

155b

DISTRICT COURT - SRBA  
 Fifth Judicial District  
 County of Twin Falls - State of Idaho  

NOV 29 2011

Clerk  
*[Signature]*

**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

Subcase No.: 37-8217

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

*[Signature: James P. Speck]* 11-16-11  
 James P. Speck Date  
 Attorney for Dan S. and Melynda  
 Kim Standlee Fairman

**OBJECTORS:**

*[Signature: Craig D. Hobday]* 11-17-11  
 Craig D. Hobday Date  
 Attorney for Big Wood Canal Company

*[Signature: Albert P. Barker]* 11-21-11  
 Albert P. Barker Date  
 Attorney for Tom O'Gara, John F.  
 Stevenson, Bill Molyneux, Pete Van Der  
 Meulen, Grace Eakin, Rocky Sherbine,  
 Gerald Bashaw, and Pepin Corso-Harris

**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

11/15/2011

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

RIGHT NUMBER: 37-8217

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

MELYNDA KIM STANDLEE FAIRMAN  
106 RIVERGROVE LN  
HAILEY ID 83333

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.080 CFS  
29.40 AFY

USE OF THIS RIGHT WITH RIGHT NO. 37-08199 IS LIMITED TO A TOTAL  
COMBINED STORAGE VOLUME OF 0.3 AF.

PRIORITY DATE: 05/21/1985

POINT OF  
DIVERSION:

T02N R18E S5 NESE Within BLAINE County

PURPOSE AND  
PERIOD OF USE:

| PURPOSE OF USE       | PERIOD OF USE | QUANTITY  |
|----------------------|---------------|-----------|
| AESTHETIC STORAGE    | 04/15 10/15   | 0.30 AFY  |
| AESTHETIC            | 04/15 10/15   | 0.080 CFS |
|                      |               | 29.10 AFY |
| DIVERSION TO STORAGE | 04/15 10/15   | 0.080 CFS |

PLACE OF USE: 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 42-1413(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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.

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

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 use power records to determine the amount of water diverted and shall annually  
report the information to the Department.

## 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 & Aanstad PC  
P.O. Box 987  
Ketchum, ID 83340

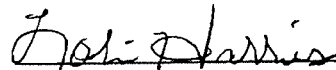
☐ Overnight Mail  
☒ Regular Mail  
☐ Hand-Delivered  
☐ Facsimile

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  
Boise, ID 83701-2139

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



Signature of person or attorney mailing the form