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MAY 22 2006

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)

A: Subcase 21-4026

(insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name:

KEVIN M. LEE

Address:

1984 E-183 N

REXBURG, IDAHO 83440

Daytime Phone:

208-656-0426

Name & Address of Attorney, if any:

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

Name:

KEVIN LEE

Address:

1165 BARNEY DAILY ROAD

REXBURG IDAHO 83440-3545

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

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 Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____

9. ☒ Place of Use
Should be: STOCKWATER WITHIN FREMONT COUNTY
T9N R42E S12 NWNW T9N R42E S12 SWNW

11. I object because:

☐ This water right should not exist.

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

E. REASONS SUPPORTING OBJECTION(S): WAS RECOMMENDED INCORRECTLY.

THERE WAS NO PLACE OF USE SPECIFIED ON PRELIMINARY
RECOMMENDATION.



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

July 12, 2007

Dr. Kevin M Lee
1984 E 183 N
Rexburg, ID 83440

RE: Subcase No. 21-4026

Dear Dr. Lee:

The SRBA District Court held a hearing regarding this matter on June 27, 2007. At the hearing, Special Master Brigitte Bilyeu decided to issue her Special Master's Report and Recommendation to the judge as to how this water right should be decreed. The water right will remain in both your name as well as your father's name until such time as the department receives the *Notice of Change in Water Right Ownership* form and is able to process it. Please refer to my letter dated April 20, 2007 regarding the change of ownership and supporting documentation.

Please feel free to call me in Boise at: 208-287-4814 or Trent Galbraith, the water resource agent located at Eastern Region at: 208-525-7161, if you have any questions.

Sincerely,

Becky J. Harvey

Becky J. Harvey
Paralegal

/bh
Enclosures

cc via email Trent Galbraith, IDWR Water Agent



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

April 2, 2007

Kevin M Lee
Robert R Lee
1165 Barney Dairy Rd
Rexburg, ID 83440-3545

RE: Subcase No. 21-4026

Dear Messrs. Lee:

Enclosed please find a document entitled "Standard Form 5 – Stipulated Elements of A Water Right" (commonly referred to as SF 5) which has a revised recommendation attached. Pursuant to your objection, IDWR has revised its recommendation to this water right recommendation to correct the clerical mistake.

Please review the new recommendation, which is attached to the SF 5. If all the information is correct, please sign and date the first page of the original and **initial the changes** on the page entitled "*Idaho Department of Water Resources Recommended Water Rights Acquired Under State Law*". After you have signed and initialed the originals, please return them to me. The SRBA Court set an initial hearing for April 25th. It is our desire to file this document prior to that date so that this hearing may be vacated.

If you have any questions regarding the enclosed documents, please do not hesitate to call me at: 287-4814.

Sincerely,

A handwritten signature in cursive script that reads "Becky J. Harvey".

Becky J. Harvey
Paralegal

/bh
Enclosures

cc via email: Trent Galbraith, IDWR Water Agent

IDWR Concurrence:

Ernie Carlsen 3-29-07
Ernie Carlsen Date
IDWR Adjudication Supervisor

Nicholas B. Spencer 3-30-07
Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on April 20, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid 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, Idaho 83303-2707

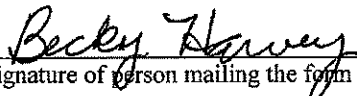
via fax

2. Copies to:

USDI- BLM
US Department of Justice
Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

Kevin M. Lee
Robert R. Lee
1165 Barney Dairy Rd
Rexburg, Idaho 83440-3545

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

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

RIGHT NUMBER: 21-4026

NAME AND ADDRESS:

KEVIN LEE
1165 BARNEY DAIRY RD
REXBURG ID 83440-3545

ROBERT R LEE
1165 BARNEY DAIRY RD
REXBURG ID 83440-3545

(ADDRESS CHANGE REQUESTED: 1984 E-183 W.
REXBURG, ID. 83440)

(DECEASED)

SOURCE:

Source:

WILLOW CREEK

Tributary:

HENRYS FORK

QUANTITY:

0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 11/19/1956

POINT OF DIVERSION:

T09N R42E S14 NENE
Within FREMONT County

EMC
NBS

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER

within FREMONT County

T09N R42E S12 NWNW

KMC

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

April 20, 2007

Dr. Kevin M Lee
1984 E 183 N
Rexburg, ID 83440

RE: Subcase No. 21-4026

Dear Dr. Lee:

Enclosed please find a copy of the Standard Form 5 (SF 5), which was filed with the SRBA Court today via facsimile. The hearing for April 25th has been vacated. Special Master Bilyeu will send out a notice for a status hearing which will take place at the end of June to follow up on the SF 5 since your father's name remains on the water right recommendation.

Accordingly, I have enclosed a *Notice of Change in Water Right Ownership* form for you to complete and return to IDWR Eastern Region located at 900 N Skyline Drive, Suite A, Idaho Falls, ID 83402-1718. Please provide the necessary documentation with this form (e.g. death certificate, deeds, etc.) so that IDWR is able to process this ownership change quickly.

If you have any questions regarding the enclosed documents, please do not hesitate to call me at: 287-4814.

Sincerely,

Becky J. Harvey
Becky J. Harvey
Paralegal

/bh
Enclosures

cc via email: Trent Galbraith, IDWR Water Agent