITHLEY CREEK L3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), Sec. 5, Twp 13N, Rge 03W, B.M. WASHINGTON County**Place of Use: IRRIGATION**

Twp	Rng	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					0.1 L3	3.0 L4	2.7	1.0									6.8
14N	03W	32												10.0					10.0

Total Acres: 16.8

Conditions of Approval

1. 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.
2. 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.
3. No water shall be diverted under this right after June 15 of each year without prior approval of the watermaster.
4. 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.
5. This right does not grant any right-of-way or easement across the land of another.
6. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

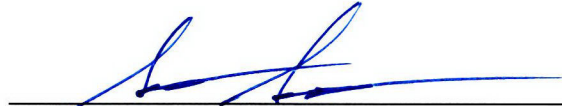
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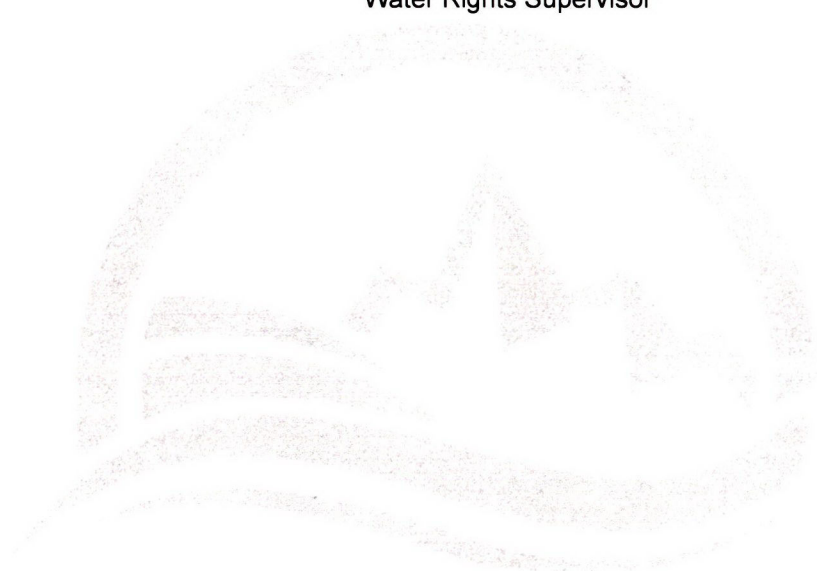
State of Idaho
Department of Water Resources
Water Right License
Water Right No. 67-15154

This license is issued pursuant to the provisions of Idaho Code § 42-219. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 23rd day of June, 2023.



SCOTT STORMS
Water Rights Supervisor

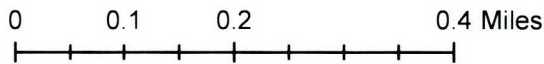
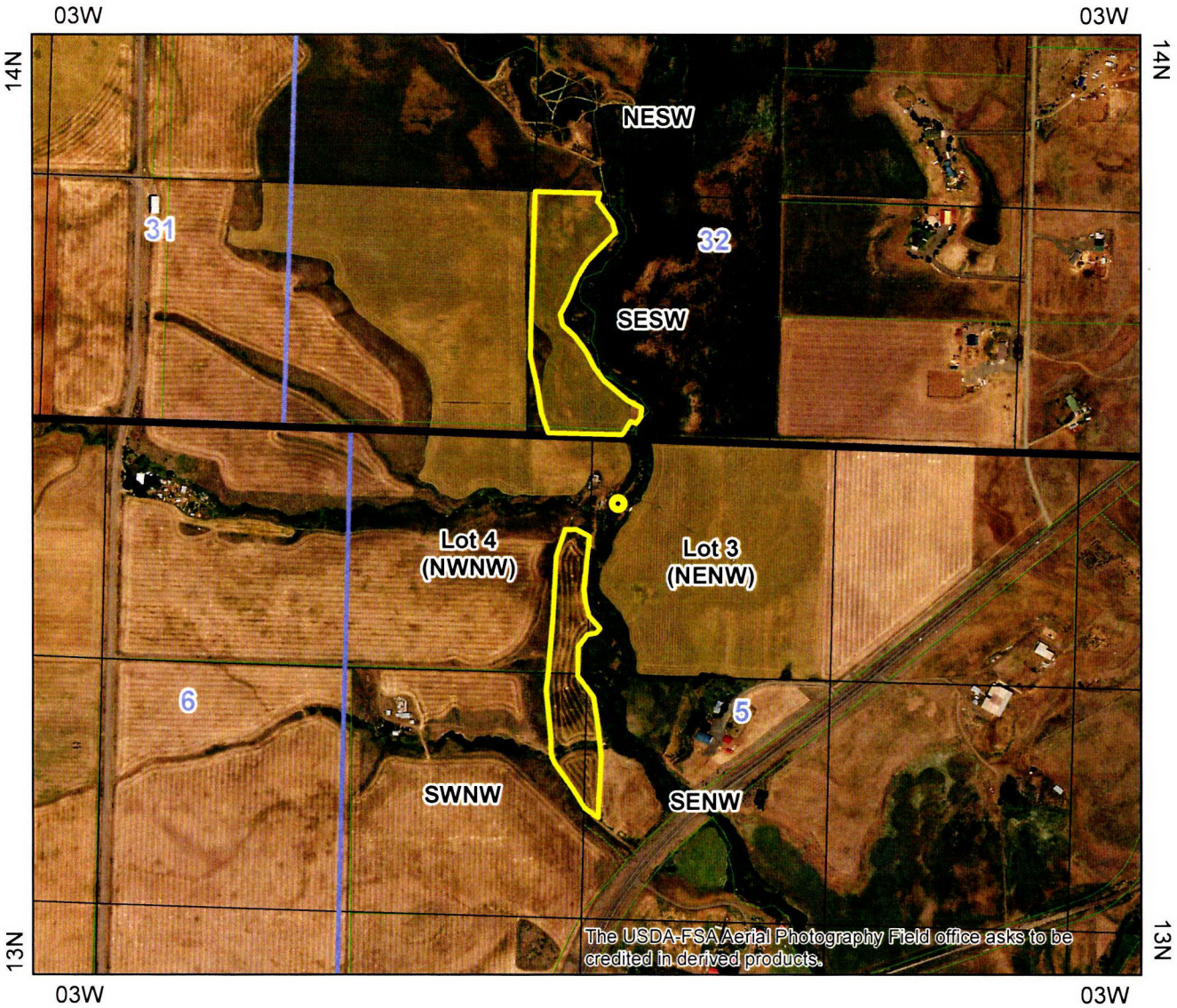


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State of Idaho
Department of Water Resources
Attachment to Water Right
67-15154

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.



- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- Taxlots



Western Region • 2735 W Airport Way • Boise, ID 83705-5082

Phone: 208-334-2190 • Fax: 208-334-2348 • Email: westerninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

June 26, 2023

JERRY N LUNSFORD & GEORGINE LUNSFORD
2394 KEITHLY CREEK RD
MIDVALE ID 83645-5022

RE: License No. 67-15154

ISSUANCE OF LICENSE

Dear Water Right Holder(s):

The Department of Water Resources ("Department") has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review all the conditions of approval listed on your license. The conditions may include ongoing requirements, such as maintenance of a measuring device or implementation of mitigation, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district.

The license is a PRELIMINARY ORDER issued by the Department pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

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. Water right forms are available from any office of the Department or on the Department's website at idwr.idaho.gov

If you have any questions concerning the enclosed information, please contact me at (208) 605-4624.

Sincerely,


Lynne Evans

for Scott Storms
Water Rights Supervisor

Enclosure(s)

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CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2023, I served a true and correct copy of Water Right License No. 67-15154 by U.S. Mail, postage prepaid, to the following:

JERRY N LUNSFORD (Current Owner)
2394 KEITHLY CREEK RD
MIDVALE ID 83645-5022

GEORGINE LUNSFORD (Current Owner)
2394 KEITHLEY CREEK RD
MIDVALE ID 83645-5022

KATHY SUMMERS (Watermaster)
WATER DISTRICT #67
PO BOX 829
WEISER ID 83672-0829



Lynne Evans
Administrative Assistant I

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.

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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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 67-15154
Exam Date: 06/13/2023

1. Current Owner:
GEORGINE LUNSFORD 2394 KEITHLEY CREEK RD MIDVALE ID 83645 AND
JERRY N LUNSFORD 2394 KEITHLY CREEK RD MIDVALE ID 83645-5022
2. Accompanied by: Jerry Lunsford
Phone No: 208-550-5953
Address:
Relationship to permit Holder:

3. **SOURCE:**
KEITHLEY CREEK

Tributary
WEISER RIVER

Method of Determination: Site visit, aerial imagery

B. OVERLAP REVIEW

1. Other water rights with the same place of use: None
2. Other water rights with the same point-of-diversion: Yes Overlap

Water Right No.	Source	Purpose of Use	Basis
67-7217	Groundwater	Irrigation	Decreed

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**
KEITHLEY CREEK L3 (NE¼ NW¼), Sec. 5, Twp 13N, Rge 03W, B.M. WASHINGTON County

Method of Determination: GPS at 44° 29' 52.42" N, 116° 43' 46.89" W

PLACE OF USE: IRRIGATION

Twp	Rng	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					0.1 L3	3.0 L4	2.7	1.0									6.8
14N	03W	32												10.0					10.0

Total Acres: 16.8

Method of Determination: Field photos and aerial photography used to verify irrigation use site.

3.
 - ☒ Delivery System Diagram Attached (required). Indicate all major components and distances between components.
 - ☒ Indicate weir size/pipe as applicable.
 - ☒ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
 - ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
 - ☒ Photo of Diversion and System Attached

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4. Two motors arranged in parallel

Well or Diversion ID No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Connected to mainline from Keithley Creek	unknown	25	Z0801210691		
Directly under the pipe cross fitting	unknown	25	Z0803180077		

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
N/A	N/A	N/A	N/A	N/A	N/A	N/A

2. Measurements: The buried pipes and conveyance system did not provide suitable circumstances to directly measure the diversion rate.

E. FLOW CALCULATIONS X Additional Computation Sheets Attached

Measured Method: Motor specification information was collected during the field exam and used to estimate flow. Using the theoretical horsepower equation worksheet and friction head loss calculator, the maximum pump performance at approximately 14' total head and combined 50 hp yields 1921 gpm (4.28 cfs) capacity. This right and water right 67-7217 use the diversion system, with a combined rate of 1.88 cfs. The estimated overall capacity of the system is 4.28 cfs, therefore, this water right does not require combined limits.

Theoretical Irrigation Use = 4.28 cfs

Permitted Total Rate 0.37 cfs

License Recommendation 0.34 cfs

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 16.8 \text{ acres} \times 4.0 \text{ AFA} = 67.2 \text{ AF}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 = 0.34 \text{ cfs} \times 231 \text{ days} \times 1.9835 = 155.78 \text{ AF}$$

$$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = \underline{67.2 \text{ AF}}$$

G. NARRATIVE/REMARKS/COMMENTS

A field exam was conducted on 06/13/23 by Senior Water Right Agent Laura McSherry and was accompanied by Mr. Jerry Lunsford. Jerry Lunsford is the current owner and original applicant. The permit was approved on July 21, 2016, and proof of beneficial use was submitted on August 01, 2021.

The point of diversion (POD) location was confirmed at a surface water diversion in Govt Lot 3 NENW on Keithley Creek and is accurately described by the permit. Keithley Creek is an intermittent creek. The surface water diversion uses two parallel 25 hp motors to divert water underground from the creek, using 8" steel piping, to a main conveyance system uphill that includes a cross pipe fitting. From the main conveyance system, two 10" steel mainline pipes convert water underground to

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irrigate acres with lateral wheel lines and sprinklers. Water right overlap discovered water right 67-7217 associated with the surface water POD. No amendment required to correct the legal description.

The permit authorizes 19 acres for irrigation within the Govt Lot 3 NENW, Govt Lot 4 NWNW, SWNW, SENW of Sec 5, T13N, 03W and SESW of Sec 32, T14N, R03W. Irrigation in Govt Lot 3 NENW, Govt Lot 4 NWNW, SWNW was underdeveloped by 2.2 acres. ArcMap tools and aerial imagery, supported by photos taken during the field exam, were used to verify the POU area. Although the permit authorized 19 total acres, the license recommendation for the POU is 16.8 acres. No amendment required to correct the legal description of the POU.

Motor information was collected during the field exam. Using combined motor maximum performance of 50 hp, at 14 ft of total head, a theoretical flow rate of 4.28 cfs was calculated which exceeds the permitted rate. The recommended licensed flow rate for irrigation use is 0.34 cfs and the recommended volume for irrigation use is 67.2 AFA.

Condition 103 replaced condition 121 per department standards. Condition 26A was removed. Condition 01J was removed due to received watermaster waiver comments. Conditions R64, R05, 086, 087, 004 were carried forward to the license.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>Beneficial Use</u>	<u>Period of Use</u>	<u>Rate of Diversion</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/31	0.34 CFS	67.2 AF

Totals: 0.34 CFS 67.2 AF

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☒ None

I. AUTHENTICATION

Laura McSherry – Water Resource Agent, Sr.

Field Examiner's Name [Signature] Date 06.22.2023

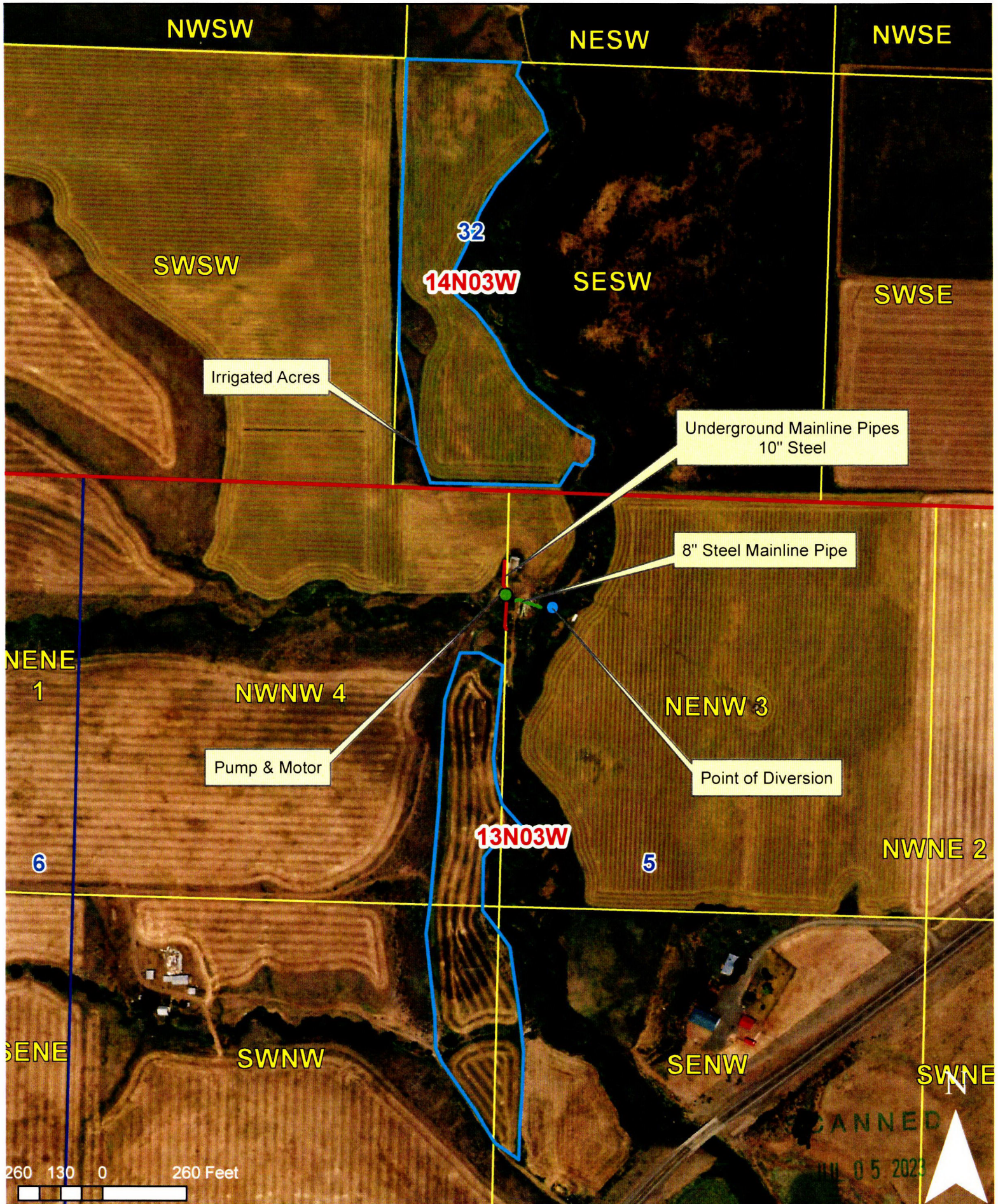
Reviewer [Signature] Date 6/23/2023

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DELIVERY SYSTEM DIAGRAM

Water Right No. 67-15154



(4) 3" LATERAL LINES

10"

8" STEEL PIPE

POD

PUMP + MOTOR

10" UNDERGROUND MAIN LINES

POV

DIRT ROAD IN

KEITHLEY CREEK

(2) 4" LATERAL LINES

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05/05/2023



THEORETICAL HORSEPOWER EQUATION WORKSHEET

Water Right No.: 67-15154
 Examiner: Laura M
 Date of Field Exam: 6/13/2023

Irrigation Use

	OPTION 1	OPTION 2	OPTION 3	
P/D No.:				
COMBINED PUMP HORSEPOWER	50	50	50	
BOOSTER HORSEPOWER	0	0	0	
PUMPING LEVEL	14	14	14	
DISCHARGE PRESSURE	20	25	30	
FRICTION	1.45	1.45	1.45	
RATE OF FLOW (cfs)	5.00	4.21	3.63	AVE
(gpm)	2242.3	1888.5	1631.1	4.28
				1921

The above calculates the formula =

$$Q = \frac{8.8 * (\text{Efficiency}) * \text{hp}}{\text{depth to water} + 2.31 * (\text{psi}) + \text{friction}}$$

Assumptions: %70 efficiency

Examiners Notes: Standard practice includes large irrigaton systems using 20-30 psi.

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Required Input

L = 14 feet (length of pipe)
Q = 1961 gpm (flow rate)
d = 8 inches (inside diameter of pipe)

Select Pipe Material Type

steel, welded and seamless

C = 100 unitless (Hazen-Williams Roughness Coeff.)

Output

$h_f = 1.45$ feet (frictional head loss)
or
 $h_f = 0.63$ psi (frictional head loss)

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Hi Debbi,

Thanks for getting back to me. The email address I have is misspelled as Debbie...sorry! As for the waiver for Mr. Lunsford, is there a form you need me to fill out? Or would an explanation in an email suffice?

Thanks again,

Brandi

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

----- Original message -----

From: "Judd, Debbi" <Debbi.Judd@idwr.idaho.gov>

Date: 7/13/21 4:01 PM (GMT-07:00)

To: "Brandi Bonner (watermaster67@hotmail.com)" <watermaster67@hotmail.com>

Subject: Jerry Lunsford

Hi Brandi,

I just got a call from Jerry Lunsford letting me know you tried to send an email and it was undeliverable. Maybe you could compare the email address you have with this one. Let me know if there is anything else I can help with.

Thanks,
Debbi

Debbi Judd
Technical Records Specialist
debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources
322 E Front St
PO Box 83720
Boise, ID 83720-0098
208-287-4920
www.idwr.idaho.gov

Judd, Debbi

From: Brandi Horton-Bonner <watermaster67@hotmail.com>
Sent: Tuesday, July 13, 2021 5:45 PM
To: Judd, Debbi
Subject: RE: Jerry Lunsford

Ok, easy peasy.

Mr. Lunsford's POD is near the end of Keithly Creek. He has a junior water right, and in most years the senior water rights above him have effectively curtailed his usage. Currently, nearly all properties with senior water rights in Keithly Creek are either owned or rented by Tom Seid...and he also rents Mr. Lunsford's property. Such being the case, it's been about 12 years since I have been called to look into anything on Keithly Creek and can see no reason to require a measuring device on a diversion that is, in essence, unused for most of the season. In future, should properties change hands and the waters of Keithly Creek be used by more than one guy, we should revisit the question of measuring device requirements.

If you need anything more, just let me know!

Have a great day,

Brandi

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

----- Original message -----

From: "Judd, Debbi" <Debbi.Judd@idwr.idaho.gov>
Date: 7/13/21 4:15 PM (GMT-07:00)
To: Brandi Horton-Bonner <watermaster67@hotmail.com>
Subject: RE: Jerry Lunsford

Hi Brandi,

There isn't a form, an email with an explanation why you believe certain conditions on the permit are not necessary is fine. I will put the email in the file and the Department will consider it as a request for waiver of conditions(s) from the permit holder.

Thanks!
Debbi

From: Brandi Horton-Bonner [mailto:watermaster67@hotmail.com]
Sent: Tuesday, July 13, 2021 4:07 PM
To: Judd, Debbi <Debbi.Judd@idwr.idaho.gov>
Subject: RE: Jerry Lunsford



Fig. 1 – The point of diversion location (POD). The POD is ~14 feet down a slope in Keithley Creek. View looking E.

GPS'd at:

44° 29' 52.42" N

116° 43' 46.89" W

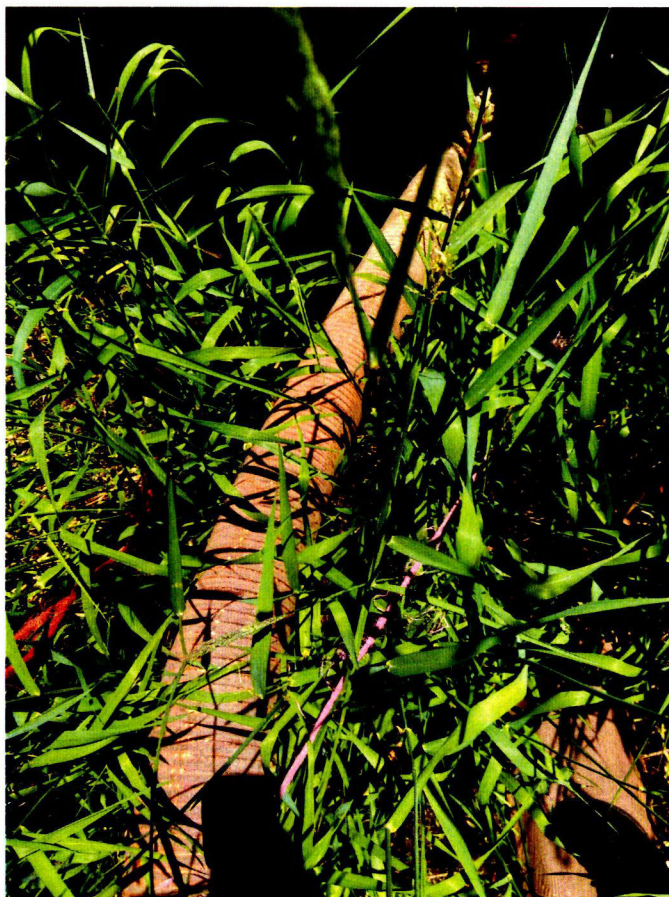


Fig. 2 – Close up view of the POD.
8" steel pipe in the creek.

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Fig. 3 – The 8" mainline steel pipe diverts water underground from the creek to the conveyance system uphill. View looking S towards irrigated acres.



Fig. 4 – The underground mainline pipe connects into a cross pipe fitting. Two 10" steel mainline pipes extend to the irrigated acres or place of use (POU).



Fig. 5 – One 25 hp motor directly connected to the uphill 8" mainline pipe.



Fig. 6 – One 25 hp motor directly under the pipe cross fitting.



Fig. 7 – Pipe cross fitting construction. Mainline pipe from the creek seen in bottom of the photo. View looking N.



Fig. 8 – Two 10" steel mainline pipes. View looking E.