

**STARTING
LEFT
SIDE OF
FILE**

JUN 30 2003

Department of Water Resources

FORM 202
12/99Ident. No. 63-31661

Should questions arise during the processing of this application please contact:
Steve Hannula - ERO Resources Corp. (208) 373-7983

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT (Heifer Lot)
 To appropriate the public waters of the State of Idaho

1. Name of Applicant Louis P and/or Richard J Murgoitio Phone (208) 362-1262
 Mailing address 7373 S. Maple Grove Boise, Idaho 83709
2. Source of water supply Ground water which is a tributary of N/A
3. Location of point of diversion is Township 2N Range 1E Sec. 2, in the $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, Govt. Lot
 B.M., Ada County; additional points of diversion if any:
4. Water will be used for the following purposes:
 Amount 0.05 for Stockwater 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)
 Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
 Amount for purposes from to (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.05 cfs and/or (b) acre feet per annum
6. Proposed diverting works:
 - a. Describe type and size of devices used to divert water from the source Existing well, pump, distribution lines
and stockwater tanks
 - b. Height of storage dam N/A feet, active reservoir capacity acre-feet, total reservoir capacity
 acre-feet
 - c. Proposed well diameter is N/A inches; proposed depth of well is N/A feet
 - d. Is ground water with a temperature of greater than 85° F being sought? No
 - e. If well is already drilled, when? ; Drilling firm ;
 Well was drilled for (well owner) , Drilling Permit No.
7. Time required for completion of works and application of water to proposed beneficial use is 1 yr years (minimum
 1 year)
8. Description of proposed uses (if irrigation only, go to item 9):
 - a. Hydropower, show total feet of head and proposed capacity if kW.
 - b. Stockwatering; list number and kind of livestock. 160 replacement stock for dairy
 - c. Municipal; show name of municipality.
 - d. Domestic; show number of households.
 - e. Other; describe fully.

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9. Description of place of use:

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

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	1E	2													S				

Total number of acres to be irrigated N/A

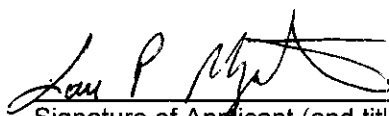
10. Describe any other water rights used for the same purposes as described above. 63-17945

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

12. Remarks: See Attached

13. MAP OF PROPOSED PROJECT REQUIRED - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

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



 Signature of Applicant (and title, if applicable)

Received by KG Date 3/12/03 Time 11:00 Preliminary check by LG
 Fee \$ 100.00 Receipted by KG # W030190 Date 3/12/03
 Publication prepared by At Date 5-14-03 Published in THE IDAHO STATESMAN
 Publication approved At Date 5-20-03

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Remarks for Application for Permit

Murgoitio Heifer lot (Home Place)

This application for permit is to supply stockwater for 160 replacement stock at the heifer lot. Documentation from December 1987 (attached) shows 571 wet cows at the nearby dairy facility owned by the applicant. Current proportions of wet cows and dry cows to the total head suggest that there would have been 87 dry cows at the dairy also. The cows at the nearby dairy typically produce one calf each. These calves are raised at the applicant's Heifer lot. Therefore, in 1987, there were approximately 660 calves at the Heifer lot. The decreed water right 63-17945 supplies stock water for 500 head or 6.7 afa. This application for permit seeks 0.05 cfs stockwater for the other 160 head on site in 1987.

Based on the Dairy Requirements worksheet, these 160 head would require 2.2 afa.

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DAILY FRESH WATER REQUIREMENT FOR DAIRY FACILITY

FOR: Murgoitio Heifer Lot - 1987 Conditions
BY: Steven Hannula
DATE: 2/7/03

STOCKWATER VOLUME REQUIREMENT - 1987 CONDITIONS

TYPE OF ANIMAL	NUMBER	USE/DAY GAL/DAY	TOTAL GAL/DAY	TOTAL GAL/YEAR
MILKING COWS	0	34	0	0
DRY COWS	0	12	0	0
HEIFERS	660	12	7,920	2,890,800
TOTAL GALLONS			7,920	2,890,800

STOCKWATER ANNUAL VOLUME NEEDED (AFA) 8.87

COMMERCIAL VOLUME REQUIREMENT

WASH PEN ESTIMATE

MIN PER NOZZLE	NUMBER OF NOZZLES	TIME PER USE(IN MINUTES)	NUMBER OF USES	TOTAL GAL/DAY	TOAL GAL/YEAR
0.00	100	3	0	0	0

MILKING PARLOR ESTIMATES

ITEM	GALS/OP	X'S/DAY	GALS/DAY	GALS/YEAR
BULK TANK	0	2	0	0
COW PREP	0.0	0	0	0
PIPELINES	0	4	0	0
PARLOR CLEANUP	0	4	0	0
BULK ROOM	0	2	0	0
WASHPEN CLEANUP	0	4	0	0
TOTAL MILK PARLOR USE			0	0

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BARN USE

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

MISCELLANEOUS USES

ITEM	GALS/OP	X'S/DAY	GALS/DAY	GALS/YEAR
TOWEL WASHING	0	20	0	0
EMPLOYEE SHOWERS & RESTROOMS	0	30	0	0
MAINTENANCE SHOP	0	1	0	0
TOTAL MISCELLANEOUS USES			0	0

COMMERCIAL ANNUAL VOLUME NEEDED (AFA)

0.00

STOCK WATER VOLUME REQUIREMENT =	8.87
COMMERCIAL REQUIREMENT =	0.00
TOTAL VOLUME REQUIRED =	8.87

Existing Water Rights at Heifer Lot 63-17945

Stockwater	14.6
Commercial	0
Total	14.6

63-17945 will supply approximately 500 cows (6.7 afa) and 4 homes.
Need 2.2 afa to supply the remaining 160 head (year 1987) with water.

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- WET COWS

DECEMBER 1987

12-1 THROUGH 12-15-87

12-16 THROUGH 12-31-87

	LC	LP	RJ
TOT COWS	387	138	33
COWS DRY	-16	-2	-1
COWS FRESH	+26	+10	
COWS SOLD	-2		-1
COWS DEAD		-1	
	345	145	31

	L.L	L.P	R.J.
TOT COWS	395	145	31
COWS DRY	+20	-13	-4
COWS FRESH	+23	+5	+2
COWS SOLD	-22	-8	-2
COWS DEAD			
	376	129	27

DEC 1-15, 1987

85.33 AVG LB

26,200.00 +
25,910.00 +
25,830.00 +
25,610.00 +
25,300.00 +
25,700.00 +
26,090.00 +
25,810.00 +
25,690.00 +
25,870.00 +
25,250.00 +
25,650.00 +
25,960.00 +
25,640.00 +
26,270.00 +
386,780.00 *

15.15
(us)
L.P.
15 DAYS 129
= 99.8

24.82
5.26

386,780.00 ÷
15 =
25,785.33 *

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DEC 16-31, 1987

0.00 *

26,050.00 +
25,720.00 +
26,300.00 +
26,370.00 +
26,140.00 +
26,430.00 +
26,160.00 +
26,220.00 +
26,280.00 +
24,360.00 +
24,770.00 +
25,360.00 +
25,680.00 +
25,320.00 +
25,400.00 +
25,420.00 +
411,980.00 *

411,980.00 ÷
16 =
25,748.75 *

REQUEST TO PROCESS

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

Should questions arise during the processing of this application please contact:
Steven Hannula - ERO Resources Corp. (208) 373-7983

Name of Applicant Lou and/or Vicki Murgoitio

Mailing Address 7373 S. Maple Grove
Boise, ID 83709

Application No. Dairy
(if known)

IN LOCAL PUBLIC INTEREST

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

PROPOSE MITIGATION NOW

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

X WILL AGREE TO MITIGATION IN THE FUTURE IF NECESSARY

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

Signature

Lou Murgoitio Under Protest

Date

JUNE 12, 2003

Please return this form to:

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

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**NOW
STARTING
RIGHT
SIDE OF
FILE**

REQUEST TO PROCESS

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JUL 18 2003

COMPLETE REQUEST IF YOU WANT YOUR APPLICATION TO BE PROCESSED USING Department of Water Resources
THREE ALTERNATIVES BELOW

Should questions arise during the processing of this application please contact:
Steven Hannula - ERO Resources Corp. (208) 373-7983

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WATER RESOURCES
WESTERN REGION

Name of Applicant Lou and/or Vicki Murgoitio

Mailing Address 7373 S. Maple Grove
Boise, ID 83709

Application No. Heifer lot 63-31661
(if known)

 IN LOCAL PUBLIC INTEREST

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

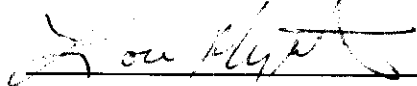
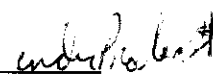
 PROPOSE MITIGATION NOW

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Signature

Date

JUL 13 2003

Please return this form to:

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

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JUL 18 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 2, 2003

LOUIS P MURGOITIO
RICHARD J MURGOITIO
7373 S MAPLE GROVE RD
BOISE ID 83709

RE: Permit No. 63-31661

Permit Approval Notice

Dear Permit Holder:

The Department of Water Resources has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review the conditions of approval and remarks listed on your permit.

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

Enclosed is a form entitled 'Instructions for Proof of Beneficial Use.' Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled 'Proof of Beneficial Use.' If your project is already completed, you should complete and submit this form immediately.

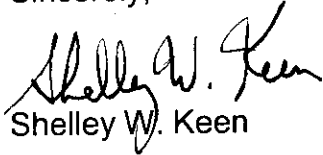
The right to drill a well is not a part of this permit to appropriate water. Beginning in July of 1987, a statute was enacted which requires a drilling permit for new well construction and deepening of existing wells. If the well(s) proposed for use under this water right permit were drilled or deepened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

Also, please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

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If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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1998 8 2 2003

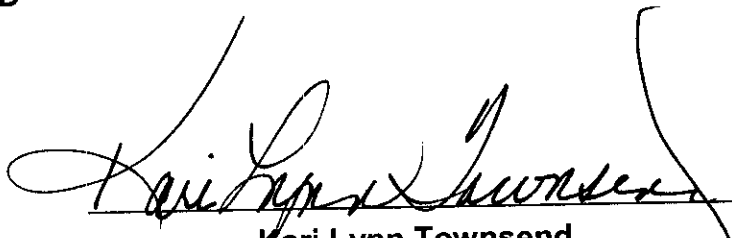
CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2003 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved Permit) to the person(s) listed below:

RE: WATER RIGHT NO.

63-31661

LOUIS P MURGOITIO
RICHARD J MURGOITIO
7373 S MAPLE GROVE RD
BOISE ID 83709



Kari Lynn Townsend
Secretary

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SEP 22 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Application Report 63-31661

WATER RIGHT NUMBER: 63-31661

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

Current Owner	LOUIS P MURGOITIO 7373 S MAPLE GROVE RD BOISE, ID 83709 (208)362-1262
---------------	--

Priority Date: 03/12/2003

Basis:

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>
STOCKWATER	01/01 to 12/31	0.050 CFS	
	<u>Total Diversion:</u>	0.050 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SE1/4	Sec. 2, Twp 02N, Rge 01E, B.M.
ADA County		

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	
02N	01E	2														X			

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Application Report 63-31661

Comments:

1. Igraves 3/27/2003 Legal Notice Remarks

Comment: Development completed by November 1987.

Water bearing zone to be appropriated is from 110 to 190.

Applicant agrees to mitigate consumptive use in the future as needed.

2. Igraves 3/27/2003 Comment/Analysis

Comment: This application, in combination with decree 63-17945, provide stockwater to 660 replacement heifers and 4 homes. The decree covered 500 of the heifers and all the homes. The purpose of this application is to cover the 160 heifer difference. Based on the worksheet, the addition of 160 heifers does not push the feedlot beyond 42-111. At 1.2 afa/home plus 8.9 afa/660 heifers = 13.7 afa. 13,000 gpd equates to 14.6 afa. Applicant provided a request to process form and the water bearing zone, which will be advertised, but may not be required based on the above calculations. No other rights are used. Claims 63-31421 and 63-31422 overlap, but were filed inaccurately and are being withdrawn.

Dates and Other Information:

Application Received Date: 3/12/2003

Application Denied Date:

Last Date of Beneficial Use:

Extension End Date:

Protest Deadline Date:

Number of Protests: 0

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Application Type: New Appropriation

Applicant Remarks: This application for permit is to supply stockwater for 160 replacement stock at the heifer lot. Documentation from December 1987 (attached) shows 571 wet cows at the nearby dairy facility owned by the applicants. Current proportions of wet cows and dry cows to total head suggest that there would have been 87 dry cows at the dairy also. The cows at the nearby dairy typically produce one calf each. These calves are raised at the applicants heifer lot. Therefore, in 1987, there were approximately 660 calves at the heifer lot. The decreed water right 63-17945 supplies stockwater for 500 head or 6.7 afa. This application for permit seeks 0.05 cfs stockwater for the other 160 head on site in 1987.

Based on the Dairy Requirements worksheet, these 160 head would require 2.2 afa.

Other Water Rights: 63-17945

Time to Complete Works: 1

Transfer Affected Description:

Transfer Affected Contracts:

Old Transfer Number:

Transfer Reason:

Transfer Return Flows:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

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>
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Verification Log:



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SEP 09 2003

The Idaho Statesman

P.O. Box 40, Boise, Idaho 83707-0040

LEGAL ADVERTISING PROOF OF PUBLICATION

Account #	DTI#	Identification	Amount
047628	864498	APPLICATION	\$132.50
Attention:	P.O.#	Run Dates	
SUE TAYLOR		MAY 1, 8, 2003	
IDAHO DEPT. WATER RESOURCES WEST 2735 AIRPORT WY. BOISE, ID 83705			Number of Lines 2 X 37
			Affidavit 1
			Legal # 16278

RECEIVED

MAY 12 2003

WATER RESOURCES
WESTERN REGION

LEGAL NOTICE

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

63-31661

RICHARD J MURGOITIO
7373 S MAPLE GROVE RD
BOISE ID 83709
LOUIS P MURGOITIO
7373 S MAPLE GROVE RD
BOISE ID 83709

Point(s) of Diversion NESE S2 T02N R01E ADA County Source GROUND WATER
Use: STOCKWATER 01/01 To 12/31 0.05 CFS
Total Diversion: 0.05 CFS
Date Filed: 03/12/2003
Place Of Use: STOCKWATER
T02N R01E S2 NESE

Remark: Development completed by November 1987.
Water bearing zone to be appropriated is from 110 to 190.
Applicant agrees to mitigate consumptive use in the future as needed.
Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec 42-203A, Idaho Code.
Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/19/2003.
The protestant must also send a copy of the protest to the applicant.
KARL J DREHER,
Director

Pub. May 1,8, 2003

16278

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of *The Idaho Statesman*, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

TWO

☒ consecutive weekly ☐ single
☐ consecutive daily ☐ odd skip
insertion(s)

beginning issue of: MAY 1, 2003

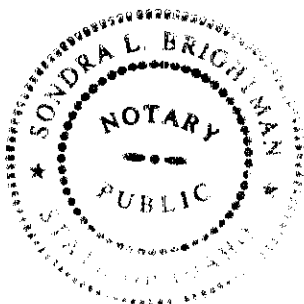
ending issue of: MAY 8, 2003

Janice Hildreth

STATE OF IDAHO)

) SS

On this 8 day of MAY in the year of 2003
before me, a Notary Public, personally appeared before me
Janice Hildreth known or identified to me to be the person
whose name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements therein
are true, and acknowledged to me that she executed the same.



Notary Public for Idaho

Residing at: Boise, Idaho

My Commission expires: 6/20/05

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SEP 15 2003

ERO Resources Corp.
1106 N. Cole Rd., Suite C
Boise, ID 83704-8661
(208) 373-7983
Fax: 373-7985

Denver • Boise



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MAR 12 2003

WATER RESOURCES
WESTERN REGION

www.eroresources.com
eroboise@eroresources.com

March 10, 2003

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

RE: Application for Permit for Louis and Richard Murgoitio, Heifer Lot

Dear Lori:

Please accept this application for permit for Louis and/or Richard Murgoitio. This application is intended to acquire stockwater for growth that occurred between 1963 and 1987 at their heifer lot.

The remarks of the application describe the reasoning behind the 660 calves in 1987.

The attached Dairy Requirement Worksheet shows the water demand the 660 head. The existing partial decree for 63-17945 allows for 500 head. This application for permit seeks water for the additional 160 head growth.

If there are any questions, please feel free to contact me.

Regards,

A handwritten signature in cursive script that reads "Steven R. Hannula".

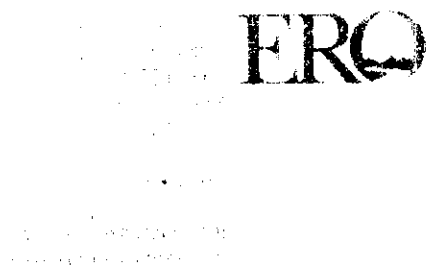
Steven R. Hannula

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Consultants in
Natural Resources
and the Environment



April 8, 2003

To: Lori Graves
From: Steven Hannula
Re: Murgoitio Heifer Lot Water Bearing Interval

I could not find a Well Driller's Report for the well at the Murgoitio's Heifer Lot located in the NESE Sec 2 T2N, R1E. However, there are many wells within a 1-mile radius. Of the eleven Driller Reports looked at, the average water-bearing interval is from 110 to 190 feet. I have no reason to believe that the Murgoitio well varies appreciably from this average. If you need additional information, please call.

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APR 14 2003

APR 8 2003

April 23, 2003

Legal Notice Department
IDAHO STATESMAN
PO BOX 40
BOISE ID 83707

RE: Application for Permit No. 63-31661

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 05/19/2003. Your cooperation is appreciated.

Sincerely

Sue Taylor
Senior Secretary
ID Dept of Water Resources

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SEP 15 2003

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

63-31661

RICHARD J MURGOITIO
7373 S MAPLE GROVE RD
BOISE ID 83709
LOUIS P MURGOITIO
7373 S MAPLE GROVE RD
BOISE ID 83709

Point(s) of Diversion NESE S2 T02N R01E ADA County Source GROUND WATER

Use: STOCKWATER 01/01 To 12/31 0.05 CFS

Total Diversion: 0.05 CFS

Date Filed: 03/12/2003

Place Of Use: STOCKWATER

T02N R01E S2 NESE

Remark: Development completed by November 1987.
Water bearing zone to be appropriated is from 110 to 190.
Applicant agrees to mitigate consumptive use in the future as needed.

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

Any protest against the approval of this application must be filed with the Director, Dept. of Water Resource, Western Region, 2735 Airport Wy, Boise ID 83705 together with a protest fee of \$25.00 for each application on or before 05/19/2003. The protestant must also send a copy of the protest to the applicant.

KARL J DREHER, Director

Published in the Idaho Statesman on May 1 and 8, 2003.

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SEP 12 2003