

RECEIVED

FEB 14 1978

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A WATER RIGHT
NO. 13-4069

Notice is hereby given that Toone Dairy Farm, Inc., Grace, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.06 cubic feet per second of water from ground-water sources with point of diversion in the NW 1/4 SE 1/4 (2 pts.), Sec. 1, T. 11S, R. 40E, B.M. Caribou County.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes for two families and stockwatering purposes for 225 head dairy cattle with a priority of 1914 and 1964 the place of use is within the NW 1/4 SE 1/4, Sec. 1, T. 11S, R. 40E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
Director

Published in the Caribou County Sun, Soda Springs, Idaho on February 2 and February 9, 1978.

Affidavit of
Publication

County of Caribou } ss.
State of Idaho }

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

2nd day of
February, 1978

The date of the last publication being the 9th day of
February, 1978

Subscribed and sworn to before me this 10th day

of February 1978

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

My Commission expires the
1st day of March
1980.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Toone Dairy Farm, Inc.
(name of claimant)
of Star Route, Box 394, Grace, Idaho 83241, claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) ground water
_____, tributary to _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Well #1	Amount	<u>0.02</u>	Use	<u>domestic</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
	Amount	<u>0.02</u>	Use	<u>stockwater</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
Well #2	Amount	<u>0.04</u>	Use	<u>domestic</u>	Period of Use: From	<u>Jan. 1</u>	To	<u>Dec. 31</u>
		(cfs, gpm or a/f)		(dom., irri., stock, etc.)				(both dates inclusive)

- (3) Total quantity of water claimed: 0.06 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute. Well #1 1914
- (4) Priority claimed: (the date water was first applied to beneficial use) Well #2 1964

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

2 pts. NW ¼ SE ¼, Sec. 1 Twp. 11S Rge. 40E B.M. County of Caribou
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. 75 ft. deep well, pump and pipeline for stock and domestic, 220 ft. deep well for domestic use only

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11S	40E	1													X				

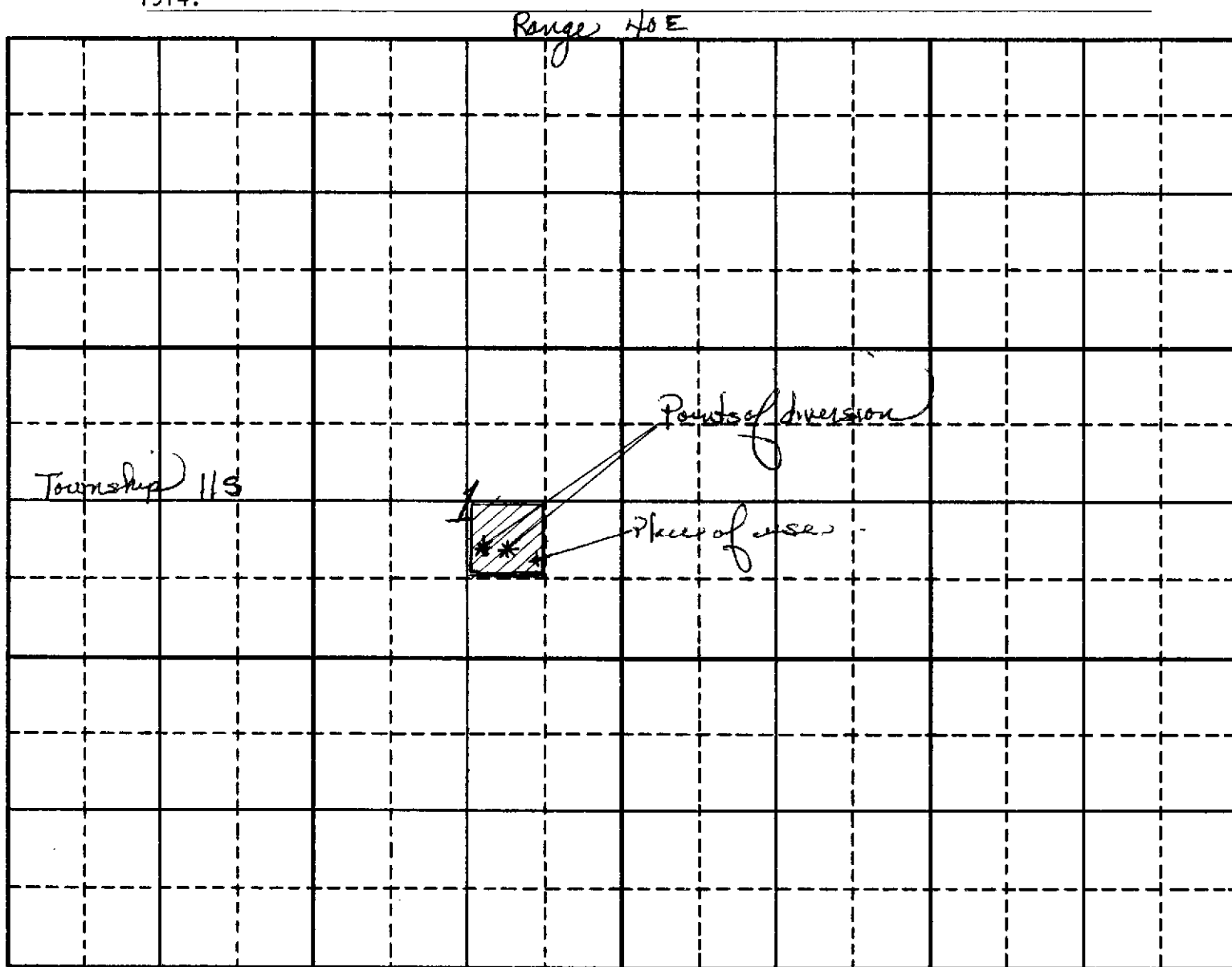
Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:
Well #1 domestic water is supplied to two homes; 225 head of cattle (dairy)
are watered. Water is also used to clean the dairy. Well #2, domestic use only

If you are claiming water as a member of an organization, list name of organization: _____

RECORDED

(8) Remarks Toone Dairy Farm, Inc. is the result of incorporating a family farm in April, 1974. This farm was purchased in November of 1912 by Enoch and Ellen Bennett. Their son, Leo, now 89 years old recalls #1 well be ing on the farm since 1914.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of _____)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Toone Dairy Farm, Inc.
Steven C. Toone, Sec.
(Claimant)

Sworn to before me this 18 day of January, 1978.

Alene Miller
Notary Public

Residing at Grange Idaho

My commission expires Lifetime

For Department Use Only

Received by <u>me</u>	Date <u>1-23-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ARK</u>	Date <u>Jan 16, 1978</u>		claimant by:	
\$10.00 fee received by <u>me</u>	Date <u>1-23-78</u>			
Approved for publication by <u>me</u>	Date <u>2-14-78</u>			
Published in <u>The Caribou City Sun</u>				
Dates <u>Feb 2 + Feb 9, 1978</u>				

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

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 published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

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

2nd day of
February, 1978

The date of the last publication
being the 9th day of
February, 1978

Subscribed and sworn to be-
fore me this 15th day

of February 1978

U. Andrew Steele
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the
1st day of March
1980.

NOTICE OF CLAIM TO A WATER RIGHT NO. 13-4069

Notice is hereby given that
Toone Dairy Farm, Inc., Grace,
Idaho has filed a claim to a water
right established by diversion and
application to beneficial use of
0.06 cubic feet per second of water
from ground-water sources with
point of diversion in the NW 1/4
SE 1/4 (2 pts.), Sec. 1, T. 11S, R.
40E, B.M. Caribou County.

The water is claimed to be used
from Jan. 1, to Dec. 31, for
domestic purposes for two families
and stockwatering purposes for
225 head dairy cattle with a
priority of 1914 and 1964. The
place of use is within the NW 1/4
SE 1/4, Sec. 1, T. 11S, R. 40E,
B.M.

Any exception to this claim of
water right may be filed with the
Idaho Department of Water Re-
sources, 1515 Lincoln Road, Ida-
ho Falls, Idaho, 83401.

C. STEPHEN ABLRED
Director

Published in the Caribou Coun-
ty Sun, Soda Springs, Idaho on
February 2 and February 9, 1978.

find file by
name index
just file
in file.

13-7220
13-4069 file

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.

Shuman Toone Pres.

Gwen C. Toone Sec.

Elaine R. Peck



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

February 21, 1978

RE: Claim to a Water Right No. 13-4069

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

Gentlemen:

The Department of Water Resources has completed the processing of your claim to a water right and no further action is authorized under Sections 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your claim file, you may have that information or evidence added at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosure

January 27, 1978

RE: Claim to a Water Right No. 13-4069 TOONE

The Caribou County Sun
P.O. Box 815
Soda Springs, ID 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 2-14-78 by CW

RDC:ME

Enc: 1 legal

NOTICE OF CLAIM TO A WATER RIGHT

NO. 13-4069

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

Grace, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of 0.06 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from ground-water sources

with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (2 pts.), Sec. 1, T. 11S, R. 40E, B.M.
Caribou County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic
purposes for two families and stockwatering purposes for 225 head dairy cattle
with a priority of 1914 and 1964;
the place of use is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 11S, R. 40E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on February 2 and February 9, 1978.

*the
of
the
of*

January 24, 1978

RE: Claim to a Water Right No. 13-4069

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

Gentlemen :

Attached herewith is Departmental receipt No. 9185 in the amount of \$10.00 for the above referenced claim.

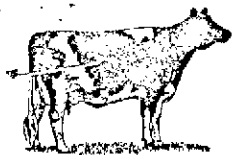
Very truly yours,

MARLENE EMPEY
Secretary

ME:CD

Attachment

MICROFILMED



TOONE DAIRY FARM, INC.
82-0313402
STAR RT., BOX 394 425-3284
GRACE, IDAHO 83241

133

92-12

Jan 16, 1978

PAY TO THE
ORDER OF

Idaho Dept of Water Resources \$10.00

Ten and 00/100

DOLLARS

1ST NATIONAL BANK
OF GRACE
GRACE, IDAHO 83241

MEMO

claim water right Given C. Toone

⑆ 124100223⑆

3 RESOURCES

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

January 16, 1978

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

Dear Mr. Toone:

I am returning to you your claim to a water right and the statutory filing fee of \$10.00, submitted to the Department on January 16, 1978.

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963, with exception of ground water used for domestic purposes. Therefore, you cannot claim stockwater from well #2. However, our records show an application for permit No. 13-7220 filed by Toone Dairy Farms, Inc., for 0.08 c.f.s. from a well in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 11S, R. 40E.

I have taken the liberty to complete a new claim form and am sending it to you for your review and signature. Please resubmit the new claim and the statutory filing fee of \$10.00.

If you have any further questions, call me (523-7186).

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cw

Enclosure

Attachment: Check No. 92-223