

No. 137, ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

STATE OF MONTANA, Plaintiff

v.

STATE OF WYOMING

AND

STATE OF NORTH DAKOTA, Defendants

BEFORE THE HONORABLE BARTON H. THOMPSON, JR.

SPECIAL MASTER

ATTACHMENT A TO WYOMING'S FINAL PRETRIAL MEMORANDUM

WYOMING'S TRIAL WITNESS LIST

PETER K. MICHAEL*
Attorney General of Wyoming

JAY JERDE
Deputy Attorney General
JAMES KASTE
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**Counsel of Record*

The State of Wyoming presents the following Witness List pursuant to Section 2.3 of Case Management Order No. 11. The State of Wyoming will call the following witnesses:

1. **Patrick T. Tyrrell**, Wyoming State Engineer, Wyoming State Engineer's Office, 122 W. 25th St. Herschler Building 4E, Cheyenne, WY 82002; Mr. Tyrrell is the Wyoming State Engineer. Mr. Tyrrell may testify about any information or actions he had knowledge of during his time as Wyoming State Engineer. This may include, but is not limited to, regulation of water rights in Wyoming, Board of Control actions, irrigated acreage, Wyoming's water activities in the Tongue River basin, technical data related to administration of surface water, groundwater, and reservoirs in the Tongue River basin and elsewhere, all matters related to the compact including the Yellowstone River Compact Commission, and all operations of the Wyoming State Engineer's office. Mr. Tyrrell may testify at trial about all matters reasonably covered in his deposition.
2. **Sue Lowry**, Wyoming State Engineer's Office, 122 W. 25th St. Herschler Building 4E, Cheyenne, WY 82002; Ms. Lowry is the Interstate Streams Administrator for the Wyoming State Engineer's Office, and Wyoming's current Yellowstone River Compact Commissioner. Ms. Lowry may provide testimony in regards to information or actions she has knowledge of as a result of her employment with the State Engineer's office that includes, but is not limited to, technical data and information related to Wyoming's activities in the Tongue or Powder River basins, a history of Compact Commission actions, and information related to the Technical Committee of the Compact Commission. Ms. Lowry may testify at trial about all matters reasonably covered in her deposition.
3. **Carmine LoGuidice**, Wyoming State Engineer's Office, 1833 South Sheridan Avenue, Sheridan, WY 82801; Mr. LoGuidice is the current Superintendent of Wyoming's Water Division II, which includes all of Wyoming's portion of the Tongue River basin, and is a former hydrographer-commissioner in Division II. Mr. LoGuidice may testify to any information or actions he had knowledge of during his time working for the Wyoming State Engineer's Office and information related to regulation and condition of specific rivers and streams in the Tongue River Basin or imported water from the Powder River Basin, and information related to surface water, reservoirs, and groundwater. Information regarding regulation may include, but not be limited to, methods and accuracy of stream flow measurement, actions taken to regulate, and conditions that trigger regulation. Mr. LoGuidice may also testify regarding return flows, irrigated acreage, augmentation of water supplies, reservoir usage, abandonment, consumptive use, irrigation patterns and methods, changes to water rights, and any other information resulting from his training and work

experience for the Wyoming State Engineer's Office. He may also testify regarding information related to communications with Montana and communications and actions related to the Yellowstone River Compact or the Commission's Technical Committee. Mr. LoGuidice may testify at trial about all matters reasonably covered in his deposition.

4. **Michael Whitaker**, 26095 Old Highway 87, Kaycee, WY 82639; Mr. Whitaker is the former Superintendent of Wyoming's Water Division II, which includes all of Wyoming's portion of the Tongue River basin, and is a former hydrographer-commissioner in Division II. Mr. Whitaker may testify to any information or actions he had knowledge of during his time working for the Wyoming State Engineer's Office related to regulation and condition of specific rivers and streams in the Tongue River Basin or imported water from the Powder River Basin, and information related to surface water, reservoirs, and groundwater. Information regarding regulation may include, but not be limited to, methods and accuracy of stream flow measurement, actions taken to regulate, and conditions that trigger regulation. Mr. Whitaker may also testify regarding return flows, irrigated acreage, augmentation of water supplies, reservoir usage, abandonment, consumptive use, irrigation patterns and methods, changes to water rights, and any other any other information resulting from his training and work experience for the Wyoming State Engineer's Office. He may also testify regarding information related to communications with Montana and communications and actions related to the Yellowstone River Compact or the Commission's Technical Committee. Mr. Whitaker may testify at trial about all matters reasonably covered in his deposition.
5. **Bill Knapp**, Wyoming State Engineer's Office, 1833 South Sheridan Avenue, Sheridan, WY 82801; Mr. Knapp is the Assistant Superintendent and a hydrographer-commissioner in Wyoming's Water Division II, which includes all of Wyoming's portion of the Tongue River Basin. Mr. Knapp may testify to information or actions he has knowledge of during his time working for the Wyoming State Engineer's Office and information related to the regulation and condition of specific rivers and streams in the Tongue River Basin or imported water from the Powder River Basin, and related to surface water, reservoirs, and groundwater. Information regarding regulation may include, but not be limited to, methods and accuracy of stream flow measurement, actions taken to regulate, and conditions that trigger regulation. Mr. Knapp may also testify regarding return flows, irrigated acreage, augmentation of water supplies, reservoir usage, irrigation patterns and methods, changes to water rights, and any other matters resulting from his training and work experience for the Wyoming State Engineer's Office. Mr. Knapp may testify at trial about all matters reasonably covered in his deposition.
6. **Pat Boyd**, Wyoming State Engineer's Office, 1833 South Sheridan Avenue, Sheridan, WY 82801; Mr. Boyd is a hydrographer-commissioner in Wyoming's Water Division

II, which includes all of Wyoming's portion of the Tongue River Basin. Mr. Boyd may testify to information or actions he has knowledge of during his time working for the Wyoming State Engineer's Office related to the regulation and condition of specific rivers and streams in the Tongue River Basin and information related to surface water, reservoirs, and groundwater. Information regarding regulation may include, but not be limited to, methods and accuracy of stream flow measurement, actions taken to regulate, and conditions that trigger regulation. Mr. Boyd may also testify regarding return flows, irrigated acreage, augmentation of water supplies, reservoir usage, irrigation patterns and methods, changes to water rights, and any other matters resulting from his training and work experience for the Wyoming State Engineer's Office. Mr. Boyd may testify at trial about all matters reasonably covered in his deposition.

7. **David Schroeder**; Wyoming State Engineer's Office, 1833 South Sheridan Avenue, Sheridan, WY 82801; Mr. Schroeder is a hydrographer-commissioner in Wyoming's Water Division II, which includes all of Wyoming's portion of the Tongue River Basin. Mr. Schroeder may testify to information or actions he has knowledge of during his time working for the Wyoming State Engineer's Office and information related to coal bed methane development and produced water, and information related to regulation and condition of specific rivers and streams in the Tongue River Basin and imported water from the Powder River Basin, and related to surface water, reservoirs, and groundwater. Information regarding regulation may include, but not be limited to, methods and accuracy of stream flow measurement, actions taken to regulate, and conditions that trigger regulation. Mr. Schroeder may also testify regarding return flows, irrigated acreage, augmentation of water supplies, reservoir usage, irrigation patterns and methods, changes to water rights, and any other matters resulting from his training and work experience for the Wyoming State Engineer's Office. Mr. Schroeder may testify at trial about all matters reasonably covered in his deposition.
8. **Bern Hinckley**, Hinckley Consulting, 419 South 5th Street, Laramie, WY 82070; Mr. Hinckley is an expert designated by Wyoming in this matter. Mr. Hinckley's testimony will be based upon his personal knowledge, his review of the reports submitted by Plaintiff, the information disclosed during discovery, and based upon his education, training, and experience. Mr. Hinckley may testify at trial about all matters reasonably covered in his expert report, his deposition, as well as those matters described in Wyoming's Expert Designation dated April 2, 2013. Additionally, Mr. Hinckley reviewed Plaintiff's rebuttal reports, and will consider the trial testimony of Plaintiff's witnesses, and he may be asked to comment thereon at trial. To the extent rebuttal testimony may be warranted and permissible on subject matter within Mr. Hinckley's expertise, he may be called upon to give rebuttal testimony. Mr. Hinckley may testify at trial about all matters reasonably covered in his deposition.

9. **Doyle Fritz**, WWC Engineering, 149 Terra Avenue, Sheridan, WY 82801; Mr. Fritz is an expert designated by Wyoming in this matter. Mr. Fritz's testimony will be based upon his personal knowledge, his review of the reports submitted by Plaintiff, the information disclosed during discovery, his independent review of water use in the Wyoming portion of the Tongue River basin, and based upon his education, training, and experience. Mr. Fritz may testify at trial about all matters reasonably covered in his expert report, his deposition, as well as those matters described in Wyoming's Expert Designation dated April 2, 2013. Additionally, Mr. Fritz reviewed Plaintiff's rebuttal reports, and will consider the trial testimony of Plaintiff's witnesses, and he may be asked to comment thereon at trial. To the extent rebuttal testimony may be warranted and permissible on subject matter within Mr. Fritz's expertise, he may be called upon to give rebuttal testimony. Mr. Fritz may testify at trial about all matters reasonably covered in his deposition.

10. **Dr. Willem Schreüder**, Principia Mathematica Inc., 445 Union Blvd. Suite 230, Lakewood, CO 80228; Dr. Schreüder is an expert designated by Wyoming in this matter. Dr. Schreüder's testimony will be based upon his review of the reports submitted by Plaintiff, the information disclosed during discovery, and based upon his education, training, and experience. Dr. Schreüder may testify at trial about all matters reasonably covered in his expert report, his deposition, as well as those matters described in Wyoming's Expert Designation dated April 2, 2013. Additionally, Dr. Schreüder reviewed Plaintiff's rebuttal reports, and will consider the trial testimony of Plaintiff's witnesses, and he may be asked to comment thereon at trial. To the extent rebuttal testimony may be warranted and permissible on subject matter within Dr. Schreüder's expertise, he may be called upon to give rebuttal testimony. Dr. Schreüder may testify at trial about all matters reasonably covered in his deposition.

The State of Wyoming may call the following witnesses:

1. **Gordon (Jeff) Fassett**; HDR Engineering, 1720 Carey Avenue, Suite 612, Cheyenne, WY 82001; Wyoming does not employ Mr. Fassett. Mr. Fassett is a former Wyoming State Engineer. Mr. Fassett may testify about any information or actions he had knowledge of during his time as Wyoming State Engineer. This may include, but is not limited to, regulation of water rights in Wyoming, Board of Control actions, irrigated acreage, Wyoming's water activities in the Tongue River basin, technical data related to administration of surface water, groundwater, and reservoirs in the Tongue River basin, all matters related to the compact including the Yellowstone River Compact Commission, and all operations of the Wyoming State Engineer's office. Mr. Fassett may testify at trial about all matters reasonably covered in his deposition.

2. **Mike Purcell**, 317 Palm Springs Avenue, Cheyenne WY 82009; Wyoming does not employ Mr. Purcell. Mr. Purcell was the Director of Wyoming Water Development

Office ("WWDO") during the years in question until 2012. He may testify with regard to information related to WWDO water planning projects and reservoirs in the Tongue River Basin, and the Basin Plan.

3. **Loren Smith**, 715 East Roosevelt Avenue, Riverton, WY 82501; Mr. Smith is the Superintendent of Wyoming Water Division III. Mr. Smith may testify regarding technical data and information related to Wyoming's activities in the Tongue Basin. He may also testify regarding information related to communications with Montana and communications and actions related to the Yellowstone River Compact or the Commission's Technical Committee.
4. **Craig Cooper**, 1627 Major Avenue, Riverton WY 82501; Wyoming does not employ Mr. Cooper. Mr. Cooper is a former Superintendent of Wyoming Water Division III. Mr. Cooper may testify regarding technical data and information related to Wyoming's activities in the Tongue Basin. He may also testify regarding information related to communications with Montana and communications and actions related to the Yellowstone River Compact or the Commission's Technical Committee.
5. **Allan Cunningham**, Wyoming State Board of Control, 122 W. 25th St. Herschler Building 4E, Cheyenne, WY 82002; Mr. Cunningham is the Board of Control Administrator for the Wyoming Board of Control. Mr. Cunningham may testify to any information or actions he has knowledge of during his time working for the Wyoming Board of Control including, but not limited to, Wyoming water rights records, surface and groundwater adjudication procedures before the Board of Control, reservoir permitting, changes in water rights, abandonments, exchanges, temporary water use agreements, and trans-basin diversions. Mr. Cunningham may testify at trial about all matters reasonably covered in his deposition.
6. **Lisa Lindemann**, Wyoming State Engineer's Office, 122 W. 25th St. Herschler Building 4E, Cheyenne, WY 82002; Ms. Lindemann is the Groundwater Administrator for the Wyoming State Engineer's Office. Ms. Lindemann may testify to any information or actions she has knowledge of during her time working for the Wyoming State Engineer's Office related to, but not limited to, groundwater permitting in Wyoming, groundwater and geologic conditions in the Tongue and Powder River Basins, and information related to coal bed methane development in Wyoming. Ms. Lindemann may testify at trial about all matters reasonably covered in her deposition.
7. **Jeremy Manley**, Wyoming State Engineer's Office, 122 W. 25th St. Herschler Building 4E, Cheyenne, WY 82002; Mr. Manley currently works in the Groundwater Division of the Wyoming State Engineer's Office. Mr. Manley may testify to any information or actions he has knowledge of during his time working for the Wyoming State Engineer's Office related to, but not limited to, groundwater permitting in

Wyoming, groundwater and geologic conditions in the Tongue and Powder River Basins, and information related to coal bed methane development in Wyoming, and related to development of the BLM's 2002 groundwater model.

8. **Dave Pelloux**, Wyoming State Engineer's Office, 1833 South Sheridan Avenue, Sheridan, WY 82801; Mr. Pelloux is a hydrographer-commissioner in Wyoming's Water Division II, which includes all of Wyoming's portion of the Tongue River Basin. Mr. Pelloux may testify to information or actions he has knowledge of during his time working for the Wyoming State Engineer's Office related to the regulation and condition of specific rivers and streams in the Tongue River Basin or imported water from the Powder River Basin, and information related to surface water, reservoirs, and groundwater. Information regarding regulation may include, but not be limited to, methods and accuracy of stream flow measurement, actions taken to regulate, and conditions that trigger regulation. Mr. Pelloux may also testify regarding return flows, irrigated acreage, augmentation of water supplies, reservoir usage, irrigation patterns and methods, changes to water rights, and any other matters resulting from his training and work experience for the Wyoming State Engineer's Office. Mr. Pelloux may testify at trial about all matters reasonably covered in his deposition.
9. **John Barnes**, JR Barnes Consulting, LLC, 502 Dayshia Lane, Cheyenne, WY 82007; Wyoming does not employ Mr. Barnes. Mr. Barnes is the former Surface Water Administrator for the Wyoming State Engineer's Office. Mr. Barnes may testify to any information or actions he had knowledge of as a result of his employment for the Wyoming State Engineer's Office related to, but not limited to, surface water permitting, changes in water rights, reservoirs, abandonments, exchanges, temporary water use agreements, trans-basin diversions, and the Yellowstone River Compact. Mr. Barnes may testify at trial about all matters reasonably covered in his deposition.
10. **Kim French**, Wyoming State Engineer's Office, 1833 South Sheridan Avenue, Sheridan, WY 82801; Ms. French is a coal bed methane reservoir inspector for the Wyoming State Engineer's Office. Ms. French may testify to any information or actions she has knowledge of during her time working for the Wyoming State Engineer's Office related to reservoirs in the Tongue and Powder River Basins, including, but not limited to those reservoirs storing water discharged in the production of coal bed methane. Ms. French may testify at trial about all matters reasonably covered in her deposition.
11. **Phil Ogle**, 6920 Yellowtail Road, Cheyenne, WY 82002; Mr. Ogle is the Deputy Director of River Basin Planning for the Wyoming Water Development Office. Mr. Ogle may testify with regard to information related to WWDO water planning projects in the Tongue River Basin, and the Basin Plan.

12. **Jodee Pring**, 122 West 25th Street, Herschler Building 4E, Cheyenne, WY 82002; Ms. Pring works within the Wyoming State Engineer's Office Interstate Streams Division. Ms. Pring may testify with regard to technical data related to water rights, water use, adjudications, communications with Montana, and communications resulting from her service on the Yellowstone River Compact Commission's Technical Committee.
13. **Jodie Pavlica**, 6920 Yellowtail Road, Cheyenne, WY 82002; Ms. Pavlica is employed as a project manager by the Wyoming Water Development Office. Ms. Pavlica may testify with regard to Information related to WWDO water planning projects in the Tongue River Basin, and the Basin Plan.
14. **Deborah Reed**, Wyoming State Engineer's Office, 1833 South Sheridan Avenue, Sheridan, WY 82801; Ms. Reed works as a secretary at the Wyoming State Engineer's Office in Sheridan, Wyoming. Ms. Reed may testify to any information or actions she has knowledge of during her time working for the Wyoming State Engineer's Office, including her knowledge of documents and records created or maintained by that office.
15. **Tana Ankney**, 1141 Decker Road, Sheridan WY 82801; Wyoming does not employ Ms. Ankney. Ms. Ankney may testify regarding irrigation related to lands associated with the Delapp water right and related to the Interstate Ditch, and irrigation utilizing coal bed methane produced water. Ms. Ankney may testify at trial about all matters reasonably covered in her deposition.
16. **Greg Benzel**, HC 64, P.O. Box 65, Sheridan WY 82801; Wyoming does not employ Mr. Benzel. Mr. Benzel may testify regarding irrigation and water rights related to the Padlock Ranch including Wagner, Five Mile and Padlock Waste Recovery Reservoirs, and information related to Five Mile and Columbus Creeks. Mr. Benzel may testify at trial about all matters reasonably covered in his deposition.
17. **David Fisher**, 328 Slatter Creek Lane, Ranchester WY 82839; Wyoming does not employ Mr. Fisher. Mr. Fisher may testify regarding the water rights and irrigation related to the Addleman water right. Mr. Fisher may testify at trial about all matters reasonably covered in his deposition.
18. **Gary Koltiska**, 120 Cat Creek Road, Sheridan WY 82801; Wyoming does not employ Mr. Koltiska. Mr. Koltiska may testify regarding the water rights and the irrigation related to the Koltiska water right, and irrigation utilizing coal bed methane produced water, and irrigation for Cat/Wildcat Creek and Prairie Dog Ditch/Creek. Mr. Koltiska may testify at trial about all matters reasonably covered in his deposition

19. **Ross Peterson**, 446 Lower Prairie Dog, Sheridan WY 82801; Wyoming does not employ Mr. Peterson. Mr. Peterson may testify regarding the water rights and the irrigation related to lands associated with the Rose Pump and related to Prairie Dog Ditch/Creek. Mr. Peterson may testify at trial about all matters reasonably covered in his deposition.
20. **Joe Pilch**, 897 Lower Prairie Dog Road, Sheridan WY 82801; Wyoming does not employ Mr. Pilch. Mr. Pilch may testify regarding the water rights and the irrigation related to lands associated with the Pilch water rights, and irrigation utilizing coal bed methane produced water, and related to Prairie Dog Ditch/Creek. Mr. Pilch may testify at trial about all matters reasonably covered in his deposition.
21. **John Stier**, 51 Coffeen Avenue, Suite 102, Sheridan WY 82801; Wyoming does not employ Mr. Stier. Mr. Stier May testify regarding the coal bed methane production operations within the Tongue River Basin including that of Stormcat Energy Operating and including the disposition of coal bed methane produced water and/or the use of that water for irrigation purposes within the Tongue River Basin. Mr. Stier may testify at trial about all matters reasonably covered in his deposition.
22. **Bill White**, 59 Halfway Lane, Ranchester WY 82839; Wyoming does not employ Mr. White. Mr. White may testify regarding the water rights and irrigation related to lands associated with the White water right and related to the South Side Ditch. Mr. White may testify at trial about all matters reasonably covered in his deposition.
23. **Shawn Ankney**, 1106 Decker Road, Sheridan WY 82801; Wyoming does not employ Mr. Ankney. Mr. Ankney may testify regarding the water rights and irrigation related to lands associated with the Stroup water right and related to the Interstate Ditch. Mr. Ankney may testify at trial about all matters reasonably covered in his deposition.
24. **John Engels**, 6328 Big Horn Avenue, Sheridan WY 82801; Wyoming does not employ Mr. Engels. Mr. Engels may testify regarding the water rights and irrigation related to the Interstate Ditch. Mr. Engels may testify at trial about all matters reasonably covered in his deposition.
25. **Daniel Koltiska**, 346 Cat Creek Road, Sheridan, Wyoming 82801; Wyoming does not employ Mr. Koltiska. Mr. Koltiska may testify with regard to the water rights and the irrigation of lands associated with the Koltiska KN Pump, and Prairie Dog Ditch/Creek. Mr. Koltiska may testify at trial about all matters reasonably covered in his deposition.
26. **Wade Larson**, 225 Youngs Creek Road, Sheridan, Wyoming 82801; Wyoming does not employ Mr. Larson. Mr. Larson may testify with regard to the water rights and

the irrigation of lands associated with the Barbula appropriation, and irrigation out of Youngs Creek and the Interstate Ditch.

27. **Bill Shackelford**, 3320 U.S. Highway 87, Sheridan WY 82801; Wyoming does not employ Mr. Shackelford. Mr. Shackelford may testify with regard to the water rights and the irrigation of lands associated with Piney & Cruse Ditch, and the Piney & Cruse Creek Ditch Company. Mr. Shackelford may testify at trial about all matters reasonably covered in his deposition.
28. **John Zullig**, 87 Kruse Creek Road, Sheridan WY 82801; Wyoming does not employ Mr. Zullig. Mr. Zullig may testify with regard to the water rights and the irrigation of lands associated with Piney & Cruse Ditch, and Prairie Dog Ditch/Creek.
29. **Jim Roach**, 954 Beaver Creek Rd., Sheridan WY 82801; Wyoming does not employ Mr. Roach. Mr. Roach may testify with regard to the water rights and the irrigation of lands associated with Mead-Coffeen Ditch.
30. **John Wantulok**, 1405 Pioneer Road, Sheridan WY 82801; Wyoming does not employ Mr. Wantulok. Mr. Wantulok may testify with regard to all matters relating to the water rights, water storage, water release and general operations of Park Reservoir. Mr. Wantulok may testify at trial about all matters reasonably covered in his deposition.
31. **Bruce Williams**, 116 Canvasback Road, Sheridan, Wyoming 82801; Wyoming does not employ Mr. Williams. Mr. Williams may testify as to his personal knowledge of coal bed methane development, drilling and production, and associated water production, within the Tongue River Basin in both Montana and Wyoming from its inception until his retirement in 2008. Mr. Williams may testify at trial about all matters reasonably covered in his deposition.
32. **David Garber**, 926 Highway 335, Big Horn 82833; Wyoming does not employ Mr. Garber. Mr. Garber may testify with regard to all matters relating to the water rights, water storage, water release and general operations of Cross-Creek, Last Chance and Willets reservoirs, and other rights for which he has personal knowledge.
33. **Bret Bateman**, 2 Soldier Creek Road, Sheridan, WY 82801; Wyoming does not employ Mr. Bateman. Mr. Bateman may testify with regard to all matters relating to the water rights, water storage, water release and general operations of Sawmill and Dome reservoirs.
34. **Tom Koltiska**, 163 Lower Prairie Dog Road, Sheridan WY 82801; Wyoming does not employ Mr. Koltiska. Mr. Koltiska may testify with regard to the water rights and the irrigation of lands associated with the Prairie Dog Ditch/Creek and tributaries, and

Kearny reservoir. Mr. Koltiska may testify at trial about all matters reasonably covered in his deposition.

35. **John Koltiska**; Wyoming does not employ Mr. Koltiska, and Mr. Koltiska has passed away since providing his deposition. Mr. Koltiska may testify through his deposition with regard to the water rights and the irrigation of lands associated with the Prairie Dog Ditch/Creek and tributaries, and Kearny reservoir.
36. **John Becker**, 3450 US Highway 87, Sheridan WY 82801; Wyoming does not employ Mr. Becker. Mr. Becker may testify with regard to all matters relating to the water rights, water storage, water release and general operations of Big Horn, Cross-Creek, Last Chance and Willets reservoirs.
37. **Bruce Davidson**, 514 Upper Prairie Dog Road, Banner WY 82832; Wyoming does not employ Mr. Davidson. Mr. Davidson may testify with regard to all matters relating to the water rights, water storage, water release and general operations of Kearney reservoir.
38. **Tom Manolis**, 6 Soldier Creek Road, Sheridan, WY 82801; Wyoming does not employ Mr. Manolis. Mr. Manolis may testify with regard to the water supply and treatment for the City of Sheridan, and all matters relating to the water rights, water storage, water release and general operations of Twin Lakes reservoir.
39. **Manual Rodriguez**, Wood Group Production Services, 2615 Aviation Drive, Sheridan WY 82801; Wyoming does not employ Mr. Rodriguez. Mr. Rodriguez may testify regarding coal bed methane production within the Tongue River Basin including that of Stormcat Energy Operating and his maintenance of related mapping, and including the disposition of coal bed methane produced water and/or the use of that produced water for irrigation purposes within the Tongue River Basin. Mr. Rodriguez may testify at trial about all matters reasonably covered in his deposition.
40. **John Wheaton**, 1300 West Park Street, Butte, Montana 59701; Wyoming does not employ Mr. Wheaton. Mr. Wheaton may testify with regard to his knowledge as an employee of the Montana Bureau of Mines and Geology and with regard to coal hydrology, the Powder River Basin coal monitoring program, the Powder River Basin Control Groundwater Area, groundwater modeling, and coal bed methane produced groundwater. Mr. Wheaton may testify at trial about all matters reasonably covered in his deposition.
41. **Russell Levens**, 1424 9th Avenue, Helena MT 59620; Mr. Levens may testify with regard to his knowledge as an employee of the Montana Department of Natural Resources and Conservation as a groundwater hydrologist. Mr. Levens may testify at trial about all matters reasonably covered in his deposition.

42. **Fritz Zook**, 503 Road 664, Miles City, MT 59301; Wyoming does not employ Mr. Zook. Mr. Zook may testify with regard to all matters related to Adams Ranch at Pumpkin Creek, Inc.'s former water rights and irrigation practices. Mr. Zook may testify at trial about all matters reasonably covered in his deposition.
43. **Bret Aye**, 171 Harvest Ln., Miles City, MT 59301; Wyoming does not employ Mr. Aye. Mr. Aye may testify with regard to all matters related to his water rights and irrigation practices. Mr. Aye may testify at trial about all matters reasonably covered in his deposition.
44. **David Borntrager**, 215 Amish Ln., Forsyth, MT 59327; Wyoming does not employ Mr. Borntrager. Mr. Borntrager may testify with regard to all matters related to his water rights and irrigation practices. Mr. Borntrager may testify at trial about all matters reasonably covered in his deposition.
45. **Bill Carrel**, 7 Red Bluff Loop, Birney, MT 59012; Wyoming does not employ Mr. Carrel. Mr. Carrel may testify with regard to all matters related to his water rights and irrigation practices. Mr. Carrel may testify at trial about all matters reasonably covered in his deposition.
46. **Allen Clubfoot**, P.O. Box 706, Lame Deer, MT 59043; Wyoming does not employ Mr. Clubfoot. Mr. Clubfoot is a former employee for the Northern Cheyenne Tribe's Natural Resources Department. Mr. Clubfoot may testify with regard to all matters he had knowledge of as a result of his employment related to the Northern Cheyenne Tribe's water rights and irrigation practices, and temporary water permits and agreements issued or entered into by the Northern Cheyenne Tribe. Mr. Clubfoot may testify at trial about all matters reasonably covered in his deposition.
47. **Lonnie Wright**, Diamond Cross Properties, c/o CT Corporation System, 208 North Broadway Ste 313, Billings, MT 59101; Wyoming does not employ Mr. Wright. Mr. Wright may testify with regard to all matters related to Diamond Cross Properties' water rights and irrigation practices. Mr. Wright may testify at trial about all matters reasonably covered in his deposition.
48. **Mark Fix**, 584 Tongue River Rd, Miles City, MT 59301; Wyoming does not employ Mr. Fix. Mr. Fix may testify with regard to all matters related to his water rights and irrigation practices. Mr. Fix may testify at trial about all matters reasonably covered in his deposition.
49. **Charlie Gephart**, P.O. Box 653, Miles, City, MT 59301; Wyoming does not employ Mr. Gephart. Mr. Gephart may testify with regard to all matters related to his

appointment and activities as a water commissioner. Mr. Gephart may testify at trial about all matters reasonably covered in his deposition.

50. **Bruce M. Haley**, 28 Haley Ranch Lane, Ashland, MT 59003; Wyoming does not employ Mr. Haley. Mr. Haley may testify with regard to all matters related to his water rights and irrigation practices. Mr. Haley may testify at trial about all matters reasonably covered in his deposition.
51. **David Pratt**, Hardesty Tract Homeowners Association, 25 Broken Bow Ln., Miles City, MT 59301; Wyoming does not employ Mr. Pratt. Mr. Pratt may testify with regard to all matters related to Hardesty Tract Homeowners Association's water rights and irrigation practices. Mr. Pratt may testify at trial about all matters reasonably covered in his deposition.
52. **Gerhard Helm**, 40 Helm Scenic Circle, Miles City, MT 59301; Wyoming does not employ Mr. Helm. Mr. Helm may testify with regard to all matters related to his water rights and irrigation practices. Mr. Helm may testify at trial about all matters reasonably covered in his deposition.
53. **Charles Kepper**, P.O. Box 573, Birney, MT 59012; Wyoming does not employ Mr. Kepper. Mr. Kepper may testify with regard to all matters related to his appointment and activities as a water commissioner. Mr. Kepper may testify at trial about all matters reasonably covered in his deposition.
54. **Tim Lohof**, Quarter Circle V. Ranch Co., 23 U Ranch Ln., Birney, MT 59012; Wyoming does not employ Mr. Lohof. Mr. Lohof may testify with regard to all matters related to Quarter Circle V. Ranch's water rights and irrigation practices. Mr. Lohof may testify at trial about all matters reasonably covered in his deposition.
55. **Duane Mathison**, 976 Highway 59 S., Miles City, MT 59301-8819; Wyoming does not employ Mr. Mathison. Mr. Mathison may testify with regard to all matters related to his water rights and irrigation practices. Mr. Mathison may testify at trial about all matters reasonably covered in his deposition.
56. **Richard Flotkoetter**, Miles City Town & Country Club Inc., 4th and Eagle, Miles City, MT 59301; Wyoming does not employ Mr. Flotkoetter. Mr. Flotkoetter may testify with regard to all matters related to the Country Club's water rights and irrigation practices. Mr. Flotkoetter may testify at trial about all matters reasonably covered in his deposition.
57. **Jay Nance**, 67 U Cross Ln., Birney, MT 59012-9510; Wyoming does not employ Mr. Nance. Mr. Nance may testify with regard to all matters related to his water

rights and irrigation practices. Mr. Nance may testify at trial about all matters reasonably covered in his deposition.

58. **James S. Ferries**, Paradox Land Co., LLC, c/o Carey Matovich, 2812 First Ave. North, Billings, MT 59101; Wyoming does not employ Mr. Ferries. Mr. Ferries may testify with regard to all matters related to his water rights and irrigation practices. Mr. Ferries may testify at trial about all matters reasonably covered in his deposition.

59. **Robert Thaden**, 137 Morning Star Ln., Miles City, MT 59301; Wyoming does not employ Mr. Thaden. Mr. Thaden may testify with regard to all matters related to his water rights and irrigation practices. Mr. Thaden may testify at trial about all matters reasonably covered in his deposition.

60. **Richard Anderson**, 6707 Moon Creek Rd, Miles City, MT 59301; Wyoming does not employ Mr. Anderson. Mr. Anderson may testify with regard to all matters related to his water rights and irrigation practices. Mr. Anderson may testify at trial about all matters reasonably covered in his deposition.

61. **Kendra Quick**, Big Sky Coal Company, c/o Corporation Service Company, 26 W. Sixth Ave., Helena, MT 59624-1691; Wyoming does not employ Ms. Quick. Ms. Quick may testify with regard to all matters related to Big Sky Coal Company's water rights and irrigation practices. Ms. Quick may testify at trial about all matters reasonably covered in her deposition.

62. **Dick Brewer**, 214 Brandenburg Rd, Miles City, MT 59301; Wyoming does not employ Mr. Brewer. Mr. Brewer may testify with regard to all matters related to his water rights and irrigation practices. Mr. Brewer may testify at trial about all matters reasonably covered in his deposition.

63. **Allen Kelm**, City of Miles City Municipal, 17 S. 8th St., Miles City, MT 59301; Wyoming does not employ Mr. Kelm. Mr. Kelm may testify with regard to all matters related to the City of Miles City's water rights and water use practices related to the Tongue River or water from the Tongue River. Mr. Kelm may testify at trial about all matters reasonably covered in his deposition.

64. **Jordan Sweeney**, Ambre Energy North America, Inc., 170 South Main Street, Suite 700, Salt Lake City, UT 84101; Wyoming does not employ Mr. Sweeney. Mr. Sweeney may testify with regard to all matters related to Ambre Energy North America, Inc.'s water rights and irrigation practices in the Tongue River Basin. Mr. Sweeney may testify at trial about all matters reasonably covered in his deposition.

65. **Maurice Felton**, Felton Angus Ranch, 591 Brandenburg Rd., Miles City, MT 59301; Wyoming does not employ Mr. Felton. Mr. Felton may testify with regard to all

matters related to his water rights and irrigation practices. Mr. Felton may testify at trial about all matters reasonably covered in his deposition.

66. **Alan Fjell**, HC 71 Box 1229, Ashland, MT 59003; Wyoming does not employ Mr. Fjell. Mr. Fjell may testify with regard to all matters related to his appointment and activities as a water commissioner, and the water rights and irrigation practices of his employer. Mr. Fjell may testify at trial about all matters reasonably covered in his deposition.
67. **George Luther Jr.**, Great Northern Properties, c/o Capitol Corporate Service Inc., 26th W. Sixth Ave., Helena, MT 59601; Wyoming does not employ Mr. Luther. Mr. Luther may testify with regard to all matters related to Great Northern Properties' water rights and irrigation practices. Mr. Luther may testify at trial about all matters reasonably covered in his deposition.
68. **John Hamilton**, 3401 Tongue River Rd, Miles City, MT 59301; Wyoming does not employ Mr. Hamilton. Mr. Hamilton may testify with regard to all matters related to his water rights and irrigation practices. Mr. Hamilton may testify at trial about all matters reasonably covered in his deposition.
69. **Raymond Harwood**, 7100 Moon Creek Rd., Miles City, MT 59301; Wyoming does not employ Mr. Harwood. Mr. Harwood may testify with regard to all matters related to his water rights and irrigation practices. Mr. Harwood may testify at trial about all matters reasonably covered in his deposition.
70. **Russell Jorgensen**, 7 Rose Ln., Forsyth, MT 59327; Wyoming does not employ Mr. Jorgensen. Mr. Jorgensen may testify with regard to all matters related to his water rights and irrigation practices. Mr. Jorgensen may testify at trial about all matters reasonably covered in his deposition.
71. **Alfred Leatherberry**, 3705 Batchelor St., Miles City, MT 59301; Wyoming does not employ Mr. Leatherberry. Mr. Leatherberry may testify with regard to all matters related to his water rights and irrigation practices. Mr. Leatherberry may testify at trial about all matters reasonably covered in his deposition.
72. **Gregory Losinski**, 1508 Highway 59 S., Miles City, MT 59301; Wyoming does not employ Mr. Losinski. Mr. Losinski may testify with regard to all matters related to his water rights and irrigation practices. Mr. Losinski may testify at trial about all matters reasonably covered in his deposition.
73. **Bart Meged**, 696 Tongue River Rd., Miles City, MT 59301; Wyoming does not employ Mr. Meged. Mr. Meged may testify with regard to all matters related to his

water rights and irrigation practices. Mr. Meged may testify at trial about all matters reasonably covered in his deposition.

74. **Fred Mueller**, 14 Foothill Drive, Sheridan, WY 82801; Wyoming does not employ Mr. Mueller. Mr. Mueller may testify with regard to all matters related to his water rights, his irrigation practices, and the water rights and lands he leases. Mr. Mueller may testify at trial about all matters reasonably covered in his deposition.
75. **Roger Muggli**, 322 Whittenhove, Miles City, MT 59301; Wyoming does not employ Mr. Muggli. Mr. Muggli may testify with regard to all matters related to his water rights and irrigation practices, and the history, activities, irrigation practices, and water rights of the Tongue & Yellowstone Irrigation District. Mr. Muggli may testify to any information or actions he has knowledge of during his time managing or representing the Tongue & Yellowstone Irrigation District. Mr. Muggli may testify at trial about all matters reasonably covered in his deposition.
76. **Raymond Muggli**; Wyoming does not employ Mr. Muggli, and Mr. Muggli has passed away since providing his deposition. Mr. Muggli may testify through his deposition with regard to all matters related to his water rights, his irrigation practices, and the water rights and lands he leases.
77. **Gary Ochsner**, 1577 Hwy 59 So., Miles City, MT 59301; Wyoming does not employ Mr. Ochsner. Mr. Ochsner may testify with regard to all matters related to his water rights and irrigation practices. Mr. Ochsner may testify at trial about all matters reasonably covered in his deposition.
78. **Kyle Shaw**, 2742 Tongue River Rd., Miles City, MT 59301; Wyoming does not employ Mr. Shaw. Mr. Shaw may testify with regard to all matters related to his water rights and irrigation practices. Mr. Shaw may testify at trial about all matters reasonably covered in his deposition.
79. **Jason Whiteman**, P.O. Box 382, Lame Deer, MT 59043; Wyoming does not employ Mr. Whiteman. Mr. Whiteman is a former employee for the Northern Cheyenne Tribe's Natural Resources Department. Mr. Whiteman may testify with regard to all matters he had knowledge of as a result of his employment related to the Northern Cheyenne Tribe's water rights and irrigation practices, and temporary water permits and water sales agreements issued or entered into by the Northern Cheyenne Tribe. Mr. Whiteman may testify at trial about all matters reasonably covered in his deposition.
80. **Art Hayes**, P.O. Box 578, Birney, MT 59012; Wyoming does not employ Mr. Hayes. Mr. Hayes may testify with regard to all matters related to the water rights and irrigation practices of the Brown Cattle Company. Mr. Hayes may also testify

with regard to the history, activities, water rights, documents, and operational practices of the Tongue River Water Users Association. Mr. Hayes may testify at trial about all matters reasonably covered in his deposition.

Wyoming reserves the right to call each and every witness identified by any other party in this case.