

1,25

PROPOSED ELEMENTS OF A WATER RIGHT

S. F. 5
12/13/94

1. The name and address of the claimant is:
Jolene & Bret Zollinger
Star Route
MacKay, ID 83251

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

2. The source of water is: Pass Creek

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

3. The quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year is: 08 cfs irrigation; .02 cfs stockwater

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

4. The priority date is: June 1, 1883

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

5. The legal description of point(s) of diversion is; if the claim is for an instream flow, than a legal description of the beginning and ending points of the claimed instream flow:
T7N R25E Sec. 23 NWSWNE

Required Statement: The point of diversion has been changed from T7N R25E Sec. 23 SWSWNE to correct a typographical error

6. The purpose of use is: Irrigation/Stockwater

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

7. The period of year when the water is to be used is:
Irrigation - 5/1/ - 10/15
Stockwater - 10/16 - 4/30

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

8. The legal description of the place of use or of the reservation is: T6N R26E Sec. 6 Lot 7 (SWSW) 36.0 SESW 31.0 SWSE 8.0; T6N R26E Sec. 7 NWNE 36.0 NENW 40.0 Lot 1 (NWNW) 39.0

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

9. The annual volume of consumptive use is: 475 af combined with other rights

Required Statement: AS RECOMMENDED IN THE DIRECTOR'S REPORT

10. Other matters necessary to define this water right

The appropriator is entitled to the amount of water described above for stockwater purposes at a point of measurement where the delivery ditch enters the place of use described above. The portion of this right for stockwater purposes may be diverted so long as the amount of water diverted at the point of diversion for stockwater purposes does not constitute unreasonable waste and does not conflict with the public interest, as determined by the Director. Use of this right with rights listed below is limited to a total combined diversion rate of 4.91 cfs, a total combined annual consumptive use volume of 475 af, and to the irrigation of a combined total of 190 acres in a single irrigation season. Combined right nos.: 34-0484, 34-00488A, 34-00878B, 34-12036, 34-02403. This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season. This right is described in accordance with an order of the Director approving transfer no. 3530. This order is not final, and this right remains subject to further proceedings, if any, on rehearing and/or appeal of the order.

These matters are necessary because:

They are recommended in the Director's Report and they help define the right.

These matters do not fall within the 9 elements listed above because:

Signature and Address of Parties and their Attorney of Record
(attach additional page if necessary)

I have read this form and know its contents and that the
statements are true to the best of my knowledge and belief.

Name: Jolene & Bret Zollinger
Address: Star Route
City/State: Mackay, ID
Zip: 83251
Attorney of Record:

Name: United States through
Dept. of Justice for BLM
Address: 601 Pennsylvania Ave., NW
City/State: Wash., DC 20004
Attorney of Record: R. Lee Leininger/Daria
Zane

Bret Zollinger 1-9-95
Party's Signature Date

Attorney's Signature Date

R. Lee Leininger 12/22/94
Attorney's Signature Date

Court Representative Date
(if necessary)

Name: IDWR
Address: 1301 N. Orchard St.
City: Boise
State/Zip: Idaho 83706
Attorney of Record: A. Lynne Krogh

A. Lynne Krogh 1/24/95
Attorney's Signature

INSTRUCTIONS FOR MAILING

You must mail the form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. **FAX filings will not be accepted by the SRBA Clerk of the Court.**

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on Jan 24, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Department of Justice
C/O Boise Adjudication Team
380 Park Center Blvd. - Suite 330
Boise, Idaho 83706

Jolene & Bret Zollinger
Star Route
MacKay, ID 83251

A. Lyane Koch
Idaho Dept. of Water Resource