

Todd Kim
Assistant Attorney General
Environment and Natural Resources Division

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DEPT OF WATER RESOURCES

Mark J. Widerschein
Katharine Laubach
Michelle Ramus
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724
mark.widerschein@usdoj.gov

Counsel for United States of America

**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	) Subcase No. 67-15263 et. al.
	) See Exhibit A
Case No. 39576	)
	) UNITED STATES' FINAL DISCLOSURE
	) OF WITNESSES
	)

Pursuant to the Court's March 29, 2024 Second Amended Trial Scheduling Order, the United States, on behalf of the Bureau of Land Management ("United States"), by and through its undersigned attorneys, hereby amends its Preliminary Witness Disclosure of June 9, 2023 to provide the following list of potential witnesses in the subcases identified in Exhibit A.

The United States may call the following witnesses:

1. Fredric W. Price, Water Rights Specialist, Idaho State Office, Bureau of Land Management ("BLM"), U.S. Department of the Interior.

- a. Mr. Price may testify as a lay witness in these cases regarding: the basis of the United States' objections to the claims, BLM's grazing records, the factual

elements of the claims; and the appropriate elements of the water right claims made by Keith and Karen Hood (“the Hoods”).

- b. Mr. Price may testify as an expert witness in these cases regarding BLM and its predecessor agencies’ management of grazing on federal land; the compilation and interpretation of BLM grazing files, including applications to graze under the Taylor Grazing Act and permits/licenses to graze; the interpretation of historical mapping utilizing the Public Land Survey System (“PLSS”), and BLM Idaho’s water right programs. *See* I.R.C.P. 26(b)(4)(ii). The United States anticipates that Mr. Price will testify to the following information, as well as all information disclosed in his First and Second Declarations submitted with the United States’ summary judgment briefing:

- i. The Hoods are grazing permittees on the present-day BLM Horse Flat Allotment.
- ii. The Hoods’ predecessors-in-interest include Melvin & Inez Dotson, Charles R. Edwards, David G. Edwards, and other recipients of federal patents in what is now the Hoods’ base property.
- iii. David G. and Charles R. Edwards submitted extensive documentation as part of the homesteading process illustrating that they did not begin living on the present-day base property until 1900 & 1903, respectively.
- iv. Charles R. Edwards consolidated ownership of the Hoods’ present-day base property between August 24, 1911, and December 14, 1934.

- v. Charles R. Edwards submitted grazing applications under the Taylor Grazing Act seeking permission to graze on portions of the federal range nearby his base property and received his first license in 1935 for the 1936 season ("1936 License"). Charles R. Edwards received authorizations to graze annually, including a ten-year permit in 1942 ("1942 Permit").
- vi. Charles Edwards conveyed his property and grazing interest to Melvin Dotson in 1962, who received permits to graze annually, including a ten-year permit in 1965.
- vii. The BLM and its predecessor agencies maintained a grazing file on Charles R. Edwards containing all documents related to his use of the federal range, including his licenses/permits, annual renewal requests, and correspondence.
- viii. The BLM and its predecessor agencies maintained a grazing file on Melvin Dotson, the successor to Charles R. Edwards, containing all documents related to his use of the federal range, including his licenses/permits, annual renewal requests, and correspondence.
- ix. Based on a review of the grazing files, the priority dates for the Hoods' claims range from April 1, 1936 (the date Charles R. Edwards was first approved to graze) to April 1, 1975 (the apparent date that the Horse Flat Allotment came into existence).
- x. The Hoods' claims fall into five categories: (1) claims on land within the 1935 "lands wished to graze on" map ("1935 Map") and the 1936

License; (2) claims on land not within the 1935 Map but within the 1936 License; (3) claims not within the 1936 License but on land within the 1942 Permit, (4) claims on land within the 1935 Map but not within the 1936 License; and (5) claims on land not within any of the 1935 Map, the 1936 License, or the 1942 Permit.

2. Keith Hood;
3. Karen Hood;
4. A representative of the Idaho Department of Water Resources;
5. The United States reserves the right to call any witness identified by any party;
6. The United States reserves the right to call any witness necessary for rebuttal;
7. The United States reserves the right to call any witness necessary for foundation;
8. The United States reserves the right to call any witness necessary for impeachment;
9. The United States reserves the right to call any individual identified in discovery;
10. The United States reserves the right to amend or supplement this list.

Dated this 13th day of September, 2024

Respectfully submitted,

TODD KIM
Assistant Attorney General


MARK J. WIDERSCHIN
KATHARINE LAUBACH
MICHELLE RAMUS
Counsel for the United States

CERTIFICATE OF SERVICE

I certify that on September 13, 2024, I served true and correct copies of the foregoing document as follows:

via Hand Delivery:

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

via First Class U.S. Mail, pre-paid:

Norman M. Semanko
Garrett M. Kitamura
PARSONS BEHLE & LATIMER
800 W. Main Street, Suite 1300
Boise, Idaho 83702

KEITH & KAREN HOOD
PO BOX 100
CAMBRIDGE, ID 83610-0100

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Matthew H Smith

EXHIBIT A

Subcase Nos:

67-15263
67-15264
67-15265
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