

Exhibit C

Responses to Plaintiffs' First Joint Discovery Requests

June 7 2016

2016 JUN -5 PM 2:30

Samuel D. Gollis
U. S. Department of Justice
999 18th St.
South Terrace, Suite 370
Denver, CO 880202

Re: Case no-cv-00072-MV-WPL

Subfile ZRB-4-0169

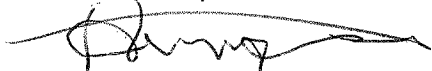
RE: Response to Plaintiffs' First Joint Discovery Requests.

Good Morning Mr. Gollis:

In response to your request the following information is enclosed:

- Responses to nine interrogatories from Henry R. Grizzle
- Responses to nine interrogatories from Rebecca Grizzle
- Two Documents responding to RFP No. 1
- Six title documents responding to RFP No.2

Sincerely



Henry R. Grizzle

Bx 154

Vanderwagon NM 87326

Interrogatory No. 1.

Very little information about well 2A-1-W035 exists. (Referred to hereafter in these interrogatories as the well). At the beginning of this lawsuit over 15 years ago, the state engineer's office had no record of the well. We bought the property in 1989. The well existed then. We leased the property in 1988. The well existed then. **The well is believed by community elders to have been drilled in the 1950s but no other information is available.**

The interrogatory is answered by the defendants, Henry R. and Rebecca J. Grizzle.

Interrogatory No. 2.

No information exists as to the use of this well prior to 1988. It is known that a house was built on the property in the 1970s. The house was vacant for some time in 1988. From August 1988 through December 1988 we leased the house and used the well for domestic purposes. From 1989 to the present we have used the well for domestic water, watering livestock and gardening. Local wildlife also water in our tanks. **Water is also available for fire prevention from three external faucets**. From 1989 until 1994 two homes were served by the well. After 1994 only one home has been served by the well. Livestock are watered year round from this well. The type and number vary from year to year and season to season. The property serves as headquarters for our ranching operation which is mostly on tribal lands. A small flock of sheep and goats (usually around 20) were housed on this property from 1989 to 2002. Ranch horses have been on the property from 1989 to the present. Numbers have varied from year to year and season to season. The lowest number being one in 1989 and the highest number being 18 in 1996. In a typical year there are five or six. In 2016 there were 4 horses on the ranch until April. There are currently 2 horses on the property. This number is expected to increase in the month of May 2016. Cattle are not kept in large numbers or for long periods of time on the property. Small numbers of cattle, typically around 6, will be temporarily held after buying, weaning or doctoring. Weaned calves are usually held the longest, typically around 6 months. Newly purchased animals typically are moved to the reservation within a week or so.

No solid information exists prior to 1988.

The interrogatory is answered by the defendants, Henry R. and Rebecca J. Grizzle.

Interrogatory No. 3.

The water was pumped out of the ground with a 1 and one half horsepower pump, through pipes. The water then runs through hoses into fiberglass, polyurethane or galvanized stock tanks. Tanks are located in the barn, paddock, corral and holding pen areas.

No solid information exists prior to 1988.

The interrogatory is answered by the defendants, Henry R. and Rebecca J. Grizzle.

Interrogatory No 4.

Due to the fluid nature of ranching operations, this information would be difficult if not impossible to answer precisely.

Our best assessment is as follows:

20 sheep and Goats 12 months per year from 1989 to 2002.

6 cattle 6 months per year 1989 to 2016

An average of 6 horses per year from 1989 through 2016.

No solid information exists prior to 1988.

The interrogatory is answered by the defendants, Henry R. and Rebecca J. Grizzle.

Interrogatory No. 5.

In the year 1989 sheep, goats and horses were watered from the well for 12 months.

In the years 1990 through 2002 sheep and horses were watered 12 months per year.

In the years 1990 through 2002 cattle were watered on an average four months per year.

In the years 2003 to the present horses were watered 12 months per year.

In the Years 2003 to the present cattle were watered on an average, 6 months per year.

No solid information exists prior to 1988.

The interrogatory is answered by the defendants, Henry R. and Rebecca J. Grizzle.

Interrogatory No. 6.

Water is available from five exterior faucets for fire protection.

(It has only been used once for this purpose between the years 1988 and 2016.)

The approximate year was 2000.

The fire was small and quickly contained, causing no significant damage.

Wildlife including birds, deer and squirrels are frequently observed drinking from our stock tanks since they were placed in 1989 to the present time. No records are kept on this activity but it is a daily occurrence.

No solid information exists prior to 1988.

The interrogatory is answered by the defendants, Henry R. and Rebecca J. Grizzle.

Interrogatory No. 7.

The following information was provided as requested in 2008.

| Justification | Avg daily use | | Acre ft/anum |
|---------------|---------------|----------------|--------------|
| | Daily gal | Annual gal | |
| Domestic | | | |
| Household | 90 | 323850 | .033 |
| Livestock | 105 | 38325 | .039 |
| Garden | 1896.45 | 692204.25 | .680 |
| Other | | | |
| Using Horses | 300 | 190,500 | 1.20 |
| Env | <u>283</u> | <u>103,295</u> | <u>1.20</u> |
| Totals | 2674.5 | 976,161.35 | 3.152 |

The actual use in gallons (976,161.35) is 18.25 gallons less than Three acre feet, 5.6×10^{-5} (treat the -5 as a superscript.) acre feet or 56 millionth of one acre feet. (.000056)

This discrepancy probably occurred due to rounding base figures to the nearest.01 gal. It should be disregarded.

This information was calculated based on best assessment of usage in the year 2007, and is presumed to be reasonable for the years 1988 through 2016.

No solid information exists prior to 1988.

The interrogatory is answered by the defendants, Henry R. and Rebecca J. Grizzle. be accurate for the years 1988 through 2016.

Interrogatory No 8.

The railroad act states specifically, "The railroad shall have the right to develop the resources on the property according to their needs."

It is my contention that rational, thoughtful individuals can see water as a need.

The interrogatory is answered by the defendants, Henry R. and Rebecca J. Grizzle.

Interrogatory No. 9.

The following chain of title relates our property to the Railroad Act of 1862.

Index of deeds searched (McKinley County Courthouse Gallup New Mexico.

McKinley County Clerk's Office

Gallup New Mexico

| | |
|--------------------------|--|
| Bk 5 page 434 | Grantor Santa Fe and Pacific Railroad Grantee Josiah Starrett Aug 26, 1919 |
| Misc. Bk Court Judgments | Grantee Frank Mapel (Judgment granted for default of payment by Josiah Starrett) May 24 1923 |
| Bk 7 page 328 | Grantor Frank Mapel Grantee Bernard Vanderwagon (warranty deed) Jan 4 1943 |
| Bk 19 Pages 467-467 | Grantor Bernard Vanderwagon, Grantee Albert C. Diddens, et al. (Warranty deed) January 25, 1971. |
| Bk 20 Page 781 | Grantor Albert C. Diddens, et. al, Grantee Walter and Elba Sue Monnier (warranty deed August 1972) |
| Bk 10 Page 4710 | Grantor Walter and Elba Sue Monnier Grantee Henry Ray and Rebecca J Grizzle. (Warranty deed 29 September 1989) |

Submitted by Becky Szyle Date 6-7-16