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DEPARTMENT OF
WATER RESOURCES

Attorneys for Protestants Eldon and Mary Ann Golightly,
individually and as Trustees of E & M Trust; Grant Chadwick,
Trustee of the Chadwick Trust; Bert and Laura Wheatley,
Seth and Beth Wheatley, and Wheatley Properties, LLC

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF TRANSFER NO.
75705 IN THE NAME OF PRESTON-
WHITNEY IRRIGATION CO.

PROTESTANTS' LIST OF WITNESSES FOR
HEARING

COME NOW, Protestants Eldon and Mary Ann Golightly, individually and as
Trustees of E & M Trust; Grant Chadwick, Trustee of the Chadwick Trust; Bert and Laura
Wheatley, Seth and Beth Wheatley, and Wheatley Properties, LLC (hereinafter collectively
"Protestants"), by and through its counsel of record, MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED, and pursuant to Idaho Department of Water Resources' Notice of Hearing
and Order Extending Discovery, dated December 30, 2010, hereby submit the following list of
witnesses who Protestants may call to testify at hearing:

1. **Eldon Golightly**: Mr. Golightly may testify regarding the history, development, and use of the Golightly water rights (13-62, 13-216, 13-217, 13-286, 13-287, 13-288, and 13-4130); the irrigation history and geography of the Worm Creek and Spring Creek drainages; the history and development of the Johnson and Lamont Reservoirs; the springs which contribute (or once contributed) to Spring Creek flows; the adjudication resulting in the Worm Creek Drainage Basin Decree; the irrigation-based operational comingling of the waters of the Worm Creek, Spring Creek, Mink Creek, and Cub River drainages; the development, operations, and infrastructure of the Preston-Whitney Irrigation Company (the “Company”); the installation of pipelines by the Company and the Cub River Irrigation Company over time; the Company’s exportation, leasing or exchange of water with the Cub River Irrigation Company; the evolution and enlargement of the Company’s irrigation Place of Use (service area) over time; and efforts Mr. Golightly has undertaken seeking the administration of water rights within Water District 13-A.

2. **Grant Chadwick**: Mr. Chadwick may testify regarding the history, development, and use of the Chadwick water rights (13-0256 and 13-0258); the Company’s exportation, leasing or exchange of water with the Cub River Irrigation Company; the evolution and enlargement of the Company’s irrigation Place of Use (service area) over time; and efforts Mr. Chadwick has undertaken seeking the administration of water rights within Water District 13-A.

3. **Bert, Laura, Seth, and/or Beth Wheatley**: The Wheatleys (all or some of them) may testify regarding the history, development, and use of the Wheatley water rights (13-0218, 13-0221, 13-0224, and 13-0225); the Company’s exportation, leasing or exchange of water with the Cub River Irrigation Company; the evolution and enlargement of the Company’s

irrigation Place of Use (service area) over time; and efforts the Wheatleys have undertaken seeking the administration of water rights within Water District 13-A.

4. **Scott King**: Mr. King will testify regarding the geography and hydrology of the Worm Creek and Spring Creek drainages; the irrigation-based operational comingling of the waters of the Worm Creek, Spring Creek, Mink Creek, and Cub River drainages; the Company's use of natural channels to convey water; the evolution and enlargement of the Company's irrigation Place of Use (service area) over time; Company use/operations of water storage reservoirs, including Foster, Glendale, Lamont, and Johnson Reservoirs; the technical aspects of the Company's Amended Application for Transfer No. 75705 (*i.e.*, how the elements of the Company's transferred water rights will differ from those pre-transfer); and whether the Company's pending transfer complies with the criteria set forth in Idaho Code Section 42-222, including how the transfer, if approved, implicates the administration of water rights under the Worm Creek Drainage Basin Decree. In sum, Mr. King will testify in conformance with his transfer application review findings as stated and contained within his Transfer Review Memorandum, dated March 11, 2011, and identified as Protestants' Exhibit No. 106.

5. **Cindy Bird**: Ms. Bird may testify regarding the administration (or lack thereof) of water rights within Water District 13-A under the Worm Creek Drainage Basin Decree; the efforts the Protestants have undertaken seeking the administration of water rights within Water District 13-A; the irrigation-based operational comingling of the waters of the Worm Creek, Spring Creek, Mink Creek, and Cub River drainages; the Company's exportation, leasing or exchange of water with the Cub River Irrigation Company; the installation of pipelines by the Company and the Cub River Irrigation Company over time; the evolution and enlargement of the Company's irrigation Place of Use (service area) over time; the technical

aspects of the Company's Amended Application for Transfer No. 75705 (*i.e.*, how the elements of the Company's transferred water rights will differ from those pre-transfer); and whether the Company's pending transfer complies with the criteria set forth in Idaho Code Section 42-222.

6. **Lyle Porter**: Mr. Porter is the President of the Company. Mr. Porter may be called to testify regarding the irrigation history and geography of the Worm Creek and Spring Creek drainages; the history, development, and use/operations of the Glendale, Foster, Lamont and Johnson Reservoirs; the adjudication resulting in the Worm Creek Drainage Basin Decree; the irrigation-based operational comingling of the waters of the Worm Creek, Spring Creek, Mink Creek, and Cub River drainages; the development, operations, and infrastructure of the Preston-Whitney Irrigation Company; the installation of pipelines by the Company and the Cub River Irrigation Company over time; the Company's exportation, leasing or exchange of water with the Cub River Irrigation Company; the evolution and enlargement of the Company's irrigation Place of Use (service area) over time; Company use of natural channels to convey water; Company failure to comply with the water measurement and reporting requirements set forth in the Worm Creek Drainage Basin Decree; the failure of elements of Company water rights to match on-the-ground operations; the technical aspects of the Company's Amended Application for Transfer No. 75705 (*i.e.*, how the elements of the Company's transferred water rights will differ from those pre-transfer); and how the transfer, if approved, will modify the current administration of Worm Creek and/or Spring Creek drainage water rights.

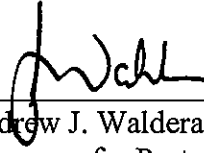
Reservation of Rights

Protestants hereby reserve the right to supplement this witness list. Further, Protestants also reserve the right to call any witness named by any other party to this matter.

DATED this 16th day of March, 2011.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By



Andrew J. Waldera – Of the Firm
Attorneys for Protestants
Eldon and Mary Ann Golightly,
individually and as Trustees of
E & M Trust; Grant Chadwick, Trustee
of the Chadwick Trust; Bert and Laura
Wheatley, Seth and Beth Wheatley, and
Wheatley Properties, LLC

CERTIFICATE OF SERVICE

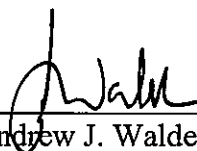
I HEREBY CERTIFY that on this 16th day of March, 2011, I caused a true and correct copy of the foregoing **PROTESTANTS' LIST OF WITNESSES FOR HEARING** to be served by the method indicated below, and addressed to the following:

Robert Harris
HOLDEN KIDWELL HAHN & CRAPO
P.O. Box 50130
Idaho Falls, ID 83405

☐ U.S. Mail, Postage Prepaid
☐ Hand Delivered
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UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
ATTN: Fredric W. Price
1387 S. Vinnell Way
Boise, ID 83709

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Andrew J. Waldera