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PROPOSED ELEMENTS OF A WATER RIGHT

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law, and have appeared, prosecuted and defended their positions with regard to this water right dispute.

Contested elements that are the result of an objection filed with the court shall be accompanied by a statement fully describing all facts, documents, expert opinions and law which support the element of the water right (attach additional pages is necessary).

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

Required Statement: AS RECOMMENDED

2. The source of water is: Big Lost River

Required Statement: AS RECOMMENDED

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

Required Statement: AS RECOMMENDED

4. The priority date is: October 3, 1912

Required Statement: AS RECOMMENDED

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: T8N R21E Sec. 15 NESWNW

Required Statement: AS RECOMMENDED

6. The purpose of use is: Stockwater

Required Statement: AS RECOMMENDED

7. The period of year when the water is to be used is:
Stockwater 1/1 - 12/31

Required Statement: AS RECOMMENDED

8. The legal description of the place of use or of the reservation is: T8N R22E Sec. 3 SWSW SESW Sec. 4 SESE Sec. 9 NENE SENE NESE Sec. 10 NWNW SWNW NWSW

Required Statement: AS RECOMMENDED

9. The annual volume of consumptive use is:

Required Statement:

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. Water is delivered through Nielsen Ditch. This right is a combination of old right nos. 34-00675. 34-00677

These matters are necessary because they are recommended in the Director's Report and 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: Bret L. & Jolene Zollinger
Address: Star Route
City/State: Mac Kay, Id
Zip: 83251
Attorney of Record:

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

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

Attorney's Signature Date

R. Lee Leininger 12/22/97
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, 1995, 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:

Ray W. Rigby, Esq.
25 North Second East
Rexburg, ID 83440

Claimant (1)
Department of Justice
C/O Boise Adjudication Team
380 Park Center Blvd. - Suite 330
Boise, Idaho 83706

A. Lynne Kogh
Idaho Dept. of Water Resource