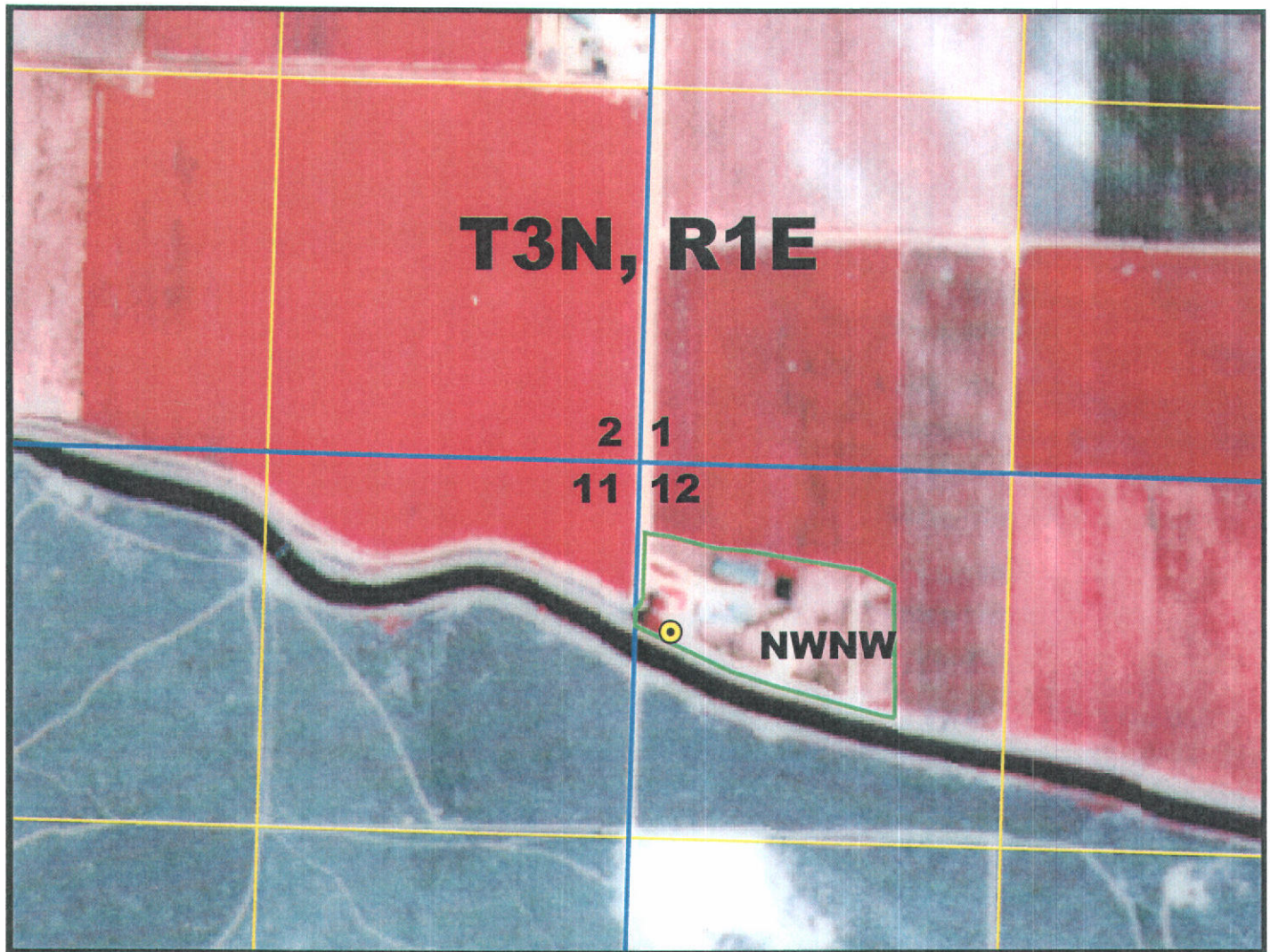




POU location Map 1987 Photography

63-17946 § 63 - 32217



1320

0

1320 Feet



Point of Diversion



Claimed POU



Ada County Tax Lot Data

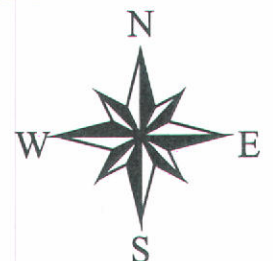


Quarter Quarter Lines



Section Lines

Total claimed Acres: N/A



Prepared by: C. Saxton
Date: January 2004

24

1

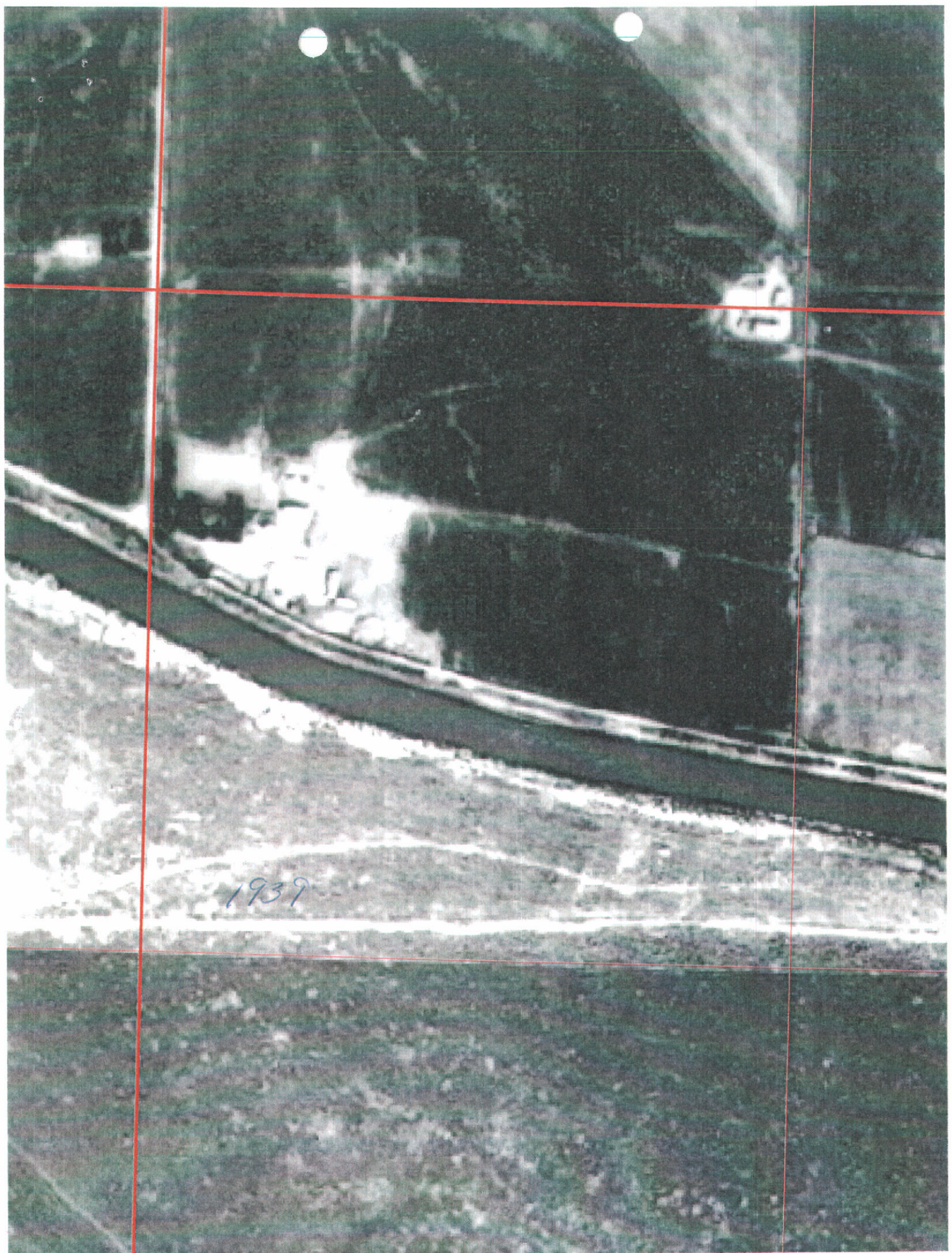
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J. To Toricaguena

1964



1939

RECEIVED

APR 24 2006

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case 39576

)
)
)
)

A. Subcase 63-32217

(Insert water right number)

STANDARD FORM 1

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Victorina M Murgoitio

Address: 7373 S Maple Grove Rd

Boise, Idaho 83709

Daytime Phone: 208-362-1262

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Lou P Murgoitio

Victorina M Murgoitio

Address: 7373 S Maple Grove Rd

Boise, Idaho 83709

D. I object to the following elements as recommended in the Director's Report.

(Please check the appropriate box(es)):

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☒ Quantity

Should be: Commercial 0.24 cfs, Domestic 0.04 cfs, Stockwater 0.18 cfs, Total 0.46 cfs. Annual volume should be removed or revised.

4. ☐ Priority Date

Should be: _____

5. ☐ Point of Diversion

Should be: _____

6. ☐ Instream Flow Beginning and Ending Point

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☒ Period of Year

Should be: All uses should be year-round

9. Place of Use

Should be: _____

10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The rates, volumes and period of use (for stockwater) as recommended are not adequate for the commercial dairy operation claimed.

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on APRIL 21, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Lou P Murgoitio
Victorina M Murgoitio
Address: 7373 S Maple Grove Rd
Boise, Idaho 83709

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MCS 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

VICTORINA M. MURGOITIO, duly sworn, upon oath, deposes and
says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

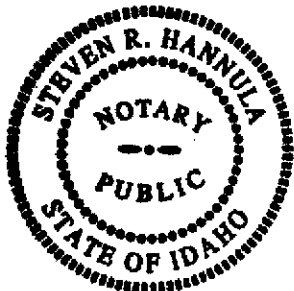
Victorina M. Murgoitio
Signature of person filing objection

Attorney signing in representative capacity

Subscribed and sworn to before me on:

April 21, 2006

Steve R. Hannula
Notary Public for Idaho
Residing at: Boise
My Commission expires: 8-18-11



12/10/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32217

NAME AND ADDRESS: LOU P MURGOITIO
7373 S MAPLE GROVE RD
BOISE ID 83709

VICTORINA M MURGOITIO
7373 S MAPLE GROVE RD
BOISE ID 83709

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.380 CFS
18.500 AFY

PRIORITY DATE: 06/01/1930

POINT OF DIVERSION:

T02N R01E S12 NWNW Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.100 CFS 3.10 AFY
DOMESTIC	01/01 12/31	0.040 CFS 1.20 AFY
STOCKWATER	01/01 01/01	0.240 CFS 14.10 AFY

Stockwater use is for 2000 hd sheep, 250 range cattle, 20 horses and
150 head dairy cattle.

Commerical use is for a dairy.

Domestic use is for 1 home.

PLACE OF USE: STOCKWATER Within ADA County

T02N R01E S12 NWNW

COMMERCIAL Within ADA County

T02N R01E S12 NWNW

DOMESTIC Within ADA County

T02N R01E S12 NWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 63-17946 is also diverted through point of diversion described
above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32217 V1

WATER RIGHT NUMBER: 63-32217 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LOU P MURGOITIO 7373 S MAPLE GROVE RD BOISE, ID 83709 (208)362-1262
Current Owner	VICTORINA M MURGOITIO 7373 S MAPLE GROVE RD BOISE, ID 83709 (208)362-1262

Priority Date: 06/01/1930

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01 to 12/31	0.100 CFS	3.10 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	1.20 AF
STOCKWATER	01/01 to 01/01	0.240 CFS	14.10 AF
<u>Total Diversion:</u>		0.380 CFS	18.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NW1/4	Sec. 12, Twp 02N, Rge 01E, B.M.
ADA County		

Place of UseCOMMERCIAL Within ADA County

T02N R01E S12 NWNW

DOMESTIC Within ADA County

T02N R01E S12 NWNW

STOCKWATER Within ADA County

T02N R01E S12 NWNW

Conditions of Approval:

1. Stockwater use is for 2000 hd sheep, 250 range cattle, 20 horses and 150 head dairy cattle.
2. F05 Right No. 63-17946 is also diverted through point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32217 V1

3. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. Commerical use is for a dairy.
5. X01 Domestic use is for 1 home.

Remarks:Comments:

1. jshurte 12/10/2005 Dairy use over the years

Comment: The Murgotio farm basically has progressed from 1930 to the present adding dairy cattle and use along the way. This claim represents the use in 1930, Claim No. 63-17946 represents the use from 1930 to 1955 and Water Right No. 63-31661 represents the use from 1955 to 1987. Many calculations have been based on a private consultant along with Department standards. This has been done to avoid stacking claims for one priority date (1930) representing what is presently being farmed rather than the progression of expansion. See Claim No. 63-17946 for most of the information on these filings. See also calculation sheet in file which determined the amounts of cfs and af given in this recommendation.

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/10/2005 1:29:54 PM	jshurte			Active
Priority Date	12/10/2005 1:39:45 PM	jshurte			Active
POD	12/10/2005 1:43:58 PM	jshurte			Active
POU	12/10/2005 1:47:13 PM	jshurte			Active
Use	12/10/2005 1:49:35 PM	jshurte			Active
Season	12/10/2005 1:50:04 PM	jshurte			Active
Quantity	12/10/2005 1:51:17 PM	jshurte			Active
Summary			12/10/2005	jshurte	Active
Source	12/10/2005 3:01:21 PM	jshurte			Active

Water Supply Bank:

Calculations of cfs and af amounts for 63-32217

Stockwater:

2,000 hd sheep at 2 gpd = 4000 gpd = .07 cfs
150 hd Dairy cattle at 35 gpd = 5250 gpd = .10 cfs
250 hd Range cattle at 12 gpd = 3000 gpd = .06 cfs
20 hd horses at 12 gpd = 240 gpd = .01 cfs

Total cfs = .24 cfs

2,000 hd sheep at 2 gpd = 4000 gpd = 4.5 af/annum
150 hd Dairy cattle at 35 gpd = 5250 gpd = 5.9 af/annum
250 hd Range cattle at 12 gpd = 3000 gpd = 3.4 af/annum
20 hd horses at 12 gpd = 240 gpd = .27 af/annum

Total af/annum = 14.1 af/annum

Domestic

Dept. recommendation is **.04 cfs** for 1 home.
Dept. recommendation is **1.2 af** for 1 home.

Commercial

Commercial use based on information submitted by Steve Hannula, consultant for ERO on 3-12-03

Calculations were for Milking parlor and Employee use totaling:

For the commercial use rate the total gallons per day were 2730 gpd or **.10 cfs**

For the commercial use rate the total gallons per year were 996,450 gpy or **3.1 af/annum**

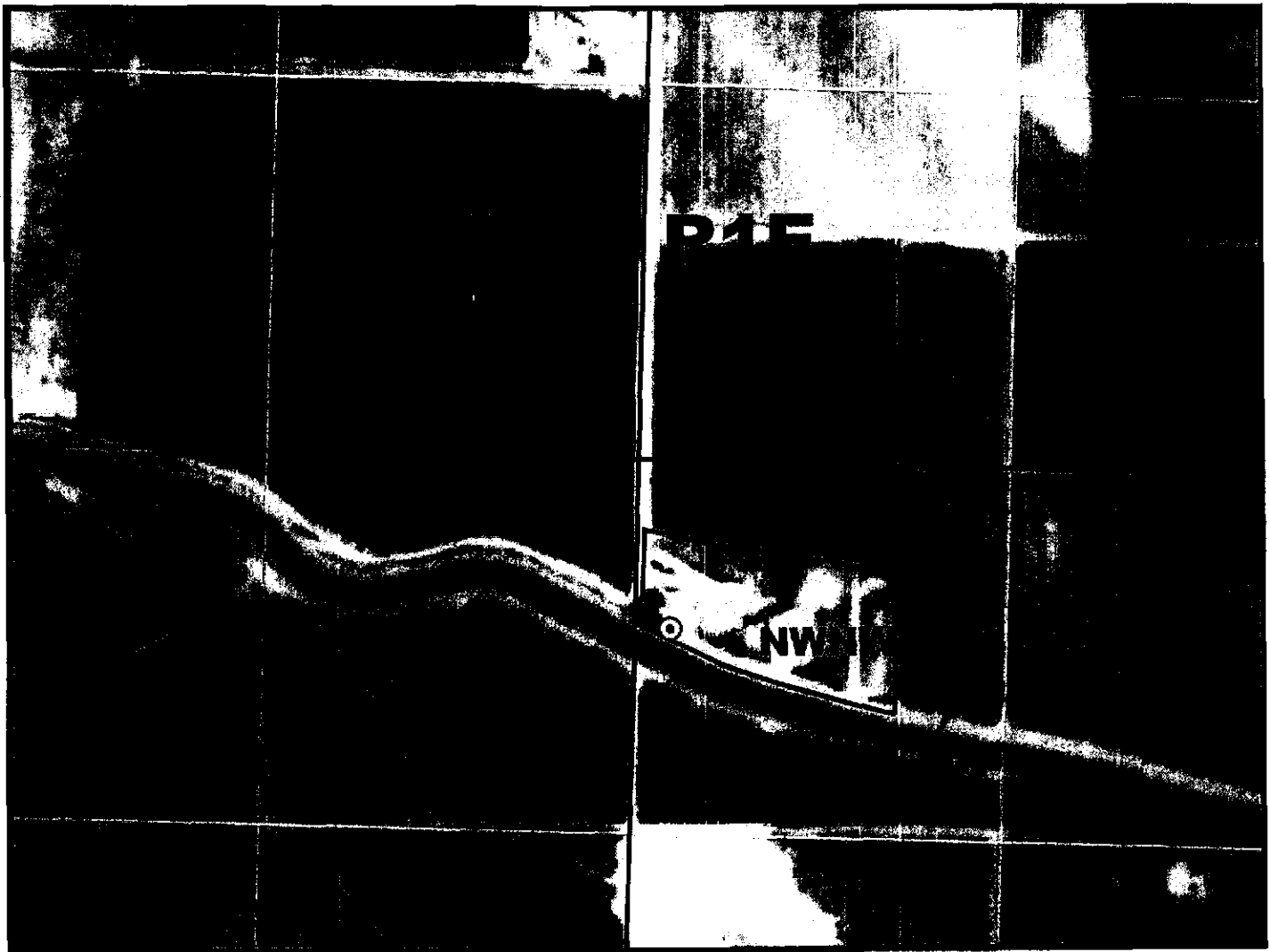
Total cfs = .38 cfs

Total af/annum = 18.5 af/annum



POU location Map 1987 Photography

63-17946 363-32217



1320 0 1320 Feet

⊙ Point of Diversion

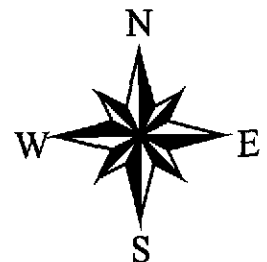
☐ Claimed POU

☐ Ada County Tax Lot Data

Quarter Quarter Lines

☐ Section Lines

Total claimed Acres: N/A



Prepared by: C. Saxton
Date: January 2004

FROM : LP MURGOITIO
SENT BY: SOUTHWESTERN REGION;

PHONE NO. : 362 9462
334 2348;

Nov. 06 2002 01:44PM P3
001-15-02 13:37; PAGE 2/3

In the Matter of:)
MURGOITIO DAIRY)
State of Idaho)
Ada County)

AFFIDAVIT

To Whom It May Concern:

I, Bill P. Bienapf, residing at 4225 E. Overland Rd
have been neighbors with the Murgoitio Family for 58 years. I can attest to the fact
that the Murgoitio dairy operation has existed since at least 1930 and has gradually grown
in cow numbers to the capacity that it exists today.

Bill P. Bienapf 10-16-02
Signature Date

Affirmation

The Totorica family owned and operated a dairy and sheep ranch back in 1943-44 at the end of S. Maple Grove Road (known as 7990 S. Maple Grove Road). This location today is known as the Murgoitio Dairy Farm.

The property was an existing dairy farm owned by the Paris Brothers which was in operation back in the late 1920s' thru the 1930s'. At that time the dairy cows and sheep were watered by a hand dug well. The Paris Brothers had taken this original site out of sagebrush. The Murgoitios' still refer to this parcel as "the Paris Place."

When the Totorica family bought the dairy farm in 1943-44 a new dairy barn was constructed a few years later to replace the old one which had been in operation from the previous owners (Paris Brothers) in the 1920s' - 1930s'. I, (Segundo Totorica) have personal knowledge of this history and continued to operate the 100+ dairy cows and sheep ranch with my family until 1959 when the property was sold to Mr. William Bienapfl.

I am 91 years old, born in 1914, raised in Grandview, and to the best of my knowledge testify that this statement is true and correct.

Signed:

Segundo Totorica
Segundo Totorica

"State of Idaho)

)ss.

County of Ada)

Subscribed and sworn (or affirmed) before me this 14th day of July, 2005"

KATHY PRENTICE
Notary Public
State of Idaho

Kathy Prentice
Kathy Prentice

My commission expires 4/16/08

For claim 63-17946, proof with 1955 data, including commercial use ratios of wet, dry, heifers based on current numbers

DAILY FRESH WATER REQUIREMENT FOR DAIRY FACILITY

FOR: Murgoitio Dairy - Pre 1963
BY: Steven Hannula
DATE: 2/10/03

STOCKWATER VOLUME REQUIREMENT - Pre1963 CONDITIONS

TYPE OF ANIMAL	NUMBER	USE/DAY GAL/DAY	TOTAL GAL/DAY	TOTAL GAL/YEAR
MILKING COWS	490	34	16,660	6,080,900
DRY COWS	75	12	900	328,500
HEIFERS	115	12	1,380	503,700
TOTAL GALLONS			18,940	6,913,100

STOCKWATER ANNUAL VOLUME NEEDED (AFA) 21.22

COMMERCIAL VOLUME REQUIREMENT

WASH PEN ESTIMATE	NUMBER OF NOZZLES	TIME PER USE(IN MINUTES)	NUMBER OF USES	TOTAL GAL/DAY	TOTAL GAL/YEAR
0.00	0	3	4	0	0

MILKING PARLOR ESTIMATES

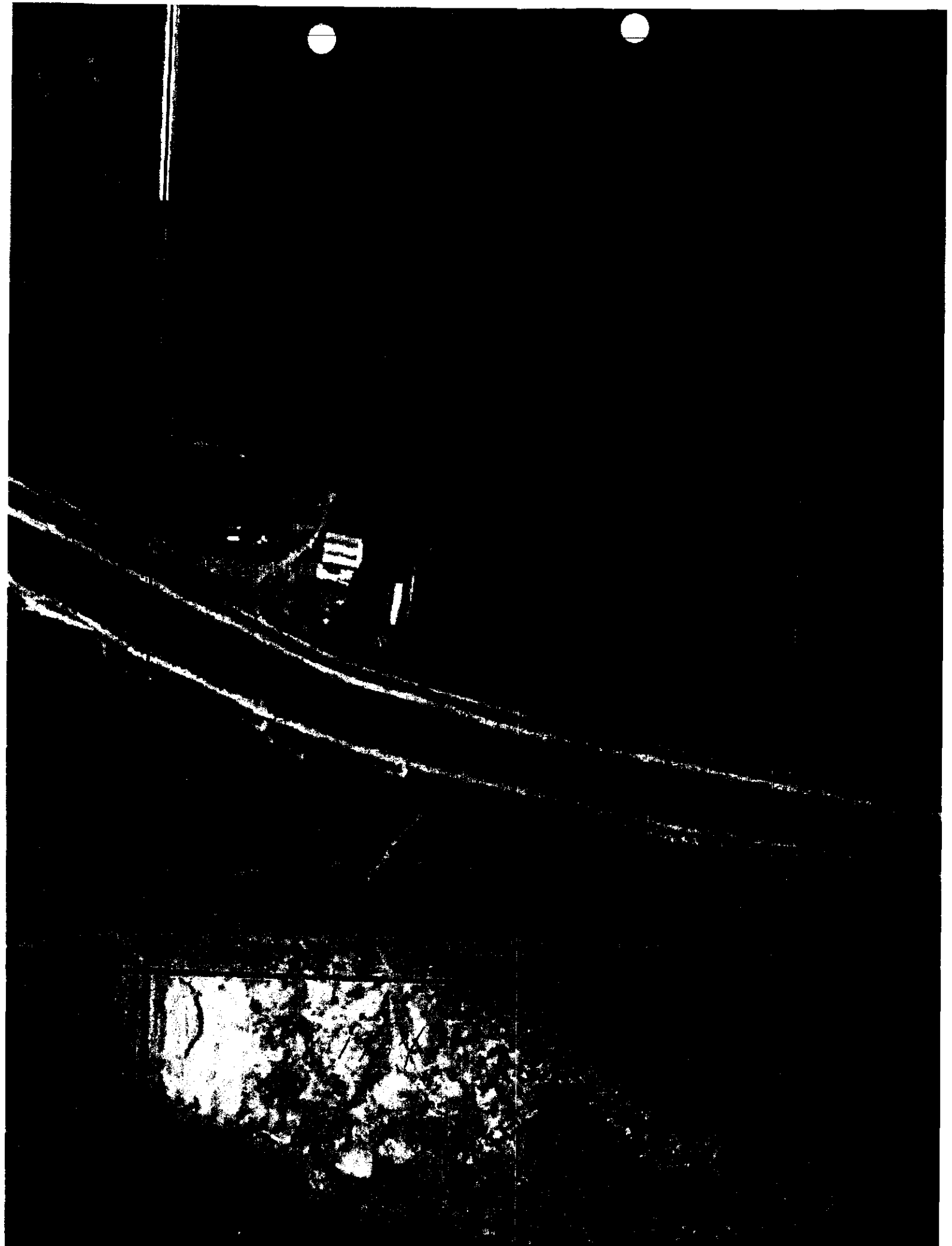
ITEM	GALS/OP	X'S/DAY	GALS/DAY	GALS/YEAR
BULK TANK	140	1	140	51,100
COW PREP	0.5	980	490	178,850
PIPELINES	150	2	300	109,500
PARLOR CLEANUP	800	2	1,600	584,000
BULK ROOM	0	2	0	0
WASHPEN CLEANUP	0	0	0	0
TOTAL MILK PARLOR USE			2,530	923,450

BARN USE				
ITEM	GALS/OP	X'S/DAY	GALS/DAY	GALS/YEAR
MISTERS (3 MONTHS A YEAR)	0	0	0	0
TOTAL BARN USE			0	0

MISCELLANEOUS USES				
ITEM	GALS/OP	X'S/DAY	GALS/DAY	GALS/YEAR
TOWEL WASHING	50	2	100	36,500
EMPLOYEE SHOWERS & RESTROOMS	50	2	100	36,500
MAINTENANCE SHOP	0	0	0	0
TOTAL MISCELLANEOUS USES			200	73,000

COMMERCIAL ANNUAL VOLUME NEEDED (AFA) 3.06

STOCK WATER VOLUME REQUIREMENT =	21.22
COMMERCIAL REQUIREMENT =	3.06
TOTAL VOLUME REQUIRED =	24.28





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32217
Date Received: 12/7/2005
Receipt No: W033666
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LOU P MURGOITIO Phone: (208)362-1262
7373 S MAPLE GROVE RD
BOISE ID USA 83709

VICTORINA M MURGOITIO Phone: (208)362-1262
7373 S MAPLE GROVE RD
BOISE ID USA 83709

2. Date of Priority: 06/01/1930

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	12	NW NW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.18	
COMMERCIAL	01/01	12/31	0.24	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.46 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 2,000 Sheep; 250 Range Cattle; 20 Horses; 150 Dairy Cattle

Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	12	NW	NW	COMMERCIAL	
			NW	NW	DOMESTIC	
			NW	NW	STOCKWATER	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

2,000 Sheep - .02 cfs; 250 Range Cattle - .07 cfs; 20 Horses - .02 cfs; 150 Dairy Cattle - .07 cfs.

Domestic use is for 1 home.

Commerical use is for a dairy.

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32217
Date Received: 12-7-05
Receipt No: W033666
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 07 2005

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

LOU P MURGOITIO Phone: (208)362-1262
7373 S MAPLE GROVE RD
BOISE ID USA 83709

VICTORINA M MURGOITIO Phone: (208)362-1262
7373 S MAPLE GROVE RD
BOISE ID USA 83709

2. Date of Priority: 06/01/1930

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	12	NW NW	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.18	
Commercial	01/01	12/31	.24	
Domestic	01/01	12/31	.04	

7. Total Quantity Appropriated is:

0.18 C.F.S.
.46 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 2,000 Sheep; 250 Range Cattle; 20 Horses; 150 Dairy Cattle

1 Domestic home

Commercial use for dairy

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	12	NW	NW	STOCKWATER	

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

2,000 Sheep - .02 cfs; 250 Range Cattle - .07 cfs; 20 Horses - .02 cfs; 150 Dairy Cattle - .07 cfs.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *La Puente* Date: 12-7-05
Victoria M. Margitis Date: 12-7-05

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7th
of December 2005 *Lori Harris*

Notary Public

Residing at Bain, Idaho

My commission Expires 12-8-06

