

Norman M. Semanko, ISB #4761
Garrett M. Kitamura, ISB #11502
PARSONS BEHLE & LATIMER
800 W. Main Street, Suite 1300
Boise, Idaho 83702
Tel: (208) 562-4900
Fax: (208) 562-4901
Email: *nsemanko@parsonsbehle.com*
gkitamura@parsonsbehle.com

Attorneys for Keith and Karen Hood

RECEIVED
JUL 12 2024
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA
Case No. 39576

Subcase Nos.: 67-15263, et al. (Hood)
See Exhibit 1

DECLARATION OF NORMAN M.
SEMANKO IN SUPPORT OF HOOD'S
MOTION FOR SUMMARY JUDGMENT

I, Norman M. Semanko, declare as follows:

1. I am one of the attorneys who represents Keith R. Hood and Karen M. Hood.
2. I give and make this declaration based upon my own personal knowledge and can testify as to the truth of the statements contained herein if called upon as a witness at the trial of this action.
3. I am over the age of 18 and have personal knowledge of the facts stated in this Declaration and am competent to testify thereto.
4. Attached hereto as Exhibit A is a true and correct copy of transcript excerpts from the deposition of Frederic W. Price, which I conducted on June 10, 2024.

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I declare under penalty of perjury, pursuant to the law of the State of Idaho, that the foregoing is true and correct.

DATED this 11th day of July, 2024, at Boise Idaho.

A handwritten signature in black ink, appearing to read 'N-M. S.', written over a horizontal line.

Norman M. Semanko

EXHIBIT 1

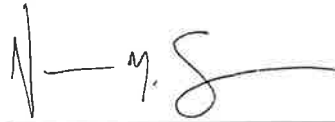
Subcase Nos.

67-15263
67-15264
67-15265
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 11th day of July, 2024, I served a true and correct copy of the foregoing document by FedEx to the Court, and by delivering the same to each of the following individuals by the method indicated below, addressed as follows:

United States of America U. S. Department of Justice Environmental & National Resources Div. 550 W. Fort Street, MSC 033 Boise, ID 83724	☒ U.S. Mail ☐ Facsimile: ☐ Hand Delivery ☐ Overnight Delivery ☐ Email / iCourt:
Director of IDWR P. O. Box 83720 Boise, ID 83720-0098	☒ U.S. Mail ☐ Facsimile: ☐ Hand Delivery ☐ Overnight Delivery ☐ Email / iCourt:



Norman M. Semanko; Garrett M. Kitamura

EXHIBIT “A”

In Re: SRBA) Subcase Nos.
Case No. 39576) 67-15263 et al.
_____)

DEPOSITION OF FREDRIC W. PRICE

JUNE 10, 2024

REPORTED REMOTELY BY:
JEFF LaMAR, C.S.R. No. 640
Notary Public
Job No. 6738763

1 THE DEPOSITION OF FREDRIC W. PRICE was taken
2 on behalf of Keith and Karen Hood via remote
3 videoconference, commencing at 9:03 a.m. Mountain
4 Daylight Time on June 10, 2024, before Jeff LaMar,
5 Certified Shorthand Reporter and Notary Public within
6 and for the State of Idaho, in the above-entitled
7 matter.

8
9 APPEARANCES (ALL REMOTE):

10 For Keith and Karen Hood:

11 PARSONS BEHLE & LATIMER

12 BY MR. NORMAN M. SEMANKO

13 800 West Main Street, Suite 1300

14 Boise, Idaho 83702

15 nsemanko@parsonsbehle.com

16 For United States of America:

17 UNITED STATES DEPARTMENT OF JUSTICE

18 BY MS. KATHARINE LAUBACH

19 MR. MARK J. WIDERSCHEIN

20 550 West Fort Street, MSC 033

21 Boise, Idaho 83724

22 katharine.laubach@usdoj.gov

23 mark.widerschein@usdoj.gov
24
25

I N D E X

TESTIMONY OF FREDRIC W. PRICE

PAGE

Examination by Mr. Semanko

5

EXHIBITS

(NONE MARKED)

1 Q. Do you have any reason to disagree with any
2 of it?

3 A. Oh, yeah. That's why BLM objected.

4 Q. So you disagree that there was a BLM
5 class one grazing permit issued on October 27th, 1936?

6 A. I don't disagree with that.

7 Q. Okay. Do you disagree there was a
8 homestead certificate No. 2762?

9 A. I do not disagree with that.

10 Q. Or a land patent No. 222034?

11 A. Yeah, I agree with that.

12 Q. Or that there was an application filed by
13 Charles R. Edwards July 25th of 1935?

14 A. That's true.

15 Q. Or that he, Charles R. Edwards, stated in
16 that application that he previously used the lands, the
17 federal lands for grazing the past 40 years prior to
18 1935?

19 A. He did state that.

20 Q. Do you dispute that there was a homestead
21 certificate dated May 26th, 1908 for a portion of the
22 current base property?

23 A. Who was the patentee in that one?

24 Q. It says that the father, David G. Edwards,
25 received a homestead certificate May 26th, 1908.

1 A. Yeah. 1908, David, yeah.

2 Q. And that the Hoods applied for and received
3 a grazing permit around 2013?

4 A. They did.

5 Q. So what is it that I went through that's in
6 the Director's report background that you disagree
7 with?

8 A. The veracity of the 40-year statement in
9 the Taylor Grazing Act application by Charles R.
10 Edwards.

11 Q. Okay. So you don't think there was grazing
12 in that area in 1895?

13 A. There probably was, just not by any of
14 Hoods' predecessors that I have any evidence of.

15 Q. Do you have any evidence that they weren't,
16 that they were not grazing it?

17 A. Well, I don't have any evidence that they
18 were.

19 Q. Do you have any evidence that they were not
20 grazing it?

21 A. Well, no, I don't have any evidence of the
22 negative.

23 Q. So do you recall in your objection a map
24 being attached to the objection?

25 A. A map?

REPORTER'S CERTIFICATE

I, JEFF LaMAR, CSR No. 640, Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me.

That the testimony and all objections made were recorded stenographically by me and transcribed by me or under my direction.

That the foregoing is a true and correct record of all testimony given, to the best of my ability.

I further certify that I am not a relative or employee of any attorney or party, nor am I financially interested in the action.

IN WITNESS WHEREOF, I set my hand and seal this 20th day of June, 2024.



JEFF LaMAR, CSR NO. 640

Notary Public

1109 West Main Street, Suite 220

Boise, Idaho 83702

My commission expires December 30, 2029

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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