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RECEIVED

MAR 17 2011

**DEPARTMENT OF
WATER RESOURCES**

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

**IN THE MATTER OF APPLICATION
FOR TRANSFER 75705 IN THE NAME
OF PRESTON WHITNEY IRRIGATION
CO.**

**WITNESS AND EXHIBIT LIST OF
PRESTON-WHITNEY IRRIGATION
COMPANY**

PRESTON-WHITNEY IRRIGATION COMPANY, (hereinafter "Preston-Whitney"), by and through their attorneys of record, Holden, Kidwell, Hahn & Crapo, PLLC, submit this *Witness and Exhibit List of Preston-Whitney Irrigation Company*.

WITNESSES

1. Lyle Porter, President, Preston-Whitney.
2. Brian Jensen, Director, Preston-Whitney.
3. Carl Swainston, Director, Preston-Whitney.
4. Kirk Iverson, Director, Preston-Whitney.
5. Maurice Nielson, Director, Preston-Whitney.
6. Robert Hull, Director, Preston-Whitney.
7. Jay Ransbottom, Director, Preston-Whitney.
8. Barbara Taylor, Superintendent of Preston School District.
9. Charles G. Brockway, Brockway Engineering, PLLC
10. Lee Hendrickson, Mayor, City of Preston.
11. Neil Larsen, Councilperson, City of Preston.

12. Reegan Wheeler, Director, Cub River Irrigation Company.
13. Gale Moser, Director, Cub River Irrigation Company.
14. Troy Foster, former Watermaster, Water District 13A.
15. The Protestants in this matter.
16. Any rebuttal witnesses as authorized by IDWR's procedural rules and the Idaho Department of Water Resources.

EXHIBITS

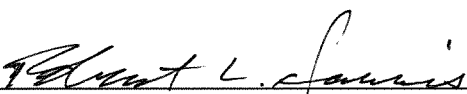
1. GIS Map 1
2. GIS Map 2
3. GIS Map 3
4. Bylaws of Preston-Whitney Irrigation Company.
5. Preston-Whitney Irrigation Company Water Rights Summary.
6. Water Right Report No. 13-2.
7. Water Right Report No. 13-3.
8. Water Right Report No. 13-35.
9. Water Right Report No. 13-36.
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11. Water Right Report No. 13-38.
12. Water Right Report No. 13-143.
13. Water Right Report No. 13-2104.
14. Water Right Report No. 13-2108.
15. Water Right Report No. 13-2288.
16. Water Right Report No. 13-3288A.
17. Water Right Report No. 13-2291.
18. Water Right Report No. 13-2298.
19. Proposed Findings of Water Rights in the Worm Creek Drainage Basin (the "Worm Creek Decree").
20. *Henry T. McEwan vs. Franklin County Sugar Company, et.al.*, (the "McEwan Decree").
21. Water Report No. 13-2104 Water Right backfile documents.
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24. Letter to Mr. Eldon Golightly from Harold Jones, Water Right Supervisor for IDWR, dated July 29, 1999.
25. Letter to Mr. Eldon Golightly from Tim Luke, Water Distribution Section for IDWR, dated August 28, 2008.
26. *Memorandum Decision and Order On Motion To Dismiss*, District Court of the Sith Judicial District of the State of Idaho, In and For the County of Franklin, Case No. CV-2009-509; *Eldon and Mary Anne Golightly, et.al. v. Preston-Whitney Irrigation Company*, and Idaho Corporation, and Cub River Irrigation Company, and Idaho Corporation.
27. Letter to Blake Atkin from Tim Luke, Water Distribution Section, IDWR, dated March 31, 2009.
28. Letter to Pam Skaggs, Idaho Department of Water Resources, from Robert L. Harris, Holden, Kidwell, Hahn & Crapo, P.L.L.C. dated October 18, 2010.
29. Preston-Whitney Manager Diversion Records (2005-2006).

Preston-Whitney reserves the right to submit additional exhibits necessary for rebuttal to the Protestants' witnesses or exhibits.

Additionally, while not a submitted exhibit, Preston-Whitney intends to have its GIS program operational during the pendency of the hearing to aid in the testimony of its witnesses. The GIS program will be projected on the wall where features, lands, and other items can be displayed, similar to its use during the first pre-hearing conference in this matter.

DATED this 16th day of March, 2011.



Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, on this 16th day of March, 2011.

DOCUMENT SERVED: WITNESS AND EXHIBIT LIST OF PRESTON-WHITNEY IRRIGATION COMPANY

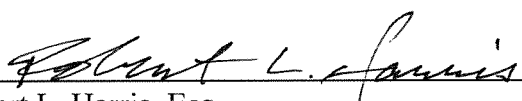
ATTORNEYS AND/OR INDIVIDUALS SERVED:

Idaho Department of Water Resources
Gary Spackman
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

() *First Class Mail*
() *Hand Delivery*
() *Facsimile*
() *Email*

Scott L. Campbell
MOFFATT, THOMAS, BARRETT, ROCK
& FIELDS, CHARTERED
101 S. Capitol Ave., 10th Floor
PO Box 829
Boise, Idaho 83701

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() *Hand Delivery*
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Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

G:\WPDATA\RLH\7206-04 Preston-Whitney, Transfer\Witness Exhibit List.2011.03.16.wpd:

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Gibson, Deborah

From: Wigle, Victoria
Sent: Thursday, March 17, 2011 9:16 AM
To: Gibson, Deborah
Subject: FW: Potential Substitute Witness, Preston Whitney Transfer

From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Thursday, March 17, 2011 9:14 AM
To: SCOTT CAMPBELL; Andy Waldera; Spackman, Gary; Wigle, Victoria
Subject: Potential Substitute Witness, Preston Whitney Transfer

All:

Yesterday you should have received via email Preston-Whitney's witness and exhibit list. One of the witnesses listed in Barbara Taylor from the local school district. I just found out yesterday that while she will likely be there, the school district may instead send Brian Mendenhall, the business manager of the school district. Only one of these people will testify, but I wanted to make you aware of that potential change.

Also, while I listed the entire board of Preston-Whitney, I do not expect to call all of them, and will likely only call Lyle Porter, Carl Swainston, and Brian Jensen. I listed the others just in case Lyle, Carl, or Brian was not available. I do not want to give the impression that all will testify, and that the hearing will have the potential of going long.

Thanks,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
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Internal Revenue Service Circular 230 Disclosure: Please note that any discussion of or advice regarding United States tax matters contained herein (including any attachments hereto) does not meet the requirements necessary to be a "covered opinion" as defined in Internal Revenue Service Circular 230, and therefore, is not intended or written to be relied upon or used and can not be relied upon or used for the purpose of avoiding federal tax penalties that may be imposed or for the purpose of promoting, marketing, or recommending any tax-related matters or advice to another party.

Gibson, Deborah

From: Spackman, Gary
Sent: Wednesday, March 16, 2011 4:46 PM
To: Gibson, Deborah
Subject: FW: Preston-Whitney Witness and Exhibit List
Attachments: Witness.Exhibit.List.pdf

Here it is. Gary

From: Rob Harris [<mailto:rharris@holdenlegal.com>]
Sent: Wednesday, March 16, 2011 4:26 PM
To: SCOTT CAMPBELL; Andy Waldera; Spackman, Gary
Subject: Preston-Whitney Witness and Exhibit List

All:

Attached is a copy of Preston-Whitney's Witness and Exhibit List for Transfer No. 75705. The original, as well as actual copies of the exhibits, will arrive tomorrow via overnight FedEx.

Thanks,

Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

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Internal Revenue Service Circular 230 Disclosure: Please note that any discussion of or advice regarding United States tax matters contained herein (including any attachments hereto) does not meet the requirements necessary to be a "covered opinion" as defined in Internal Revenue Service Circular 230, and therefore, is not intended or written to be relied upon or used and can not be relied upon or used for the purpose of avoiding federal tax penalties that may be imposed or for the purpose of promoting, marketing, or recommending any tax-related matters or advice to another party.

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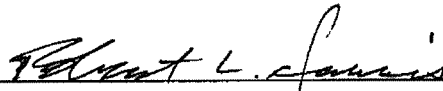
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DATED this 16th day of March, 2011.


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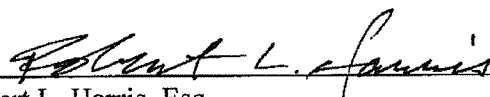
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Idaho Department of Water Resources
Gary Spackman
322 East Front Street
PO Box 83720
Boise, Idaho 83720-0098

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Scott L. Campbell
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& FIELDS, CHARTERED
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Boise, Idaho 83701

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