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MAY 10 2024

DEPT. OF WATER RESOURCES

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May 8, 2024

United States Department of Justice
Environmental & Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

Mark J. Widerschein
United States Department of Justice
Environmental & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611

Per previous correspondence prior to the sudden death of my mother at the first week of the year and the process of closing the estate/probate, the daily ranch operation, full-time employment in the retail industry (Karen) and the lack of a full-time staff to sort through the documentation, we have done our best to provide you the answers to your questions.

It was about a month after receipt of the original set of responses to advise us we didn't answer it correctly. We received that notice before the holidays and were given 7 days to re-do the answers to 41 Requests. Several Requests had subparts though related still required a response. They ranged anywhere from 11 – 25 subparts, which resulted in approximately 130 Requests for Admission.

We do not agree with your comment that we are “not unsophisticated litigants”. While we appreciate the compliment, we did not ‘litigate’ before the Idaho Supreme Court regarding a water issue. We had an experienced attorney and his staff who litigated for us and handled all the paperwork.

As to your disapproval of our responses to the the first set of interrogatories, enclosed is the replacement responses to those dated November 15, 2023 per your email dated 12/15/2023.

Please note that we responded in bold text only to visually separate the response from the question.

Though you do not use the term “range improvement” within this document, please be advised that it not correct. It has been paraphrased and words added that are not in the citation at all and we do not agree to your definition of it.

And you definition of ‘elements’ which includes irrigation, flow rates, acres irrigated, etc. we are confused as to why it was even mentioned since these claims are for stockwater on allotment land, not irrigation water. But if we misinterpreted something, please advise so we may correct it.

If you have any other questions or concerns regarding this matter please let us know. Thank you for your consideration of the following.

Sincerely,
Keith & Karen Hood

RE: SRBA Case No. 39576
Subcase 67-15263 et al

Responses to U.S. Dept of Justice
Requests & Interrogatories

Definitions provided by US Dept of Justice:

DEFINITIONS

A. **“Document”** or **“documents”** shall be used in their broadest sense and include, but are not limited to, the originals, marked copies, translations and drafts, regardless of origin, whether sent or received, whether made and/or used internally, and both sides thereof, of the following items, whether printed, recorded, taped, written by hand, typed, or reproduced or stored by any mechanical or electronic process: agreements, brochures, communications, contracts, correspondence, deeds, diaries, endorsements appearing in or on any document or documents, letters, telegrams, telex, facsimile, messages, electronic messages, books, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations, photographs, charts, tabulations, purchase orders, receipts, sell orders, checks, canceled checks, letters of credit, envelopes or folders or similar containers, vouchers, analyses, studies, transcripts of hearings, pleadings and other documents filed in court actions, speeches, newspaper articles, reports, compilations, memos, maps, charts, graphs, tables, memoranda, consultant reports, minutes of meetings or conferences (however they are entitled), notes of any kind, plats or graphic portrayals of any kind, water rights decrees, water release records, prospectus-type material, extracts or summaries of other documents, logs, solicitations, summaries or records of negotiations or investigations, telegrams, tapes, video tapes, computer printouts, computer tapes, computer programs, microfiche, microfilm, computer-generated, computer-stored, electronically-stored matter, and any and all other writings, drawings, graphs, charts, photographs or other data compilations in whatever form they exist, however and by whomever produced, prepared, reproduced, disseminated, or made.

B. **“Relate,” “refer,” “related,” “relating,” “referring”** or **“regarding”** means having some bearing on an indicated subject matter or mentioning or reflecting the subject matter in any manner or context.

C. **“You”** or **“your”** means the Claimant(s) to whom these Requests are addressed, including, but not limited to, all past and present officers, directors, employees, agents, servants, representatives of each such entity or individual, and each past and present attorney of each such entity or individual.

D. **“Describe in detail”** means describe fully by reference to the underlying facts, rather than the ultimate facts or conclusions of law or facts, and particularize as to:

1. The identity of each person involved in each such event, including but not limited to persons employed by you and those persons purporting to act for you;
2. The specific acts of each person’s participation in each such event;
3. The date and time of each such event; and 4. The address and location of each such event.

E. **“Claim”** or **“Claims”** means any or all of the twenty-seven claims filed in the Snake River Basin Adjudication identified in *Attachment A* to these requests.

F. **“Director’s Report”** means a recommendation of a water right claim issued by the Director of the Idaho Department of Water Resources (“IDWR”) that is filed with the Snake River Basin Adjudication Court.

G. **“Your predecessors”** means any other previous owner of the places of use and/or points of diversion for the Claims.

H. **“Personal knowledge”** means knowledge gained through firsthand observation or experience, as distinguished from a belief based on what someone else has said.

I. **“United States”** means the United States of America, its agencies and instrumentalities, and any and all employees, representatives, and agents thereof acting in their official capacities.

J. **“Your land”** means any and all parcels containing the places of use you are claiming, underlying the points of diversion you are claiming, as well as the private land associated with the Claims, if any.

K. **“Grazing Permit”** or **“Term Grazing Permit”** means any permit, or other authorization in writing issued and approved by the United States, authorizing grazing of federal public lands by livestock (43 CFR §4100.0-5 (2005)).

L. **“Base Property”** means land that has the capability to produce crops or forage that can be used to support authorized livestock for a specified period of the year (43 CFR §4100.0-5 (2005)). It is capable of serving as a base of operation for livestock use of public lands within a grazing district (43 CFR §4110.2-1(a)(1) (2005)).

M. **“Grazing preference”** means a superior or priority position against others for the purpose of receiving a grazing permit. This priority is attached to base property owned or controlled by the permittee (43 CFR §4110.0-5 (2005)).

N. **“Range improvement”** means an authorized physical modification or treatment which is designed to: improve production of forage; change vegetation composition; control patterns of use; provide water; stabilize soil and water conditions; or restore, protect and improve the condition of rangeland ecosystems to benefit livestock, wild horses and burros, and fish and wildlife. The term includes, but is not limited to, headboxes, pipelines, troughs, structures, treatment projects, fences, wells, diversions, dams, ponds, and use of mechanical devices or modifications achieved through mechanical means (43 CFR §4100.0-5 (2005)).

O. **“Land conveyance document”** means a document of conveyance of real property or a real property interest, and includes but is not limited to general or special warranty deeds, patents, titles, assignments, contracts, but “land conveyance document” specifically does not include any Grazing Permit, Term Grazing Permit, Special Use Permit, other permit, or easement issued by the United States.

P. **“Legal title”** refers to any instrument in writing which conveys an interest in land from a grantor to the grantee, but “legal title” specifically does not include any Grazing Permit, Term Grazing Permit, Special Use Permit, other permit, or easement issued by the United States.

Q. “**Objection**” or “**Objections**” means the Objections filed by BLM to the Director’s Report for the Claim(s) in the 27 subcase numbers attached in *Exhibit A*.

R. “**Protest**” means a written filing opposing an application, claim or appeal of a right, license, award or authority sought by an applicant in IDWR’s administrative arena or Allocations Bureau.

S. When requested to identify the proper “**elements**” of the claims consolidated herein, it means to identify the owner(s); place(s) of use by legal description, referencing all legal descriptions by section or quarter section of any section, township, and range, as applicable; type of right; purpose (use) of right; maximum amount of stock used; maximum amount of acres irrigated, if purpose (use) of right is irrigation; source; priority date; point(s) of diversion, by legal description, referencing all legal descriptions by section or quarter section of any section, township, and range, as applicable; flow rate; diversion rate; diversion cap; volumetric amount; period of diversion; means of diversion; volume; period of use; and irrigation type (*i.e.*, flood or sprinkler), if purpose (use) of right is irrigation.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that you do not possess legal title to the land described as the points of diversion asserted in the Claims. If your answer differs by individual claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We do not accept your definition of ‘legal title’ without the use of the grazing preference/permit, but we admit to legal title to land described as points of diversion through the grazing preference/permit within the claims.

REQUEST FOR ADMISSION NO. 2: Admit that you do not possess legal title to the land described as the places of use asserted in the Claims. If your answer differs by individual claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We do not accept your definition of ‘legal title’ without the use of the grazing preference/permit, but we admit to legal title to land described as places of use through the grazing preference/permit within the claims.

REQUEST FOR ADMISSION NO. 3: Admit that the United States owns the land asserted as the points of diversion in the Claims. If your answer differs by individual claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We admit that the United States owns in trust the lands where points of diversion are located under Congressional authorization through the Taylor Grazing Act.

REQUEST FOR ADMISSION NO. 4: Admit that the United States owns the land asserted as the places of use in the Claims. If your answer differs by individual claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We admit that the United States owns in trust the lands where places of use are located under Congressional authorization through the Taylor Grazing Act.

REQUEST FOR ADMISSION NO. 5: Admit that you have no land conveyance document that specifically describes water rights which defines the points of diversion asserted in your Claims. If your answer differs by individual claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We do not accept your definition of 'land conveyance document' without the use of the grazing preference/permit

REQUEST FOR ADMISSION NO. 6: Admit that you have no land conveyance document that specifically describes water rights which defines the places of use asserted in the Claims. If your answer differs by individual claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We deny your definition of 'land conveyance document' that specifically excludes the grazing permit/license. The grazing permit/license is tied to our deeded land. But admit that there is no document that defines the points of diversions in our claims.

REQUEST FOR ADMISSION NO. 7: Admit that you have no land conveyance document that specifically describes water rights which define the water sources asserted in your Claims. If your answer differs by individual claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We admit that we do not have a 'land conveyance document' that specifically describes water rights defining the water sources asserted in the claims but deny that we do not have one based upon your definition that excludes the grazing permit/license.

REQUEST FOR ADMISSION NO. 8: Admit that you have no conveyance document which conveys an interest in the surface estate or mineral estate for the lands described as points of diversion and/or places of use asserted in your Claims. If your answer differs by interest or claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We admit that we do not have a 'land conveyance document per your definition that specifically conveys an interest in surface or mineral estate for land described as points of diversion and/or places of use asserted in our claims but deny that we do not have one based upon your definition of 'land conveyance document' that excludes the grazing permit/license.

REQUEST FOR ADMISSION NO. 9: Admit that you have authorized access to graze livestock on the federally-owned land described as the places of use in your Claims pursuant only to a Grazing Permit(s) issued to you by the Bureau of Land Management. If your answer differs by individual claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We admit we are permitted/licensed to graze livestock on federally managed land that is owned in trust by the United States.

REQUEST FOR ADMISSION NO. 10: Admit that you have no legally cognizable interest in the land described as the points of diversion or places of use asserted in your Claims. If your answer differs by individual claim, then please list the claims for which you admit, and for which you deny.

RESPONSE: We deny that we do not have a legally recognized interest per our grazing preference/permit to use the forage and water for the raising of livestock as recognized by Acts of Congress, statutes and the courts.

REQUEST FOR ADMISSION NO. 11: Admit that the Taylor Grazing Act states that "grazing privileges recognized and shall be adequately safeguarded, but the creation of a grazing district or the issuance of a permit pursuant to the provisions of this Act shall not create any right, title, interest, or estate in or to the lands."

RESPONSE: We admit that the partial quote cited above is written but deny that it is used in context according to the Act for it omits the sentence regarding water.

REQUEST FOR ADMISSION NO. 12: Admit that the legal land descriptions comprising the base property description recognized by BLM as a basis for your grazing permit is defined as follows. If your answer differs by legal land description, then please list the legal land descriptions for which you admit, and for which you deny.

T15N, R03W, S21:

(a) SWSW;

T15N, R03W, S28:

(b) NENE,

(c) NWNE,

(d) SWNE,

(e) SENE,

(f) NENW,

(g) NWNW,

(h) SWNW,

(i) SENW,

(j) NESW,

(k) NWSW,

(l) NESE, and

(m) NWSE; and

T15N, R03W, S29:

(n) NENE,

(o) SENE,

(p) NESE.

RESPONSE:

We deny the above description is the recognized 'legal land description' of our property. It is not written that way.

Township 15 North, Range 3 West of the Boise Meridian:

Section 21 SW1/4SW1/4;

Section 28 N1/2, N1/2S1/2;

Section 29 E1/2NE1/4 and NE1/4SE1/4

REQUEST FOR ADMISSION NO. 13: Admit that the base property description in Request for Admission No. 12 was transferred from the United States's ownership to private ownership pursuant to the following Patents on the following dates. If your answer differs by Patent, then please list the Patents for which you admit, and for which you deny.

T15N, R03W, S21:

(a) SWSW (Patent #16246 issued 09/24/1908 to Nels C. Nielson);

T15N, R03W, S28:

(b) NENE (Patent #462899 issued 03/15/1915 to Leroy T. Braden),

(c) NWNE (Patent #759345 issued 06/25/1920 to Charles R. Edwards),

(d) SWNE (Patent #222034 issued 08/24/1911 to Charles R. Edwards),

(e) SENE (Patent #462899 issued 03/15/1915 to Leroy T. Braden),

(f) NENW (Patent #16246 issued 09/24/1908 to Nels C. Nielson),

(g) NWNW (Patent #16246 issued 09/24/1908 to Nels C. Nielson),

(h) SWNW (Patent #356 issued 05/26/1908 to David G. Edwards),

(i) SENW (Patent #222034 issued 08/24/1911 to Charles R. Edwards),

(j) NESW (Patent #356 issued 05/26/1908 to David G. Edwards),

(k) NWSW (Patent #356 issued 05/26/1908 to David G. Edwards),
(l) NESE (Patent #462899 issued 03/15/1915 to Leroy T. Braden), and
(m) NWSE (Patent #222034 issued 08/24/1911 to Charles R. Edwards); and
T15N, R03W, S29:

- (n) NENE (Patent #16246 issued 09/24/1908 to Nels C. Nielson),
(o) SENE (Patent #60750 issued 11/09/1917 to Anna Edwards),
(p) NESE (Patent #356 issued 05/26/1908 to David G. Edwards).

RESPONSE: We admit that the land was owned in trust by the federal government during this time and was transferred per the direction of Congress. But we deny the land description as cited above separated into 16 different portions and we deny the definition of 'base property'.

Township 15 North, Range 3 West of the Boise Meridian:

Section 21 SW1/4SW1/4;
Section 28 N1/2, N1/2S1/2;
Section 29 E1/2NE1/4 and NE1/4SE1/4

REQUEST FOR ADMISSION NO. 14: Admit that as of the claimed priority date of December 28, 1896, the United States owned the legal land descriptions described as the base property in Request for Admission No. 12. If your answer differs by legal land description, then please list the legal land descriptions for which you admit, and for which you deny.

RESPONSE: We admit that the United States owned in trust the land description recognized on our deed which represents the base property per the requirements of the Taylor Grazing Act when it was enacted. But we deny the land descriptions as cited above and the definition of 'base property'.

Township 15 North, Range 3 West of the Boise Meridian:

Section 21 SW1/4SW1/4;
Section 28 N1/2, N1/2S1/2;
Section 29 E1/2NE1/4 and NE1/4SE1/4

REQUEST FOR ADMISSION NO. 15: Admit that, as of the claimed priority date of December 28, 1896, none of your predecessors in interest had any legally cognizable interest in the land described as base property in Request for Admission No. 12. If your answer differs by legal land description, then please list the legal land descriptions for which you admit, and for which you deny.

RESPONSE: We deny that David G Edwards and CR Edwards did not have an economically or measurable interest in the they homesteaded and purchased which by 1934 comprised the 'base property' legally recognized as:

Township 15 North, Range 3 West of the Boise Meridian:

Section 21 SW1/4SW1/4;
Section 28 N1/2, N1/2S1/2;
Section 29 E1/2NE1/4 and NE1/4SE1/4

REQUEST FOR ADMISSION NO. 16: Admit that Charles R. Edwards did not own the entirety of his claimed base property until on or about December 14, 1934 when Elmo Edwards sold the 160 acres comprising the Nielson Patent #16246 to Charles R. Edwards.

RESPONSE: We admit that CR Edwards did not own the entirety of the base property until on or about December 14, 1934. We deny that the sale was for 160 acres.

REQUEST FOR ADMISSION NO. 17: Admit that the priority date of December 28, 1896 asserted in the Claims is without merit and is not supported by the evidence.

RESPONSE: Deny this assertion that the priority December 28, 1896 is without merit. CR Edwards' original grazing application upon the enactment of Taylor Grazing Act stated he was here 40 years prior using the lands.

REQUEST FOR ADMISSION NO. 18: IDWR's Director's Report recommendation states that the priority date of December 28, 1896 for the Claims "is derived from the base property's Homestead Certificate #2762 and Land Patent #222034."

RESPONSE: We admit the selected 13-word quote is taken from the Director's Report and is not cited in full. We deny that the priority date is derived from land patent dates.

- (a) Admit that Patent #222034 was issued to Charles R. Edwards on August 24, 1911.

RESPONSE: We admit that the patent was issued to CR Edwards on the date cited above.

- (b) Admit that Patent #222034 was issued for land described as T15N, R03W, S28, SWNE, SENW, and NWSE.

RESPONSE: We admit the patent #222034 was issued but deny the land description as written above . Township 15N, Range 3W of Boise Meridian

Section 28 SW $\frac{1}{4}$ NE $\frac{1}{4}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$

NW $\frac{1}{4}$ SE $\frac{1}{4}$

- (c) Admit that Patent #222034 was partially based on Homestead Entry Application #6928 ("HE B-6928") filed by Charles R. Edwards with the General Land Office ("GLO") in Boise, Idaho on November 11, 1903 for land described as T15N, R03W, S28, NWSE.

RESPONSE: We admit Homestead Entry Application #6928 was filed on this date but deny that CR Edwards filed in Boise, Idaho. Nor was the land description written as above on the document.

Township 15N, Range 3W of Boise Meridian

Section 28 NW $\frac{1}{4}$ SE $\frac{1}{4}$

- (d) Admit that Charles R. Edwards could not have had a legally cognizable interest in the land described in HE B-6928 prior to filing the homestead entry application on November 11, 1903.

RESPONSE: Deny that CR Edwards did not have an economically or measurable interest in these that adjoined his father's homestead entry. The lands were unclaimed, open to entry and sale to bona-fide settlers and entrymen which was recognized by local customs, Acts of Congress, statutes and the courts.

- (e) Admit that Patent #222034 was partially based on Homestead Entry Application #8681 ("HE B-8681") filed by Charles R. Edwards with the GLO in Boise, Idaho on November 7, 1905 for land described as T15N, R03W, S28, SENW and SWNE.

RESPONSE: We admit that this additional entry to HE 6928 was filed on this date referenced but deny that CR Edwards filed in Boise, Idaho. We deny that the land was described as written above.

Township 15N, Range 3W of Boise Meridian

Section 28 SW $\frac{1}{4}$ NE $\frac{1}{4}$

SE $\frac{1}{4}$ NW $\frac{1}{4}$

- (f) Admit that Charles R. Edwards could have no legally cognizable interest to the land described in HE B-8681 prior to filing the homestead entry application on November 7, 1905.

RESPONSE: Deny that CR Edwards did not have an economically or measurable interest in these lands that were unclaimed, open to entry and sale to bona-fide settlers and entrymen which was recognized by local customs, Acts of Congress, statutes and the courts.

- (g) Admit that Charles R. Edwards stated in the application for HE B-8681 “that he established his residence upon said tract on the 5th day of December 1903.”

RESPONSE: We admit the quoted 15-word partial sentence is written (BLM_0000029) as part of the affidavit for filing an additional entry adjoining HE-6928 on November 7, 1905.

- (h) Admit that Charles R. Edwards stated in the Final Proof for HE B-6928 and B-8681 that he first established actual residence upon the land in November, 1904 when he completed the building of the house, and that he and his family were absent in summer of 1905, “working to earn a living and to make money to improve my land.”

RESPONSE: We admit that the partially quoted statement is within the document but deny the use of this paraphrased admission because it contradicts 18(g) above regarding residency not completion of construction.

- (i) Admit that Charles R. Edwards stated in the Final Proof for HE B-6928 and B-8681 that his only claim of valuable improvements regarding livestock was a reference to a “hog house” and a “chicken house”.

RESPONSE: Deny that he was asked to list ‘valuable improvements’ in the form of livestock. He answered the question correctly as per the directions on the form (BLM_0000031).

- (j) Admit that Charles R. Edwards did not identify any range livestock in the Final Proof for HE B-6928 and B-8681 when asked to describe fencing and “state the number and kind of stock grazed each year and by whom.”

RESPONSE: We admit that CR Edwards answered the entire question correctly, (BLM_0000031) but deny your paraphrased Request and insertion of undefined term of “range livestock”.

- (k) Admit that Charles R. Edwards stated in a January 3, 1911 letter to the GLO “[t]hat more than seven years have elapsed since the making of said entry; but that at the time of the expiration of the said seven years, he was unable to make his said final proof for the reason that he had no money with which to pay the expenses thereof.”

RESPONSE: We admit that the quoted statement was written but deny it was just a ‘letter to GLO’. It was the cover letter for final proof documents.

- (l) Admit that you have no documentary evidence that Charles R. Edwards raised rangeland livestock prior to filing Homestead Application #6928 in 1903 and #8681 in 1905.

RESPONSE: We admit that CR Edwards stated on his original grazing application under the Taylor Grazing Act that he used the lands for grazing domestic livestock for 40 prior to the Act. But he did not specifically state that the livestock were “rangeland livestock”. The term ‘rangeland livestock’ is not defined.

- (m) Admit that you have no documentary evidence that Charles R. Edwards raised rangeland livestock prior to issuance of Patent #222034 on August 24, 1911.

RESPONSE: We admit that CR Edwards stated on his original grazing application under the Taylor Grazing Act that he used the lands for grazing domestic livestock for 40 prior to the Act. But he did not specifically state that the livestock were “rangeland livestock”. The term ‘rangeland livestock’ is not defined.

- (n) Admit that you have no documentary evidence that Charles R. Edwards raised rangeland livestock prior to filing a Grazing Permit Application with BLM in 1935.

RESPONSE: We admit that CR Edwards stated on his original grazing application under the Taylor Grazing Act that he used the lands for grazing livestock for 40 prior to the Act. But he did not specifically state that the livestock were “rangeland livestock”. The term ‘rangeland livestock’ is not defined.

REQUEST FOR ADMISSION NO. 19: IDWR’s Director’s Report recommendation states that the priority date of December 28, 1896 for the Claims “is derived from the base property’s Homestead Certificate #2762 and Land Patent #222034.”

RESPONSE to the above assertion: We admit the selected 13-word quote is taken from the Director’s Report and is not cited in full. We deny that the priority date is derived strictly from land patent dates.

- (a) Admit that Patent #356 (also known as Final Certificate #2762) was issued to David G. Edwards on May 26, 1908.

RESPONSE: We admit that Final Certificate #2762 was issued to David G Edwards on the date cited but deny that it is Patent #356. The map provided with the objection from Mr. Price does not even identify that Patent #356 but “Patent 2762”. We deny your assertion that we base our claims on land patent dates.

- (b) Admit that Patent #356 was issued for land described as T15N, R03W, S28, SENW, NESW, and NWSW, and S29, NESE.

RESPONSE: We deny that Patent #356 was issued to David G Edwards. Final Certificate #2762 is not described as above. The map provided with the objection from Mr. Price does not even identify that Patent #356 but “Patent 2762”. We deny your assertion that we base our claims on land patent dates.

- (c) Admit that Patent #356 was based on Homestead Entry Application #4486 (“HE B4486”) filed by David G. Edwards with the GLO in Boise, Idaho on November 8, 1899.

RESPONSE: We deny Patent #356 was issued to David G Edwards nor was the application filed by David G Edwards in Boise, Idaho.

- (d) Admit that David G. Edwards could not have had a legally cognizable interest in the land described in HE B-4486 prior to filing the application for Homestead Entry #4486.

RESPONSE: We deny that David G Edwards did not have a legally cognizable interest prior to filing application. He had an economical and measureable interest in the land.

- (e) Admit that Patent #356 was issued pursuant to the authority of the Act of May 20, 1862 (aka Homestead Act, H.R. 125, 12 Stat. 392, as amended).

RESPONSE: We deny that Patent #356 was issued to David G Edwards. The Final Certificate was not issued under the popular name of the Homestead Act, nor was the term “as amended” used or found within the document.

- (f) The Homestead Act of 1862 required that the entryman "is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States." Admit that David G. Edwards was not born in the United States and did not sign a Declaration of Intention to become a citizen of the United States of America until March 15, 1900.

RESPONSE: We admit that David G Edwards was not born in the United States and did not sign the Declaration of Intention to become a citizen until March 15, 1900 because he was already a naturalized citizen and a Civil War Veteran.

- (g) Admit that David G. Edwards could not have had a legally cognizable interest in the land described in HE B-4486 prior to complying with the requirements of the Act of May 20, 1862 by signing the Declaration of Intention on March 15, 1900.

RESPONSE: We admit David G. Edwards was a citizen per his father's naturalization in 1846 and his military service during the Civil War and had an economically and measureable interest in the land prior to filing his application for entry.

- (h) Pursuant to a GLO Letter by Edward E. Garrett dated December 21, 1906, admit that David G. Edwards "lived principally with his son on an adjoining tract" until "about the first of November, 1905, he built a new house on the land and moved his wife thereon and has since resided with his wife on the land."

RESPONSE: We admit that the partial, selected statements were written. We cannot make an opinion regarding a 'son' for it does not reveal the identity of the 'son', nor the exact location of the sons' tract referenced.

- (i) Admit that on November 22, 1906, David G. Edwards filed an Affidavit Required of Claimant that states that he "made settlement upon said land on or about October 15, 1900."

RESPONSE: We admit that the partial 9-word statement quoted was written but deny the accuracy of the date.

- (j) Admit that David G. Edwards could not have had a legally cognizable interest in the land described in HE B-4486 or establish any kind of use of the land prior to settling upon said land on or about October 15, 1900.

RESPONSE: We deny that David G Edwards could not have had a legally cognizable interest in the land prior to settling upon it on or about the date cited.

- (k) On November 22, 1906, David G. Edwards filed a Homestead Proof-Testimony of Claimant and stated that between 1900 and 1906 he had cultivated 13 acres of land, built a house, outhouse, chicken house, stable, and fenced about 30 acres of the land. Admit that in response to the question requesting that he "describe fencing, state number and kind of stock grazed and by whom owned," Edwards did not list any valuable improvement in the form of range livestock.

RESPONSE: We admit that David G. Edwards could read & answered the entire question correctly as directed. We deny that he was required to list 'valuable improvements in the form of range livestock' and we deny that this paraphrased, quoted statement is how it is written on the document.

- (l) Admit that a letter by R. E. Wilson dated November 23, 1906 states that David "was working his sons place adjoining this land, which had a comfortable house on it and the family practically lived there up until one year ago, at which time he ceased to have anything to do with his sons place and moved onto his own homestead and lived there."

RESPONSE: We admit the partial quote was written by R.E. Wilson, U.S. Commissioner for Cambridge, Idaho, but object to its accuracy or relevancy to our claim.

(m) Admit that HE B-4486 was not “allowed” by the GLO until June 28, 1907, as noted on the November 18, 1907 GLO form recommending issuance of a patent.

RESPONSE: We admit that supporting document BLM_0000048, the notation blocked in red, states that the Homestead paper was “Allowed by letter ‘C’ June 28, 1907”. We deny that it wasn’t “allowed by GLO until June 28, 1907”; that’s a misrepresentation of the original document.

(n) Admit that David G. Edwards could not have had a legally cognizable interest in the land described in HE B-4486 prior to the GLO allowing the application on June 28, 1907.

RESPONSE: We deny that David G Edwards did not have a legal interest in the land prior to 1907.

(o) Admit that you have no documentary evidence that David G. Edwards raised rangeland livestock prior to issuance of Patent #356 on May 26, 1908.

RESPONSE: We cannot make an opinion as to what ‘rangeland livestock’ means. The Idaho State Brand Board does not even have a definition for “rangeland livestock”. We deny that Patent #356 was issued to David G Edwards. We admit that he had livestock prior to 1908.

(p) Admit that Charles R. Edwards did not acquire the David G. Edwards parcel (Patent #356) until on or about September 26, 1928 when the David G. Edwards probate was finalized.

RESPONSE: We deny that CR Edwards did not acquire his father’s estate prior to September 26, 1928. We deny the tract was known as Patent #356.

(q) Admit that Charles R. Edwards could have no legally cognizable interest to the land described in Patent #356 prior to acquiring the property in 1928.

RESPONSE: We admit that CR Edward had a vested interest in his father’s estate prior to 1928 for he had already inherited the land, structures and livestock at the time of his death. We deny it was land in Patent #356.

(r) Admit that you have no documentary evidence that Charles R. Edwards was using the David G. Edwards parcel (Patent #356) to graze livestock prior to acquiring the property in 1928.

RESPONSE: We admit we do have documentary evidence that CR Edwards was using his father’s land to graze livestock. We deny that ‘parcel’ is Patent #356.

REQUEST FOR ADMISSION NO. 20: The legal land descriptions for the base property described above under Request for Admission No. 12 left the United States’ ownership pursuant to six different Patents. With regard to Patent #16246, please admit the following facts:

We deny your legal land description and definition of the base property.

(a) Admit that Patent #16246 was issued to Nels C. Nielson on September 24, 1908.

RESPONSE: We admit the patent was issued to Nielson on the date cited. We deny that Nels Nielson is in the Director’s Report.

(b) Admit that Patent #16246 was issued for land described as T15N, R03W, S21, SWSW; S28, NENW, NWNW; and S29, NENE.

RESPONSE: We admit the land patent was issued but deny it was for the land description as cited.

- (c) Admit that Patent #16246 was based on Homestead Entry Application #5889 (HE 5889, B-0163) filed by Nels C. Nielson with the GLO in Boise, Idaho on June 25, 1902.

RESPONSE: We admit that Homestead Entry application #5889 and the Patent #16246 are correct, deny “(HE 5889, B-0163)” as a Homestead entry number, and admit the entry was filed by Nielson on June 24, 1902.

- (d) Admit that Nels C. Nielson could not have had a legally cognizable interest in the land described in HE 5889 prior to filing the application for Homestead Entry #5889 on June 25, 1902.

RESPONSE: We admit that he had an economically and measureable interest in the land prior to filing his application.

- (e) Patent #16246 was issued pursuant to the authority of the Act of May 20, 1862 (also known as the “Homestead Act of 1862”, H.R. 125, 12 Stat. 392, as amended). Admit that the Homestead Act of 1862 required that the entryman “is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States.”

RESPONSE: We admit the patent was not issued under the popular name of the Homestead Act, nor was the term “as amended” used or found within the document. We deny land patents are a requirement under state law for a water right. We deny the Act of May 20, 1862 required an entryman to be a citizen of the United States PRIOR to filing for application for patent. But we admit the partial quote is written within the Act.

- (f) Admit that Nels C. Nielson was a citizen of Denmark and did not sign a Declaration of Intention to become a citizen of the United States of America until June 20, 1902.

RESPONSE: We admit the date of declaration is 5 days prior to homestead entry application, but deny that this request for admission is relevant to your objection to our priority date as first date of beneficial. We do not base our priority date on land patent dates.

- (g) Admit that Nels C. Nielson could not have had a legally cognizable interest in the land described in HE 5889 prior to complying with the requirements of the Act of May 20, 1862 by signing the Declaration of Intention on June 20, 1902.

RESPONSE: We deny that he did not have a vested, measureable interest in the land prior to applying for application. We deny that he was not in compliance with the requirements of homestead law prior to signing his declaration. We admit that he declared by oath his intention 5 days prior to homestead entry.

- (h) On September 6, 1907, Nels C. Nielson filed a Homestead Proof-Testimony of Claimant and stated that between 1902 and 1907 he had cultivated 45 acres of land, built a house, cellar, stable, well, 25 fruit trees, and fenced about 60 acres of land. Admit that in response to the question requesting that he “describe fencing, state number and kind of stock grazed and by whom owned,” Nielson did not list any valuable improvement in the form of range livestock.

RESPONSE: We admit that Nels C Nielson answered the entire question correctly as directed. We deny that he was required to list ‘valuable improvements in the form of range livestock’ and we deny paraphrased, quoted statement is how it appears on the document. We admit that “rangeland livestock” does not appear in the document.

- (i) Admit that you have no documentary evidence that Nels C. Nielson raised rangeland livestock prior to filing HE 5889.

RESPONSE: We admit that we do not have any documents that Nielson raised ‘rangeland livestock’ prior to filing his homestead entry.

- (j) Admit that you have no documentary evidence that Nels C. Nielson raised rangeland livestock prior to issuance of Patent #16246 on September 24, 1908.

RESPONSE: We admit that we do not have documents that Nielson raised “rangeland livestock” prior to his patent date cited above.

- (k) Admit that, on or about March 2, 1911, Nels C. Nielson sold 160 acres of land described in Patent #16246 to H.T. Cutler.

RESPONSE: We admit that the land was sold with all appurtenances, hereditments, etc.. per instrument #17953 filed in Washington County, Idaho, with all the simple language and what the document conveys.

- (l) Admit that there is no documentary evidence that H.T. Cutler was using the land described in the Nielson Patent #16246 to graze livestock prior to acquiring the property in 1911.

RESPONSE: We admit that there is no documents that show Cutler used the land prior to purchase to graze livestock. We admit that Cutler is not in the Director’s Report.

- (m) Admit that you have no documentary evidence that H.T. Cutler raised rangeland livestock after acquiring the land described in the Nielson Patent #16246.

RESPONSE: We admit that there is no document to show Cutler raised “rangeland livestock” after the purchase of the 160 acres.

- (n) Admit that on or about February 27, 1919, Flavilla Cutler sold 160 acres of land described in Patent #16246 to J.F. and W.F. Medaris (the “Medaris Brothers”).

RESPONSE: We admit that Mrs. Cutler sold the property to her brothers on the date cited.

- (o) Admit that you have no documentary evidence that the Medaris Brothers were using the land described in the Nielson Patent #16246 to graze livestock prior to acquiring the property in 1919.

RESPONSE: We admit that we do not have documents to show Medaris Brothers used the land purchased from Mrs. Cutler to graze livestock prior to purchase in 1919.

- (p) Admit that you have no documentary evidence that the Medaris Brothers raised rangeland livestock after acquiring Cutler’s land.

RESPONSE: We admit that we do not have documents that Medaris Brothers raised ‘rangeland livestock’ after buying the land from Mrs. Cutler.

- (q) Admit that on or about April 12, 1926, the Washington County, Idaho Tax Collector gained title to the Medaris Brothers’ land via a tax lien.

RESPONSE: We admit that the Washington County Idaho Tax Collector gained the Medaris property, all the improvements and appurtenances associated with the property by a tax lien but deny that it is relevant to priority date of water right.

- (r) Admit that you have no documentary evidence that Washington County was using the land described in the Nielson Patent #16246 to graze livestock prior to acquiring the property in 1926.

RESPONSE: We admit that we do not have documents showing Washington County Tax Collector grazed livestock.

- (s) Admit that you have no documentary evidence that Washington County raised rangeland livestock after acquiring the Medaris Brothers’ land.

RESPONSE: We admit that there is no record of Washington County raising “rangeland livestock” and it is irrelevant to our date of priority.

- (t) Admit that on or about July 22, 1927, Washington County sold 160 acres of land described in Patent #16246 to Elmo Edwards.

RESPONSE: We admit that Elmo Edwards purchased 160 acres from the Washington County Tax Collector at auction on the date cited.

- (u) Admit that you have no documentary evidence that Elmo Edwards was using the land described in the Nielson Patent #16246 to graze livestock prior to acquiring the property in 1927.

RESPONSE: We admit we do not have any documentation that Elmo Edwards was using the land prior to the purchase from the Washington County Tax Collector.

- (v) Admit that you have no documentary evidence that Elmo Edwards raised rangeland livestock after acquiring the property from Washington County.

RESPONSE: We admit we do not have documentation that Elmo Edwards raised “rangeland livestock” after the purchase from the tax collector.

- (w) Admit that on or about December 14, 1934, Elmo Edwards sold 160 acres of land described in Patent #16246 to Charles R. Edwards.

RESPONSE: We admit that Elmo Edwards sold to CR Edwards, property on the date mentioned but deny that the sale was for only 160 acres.

- (x) Admit that Charles R. Edwards could not have had a legally cognizable interest to the land described in Patent #16246 prior to acquiring the property in 1934.

RESPONSE: We admit that CR Edwards had a economically and measureable interest in the adjoining land to his property.

- (y) Admit that you have no documentary evidence that Charles R. Edwards was using the Elmo Edwards parcel (Patent #16246) to graze livestock prior to acquiring the property in 1934.

RESPONSE: We admit that we do not have any documents that CR Edwards used the adjoining land to graze livestock prior to acquiring the properties.

REQUEST FOR ADMISSION NO. 21: The legal land descriptions for the base property described above under Request for Admission No. 12 left the United States’ ownership pursuant to six different Patents. With regard to Patent #462899, please admit the following facts:

We object to your ‘legal land descriptions’ for what you perceive as ‘base property’. The legally recognized description is not defined as 6 different land patents.

The legal land description for our deeded land is as follows per our deed:

Township 15 North, Range 3 West, Boise Meridian:

Section 21 SW1/4SW1/4;

Section 28 N1/2, N1/2S1/2;

Section 29 E1/2NE1/4 and NE1/4SE1/4

Base property is a requirement of the Taylor Grazing Act for a grazing preference/permit. We object to your definition of ‘base property’ for it is incomplete and out of context. See Request for Admission No. 13 Response above.

- (a) Admit that Patent #462899 was issued to Leroy T. Braden on March 15, 1915.

RESPONSE: We admit that the patent was issued to Braden but deny land patents are a requirement for a de minimis instream stockwater right.

- (b) Admit that Patent #462899 was issued for the following legal land descriptions:
NWSE, Sec. 27, and NENE, SENE, NESE, Sec. 28, T15N, R03W.

RESPONSE: We deny the legal land description.

The recognized legal land description for the patent is as follows:

Township 15, Range 3 West, Boise Meridian:

**Section 28 E1/2NE1/4
 NE1/4SE1/4**

- (c) Admit that Patent #462899 was based on Homestead Entry Application 9666 ("HE B9666") filed by Leroy T. Braden with the GLO in Boise, Idaho on August 19, 1910.

RESPONSE: We admit the date stamp and entry mentioned for page 1 is a receipt entry of \$16 (BLM_0000055) filed with US Commissioner in Cambridge, Idaho on August 18, 1910. Actual receipt is (BLM_0000056) dated 8/18/1910

- (d) Admit that HE B-9666 was "allowed" by GLO on December 28, 1910.

RESPONSE: We admit that the word *allowed* is pre-printed, original text of the document. We also admit that it is typed into the the document a second time in a sentence 'Allowed subject to right of way for reservoir and canal of Warren G Swendsen, 09345'. BLM_0000058

- (e) Admit that Leroy T. Braden could not have had a legally cognizable interest in the land described in HE B-9666 prior to GLO "allowing" the homestead entry application on December 28, 1910.

RESPONSE: Leroy T Braden had a economical and measureable interest in the land. Braden does not appear in the Director's Report. He had invested time, money, and establish his residence by then.

- (f) Admit that Leroy T. Braden stated in the Final Proof for HE B-9666 that he first established his residence on August 20, 1910.

RESPONSE: We admit that reference was made (BLM_0000059). It is printed on the document.

- (g) Admit that Leroy T. Braden, in the Final Proof for HE B-9666 was required to "state number and kind of stock grazed each year and by whom owned" and that no range livestock were identified in response to the question.

RESPONSE: Admit the partially quoted statement was in the document but deny it is the true and complete question asked of the homesteader. "If used for grazing purposes only, state the number and kind of stock grazed each year, and by whom." We admit the term 'range livestock' is was not cited in the document.

- (h) Admit that Leroy T. Braden, in the Final Proof for HE B-9666 under questions 7 and 8, listed valuable improvements in the form of acres cultivated by year, types of crops grown by acre, amount of crops harvested by bushel or ton, and amount of acres fenced, but listed no valuable improvements in the form of rangeland livestock.

RESPONSE: We deny he was asked to list "valuable improvements" and admit he was asked to list physical improvements in the form of cultivated acres, fencing and types of crops sown

and the value of those improvements. We admit there were no questions regarding “valuable improvements in the form of rangeland livestock” in the form anywhere.

- (i) Admit that you have no documentary evidence that Leroy T. Braden raised rangeland livestock prior to filing HE B-9666.

RESPONSE: We admit we do not have documentary evidence that Braden raised ‘rangeland livestock’ prior to entry.

- (j) Admit that you have no documentary evidence that Leroy T. Braden raised rangeland livestock prior to issuance of Patent #462899 on March 15, 1915.

RESPONSE: We admit we do not have documentary evidence that Braden raised ‘rangeland livestock’ prior to patent certificate.

- (k) Admit that on or about April 14, 1919, Leroy T. Braden sold 120 acres of the 160 acres of land described in Patent #462899 to Charles R. Edwards.

RESPONSE: We do not accept your legal land description of the Braden property but we admit that he sold 120 acres to C.R. Edwards cited.

- (l) Admit that Charles R. Edwards could not have had a legally cognizable interest in the land described in Patent #462899 prior to acquiring the property in 1919.

RESPONSE: We deny that C.R. Edwards could not have a legally cognizable interest in the Braden property. The Edwards Ditch crossed it and the tract was adjacent to his property. He stated on Braden’s final proof as a witness that he had known “the claim seventeen or eighteen years”. The date of the testimony was December 5, 1914.

- (m) Admit that you have no documentary evidence that Charles R. Edwards was using the Leroy T. Braden parcel (Patent #462899) to graze livestock prior to acquiring the property in 1919.

RESPONSE: Admit we do not have documents that CR Edwards used the land prior to purchase but 35 acres of it was fenced.

REQUEST FOR ADMISSION NO. 22: The legal land descriptions for the base property described above under Request for Admission No. 13 left the United States’ ownership pursuant to six different Patents. With regard to Patent #60750, please admit the following facts:

Deny your base property description and your ‘legal land description’ of our deeded land – see No. 13 response. The ‘base property’ is not divided into 6 different parcels. Base property is a requirement of the Taylor Grazing Act and wasn’t applicable until 1934 when the Act became effective. And Patent #607050 was given to Anna Edwards not #60750.

- (a) Admit that Patent #607050 was issued to Anna Edwards on November 9, 1917.

RESPONSE: Admit that it was purchased with cash at auction by Anna Edwards on May 15, 1917.

- (b) Admit that Patent #607050 was issued for land described as T15N, R03W, S29, SENE.

RESPONSE: Deny your legal land description of the above patent. We admit that the legal description per the GLO records is as follows:

**T15 R3W S29, Boise Meridian
SE1/4NE1/4**

- (c) Admit that Patent #607050 was based on Isolated Tract Application #18841 (B18841) filed by David G. Edwards on March 23, 1916 with the GLO in Boise pursuant to the Act of March 28, 1912.

RESPONSE: The application was filed by David G. Edwards on March 21, 1916 in Cambridge, Idaho before H. J. Devaney, Notary Public, but admit that it was filed with Boise, Idaho GLO office on March 23, 1916.(BLM_0000062-BLM_0000063)

- (d) Admit that David G. Edwards could not have had a legally cognizable interest in the land described in Patent #607050 prior to filing Isolated Tract Application #18841.

RESPONSE: We deny that David G Edwards did not have a legally cognizable interest in the land adjoining his property. He stated on Application & Affidavit that the land was valuable for grazing stock.

- (e) Admit that the Act of March 28, 1912 allowed the Commissioner of the General Land Office to sell any isolated tract not exceeding one quarter-section to a person who owns lands adjoining such tract.

RESPONSE:We deny this paraphrased statement is true and factual. It does not state that the tract can only be sold to a person who owns lands adjoining such tract.

It reads as follows:

“SEC. 2455. It shall be lawful for the Commissioner of the General Land Office to order into market and sell at public auction, at the land office of the district in which the land is situated, for not less than one dollar and twenty-five cents an acre, any isolated or disconnected tract or parcel of the public domain not exceeding one quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: Provided, That any legal subdivisions of the public land, not exceeding one quarter section, the greater part of which is mountainous or too rough for cultivation, may, in the discretion of said commissioner, be ordered into the market and sold pursuant to this Act upon the application of any person who owns lands or holds a valid entry of, lands adjoining such tract, regardless of the fact that such tract may not be isolated or disconnected within the meaning of this Act:” (BLM_0000064 - BLM_0000065)

- (f) Admit that Anna Edwards paid \$2.25 per acre for the land described in Patent #607050.

RESPONSE: We admit that Anna Edwards paid the published price of \$2.25 per acre at the public auction held at the Boise GLO office.

- (g) Admit that you have no documentary evidence that David G. Edwards or Anna Edwards raised rangeland livestock on the land described in Patent #607050 prior to the filing of Isolated Tract Application #18841.

RESPONSE: We admit that we do not have documented evidence that Anna Edwards raised “rangeland livestock”. We deny Anna Edwards filed the Isolated Tract application.

We admit that David G Edwards raised livestock but not specifically “rangeland livestock”. He owned the adjoining property and the tracts cited above was open, unoccupied and unfenced. We admit he stated he wanted the tract for grazing on the application.

David G. Edwards held a Class A grazing permit with the forest service at this time for the Weiser Reserve.

- (h) Admit that on or about December 14, 1918, Anna Edwards sold 40 acres of land described in Patent #607050 to Charles R. Edwards.

RESPONSE: We admit that Anna Edwards sold the 40 acres to CR Edwards on or about the above mentioned date.

- (i) Admit that Charles R. Edwards could not have had a legally cognizable interest in the land described in Patent #607050 prior to acquiring the property in 1918.

RESPONSE: We admit that CR Edwards had a legally cognizable interest in the land before he bought it from Anna Edwards. He was in possession of his father's homesteaded land & cattle upon of the time of his death in 1916.

- (j) Admit that you have no documentary evidence that Charles R. Edwards was using the Anna Edwards parcel (Patent #607050) to graze livestock prior to acquiring the property in 1918.

RESPONSE: We admit we do not have any documented evidence CR Edwards used the land prior to purchase from Anna Edwards.

REQUEST FOR ADMISSION NO. 23: The legal land descriptions for the base property described above under Request for Admission No. 12 left the United States' ownership pursuant to six different Patents. With regard to Patent #759345, please admit the following facts:

We do not accept your base property description and your 'legal land description' of our deeded land – see No. 13 response. The 'base property' is not divided into 6 different parcels.

- (a) Admit that Charles R. Edwards, assignee of Franklin B. Hardy, was issued Patent #759345 on June 25, 1920.

RESPONSE: We admit the patent was issued on the date cited.

- (b) Admit that Patent #759345 was issued for land described as T15N, R03W, S28, NWNE.

RESPONSE: Deny the land description cited.

The legal land description per the GLO records is as follows:

T15 R3W S28 NW1/4NE1/4

- (c) Admit that Patent #759345 was based on Desert Land Entry Application #12894 (HE B-12894) filed by Franklin B. Hardy with the GLO in Boise on June 18, 1912.

RESPONSE: We admit the date stamp for the receipt of the document in Boise as sent from the US Commissioner in Cambridge, Idaho, June 16, 1912. (BLM_0000068-BLM_0000069)

- (d) Admit that Franklin B. Hardy could not have had a legally cognizable interest in the land described in Patent #759345 prior to filing the application for desert land entry.

RESPONSE: Franklin B Hardy had an economical interest in the land to produce income for him and his family. He was a farmer.

- (e) Admit that Franklin B. Hardy filed a sworn statement with the GLO on September 25, 1916 requesting a two year extension to submit final proof, and stated the following:

"... that this affiant is a poor man and was without means at the time of making said entry and unable to make large expenditures for the reclamation of said land which is proving to be very costly and this affiant has wife and famil[y] to support and he has been unable to do more than make the improvements and expenditures required by

annual proofs which same have been wholly inadequate to completely reclaim said land within the time allowed by law. That on account of his financial condition and the necessity of his earning a living for himself and his family by other work he has been prevented from devoting sufficient time to the construction of necessary ditches which he would have been able to make if he could have spared the time.”

RESPONSE: We admit that the partial statement was written in Cambridge, Idaho on September 22, 1916 and received by GLO Boise on September 25, 1916.

- (f) Admit that on March 25, 1918, an Indenture was signed between Franklin B. Hardy and Charles R. Edwards conveying Hardy’s interest in the desert land entry, “together with all of the water, water rights and ditches used, connected with or appurtenant to the said lands.”

RESPONSE: We admit the Indenture occurred and that the reference to ‘water, water rights and ditches used’ is standard verbage on most property documents.

- (g) Admit that the 1918 Indenture did not include any personal property in the form of rangeland livestock.

RESPONSE: We deny that the indenture was for personal property but admit that it was a warranty deed as stated on the second page.

- (h) Admit that you have no documentary evidence that Franklin B. Hardy raised rangeland livestock prior to filing the Desert Land Entry Application #12894.

RESPONSE: We admit that we do not have documentary evidence Hardy raised “rangeland livestock” prior to the land entry.

- (i) Admit that you have no documentary evidence that Franklin B. Hardy raised rangeland livestock during the proof period of Desert Land Entry Application #12894.

RESPONSE: We admit Hardy did list any ‘rangeland livestock’ during his proof period under the Desert Land Act.

- (j) Admit that Charles R. Edwards could not have had a legally cognizable interest in the land described in Patent #759345 prior to the Indenture signed on March 25, 1918.

RESPONSE: We deny that CR Edwards could not have a legally cognizable interest in the land. The Edwards ditch ran through the land and Hardy owed him \$4000. And Edwards lived on adjoining property.

- (k) Admit that there is no documentary evidence that Charles R. Edwards was using the Franklin B. Hardy parcel (Patent #759345) to graze livestock prior to acquiring an interest in the property in 1918.

RESPONSE: We admit we do not have documentation of CR Edwards using the Hardy place to graze livestock prior to purchase.

REQUEST FOR ADMISSION NO: 24: Admit that you have no documentary evidence that any personal property in the form of rangeland livestock was conveyed in association with the buying and selling of legal land descriptions asserted as base property described in Request for Admission No. 12 among Hood’s predecessors-in-interest as described in Request for Admissions No. 18-23.

RESPONSE: We do not agree to your description of ‘base property’ or your ‘legal land description’ of our deeded land.

REQUEST FOR ADMISSION NO. 25: Admit that the Charles R. Edwards base property as described in Request for Admission No. 13 was acquired by Melvin & Inez Dotson on or about November 5, 1962 pursuant to a warranty deed (Instrument #87392).

RESPONSE: We do not agree with your base property description. We admit that Melvin & Inez Dotson acquired the property so listed:

Township 15 North, Range 3 West of the Boise Meridian:

Section 21 SW1/4SW1/4;

Section 28 N1/2, N1/2S1/2;

Section 29 E1/2NE1/4 and NE1/4SE1/4

and INCLUDING all forest reserve grazing rights

REQUEST FOR ADMISSION NO. 26: Admit that on or about April 9, 1993, Melvin Dotson signed a Livestock Grazing Lease Agreement with Charles Edwards to lease Dotson's base property to Edwards for the period of February 28, 1993 to February 28, 2003.

RESPONSE: We deny the Livestock Grazing Lease Agreement was a base property lease agreement with Melvin Dotson. But admit that Melvin Dotson signed a Livestock Grazing Lease Agreement with Charles Edwards on March 9, 1993 for the 20 head of cattle with Dotson brand but nothing regarding leasing the base property.

We deny that the above Request is accurate or complete. To date we have been denied access to the full and entire case file(s) regarding the historical grazing license/permit documentation regarding CR Edwards, Melvin and/or Inez Dotson or Charles Edwards.

REQUEST FOR ADMISSION NO. 27: Admit that Charles Edwards filed an application for grazing permit based on the base property lease with Dotson and BLM issued the grazing permit to Edwards.

RESPONSE: We cannot admit or deny this request because we do not have enough information to form an opinion. To date we have been denied access to the full and entire case file(s) regarding the historical grazing license/permit documentation regarding CR Edwards, Melvin and/or Inez Dotson or Charles Edwards.

REQUEST FOR ADMISSION NO 28: Admit that on or about August 22, 2002, Melvin Dotson signed a Base Property Lease with Charles Edwards to lease Dotson's base property to Edwards for the period of February 28, 2003 to February 28, 2013.

RESPONSE: We admit that per the document you provided BLM0000084 shows that information but we cannot admit or deny that this is a true and complete document. To date we have been denied access to the full and entire case file(s) regarding the historical grazing license/permit documentation regarding CR Edwards, Melvin and/or Inez Dotson or agreements between Dotson and Charles Edwards. So we cannot say for sure if the statement is factual.

REQUEST FOR ADMISSION NO. 29: Admit that on or about March 10, 2009, the Melvin & Inez Dotson Estate signed a Base Property Lease with Charles Edwards to lease Dotson's base property to Edwards for the period of March 1, 2009 to February 28, 2019.

RESPONSE: We admit this document appears to be a revision to the previous lease with the condition that "this lease may be terminated with 6 months notice from either party". We deny that this is a complete document and may be missing pages associated with it due to the fact that to date, we have been denied access to the full and entire case file(s) regarding the

historical grazing license/permit documentation regarding CR Edwards, Melvin and/or Inez Dotson or or agreements between Dotson and Charles Edwards.

REQUEST FOR ADMISSION NO. 30: Admit that Melvin Dotson did not hold a grazing permit during any of the periods of time that his base property was leased to Charles Edwards.

RESPONSE: We deny that Melvin Dotson and the Dotson Estate did not hold a grazing preference during any of the periods of time the base property was leased to Charles Edwards. Melvin Dotson's had 22 head of cattle that were on the BLM grazing preference per the Livestock Grazing Lease Agreement 1993 to 2003. The cattle were sold in 2008. That is the best of our knowledge. To date we have been denied access to the full and entire case file(s) regarding the historical grazing license/permit documentation regarding CR Edwards, Melvin and/or Inez Dotson or Charles Edwards.

REQUEST FOR ADMISSION NO. 31: Admit that the Charles R. Edwards base property as described in Request for Admission No. 13 was acquired from Melvin Dotson's estate by Keith & Karen Hood on or about August 28, 2012 pursuant to a warranty deed (Instrument #220875).

RESPONSE: We admit that we purchased the 640-acre property from the Melvin & Inez Dotson estate. The 'legal land description' of our property is as described:

Township 15 North, Range 3 West of the Boise Meridian:

Section 21 SW1/4SW1/4;

Section 28 N1/2, N1/2S1/2;

Section 29 E1/2NE1/4 and NE1/4SE1/4

We do not agree with your definition of base property.

REQUEST FOR ADMISSION NO. 32: Admit that Keith & Karen Hood filed an application for a grazing permit with the Bureau of Land Management on or about November 30, 2012 based on ownership of the base property described in Request for Admission No. 12.

RESPONSE: We deny the document was an 'application for grazing permit' with BLM. We admit it was a **GRAZING PREFERENCE APPLICATION AND PREFERENCE TRANSFER APPLICATION** (Base Property Preference Attachment and Assignment). It is plainly printed on the top of the page and is Form 4130-1a (February 2012)

We do not agree with your base property description.

The legal land description' of our property is as described:

Township 15 North, Range 3 West of the Boise Meridian:

Section 21 SW1/4SW1/4;

Section 28 N1/2, N1/2S1/2;

Section 29 E1/2NE1/4 and NE1/4SE1/4

REQUEST FOR ADMISSION NO. 33: Admit that the Bureau of Land Management issued a grazing permit for the Horse Flat Grazing Allotment to Keith & Karen Hood for the time period of March 14, 2013 to February 28, 2023.

RESPONSE: We admit we received the 10-year grazing permit renewal under 43 CFR Part 4100 based upon our recognized qualifications for the time period specified above.

REQUEST FOR ADMISSION NO. 34: Admit that Keith & Karen Hood did not turn out any livestock onto the Horse Flat Grazing Allotment in 2013.

RESPONSE: We admit per the terms & conditions of our grazing permit we utilized management decisions to not turn out any livestock onto Horse Flat Allotment during the 2013 season.

REQUEST FOR ADMISSION NO. 35: Admit that Karen Hood filed a letter with BLM dated April 9, 2014 requesting non-use in 2014 because they had not yet purchased cattle.

RESPONSE: We admit that as required by the terms & conditions of our permit we notified the Four Rivers Field Office of changes, in writing, to our 'grazing permit'. We admit on page 4 of 5, of this document near the bottom of the page is a section that reads "REASON FOR NON-USE" (BLM's terminology).

REQUEST FOR ADMISSION NO. 36: Admit that Keith & Karen Hood did not turn out any livestock onto the Horse Flat Grazing Allotment in 2014.

RESPONSE: We admit that per the terms & conditions of our grazing permit we utilized management decisions to not turn out any livestock onto Horse Flat Allotment during the 2014 season.

REQUEST FOR ADMISSION NO. 37: Admit that on or about April 9, 2015, Keith & Karen Hood entered into a Pasture Grazing Lease Agreement with Ford Ranch for a two-year period commencing on April 1, 2015 and ending on December 31, 2016.

RESPONSE: We admit that we entered a pasture lease agreement of our base property with Ford Ranch that included temporary use of our AUM's to graze 50 cow/calf pairs on the allotment under the terms of the agreement. "That the Lessor, for and consideration of fees paid or to be paid does hereby accept management responsibilities of approximately 50 head of cow/calf pairs to be grazed on 1 small BLM allotment(s) which are fenced in common with 205 approximate acres of privately managed lands: Horse Flat 00095.

REQUEST FOR ADMISSION NO. 38: Admit that Keith & Karen Hood did not turn out any livestock onto the Horse Flat Grazing Allotment in 2015 or 2016.

RESPONSE: We admit that we did not turn out cattle during these 2 grazing periods.

REQUEST FOR ADMISSION NO 39: Admit that the first date that Keith & Karen Hood turned their own livestock out onto the Horse Flat Grazing Allotment was on or about April 17, 2017.

RESPONSE: We admit that our livestock turned out for the 2017 grazing period.

REQUEST FOR ADMISSION NO. 40: Admit that any water rights acquired by Melvin Dotson for use on federal land were lost due to non-use for the period between 1993 through 2016.

RESPONSE: We deny that Melvin Dotson lost any water rights for use on the allotment between 1993-2016. We deny that we lost those water rights. The grazing preference has remained with the base property as defined with Washington County Idaho.

"The abandonment of water rights requires both the intent to abandon and the actual surrender or relinquishment of the water rights. Sears v. Berryman, 101 Idaho 843, 623 P.2d 455(1981). "The intent to abandon a water right must be evidenced by clear, unequivocal and decisive acts and mere non-use is not per se abandonment." Id. at 847, 623 P.2d at 459." Joyce Livestock v United States

Melvin Dotson & the Melvin & Inez Dotson Estate owned and controlled the base property as recognized per the legal description on file with Washington County Tax Assessor until it was sold to us.

Melvin Dotson and the estate of Melvin & Inez Dotson owned 22 head of cattle that were managed by Charles Edwards under the Dotson base property lease agreements approved by BLM which is permissable under the terms & conditions.

The 22 head of cattle were sold to Charles Edwards on March 7, 2008 for \$22,000 which included the sale of the forest service permit. The BLM permit is attached with the base property.

REQUEST FOR ADMISSION NO. 41: Admit that the priority date for the Claims could be no earlier than April 17, 2017.

RESPONSE: We deny that the priority date for claims are no earlier than April 17, 2017.

“The abandonment of water rights requires both the intent to abandon and the actual surrender or relinquishment of the water rights. Sears v. Berryman, 101 Idaho 843, 623 P.2d 455(1981). “The intent to abandon a water right must be evidenced by clear, unequivocal and decisive acts and mere non-use is not per se abandonment.” Id. at 847, 623 P.2d at 459.” Joyce Livestock v United States

See Idaho Code 42.Idaho Code § 42-113(2)(b):

For rights to the use of water for in-stream or out-of-stream livestock purposes, associated with grazing on federally owned or managed land, established under the diversion and application to beneficial use method of appropriation . . . The water right shall be an appurtenance to the base property. When a federal grazing permit is transferred or otherwise conveyed to a new owner, the associated stockwater rights may also be conveyed and, upon approval of an application for transfer, shall become appurtenant to the new owner’s base property.

We still maintain a 1896 priority date claim. The base property is not fractured into 6 separate parcels. It is 640 acres. It was a requirement of the Taylor Grazing Act to have a base property.

And the ‘legal land description’ of our property is as described:

Township 15 North, Range 3 West of the Boise Meridian:

Section 21 SW1/4SW1/4;

Section 28 N1/2, N1/2S1/2;

Section 29 E1/2NE1/4 and NE1/4SE1/4

Based upon CR Edwards first, original application to graze federally managed land known as Horse Flat Allotment is as follows he grazed the lands for 40 years prior to the Taylor Act.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify each person who provided information for, or participated in, the preparation of the responses to these discovery requests, including but not limited to consultants, and identify the specific discovery requests or parts thereof, for which each such person provided information.

**RESPONSE: Keith & Karen Hood (claimants) PO Box 100 – 3101 Rush Creek Rd,
Cambridge, Idaho 83610**

INTERROGATORY NO. 2: Please identify each person who has personal knowledge of the facts that form the basis for your Claims to water.

**RESPONSE: Keith & Karen Hood (claimants) PO Box 100 – 3101 Rush Creek Rd,
Cambridge, Idaho 83610**

INTERROGATORY NO. 3: Please identify each person whom you may rely on as a witness, expect to call as a witness, or will provide testimony of any kind during the course of this proceeding.

RESPONSE:

Not sure if you mean ourselves or ‘expert’ witness. If pertaining to an ‘expert’, we don’t know at this time but reserve the right to obtain one, if necessary.

INTERROGATORY NO. 4: For each person identified in response to Interrogatory No. 3 above that you may call as a witness at trial, please state the subject matter on which the individual is expected to testify.

RESPONSE: We don’t know at this time if we will call an ‘expert’ witness. We reserve the right to submit at a later date, if necessary.

INTERROGATORY NO. 5: For each person identified in response to Interrogatory No. 3 above that you may call as a witness at trial of this case, please state a thorough and explicit summary of the expected testimony of each individual.

RESPONSE: We don’t know at this time if we will call an ‘expert’ witness. We reserve the right to submit at a later date, if necessary.

INTERROGATORY NO. 6: For each person identified in response to Interrogatory No. 3 that you expect to call as an expert witness in this proceeding, please describe all facts known and opinions held by such experts in connection with this proceeding, including the following information required by Idaho R. Civ. P. 26(b)(4)(A)(i): A complete statement of all opinions to be expressed and the basis and reasons therefore; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; any qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.

RESPONSE: We don’t know at this time if we will call an ‘expert’ witness. We reserve the right to submit at a later date, if necessary.

INTERROGATORY NO. 7: Please identify all documents, writings, drawings, data, compilations or other material that you intend to introduce as an exhibit or intend to ask any witness to examine during a trial of this case.

RESPONSE: *The majority of documentation had been exchanged during the meetings from this past year. Please see attached for new documentation.*

INTERROGATORY NO. 8: Please identify all documents, writings, drawings, data, compilations or other materials that you reviewed in preparing your responses to these discovery requests.

RESPONSE: *The majority of documentation had been exchanged during the meetings from this past year. Please see attached for new documentation.*

INTERROGATORY NO. 9: For each Request for Admissions Nos. 1-41 for which your response is anything other than an unqualified admission:

- a) Please state the basis for your response including all facts that support, in any way, your denial, partial denial, or qualified response to the request; and
- b) Please identify each person who has information that supports, in any way, your denial, partial denial, or qualified response to the request.

RESPONSE: These answers were submitted by us (Keith & Karen Hood) based on documentation that was publicly available or mutually provided between BLM & ourselves during the IDWR conference meetings, with the exception of BLM grazing documents which have not been available to us without FOIA requests and even so we have not seen the entire file(s) nor receive documentation requested. At one of the conference meetings at IDWR, Mr. Price said that we 'didn't know how to ask correctly' to receive those files through FOIA.

1 - The objection document dated 11/23/2021 from David L. Negri, attorney for the U.S. Dept of Justice (DOJ) Environment & Natural Resource Division, Natural Resources Section – Boise, Idaho and signed by Fredric W. Price, Water Rights Specialist that was filed with Idaho Dept of Water Resources (IDWR) objects to the priority date of the claims that did not reference 'ownership' or 'legal title' of the land in which the deminimis instream stockwater claims are being sought.

Your definition of 'legal title' omits any "Grazing Permit, Term Grazing Permit, Special Use Permit, other permit, or easement issued by the United States" that are appurtenant to our deeded land.

2 – This request is outside the scope of the objection to priority date. The objection dated 11/23/2021 by David L. Negri, attorney for the U.S. Dept of Justice (DOJ) Environment & Natural Resource Division, Natural Resources Section – Boise, Idaho and signed by Fredric W. Price, Water Rights Specialist that was filed with Idaho Dept of Water Resources (IDWR) objects to the priority date of the claims based upon elements that did not reference 'ownership' or 'legal title' of the land in which the deminimis instream stockwater claims are being sought.

The definition of 'legal title' omits any "Grazing Permit, Term Grazing Permit, Special Use Permit, other permit, or easement issued by the United States" that are appurtenant to our deeded land.

3 – This request is outside the scope of the objection to priority date. The objection dated 11/23/2021 by David L. Negri, attorney for the U.S. Dept of Justice (DOJ) Environment & Natural Resource Division, Natural Resources Section – Boise, Idaho and signed by Fredric W. Price, Water Rights Specialist that was filed with Idaho Dept of Water Resources (IDWR) objects to the priority date of the claims based upon elements that did not reference 'ownership' or 'legal title' of the land in which the deminimis instream stockwater claims are being sought.

4 – This request is outside the scope of the objection to priority date. The objection dated 11/23/2021 by David L. Negri, attorney for the U.S. Dept of Justice (DOJ) Environment & Natural Resource Division, Natural Resources Section – Boise, Idaho and signed by Fredric W. Price, Water Rights Specialist that was filed with Idaho Dept of Water Resources (IDWR)

objects to the priority date of the claims based upon elements that did not reference ownership or 'legal title' of the land in which the deminimis instream stockwater claims are being sought.

5 – We oppose and deny your definition of land conveyance document that omits the “Grazing Permit, Term Grazing Permit, Special Use Permit, other permit, or easement issued by the United States” for it is appurtenant to the deeded land.

The request is also outside the scope of objection to priority date. The objection dated 11/23/2021 by David L. Negri, attorney for the U.S. Dept of Justice (DOJ) Environment & Natural Resource Division, Natural Resources Section – Boise, Idaho and signed by Fredric W. Price, Water Rights Specialist that was filed with Idaho Dept of Water Resources (IDWR) objects to the priority date of the claims based upon elements that did not reference 'ownership' or 'legal title' of the land in which the deminimis instream stockwater claims are being sought.

6 - We do not agree with your definition of land conveyance document that omits the “Grazing Permit, Term Grazing Permit, Special Use Permit, other permit, or easement issued by the United States” for it is appurtenant to the deeded land.

The request is also outside the scope of objection to priority date. The objection dated 11/23/2021 by David L. Negri, attorney for the U.S. Dept of Justice (DOJ) Environment & Natural Resource Division, Natural Resources Section – Boise, Idaho and signed by Fredric W. Price, Water Rights Specialist that was filed with Idaho Dept of Water Resources (IDWR) objects to the priority date of the claims based upon elements that did not reference 'ownership' or 'legal title' of the land in which the deminimis instream stockwater claims are being sought.

7 - We do not agree with your definition of land conveyance document that omits the “Grazing Permit, Term Grazing Permit, Special Use Permit, other permit, or easement issued by the United States” for it is appurtenant to the deeded land.

The request is also outside the scope of objection to priority date. The objection dated 11/23/2021 by David L. Negri, attorney for the U.S. Dept of Justice (DOJ) Environment & Natural Resource Division, Natural Resources Section – Boise, Idaho and signed by Fredric W. Price, Water Rights Specialist that was filed with Idaho Dept of Water Resources (IDWR) objects to the priority date of the claims based upon elements that did not reference 'ownership' or 'legal title' of the land in which the deminimis instream stockwater claims are being sought.

8 - We do not agree with your definition of land conveyance document that omits the “Grazing Permit, Term Grazing Permit, Special Use Permit, other permit, or easement issued by the United States” for it is appurtenant to our property.

The request is also outside the scope of objection to priority date. The objection dated 11/23/2021 by David L. Negri, attorney for the U.S. Dept of Justice (DOJ) Environment & Natural Resource Division, Natural Resources Section – Boise, Idaho and signed by Fredric W. Price, Water Rights Specialist that was filed with Idaho Dept of Water Resources (IDWR) objects to the priority date of the claims based upon elements that did not reference

ownership or 'legal title' of the land in which the de minimis instream stockwater claims are being sought.

9- The elements of the objection are only in reference to the priority date of the claims being sought, not what the authority of our grazing preference/permit allows or who 'owns' federally-managed allotment lands.

10 – We have a measureable and economical interest in the places of use and points of diversion on the claims we are requesting. The economical and measureable interest is in the forage and water for the livestock operation that supports our family.

11 - The quotation is incomplete and omits the section regarding water. The first portion of the sentence you omitted states: "So far as consistent with the *purposes and provisions of this Act...*" The sentence that leads into the selected quote and is relevant to the above is in regards to water: "*Provided further, That nothing in this Act shall be construed or administered in any way to diminish or impair any right to the possession and use of water for mining, agriculture, manufacturing, or other purposes which has heretofore vested or accrued under existing law validly affecting the public lands or which may be hereafter initiated or acquired and maintained in accordance with such law.*" (BLM0000003)

12 – The description of our 'base property' is not written as you describe in the Request for Admission. See: (BLM_0000014-Personal Representative's Deed)

Township 15 North, Range 3 West, Boise Meridian:

Section 21 SW1/4SW1/4;
Section 28 N1/2, N1/2S1/2;
Section 29 E1/2NE1/4 and NE1/4SE1/4

AND we deny your definition of 'base property' – it is incomplete & omits elements of the official definition. It is as follows:

43 CFR §4100.0-5 (2005) Definitions.

Base property means: (1) Land that has the capability to produce crops or forage that can be used to support authorized livestock for a specified period of the year, or (2) water that is suitable for consumption by livestock and is available and accessible to the authorized livestock when the public lands are used for livestock grazing. (underlined text in italics was omitted from your definition)

And the grazing preference is not found under the definitions but is misused within your definition for 'base property'

43 CFR §4110.2-1(a)(1) (2005) you deliberately omitted (a) and (2) which is joined to (1) by the word 'or'. The correct citation read as follows:

4100.2-1 Base property.

(a) The authorized officer shall find land or water owned or controlled by an applicant to be base property (see 4100.0-5) if:

(1) It is capable of serving as a base of operation for livestock use of public lands within a grazing district; or

(2) It is contiguous land, or, when no applicant owns or controls contiguous land, noncontiguous land that is capable of being used in conjunction with a livestock operation which would utilize public lands outside a grazing district. (underlined text in italics was omitted from your definition)

13 -The request is outside the scope of the objection of the priority date for the deminimis instream stockwater claims being sought. Land patents are not a requirement for a deminimis instream stockwater claim in the State of Idaho. Below is the recognized 'legal land description' of our 'base property' (BLM_0000014) which is not defined by individual land patents.

Township 15 North, Range 3 West, Boise Meridian:

Section 21 SW1/4SW1/4;
Section 28 N1/2, N1/2S1/2;
Section 29 E1/2NE1/4 and NE1/4SE1/4

We also deny your definition of 'base property' – it is incomplete & omits elements of the official definition. It is as follows:

14 – The legally recognized description of our deeded land is as follows: (BLM_0000014)

Township 15 North, Range 3 West, Boise Meridian:

Section 21 SW1/4SW1/4;
Section 28 N1/2, N1/2S1/2;
Section 29 E1/2NE1/4 and NE1/4SE1/4

We deny your definition of 'base property' – it is incomplete & omits elements of the official definition. It is as follows:

43 CFR §4100.0-5 (2005) Definitions.

Base property means: (1) Land that has the capability to produce crops or forage that can be used to support authorized livestock for a specified period of the year, or (2) water that is suitable for consumption by livestock and is available and accessible to the authorized livestock when the public lands are used for livestock grazing. (underlined text in italics was omitted from your definition)

And the grazing preference is not found under the definitions but is misused within your definition for 'base property'

43 CFR §4110.2-1(a)(1) (2005) you deliberately omitted (a) and (2) which is joined to (1) by the word 'or'. The correct citation read as follows:

4100.2-1 Base property.

(a) The authorized officer shall find land or water owned or controlled by an applicant to be base property (see 4100.0-5) if:

(1) It is capable of serving as a base of operation for livestock use of public lands within a grazing district; or

(2) It is contiguous land, or, when no applicant owns or controls contiguous land, noncontiguous land that is capable of being used in conjunction with a livestock operation which would utilize public lands outside a grazing district. (underlined text in italics was omitted from your definition)

15 – The documented evidence of C.R. Edwards original Application for grazing to the U.S. Department of the Interior dated July 27, 1935 of past history of grazing activities for the past 40 years, the Class 1 License, CR Edwards' 1955 correspondence letter to the grazing district advisory board stating 60 years of grazing these lands, and Class A Licenses with forest service under CR Edwards, David G Edwards, David G Edwards Estate. These grazing preference privileges were only given to those persons living in or close to the reserve whose

stock have regularly grazed upon the reserve range and who are dependant upon its use for the raising of livestock.

The Dotson's inherited the land & livestock from CR Edwards after he died and continued the legacy until they passed away and the property was sold to us in 2012.

The legally recognized description of our deeded land is as follows: (BLM_0000014)

Township 15 North, Range 3 West, Boise Meridian:

Section 21 SW1/4SW1/4;
Section 28 N1/2, N1/2S1/2;
Section 29 E1/2NE1/4 and NE1/4SE1/4

We deny your definition of 'base property' – it is incomplete & omits elements of the official definition. It is as follows:

43 CFR §4100.0-5 (2005) Definitions.

Base property means: (1) Land that has the capability to produce crops or forage that can be used to support authorized livestock for a specified period of the year, or (2) water that is suitable for consumption by livestock and is available and accessible to the authorized livestock when the public lands are used for livestock grazing. (underlined text in italics was omitted from your definition)

And the grazing preference is not found under the definitions but is misused within your definition for 'base property'

43 CFR §4110.2-1(a)(1) (2005) you deliberately omitted (a) and (2) which is joined to (1) by the word 'or'. The correct citation read as follows:

4100.2-1 Base property.

(a) The authorized officer shall find land or water owned or controlled by an applicant to be base property (see 4100.0-5) if:

(1) It is capable of serving as a base of operation for livestock use of public lands within a grazing district; or

(2) It is contiguous land, or, when no applicant owns or controls contiguous land, noncontiguous land that is capable of being used in conjunction with a livestock operation which would utilize public lands outside a grazing district. (underlined text in italics was omitted from your definition)

16 – The size of the base property nor land patents are requirement for obtaining water rights in the State of Idaho and is outside the scope of the objection for priority date. Elmo sold 240 contiguous acres to his father on December 14, 1934.

17 - The documented evidence of C.R. Edwards original Application for grazing to the U.S. Department of the Interior dated July 27, 1935 of past history of grazing the lands for the past 40 years, the Class 1 License, CR Edwards' 1955 correspondence letter to the grazing district advisory board stating 60 years of grazing these lands, and Class A Licenses with forest service under CR Edwards/CR Edwards & Son/David G Edwards/David G Edwards Estate. These grazing preference privileges were only given to those persons living in or close to the reserve whose stock had regularly grazed upon the reserve range and who are dependant upon its use for the raising of livestock. The priority of the preference was based upon prior use of the allotment lands.

18 - The Director's Report clearly identifies the basis of the claimed date. Below is the section in its entirety from the Director's Report. The underlined text was omitted from your Request.

2. Hood's claimed priority date

The priority date on all the claims is December 28, 1896. This date is derived from the base property's Homestead Certificate #2762 and Land Patent #222034. On May 26, 1908, the United States granted David G. Edwards a portion of what is now the claimed base property. On July 27, 1935, Charles R. Edwards submitted an Application for Grazing to the U.S. Department of the Interior. Mr. Edwards states on the application that he has previously used the lands for grazing for the past 40 years indicating that stock had been on the property since the claimed priority date. Additionally Charles' father David G. Edwards received Homestead Certificate #2762 on May 26, 1908 granting him a portion of the current based property.

A Class 1 License for 250 cattle dated October 27, 1936, was issued to Charles R. Edwards & Son for grazing 250 cattle on public lands. The Hoods have a grazing permit for Horse Flat issued March 14, 2013. The grazing permit documentation includes a deed dated August 28, 2021*, that grants ownership of Charles Edwards' base property to the Hoods.

**this asterisk is not part of the original documentation on file. It is just a notation to you regarding the year... we notified IDWR that this was not the correct year. The year was 2012 not 2021 but the Director's Report had already been published and filed by the time the error was noted.*

18a - Land patents are not a requirement for obtaining a water right in the State of Idaho.

18b - Land patents are not a requirement for obtaining a water right in the State of Idaho. Nothing in the objection references the need to have a land patent to obtain a de minimis instream stockwater right on a grazing allotment.

18c - Land patents are not a requirement for obtaining a water right in the State of Idaho. Nothing in the objection references the need to have a land patent to obtain a de minimis instream stockwater right.

See documents BLM_0000023 through 0000025. It is clearly written on the supporting document (BLM_0000023) it was filed through the office of U.S. Commissioner R.E. Wilson at Cambridge, Idaho on November 9th, 1903 and received at GLO Boise and filed November 11th, 1903 (BLM_0000024-0000025).

18d - C.R. Edwards stated on his original Application for grazing to the U.S. Department of the Interior dated July 27, 1935 that he previously used the lands for grazing for the past 40 years. His grazing activities were recognized by local customs, Acts of Congress, statutes and rule of law. His father homesteaded the adjacent land west of this tract when CR Edwards was 17 years of age. His brother owned the land to the south of this tract, that his uncle owned previously.

18e - Land patents are not a requirement for obtaining a water right in the State of Idaho. Nothing in the objection references the need to have a land patent to obtain a de minimis instream stockwater right.

It is clearly documented that it was filed through the office of U.S. Commissioner R.E. Wilson at Cambridge, Idaho November 7th, 1905 (BLM_0000026) and received and filed in the GLO office – Boise, ID on November 8, 1905 (BLM_0000027)

18f - C.R. Edwards stated on his original Application for grazing to the U.S. Department of the Interior dated July 27, 1935 that he previously used the lands for grazing for the past 40 years. His grazing activities were recognized by local customs, Acts of Congress, statutes and rule of law. Unclaimed, unsettled and unoccupied lands were subject to the common customs of the time where livestock freely grazed upon these lands.

His father homesteaded the adjacent land west of this tract when CR Edwards was 17 years of age. His brother owned the land to the south of this tract, that his uncle owned previously.

18g – The full sentence should read “That he established his residence upon said tract on the 5th day of December, 1903, and since which time has continued to live upon continuously and improve said premises, according to the homestead laws.” Land patents nor when a residence was established by a homesteader are not a requirement for a water right.

18h - The complete and accurate statement is as follows. Underlined text is the omitted portions of the partial statement. “The summer of 1905, I was absent not to exceed three months, working to earn a living and to make money to improve my land. My family was with me during this absence. We have resided continuously ever since and before this mentioned absence” This was in accordance with the homestead laws. Land patents are not a requirement for a water right on grazing allotments nor when a residence was established by a homesteader.

18i - The complete and accurate question asked was to “Describe fully and in detail the amount and kind of improvements on each subdivision. State total value of improvements on the claim.” Livestock are not physical ‘improvements’. Nor does he state the number of hogs or chickens housed in those structures.

18j - The beginning of the question is omitted. Question 7 of this form asks for the number of acres cultivated, kind of crop and amount harvested each year. The second part of the question is regarding grazing - “If used for grazing purposes only, state the number and kind of stock grazed each year, and by whom.” And there is nothing regarding fencing in this question nor is there any reference to ‘range livestock’.

18k - This was the cover document to the Land Office that accompanied his Final Proof papers in compliance with homestead laws after the notice of homestead proof was published in the Cambridge News beginning December 2, 1910 through December 30, 1910 as directed by the Dept of Interior U.S. Land Office of Boise, Idaho on November 8, 1910. (5 years after his additional homestead entry)

18l – Your definition of what ‘rangeland livestock’ may be different from ours. There are several species of grazing domestic animals such as sheep, cattle, mules, horses, oxen, donkeys and goats.

18m - Your definition of what ‘rangeland livestock’ may be different from ours. There are several species of grazing domestic animals such as sheep, cattle, mules, horses, oxen, donkeys and goats.

18n – Your definition of what ‘rangeland livestock’ may be different from ours. There are several species of grazing domestic animals such as sheep, cattle, mules, horses, oxen, donkeys and goats.

However, C.R. Edwards original Application for grazing dated July 27, 1935 stated he previously used the lands for grazing for the past 40 years and a later correspondence letter to the grazing district in December 1955 that he had been grazing for 60 years. He held Class A grazing preference/permit from the Forest Service and received a Class 1 grazing preference/permit with the BLM in 1935.

19a - The number 356 is a page number not a Patent number. It is clearly printed on the Final Certificate filed with the Washington County Recorder and clearly printed at the bottom of the cover page of the Final Certificate. The elements of the objection do not cite the requirement of having a land patent for private land to obtain stockwater rights or any water right.

19b – The land description for Final Certificate #2762 is as follows:

Township 15, Range 3W, Boise Meridian

**Section 28 N $\frac{1}{2}$ SW $\frac{1}{4}$
 SW $\frac{1}{4}$ NW $\frac{1}{4}$**

Section 29 NE $\frac{1}{4}$ SE $\frac{1}{4}$

The elements of the objection are only in reference to the priority date of the claims being sought not to the requirement of having a land patent for private land to obtain a deminimis instream stockwater right.

19c – Homestead Certificate #2762 is based on Homestead Entry 4486. We deny our claims are based on land patents. The elements of the objection are only in reference to the priority date of the claims being sought not to the requirement of having a land patent for private land. David G Edwards filed with James King, U.S. Commissioner in Salubria, Idaho on November 8, 1899 at 9 o’clock A.M. not in Boise, Idaho.

19d – David G Edwards had an economical and vested interest interest in these lands that were unclaimed, open to entry and sale to bona-fide settlers and entrymen and were grazed by the local citizenry recognized by local customs, Acts of Congress, statutes and the courts. His interest was in the land, grass and water that the land possessed along with the ability to produce an income for his family. It was not unlawful for homesteaders to possess lands prior to applying for patents. CR Edwards’ original application for grazing under the Taylor Act stated he grazed the Taylor lands for 40 years prior to the Act. 40 years prior to the Taylor Act, CR Edwards would have been 13 yrs old in 1895 in which he would have been a minor child. David & Mary Edwards sold their Wisconsin home in March 12, 1896, their signatures notarized by R.E. Wilson in Washington County, Idaho on that date. The Edwards family counted in the 1900 census for Cambridge, Idaho. E.E. Edwards (David & Mary’s oldest child) owned adjacent land to the south of this tract that was previously owned by David’s brother-in-law.

19e – The number 356 is a page number not a Patent number. It is clearly printed on the Final Certificate filed with the Washington County Recorder and clearly printed at the bottom of the cover page of the Final Certificate that it is the page number to Miscellaneous Volume, Book 780, Page 356.

The Final Certificate #2762 was issued on May 26, 1908 “pursuant to the Act of Congress approved 20th May, 1862, To secure Homesteads to Actual Settlers on the Public Domain, and the acts supplemental thereto...” Nothing in the document states the Act was “as amended”. We deny our claims are based on land patents.

19f - David G. Edwards was a citizen per his father’s naturalization in 1846 He had signed Homestead Affidavit that he was a naturalized citizen that was sworn & subscribed to Otto F. Buse, the Commissioner for the Dist. Of Idaho in Salubria, Washington County, Idaho on November 4, 1899. It was later filed at the U.S. Land Office Boise City, Idaho on Nov. 8, 1899. He was also a Civil War veteran. Citizenship of a patentee over 100 years ago has nothing to do with our claim to a priority date of 1896 for deminimis instream stockwater claims and is outside the scope of the objection.

19g - David G. Edwards was a citizen per his father’s naturalization in 1846 when he would have been about 6 years of age and his military service during the Civil War. It is clearly documented in the patent files and completely ignored in this Request for Admission.

19h - The sentence “From the proof submitted it appears that the entryman, who is sixty-six years of age, built a house on the land and established his residence therein soon after filing, and that he has cultivated the land since making said entry” is omitted. (BLM_0000041) “Up until about November 1, 1905, the claimant did not reside continuously on the land. It appears that he lived principally with his son on an adjoining tract; that he was on his land practically every day and slept and ate on the tract frequently; that about the first of November, 1905, he built a new house on the land and moved his wife thereon and has since resided with his wife on the land.” Underlined text is omitted from the Request for Admission.

19i - David G Edwards’ hand-written testimony, witnessed by Henry H. Brighton, Special Agent of the General Land Office dated March 15, 1907 refutes this quote that settlement was in October of 1900. David G. Edwards handwritten testimony was that it was either August or September 1900.

19j - It is unreasonable to think that he would blindly purchase land without knowing if it would support livestock or crops. Washington County, Idaho, records – Deeds, Book 7, page 61-62, a document between Albert Jewell & Edward E Edwards for the sale of property sold from Jewell to EE Edwards dated November 13, 1895. The witnesses on this document being signed, sealed & delivered was in the presence of R.E. Wilson and David Edwards. Albert Jewell is Mary Edwards’ brother; EE Edwards is David & Mary’s oldest son. The property is adjacent to the south of the original homesteads of David G Edwards & CR Edwards. It is still in the Edwards’ family to this date.

C.R. Edwards stated on his original Application for grazing to the U.S. Department of the Interior dated July 27, 1935 that he and the Edwards family previously used the lands for grazing for the past 40 years. His grazing activities were recognized by local customs, Acts of Congress, statutes and rule of law.

19k - There is no definition of 'range livestock'. The Request is cherry-picked and taken out of context (BLM_0000044). The entire question is again being purposely omitted. The complete question asked was "How much of the land have you cultivated each season and how many seasons have you raised crops thereon? If used for grazing only, describe fencing, state the number and kind of stock grazed and by whom owned." . *The land was not used for grazing purposes only*, therefore he was not required to list any kind of fencing or type of stock. He didn't identify the number or kinds of chickens that would live in the chicken house, nor what was living in the stable.

19l – The Request for Admission is outside the scope of the objection to a priority date. Land patents are not a requirement for a water right. Commissioner Wilson wrote in closing that *"I am writing you this in order to possibly clear up some of the evidence which does not appear as plain upon the proof sheets as it ought to."* (BLM_0000047). David G Edwards' hand-written testimony, witnessed by Henry H. Brighton, Special Agent G.L.O March 15, 1907, Special Agent Brighton's March 25, 1907 letter in the patent file all document the story, with the exception of who the son was, where he lived and what was meant by 'working his son's place'. Was he working his livestock?

19m - Letter 'C' is in reference to request for submission of physical documented proof of his naturalization to process his final proof papers, which omitted in supporting documents. He was a naturalized citizen and received his land patent as an actual bonafide settler. The Request for Admission is outside the scope of the objection to a priority date. Land patents are not a requirement for a water right.

19n – David G Edwards filed his homestead entry on November 8, 1899, paid his fees and paid commutation when he couldn't find his naturalization papers. He fulfilled the requirements of the homestead act with the exception of physical proof of his naturalization through his father at the time of final proof. It was submitted and accepted and he received his land patent. He already had 7 years vested interest in the land from the date of his homestead entry in 1899.

19o - CR Edwards written testimony on the first application for grazing in 1935 per the Taylor Grazing Act was that Edwards' cattle had been on those lands for 40 years. Their grazing activities were recognized by local customs, Acts of Congress, statutes and rule of law. David G, Edwards held a Class A grazing permit for the Weiser Forest Reserve that was enacted by Proclamation 561 – May 25, 1905. David G Edwards had a livestock brand registered in the State of Idaho per Idaho law and recorded in Washington County, Idaho in 1905. No permits were required to run livestock on unclaimed or unsettled lands on what is now Horse Flat Allotment until the Taylor Act.

19p - David G Edwards' last will & testament gave CR his houses, land and the livestock within his possession upon the time of his death. The probate court verified that in the final decree in 1928. CR Edwards had already received the homestead land, all the structures on it and all the livestock that was in the possession of his father at the time of his death in 1916, not 12 years later in 1928. Including the forest reserve permits.

19q – CR Edwards received the land, houses and all the livestock that was in the possession of his father at the time of his death in 1916 per his last will & testament and the final court decree. This Request is outside the scope of the objection the priority date for water rights.

19r - TCR Edwards already received the land & livestock upon the time of his father's death per the probate court in 1916 as directed in his last will & testament.

20a - 43 CFR §4100.0-5 (2005) Definitions.

Base property means: (1) Land that has the capability to produce crops or forage that can be used to support authorized livestock for a specified period of the year, *or (2) water that is suitable for consumption by livestock and is available and accessible to the authorized livestock when the public lands are used for livestock grazing.* (underlined text in italics was omitted from your definition)

And the grazing preference is not found under the definitions but is misused within your definition for 'base property'

43 CFR §4110.2-1(a)(1) (2005) you deliberately omitted (a) and (2) which is joined to (1) by the word 'or'. The correct citation read as follows:

4100.2-1 Base property.

(a) The authorized officer shall find land or water owned or controlled by an applicant to be base property (see 4100.0-5) if:

(1) It is capable of serving as a base of operation for livestock use of public lands within a grazing district; *or*

(2) It is contiguous land, or, when no applicant owns or controls contiguous land, noncontiguous land that is capable of being used in conjunction with a livestock operation which would utilize public lands outside a grazing district. (underlined text in italics was omitted from your definition)

The Director's Report clearly identifies the basis of the claimed date. Below is the section in its entirety from the Director's Report. The underlined text was omitted from your Request.

2. Hood's claimed priority date

The priority date on all the claims is December 28, 1896. This date is derived from the base property's Homestead Certificate #2762 and Land Patent #222034. On May 26, 1908, the United States granted David G. Edwards a portion of what is now the claimed base property. On July 27, 1935, Charles R. Edwards submitted an Application for Grazing to the U.S. Department of the Interior. Mr. Edwards states on the application that he has previously used the lands for grazing for the past 40 years indicating that stock had been on the property since the claimed priority date. Additionally Charles' father David G. Edwards received Homestead Certificate #2762 on May 26, 1908 granting him a portion of the current based property.

A Class 1 License for 250 cattle dated October 27, 1936, was issued to Charles R. Edwards & Son for grazing 250 cattle on public lands. The Hoods have a grazing permit for Horse Flat issued March 14, 2013. The grazing permit documentation includes a deed dated August 28, 2021*, that grants ownership of Charles Edwards' base property to the Hoods.

**this asterisk is not part of the original documentation on file. It is just a notation to you regarding the year... we notified IDWR that this was not the correct year. The year was 2012 not 2021 but the Director's Report had already been published and filed by the time the error was noted.*

20b – The land description is as follows per public documentation in the GLO records:

T15 R3W S29	NE1/4NE1/4
T15 R3W S28	N1/2NW1/4
T15 R3W S21	SW1/4SW1/4

A land patent is not a requirement to obtain a water right in the State of Idaho.

20c – There is no notation within the objection that states land patents are a required element to obtain a de minimis instream stockwater right within the State of Idaho.

The “(HE 5889, B-0163)” is in reference to a correspondence reference number not a homestead application number.

As to his exact date of application it is either June 24, 1902 (BLM_0000049) or June 25, 1902 (BLM_0000050 & BLM_0000051). It is so documented in the patent case file. James King was a U.S. Commissioner in Cambridge, Idaho not Boise, Idaho.

20d – Nielson was already living on his tract prior to making entry. His Final Proof affidavit stated “I had established my residence upon said tract 2 months before I made the filing” for the homestead entry (BLM_0000053). Land patents are not a requirement to obtain a water right in the State of Idaho.

20e – The patent was issued “pursuant to the Act of Congress approved 20th May, 1862, To secure Homesteads to Actual Settlers on the Public Domain, and the acts supplemental thereto...” Nothing in the document states the Act was “as amended”.
We deny our claims are based on land patents.

Homestead Proof – Testimony of Claimant: Page 1, No. 3 – regarding citizenship has an asterisk at end of question. The footnote reads: *(in case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed in the case. Evidence of *naturalization* is only required in the final (five-year) homestead cases.)

20f – BLM_0000052 Declaration of Intent

20g – BLM_0000053 Homestead Proof – Testimony of Claimant. Ques 4 – Nielson states he established his residence 2 months prior to entry. He also filed for naturalization 5 days prior to entry. He already had a vested interest in the land he was to homestead and his activities were recognized by Acts of Congress, statutes and the courts.

20h - (BLM_0000053) Question 7 – the first part of the question is omitted completely. Omitted portions are omitted (underlined & italicized) and should read as follows:
“How much of the land have you cultivated each season and for how many seasons have you raised crops thereon? If used for grazing purposes only, state the number and kind of stock grazed each year, and by whom.”

20i - There is no reference or definition of what is ‘rangeland livestock’. Nels Nielson does not appear in the Directors’ Report. Our basis for the claimed date of beneficial use for de minimis instream stockwater claims on the Horse Flat allotment is upon CR Edwards

grazing preference application per Taylor Grazing Act that the Edwards family ran livestock on the land now known as the Horse Flat allotment 40 years prior to the Taylor Act.

20j – There is no reference or definition of what are “rangeland livestock”. Nels Nielson is not referenced in the Director’s Report. CR Edwards stated the he ran livestock on the original grazing preference application per the Taylor Act 40 years prior.

20k - The land transaction between Nielson & Cutler does not change the first date of beneficial use using CR Edwards original application for grazing under the Taylor Grazing Act. Neither Nielson or Cutler appear in the Director’s Report.

20l - The Director’s Report clearly identifies the basis of the claimed date. Below is the section in its entirety from the Director’s Report. The underlined text was omitted from your Request.

2. Hood’s claimed priority date

The priority date on all the claims is December 28, 1896. This date is derived from the base property’s Homestead Certificate #2762 and Land Patent #222034. On May 26, 1908, the United States granted David G. Edwards a portion of what is now the claimed base property. On July 27, 1935, Charles R. Edwards submitted an Application for Grazing to the U.S. Department of the Interior. Mr. Edwards states on the application that he has previously used the lands for grazing for the past 40 years indicating that stock had been on the property since the claimed priority date. Additionally Charles’ father David G. Edwards received Homestead Certificate #2762 on May 26, 1908 granting him a portion of the current based property.

A Class 1 License for 250 cattle dated October 27, 1936, was issued to Charles R. Edwards & Son for grazing 250 cattle on public lands. The Hoods have a grazing permit for Horse Flat issued March 14, 2013. The grazing permit documentation includes a deed dated August 28, 2021*, that grants ownership of Charles Edwards’ base property to the Hoods.

**this asterisk is not part of the original documentation on file. It is just a notation to you regarding the year... we notified IDWR that this was not the correct year. The year was 2012 not 2021 but the Director’s Report had already been published and filed by the time the error was noted.*

20m - There is no reference or definition of what are “rangeland livestock”. H.T. Cutler is not referenced in the Director’s Report.

20n – this document was provided during pre-conference hearings

20o - this document was provided during pre-conference hearings

20p - There is no reference or definition of what are “rangeland livestock”

20q – The tax lien on this property is irrelevant to our priority date for deminimis instream stock water claims on allotment land. Medaris does not appear in the Director’s Report.

20r – The ownership of the land by the tax collector is irrelevant to our priority date for deminimis instream stock water claims on the allotment land.

20s – Washington County Idaho Tax Collector does not appear in the Director’s Report.

20t - this document was provided during pre-conference hearings

20u - The land transaction between Elmo Edwards & Washington County Tax collector does not change the first date of beneficial use using CR Edwards original application for grazing under the Taylor Grazing Act. Neither Elmo Edwards or Washington County Tax Collector appear in the Director’s Report.

20v - There is no reference or definition of what are “rangeland livestock”

20w – this document was provided during pre-conference hearings.

20x – CR Edwards stated the he ran livestock on the lands 40 years prior to the Taylor Act on his original grazing application. He was also fully aware that the land that is now Horse Flat Allotment was to be withdrawn for a grazing allotment and permits were going to be required.

21a – Our date of priority is from CR Edwards original 1935 application for grazing under the Taylor Grazing Act. Leroy T Braden is not referenced in the Director’s Report.

21b - CR Edwards original 1935 application for grazing under the Taylor Grazing Act stating 40 years prior he had stock grazing those lands prior to the Act. Base property is only a requirement of Taylor Grazing Act of 1934.

21c – Supporting BLM document with these Requests

21d - Supporting BLM document with these Requests

21e – Documented in Land Patent files we purchased and same files BLM has in their possession.

21f - Supporting BLM document with these Requests

21g - Supporting BLM document with these Requests

21h - Supporting BLM document with these Requests

21i - There is no reference or definition of what are “rangeland livestock”

21j - There is no reference or definition of what are “rangeland livestock”

21k - this document was provided during pre-conference hearings.

21l – Documented in Land Patent files we purchased and same files BLM has in their possession.

21m - There is no reference or definition of what are “rangeland livestock”

22a - Supporting BLM document with these Requests

22b - Supporting BLM document with these Requests

22c - Supporting BLM document with these Requests

22d – Documented in Land Patent files we purchased and same files BLM has in their possession.

22e - Supporting BLM document with these Requests

22f - Documented in Land Patent files we purchased and same files BLM has in their possession.

22g - Documented in Land Patent files we purchased and same files BLM has in their possession. There is no reference or definition of what are “rangeland livestock”

22h - this document was provided during pre-conference hearings.

22i – David G Edwards’ last will & testament; this document was provided during pre-conference hearings.

22j - David G Edwards’ last will & testament; this document was provided during pre-conference hearings.

23a - Documented in Land Patent files we purchased and same files BLM has in their possession and cited from

23b - Documented in Land Patent files we purchased and same files BLM has in their possession and cited from

23c - Documented in Land Patent files we purchased and same files BLM has in their possession and cited from

23d - Documented in Land Patent files we purchased and same files BLM has in their possession and cited from

23e- Documented in Land Patent files we purchased and same files BLM has in their possession and cited from

23f - Documented in Land Patent files we purchased and same files BLM has in their possession and cited from

23g - Documented in Land Patent files we purchased and same files BLM has in their possession and cited from. There is no reference or definition of what are “rangeland livestock” in these documents.

23h - There is no reference or definition of what are “rangeland livestock” in these documents.

23i- There is no reference or definition of what are “rangeland livestock” in these documents.

24 - David G Edwards’ last will & testament left CR Edwards his land, houses and cattle that were in his possession at the time of his death. Including the Class A forest grazing permits.

CR Edwards’ last will & testament left to his wife the land, house and cattle, including the Class A forest permit & Class 1 BLM permit. Harriet Edwards then gave the land, house and cattle, including the permits to Melvin & Inez (Edwards) Dotson.

CR Edwards received all the livestock that was in his father’s possession at the time of his father’s death and that document is within your possession. The second document supplied to you during the conference meetings held at IDWR is from the probate court in the matter of CR Edwards estate decree 10/30/1962 of distribution of deeding the 640-acres with the ‘legal land description’ of:

Township 15 North, Range 3 West of the Boise Meridian:

**Section 21 SW1/4SW1/4;
Section 28 N1/2, N1/2S1/2;
Section 29 E1/2NE1/4 and NE1/4SE1/4**

INCLUDING all forest reserve grazing rights

AND

Undivided one-half interest in the following cattle:

**20 head of stock cows
6 two-year old heifers
7 yearling steers
7 yearling heifers
1 four-year old bull**

Third document that we have and supplied to you during the conference meetings held at IDWR is from 1/5/1962 warranty deed from Harriet Edwards (widow of CR Edwards) to Melvin & Inez Dotson the ‘legal land description’ of:

Township 15 North, Range 3 West of the Boise Meridian:

**Section 21 SW1/4SW1/4;
Section 28 N1/2, N1/2S1/2;
Section 29 E1/2NE1/4 and NE1/4SE1/4**

INCLUDING all forest reserve grazing rights

1956 CR Edwards ran M/D-branded cattle on FS permit

1963 Dotson receives estate & grazing preference permits from Harriet Edwards

INTERROGATORY NO. 10: Please state what you believe to be the correct elements of Claim No. 67-15263, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE:

CR Edwards original application stated that he grazed the ‘Taylor lands’ for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards.

David G Edwards was witness to E.E. Edwards 120-acre property purchase, signed in Cambridge, Idaho in 1895 in the office of R.E. Wilson. Property is adjoining the southern boundary of the land David G Edward would homestead. E.E. Edwards is David G Edwards' oldest son.

David G & Mary Edwards sold their Mineral Point, WI home 1895 as documented in office of R.E. Wilson in 1895.

David G Edwards filed homestead entry on Nov 8, 1899.

David G Edwards had registered a livestock brand as required by Idaho law in 1905.

Prior to the Taylor Act CR Edwards & his father, David G Edwards, David G Edwards Estate both had class A forest service permits meaning they were able to prove to the grazing district they had used the forest lands at least 5 years prior to the enactment of the grazing district.

CR Edwards acquired his father's land & livestock upon his death in 1916, verified by the official decree of the probate court.

The David G Estate had a forest reserve permit until it was transferred to CR Edwards.

Upon enactment of Taylor Grazing a Class 1 BLM permit for CR Edwards.

CR Edwards changed his brand to reflect M/D in 1956 for forest reserve.

CR Edwards left his estate & livestock to his wife, Harriet. She sold the livestock to Melvin & Inez (Edwards) Dotson along with the grazing permits & the property.

Dotsons grazed cattle on the BLM allotment and forest reserve up until the time of their deaths. M/D branded cattle grazed up to 2008 under the management of Charles Edwards until they were sold to Charles Edwards in 2008.

Charles Edwards had a base property lease agreement with Dotsons & the Dotson Estate which gave him the benefit of running his his additional cattle under the leased base property preference permit. Charles Edwards also had a Livestock Grazing Lease Agreement to manage & control the 22 head of Dotson-owned cattle between 1993-2003.

Charles Edwards purchased the 22 head of Dotson cattle and the forest service permit in 2008. In 2009 the previous base property lease agreement between Charles and Melvin Dotson was replaced with a 10-year base property lease agreement between Charles and the Dotson Estate (both Melvin & Inez had passed away and the property was listed for sale in April 2008). The new base property lease agreement had a stipulation that the lease may be terminated within 6 months notice from either party. Sometime during 2009, the Dotson Estate terminated the base property lease agreement with Charles Edwards. In 2010 the base property grazing privileges were then transferred back to the Dotson Estate since Charles no longer had the lease of the base property.

If there was another 10-year livestock agreement in conjunction with the 2003-2013 base property lease agreement we don't know because we have denied access to those files despite

FOIA requests to the entire historical files for CR Edwards and Melvin & Inez Dotson, and supposedly Charles Edwards had a file upon the lease agreement.

We purchased the 640-acre property from the Dotson Estate along with the grazing preference of 39 AUMs for BLM. The grazing permit was on our mortgage along with the definition of the property.

2015-2016 Ford Ranch used our permit, under the terms & conditions of our permit contingent to the pasture lease agreement which we would allow them to use temporary use of the 39 AUM's of our permit. Ford Ranch paid the premium rate to graze those 39 AUM's. The grazing preference is tied to the base property and everything associated with the grazing preference is appurtenant to the base property of which we never lost control.

February 14, 2015 we purchased 5 head of registered Hereford cattle. We have grazed since 2017 to present date with the exception of fall 2020 due to the Sept 7, 2020 Woodhead Fire and the entire 2021 we voluntarily chose conservation non-use to let the range heal from the devastating effects of the fire.

We believe that we have established a 'chain of title' that begins with CR Edwards' original 1935 application for grazing on BLM under the Taylor Grazing act in which he stated that he had been grazing those lands for 40 years. His father, David G Edwards brought the family here to join other family members who were already established. CR Edwards was a minor and they established their homesteads and their livestock which grazed the unclaimed, unfenced and unoccupied lands. Those appurtenances were transferred with each sale, transfer and deed of each parcel of land throughout the past 100+ years. We believed that we have showed this 'chain of title' with recorded county documents, the few FOIA'd grazing documents that were provided though not complete because we have been denied full and complete access to all the historical files associated with the property, newspaper events and obituaries that had personal testimony relevant to the history of this place. We still believe that the 1896 priority date is true and correct to the best of our knowledge.

INTERROGATORY NO. 11: Please state what you believe to be the correct elements of Claim No. 67-15264, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 12: Please state what you believe to be the correct elements of Claim No. 67-15265, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 13: Please state what you believe to be the correct elements of Claim No. 67-15266, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 14: Please state what you believe to be the correct elements of Claim No. 67-15267, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 15: Please state what you believe to be the correct elements of Claim No. 67-15268, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 16: Please state what you believe to be the correct elements of Claim No. 67-15269, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 17: Please state what you believe to be the correct elements of Claim No. 67-15270, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 18: Please state what you believe to be the correct elements of Claim No. 67-15271, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 19: Please state what you believe to be the correct elements of Claim No. 67-15272, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing

license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 20: Please state what you believe to be the correct elements of Claim No. 67-15273, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 21: Please state what you believe to be the correct elements of Claim No. 67-15274, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 22: Please state what you believe to be the correct elements of Claim No. 67-15275, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 23: Please state what you believe to be the correct elements of Claim No. 67-15276, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 24: Please state what you believe to be the correct elements of Claim No. 67-15277, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 25: Please state what you believe to be the correct elements of Claim No. 67-15278, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 26: Please state what you believe to be the correct elements of Claim No. 67-15279, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 27: Please state what you believe to be the correct elements of Claim No. 67-15280, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 28: Please state what you believe to be the correct elements of Claim No. 67-15281, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 29: Please state what you believe to be the correct elements of Claim No. 67-15282, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 30: Please state what you believe to be the correct elements of Claim No. 67-15283, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 31: Please state what you believe to be the correct elements of Claim No. 67-15284, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 32: Please state what you believe to be the correct elements of Claim No. 67-15285, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 33: Please state what you believe to be the correct elements of Claim No. 67-15286, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 34: Please state what you believe to be the correct elements of Claim No. 67-15287, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 35: Please state what you believe to be the correct elements of Claim No. 67-15288, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

INTERROGATORY NO. 36: Please state what you believe to be the correct elements of Claim No. 67-15289, including but not limited to the priority date, and state the factual basis for the priority date.

RESPONSE: CR Edwards original application stated that he grazed the 'Taylor lands' for 40 years prior that the 1896 date of first beneficial use is accurate. The original Taylor Grazing license for BLM land began with CR Edwards. And his obituary in the Idaho Statesman 17 Dec 1961

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Please produce all documents identified in response to, or reviewed, referred to, or relied upon in preparing your responses to, the foregoing Requests for Admission and Interrogatories.

RESPONSE:

Most documentation had been exchanged during the meetings at IDWR or supporting documentation from these Requests/Interrogatories. Please see attached for new documents.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents you relied upon, or which formed the basis for, any denial (in whole or in part) of the foregoing Requests for Admission.

RESPONSE: *Most documentation had been exchanged during the meetings at IDWR or supporting documentation from these Requests/Interrogatories. Please see attached for new documents.*

REQUEST FOR PRODUCTION NO. 3: Please produce all documents you may rely upon at trial or any hearing in this matter, in support of dispositive motions, or in opposition to dispositive motions, or at any other stage of this proceeding.

RESPONSE:

Most documentation had been exchanged during the meetings at IDWR or supporting documentation from these Requests/Interrogatories. Please see attached for new documents.

REQUEST FOR PRODUCTION NO. 4: Please produce all documents you may rely upon at trial or any hearing in this matter, in support of dispositive motions, or in opposition to dispositive motions, or at any other stage of this proceeding.

RESPONSE: This is the same question as No. 3 above. See response to the above.

REQUEST FOR PRODUCTION NO. 5: Please produce all documents that you purport give you an interest in the surface estate for the legal land descriptions asserted as the point of diversion and/or places of use described in your Claims.

RESPONSE: Taylor Grazing Act - Livestock eat the grass that grows above the ground and drink the water that is on the surface. Livestock need water to survive not just grass.

REQUEST FOR PRODUCTION NO. 6: Please produce all land conveyance documents, records, instruments and deeds which demonstrate any ownership interest in the land asserted as a point of diversion and/or places of use in your Claims.

RESPONSE: We object to your definition of “land conveyance documents” for it omits the use of the grazing preference license. Please see the grazing preference/permit that is appurtenant with out deeded land.

REQUEST FOR PRODUCTION NO. 7: Please produce all conveyance documents, records, instruments and deeds which demonstrate ownership of each and every legal land description comprising the base property identified in Request for Admission No. 12 from the present day back to your claimed priority date identified in your answers to Interrogatories Nos. 10-36.

RESPONSE: We do not accept your definition of ‘base property’ as cited in No. 12. Base property is a term that appeared in the Taylor Grazing Act and forest service.

David G Edwards last will & testament

CR Edwards last will & testament

Harriet Edwards warranty deed to Melvin & Inez (Edwards) Dotson

Dotson Estate warranty deed to Keith & Karen Hood

REQUEST FOR PRODUCTION NO. 8: Please produce all conveyance documents, records, instruments and deeds which conveyed ownership of personal property in the form of livestock from your predecessors to their successors from present day back to the original Patentees of base property described in Request for Admission No. 12.

RESPONSE: David G Edwards last will & testament
CR Edwards last will & testament
Harriet Edwards warranty deed to Melvin & Inez (Edwards) Dotson
Forest service document of cattle sale for preference

REQUEST FOR PRODUCTION NO. 9: Please produce a copy of all documents not produced in response to the foregoing Requests for Production that you assert supports your Claims.

RESPONSE: Please see attached documents that have not been exchanged during conference meetings or your supporting documents provided with these Requests.

REQUEST FOR PRODUCTION NO. 10: Please produce any and all documents, including but not limited to reports, summaries, or surveys, including drafts of any of the foregoing, that each expert witness you may call at trial reviewed or is expected to review in forming the grounds for his or her anticipated testimony.

RESPONSE: We don't have any expert witness(es) at this time but reserve the right, if necessary.

REQUEST FOR PRODUCTION No. 11: Please produce all documents, writings, drawings, data, compilations or other materials you intend to introduce as exhibits or intend to ask any witness to examine during a trial of this case.

RESPONSE: We don't have any expert witness(es) at this time but reserve the right, if necessary.

REQUEST FOR PRODUCTION NO. 12: Please produce all documents that you provided to any third party, consultant, or expert related to any water use issue related to this water right adjudication, regardless of whether you intend to call that person as a witness at any trial or hearing in this case.

RESPONSE: We don't have any third party, consultant, or expert at this time but reserve the right, if necessary.

REQUEST FOR PRODUCTION NO. 13: Please produce all documents provided to you by any third party, consultant, or expert related to any water use issue related to this water right adjudication, regardless of whether you intend to call that person as a witness at any trial or hearing in this case.

RESPONSE: We don't have any documents from a third party, consultant, or expert at this time but reserve the right, if necessary.

Certificate of Mailing

I certify that on May 9, 2024 I mailed the original and copies of this Request for Admission and supporting documents to the following:

VIA USPS Priority mail

Original to:

**United States Department of Justice
Environmental & Natural Resources Division
550 West Fort Street, MSC 033
Boise, Idaho 83724**

Copy to:

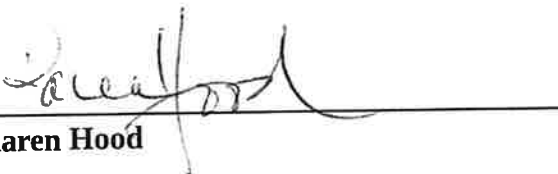
**Mark J. Widerschein
United States Department of Justice
Environmental & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611**

VIA USPS flat rate priority

One copy without supporting documentation to show proof we filed per motion to compel with Special Master's order

**Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID 83303-2707**

**Director of IDWR
PO Box 83720
Boise, ID 83720-0098**


Karen Hood