

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

THEODORE R. BOOTH  
Special Master  
VALERIE MCCOY  
Deputy Clerk  
Subcases: 67-15263 et al

08/30/2024  
1:30 p.m. (M)  
Court Minutes

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This was the time and place set for the Summary Judgement.

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Parties present:

Keith R. Hood Karen Hood	(C 67-15263, et al)	--	Garrett Kitamura
USDI BLM	(O 67-15263, et al)	--	Mark J. Widerschein Kate Laubach Michelle Ramus Fred Price Sandra McCrea Matthew Smith
Also Present: IDWR		--	Lacey Ramell-O'Brien, Craig Saxton, Suzy Cooley

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Counter	Description
1:35:40	Case called; parties identified. Court has questions for both parties. First question in regard to letter, dated 1955 (Hood declaration); Second question in regard to map included in letter, dated 1935 (Hood declaration).
1:46:56	Mr. Kitamura begins oral argument.
1:52:42	Mr. Kitamura ends oral argument; Court requests clarification from Mr. Widerschein.
1:53:06	Mr. Widerschein clarifies questions from Court; Court provides clarification for earlier asked questions.

- 1:55:55 Mr. Widerschein beings oral argument.
- 2:00:55 Court asks for permit application; Mr. Widerschein directs Court to the first declaration of Fred Price, exhibit eight (8).
- 2:02:38 Mr. Widerschein continues; Court is being directed to first declaration of Fred Price, exhibit six (6) and first declaration of Keith Hood, exhibit "D" – maps are not the same; Mr. Widerschein states map associated with Price's declaration is date stamped correctly and the map attached in Hood's declaration is incorrect, coming from a later date.
- 2:19:46 Mr. Widerschein continues; directing attention to claims from Hood in setting burden of proof onto the BLM/United States.
- 2:23:24 Mr. Widerschein ends oral argument.
- 2:23:59 Mr. Kitamura responds to Mr. Widerschein's oral arguments.
- 2:24:30 Court discusses water rights and creation thereof and challenges in verifying information that is over a hundred years old. Court discusses 1935 application with C.R. Edwards may well be sufficient for water rights that are within the lands covered by grazing application.
- 2:29:56 Mr. Widerschein provides clarification to question Court asked at beginning of hearing. Court asks for clarification if permit was granted; Mr. Widerschein directs Court to the first declaration of Fred Price, exhibit seven (7).
- 2:37:51 Court asks for additional comments from parties in attendance and concludes oral arguments for summary judgement. S.M. Booth will issue on written decision.
- 2:38:36 Mr. Widerschein asks for clarification on Court requests for pre-trial briefing. Court provides clarification.
- 2:39:51 Adjourned.