

AUG 16 2024

By \_\_\_\_\_ *VM*  
Clerk  
Deputy Clerk

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**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. 67-15263 et. al.  
)  
Case No. 39576 ) **SECOND DECLARATION OF FREDRIC**  
) **W. PRICE IN SUPPORT OF UNITED**  
) **STATES' MOTION FOR PARTIAL**  
) **SUMMARY JUDGMENT**  
)

I, Fredric W. Price, in accordance with the requirements of the Idaho Rules of Civil Procedure 2.7 and the provisions of Idaho Code 9-1406, declare as follows:

1. My name is Fredric W. Price. I am an employee of the United States Department of the Interior, Bureau of Land Management. My qualifications and experience are identified in the First Declaration of Fredric W. Price, filed with the United States' Motion for Partial Summary Judgment on July 12, 2024. Paragraphs (1) through (3) of my First Declaration are hereby incorporated by reference.

2. Based on my review of BLM lands records, BLM grazing records, and the abstract of title documents obtained from Hood, I can make the following determinations regarding a person named Edward Edwards:

a. Based on my review of Patents issued by the United States, Edward Edwards was never granted a patent for any portion of the Hood's Base Property, as those patentees were: David G. Edwards, Nels C. Nielson, Charles R. Edwards, Leroy T. Braden, Anna Edwards, and Charles R. Edwards (as assignee of Franklin B. Hardy). See **Exhibit 4** to my first declaration.

b. I reviewed all Patent records issued by the United States in Idaho to entrymen with the last name of Edwards and found no record of Edward Edwards being issued a Patent for any lands in Idaho.

c. Based on my review of the abstract of title documents obtained by Hood for lands described as Hood's Base Property, Edward Edwards is neither a buyer or seller listed in any of the title documents, and therefore is not a predecessor-in-interest to any portion of Hood's Base Property.

d. I did an internet search for Edward Edwards and found a reference for an Edward "Eddie" Elmer Edwards who was listed as a son to David G. Edwards:

<https://ancestors.familysearch.org/en/LRM5-RBW/edward%22eddie%22-elmer-edwards-1866-1961>

“When Edward "Eddie" Elmer Edwards was born on 29 June 1866, in Wells, Manitowoc, Wisconsin, United States, his father, David George Edwards, was 23 and his mother, Mary Ellen B Jewell, was 23. He married Annie O'Neil on 13 March 1901, in Salmon, Lemhi, Idaho, United States. They were the parents of at least 3 daughters. He lived in Gibbonsville, Lemhi, Idaho, United States in 1910. He died on 26 April 1961, in Boise, Idaho, United States, at the age of 94, and was buried in Boise, Ada, Idaho, United States.”

3. Charles R. Edwards first applied for a grazing permit under the Taylor Grazing Act (“TGA”) received by the Grazing Service on July 29, 1935. See **Exhibit 6** to my first declaration. The plat attached to the 1935 grazing application identified lands that he “wished to graze on” in sections 20, 21, 28, 29, and 33, T15N, R3W.

a. These legal land descriptions (“lands wished to graze on”) do not include any lands managed by the Forest Service (i.e., Weiser National Forest, or Payette National Forest). At the time of the 1935 grazing application, the nearest Forest Service land would have been the Weiser National Forest (established in 1905). The Idaho National Forest was created in 1908 from parts of the original Payette National Forest (established in 1905) and the Bitterroot National Forest. In 1944 the Weiser National Forest and the Idaho National Forest were combined into what is the current Payette National Forest. Attached hereto as **Exhibit 9** is a map prepared at my direction that depicts the boundary of the Weiser National Forest (dated 1917) relative to the present-day Horse Flat Allotment (BLM), the Hood Base Property, and the “lands wished to graze on” from the 1935 grazing application. I obtained the 1917 USDA Forest Service map of the Weiser National Forest from the University of Minnesota Library ([https://umedia.lib.umn.edu/item/p16022coll230:2264/p16022coll230:2262?child\\_index=0&query=&sidebar\\_page=1](https://umedia.lib.umn.edu/item/p16022coll230:2264/p16022coll230:2262?child_index=0&query=&sidebar_page=1)).

b. The plat attached to the 1935 grazing application identified lands that he “wished to graze on” in sections 20, 21, 28, 29, and 33, T15N, R3W (See **Exhibit 6** to my first declaration). This was necessary as the present-day Horse Flat Allotment didn’t exist in 1935. Instead, the region was placed in Idaho Grazing District No. 1.

c. Attached hereto as **Exhibit 10** is a map prepared at my direction that depicts the boundary of the Horse Flat Allotment (BLM) relative to Hood's Base Property, and the "lands wished to graze on" from the 1935 grazing application. This map also depicts the claims filed by the Hoods and identifies which of their claims are inside, outside, or partially outside the "lands wished to graze on" area.

i. The present-day Horse Flat Allotment encompasses portions of sixteen sections: Sec. 32, T16N, R03W; Sec. 4, 5, 8, 9, 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, and 30, T15N, R03W. See **Exhibit 10**.

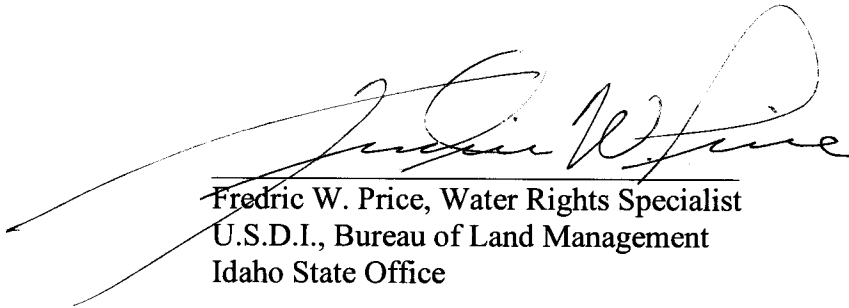
ii. **Entirely Outside:** Fourteen of the Hood's twenty-seven (27) claims are not within the sections identified by Charles R. Edwards in the plat submitted to the Grazing Service on July 29, 1935: 67-15263, 67-15264, 67-15265, 67-15266, 67-15268, 67-15271, 67-15275, 67-15276, 67-15279, 67-15280, 67-15281, 67-15282, and 67-15289. See **Exhibit 10**.

iii. **Partially Outside:** Four of the Hood's twenty-seven (27) claims are only partially within the sections identified by Charles R. Edwards in the plat submitted to the Grazing Service on July 29, 1935: 67-15273, 67-15274, 67-15277, and 67-15283 (BOR). See **Exhibit 10**.

iv. **Entirely Inside:** Nine of the Hood's twenty-seven (27) claims are entirely within the sections identified by Charles R. Edwards in the plat submitted to the Grazing Service on July 29, 1935: 67-15269 (BOR), 67-15270 (BOR), 67-15272, 67-15278, 67-15284 (BOR), 67-15285, 67-15286, 67-15287, and 67-15288.

Pursuant to Idaho Rules of Civil Procedure 2.7 and the provisions of Idaho Code 9-1406, I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: August 16, 2024



Fredric W. Price, Water Rights Specialist  
U.S.D.I., Bureau of Land Management  
Idaho State Office

# EXHIBIT 9

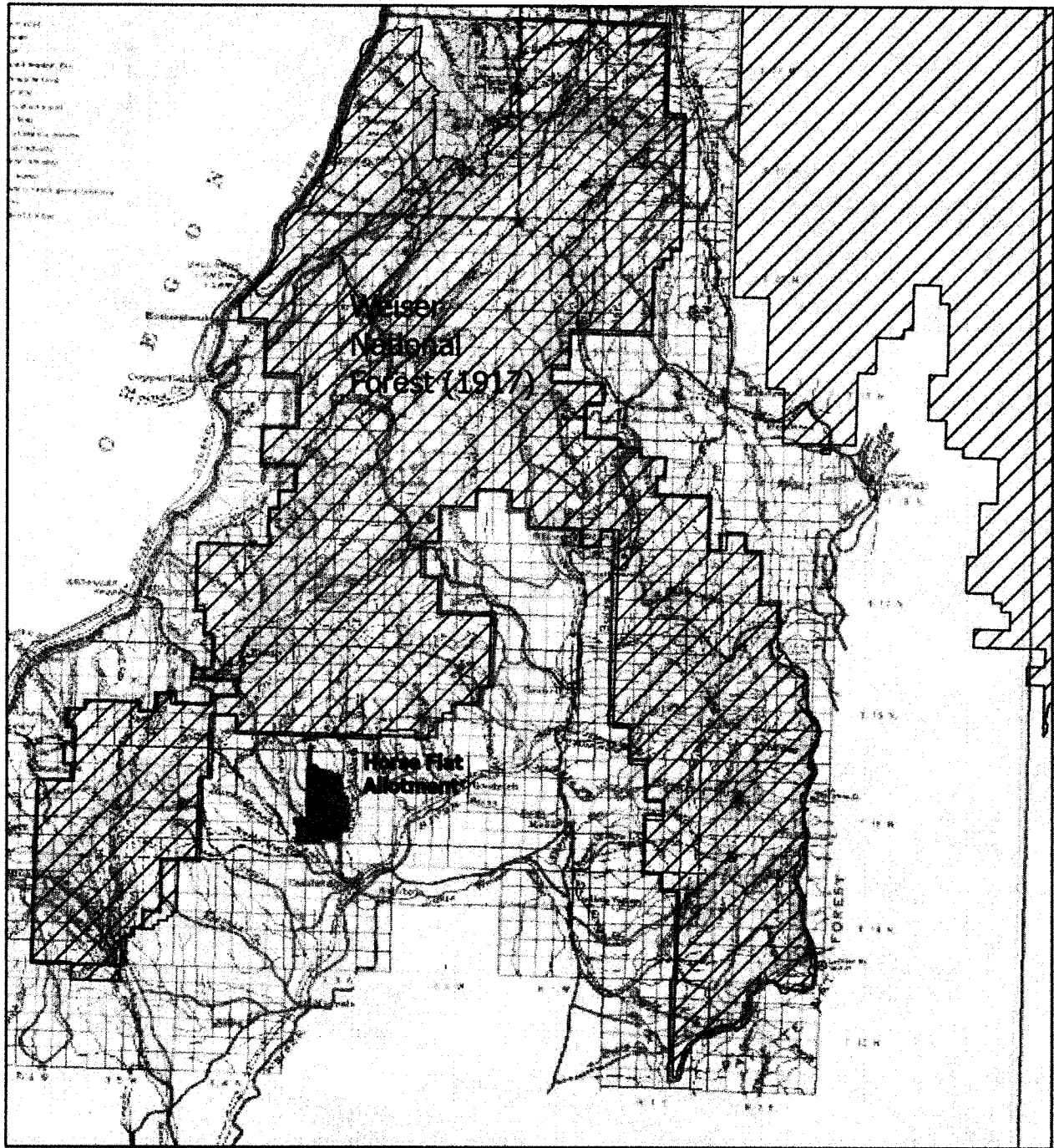
SECOND DECLARATION OF




FREDRIC W. PRICE

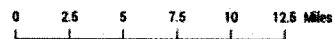
*Subcase 67-15263 et. al.*



# Weiser National Forest (1917)





-  Payette National Forest
-  Horse Flat Allotment
-  Hood Base Property





# Area Surrounding the Hood Base Property and the 1935 Area Wished to Graze



 Hood Base Property  
 1935 Lands Wished to Graze

 Horse Flat Allotment  
 Payette National Forest



0 1 2 3 4 5 Miles



WEST VIRGINIA BANK



# EXHIBIT 10

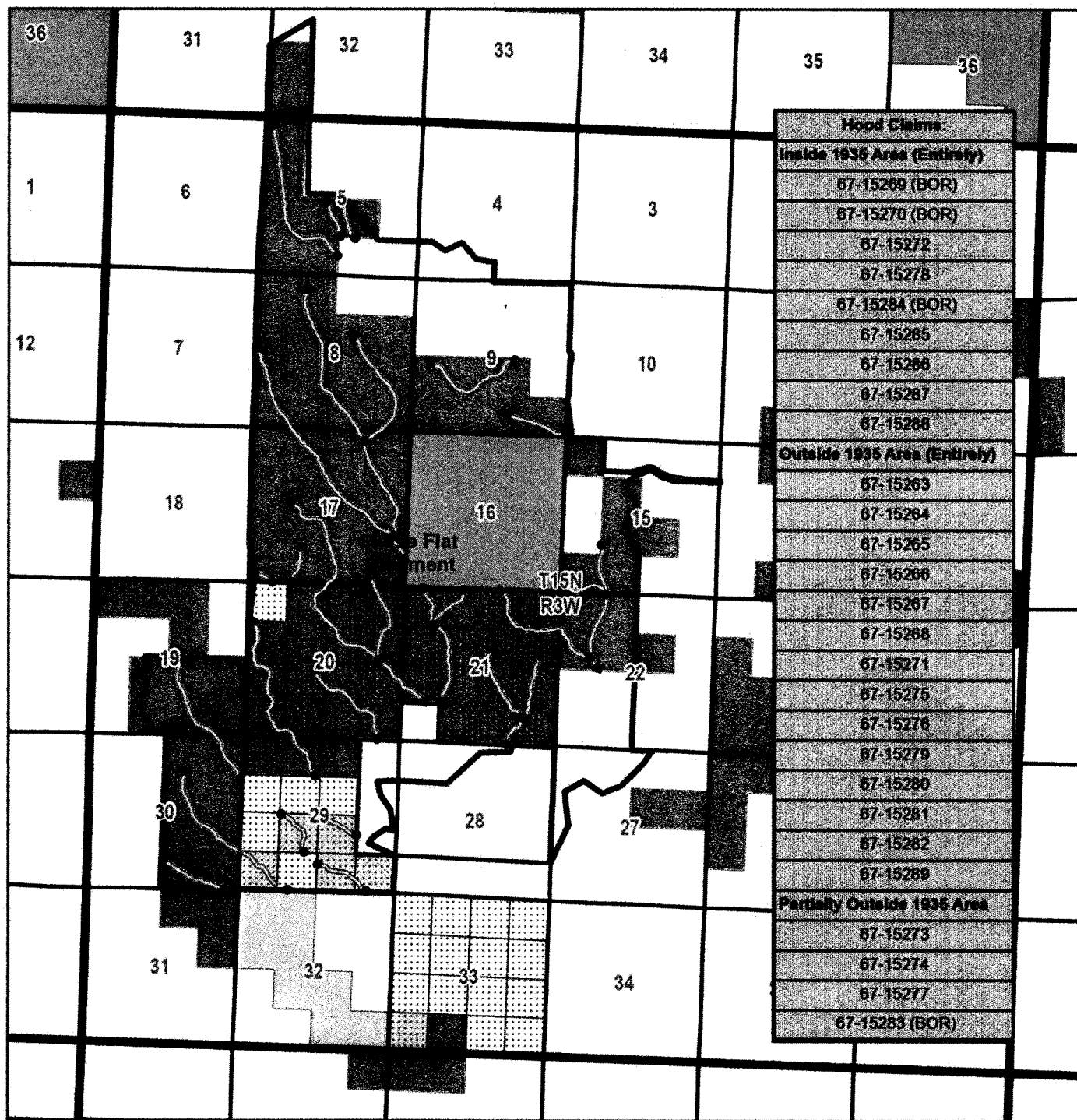
SECOND DECLARATION OF

FREDRIC W. PRICE

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# Hood Claims: Current vs. 1935 Grazing Areas



Hood Claims:	
<b>Inside 1935 Area (Entirely)</b>	
67-15269 (BOR)	
67-15270 (BOR)	
67-15272	
67-15278	
67-15284 (BOR)	
67-15285	
67-15286	
67-15287	
67-15288	
<b>Outside 1935 Area (Entirely)</b>	
67-15263	
67-15264	
67-15265	
67-15266	
67-15267	
67-15268	
67-15271	
67-15275	
67-15276	
67-15279	
67-15280	
67-15281	
67-15282	
67-15289	
<b>Partially Outside 1935 Area</b>	
67-15273	
67-15274	
67-15277	
67-15283 (BOR)	

- Point of Diversion
- Place of Use
- Base Property - Hood
- BLM ID Grazing Allotment
- "Lands Wished to Graze On" (1935)
- Surface Management Agency**
- Bureau of Land Management (BLM)
- Bureau of Reclamation (BOR)
- State
- Private

