

Keith E. Hutchinson, Esq.
Patrick D. Brown, Esq.

HUTCHINSON
&
BROWN, LLP
ATTORNEYS AT LAW

PHONE: (208) 733-9300
WATS: (800) 753-2529
FAX: (208) 733-9343

October 25, 2005

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OCT 26 2005
Department of Water Resources
Southern Region

-- via fax 736-0041 / 6 pages --

Timothy J. Stover
ROBERTSON, HEPWORTH, SLETTE, WORST & STOVER
161 5th Ave. S., Ste. 100
P.O. Box 1906
Twin Falls ID 83303-1906

Re: **Matthews**, Hurd, et al , v. Millenkamp / Transfer No. 71604

Dear Tim:

I've gone through the materials you provided in conjunction with Dr. Brockway's expert report. I believe those materials are incomplete in that they exclude information concerning the amount actually measured and used. It is my clients' understanding that Mr. Millenkamp has been using more water than is presently permitted and that such a use on a per-cow basis is strong support for the proposition that your client needs more water than he is presently applying for per cow.

However, my clients believe that, while they still have serious concerns about the transfer, it is not feasible for them to incur the costs of experts and pay other expenses in light of the fact that they have successfully forced an amendment to the transfer application on two occasions and believe that the current proposal is close enough to what they believe the restrictions should be that they are not going to spend further time and money pursuing the matter.

Consequently I am enclosing a withdrawal of the protest on behalf of my clients. I am also filing a notice of my withdrawal of representation for those clients.

ROBERTSON, HEPWORTH, SLETTE, WORST & STOVER

10-25-05

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I understand this will allow you and Mr. Halper to go forward with the hearing as presently scheduled. I anticipate no further involvement in the matter.

If you have questions or concerns please give me a call. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Patrick D. Brown", written over a series of horizontal lines.

Patrick D. Brown

/cb

Enc.

cc: Gary Spackman, w/enc.

Allen Merritt, w/enc.

Lee Halper, w/enc.

William Gulley, w/enc.

Steven Hurd, w/enc.

Steve Matthews, w/enc.

Doyle Schwisow, w/enc.

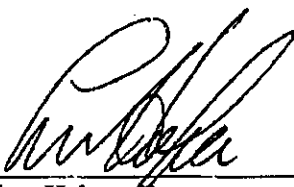
Lee Halper
331 S 230 W
Jerome, ID 83338
208-324-2240

BEFORE THE DIRECTOR
IDAHO DEPARTMENT OF WATER RESOURCES

In the Matter of Application For Water Rights)	
Transfer No 71604)	
William & Susan Millenkamp,)	WITHDRAWAL OF PROTEST
Applicants)	
Steve Hurd, Lee Halper, William Gulley,)	
Steve Matthew & Doyle Schwisow,)	
Protestants.)	

COMES NOW Lee Halper, and withdraws his protest in above-mentioned matter.

Dated this 8th day of November 2005



Lee Halper, Protestant

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of November, 2005, that a true and correct copy of the foregoing document was served by the method indicated below and addressed to each of the following:

Patrick D. Brown
PO Box 207
Twin Falls, Idaho 83303-0207
Via E-Mail

Timothy Stover
PO Box 1906
Twin Falls, Idaho 83303-1906
Via Fax

Gary Spackman
IDWR
322 E Front St.
PO Box 83720
Boise, Idaho 83720-0098
Via Fax

Patrick D. Brown, ISB #4413
HUTCHINSON & BROWN, LLP

104 Lincoln Street

P.O. Box 207

Twin Falls ID 83303-0207

Telephone: (208) 733-9300

Fax: (208) 733-9343

Attorney for **Protestants Hurd, Gulley, Matthews & Schwisow**

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Department of Water Resources
Southern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Application for

Transfer No. 71604,

William & Susan **Millenkamp,**

Applicants,

Steven R. **Hurd,** Lee Justus **Halper,**

William F. **Gulley,** Steve R. **Matthews,** &

Doyle **Schwisow,**

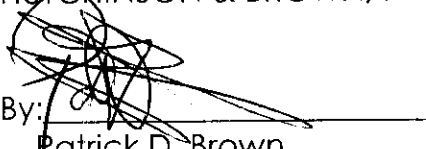
Protestants.

**WITHDRAWAL OF PROTEST
& OBJECTIONS OF PROTESTANTS
HURD, GULLEY, MATTHEWS &
SCHWISOW**

COMES NOW Protestants Hurd, Gulley, Matthews and Schwisow, by and through counsel, and hereby withdraw their protest and objections to the Application and Amended Applications of Applicants herein.

Dated this 25 day of October, 2005.

HUTCHINSON & BROWN, LLP

By: 

Patrick D. Brown

Attorneys for Protestants Hurd,

Gulley, Matthews & Schwisow

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of October, 2005, (s)he served a true and correct copy of the within and foregoing document upon the following by depositing a copy thereof in the United States mail, postage prepaid, addressed to:

Timothy J. Stover
ROBERTSON, HEPWORTH, SLETTE, WORST & STOVER
161 5th Ave. S., Ste. 100
P.O. Box 1906
Twin Falls ID 83303-1906 736-0041 fax
(for Applicants)

LEE HALPER
331 South 230 West
Jerome ID 83338

GARY SPACKMAN, Hearing Office
Idaho Dept. of Water Resources
P.O. Box 83720
Boise ID 83720-0098

Connie Bell

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Southern Region

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104 Lincoln Street
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Twin Falls ID 83303-0207
Telephone: (208) 733-9300
Fax: (208) 733-9343
Attorney for **Protestants Hurd, Gulley, Matthews & Schwisow**

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

In the Matter of Application for	)	
Transfer No. 71604,	)	
William & Susan Millenkamp,	)	NOTICE OF WITHDRAWAL
	)	OF COUNSEL
Applicants,	)	
	)	
Steven R. Hurd, Lee Justus Halper,	)	
William F. Gulley, Steve R. Matthews, &	)	
Doyle Schwisow,	)	
	)	
Protestants.	)	

TO: ABOVE-NAMED APPLICANTS, PROTESTANT HALPER, AND THEIR COUNSEL:

COMES NOW counsel for Protestants Steven Hurd, William Gulley, Steve Matthews and Doyle Schwisow and hereby states to the Department as follows:

Said Protestants have advised me that they no longer wish for me to represent them in this matter.

Therefore, I hereby give notice of my withdrawal as legal counsel of record for said parties.

Dated this 25 day of October, 2005.

HUTCHINSON & BROWN, LLP

By: 

Patrick D. Brown
Attorneys for Protestants Hurd,
Gulley, Matthews & Schwisow

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