

**STARTING
LEFT
SIDE OF
FILE**

SCANNED

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 67-14754

Priority: March 10, 2006

Maximum Diversion Rate: 0.13 CFS

This is to certify, that HENRY STOKER Or
RONDA STOKER
PO BOX 834
ONTARIO OR 97914

has applied for a permit to appropriate water from:

Source: GROUND WATER

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	03/01 to 11/15	0.13 CFS

LOCATION OF POINT OF DIVERSION:

GROUND WATER SW¼ NE¼ Sec. 11, Twp 09N, Rge 05W, B.M. PAYETTE 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	
09N 05W 11			6.5														6.5
Total Acres: 6.5																	

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **January 01, 2012**.
2. Subject to all prior water rights.
3. 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.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 67-14754

7. 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. Witness the signature of the Director, affixed at Boise, this 25th day of January, 2007.

Shelley W. Keen
FOR DAVID R. TUTTILL, JR., Interim Director

RECEIVED

OCT 13 2006

FORM 202
12/99

Ident. No. 67-14754

Department of Water Resources

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of Applicant HENRY or Ronda STOKER Phone 208 8417302
Mailing address P.O. Box 834 Ontario, OR. 97914

2. Source of water supply Well / Groundwater which is a tributary of N/A

3. Location of point of diversion is Township 9N Range 5W Sec. 11, in the SW $\frac{1}{4}$,
NE $\frac{1}{4}$, Govt. Lot _____, B.M., _____ County;

additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount .13 for IRRIGATION purposes from 3-1 to 11-15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .13 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Describe type and size of devices used to divert water from the source _____

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet

c. Proposed well diameter is 8" inches; proposed depth of well is 20' feet

d. Is ground water with a temperature of greater than 85°F being sought? No.

e. If well is already drilled, when? No.; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Time required for completion of works and application of water to proposed beneficial use is 5 years (minimum 1 year)

8. Description of proposed uses (if irrigation only, go to item 9):

a. Hydropower; show total feet of head and proposed capacity in kW. _____
b. Stockwatering; list number and kind of livestock. _____
c. Municipal; show name of municipality. _____
d. Domestic; show number of households. _____
e. Other; describe fully. _____

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OCT 13 2006

Department of Water Resources

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MAR 10 2006

WATER RESOURCES
WESTERN REGION

3. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	5W	11			6.5														6.5

Total number of acres to be irrigated 6.5

10. Describe any other water rights used for the same purposes as described above. none

- Who owns the property at the point of diversion? AFC.
- Who owns the land to be irrigated or place of use? AFC.
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

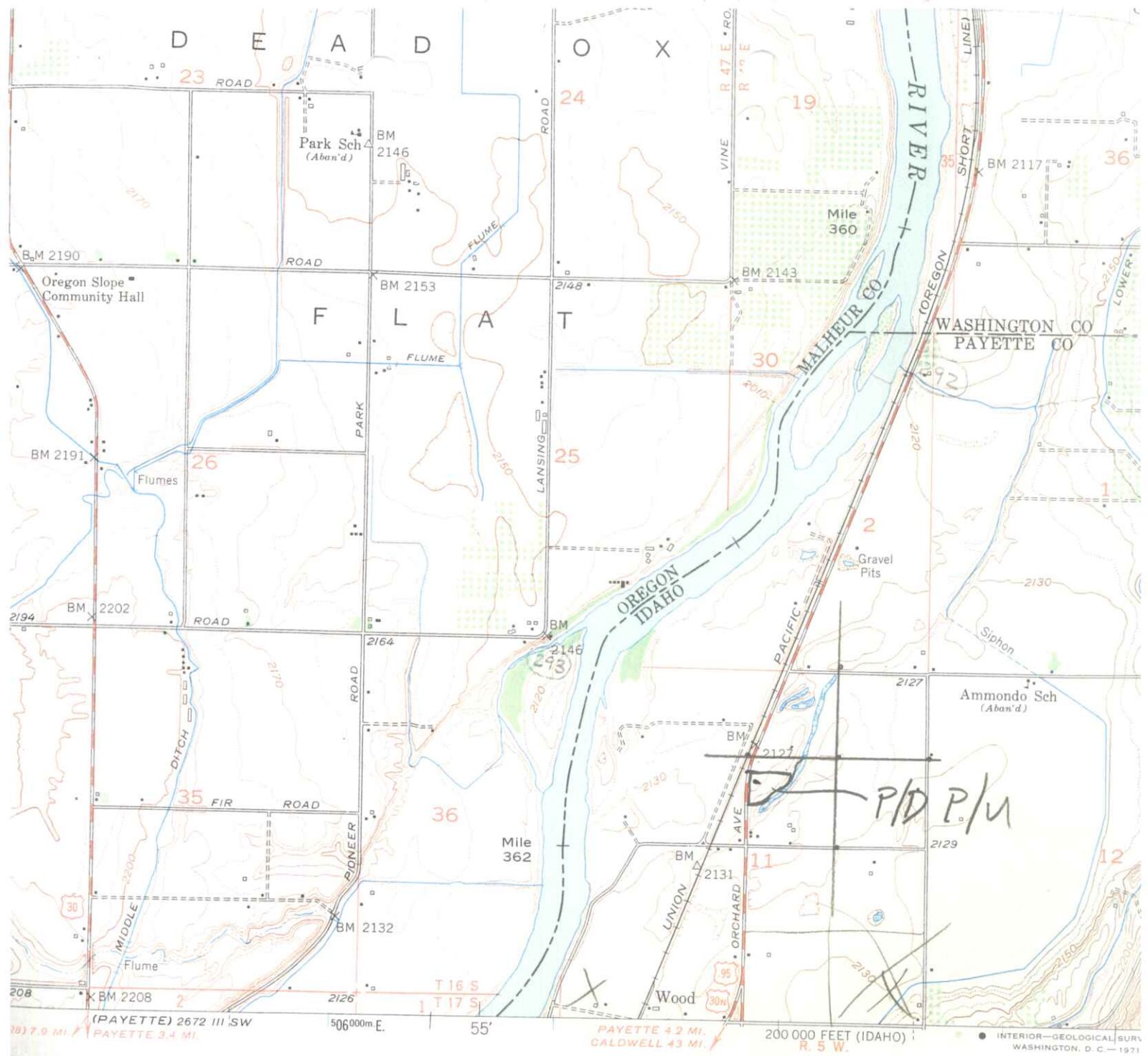
12. Remarks: Have 8 shares Lateral is Broken
non Repairable to serve water.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

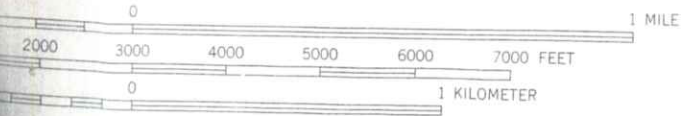
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Nancy B. Stokes, owner.
 Signature of Applicant (and title, if applicable)

Received by AK Date 3-10-06 Time _____ Preliminary check by SC
 Fee \$ 100 Received by AK # W1033936 Date 3-10-06
 Publication prepared by SL Date 8/29/06 Published in INDEPENDENT ENTERPRISE
 Publication approved SL Date 9/28/06 9/6513/06



SCALE 1:24 000



ROAD CLASSIFICATION

Heavy-duty ——— 4 LANE 6 LANE Light-duty ———
 Medium-duty ——— 4 LANE 6 LANE Unimproved ———
 U. S. Route State Route

WEISER SOUTH, OREG.-

N4407.5-W11652.5/7.5

1951

AMS 2672 III NW—SERIES V89:

67-14754

9N 5W

NWNE

S-11

• P/D
P/U

SWNE

No govt
lot
se 8/2/06

67-14754

1/31/03

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WATER RESOURCES
WESTERN REGION

Drilling Permit No. _____

Drilling Permit I.D. Tag No. _____

Water Right Permit No. _____

Injection Permit No. _____

State of Idaho
Department of Water Resources

COPY

APPLICATION FOR DRILLING PERMIT
(FOR THE CONSTRUCTION OF A WELL)1. Owner (please print): HENRY or Ronda STOKER2. Mailing Address: P.O. Box 834City: Ontario State: OR Zip Code: 97914 Telephone: (208) 841-73023. Proposed Well Location: Twp. 9N, Rge. 5W, Sec. 11, SW 1/4 NE 1/4 1/4;Gov't Lot No. _____ County Payette Lat. _____: _____: _____ Long. _____: _____: _____Street Address of Well Site N Hwy 95 Payette, Id. City Payette
Give at least name of road + Distance to Road or LandmarkLot, block and subdivision 11800 Hwy 95

4. Proposed Use of Well:

- ☐ DOMESTIC: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

NON-DOMESTIC: ☒ Irrigation ☐ Municipal ☐ Industrial
☐ Livestock ☐ Test ☐ Other _____
 Type _____ Number Hd. _____ (Describe)

☐ INJECTION☐ MONITORING: A well bore schematic and map is required for each blanket permit. No. of proposed wells: _____

5. Well Construction Information:

A. ☒ New well ☐ Modify ☐ ReplaceB. Proposed Casing Diameter 8" Proposed Maximum Depth 20'

C. Anticipated bottom hole temperature:

☒ 85 F or less
(Cold Water Well)☐ 85 F to 212 F
(Low Temp. Geo. Well)☐ 212 F. or more
(Geothermal Well)6. Construction Start Date: upon water right approval7. Anticipated Well Driller: Dallas Weiner, Id. Driller's Lic. No. 445

NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's Signature: Henry Stoker Date 3-10-06

Address (if different than owner): _____

City: _____ State: _____ Zip Code: _____ Telephone: _____

Title: owner
(Owner, Firm Representative, Other)

REQUEST TO PROCESS

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED
USING ONE OF THE THREE ALTERNATIVES BELOW

Name of Applicant

Henry de Ronda Stoker

Mailing Address

PO Box 834
Ontario, OR. 97914.

Application No.
(if known)

____ IN LOCAL PUBLIC INTEREST

Yes, I want my application processed and before it is advertised, I will amend my application to demonstrate that the proposed appropriation is in the local public interest including the need to preserve flows in the Snake River during the migration periods of anadromous fish.

____ PROPOSE MITIGATION NOW

Yes, I want my application processed and before it is advertised, I will amend my application to include proposed mitigation to offset anticipated depletions in the Snake River during periods of anadromous fish migration.

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

Yes, I want my application processed at this time, and I will accept a condition of approval that will require mitigation should the Director of the Idaho Department of Water Resources determine that mitigation is necessary to offset depletions from this appropriation to flows in the Snake River during periods of anadromous fish migration. I understand that mitigation is not required now but may be needed in the future. I also understand that the Director will not require mitigation until I have an opportunity to review the process by which the need for mitigation is established and the amount of water required is quantified.

Signature

Henry Stoker

Date

3-10-06.

Please return this form to:

Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

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MAR 10 2006

WATER RESOURCES
WESTERN REGION

**NOW
STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 25, 2007

HENRY STOKER
RONDA STOKER
PO BOX 834
ONTARIO OR 97914

RE: Permit No. 67-14754

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.

The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened after July 1, 1987, a separate drilling permit must be obtained from this Department. Please contact the Ground Water Protection Section located here at this office or our regional office nearest you.

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 208-287-4947.

Sincerely,

Deborah J. Gibson

for Shelley W. Keen, Acting Section Manager
Water Permits Section

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2007 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.

67-14754

**HENRY STOKER
RONDA STOKER
PO BOX 834
ONTARIO OR 97914**

A handwritten signature in cursive script, reading "Deborah J. Gibson", is written over a horizontal line.

**Deborah Gibson
Administrative Assistant**

Statement of Available Procedures and Applicable Time Limits

**RESPONDING TO PRELIMINARY ORDERS ISSUED
BY THE IDAHO DEPARTMENT OF WATER RESOURCES**
(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 issuance 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

Date: January 23, 2007
To: Water Right File 67-14754
From: eretelle
Re: permit review

No WD or moratorium

No protests

No overlaps (in service area of canal company, but no delivery is possible)

Recommend approval as suggested by IDWR Western.

Affidavit of Publication

Copy of Notice
(First Copy)

STATE OF IDAHO,
COUNTY OF PAYETTE

SS.

Application Permit
TITLE OF PUBLICATION

SPONSOR OF PLAINTIFF

Water Resource
PLAINTIFF OR LEGAL AGENT

L. Gary Black, being
duly sworn, deposes and says:
That she is the clerk of

THE INDEPENDENT-ENTERPRISE, a weekly newspaper published at Payette, in the County of Payette and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Payette; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for two (2) 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 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 Sept. 6, 2006, and ending with the issue of Sept. 13, 2006.

STATE OF IDAHO
COUNTY OF

On this 14th day of Sept., 2006, before me,
a Notary Public, personally appeared L. Gary Black
known or identified to me to be the person whose name
subscribed to the within instrument, and being by me first duly
sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

[Signature]
Notary Public for Idaho

Residing at Payette

My commission expires: 7-1-10

The following application(s) have
been filed to appropriate the public waters
of the State of Idaho:

67-14754 OK, R

HENRY & RONDA STOKER
PO BOX 834
ONTARIO OR 97914

Point(s) of Diversion SWNE S11
T09N R05W PAYETTE County
Source GROUND WATER
Use: IRRIGATION 03/01 To 11/15
0.13 CFS
Total Diversion: 0.13 CFS
Date Filed: 03/10/2006
Place Of Use: IRRIGATION
T09N R05W S11 SWNE
Number of Acres 6.5

Permits will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec 42-203A, Idaho
Code. Any protest against the approval of
this application must be filed with the
Director, Dept. of Water Resource, Western
Region, 2735 Airport Wy, Boise ID 83705
together with a protest fee of \$25.00 for
each application on or before 09/25/2006.
The
protestant must also send a copy of the
protest to the applicant.
KARL J DREHER, Director
No. 336

Sept. 6, 13

STATEMENT

Independent-Enterprise

PAYETTE, IDAHO

Number of Lines 31

Number of Insertions two (2)

31 Lines @ 1.16... \$ 35.96

31 Lines @ .99... \$ 30.69

TOTAL COST
WILL BE \$ 66.65

No 336

9/28/06

Lester, Steve

From: Lester, Steve
Sent: Tuesday, August 29, 2006 12:08 PM
To: 'lisaallison@qwest.net'
Subject: Legal Ads

Lisa: please send confirmation that notices will run Sept. 6 & 13. Thanks, SL.

August 28, 2006

Legal Notice Department
INDEPENDENT ENTERPRISE
124 S MAIN
PAYETTE ID 83661

RE: Application for Permit Nos. 65-23072 and 67-14754

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find legal notices which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 09/25/2006. Your cooperation is appreciated.

Sincerely,

Steve Lester
Water Rights Supervisor



65-23072 and
67-14754 ad.RTF

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

67-14754

HENRY & RONDA STOKER
PO BOX 834
ONTARIO OR 97914

Point(s) of Diversion SWNE S11 T09N R05W PAYETTE County Source GROUND WATER

Use: IRRIGATION 03/01 To 11/15 0.13 CFS

Total Diversion: 0.13 CFS

Date Filed: 03/10/2006

Place Of Use: IRRIGATION

T09N R05W S11 SWNE

Number of Acres 6.5

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 09/25/2006. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published 9/6 & 9/13/2006

MEMORANDUM

Date: August 7, 2006
To: Application for Permit 67-14754
From: Sharla Curtis
Re: Primary vs. Supplemental

Per conversation with Peggy Murphy at Payette River Irrigation Office, she confirmed that the lateral is broken. This application is therefore the primary source of water and should not be treated as supplemental.