

NOV 29 2011

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

Clerk

Deputy Clerk

In Re SRBA

Subcase No.: 37-8199

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A  
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the 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; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANTS:**

Dan S. Fairman

Melynda Kim Standlee Fairman

James P. Speck

Attorney for Dan S. and Melynda

Kim Standlee Fairman

11-16-11  
Date

**OBJECTORS:**

Craig D. Hobday

Attorney for Big Wood Canal Company

11-17-11  
Date

Albert P. Barker

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

11-21-11  
Date

**IDWR CONCURRENCE:**

Carter Fritschle 11-16-11  
Carter Fritschle Date  
Manager, Adjudication Section

**IDWR CONCURRENCE:**

Nicholas B. Spencer 11-16-11  
Nicholas B. Spencer Date  
Deputy Attorney General  
Attorney for IDWR

08/05/2011

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-8199

NAME AND ADDRESS: DAN S FAIRMAN MD  
106 RIVERGROVE LN  
HAILEY ID 83333

MELYNDA KIM STANDLER FAIRMAN  
106 RIVERGROVE LN  
HAILEY ID 83333

SOURCE: PURDUM SLOUGH TRIBUTARY: SINKS

QUANTITY: 0.200 CFS  
0.30 AFY

Right Nos. 37-08217 and 37-08199 are limited to a total combined storage volume of 0.3 AF.

PRIORITY DATE: 11/07/1984

POINT OF  
DIVERSION:

T02N R18E S5 NESE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE     | PERIOD OF USE | QUANTITY  |
|--------------------|---------------|-----------|
| RECREATION         | 01/01 12/31   | 0.200 CFS |
| RECREATION STORAGE | 01/01 12/31   | 0.30 AFY  |
| AESTHETIC          | 01/01 12/31   | 0.200 CFS |
| AESTHETIC STORAGE  | 01/01 12/31   | 0.30 AFY  |

PLACE OF USE: RECREATION in BLAINE County

T02N R18E S05 NESE

AESTHETIC in BLAINE County

T02N R18E S05 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.

Use of water under this water right will be regulated by the watermaster of State Water District No. 37.

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.

The right to the use of the water hereby confirmed 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 herein described, as provided by the laws of Idaho.

CA  
NBS  
JK  
W  
CVR

## CERTIFICATE OF SERVICE

I certify that on November 28, 2011, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

2. Copies to:

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

☐ Overnight Mail  
☐ Regular Mail  
☒ Hand-Delivered  
☐ Facsimile

James P. Speck  
Speck & Aanestad PC  
P.O. Box 987  
Ketchum, ID 83340

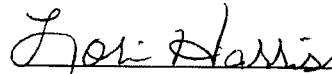
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Craig D. Hobdey  
Hobdey & Hobdey  
P.O. Box 176  
Gooding, ID 83330

☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

Albert P. Barker  
Barker, Rosholt & Simpson LLP  
P.O. Box 2139  
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☐ Facsimile



Signature of person or attorney mailing the form