

Transfer No. 72271

Receipt No. 5028081

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information 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

RECEIVED
OCT 19 2005
Department of Water Resources
Southern Region

Will this transfer result in an ownership change? _____ Yes ☒ No**2. Current Water Right****Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-2518	WR/License	10.00	2,876.0	719.0	744.0	GROUND WATER
43-10843	WR/Beneficial Use	0.34		25.0	744.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-2518	NO	NO	YES	NO	NO	NO
43-10843	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Application filed to consolidate water onto a contiguous property in anticipation of a possible future sale of property. The proposed new place of use involved with the transfer can be irrigated with Sublett Irrigation Co water if pending transfer 72314 is approved.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
43-2518	10.00 cfs	719.0	744.0	2,876.0 af
43-10843	0.34 cfs	25.0	744.0	
TOTAL	10.00 cfs	744.0	744.0	2,876.0 af

Transfer No. 72271

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Roland L. Zallinger
 (Signature of Applicant)

Russell Zallinger
 (Signature of Applicant)

Orion Zallinger
 (Signature of Applicant)

Asiel Zallinger Estate
Russell Zallinger
 (Signature of Applicant)

co Personal Representative
 (Title or Office)



Subscribed and sworn to before me this 13th day of October, 2005

Allen D. Merrett
 (Notary Public)

My commission expires 6/30/2006

Transfer No. 72271

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 43-2518

Priority Date: March 23, 1961

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	10.00 CFS	2,876.0 AFA	
	Total Diversion	10.00 CFS	2,876.0 AFA	

Source and 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											40.0	31.0					71.0
13S	28E	3		23.0															23.0
13S	28E	10				40.0									40.0				80.0
13S	28E	11			38.0	37.0	38.0	34.0	40.0	36.0	40.0	40.0	34.0	25.0	34.0	40.0	39.0	29.0	504.0
13S	28E	12						12.0	35.0										47.0
13S	28E	14						19.0											19.0

Total Acres: 744

Conditions/Remarks:

- RIGHT NO. 43-10843 IS AN EXPANSION OF THIS RIGHT PURSUANT TO SECTION 42-1416B, IDAHO CODE.
- USE OF THIS RIGHT WITH RIGHT NO. 43-10843 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2876 AF.

Page 5

3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 719 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Documentation of Ownership of the Current Place of Use

IDWR RECORDS

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
YES

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will no longer be irrigated with groundwater, but will continue to be irrigated with water from Sublett Irrigation Co.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 72271

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 43-10843

Priority Date: June 30, 1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.34 CFS		
	Total Diversion		0.34 CFS		

Source and 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											40.0	31.0					71.0
13S 28E 3		23.0															23.0
13S 28E 10			40.0										40.0				80.0
13S 28E 11			38.0	37.0	38.0	34.0	40.0	36.0	40.0	40.0	34.0	25.0	34.0	40.0	39.0	29.0	504.0
13S 28E 12						12.0	35.0										47.0
13S 28E 14						19.0											19.0

Total Acres: 744

Conditions/Remarks:

1. THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-2518 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

2. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. THIS RIGHT IS FOR AN EXPANSION OF 25 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
4. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. USE OF THIS RIGHT WITH RIGHT NO. 43-2518 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 10.0 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2876 AF.

Documentation of Ownership of the Current Place of Use

IDWR RECORDS

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Land will no longer be irrigated with groundwater, but will continue to be irrigated with water from Sublett Irrigation Co.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 72271

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-2518

Priority Date: March 23, 1961

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	10.00 CFS	2,876.0 AFA	
	Total Diversion	10.00 CFS	2,876.0 AFA	

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 TWO CONNECTED WELLS & PUMPS, MAINLINE TO SPRINKLERS

Point of Diversion # 2 TWO CONNECTED WELLS & PUMPS, MAINLINE TO SPRINKLERS

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

Transfer No. 72271

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-10843

Priority Date: June 30, 1985

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.34 CFS		
	Total Diversion	0.34 CFS		

Source and 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

Describe the proposed diversion system

Point of Diversion # 1 TWO CONNECTED WELLS AND PUMPS, MAINLINE TO SPRINKLERS

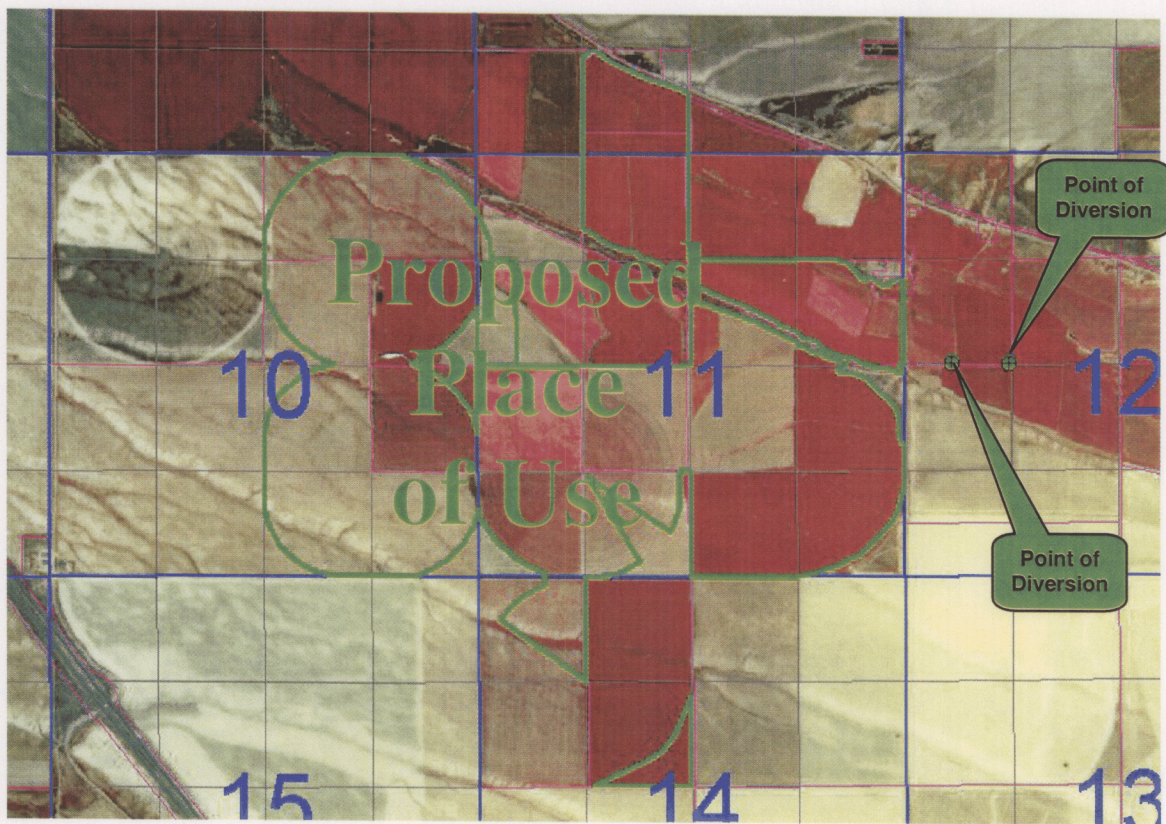
Point of Diversion # 2 TWO CONNECTED WELLS AND PUMPS, MAINLINE TO SPRINKLERS

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

Transfer # 72271 Map
Township 13 South, Range 28 East



Brent T. Robinson, Esq.
 LING, ROBINSON & WALKER
 Attorneys at Law
 P. O. Box 396
 Rupert, Idaho 83350
 Telephone (208) 436-4717
 Facsimile (208) 436-6804
 E-mail btr@idlawfirm.com
 ISB No. 1932

Attorneys for Co-Personal Representatives

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
 MAGISTRATE DIVISION**

IN THE MATTER OF THE ESTATE OF:)

Case No. CV 2005- 1559

ASIEL AARON ZOLLINGER,)

LETTERS TESTAMENTARY

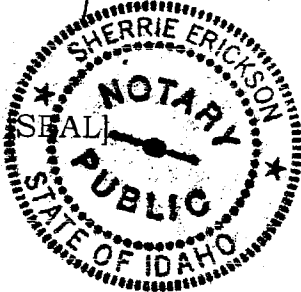
Deceased.)

The Will and Codicil of Asiel Aaron Zollinger having been admitted to informal probate, Cathy Jean White, Roland L. Zollinger and Russell D. Zollinger are hereby appointed Co-personal Representatives of the estate of Asiel Aaron Zollinger, deceased.

WITNESS: _____, Magistrate of the District Court,
 County of Twin Falls, State of Idaho, with the seal of the Court affixed the
11 day of April, 2005.

14 **HOWARD SLYNCH**
 Magistrate Judge

LETTERS TESTAMENTARY

1
2
3 STATE OF IDAHO)4 County of Cassia) ss.5 We, Cathy Jean White, Roland L. Zollinger and Russell D.
6 Zollinger, hereby accept the duties of co-personal representatives of the estate
7 of Asiel Aaron Zollinger, deceased, and do solemnly swear that we will perform,
8 according to law, the duties of co-personal representatives of the estate of Asiel
9 Aaron Zollinger, deceased.10 Cathy Jean White11 Roland L. Zollinger12 Russell D. Zollinger
13 Russell D. Zollinger14
15 SUBSCRIBED AND SWORN to before me this 1st day of
16 April, 2005.29 Sherrie Erickson
Notary Public, State of IdahoResiding at: AlmoCommission expires: 3/14/08

LETTERS TESTAMENTARY

MARTELL C HOLLAND
CASSIA COUNTY ASSESSOR
203 EAST 15TH STREET
BURLEY, ID 83318

2004

ASSESSMENT NOTICE

& ESTIMATE OF TAX

**THIS IS NOT A BILL.
DO NOT PAY.**

PARCEL DESCRIPTION:

N1/2NE LESS T 7231
S 10 T 13 R 28

For any questions, please notify the Assessor's Office immediately.

(208) 878-3540

Assessor's Telephone Number:

PARCEL ADDRESS:

ZOLLINGER ASIEL A 1/2
& ZOLLINGER ROLAND L, ETAL 1/2
3368 E SUBLETT RD BOX 1104
MALTA ID 83342

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 28, 2004

Tax Code Area: 18-0000

Parcel Number: RP 13S28E100030 A

----- Property Tax Reduction is not included. -----

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES		LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
3 DRY AGR	77.000	AC	11,704	11,704
5 DRY GRAZING	.990	AC	32	32
SUBTOTAL:	77.990		11,736	11,736
LESS HOMEOWNERS EXEMPTION:				
NET TAXABLE PROPERTY VALUE:			11,736	11,736

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY			208-878-4367	09/07/2004
SCH DIST 151			208-678-6600	06/08/2004
RAFT RIVER HWY			208-645-2463	08/31/2004
RAFT RIVER FIRE			208-645-2453	09/01/2004
FLOOD DIST 15			208-824-5598	No Response
SUBTOTAL:				
FEES:				
TOTAL PROPERTY TAXES & FEES:				

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

Page 1 OF 1

MAKE CHECK PAYABLE TO:

GAYLE EREKSON

CASSIA COUNTY TAX COLLECTOR

1459 OVERLAND PH: 878-7202

BURLEY, ID 83318

1ST HALF DUE

TAX 339.69

LATE

INT

COST

TOT

2002 TAX BILL/RECEIPT

BILL# 13849 CODE AREA 18-00

2ND HALF DUE

TAX 339.69

LATE

INT

COST

TOT

FULL DUE

TAX 679.38

LATE

INT

COST

TOT

PARCEL NUMBER

RP13S28E101200

52.26

3.86

L

I

TOT MV 56.12

WAC 1.50

TOT ACS 318.50

ZOLLINGER ORSON J ETUX

% ZOLLINGER JOHN H ETUX

& STREETER MARK ETUX

1529 SOUTH 3350 EAST

MALTA ID 83342

TAXING DISTRICT

COUNTY

SCH DIST 151

RAFT RIVER HWY

SUBLETT CEM

RAFT RIVER FIRE

FLOOD DIST 15

AMOUNT DUE

RATE

.003152160

.006444440

.001936629

.000000000

.000139677

.000432766

.012105672

AMOUNT

176.90

361.68

108.68

7.84

24.28

679.38

SW1/4, W1/2SE, SESE, SWNE

S 10 T 13 R 28

RECEIVED

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT

SUBJECT TO BANK CLEARANCE.

OCT 13 2005

Department of Water Resources
Southern Region

TO PAY BY CREDIT CARD CALL 1-888-827-4240
OR VISIT WWW.OFFICIALPAYMENTS.COM

MAKE CHECK PAYABLE TO:

GAYLE EREKSON

CASSIA COUNTY TAX COLLECTOR

1459 OVERLAND PH: 878-7202

BURLEY, ID 83318

1ST HALF DUE

TAX .85.16

LATE

INT

COST

TOT

2ND

HALF DUE

TAX .85.16

LATE

INT

COST

TOT

ZOLLINGER ORSON & DONNA

LIVING TRUST

% ZOLLINGER ORSON J TRUSTEE

& ZOLLINGER DONNA J TRUSTEE

1527 SOUTH 3350 EAST

MALTA

ID 83342

NESE

S 10 T 13 R 28

2004 TAX BILL/RECEIPT

BILL# 14065

CODE AREA 18-0000 L

PARCEL NUMBER

RP13928E107200

13.60

TOT MV

13.60

FULL DUE

170.32

TAX

LATE

INT

COST

TOT

TOT ACS

40.00

TAXING DISTRICT

COUNTY

SCH DIST 151

RAFT RIVER HWY

SUBLETT CEM

RAFT RIVER FIRE

FLOOD DIST 15

AMOUNT DUE

RATE

003153705

006606665

002226525

000000000

000539149

000000000

012526044

AMOUNT

42.88

89.84

30.28

7.32

170.32

RECEIVED

OCT 13 2005

Department of Water Resources
Southern Region

*** IMPORTANT ***
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TO PAY BY CREDIT CARD CALL 1-888-927-4240 OPT. 5
OR VISIT WWW.OFFICIALPAYMENTS.COM

MAKE CHECK PAYABLE TO: 2004 TAX BILL/RECEIPT
CAYLE EREKSON
CASSIA COUNTY TAX COLLECTOR
1459 OVERLAND PH: 878-7202
BURLEY, ID 83318

BILL# 14096 CODE AREA 18-0000 L

PARCEL NUMBER
RP13528E142400
27,200

1ST HALF DUE 2ND HALF DUE
TAX 170.35 TAX 170.35
LATE LATE
INT INT
COST COST
TOT TOT

FULL DUE 340.70

TOT MV

27,200

ZOLLINGER ORSON & DONNA

LIVING TRUST

% ZOLLINGER ORSON J TRUSTEE
& ZOLLINGER DONNA J TRUSTEE
1527 SOUTH 3350 EAST
MALTA ID 83342

TOT ACS

80.000

TAXING DISTRICT

COUNTY

RATE

AMOUNT

SCH DIST 151

85.78

RAFT RIVER HWY

179.70

SUBLETT CEM

60.54

RAFT RIVER FIRE

14.66

FLOOD DIST 15

340.70

AMOUNT DUE

E1/2NW

S 14 T 13 R 28

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
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OR VISIT WWW.OFFICIALPAYMENTS.COM

**NORTHWEST****FARM CREDIT SERVICES**

1305 Albion Avenue
P.O. Box 1168
Burley, Idaho 83318
(208) 678-6650 / Fax (208) 678-6653

October 18, 2005

RECEIVED
OCT 19 2005
Department of Water Resources
Southern Region

Cory Skinner, P.E.
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Id. 83301-3380

RE: Transfer No. 72271; Zollinger

Dear Mr. Skinner:

We have in our receipt a copy of the above referenced Application for Transfer of Water Right regarding Asiel A. Zollinger estate. The transfer request is to allow Zollingers to change the Point of Use of upwards of 214 acres of water rights under described water license #43-2518 and beneficial use claim #43-10843. The transfer request will move water rights point of use off of property secured under a Farm Credit mortgage. However, revaluation of security and remaining water rights still adequately secures current loan balance for this account.

Farm Credit Services, as mortgage holder on the real property described, does not object to customer's request for the transfer. Please accept this letter as Farm Credit's consent to the proposed transfer.

Should there be any questions, please give me a call.

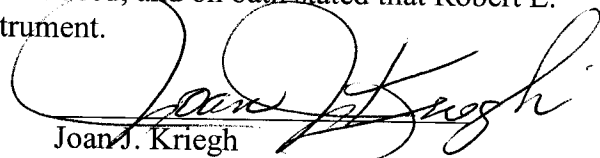
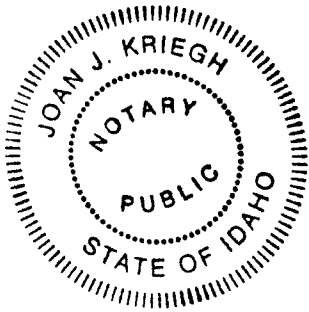
Sincerely,

Robert E. Blakeslee
Burley Branch Manager
NW Farm Credit Services

CC: Russell Zollinger
Orson J Zollinger

STATE OF IDAHO)
)ss.
County of Cassia)

On this 18 day of October 2005, before me personally appeared Robert E. Blakeslee, known to me to be an authorized agent of the Northwest Farm Credit Services, FLCA that executed the within instrument, and acknowledged to me that such corporation executed the same as its free act and deed; and on oath stated that Robert E. Blakeslee was authorized to execute said instrument.

A handwritten signature in black ink, appearing to read "Joan J. Kriegh". The signature is fluid and cursive, with a large loop at the end.

Joan J. Kriegh
Notary Public for the State of Idaho
Residing at Burley, ID
My commission expires 01/01/2010