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MAR 18 2002

Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

Matter being protested Transfer application 5194 for 45-04114 and 45-07745

Name of protestant Leo Bell & Brim ditch water users

Protestant's representative for service (If different than protestant)

Leo Bell

Leo Bell
1137 E 1000 S
Albion, ID 83311-9709

Service mailing address 1137 East 1000 South Albion ID 83311

Service telephone no. (208) 68-5372

Basis of protest (including statement of facts and law upon which the protest is based)

Protesting stipulations to resolve agreements
entered into on March 23, 2001.

(additional pages may be attached to describe the nature of the protest)

What would resolve your protest? Agreement with stipulations
on attached letter.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also certify that I have served a copy of this protest upon the applicant.

Signed this 14 day of March, 2002

Leo Bell & Brim Ditch Water Users
PROTESTANT

Leo Bell
PROTESTANT'S REPRESENTATIVE

Leo Bell (David Bell)
HC 36 Box 26
Albion ID, 83311

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MAR 13 2001

Department of Water Resources
Southern Region

To Whom It May Concern:

Leo (David) Bell, Randy Brackenbury, and Jim Kempton hold a valid water right for 300" of water from Howell Creek- priority date May 1, 1877, commonly called the Brim Creek Right.

The primary source of our water comes from the South Fork of Howell Creek, which encompasses the Pomerelle Ski area. As there are no springs of any size in this area, the main source of water is snowmelt from the South Fork. When the snow is gone, our water is gone. The streambed is dry very soon after the snow is gone.

Therefore we feel that this agreement infringes on our water right. We especially oppose the construction of three reservoirs to store snowmelt in the amount of 16.3 acre-feet. With evaporation and percolation, the amount of water would much higher. We are sure these reservoirs would not hold water from June to the following winter to make snow.

It is pure conjecture and speculation to think this would increase our water supply. We totally dispute this speculation. We protest and oppose any construction of reservoirs, ditches, and pipelines to impede natural flow of snow-melt and natural runoff water, as proposed in item number four (4).

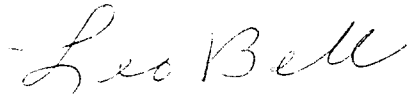
We protest and oppose proposition item number eight (8). We also protest and oppose any agreement to withdraw protest on right transfers listed under item nine (9), specifically the transfer application number 5194 for 45-07745.

We feel this agreement is of no force for the following reasons.

1. The above-mentioned holders of water rights were not aware of any thing regarding this agreement. We were totally in the dark, and had no input at all.
2. At our annual water meeting in 1999, John Burrows in behalf of Pomerelle mad a motion to drop all protests regarding water right for ski area. No body seconded the motion. All protests are still in place.
3. This was not discussed in our annual water meeting in 2001 or 2002.
4. The members of the advisory board refused to sign the agreement, even though they drew it up.

We the above mention water users request this written information be considered at the meeting April 18, 2002, in Twin Falls. We also request permission for Leo Bell (David Bell) and/or Randy Brackenbury to attend this meeting and any other future meetings pertaining to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Leo Bell". The signature is written in dark ink and is positioned below the word "Sincerely,".

Leo Bell

Certificate of Mailing

USDA-Forest Service Department
Attn: Steve Spencer
380 East Park Center
Suite #330
Boise ID, 32706

Tom Geary
Albion, ID 83311

Idaho Water Resources Department
Attn: Allen Merit
1341 Fillmore Street
Suite #200
Twin Falls ID, 83301

*By Leo Bell
Albion, Idaho
Mar 16/02*