

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 43-13607

Priority: November 09, 2008

Maximum Diversion Rate: 0.01 CFS

It is hereby certified that WADE ZOLLINGER
1994 S 100 E
OAKLEY ID 83346

And/Or

LINDA ZOLLINGER
1994 S 100 E
OAKLEY ID 83346

has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated November 10, 2008; and has submitted Proof of Beneficial Use on March 30, 2010. An examination confirms that water has been diverted from:

SOURCE

SPRING

Tributary: SINKS

and a water right has been established as follows:

BENEFICIAL USE

STOCKWATER

PERIOD OF USE

01/01 to 12/31

DIVERSION RATE

0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING

NW1/4SW1/4SW1/4

Sec. 22, Twp 16S, Rge 26E, B.M.

CASSIA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
16S 26E 22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										X							

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43B.
2. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.

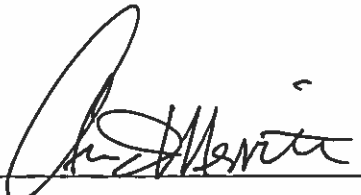
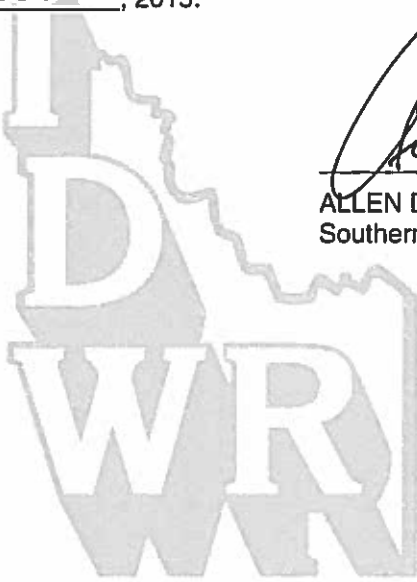
State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 43-13607

3. Diversion and use of water in accordance with this water right shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this water right shall be fully enclosed and shall be equipped with an automatic shutoff valve at the trough or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed this 22nd day of December, 2015.


ALLEN D. MERRITT
Southern Region Manager

State of Idaho
Department of Water Resources

Attachment to Water Right License

43-13607

This map depicts the STOCKWATER place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections

0 0.05 0.1 0.2 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5858

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

December 22, 2015

WADE ZOLLINGER
LINDA ZOLLINGER
1994 S 100 E
OAKLEY ID 83346

RE: License No. 43-13607

Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-736-3033.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Merritt'.

Allen Merritt
Southern Region Manager

Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2015 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

RE: WATER RIGHT NO. 43-13607

**WADE ZOLLINGER
LINDA ZOLLINGER
1994 S 100 E
OAKLEY ID 83346**

A handwritten signature in cursive script, reading "Denise Maline", is written over a solid horizontal line.

**Denise Maline
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 43-13607

RECEIVED
DEC 09 2015
DEPT OF WATER RESOURCES
SOUTHERN REGION

Date of Priority: November 09, 2008

Maximum Diversion Rate: 0.01 CFS

Comes now WADE ZOLLINGER

Or

LINDA ZOLLINGER

1994 S 100 E

OAKLEY ID 83346

and represents to the Director of the Idaho Department
of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho No. 43-13607, and requests that the permit be changed as follows:

Source: SPRING

Tributary: SINKS

BENEFICIAL USE**PERIOD OF USE****RATE OF DIVERSION**

STOCKWATER

01/01 to 12/31

0.01 CFS

LOCATION OF POINT(S) OF DIVERSION:

SPRING

NW1/4SW1/4SW1/4

Sec. 22, Twp 16S, Rge 26E, B.M.

CASSIA County

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
16S 26E 22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										X							

Permit holder asserts that no one will be injured by such change and that such change will be made at
permit holder's own risk. Signed this 2 day of December, 2002015

Linda Zollinger
(Signature)

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 43-13607

FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = ~~\$100~~ Received by DM # SD35144 Date 12-9-2015

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 43-13607 with the following:

CONDITIONS OF APPROVAL

1. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 43B.
2. Stockwater use is for 25 horses or range cattle.
3. Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide the watermaster suitable control of the diversion.
4. Diversion and use of water in accordance with this water right shall not exceed 13,000 gallons per day for stockwater use. The water delivery system established in accordance with this water right shall be fully enclosed and shall be equipped with an automatic shutoff valve at the trough or a mechanism for returning unused water to the source through an enclosed system. The water delivery system shall be designed to facilitate measurement of the rate of flow through the system.

Witness my hand this 22nd day of December, 2015.

FSD


GARY SPACKMAN
Director

SENE

SWNW



Permit 43-13607
Place of Use

Trough

NESE

21

15S26E

N40S00

22

SESE

SWSW

Spring



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region • 650 Addison Ave W, Suite 500 • Twin Falls, Idaho 83301-5851
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 24, 2015

Linda Zollinger
1994 S 100 E
Oakley, ID 83346

RE: Water Right Permit No. 43-13607

Dear Mrs. Zollinger:

Our office has recently started the process of licensing permit 43-13607. At the time of the field exam it was discovered that the stockwater place of use was developed in a different location than described on permit 43-13607. (see attached map) Fortunately this can be corrected with a licensing amendment.

Our office has drafted an Application for Amendment that indicates the change that will correct the place of use for the stockwater trough. The amendment will correct the legal description of the stockwater trough currently described in the NESWE of SEC 21 TWP 16S RNG 26E to be described in the NWSW of SEC 22 TWP 16S RNG 26E.

The enclosed Application for Amendment will depict the water right as it will appear on the license when it is issued. Please review the amendment form carefully. If you have any questions please feel free to call me. Otherwise, please sign the Application for Amendment and return it with a \$100.00 filing fee.

Again, if you have any questions or need further assistance, please feel free to call me at 208-736-3033.

Sincerely,

Jana Reeder
Sr. Water Resource Agent
IDWR