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August 30, 2004

Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings

SEP 1 - 2004

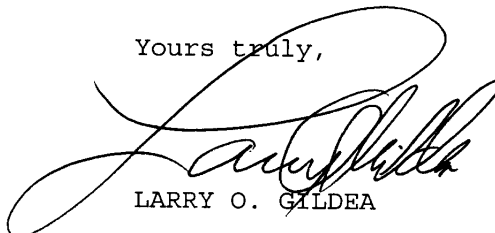
Part of
Public Record



Re: AB-307 (Sub-No. 5X)

Enclosed for filing are the original and ten certified true copies of the Protest of Intermountain Resources, LLC to the Wyoming and Colorado Railroad Company, Inc. Petition for Exemption.

Yours truly,



LARRY O. GILDEA

LOG:mt
Enclosures

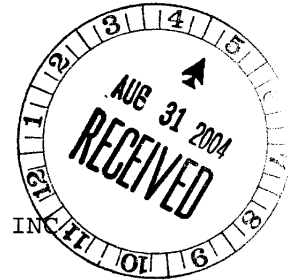
cc: Intermountain Resources, LLC, w/enc.
cc: Karl Morell, w/enc.
cc: Tom Rumpke, w/enc.

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-307 (SUB-NO. 5X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.
--ABANDONMENT EXEMPTION--
IN CARBON COUNTY, WYOMING

PROTEST OF INTERMOUNTAIN RESOURCES, LLC TO
WYOMING AND COLORADO RAILROAD COMPANY, INC.
PETITION FOR EXEMPTION



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Attorney for Protestant,
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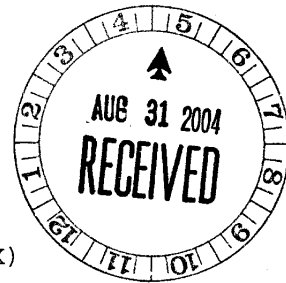
Dated: August 30, 2004.

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-307 (SUB-NO. 5X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.
--ABANDONMENT EXEMPTION--
IN CARBON COUNTY, WYOMING

PROTEST OF INTERMOUNTAIN RESOURCES, LLC TO
WYOMING AND COLORADO RAILROAD COMPANY, INC.
PETITION FOR EXEMPTION



The Protestant's name, address, and business are:

Intermountain Resources, LLC (IMR), 11925 6530 Road, P.O.
Box 670, Montrose, CO 81402. IMR owns and operates lumber
manufacturing facilities in Montrose, Colorado, and
Saratoga, Wyoming.

IMR is interested in this proceeding because the rail
line (Line) which Wyoming and Colorado Railroad Company,
Inc. (WYCO) seeks to abandon is necessary for IMR's ability
to ship product from its Saratoga facility (Facility).

Louisiana-Pacific Corporation (LP) owned and operated
the Facility for many years. Its operation depended upon
the Line to ship its manufactured product. LP closed the
Facility in January of 2003. IMR purchased it from LP on
September 26, 2003.

IMR intended to operate the Facility, but delayed its reopening until it acquired sufficient timber resources in the area to enable a sustained operation. That time has now arrived, and IMR plans to reopen the Facility by October 15, 2004. It plans to use the WYCO Line from Saratoga to Walcott, Wyoming, to transport its product from Saratoga. Initially, IMR expects to ship between 70 and 80 cars per month. After a Facility upgrade, which will be approximately six months later, transportation needs will be between 95 and 120 cars per month.

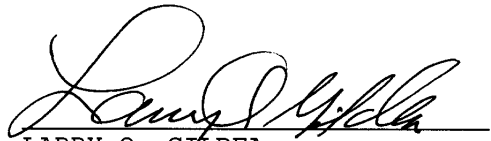
There is no other practical or economically feasible way to transport product from Saratoga to available markets. There are virtually no trucking services from Saratoga; nor is Saratoga near a destination area for flatbed trucking, ruling out opportunities for haul-back arrangements. There is a UP rail line in Rawlins, Wyoming, but Rawlins is approximately 50 miles from Saratoga, making truck transportation between Saratoga and Rawlins necessary. Because trucking services are virtually unavailable, IMR would have to acquire its own fleet of trucks to transport its product to the rail head at Rawlins.

IMR is willing and able to enter into an agreement with WYCO that would enable WYCO to continue operating the

Line on a profitable basis. WYCO and LP had an agreement that did permit WYCO to operate the Line on a marginally profitable basis, and IMR is willing to sign a similar agreement with WYCO.

For the foregoing reasons, which are supported with the Declaration of Christopher C. Meyers, attached as Exhibit A, IMR requests the Board to deny WYCO's Petition for an Exemption.

Date: August 30, 2004.



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BEFORE THE
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DECLARATION OF CHRISTOPHER C. MEYERS

I, CHRISTOPHER C. MEYERS, make the following
Declaration in support of the Protest filed on behalf of
Intermountain Resources LLC (IMR).

IMR purchased the Louisiana-Pacific (LP) wood
manufacturing facility at Saratoga, Wyoming, (Facility) on
September 26, 2003 with the intent of resuming operations
as soon as practical. We delayed reopening the Facility
until we had sufficient timber resources to enable a
sustainable operation. The U.S. Forest Service (Forest
Service) has recently decided to remove bug-infested timber
within the operating area of the Facility. IMR will be
contracting with the Forest Service to purchase and harvest
approximately 100 mmbf of this timber over the next several
years. This, with other available timber, will enable IMR
to operate the Facility.

IMR expects to reopen the Facility by October 15, 2004. Its business operating plan calls for using the Wyoming and Colorado Railroad Company, Inc. (WYCO) Rail Line (Line) from Saratoga to Walcott, Wyoming. We anticipate that our transportation needs for the first six months of operations will be between 70 and 80 cars per month. IMR will upgrade the Facility, a project that will take approximately six months. Thereafter, transportation needs will be between 95 and 120 cars per month.

There is no other practical or economically feasible way to transport our lumber products from Saratoga to the available markets. There are virtually no trucking services from Saratoga; nor is Saratoga near a destination area for flatbed trucking, thus ruling out opportunities for haul-back arrangements.

It is not practical or economical to use the UP rail line from Rawlins, Wyoming. Rawlins is approximately 50 miles from Saratoga so that truck transportation between Saratoga and Rawlins would be necessary. Because trucking services are virtually unavailable, IMR would have to acquire its own fleet of trucks to transport its product to the rail head at Rawlins.

IMR is willing to enter into an agreement with WYCO that would enable WYCO to continue operating the Line on a

profitable basis. For example, WYCO and LP agreed to an arrangement that permitted WYCO to operate the Line on a marginally profitable basis. IMR is willing to enter into the same sort of arrangements with WYCO.

Between the first part of October 2003, and mid-February 2004, I had several telephone conversations with Greg Kissell of WYCO. I told Mr. Kissell that IMR intended to reopen the Facility as soon as its timber supply was assured. I told him we would want to use the Line. We talked about the LP/WYCO agreement, but Mr. Kissell was unable to guarantee that WYCO would sign an identical agreement with IMR, citing increased maintenance costs as a concern. He was not able to give me a price per car, he said, without talking to WYCO's owners. I did not tell Mr. Kissell that IMR did not want to enter into an agreement. The purpose of our dialog was to work out an agreement between IMR and WYCO. We could not put one together, though, because Mr. Kissell did not know the price per car that WYCO would need to charge and IMR did not have its timber supply secured. IMR is now ready and able to sign an agreement with WYCO.

IMR is a Colorado limited liability company. Its members are McDougal Bros. Investments, a general partnership consisting of Melvin L. McDougal and Norman N.

McDougal (two-thirds interest) and Christopher C. Meyers (one-third interest). IMR owns and operates a major lumber manufacturing facility in Montrose, Colorado. It also has interests in other lumber manufacturing facilities in the Northwest. IMR has the expertise to operate the Saratoga Facility and the financial ability to keep operations open so long as there is an adequate supply of raw material, which is virtually assured through the Forest Service contracts. IMR will supply detailed information about its experience, ability, and financial capabilities upon request.

I am a professional forester. My primary responsibilities with IMR are to acquire timber, see to its harvesting and delivery to the manufacturing facilities, and marketing the finished product. The McDougals and I share the responsibility of operating the manufacturing facilities.

I, CHRISTOPHER C. MEYERS, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Declaration.

Date: August 26, 2004.


CHRISTOPHER C. MEYERS

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CERTIFICATE OF SERVICE

Under 49 C.F.R. 1152.60(d), the undersigned hereby certifies that the Protest of Intermountain Resources, LLC to the Wyoming and Colorado Railroad Company, Inc. Petition for Exemption was mailed via FedEx overnight delivery on August 30, 2004, to the following parties:

Karl Morell, Of Counsel
Ball Janik LLP
1455 F Street, N.W., Suite 225
Washington, DC 20005

Date: August 30, 2004.



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