

3-2

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	)	STANDARD FORM 5
	)	
Case No. 39576	)	SUBCASE NO: 34-00727B
	)	
	)	
	)	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.

Instructions 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).

IDWR and the parties stipulate that water right no. 34-00727B is correctly described in the director's report.

Signature and Address of Parties and their Attorney of Record

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

Name: Idaho Dept. of Water Resources
Address: P.O. Box 83720
City/State/Zip: Boise, ID 83720-0098
Attorney of Record: Susan E. Hamlin
A. Lynne Krogh

A. Lynne Krogh 2/28/95
Attorney's Signature Date

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

Bret L. Zollinger 27 FEB 95
Party's Signature Date

Attorney's Signature Date

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

R. Lee Leininger 2/6/95
Attorney's Signature Date

Court Representative (if necessary)

Date

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 2/10, 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:

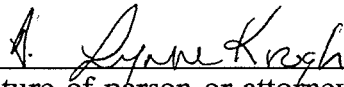
1. Original to:

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:

US Dept. of Justice
Env't. & Nat. Resources Div.
550 W. Fort St. Box 33
Boise, ID 83724

Bret L. & Jolene Zollinger
Star Route
Mackay, ID 83251



Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JAN-17-1995
PAGE: A-37

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE FROM TO	MAXIMUM QUANTITY	BASIS OF CLAIM
34-00727B	JOLENE ZOLLINGER STAR ROUTE MACKAY ID 83251	06/01/1883	IRRIGATION	05-01 10-15	0.8 CFS	DECREED
	BRET L. ZOLLINGER STAR RT MACKAY ID 83251		STOCKWATER	10-16 04-30	0.02 CFS	

NON-IRRIGATION-USES:						
STOCKWATER 500 CATTLE AND HORSES						
POINT OF DIVERSION:						
TOWN R25E S23						
PLACE OF USE: IRRIGATION						
TOWN R26E S06 Lot 7 (SMSW) 36.0						
S07						
SESW 31.0						
NENW 40.0 Lot 1 (NMNW) 39.0						
190.0 ACRES TOTAL						
PLACE OF USE: STOCKWATER						
SAME AS OTHER USE						
REMARKS: 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.: 34-00484, 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.						

TOTAL QUANTITY: 0.8 CFS