

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION)
FOR TRANSFER 71607 IN THE)
NAME OF 4 BROS. DAIRY, INC.)
_____)

**NOTICE OF PROPOSED
DEFAULT ORDER**

RECEIVED
MAY 25 2005
Department of Water Resources
Southern Region

NOTICE OF PROPOSED DEFAULT ORDER

1. On April 28, the Idaho Department of Water Resources ("IDWR") served on all parties to this matter a *Notice of Amended Prehearing Conference*. That *Notice* was served on Protestant Doug Albright at the address provided in his protest filed with IDWR. A Prehearing Conference was set for May 13, 2005 at 10:30 a.m., at the Obenchain Insurance Building, located at 264 Main Avenue South, Twin Falls, Idaho.
2. Doug Albright failed to appear at the May 13, 2005, prehearing conference at the time and place set in the *Notice*. Other parties to this matter, and the Hearing Officer, expended substantial time and expense to attend this conference.

Based upon these facts IDWR gives the Protestant Doug Albright NOTICE that the following default order is proposed to be issued because of his failure to appear at the time and place set for prehearing conference pursuant to IDAPA 37.01.01.700.

PROPOSED DEFAULT ORDER

Based upon Protestant Doug Albright failure to appear at the time and place set for prehearing conference it is ORDERED that his protest is DENIED.

RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestant Doug Albright has seven (7) days after the service of this *Notice of Proposed Default Order* to file a written petition with the Idaho Department of Water Resources at the following address requesting that the default order not be entered:

322 E. Front St.
P. O. Box 83720
Boise, ID 83720-0098

The petition must state the reasons why Doug Albright believes that default should not be entered.

Dated this 20th day of May, 2005.



PETER R. ANDERSON
HEARING OFFICER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of May, 2005, the above and foregoing, was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

4 BROS. DAIRY INC
ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352

ROBERT WILLIAMS
FREDERICKSEN WILLIAMS
PO BOX 168
JEROME ID 83338-0168

CHARLES BROCKWAY PE PHD
BROCKWAY ENGINEERING
2016 N WASHINGTON ST STE 4
TWIN FALLS ID 83301

IDWR – SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301

ELIZABETH TEWS
680 N 350 W
SHOSHONE ID 83352

DOUG ALBRIGHT
675 N 150 W
SHOSHONE ID 83352

HENRY BLAKE
JA NENE BUCKWAY
585 N 250 W
SHOSHONE ID 83352

BEV ASHTON
685 N 250 W
SHOSHONE ID 83352

JERRY & SUSAN WESTENDORF
707 W 470 N
SHOSHONE ID 83352

RUSSELL & PAMELA PANTONE
745 N 550 W
SHOSHONE ID 83352

LINCOLN CO RURAL COUNCIL
C/O RICH CARLSON
PO BOX 21
FILER ID 83328


Victoria Wigle
Administrative Assistant to the Director
Idaho Department of Water Resources