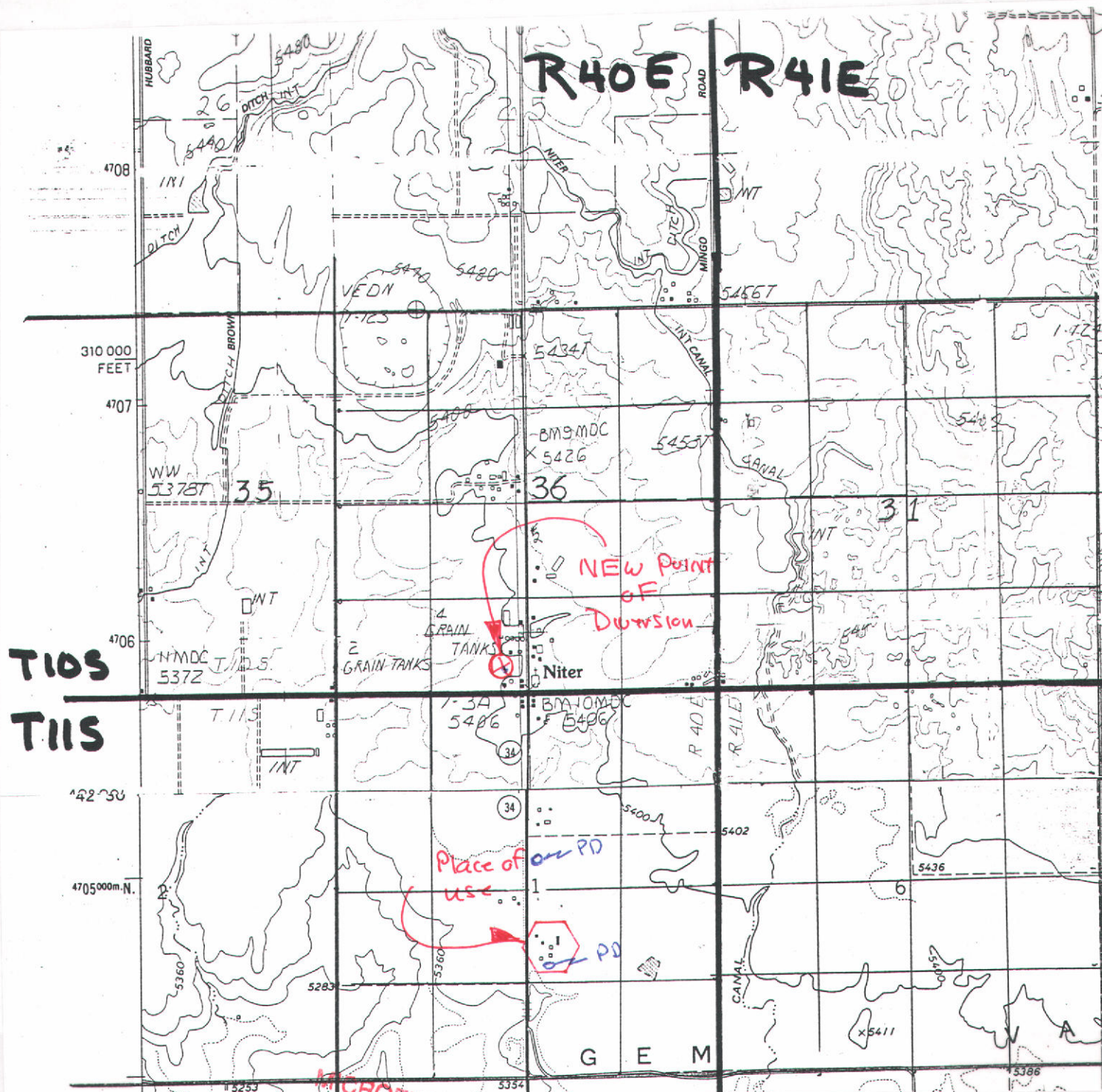


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



RECEIVED

NOV 4 1977

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT
NO. 13-7220**

Notice is hereby given that Toone Dairy Farm, Inc., Grace, Idaho has on 10-14-77 submitted Application No. 13-7220 for a permit to appropriate 0.08 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 11S, R. 40E, B.M., Caribou County; to be used from Jan. 1 to Dec. 31 for domestic purposes for two families, stockwatering for 120 cows, 25 bulls, 80 heifers, 40 calves and 1 horse and for cleaning of a dairy operation within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 11S, R. 40E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before November 7, 1977.

C. STEPHEN ALLRED
Director

Published in the Caribou County Sun, Soda Springs, Idaho on October 20 and October 27, 1977.

**Affidavit of
Publication**

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

20th day of

October, 1977

The date of the last publication

being the 27th day of

October, 1977

Subscribed and sworn to before me this 31st day

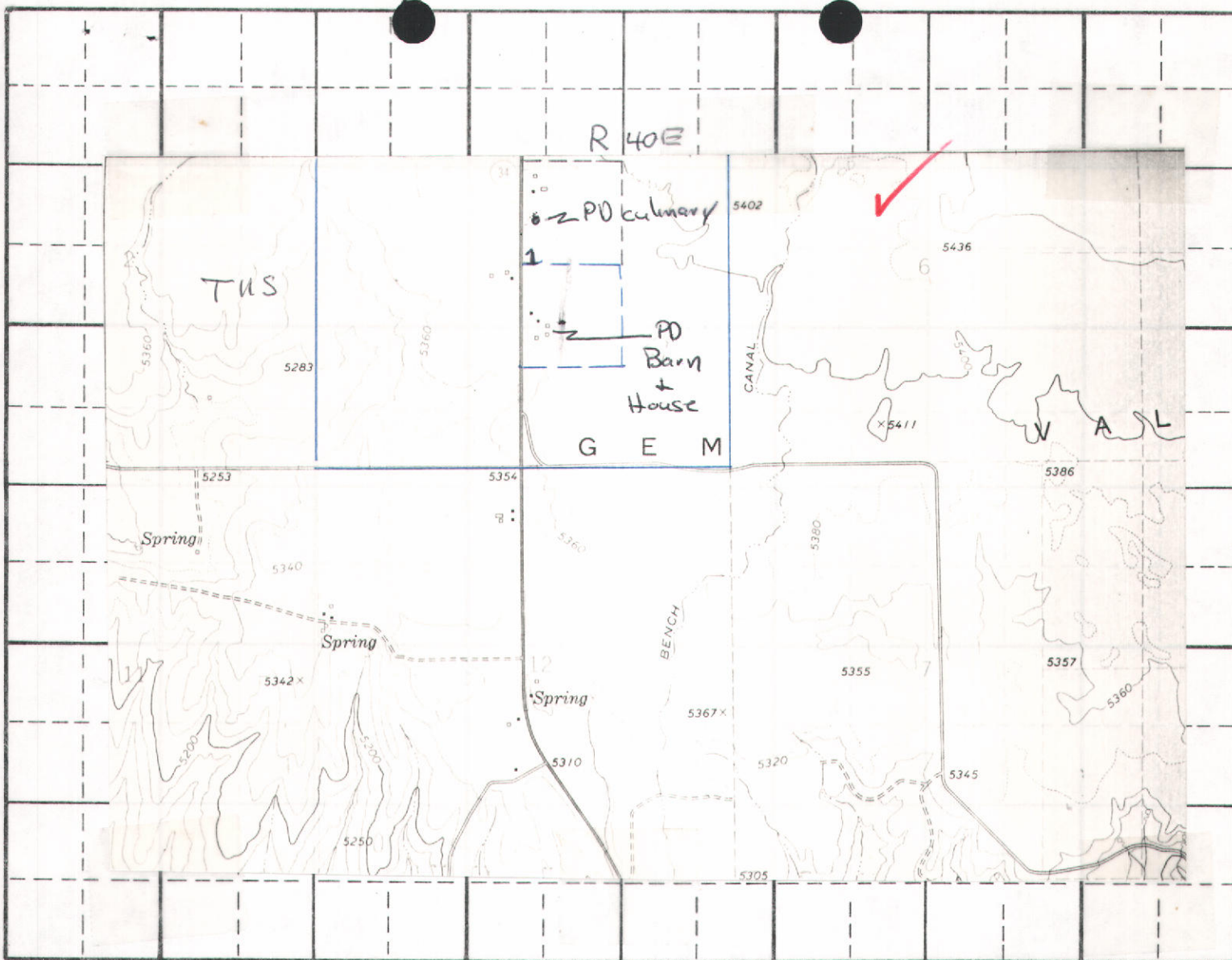
of October, 1977

Wendy N. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March

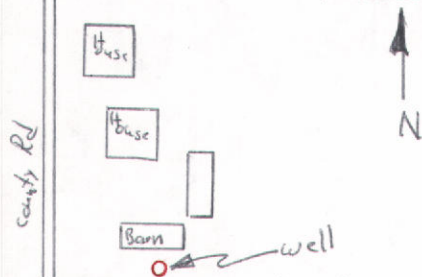
1980...

MICROFILMED



SCHEMATIC DIAGRAM OF SYSTEM

(Include distance from pump to measuring device, if applicable.)



Point(s) of diversion: NW 1/4 SE 1/4 and SW 1/4 NE 1/4 Sect. 1 T11S R40E

Place(s) of Use ☒

TWP.	RGE.	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
11S	40E	1														X			
																O/R			
																S/C			

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☒ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

Examiner's Signature

Checked by

Approved by

Keith C. Wilson

X. Walker

Date *5-10-84*

Date *20 Sept 1984*

Date *4-22-86*

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68995

This is to certify that: TOONE DAIRY FARM INC
C/O SHERMAN TOONE
536 HWY 34
GRACE ID 83241
(208)425-3644

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
13-7220	WR/License	10/14/1977	0.07 cfs	13.4 af		N/A	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
13-7220	NO	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
13-7220	13-7220	0.07 cfs	13.4 af	N/A	N/A		N/A	N/A	N/A	N/A
TOTALS		0.07 cfs	13.4 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 5th day of June, 2001

[Signature]
Chief, Water Allocation Bureau

MICROFILMED

AUG 9 8 2001

WATER RIGHT NO. 13-7220
As Modified by Transfer No. 68995

In accordance with the approval of Transfer No. 68995, Water Right No. 13-7220 is now described as follows.

Right Holder: TOONE DAIRY FARM INC
 C/O SHERMAN TOONE
 536 HWY 34
 GRACE ID 83241

Priority Date: 10/14/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.04 CFS	2.4 AF
COMMERCIAL	01/01	to 12/31	0.02 CFS	1.2 AF
STOCKWATER	01/01	to 12/31	0.02 CFS	9.8 AF
			0.07 CFS	13.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUNDWATER SESW Sec. 36 Twp 10S Rge 40E CARIBOU County

GROUND WATER SWNE Sec. 1 Twp 11S Rge 40E CARIBOU County

GROUND WATER NWSE Sec. 1 Twp 11S Rge 40E CARIBOU County

PLACE OF USE: DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	1															X		

PLACE OF USE: COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	1															X		

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	40E	1															X		

MICROFILMED

AUG 15 2001

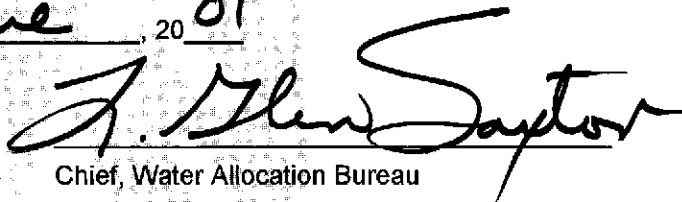
WATER RIGHT NO. 13-7220
As Modified by Transfer No. 68995

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
3. The total instantaneous diversion of water from all points of diversion under Transfer 68995 shall not exceed 0.07 cfs, nor total combined annual volume of 13.4 af.
4. After specific notification by the department, the right holder shall measure the diversion 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.
5. Use of water under this approval shall comply with applicable water quality standards of the Department of Environmental Quality.
6. Approval of Transfer 68995 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 5th day of June, 2001


Chief, Water Allocation Bureau

MICROFILMED

AUG 03 2001

JUN - 4 2005

JUN -4 2001 APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Department of Water Resources

Name of applicant TOONE DAIRY FARM, INC. c/o Sherman Toone Phone 425-3644

Post Office address 536 Hwy 34 GRACE ID 83241

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Generally from Dec. thru May of
each year our existing wells lose the ability to provide
enough water to fill license 13-07220. We have another
well in Sec. 36 that could help fill that void.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
13-07220	10/14/1977	0.02	Stockwater	1-1 to 12-31
		0.02	Commercial	1-1 to 12-31
		0.04	Domestic	1-1 to 12-31
				to

2. Total amount of water being transferred 0.07 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Groundwater tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		SE	SW	36	10S	40E	Caribou	"New"
		SW	NE	1	NS	40E	"	
		NW	SE	1	NS	40E	"	

5. Lands irrigated or place of use:

[illegible]

Total acres _____

PART 1

6. General Information:

a. Description of diversion system 3 wells to home + dairy
240 milking cows + 240 non-milks.

NA

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA

d. Remarks:

Sherman Toone - Pres

Fred Toone - V.P.

Gwen Toone - Sec.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED

AUG 08 2001

PART 2

TRANS NO. 68995**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 13-07220

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
STOCKWATER	01/01 to 12/31	0.02 CFS	9.8 AF
COMMERCIAL	01/01 to 12/31	0.02 CFS	1.2 AF
DOMESTIC	01/01 to 12/31	0.04 CFS	2.4 AF
Totals		0.07 CFS	13.4 AF

SOURCE

GROUNDWATER

Priority: 10/14/1977

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 1, Township 11S, Range 40E
 NWSE , Sec. 1, Township 11S, Range 40E
 CARIBOU County

PLACE OF USE:

STOCKWATER

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
---	---	---	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----	: -----
11S	40E	1	:	:	:	:	:	:	:	:	:	:	S	:	:

Place of use location for COMMERCIAL is the same location as described for: STOCKWATER

Place of use location for DOMESTIC is the same location as described for: STOCKWATER

CONDITIONS/REMARKS:

Describe any other water rights used for the same purpose as described above:

Claim 13-04069

MICROFILMED

AUG 08 2001

Page 4 of 6

TRANS NO.

68995

Water Right No. 13-07220

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? NO If yes, describe:

Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

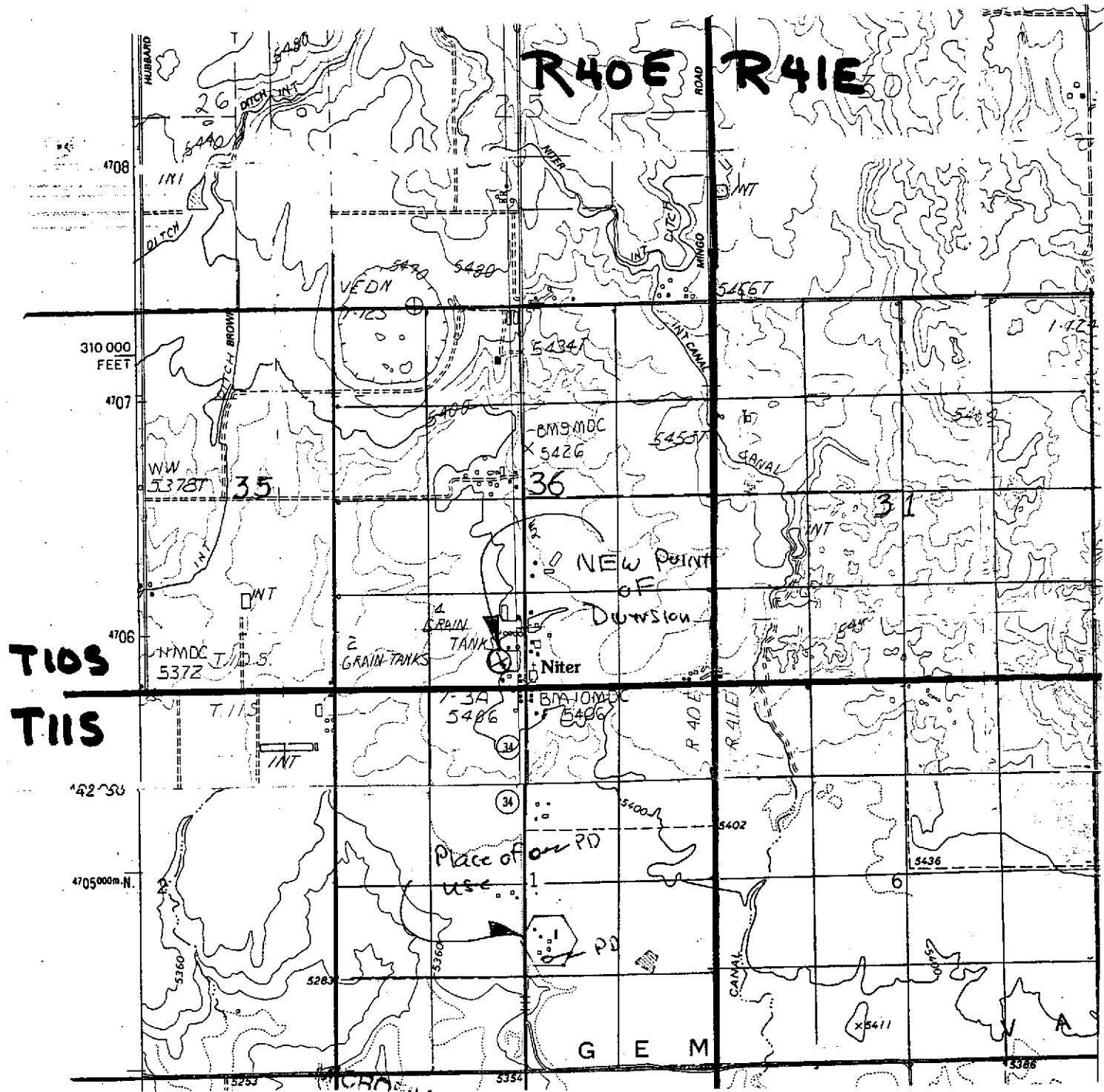
☒ Tax Notice ☐ Warranty Deed ☐ Other _____

MICROFILMED

AUG 08 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



MICROFILMED
AUG 28 2001

PART 3

B. CHANGES IN NATURE OF USE

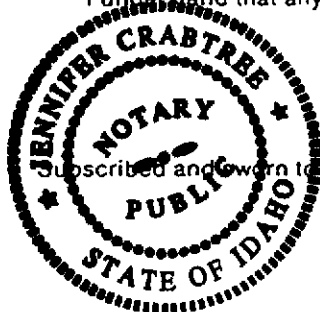
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

22nd

day of

March, 19 2001

[Signature]
(Signature of Applicant)
by [Signature]

Jennifer Crabtree
(Notary Public)

My commission expires

9/23/03

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 0 attachmentsReceived by HLT Date _____ Protest filed by _____Prelim. check by KCW Fee \$100.00Received by HLT #E026564 Date 3-22-01Published in Caribou County Sun Copies of protest forwarded by _____Pub. dates April 11 & 18, 2001 Hearing held by _____ Date _____Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

rec'd.

by RDC

Copy of transfer sent to lien holder _____

MICROFILMED

AUG 08 2001

CARIBOU COUNTY 2000 PROPERTY TAX NOTICE

MAKE CHECK PAYABLE TO:
 DIANE C. MEADS, TAX COLLECTOR
 P.O. BOX 507
 SODA SPRINGS, ID 83276
 (208) 547-3726

CODE AREA 09

PARCEL NUMBER
 RL 39290

RECEIVED

MAY 29 2001

Department of Water Resources
 Eastern Region

MARKET VALUE	HOMESTEAD	NET VALUE
270,884	30,163	240,721

TOONE DAIRY FARMS INC
 536 HWY 34
 GRACE, ID 83241

--TAXING DISTRICT--	*--RATE*	*--AMOUNT*
COUNTY	.5685728%	136
SCHOOL DIST 148	.5653880%	136
GRACE CEM	.0383186%	9
GRACE LIBRARY	.0521057%	12
TV TRANSLATOR		2
LANDFILL		6

TR NW/14SE1/4, TAX 4, E1/2
 SE1/4, TAX 3, SW1/4SE1/4,
 140 ACRES, SEC 1, T11S-R40E

TOTAL TAX/SPECIALS	1.2243851%	3,04
-CIRCUIT BREAKER		
-PREPAYMENT ON		
NET TAX/SPEC DUE		3,04

★ ★ ★ IMPORTANT ★ ★ ★
 PLEASE READ BOTH FRONT AND BACK

★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

	1st Half		2nd Half		Full
TAX	1,521.19	TAX	1,521.19	TAX	3,042.38
LATE		LATE		LATE	
SUBTOT		SUBTOT		SUBTOT	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
 PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

2000
 09

TOONE DAIRY FARMS INC
 536 HWY 34
 GRACE, ID 83241

RL 39290
 CARIBOU
 COUNTY

2ND HALF

1,521.19

09

MICROFILMED

AUG 08 2001

LATE
 INT
 COST
 TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2001

Initials

Cash or Check

CARIBOU COUNTY 2000 PROPERTY TAX NOTICE

MAKE CHECK PAYABLE TO:
 DIANE C. MEADS, TAX COLLECTOR
 P.O. BOX 507
 SODA SPRINGS, ID 83276
 (208) 547-3726

CODE AREA 09

PARCEL NUM
 RL 38200

MARKET VALUE	HOMESTEAD	NET VALUE
18,090	0	18,090

TOONE DAIRY FARMS INC
 538 HWY 34
 GRACE, ID 83241

--TAXING DISTRICT--	*--RATE*	*--AMT*
COUNTY	.5685728%	
SCHOOL DIST 148	.5653880%	
GRACE CEM	.0383186%	
GRACE LIBRARY	.0521057%	
TV TRANSLATOR		
LANDFILL		

TR 160' X 151' IN TAX # 1
 SEC 36 T10S-R40E

TOTAL TAX/SPECIALS 1.2243851%
 -CIRCUIT BREAKER
 -PREPAYMENT ON
 NET TAX/SPEC DUE

★ ★ ★ IMPORTANT ★ ★ ★
 PLEASE READ BOTH FRONT AND BACK
 ★ ★ ★ MONTHLY PAYMENTS ARE ACCEPTED ★ ★ ★

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
 RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE.

	1st Half		2nd Half		Full
TAX	158.26	TAX	158.26	TAX	316.52
LATE		LATE		LATE	
SUBTOT		SUBTOT		SUBTOT	
INT		INT		INT	
COST		COST		COST	
TOT		TOT		TOT	

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
 PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

2000
 09

TOONE DAIRY FARMS INC
 538 HWY 34
 GRACE, ID 83241

RL 38200
 CARIBOU
 COUNTY

2ND HALF

09

158.26

LATE
 INT
 COST
 TOT

MICROFILMED

AUG 08 2001

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2001

Initials

Cash or Check

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-7220 Priority October 14, 1977 Amount 0.07 cfs

THIS IS TO CERTIFY, that Toone Dairy Farm, Inc.
of Grace, Idaho, has complied with the terms and conditions of Permit
No. 13-7220 issued pursuant to Application for Permit dated October 14, 1977,
and has submitted proof to the Department of Water Resources on November 29, 1982,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.07 cfs of water from a groundwater source
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Stockwater	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>9.8</u> acre feet
Commercial	from <u>January 1</u> to <u>December 31</u>	at <u>0.02</u> cfs and	<u>1.2</u> acre feet
Domestic (2 Units)	from <u>January 1</u> to <u>December 31</u> (both dates inclusive)	at <u>0.04</u> cfs and	<u>2.4</u> acre feet

Subject, however, to the condition that no more than 0.07 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
13.4 acre feet per year, said waters to be diverted within the NW1/4, SW1/4, Section
1, Twp 11S, Rge 40E in the County of Caribou

Description and location of place of use:

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11S	40E	1														X			

Total number of acres irrigated _____

MICROFILMED

MICROFILMED

CONDITIONS OF APPROVAL

- a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.
- b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.
- c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

Commercial use is for dairy operation.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 21st day of July, 19 86

Acting for the Director



JK
8/3

STATE OF IDAHO

APPLICATION FOR AMENDMENT
(For Licensing Purposes)

Ident. No. **RECEIVED**
JUL 10 1986
APPROVED

Department of Water Resources

Comes now Toone Dairy Farm, Inc. Phone _____
of (address) Star Rt., Box 394 Grace, ID 83241, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 13-7220, and requests that the permit be changed as follows:

1a. Point of diversion: NW 1/4 SE 1/4, Section 1, Township 11S, Range 40E,
B.M., County of Caribou. Other points of diversion: SW 1/4 NE 1/4, Sec. 1,
Twp 11S, Rge 40E

1b. Source: groundwater tributary to -----

2a. Period and nature of use:

Amount 0.02 for Stockwater purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)
Amount 0.02 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)
Amount 0.04 for Domestic (2) purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

2b. The maximum quantity diverted shall not exceed 0.07 cfs or 13.4 acre feet
per year.

3. Place of use or land to be irrigated:

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	40E	1														X			

Total number of acres to be irrigated = _____

4. Date of priority: October 14, 1977

5. Conditions (if any):

Commercial use is for dairy operation.

RECORDED

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Brace, Idaho, this 5th day of July, 1986

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by PCW Fee = \$20.00 ✓ Received by CCW Date 7/10/86 # 37986

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, A. KENNETH DUNN, of the Department of Water Resources hereby Approve the above Application for Amendment for Permit No. 13-7220.

Witness my hand this 21st day of July, 1986.

Director

Norman C. O'Neil

Acting for the

OK
sim

Identification No. 13 7220
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Toone Dairy Farm, Inc. Phone: 425-3284
post office address Star Route Box 394 Grace, Idaho 83241
2. Source of water supply Subterranean which is a tributary of None
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1 Township 11S
Range 40 E B.M. Caribou County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount .04 cfs culinary purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 cfs stock watering purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount .02 cfs dairy barn purpose from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. .08 cfs cubic feet per second and/or
b. N/A acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well pump and pressure system

b. Height of storage dam N/A feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 8 inches; proposed depth of well is 329 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 10,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1 Township 11S
Range 40E B.M.
(2) Amount of power to be generated: N/A hp under _____ feet of head.
(3) List number of each kind of livestock to be watered 120 cows, 25 bulls, 80 heifers
40 calves, 1 horse
(4) Name of municipality to be served N/A, or number of families to be supplied with domestic water 2.
(5) If water is to be used for other purposes describe: washing down Grade A dairy barn
and cleaning dairy equipment

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

10. Remarks -

9. a. Who owns the property at the point of diversion Toone Dairy Farm, Inc.
 b. Who owns the land to be irrigated or place of use Toone Dairy Farm, Inc.
 c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing N/A

Describe any other water rights used for the same purposes as described above. An existing well, now used, is insutidient and the water of poor quality. It will be abandoned

Total number of acres to be irrigated—

[illegible]

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. Township 11 South, Range 40 East of the Boise Meridian.

[illegible]

Scale: 2 inches equal 1 mile

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

Toone Dairy Farm, Inc.
(Applicant)
Gwen C. Toone, Sec.

10/14/77

Proposed Priority

Received by AW Date 10-14-77 Time 11:40X

Preliminary check by AW Fee \$ 10.00

Received by AW Date 10-14-77 # 9051

Publication prepared by AW Date 10-14-77

Published in Washington County News

Publication dates Oct. 20 + 27, 1977

Publication approved yes Date November 7, 1977

Priority reduced to _____ Reason _____

Protests filed by: James M. + Susan M. Bradenbault, General Mills

Copies of protests forwarded by AW

Hearing held by _____ Date _____

Recommended for approval denial by WHR

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 13-7220, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or

before January 1, 19 83.

c. Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 29 day of January, 19 78.

DEPUTY Director

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

Mark Steele

being first duly sworn on his
oath, states:

NOTICE OF APPLICATION FOR WATER PERMIT NO. 13-7220

Notice is hereby given that
Toone Dairy Farm, Inc., Grace,
Idaho has on 10-14-77 submitted
Application No. 13-7220 for a
permit to appropriate 0.08 cubic
feet per second of water from a
ground-water source by means of
well and pump within the NW¼
SE¼, Sec. 1, T. 11S, R. 40E,
B.M., Caribou County; to be used
from Jan. 1 to Dec. 31 for dom-
estic purposes for two families,
stockwatering for 120 cows, 25
bulls, 80 heifers, 40 calves and 1
horse and for cleaning of a dairy
operation within the NW¼SE¼,
Sec. 1, T. 11S, R. 40E, B.M.

If issued, this permit will be
subject to all prior water rights.
Protests against the granting of
the permit must be filed with the
Idaho Department of Water Re-
sources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401 on or
before November 7, 1977.

C. STEPHEN ALLRED
Director

Published in the Caribou Coun-
ty Sun, Soda Springs, Idaho on
October 20 and October 27, 1977.

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County, that said
newspaper has been pub-
lished in said County uninterr-
ruptedly and continuously for
over seventy-eight consecutive
weeks, prior to the first publi-
cation of the annexed notice or
advertisement;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

20th day of

October, 1977

The date of the last publication

being the 27th day of

October, 1977

Subscribed and sworn to be-
fore me this 31st day

of October, 1977

Clayton M. Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1980



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 5, 2001

TOONE DAIRY FARM INC
C/O SHERMAN TOONE
536 HWY 34
GRACE ID 83241

RE: Transfer No.: 68995 - Water Right 13-7220 - Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

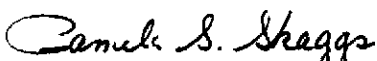
The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14)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

ANY PERSON aggrieved by any decision, determination, order or action 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 Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

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 208-327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Rights Permits Section
JP:klt
Enclosure(s)

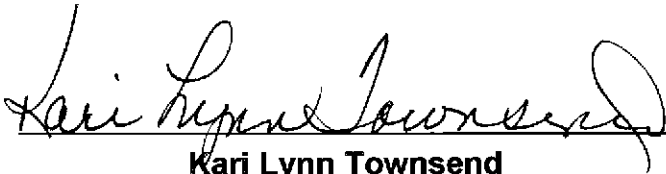
MICROFILMED
AUG 08 2001

CERTIFICATE OF MAILING

I hereby certify that on June 5, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68995 - WATER RIGHT 13-7220

**TOONE DAIRY FARM INC
C/O SHERMAN TOONE
536 HWY 34
GRACE ID 83241**


**Kari Lynn Townsend
Secretary**

MICROFILMED

AUG 06 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

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. 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 Idaho Water Resource Board (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).

MICROFILMED

AUG 08 2001

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.

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 68995

DATE REVIEWED 6-4-01 38

SPLIT ___ POD ___ ADD POD ☒ POU ___ PERIOD ___ or NATURE ___ of USE

ALL OF RIGHT(S) ☒ W=Water Right C=SRBA Claim R=SRBA Recommendation

W 113-7220	/	/	/	/
/	/	/	/	/
/	/	/	/	/
/	/	/	/	/

PART OF RIGHTS(S)

(Unchanged)

(Changed)

/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/

Standard Season NA to NA

Standard Volume NA /

- (1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) ☒ Volume
 (6) ☒ Source (7) ☒ P/D (8) ☒ P/U (9) ☒ Proof/Owner Per Region (10) ☒ Map
 (11) NA Water District (12) None Pertinent Conditions (13) No Expansion w/limits

(7) Add 3rd P/D SE SW, Sec 36, 10S 40E

Add existing well/No well info. identified.

Conditions/Remarks 046, W34, T17, 020, 106, W57, T07, T08
Commercial use for a dairy.

WRs for Update Comments NA

Database Updated to Reflect Final Action 6-5-01 38

**Idaho Secretary of State
Business Entity Search**

TOONE DAIRY FARM, INC.

536 HIGHWAY 34
GRACE, ID 83241

Type of Business: CORPORATION, GENERAL BUSINESS

Status: GOODSTANDING, ANREPT SENT 01 Feb 2001

State of Origin: IDAHO

Date of 03 Apr 1974

Origination/Authorization:

Current Registered Agent: GWEN C. TOONE
536 HIGHWAY 34
GRACE, ID 83241

Filing Number: C-49253

Number of Authorized Stock 1
Shares:

Date of Last Annual Report: 13 Mar 2001

Related Documents: 03 Apr 1974 - INCORPORATION (TOONE DAIRY FARM, INC.)
23 May 1979 - UNKNOWN (OTHER (APPT OF RA))
04 Mar 1983 - REINSTATEMENT
14 Aug 1989 - 1989 ANNUAL REPORT
21 Aug 1990 - 1990 ANNUAL REPORT
28 Jan 1991 - 1987 ANNUAL REPORT
05 Aug 1991 - 1991 ANNUAL REPORT
07 Nov 1991 - 1988 ANNUAL REPORT
26 Oct 1992 - 1992 ANNUAL REPORT
28 Jul 1993 - 1993 ANNUAL REPORT
02 Aug 1994 - 1994 ANNUAL REPORT
14 Aug 1995 - 1995 ANNUAL REPORT
26 Jul 1996 - 1996 ANNUAL REPORT
28 Jul 1997 - 1997 ANNUAL REPORT
20 Jul 1998 - 1998 ANNUAL REPORT
30 Jul 1999 - 1999 ANNUAL REPORT
13 Mar 2001 - 2001 ANNUAL REPORT

Get a certificate of existence for TOONE DAIRY FARM, INC.

MICROFILMED

AUG 08 2001

NEW 3-4-2001

No. C 49253	Due no later than Apr 30, 2001 Annual Report Form		2. Registered Agent and Office NO PO BOX																																				
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080	1. Mailing Address (Corporate, Partnership, Trust, Etc.) TOONE DAIRY FARM, INC. GWEN TOONE 538 HIGHWAY 34 GRACE, ID 83241		GWEN C. TOONE 538 HIGHWAY 34 GRACE, ID 83241																																				
NO FILING FEE IF RECEIVED BY DUE DATE	GRACE, ID 83241		3. New Registered Agent Signature																																				
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors. <table border="1"> <thead> <tr> <th>Office held</th> <th>Name</th> <th>Street or P.O. Address</th> <th>City</th> <th>State</th> <th>Zip</th> </tr> </thead> <tbody> <tr> <td>President</td> <td>Sherman Toone</td> <td>538 Hwy 34</td> <td>Grace</td> <td>Idaho</td> <td>83241</td> </tr> <tr> <td>V. Pres</td> <td>Frederic J. Toone</td> <td>598 Bench-Lago Rd.</td> <td>Grace</td> <td>Idaho</td> <td>83241</td> </tr> <tr> <td>Secretary</td> <td>Gwen C. Toone</td> <td>536 Hwy 34</td> <td>Grace</td> <td>Idaho</td> <td>83241</td> </tr> <tr> <td>Director</td> <td>Curtis F. Toone</td> <td>1689 Lilac Rd.</td> <td>York</td> <td>Pa.</td> <td>17404</td> </tr> <tr> <td>Director</td> <td>Gregory W. Toone</td> <td>1098 S. Marsh Circle</td> <td>Garland</td> <td>UT</td> <td>84312</td> </tr> </tbody> </table>				Office held	Name	Street or P.O. Address	City	State	Zip	President	Sherman Toone	538 Hwy 34	Grace	Idaho	83241	V. Pres	Frederic J. Toone	598 Bench-Lago Rd.	Grace	Idaho	83241	Secretary	Gwen C. Toone	536 Hwy 34	Grace	Idaho	83241	Director	Curtis F. Toone	1689 Lilac Rd.	York	Pa.	17404	Director	Gregory W. Toone	1098 S. Marsh Circle	Garland	UT	84312
Office held	Name	Street or P.O. Address	City	State	Zip																																		
President	Sherman Toone	538 Hwy 34	Grace	Idaho	83241																																		
V. Pres	Frederic J. Toone	598 Bench-Lago Rd.	Grace	Idaho	83241																																		
Secretary	Gwen C. Toone	536 Hwy 34	Grace	Idaho	83241																																		
Director	Curtis F. Toone	1689 Lilac Rd.	York	Pa.	17404																																		
Director	Gregory W. Toone	1098 S. Marsh Circle	Garland	UT	84312																																		
5. Organized Under the Laws of: IDAHO C 49253		6. Signature <u>Gwen C. Toone</u> Date <u>3-6-01</u> Name <u>Gwen C. Toone</u> Title <u>Secretary</u>																																					
1/2001		Do not or Staple																																					

MICROFILMED

AUG 08 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

3-22-01

T68995

RECEIVED

INITIAL REVIEW BY: RCW

JUN - 4 2001

1. Right number 13 - 07220 Applicant Toone Dairy Department of Water Resources

2. Type of right: ☐ Decree ☒ License ☐ Claim ☐ SRBA Recommendation

3. Purpose of transfer: ☐ Change point of diversion ☒ Add diversion point(s)
☐ Change place of use ☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☐ Description of original point of diversion.

c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

a. ☒ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. Map for remainder of right? ☒ Yes ☐ No N/A

d. ☒ Check description of point(s) of diversion.

e. ☒ Check description of place of use

f. ☒ Check map (shows p.d. and p.u. after transfer).

g. ☒ Check for correct signature, notarization, and fee.

h. ☐ Check proof of ownership of right &/or land from which water is transferred.

i. ☒ Check for expansion in use of right. Comments NONE

j. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) _____

k. ☒ Is use within a Watermaster District? ☐ Yes ☒ No

If yes, what district? _____

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____

2. Reviewed by Adjudication Staff? ☐ Yes ☐ No

3. Is transfer published correctly? ☒ Yes ☐ No

4. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* _____

4. By RCW Date _____

*All uses within Watermaster District require special conditions

Affidavit of Publication

County of Caribou ss.
State of Idaho
Mark Steele

PUBLIC NOTICE

First Time Published

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 68995

TOONE DAIRY FARM INC.
c/o SHERMAN TOONE, 536
Highway 34, Grace, Idaho 83241,
has filed Application No. 68995 for
changes to the following water
rights within CARIBOU COUN-
TY:

Right No. 13-7220

Priority: 10/14/77

Source: GROUNDWATER,
GROUNDWATER

Use: DOMESTIC 0.02 CFS 9.8
AFA

COMMERCIAL

STOCKWATER (0acres)

Total Amount: 0.07 CFS 13.4
AFA

Point(s) of Diversion: SWNE
S1 T11S R40E

NWSE S1 T11S R40E

Place of Use: S1 T11S R40E

The purpose of the transfer is to
change a portion of the above
rights as follows:

The original wells on this right
cannot always deliver the licensed
amount. The applicant therefore
wants to add a well he owns in the
SESW SEC. 36 T10S R40E as a
third point of diversion.

Any protest against the pro-
posed change must be filed with
the Department of Water Re-
sources, Eastern Region, 900 North
Skyline Drive Suite A, Idaho Falls,
Idaho 83402 together with a protest
fee of \$25.00 for each application
on or before April 30, 2001. The
protestant must also send a copy of
the protest to the applicant.

(s) KARL J. DREHER
Director

Published on April 12 and 19,
2001 in the Caribou County Sun.

being first duly sworn on his
oath, states:

That he is publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County that said newspaper
has been published in said
County uninterruptedly and con-
tinuously for over seventy-eight
consecutive weeks, prior to the
first publication of the annexed
notice or advertisement;

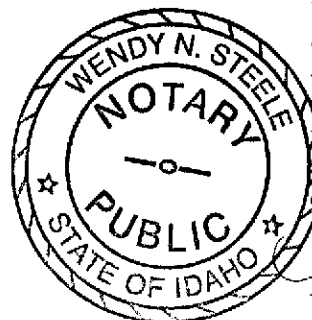
That the annexed notice was
published as per clipping
attached in the regular and entire
edition of said newspaper and
not in any supplement thereof for
two successive
weekly issues thereof, the date of
the first publication being
the

12th day of
April, 20 01

The date of the last publication
being the 19th day of
April, 20 01

On this 20th day of April
in the year of 2001, before
me, a Notary Public, personally
appeared

known or identified to me to be
the person whose name sub-
scribed to the within instrument,
and being by me first duly
sworn, declared that the state-
ments therein are true, and
acknowledge to me that he exe-
cuted the same.



Wendy N. Steele
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:
March 11, 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 05, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Legal Notice Department
CARIBOU COUNTY SUN
PO BOX 815
SODA SPRINGS ID 83276

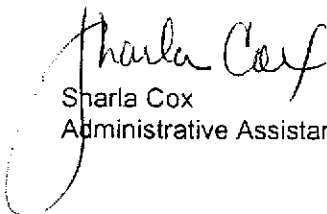
RE: Transfer No. 68995

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice 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 notice 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 April 30, 2001. Your cooperation is appreciated.

Sincerely


Sharla Cox
Administrative Assistant

MICROFILMED

AUG 08 2001

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

TRANSFER NO. 68995

TOONE DAIRY FARM INC, C/O SHERMAN TOONE, 536 HWY 34 GRACE ID 83241, has filed Application No. 68995 for changes to the following water rights within CARIBOU County:

Right No. 13-7220

Priority 10/14/77

Source GROUND WATER, GROUND WATER

Use DOMESTIC 0.02 CFS 9.8 AFA
COMMERCIAL
STOCKWATER (0 acres)

Total Amount 0.07 CFS 13.4 AFA

Point(s) of Diversion SWNE S1 T11S R40E
NWSE S1 T11S R40E

Place of Use S1 T11S R40E

The purpose of the transfer is to change a portion of the above rights as follows:

The original wells on this right cannot always deliver the licensed amount. The applicant therefore wants to add a well he owns in the SESW SEC 36 T10S R40E as a third point of diversion.

Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before April 30, 2001. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published on April 11 and 18, 2001

MICROFILMED

AUG 03 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 • (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

April 05, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TOONE DAIRY FARM INC
C/O SHERMAN TOONE
536 HWY 34
GRACE ID 83241

RE: Application for Transfer No 68995
Water Right No(s) 13-7220

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your water right transfer application. Please refer to the above referenced transfer number in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the Caribou County Sun on April 11 and 18. Submittal of protests to this application will be allowed for a period ending ten days after the second publication.

If the application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W Jones
Water Right Supervisor

HWJ:sc

MICROFILMED

AUG 08 2001

July 24, 1986

RE: Permit No. 13-7220

Toone Dairy Farm, Inc.
Star Rt., Box 394
Grace, ID 83241

Dear Permit Holder(s):

Enclosed herewith is a copy of your Water Right License issued on the above referenced permit along with a copy of your approved application for amendment. Also enclosed is Departmental Receipt No. 37986 in the amount of \$20.00.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc
Enclosures

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 5, 1986

RE: Permit No. 13-7220

Toone Dairy Farm, Inc.
Star Rt., Box 394
Grace, ID 83241

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains all of the information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 21 1984
Department of Water Resources
13-7220
Permit No.

CONTACT WITH PERMIT HOLDER

DATE INITIALS REMARKS

☐ Appointment letter mailed:

☐ Telephone call made

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 7-11-83 Accompanied by Fred Toone Total Q measured 0.07 cfs ^{theoretical} ✓

Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? _____

If source is surface water, estimate total flow of source _____

Methods of measurement Theoretical Meets permit requirements? _____

Measurement calculations: North well $\frac{1 \text{ hp} \times 8.814 \times 80\%}{100' \text{ lift} + (35' \times 2.308)} = \frac{7.0512}{180.78} = 0.04 \text{ cfs}$ ✓

South well

$\frac{1 \text{ hp} \times 8.814 \times 80\%}{180' \text{ lift} + (35' \times 2.308)} = \frac{7.0512}{260.78} = 0.03 \text{ cfs}$ ✓

Domestic $V = 2 \text{ heads} \times 1.2 \text{ cfs} = 2.4 \text{ cfs}$ ✓
Stockwater $V = 250 \text{ head} \times 0.0391 = 9.8 \text{ cfs}$ ✓
Commercial $V = 0.02 \text{ cfs} \times 1.9835 \times 365 \text{ days} \times 24 \text{ hrs/day} = 2.4 \text{ cfs}$ ✓

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
North well (100' deep)	1	NA						
South well (180' deep) (180' to pump)	1	NA						

System Description 2 wells + pumps for use in 2 homes, Dairy facility + watering 250 head of cows.

Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

Irrigation requirement = _____ AFA/Acre

USE	Q (cfs)	V (afa)	FROM	TO
3 Domestic (2 units) ✓	0.04 ✓	2.4 ✓	1-1 ✓	12-31 ✓
1 Stockwater (250 head of dairy cows) ✓	0.02 ✓	9.8 ✓	1-1 ✓	12-31 ✓
2 Commercial (Dairy operation) ✓	0.02 ✓	1.2 ✓	1-1 ✓	12-31 ✓
Total	0.07 cfs ✓	13.4 afa ✓		

Remarks _____

MICROFILMED

PERMIT NO. 13-7220(1) eeTooneEXAMINATION: DATE: 7-11-83Accompanied by: Red Toone

	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
N.P	NA	1			
S-P	NA	1			

Measuring Device Type: _____

Meter # _____

Annubar # _____

Size # _____

Remarks: North well is main well - South well
is backup

Measurement calculations:

2 houses - ok

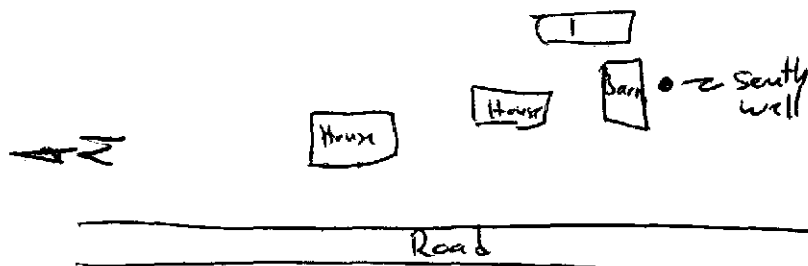
250 head of cows
+ Dairy facilityNorth well 100' Deep
1 hp pumpSouth well 200 feet
180' topump
1 hp

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter _____

Length _____

MICROFILMED



DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 13-7220.

Name(s) of Permit Holder: Toone Dairy Farm, Inc.

Post Office Address: Star Route Box 394

Grace, Idaho 83241 Tel. No. 208-425-3284

Source of Water: Culinary well

Extent of Use: ☒ Domestic 4 (number of households)

☒ Stockwater 250 dairy (number and type of stock)

☐ Irrigation _____ (acres)

☒ Other Grade "A" Dairy Barn

Measuring Device: Required? ☐ Yes ☒ No Installed? ☒ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

Nov. 26, 1982

Toone Dairy Farm, Inc.
Gwen C. Toone, Sec.

Permit No. 13-7220

MICROFILMED

Adolph S. Ochs
PUBLISHER



13c USA

Toone Dairy Farm, Inc.
Star Route Box 394
Grace, Idaho 83241



RECEIVED

NOV

1952

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

February 9, 1983

Toone Dairy Farm, Inc.
Star Route, Box 394
Grace, Idaho 83241

RE: Permit No. 13-7220

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

_____ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

 X A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent
H
HWJ:CW

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138798

TOONE DAIRY FARM INC.
STAR RT. BOX 394
GRACE, ID 83241

OCTOBER 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 13-7220 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JANUARY 01, 1983. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

MICROFILMED

RECEIVED

FEB 13 1978

Department of Water Resources
Eastern District Office

Grace, Idaho
Jan 30, 1978

State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho

Dear Sirs:

In regards to the application for permit #13-7220 in the name of Toones Dairy Farm.

Since we met in Conference at Preston, Idaho Dec. 13, 1977 there have been a few changes made concerning the location and it also appears some new member or members have also hooked on to the line running to Toones Dairy Farm.

Toones Dairy Farm did some drilling in the locations agreed to at the conference in Preston but the water they was able to get didn't show any improvement over thier present source. They called and asked if I would come down and talk with them concerning thier problem. My wife and I went down and talked with Sven and Sherman Toone. He told them we thought it would be alright with us to change the location.

It was thought at Preston our water sources would be about $\frac{3}{8}$ miles apart. They moved up about 200 yds south of our source and have now drilled a well that has produced water that appeared to be clear and free from the sediment shown at Preston. It was also pumped for about 3 hours to test and as far as I could determine from our use it didn't seem to have any effect on our source.

MICROFILMED

I talked with the well driller and he told me the well was about 120 feet deep and water level was at about 80 feet. This seemed to me to be very similar to the depth of our source.

They have run a pipe line now to the place they intended to use it and have put the electric power in so it should be operating by now. However it appears they have also run a line under Highway #34 to another neighbor.

These things were not all mentioned at our conference in Preston.

I felt that I should express my sentiments concerning these matters and then if any problems should arise in the future in regards to our different water sources then it would be known by the Department of Water Resources and all concerned.

Perhaps the Toone Dairy Farm has already made these things known also.

We hope we shall always have adequate water and energy to obtain it.

Sincerely,

Lowell Miles & Family

RECEIVED

February 7, 1978 FEB 8 1978

Department of Water Resources

TO WHOM IT MAY CONCERN:

Toone Dairy Farm, Inc. has sold to Wayne and Elaine Peck
one -third interest in the well dug January 4, 1978 on
our property which is described as follows:

S1/2SE1/4NE1/4 S1/2SW1/4NE1/4
Sec. 1, T 11 S - R 40 E B.M.
Caribou County

They agree to pay one-third of the cost of developing
the well and sharing one-third of the expense of operating
and maintaining said well. In return they are entitled to
one-third of the water pumped from this well. This is a
perpetual agreement.

TOONE DAIRY FARM, INC.

Sherman Toone Pres.

Gwen C. Toone Sec.

Elaine R. Peck

MICROFILMED

January 31, 1978

Re: Permit No. 13-7220

Toone Dairy Farm, Inc.
Star Route
Box 394
Grace, ID 83241

Gentlemen:

Enclosed is a copy of your approved Application for Permit No. 13-7220. We direct your attention to the conditions of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/cah

Enclosure

MICROFILMED

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Toone 13-7220

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) JNJ 10/14/77

In form to receipt yes

(2) - -

Send Copies to:

☒ Idaho State Health Department
☒ Idaho Fish and Game Department
N.A. Bureau of Land Management

(3) - -

☐ Request Special Use Permit from U.S.F.S.
☒ Request Easement from B.L.M.
N.A. Request Information from Applicant
☐ Request Dam Safety Information

(4) - -

In form for advertising yes

(5) - -

Platted on Map No. 115 405

(6) - -

Located within Water District No. Basin 13

(7) - -

Critical groundwater area: yes ☐ no ☒

(8) - -

Groundwater levels: Obs well 35 dbb1 no 402

☐ Declining, ☒ Stable, ☐ Increasing

(comment) No known water level problems

(9) - -

Other rights on the same place of use None

(10) - -

Comments: No conflicting water rights

(11) CW 11-07-77

Affidavit of Publication received (date) Nov. 4-1977

(12) CW 10-31-77

Final date for protests November 7-1977

Protests received: yes ☒ no ☐

(13) RDC 12/15/77

All requested information received from agencies or applicant: yes ☐ no ☐

(14) - -

Action recommended:

☒ Approve

☐ Deny

10/14/77 Proposed Priority

☐ Reason for Reduction

NO Measuring device required

☐ See attached sheet for other conditions of approval

☒ No special conditions for approval

(15) District E

By RDC

Date 12/15/77

Copy sent

December 19, 1977

RE: Application for Permit No. 13-7220

Toone Dairy Farms, Inc.
Star Route Box 394
Grace, Idaho 83241

Gentlemen:

Enclosed please find a copy of the agreement that was reached at the conference held concerning the above referenced application for permit. The Department has now resumed the processing of this application pursuant to this agreement.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

December 19, 1977

RE: Application for Permit No. 13-7220 TOONE DAIRY FARM

Mr. Lowell Miles
Box 398, Star Route
Grace, Idaho 83241

Dear Mr. Miles:

Enclosed please find a copy of the agreement that was reached at the conference held concerning the above referenced application for permit. The Department has now resumed the processing of this application pursuant to this agreement.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

RECEIVED

December 19, 1977

RE: Application for Permit No. 13-7220 TOONE DAIRY FARMS

Mr. Larry M. Bredehoft
Box 399, Star Route
Grace, Idaho 83241

Dear Mr. Bredehoft:

Enclosed please find a copy of the agreement that was reached at the conference held concerning the above referenced application for permit. The Department has now resumed the processing of this application pursuant to this agreement.

If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM

NCY

DATE

12/14/77

TO

File 13-7220

SUBJECT

A conference was held 12/13/77 on this application @ which an agreement was reached & signed allowing the protest to be withdrawn.

MICROFILMED

SIGNATURE

IN THE MATTER OF)
APPLICATION FOR) STIPULATION
PERMIT 13-7220) \$
IN THE NAME OF) WITHDRAWAL
TOONE DAIRY FARM INC.) OF PROTEST

We recognize that Lowell Miles has a domestic well which has existed for over 70 years, and Floyd and Gwen Toone had a well that was drilled about 45 years ago. With the understanding that Lowell Miles has the earlier priority on the groundwater source we, Lowell Miles ^{AND LARILLA} and Larry and LuAnn Bredehoft have no objection to Toones drilling a new well. We therefore agree to withdraw our protest against the approval of this application.

Signed in Preston, Idaho this
13th Day of Dec. 1977.

PROTESTANTS

Agreed
APPLICANTS

Lowell Miles
Lumen Miles
Larry M Bredehoft
LuAnn Bredehoft

Toone Dairy Farm, Inc.
Gwen C. Toone, Sec.

13-7220 - Toone Dairy Farm

75' well dried up in April
200' well very high in sediments
Original well drilled about 20
years ago (45 years according to
Mr. Miles -
Lowell North of Toone $\frac{3}{8}$ mile

13-7220 - Toone Dairy Farms, Inc.

Jury Room, Franklin County Courthouse, Preston, Idaho

December 13, 1977 - 11:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
LuAnn M. Bredekoff	Grace, Idaho	Myself
Larry M Bredekoff	Grace, Idaho	Myself
Lowell Miles	Grace, Idaho	myself.
Lueen Miles	Grace Idaho	Myself
Given Toone	Grace, Idaho	Toone Dairy Farm

Name and Address of Sender

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Indicate type of mail:
☐ REGISTERED ☐ C.O.D.
☒ CERTIFIED

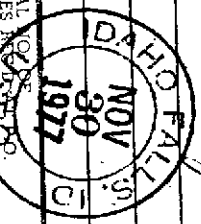
Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	POST. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	Robert F. Miller, Rt. 2, Granger, Id.	13	600					13-0136
2	James W. Coyle, Rt. 1, Granger, Id.							13-0215
3	James W. Coyle, Rt. 1, Granger, Id.							13-2209
4	James W. Coyle, Rt. 1, Granger, Id.							"
5	James W. Coyle, Rt. 1, Granger, Id.							"
6	James W. Coyle, Rt. 1, Granger, Id.							13-0220
7	James W. Coyle, Rt. 1, Granger, Id.							"
8	James W. Coyle, Rt. 1, Granger, Id.							"
9	James W. Coyle, Rt. 1, Granger, Id.							"
10	James W. Coyle, Rt. 1, Granger, Id.							"
11	James W. Coyle, Rt. 1, Granger, Id.							"
12	James W. Coyle, Rt. 1, Granger, Id.							"
13	James W. Coyle, Rt. 1, Granger, Id.							13-2220
14	James W. Coyle, Rt. 1, Granger, Id.							"
15	James W. Coyle, Rt. 1, Granger, Id.							"
16	James W. Coyle, Rt. 1, Granger, Id.							"
17	James W. Coyle, Rt. 1, Granger, Id.							"
18	James W. Coyle, Rt. 1, Granger, Id.							"
19	James W. Coyle, Rt. 1, Granger, Id.							"
20	James W. Coyle, Rt. 1, Granger, Id.							"

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

Declaration of value is required on international mail.
* U.S. POSTAGE PAID IF OTHER THAN FIRST CLASS



Signature of receiving employee

* Show under "Remarks" class postage paid if other than first class

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protests Against Approval
of Application for Permit No. 13-7220 in
the Name of TOONE DAIRY FARM, INC.

NOTICE OF CONFERENCE
AND/OR HEARING

On October 14, 1977, Toone Dairy Farm, Inc., filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On October 31, 1977, the Department received a protest against approval of said application from Lowell Miles and family. On November 1, 1977, the Department received an additional protest from Larry M. and LuAnn M. Bredehoft.

The Department has set the matter of protests for conference and/or hearing for Tuesday, December 13, 1977, at 11:00 a.m., in the Jury Room of the Franklin County Courthouse, Preston, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 30th day of November, 1977.



RONALD D. CARLSON

Supervisor, Eastern Region

November 30, 1977

Franklin County Clerk
Franklin County Courthouse
Preston, Idaho 83263

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Monday, December 12, 1977, at 2:00 p.m.; and the use of the Jury Room on Tuesday, December 13, 1977, beginning at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

November 16, 1977

RE: Application for Permit No. 13-7220 TOONE DAIRY FARM, INC.

Mrs. Elva Newton
Marsing,
Idaho 83639

Dear Mrs. Newton:

Your letter of October 28, 1977, has been included in our files and will be part of the record for the above referenced application for permit. Any permit approved by the Department will be subject to all prior existing water rights. We anticipate that because of the small amount of water that would be pumped under this proposed development prior rights should not be affected. Pursuant to your wishes, we have not accepted your letter as a protest, but rather have included it in our files for information purposes.

If you have other questions in this matter, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

November 7, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RE: Application for Permit No. 13-7220

Toone Dairy Farm, Inc.
Star Route, Box 394
Grace, Idaho 83241

Gentlemen:

Enclosed is a copy of a protest filed against the issuance of a permit pursuant to your Application No. 13-7220. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC: CW

Enc

RECEIVED
NOV 10 1977
IDaho Falls



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

November 7, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RE: Application for Permit No. 13-7220 TOONE DAIRY FARM, INC.

Larry M. & LuAnn M. Bredehoft
Box 399, Star Route
Grace, Idaho 83241

Dear Mr. Bredenhof:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

November 7, 1977

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

RE: Application for Permit No. 13-7220 TOONE DAIRY FARM, INC.

Mr. Lowell Miles
Box 398, Star Route
Grace, Idaho 83241

Dear Mr. Miles:

Your protest against the approval of the above referenced application has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

If you do not advise us within twenty (20) days that the protest has been resolved, the matter will be scheduled for conference and/or hearing. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

If this office can be of further assistance, please contact us.

Sincerely,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: IDWR - State Office

RECEIVED

NOV 8 1977

Department of Water Resources
Eastern District Office

Grace, Idaho
Oct 28, 1977

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho - 83401

C. Stephen Allred - Director

Dear Sir,

Concerning the application published in The
Caribou County Sun October 20 and October 27, 1977
by Toones Dairy Farm to appropriate 0.08 cubic
feet of water from a ground-water source by means
of a well and pump within the NW 1/4 SE 1/4, Sec 1,
T 11 S, R. 40 E, B.M., Caribou County, Idaho.

I do not wish to protest the application nor
permit to these neighbors unless it would
prove a hazard or would interfere with my
own ground-water source that have had and
used since the year of 1947 and located in
Lot 1 + 2 Sec 1, T 11 S R 40 E, B.M.

I feel I should have a prior water right
to the application for water permit no. 13-7220
and my right should permit myself and my
family members to use water from my ground-
water source for our domestic needs as well as
supply water for my stock, namely cattle, sheep
and horses as this was the purpose for which

UNRECORDED

it was to serve and has never been dry or been short of water supply since it was first used ~~until~~ ^{up to} the present time. It has been used from Jan 1 to Dec 31 each year since 1947 also for the purpose mentioned.

Hoping this letter will be accepted for the purpose it is intended to serve, that I and my family members should have prior water rights to this permit no. 13-7220 if issued, and if it should interfere with our supply from our own ground water source then the necessary steps or measures should be taken by the Idaho Department of Water Resources to correct the situation.

I state these reasons because it is the only source of water I have the year around. There is no canal through my property to water stock through the winter months and the small ditches that supply water to my property freeze until the water supply shuts off. Toones Dairy Farm is not as vulnerable to the situation because of a canal that flows through their property and quite near their corrals and barns however the canal water couldn't be used only for watering stock. It has its drawbacks also because of ice in the winter on the canal but still it is a source of water for livestock.

If this letter is adequate to express my sentiments concerning this matter then I am pleased. If not, could you please let me know and also what I might do to let me claim the right to my own ground-water source.

Thanking you sincerely.

Elva Newton.

I remain,

Address

Mrs Elva Newton
Marsing Idaho.
83639

RECEIVED

NOV 1 1977

Department of Water Resources
Eastern District Office

Star Route Box 399
Grace, Idaho 83241
October 30, 1977

Idaho Dept. of Water Resources
Mr. C. Stephen Allred; Director
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Allred:

My wife and I would like to oppose the application for water permit number 13-7220, made by Toone Dairy Farm, Inc. in Grace, Idaho.

We have lived neighbors to Toone's - my wife, has all her life and the well we are using jointly with my father-in-law is the only means of water we have for domestic use and for watering our livestock as well. Whereas Toone's have a large canal in the east end of their property that would sufficiently take care of the watering needs of their livestock. It is our understanding the house mentioned in the application for a water permit is not rented twelve months out of the year.

In years past and more recently our own well, drilled in the early 1900's, has never once gone dry and when neighbors have needed water when their own wells go dry, they have come here to get water from us. At the present time one family, also a close neighbor of Toone's has had a well go dry and there are two other families in this close vicinity who are having problems with insufficient water for their homes and families.

As the concern for conserving water is

nation wide, particularly in the West with the drought situation on all our minds, we feel it is imperative that we try to use our water sparingly and get by with what we have.

With the moisture far below normal, if Toones are permitted to drill this well it might work an unnecessary hardship on our family and several other families as well in our immediate area.

We thank you for your time and look forward to hearing from you in regards to this matter.

Respectfully yours
We remain.

Larry M Bredhoff
Julian M. Bredhoff

Grace Idaho
Oct 27, 1977

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho - 83401

RECEIVED

OCT 31 1977

Department of Water Resources
Eastern District Office

Dear C. Stephen Allred,

I read the application for application for water Permit No. 13-7220 concerning Application for a permit for Hoones Dairy Farm to appropriate 0.08 cubic feet per second from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T11S, R 40E B.M. Caribou County and for the purpose it continues to name.

I also have a well and pump I get my water from for domestic purposes and to water my livestock also from Jan 1 to Dec 31. The ground-water source I have is located in the N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, T11S, R 40E B.M. Caribou County.

The source I speak of was drilled probably back in the early 1900. Probably sometime between 1905 to 1910. It was one of the first of three wells that was drilled in Gentile Valley in what is now Caribou County.

My father, Joseph W. Miles (now deceased) told me that he and Robert Kingsford & Fred Olsen drove teams of horses to Bancroft, Idaho and pulled a well drilling rig to this area.

They drilled the three wells for those people. Robert Kingsford, Fred Olsen and my father, father Dave Miles (all deceased now).

I don't care to stand in Toones Dairy Farm's way of their water permit only unless it does happen to interfere with my water supply for mine and my families needs and also my livestock. I have no other source of water for my house or stock in the winter especially as the small ditch carrying water to my place freezes up completely in the winter but the canal runs through Toones Dairy Farm and would supply some of their needs if necessary where it could cause me and my family and my children's families unnecessary hardships.

To date since our well was drilled it has never been pumped dry nor dried up to where we couldn't water our livestock as well as our household needs and some of our neighbors have come here and got water for their own use when they were having well problems.

For these reasons I would be apposed to the issuing a water permit # 13-7220 if it interfered with our supply.

Also should I and May I make application for a permit from a ground water source for our needs and would you please inform me as the proper procedure to go about it.

Thanking you sincerely and hoping to hear
from you concerning these matters:

I remain:

Lowell Miles & Family



STATE OF IDAHO

DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT

636 Pershing
Pocatello, Idaho

25 October 1977

RECEIVED

OCT 26 1977

Department of Water Resources
Eastern District Office

Toone Dairy Farm, Inc.
Star Route, Box 394
Grace, Idaho 83241

Re: Application #13-7220
(Caribou County)

Gentlemen:

We have been apprised of your application for a permit to appropriate waters of the State of Idaho to be used in part for culinary purposes.

You should be aware that the use, as described in your application, is defined as a non-community public water supply. The construction operation and water quality of the supply must conform with the Idaho regulations for public drinking water systems, a copy of which is enclosed for your information. The enclosure reflects the most recent regulations adopted by the Board of Health and Welfare.

If you have any questions concerning the interpretation of the regulations, or our requirements, please do not hesitate to contact our office.

Yours very truly,

Henry L. Moran, P.E.
Rgnl. Environmental Supervisor

HLM/md

Enc.

CC: Ron Carlson, DWR, Idaho Falls
Kim Bothwell, Soda Springs

October 14, 1977

RE: Application for Permit No. 13-7220 TOONE

Henry L. Moran
Regional Environmental Supervisor
Department of Health & Welfare
636 Pershing
Pocatello, Idaho 83201

Dear Mr. Moran:

We are enclosing a copy of an application that may be of interest to your agency. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is November 7, 1977, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure

MICROFILMED

October 14, 1977

RE: Application for Permit No. 13-7220

Toone Dairy Farm, Inc.
Gwen C. Toone
Star Route, Box 394
Grace, ID 83241

Dear Ma. Toone:

Attached herewith is Departmental receipt No. 9051 in the amount of \$10.00 for the above referenced application.

Very truly yours,

COLLEEN WRAY
Secretary

CW:GD

Attachment

MICROFILMED

October 14, 1977

RE: Application for Permit No. 13-7220 TOONE DAIRY

Caribou County Sun
P.O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 11-07-77 by CW

RDC:CW

Enc: Legal Notice (1)

RECORDED

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Toone Dairy Farm, Inc.,
Grace, Idaho

has on 10-14-77 submitted Application No. 13-7220
for a permit to appropriate 0.08 cubic feet per second XXXXXXXXXXXXXXXXXXXX
of water from a ground-water source
by means of well and pump
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 11S, R. 40E, B.M., Caribou County;

to be used from Jan. 1 to Dec. 31 for domestic purposes for two families,
XXXX stockwatering for 120 cows, 25 bulls, 80 heifers, 40 calves and 1 horse and
for for cleaning of a dairy operation

within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 11S, R. 40E, B.M.

If issued, this permit will be subject to all prior water rights. Protests
against the granting of the permit must be filed with the Idaho Department of
Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before _____
November 7, 1977

C. STEPHEN ALLRED
XXXXXXXXXXXXXXXXXXXX
R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on October 20 and October 27, 1977

MICROFILMED

W.D.
me-8.