

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER OF WATER RIGHT  
TRANSFER NO. 72271**

This is to certify that: RUSSELL ZOLLINGER

3359 E 1519 S  
MALTA ID 83342  
(208)645-2353

And

ROLAND ZOLLINGER  
1513 S 3350 E  
MALTA ID 83342  
(208)645-2219

And

ASIEL A ZOLLINGER  
3368 E 1400 S  
MALTA ID 83342-8699  
(208)645-2219

And

ORSON J ZOLLINGER  
1527 S 3350 E  
MALTA ID 83342  
(208)645-2250

have requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

**Summary of Water Rights Before the Proposed Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 43-2518      | WR/Decreed          | 03/23/1961      | 10.00 cfs   | 2876 af       | 719.0             | 744.0              | GROUND WATER  |
| 43-10843     | WR/Decreed          | 06/30/1985      | 0.34 cfs    | N/A           | 25.0              | 744.0              | GROUND WATER  |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 43-2518               | NO           | NO         | YES        | NO             | NO                   | NO                   |
| 43-10843              | NO           | NO         | YES        | NO             | NO                   | NO                   |

**SUPPORT DATA**

IN FILE # 43-2518

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
TRANSFER NO. 72271

**Summary of Water Rights After the Approved Change**

| Existing<br>Right | New No.<br>(changed<br>portion) | Transfer<br>Rate | Transfer<br>Volume | Acre<br>Limit | Total<br>Acres | New No.<br>(remaining<br>portion) | Remaining<br>Rate | Remaining<br>Volume | Remaining<br>Acre Limit | Remaining<br>Total Acres |
|-------------------|---------------------------------|------------------|--------------------|---------------|----------------|-----------------------------------|-------------------|---------------------|-------------------------|--------------------------|
| 43-2518           | <b>43-2518</b>                  | 10.00 cfs        | 2876 af            | 719.0         | 744.0          |                                   | N/A               | N/A                 | N/A                     | N/A                      |
| 43-10843          | <b>43-10843</b>                 | 0.34 cfs         | N/A                | 25.0          | 744.0          |                                   | N/A               | N/A                 | N/A                     | N/A                      |
| <b>COMBINED</b>   |                                 |                  |                    |               |                |                                   |                   |                     |                         |                          |
| <b>TOTALS</b>     |                                 | <b>10.00cfs</b>  | <b>2876 af</b>     | <b>744.0</b>  | <b>744.0</b>   |                                   | N/A               | N/A                 | N/A                     | N/A                      |

Detailed Water Right Description(s) attached

Dated this 19<sup>th</sup> day of January, 2006

  
\_\_\_\_\_  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 43-2518**  
**As Modified by Transfer No. 72271**

In accordance with the approval of Transfer No. 72271, Water Right No. 43-2518 is now described as follows.

**Right Holder:** ROLAND ZOLLINGER  
 1513 S 3350 E  
 MALTA ID 83342

And

RUSSELL ZOLLINGER  
 3359 E 1519 S  
 MALTA ID 83342

And

ASIEL A ZOLLINGER  
 3368 E 1400 S  
 MALTA ID 83342-8699

And

ORSON J ZOLLINGER  
 1527 S 3350 E  
 MALTA ID 83342

**Priority Date:** March 23, 1961

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 04/01       | to 10/31  | 10.00 CFS             | 2,876.0 AF    |
|                       |             |           | 10.00 CFS             | 2,876.0 AF    |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |               |
|--------------|--------|-----------------|---------|---------------|
| GROUND WATER | SWSWNW | Sec. 12 Twp 13S | Rge 28E | CASSIA County |
| GROUND WATER | SESWNW | Sec. 12 Twp 13S | Rge 28E | CASSIA County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE   |      |      |      | NW   |      |      |     | SW   |      |      |      | SE   |      |      |      | Totals |
|-------------|------|------|------|------|------|------|------|-----|------|------|------|------|------|------|------|------|--------|
|             | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE  | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 13S 28E 2   |      |      |      |      |      |      |      |     |      |      |      | 31.0 |      |      |      |      | 31.0   |
| 13S 28E 10  | 34.0 | 33.0 | 33.0 | 34.0 |      |      |      |     |      |      |      |      | 35.0 | 35.0 | 35.0 | 35.0 | 274.0  |
| 13S 28E 11  |      |      | 38.0 | 37.0 | 38.0 | 1.5  | 14.5 | 1.0 | 40.0 | 40.0 | 34.0 | 25.0 | 34.0 | 40.0 | 39.0 | 29.0 | 411.0  |
| 13S 28E 14  |      |      |      |      |      | 19.0 |      | 9.0 |      |      |      |      |      |      |      |      | 28.0   |

Total Acres: 744

**WATER RIGHT NO. 43-2518**  
**As Modified by Transfer No. 72271**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 719 acres within the place of use described above in a single irrigation season.
2. Rights 43-2518 and 43-10843 when combined shall not exceed a total diversion rate of 10.00 cfs, a total annual maximum diversion volume of 2,876 af at the field headgate, and the irrigation of 744 acres.
3. Right 43-10843 is also diverted through the point(s) of diversion described above.
4. Right 43-10843 is an expansion of this right pursuant to Section 42-1416B, Idaho Code.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19<sup>th</sup> day of January, 2006

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 43-10843**  
**As Modified by Transfer No. 72271**

In accordance with the approval of Transfer No. 72271, Water Right No. 43-10843 is now described as follows.

**Right Holder:** ROLAND ZOLLINGER  
 1513 S 3350 E  
 MALTA ID 83342

And

RUSSELL ZOLLINGER  
 3359 E 1519 S  
 MALTA ID 83342

And

ASIEL A ZOLLINGER  
 3368 E 1400 S  
 MALTA ID 83342-8699

And

ORSON J ZOLLINGER  
 1527 S 3350 E  
 MALTA ID 83342

**Priority Date:** June 30, 1985

**Source:** GROUND WATER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 04/01       | to 10/31  | 0.34 CFS              |
|                       |             |           | 0.34 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |        |                 |         |               |
|--------------|--------|-----------------|---------|---------------|
| GROUND WATER | SWSWNW | Sec. 12 Twp 13S | Rge 28E | CASSIA County |
| GROUND WATER | SESWNW | Sec. 12 Twp 13S | Rge 28E | CASSIA County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |     | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|-----|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE  | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 13S | 28E | 2   |      |      |      |      |      |      |      |     |      |      |      | 31.0 |      |      |      |      | 31.0   |
| 13S | 28E | 10  | 34.0 | 33.0 | 33.0 | 34.0 |      |      |      |     |      |      |      |      | 35.0 | 35.0 | 35.0 | 35.0 | 274.0  |
| 13S | 28E | 11  |      |      | 38.0 | 37.0 | 38.0 | 1.5  | 14.5 | 1.0 | 40.0 | 40.0 | 34.0 | 25.0 | 34.0 | 40.0 | 39.0 | 29.0 | 411.0  |
| 13S | 28E | 14  |      |      |      |      |      | 19.0 |      | 9.0 |      |      |      |      |      |      |      |      | 28.0   |

Total Acres: 744

**WATER RIGHT NO. 43-10843**  
**As Modified by Transfer No. 72271**

**CONDITIONS OF APPROVAL**

1. This right is limited to the irrigation of 25 acres within the place of use described above in a single irrigation season.
2. This right is an expansion of Right No. 43-2518 pursuant to Section 42-1416B, Idaho Code.
3. Rights 43-2518 and 43-10843 when combined shall not exceed a total diversion rate of 10.00 cfs, a total annual maximum diversion volume of 2,876 af at the field headgate, and the irrigation of 744 acres.
4. Right 43-2518 is also diverted through the point(s) of diversion described above.
5. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
6. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert groundwater shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
9. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
11. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19<sup>th</sup> day of January, 2006

  
Chief, Water Allocation Bureau