

2002 APR 16 PM 3:34

DIST. COURT-SRBA

**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	)	Subcase 43-04221
	)	(Zollinger)
Case No. 39576	)	
		SPECIAL MASTER REPORT

Findings of Fact

Kathy and Roland Zollinger, 1513 South, 3350 East, Box 1094, Malta, Idaho 83342, and Asiel, Patty and Russell Zollinger, 3368 E. Sublett Road, Box 1104, Malta, Idaho 83342, filed an *Amended Notice of Claim to a Water Right* on April 24, 1989, claiming .16 cfs from groundwater for year-'round stockwater use with a priority date of January 1, 1909, based on beneficial use. The Director of the Idaho Department of Water Resources filed his *Director's Reports for Irrigation and Other, Reporting Area 7, IDWR Basin 43, Part I, Volume Two* on September 28, 2001. The Director recommended the claim as filed.

The United States of America, Department of Agriculture, Forest Service filed an *Objection* on February 8, 2002, objecting to place of use. However, on March 28, 2002, the Zollingers, the United States and IDWR filed a *Standard Form 5*.

Conclusions of Law

The Zollingers are entitled to a partial decree adjudicating a water right under 43-04221 as described in the *Standard Form 5* and the attached *Special Master Recommendation for Partial Decree for Water Right 43-04221*.

DATED April 16, 2002.



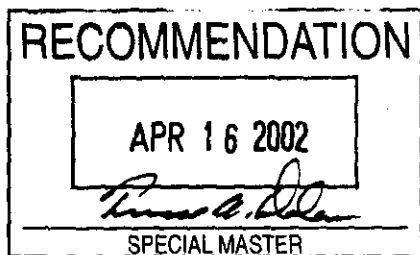
TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

2022 APR 16 PM 3: 34
DISTRICT COURT-SRBA
TALLAHASSEE, FLORIDA
FILED

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Apr-16-2002

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

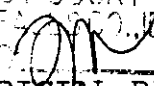
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

In Re SRBA
Case No. 39576

Water Right(s) : 43-04221


 LETTIE MESSICK
 Deputy Clerk

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DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED 

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 No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-04221

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 16, 2002, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
DAVID NEGRI
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCE
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

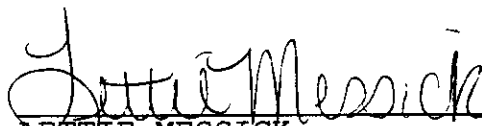
ROLAND & RUSSELL ZOLLINGER
PO BOX 1094
MALTA, ID 83342
Phone: 208-431-2219

CERTIFICATE OF MAILING

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Phone: 208-645-2219

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LETTIE MESSICK
Deputy Clerk