

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

**RECEIVED
JUL 22 2005**

Department of Water Resources
Southern Region

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

**NOTICE OF PROPOSED
DEFAULT ORDER**

NOTICE OF PROPOSED DEFAULT ORDER

1. On July 7, 2005, the Idaho Department of Water Resources ("IDWR") served on all parties to this matter a *Notice of Prehearing Conference*. That *Notice* was served on Protestants Russell and Pamela Pantone at the address provided in their protest filed with IDWR. A Prehearing Conference was set for July 14, 2005 at 7:30 p.m., at the Lincoln County Cooperative Extension Office, located at 115 West A Street, Shoshone, Idaho.
2. Russell and Pamela Pantone failed to appear at the July 14, 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 Protestants Russell and Pamela Pantone NOTICE that the following default order is proposed to be issued because of their failure to appear at the time and place set for prehearing conference pursuant to IDAPA 37.01.01.700.

PROPOSED DEFAULT ORDER

Based upon Protestants Russell and Pamela Pantone's failure to appear at the time and place set for prehearing conference it is ORDERED that their protest is DENIED.

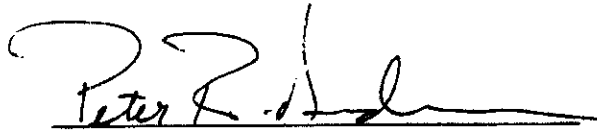
RIGHT TO CHALLENGE

Pursuant to IDAPA 37.01.01.701, Protestants Russell and Pamela Pantone have seven (7) days after the serve 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 Russell and Pamela Pantone believe that default should not be entered.

Dated this 5th day of July, 2005.

A handwritten signature in black ink, appearing to read "Peter R. Anderson", written over a horizontal line.

PETER R. ANDERSON
HEARING OFFICER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 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

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

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

BEV ASHTON
685 N 250 W
SHOSHONE ID 83352

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

JERRY & SUSAN WESTENDORF
707 W 470 N
SHOSHONE ID 83352

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

RUSSELL & PAMELA PANTONE
745 N 550 W
SHOSHONE ID 83352

ELIZABETH TEWS
680 N 350 W
SHOSHONE ID 83352

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

DOUG ALBRIGHT
675 N 150 W
SHOSHONE ID 83352


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