

1-25

**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**

STANDARD FORM 5

SUBCASE NO: 34-10807

**PROPOSED ELEMENTS OF A
WATER RIGHT**

This form is used to report the proposed elements of one federal reserved water right or one water right acquired under state law. Submission of this form will not result in the automatic issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the 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.

INSTRUCTION FOR USE

A copy of this water right as recommended in the director's report shall be submitted with this form. A statement shall accompany each element of a water right.

Elements where there has been no objection should be listed exactly as they appear in the director's report. The statement as to an uncontested element shall state "as recommended in the director's report."

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 if necessary).

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

Required Statement: AS RECOMMENDED

2. The source of water is: Thousand Springs

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: .19 cfs

Required Statement: AS RECOMMENDED

4. The priority date is: March 16, 1923

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: T9N R21E Sec. 1 NWNW, Sec. 2 NENE; T10N R21E Sec. 35 SWNE SENE SWNW SENW NESE SESE

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:
01-01 - 12/31

Required Statement: AS RECOMMENDED

8. The legal description of the place of use or of the reservation is: T9N R21E Sec. 1 NWNW, Sec. 2 NENE; T10N R21E Sec. 35 SWNE SENE SWNW SENW NESE SESE

Required Statement: AS RECOMMENDED

9. The annual volume of consumptive use is: De minimus

Required Statement: AS RECOMMENDED

10. Other matters necessary to define this water right:

These matters are necessary because:

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 from 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: MacKay, ID

Zip: 83251

Attorney of Record:

Name:

Address:

City/State: Washington, DC 20004

Attorney of Record: R. Lee Leininger

United States through

Dept. of Justice for BLM

601 Pennsylvania Ave. NW

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

Attorney's Signature Date

R. Lee Leininger 12/21/94
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
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 1/24, 19995, 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:

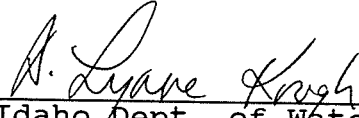
1. Original to:

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:

Bret & Jolene Zollinger
Star Route
Mackay, ID 83251

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


Idaho Dept. of Water Resource