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MAR 01 1995

Department of Water Resources

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: 34-10803
	)	
	)	
	)	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).

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IDWR and the parties stipulate that water right no. 34-10803 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 2/28, 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

A. Lyane Krogh
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-16

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	PURPOSE OF USE	PERIOD OF USE		MAXIMUM QUANTITY	BASIS OF CLAIM
				FROM	TO		

SOURCE: BIG LOST RIVER

TRIBUTARY: SINKS

34-10803

BRET L. ZOLLINGER
JOLENE ZOLLINGER
STAR RT
MACKAY ID 83251

10/03/1912 STOCKWATER

01-01 12-31

0.02

CFS

DECREED

TOTAL QUANTITY:

0.02

CFS

NON-IRRIGATION-USES:

STOCKWATER 800 RANGE CATTLE

POINT OF DIVERSION:

T08N R21E S15

NESWNW

PLACE OF USE: STOCKWATER

T08N R22E S03

SMSW

SESW

S04

SESE

SENE

S09

NENE

SWNW

S10

NMNW

SWNW

NESE
NMSW

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.
WATER IS DELIVERED THROUGH NIELSEN DITCH.
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 34-00675, 34-00677.