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Department of Water Resources
Eastern Region

Attorneys for Eldon and Mary Ann Golightly,
Grant and Linda Chadwick, Bert and Laura Wheatley
Seth and Beth Wheatley, and Wheatley Properties, LLC

Scott L. Campbell, ISB No. 2251
MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED
101 S. Capitol Blvd., 10th Floor
Post Office Box 829
Boise, Idaho 83701
Telephone (208) 345-2000
Facsimile (208) 385-5384
23868.0000

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN RE:

PRESTON-WHITNEY IRRIGATION CO.
TEMPORARY CHANGE APPLICATION,
JUNE 24, 2010

MOTION FOR DISQUALIFICATION OF
OFFICERS HEARING CONTESTED CASES

Petitioners, Eldon and Mary Ann Golightly, Grant and Linda Chadwick, Bert and Laura Wheatley, Seth and Beth Wheatley, and Wheatley Properties, LLC, (hereinafter, collectively "Petitioners"), hereby assert a blanket disqualification for cause of all employees of the Idaho Department of Water Resources (the "Department"), except for the Director, pursuant to Idaho Code Section 67-5252 and IDAPA 37.01.01.412.

The basis for this request for blanket disqualification of all employees of the agency hearing this contested case is the "substantial prior involvement in the matter by

numerous Department employees, including Tim Luke, James Cefalo, and other employees who have yet to be specifically identified because discovery has not occurred. Due to the status of the employees of the agency in this matter, and their substantial prior involvement, proceeding to a hearing before any of the employees of the Department, except for the Director would be prejudicial to the interests of Petitioners, because of potential for bias and pre-decision by Department employees.

Consequently, Petitioners request that all hearings in this matter be conducted by the Director, Idaho Department of Water Resources.

DATED this 29th day of June, 2010.

MOFFATT, THOMAS, BARRETT, ROCK &
FIELDS, CHARTERED

By Scott L. Campbell
Scott L. Campbell – Of the Firm
Attorneys for Eldon and Mary Ann
Golightly, Grant and Linda Chadwick,
Bert and Laura Wheatley, Seth and Beth
Wheatley, and Wheatley Properties, LLC,
Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of June, 2010, I caused a true and correct copy of the foregoing MOTION FOR DISQUALIFICATION OF OFFICERS HEARING CONTESTED CASES to be served by the method indicated below, and addressed to the following:

Director
IDAHO DEPARTMENT OF WATER RESOURCES
322 E. Front Street, 6th Floor
P.O. Box 83720
Boise, ID 83720

☐ U.S. Mail, Postage Prepaid
☒ Hand Delivered
☐ Overnight Mail
☐ Facsimile

IDAHO DEPARTMENT OF WATER RESOURCES
Eastern Region Office
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

☐ U.S. Mail, Postage Prepaid
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☐ Overnight Mail
☒ Facsimile

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

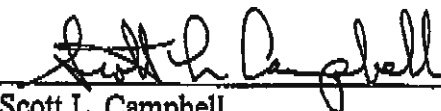
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PRESTON-WHITNEY IRRIGATION CO.
P.O. Box 311
Preston, ID 83263

☒ U.S. Mail, Postage Prepaid
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☐ Overnight Mail
☐ Facsimile

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
ATTN: Fredric W. Price
1387 S. Vinnell Way
Boise, ID 83709

☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
☐ Overnight Mail
☐ Facsimile



Scott L. Campbell