

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

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated\_\_\_\_\_

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

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

[illegible]

Township 11 South, Range 40 East of the Boise Meridian.

Q = Well  
= Place  
of use.

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 CW Date 10-14-77 Time 11:40A.  
Preliminary check by JW Fee \$ 10.00  
Receipted by CW Date 10-14-77 # 9051  
Publication prepared by CW Date 10-14-77  
Published in (Parishan) (Scientific)  
Publication dates Oct. 20 + 27, 1977  
Publication approved me Date November 7, 1977  
Priority reduced to \_\_\_\_\_ Reason \_\_\_\_\_

Protests filed by: Larry M. & Lillian M.  
Bredenkraft, Howell Miled

Copies of protests forwarded by CW  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Recommended for approval denial by W.H.W.

#### 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, 1983.
- c. Other: \_\_\_\_\_

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

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

A. Kenneth Dunn  
DEPUTY Director

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 Re-

sources, 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 be-

fore me this 31st day

of October, 1977.

Claydy N. Steele

Notary Public, residing  
at Soda Springs, Idaho  
(SEAL)

My Commission expires the

1st day of March

1980.

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) JMJ 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 40E

(6) - -

Located within Water District No. Basin 13

(7) - -

Critical groundwater area: yes ☐ no ☒

(8) - -

Groundwater levels: Obs well 35 d661 105 40E

☐ 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

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 Ms. 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:CD

Attachment

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 for 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  
XXXXXXXXXXXXXXXXXXXX  
R. KEITH HIGGINSON

Director

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

*D. H. H.*

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

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

RDC:CW

Enc: Legal Notice (1)

Bill submitted 11-07-77 by CW



# STATE OF IDAHO

## DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF ENVIRONMENT  
636 Pershing  
Pocatello, Idaho  
83201

25 October 1977

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

EQUAL OPPORTUNITY EMPLOYER



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

November 7, 1977

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

C. Stephen Allred  
Director

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



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

November 7, 1977

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

C. Stephen Allred  
Director

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

November 7, 1977

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

C. Stephen Allred  
Director

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 3 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 Hairy Farm to appropriate 0.08 cubic feet of water from a ground-water source by means of a well and pump within the NW  $\frac{1}{4}$  SE  $\frac{1}{4}$ , 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

it was to serve and has never been dry or been short of water supply since it was first used ~~until~~ <sup>up to</sup> 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



**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

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. )

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NOTICE OF CONFERENCE  
AND/OR HEARING

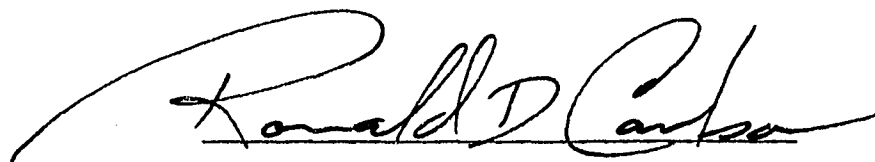
On October 14, 1977, Toone Dairy Farm, Inc., filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On October 31, 1977, the Department received a protest against approval of said application from Lowell Miles and family. On November 1, 1977, 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 30<sup>th</sup> 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

# DEPARTMENT OF WATER RESOURCES

Name and Address of Sender  
 EASTERN DISTRICT OFFICE  
 1515 LINCOLN ROAD  
 IDAHO FALLS, IDAHO 83401

Indicate type of mail:  
☐ REGISTERED  
☒ CERTIFIED

After 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 | INT. DEL. FEE | ACTUAL VALUE | HANDLING CHARGE | REMARKS* |
|-------------------|---------------------------------------------------|---------|-----|----------|---------------|--------------|-----------------|----------|
| 1                 | Robert Taylor, Rt. 2, (Proctor), UT               | 13      | 60  |          |               |              |                 | 13-9136  |
| 2                 | Samuel W. Gallatin, P.O. Box 191 (Proctor)        |         |     |          |               |              |                 | 13-9215  |
| 3                 | Samuel W. Gallatin, Rt. 1 (Proctor)               |         |     |          |               |              |                 | "        |
| 4                 | Marion Bennett, (Linda-Banda), (Proctor)          |         |     |          |               |              |                 | 13-9229  |
| 5                 | Samuel W. Gallatin, (Proctor)                     |         |     |          |               |              |                 | "        |
| 6                 | W. Wayne W. Lewis, (Proctor)                      |         |     |          |               |              |                 | "        |
| 7                 | James W. Lewis, (Proctor)                         |         |     |          |               |              |                 | 13-9220  |
| 8                 | Samuel W. Gallatin, (Proctor)                     |         |     |          |               |              |                 | "        |
| 9                 | Samuel W. Gallatin, (Proctor)                     |         |     |          |               |              |                 | "        |
| 10                | Samuel W. Gallatin, (Proctor)                     |         |     |          |               |              |                 | "        |
| 11                |                                                   |         |     |          |               |              |                 |          |
| 12                |                                                   |         |     |          |               |              |                 |          |
| 13                | Samuel W. Gallatin, (Proctor)                     |         |     |          |               |              |                 | 13-9220  |
| 14                |                                                   |         |     |          |               |              |                 |          |
| 15                |                                                   |         |     |          |               |              |                 |          |
| 16                | Samuel W. Gallatin, (Proctor)                     |         |     |          |               |              |                 |          |
| 17                |                                                   |         |     |          |               |              |                 |          |
| 18                |                                                   |         |     |          |               |              |                 |          |
| 19                |                                                   |         |     |          |               |              |                 |          |
| 20                |                                                   |         |     |          |               |              |                 |          |

TOTAL NO. OF PIECES LISTED BY SENDER: 9  
 TOTAL NO. OF PIECES RECEIVED BY ADDRESSEE: 9  
 POSTMASTER'S SIGNATURE: [Signature]  
 \*Show under "Remarks" class postage paid if other than first or if international

PS Form 3877, Dec. 1973

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

Declaration of value is required on international registered mail

\* U. S. GOVERNMENT PRINTING OFFICE: 1974-0-319-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

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. Bredehoft | Grace, Idaho | Myself           |
| Larry M Bredehoft  | Grace, Idaho | Myself           |
| Lowell Miles       | Grace, Idaho | myself.          |
| Lucien Miles       | Grace Idaho  | Myself           |
| Gwen Toone         | Grace, Idaho | Toone Dairy Farm |

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

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

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

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 Hoanes 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 purposes 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 H. 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 childrens 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

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

nationwide, 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  
Julann M. Bredhoff

IN THE MATTER OF )  
APPLICATION FOR )  
PERMIT 13-7220 )  
IN THE NAME OF )  
TOONE DAIRY FARM INC.)

STIPULATION  
&  
WITHDRAWAL  
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 <sup>AND LURELLA</sup> 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  
13<sup>th</sup> Day of Dec. 1977.

PROTESTANTS

Agreed  
APPLICANTS

Lowell Miles  
Lurella Miles  
Larry M. Bredehoft  
LuAnn M. Bredehoft

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

## INTER-DEPARTMENT MEMO — 1

FROM

NCH

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.

---

SIGNATURE

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

STATE OF IDAHO  
APPLICATION FOR AMENDMENT  
(For Licensing Purposes)

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

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.

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 Grange, Idaho, this 5<sup>th</sup> day of July, 1986.  
Lawrence C. Goone, Sec.  
(Signature)  
Goone Dairy Farm, Inc.

FOR DEPARTMENT USE ONLY

Preliminary check by kw 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 21<sup>st</sup> day of July, 1986.

Norman C. Young  
Acting for the Director

OK  
Sim

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<br>(2 Units) | from <u>January 1</u> to <u>December 31</u><br>(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 NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section  
1, Twp 11S, Rge 40E in the County of Caribou

Description and location of place of use:

| Twp. | Range | Sec. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 11S  | 40E   | 1    |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | X                |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres irrigated \_\_\_\_\_

**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 21<sup>st</sup> day of July, 19 86.

Acting for the Director

Norman C. Young

OK  
Sim  
6.5.

*find file on name index  
for file*

# 13-7220 *file*  
# 13-4069

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 Jones* Pres.

*Gwen C. Toone* Sec.

*Elaine R. Peck*

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 their present source. They called and asked if I would come down and talk with them concerning their 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.

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

S T A T E O F I D A H O  
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

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



RECEIVED

NOV 26 1982

IDAHO DEPARTMENT OF WATER RESOURCES  
STATEHOUSE  
BOISE, IDAHO 83720

Department of Water Resources

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: Culingry 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  
Date

Toone Dairy Farm, Inc.  
Gwen C. Toone, Sec.  
Signature of Permit Holder



**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
EASTERN REGION

John V. Evans  
Governor

A. Kenneth Dunn  
Director

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

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.

☒ 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

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

SEP 21 1984

Department of Water Resources  
13-7220  
Permit No.

## CONTACT WITH PERMIT HOLDER

|                                                                               | DATE | INITIALS | REMARKS |
|-------------------------------------------------------------------------------|------|----------|---------|
| <input type="checkbox"/> Appointment letter mailed:                           |      |          |         |
| <input type="checkbox"/> Telephone call made<br>(List Telephone No. used)     |      |          |         |
| <input type="checkbox"/> Appointment scheduled for:<br>(Date, time, location) |      |          |         |

## EXAMINATION

Date 7-11-83 Accompanied by Fred Toone Total Q measured 0.07 cfs <sup>theoretical</sup> ✓  
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 homes  $\times 1.2 \text{ cfs} = 2.4 \text{ cfs}$  ✓  
Stockwater V = 250 head  $\times 0.0391 = 9.8 \text{ cfs}$  ✓  
Commercial V = 0.02 cfs  $\times 1.9835 \times 365 \text{ days} \times 24 \text{ hrs/day} = 24 \text{ hr}$  ✓

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

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

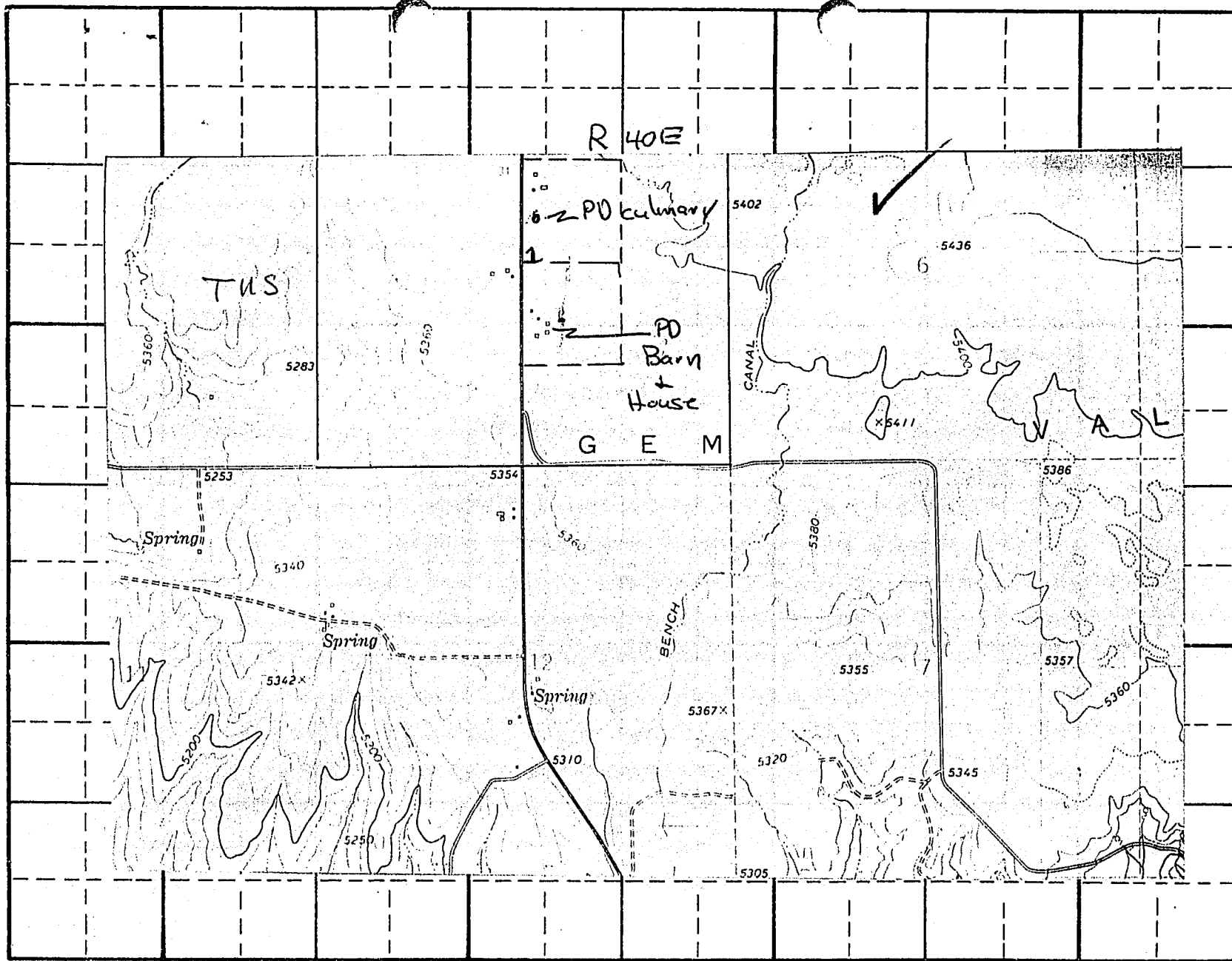
Code with map on reverse side. Disregard code if only one.

## RECOMMENDED AMOUNTS

| USE                                               | Irrigation requirement = |                   | AFA/Acre     |                |
|---------------------------------------------------|--------------------------|-------------------|--------------|----------------|
|                                                   | Q (cfs)                  | V (afa)           | FROM         | TO             |
| <u>3 Domestic</u> ✓<br>(2 units) ✓                | <u>0.04</u> ✓            | <u>2.4</u> ✓      | <u>1-1</u> ✓ | <u>12-31</u> ✓ |
| <u>1 Stockwater</u> ✓<br>(250 head of dairy cows) | <u>0.02</u> ✓            | <u>9.8</u> ✓      | <u>1-1</u> ✓ | <u>12-31</u> ✓ |
| <u>2 Commercial</u> ✓<br>(Dairy operation)        | <u>0.02</u> ✓            | <u>1.2</u> ✓      | <u>1-1</u> ✓ | <u>12-31</u> ✓ |
| Total                                             | <u>0.07 cfs</u> ✓        | <u>13.4 afa</u> ✓ |              |                |

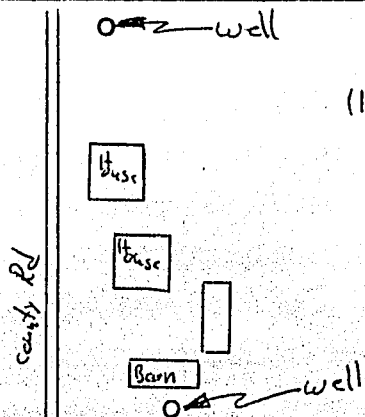
Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MAP (Attach Aerial Photo)



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   |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     | 0/2 |     |     |        |
|      |      |      |     |     |     |     |     |     |     |     |     |     |     |     |     | 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

Date 5-10-84

Date 20 Sept 1984

Date 4-22-86

PERMIT NO. 13-7220

(Name)

Toone

Accompanied by: Red Toone

EXAMINATION: DATE: 7-11-83

|      | Motor Make | HP       | Motor Serial No. | Pump Make | Pump Serial No. |
|------|------------|----------|------------------|-----------|-----------------|
| N.P. | <u>NA</u>  | <u>1</u> |                  |           |                 |
| S-P  | <u>NA</u>  | <u>1</u> |                  |           |                 |

Measuring Device Type:

Meter # \_\_\_\_\_ Annubar # \_\_\_\_\_ Size # \_\_\_\_\_

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

Measurement calculations:

2 houses - ok

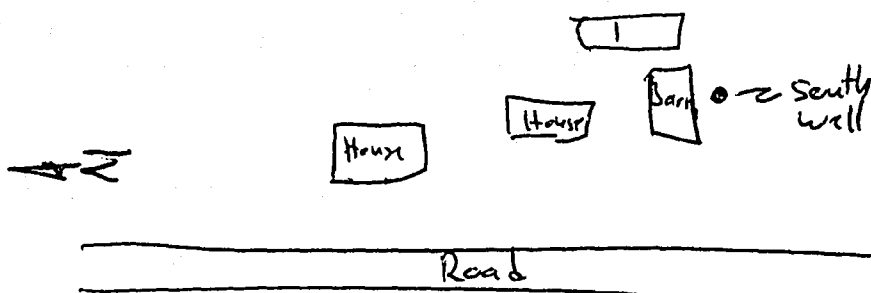
North well 100' Deep  
1 hp pump

250 head of cows  
+ Dairy Facility

South well 200 feet  
180' to pump  
1 hp

#### SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter \_\_\_\_\_ Length \_\_\_\_\_





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

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

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

CARIBOU COUNTY 2000 PROPERTY TAX NOTICE

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% | 5          |
| GRACE LIBRARY         | .0521057% | 12         |
| TV TRANSLATOR         |           | 3          |
| LANDFILL              |           | 4          |

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 | 1,521.19 | 3,042.38 |
| LATE   |          |          |          |
| SUBTOT |          |          |          |
| INT    |          |          |          |
| COST   |          |          |          |
| TOT    |          |          |          |

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

TOONE DAIRY FARMS INC  
536 HWY 34  
GRACE, ID 83241

2000  
09  
RL 39290  
CARIBOU  
COUNTY

2ND HALF  
1,521.19

09

LATE  
INT  
COST  
TOT

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2001

Initials

Cash or Check

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

CARIBOU COUNTY 2000 PROPERTY TAX NOTICE  
CODE AREA 09

PARCEL NUMBER  
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   | 158.26   | 316.52 |
| LATE   |          |          |        |
| SUBTOT |          |          |        |
| INT    |          |          |        |
| COST   |          |          |        |
| TOT    |          |          |        |

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

TOONE DAIRY FARMS INC  
538 HWY 34  
GRACE, ID 83241

2000  
09  
RL 38200  
CARIBOU  
COUNTY

09

2ND HALF  
158.26

LATE  
INT  
COST  
TOT

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 2001  
Initials Cash or Check

Page 1 of 6  
**RECEIVED**

STATE OF IDAHO  
 DEPARTMENT OF WATER RESOURCES

Transfer No. 68995

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 | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     |     | SE  | SW  | 36   | 10S  | 40E  | Caribou | "New"                    |
|     |     | SW  | NE  | 1    | 11S  | 40E  | "       |                          |
|     |     |     |     |      |      |      |         |                          |
|     |     | NW  | SE  | 1    | 11S  | 40E  | "       |                          |

5. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | 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    |        |        |        |        |        |        |        |        |        |        |        |        |        | S      |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

Page

2

of

6

Transfer No.

18995

PART 1

6. General Information:

a. Description of diversion system

3 wells to home + dairy

240 milking cows + 240 non-milks.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? NA 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 \_\_\_\_\_

**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

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 \_\_\_\_\_

CCAF E. 2 inches apart 1 mile. Draw also in ink

### PART 3

#### B. CHANGES IN NATURE OF USE

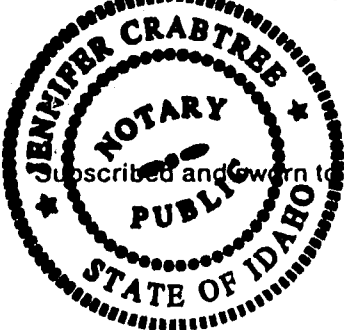
| 1 | New Nature of Use | Amount<br>(cfs/ac-ft) | Hours/days/year | Period of Use |
|---|-------------------|-----------------------|-----------------|---------------|
|   |                   |                       |                 | to            |
|   |                   |                       |                 | 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.



Thomas David Thomas Jones  
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of March, 192001

Jennifer Crabtree  
(Notary Public)

My commission expires 9/23/03

#### FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 0 attachments

Received by HUT Date \_\_\_\_\_ Protest filed by \_\_\_\_\_

Prelim. check by KCW Fee \$100.00

Receipted by AUT #E026564 Date 3-22-01

Published 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 \_\_\_\_\_

**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)**

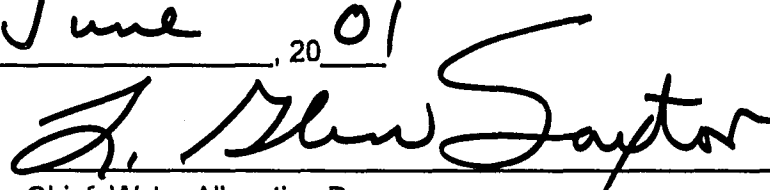
| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 13-7220               | NO           | 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                          |
| <b>TOTALS</b>         |                                  | <b>0.07 cfs</b>      | <b>13.4 af</b>         |                   |                    |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 5<sup>th</sup> day of June, 2001

  
Chief, Water Allocation Bureau

**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  |    |    |        |

**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 5<sup>th</sup> day of June, 2001

  
Chief, Water Allocation Bureau



**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*  
Harold W Jones  
Water Right Supervisor

HWJ:sc

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



**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

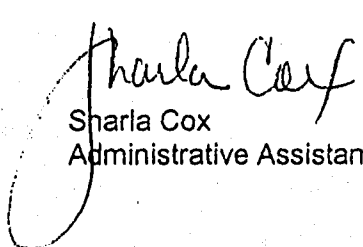
RE: Transfer No. 68995

**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

# Affidavit of Publication

RECEIVED County of Caribou ss.  
MAY 03 2001 State of Idaho  
Mark Steele

Department of Water Resources,  
Eastern Region

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 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 subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he executed the same.

*Wendy N. Steele*

Notary Public for Idaho  
Residing at Soda Springs, Idaho  
My commission expires:

March 11, 2001

## 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:

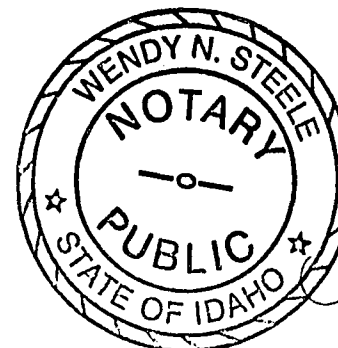
The original wells on this right  
cannot always deliver the licensed  
amount. The applicant therefore  
wants to add a well he owns in the  
SESW SEC. 36 T10S R40E as a  
third point of diversion.

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.



**Idaho Secretary of State  
Business Entity Search**

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**TOONE DAIRY FARM, INC.**536 HIGHWAY 34  
GRACE, ID 83241

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**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

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

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[New Search](#)

|                                                                                                |                   |                                                                           |                                                   |                                                    |       |
|------------------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------|---------------------------------------------------|----------------------------------------------------|-------|
| No. C 49253                                                                                    |                   | Due no later than Apr 30, 2001<br>Annual Report Form                      |                                                   | 2. Registered Agent and Office NO PO BOX           |       |
| Return to:<br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080 |                   | TOONE DAIRY FARM, INC.<br>GWEN TOONE<br>538 HIGHWAY 34<br>GRACE, ID 83241 |                                                   | GWEN C. TOONE<br>538 HIGHWAY 34<br>GRACE, ID 83241 |       |
| NO FILING FEE IF<br>RECEIVED BY DUE DATE                                                       |                   | GRACE, ID 83241                                                           |                                                   | 3. New Registered Agent Signature                  |       |
| 4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.     |                   |                                                                           |                                                   |                                                    |       |
| 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.                                                | 17414 |
| Director                                                                                       | Gregory W. Toone  | 1098 S. Marsh Circle                                                      | Garland                                           | UT                                                 | 84312 |
| 5. Organized Under the Laws of:                                                                |                   |                                                                           | 6.                                                |                                                    |       |
| IDAHO<br>C 49253                                                                               |                   |                                                                           | 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                                  |                                                    |       |

**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).

### 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.



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](http://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,

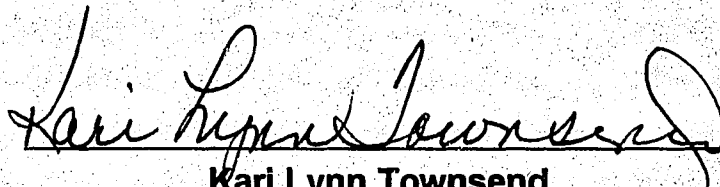
*Camille S. Steggs*  
for Jeff Peppersack, Manager  
Water Rights Permits Section  
JP:klt  
Enclosure(s)

**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**