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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 )  
 )  
Case No. 39576 )  
 )  
\_\_\_\_\_ )

A. Subcase No. 37-8217

STANDARD FORM 1  
AMENDED OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING:

Tom O'Gara  
John F. Stevenson  
Bill Molyneux  
Pete Van Der Meulen  
Grace Eakin  
Rocky Sherbine  
Gerald Bashaw  
Pepin Corso-Harris  
c/o Concerned Water Users  
P.O. Box 1200  
Bellevue, ID 83313

Big Wood Canal Company  
112 South Apple Street  
Shoshone, ID 83352

Name and Address of Attorney, if any:

Albert P. Barker  
Barker, Rosholt & Simpson, LLP  
P.O. Box 2139  
Boise, ID 83701  
Telephone: (208) 336-0700  
Attorney for O'Gara, Stevenson,  
Molyneux, Van Der Meulen, Eakin,  
Sherbine & Bashaw

Craig Hobdey  
Hobdey & Hobdey  
P.O. Box 176  
Gooding, ID 83330  
Telephone: (208) 934-4420  
Attorney for Big Wood Canal Company

**C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT:**

Name: Dan S. Fairman, MD  
Address: P. O. Box 2499, Hailey, ID 83333

**D.** I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes):

1. ☐ **Name and Address**  
Should be:

2. ☐ **Source**  
Should be:

3. ☒ **Quantity**  
Should be:

4. ☐ **Priority Date**  
Should be:

5. ☐ **Point(s) of Diversion**  
Should be:

6. ☐ **Instream Flow Beginning and Ending Point**  
Should be:

7. ☐ **Purpose(s) of Use**  
Should be:

8. ☐ **Period of Year**  
Should be:

9. ☐ **Place of Use**  
Should be:

10. ☐ **I object because:**

☐ This water right should not exist

☐ This water right was not recommended, but should be recommended with the elements described above.

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**E. REASONS SUPPORTING OBJECTION(S):**

- Conditions in license should be included in recommendation including: (1) Return flow if discharged to a surface water system shall meet Idaho water quality standards; (2) The right to use water is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose described.
- Conditions in transfer approval should be included in recommendation including: (1) The issuance of this permit in no way grants any right-of-way or easement across the land of another; (2) Use of water under this permit shall be non-consumptive; and (3) Water used under this permit if discharged to a natural channel or subsurface system shall meet Idaho Water Quality Standards.
- Transfer should be rescinded for failure to comply with conditions of transfer, including that prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- Monitoring device should be installed at discharge from pond.
- Volume of ponds should be measured annually.

Tom O'Gara  
John F. Stevenson  
Bill Molyneux  
Pete Van Der Meulen  
Grace Eakin  
Rocky Sherbine  
Gerald Bashaw  
Pepin Corso-Harris

Big Wood Canal Company

By: \_\_\_\_\_

Albert P. Barker, Attorney

By: \_\_\_\_\_

Craig Hobdey, Attorney

**F.**

**VERIFICATION**

State of IDAHO       )  
                              ) ss.  
County of Ada        )

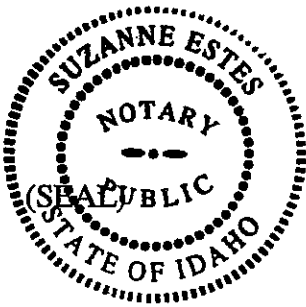
\_\_\_\_\_Albert P. Barker\_\_\_\_\_, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting, and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 21, 2008



Suzanne Estes  
Notary Public for: Idaho  
Residing at: Boise  
My Commission Expires: 6/1/2012

## INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **Fax filings will not be accepted.**  
You must also send a copy to all the parties listed below in the Certificate of Mailing.

## CERTIFICATE OF MAILING

I certify that on November 21, 2008, I hand-delivered and mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original hand-delivered to:

Clerk of the District Court  
Snake River Basin Adjudication  
P.O. Box 2707  
Twin Falls, ID 83303-2707

2. One copy mailed to the claimant of the water right at the following address:

Name: Dan S. Fairman MD  
Address: P. O. Box 2499, Hailey, ID 83333

3. Copies mailed to:

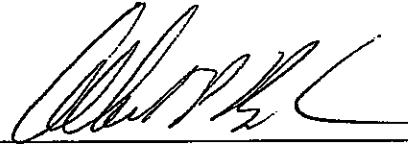
IDWR Document Depository  
P.O. Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, ID 83711-4449

Scott L. Campbell / Andrew J. Waldera  
Moffatt Thomas Barrett Rock & Fields  
P.O. Box 829  
Boise, ID 83701

James P. Speck  
Speck & Aanestad  
120 East Avenue  
P.O. Box 987  
Ketchum, ID 83340

A handwritten signature in black ink, appearing to read 'Albert P. Barker', written over a horizontal line.

Albert P. Barker