

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

DEC 27 2024

NOTICE OF PROTEST

DEPT. OF WATER RESOURCES
EASTERN REGION

This form may be used to file a protest under Sections 42-203A, 42-203C, 42-211, 42-222 or 42-240, Idaho Code. The Department will also accept a timely protest completed in a different format if it contains the same information requested on this form. Each protestant must provide a separate \$25 filing fee for each application protested. The Department's Rules of Procedure (IDAPA 37.01.01) require the protestant to **send a copy of the protest to the applicant.**

1. Matter protested. Application for ☐ Permit ☐ Amendment of Permit ☒ Transfer ☐ Exchange
No. 89437 in the name of ROBERT SIMMONS
2. Protestant's Name: KEVIN LEE
Address: 53 LINDBERG LANE CARMEN, IDAHO 83462
Telephone: 208-313-3803 Email: KMLEE@IDHO.GMAIL.COM
3. Protestant's Representative: TROY EVANS
Address: FOULSBURG & EVANS LAW OFFICES 49 PROFESSIONAL PLAZA
REXBURG, IDAHO 83440
Telephone: 208 356-7474 Email: TROYEVANS@FOULSBURG.LAWOFFICES.COM
4. Basis of protest. Clearly state your objections to approval of the application and identify the applicable review criteria. See Instructions for Filing a Notice of Protest for the relevant review criteria.

SEE ATTACHED.

(Additional pages may be attached to describe the basis of your protest.)

Identify any review criteria that are not a basis for your protest:

5. ☒ Check here if Protestant and Representative will accept service of documents by email at the email address(es) listed under Item #2 and #3 above.

I acknowledge that if I, or my designated representative, fail to appear at any regularly scheduled conference or hearing in the matter, of which I have been properly notified, the Department may issue a notice of proposed default against me in this matter for failure to appear. **I also verify that I have served a copy of this protest upon the applicant.**

[Signature]
Protestant's or Representative's Signature

KEVIN M. LEE
Printed Name and Title (if applicable)

12/24/24
Date

\$25.00 fee received by al dh

FOR DEPARTMENT USE ONLY

Receipt # E050552

Date 12/27/24

I oppose and protest the transfer of part or any of the water right to the Simmons. I signed a sales and purchase agreement contract in May of 2024. With the sale of the property was sold the two water rights one for surface water from the Salmon river 75-14137, and one for ground water from a well. This contract was signed by David Richardson, the executor of the estate. There were no disclosures about changing the water rights. This request for transfer constitutes a breach of contract, therefore it is protested. It will diminish the water right that I legally purchased by decreasing flow by .18 cfs, The proposed transfer will take water from agricultural use in part to domestic use. The change proposed will also change the point of use to a parcel owned by the Simmons that already has a substantial water right. For these reasons I protest the transfer.

I have notified the Simmons via email as well that the application will be protested.

Henman, Christina

From: Kevin Lee <kmleeortho@gmail.com>
Sent: Monday, December 23, 2024 10:15 AM
To: Henman, Christina
Subject: Re: Application for Transfer 89437 (Robert Simmons)

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

The water right in question is 75-14137
Sent from my iPhone

On Dec 23, 2024, at 10:12 AM, Kevin Lee <kmleeortho@gmail.com> wrote:

Thank you for checking on that.

Here's my official Protest to the Application for transfer 88437. I oppose and protest the transfer of part or any of the water right to the Simmons. I signed a sales and purchase agreement contract in May of 2024. With the sale of the property was sold the two water rights one for surface water from the Salmon river and one for ground water from a well. This contract was signed by David Richardson, the executor of the estate. There were no disclosures about changing the water rights. This request at this time is a breach of contract, therefore it is protested. I have notified the Simmons via email as well that the application will be protested.

Sincerely
Kevin Lee
Sent from my iPhone

On Dec 23, 2024, at 9:18 AM, Henman, Christina
<Christina.Henman@idwr.idaho.gov> wrote:

Kevin,

Robert did indicate to us that he is withdrawing the application and that the withdrawal form is in the mail. That said, we have not actually received the form yet, and the application will remain active until we do.

The protest period for this will end on Monday the 30th. I plan to be in office every day this week except on Christmas, so I'll keep an eye out for it and will let you know if it shows up.

You may

Thank You,

Christina Henman
Administrative Assistant

From: Kevin Lee <kmleeortho@gmail.com>
Sent: Friday, December 20, 2024 7:46 AM
To: Henman, Christina <Christina.Henman@idwr.idaho.gov>
Subject: Re: Application for Transfer 89437 (Robert Simmons)

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hi Christina,

It is my understanding that Robert Simmons has withdrawn the application for the change in water right, application number 89437. I wanted to verify this is true so I know whether or not I need to file a protest or not. Robert told me two days ago he had withdrawn the application and left a message with James Cefalo. Please let me know asap so I don't miss the 10 day deadline. Thank you and Merry Christmas!

Sincerely,
Kevin Lee

K

On Thu, Dec 5, 2024 at 4:37 PM Henman, Christina
<Christina.Henman@idwr.idaho.gov> wrote:

Kevin & Julie Lee,

The Idaho Department of Water Resources (IDWR) has identified you as an interested party regarding the attached right application.

Public notice of this application will be published as described within the application document. IDWR can finish reviewing an unprotested application as soon as the protest period has past. If you desire to formally protest the approval of this application, you may do so after the notice is

published by filing a written protest along with a \$25.00 filing fee within 10 days after final publication. You must also send a copy of the protest to the applicant.

Please contact this office if you have any questions regarding the application.

Thank You,

<image001.png>