

10-28-2009

Halvorson v. North Latah County Highway Clerk's Record v. 3 Dckt. 36825

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LAW CLERK

IN THE SUPREME COURT
OF THE
STATE OF IDAHO

Vol 3 of 3

DON HALVERSON,
Plaintiff / Appellant,
and
CHARLOTTE HALVERSON
Plaintiff

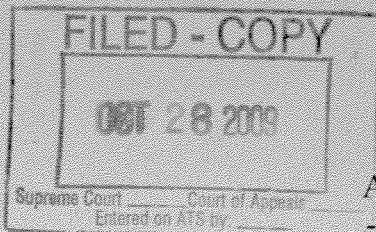
vs.

NORTH LATAH COUNTY HIGHWAY
DISTRICT, BOARD OF COMMISSIONERS
FOR THE NORTH LATAH COUNTY HIGHWAY
DISTRICT; ORLAND ARNEBERG, RICHARD
HANSEN, SHERMAN CLYDE, in their official
capacities and in their individual capacities; DAN
PAYNE, in his official capacity and in his
individual capacity,

Defendants / Respondents.

Appealed from the District Court of the Second
Judicial District of the State of Idaho, in
and for the County of Latah

HON. JOHN R. STEGNER, DISTRICT JUDGE



DON HALVORSON
PRO SE

RONALD J. LANDECK
ATTORNEY FOR RESPONDENTS

Filed this ___ day of _____, 2009

STEPHEN W. KENYON, CLERK

By _____
Deputy

SUPREME COURT CASE NO. 36825-2009

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36825

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2. Attached hereto are true and correct copies of Items 1 through 10 served as set forth therein by Plaintiffs Don Halvorson and Charlotte Halvorson on me as counsel for Defendants in this action, which Items 1 through 10 have not been answered or responded to by any Defendant, as follows:

1. Plaintiffs' Third Interrogatories (Arneberg).
2. Plaintiffs' Fourth Interrogatories (Arneberg).
3. Plaintiffs' Third Interrogatories (Clyde).
4. Plaintiffs' Third Interrogatories (Hansen).
5. Plaintiffs' Third Interrogatories (Payne).
6. Plaintiffs' Third Request for Admissions (Arneberg).
7. Plaintiffs' Second Request for Admissions (Clyde).
8. Plaintiffs' Second Request for Admissions (Hansen).
9. Plaintiffs' Second Request for Admissions (Payne).
10. Plaintiffs Request for Discovery of NLCHD Standing Operating Procedures/Policies.

2. Attached hereto are true and correct copies of Items 11 through 23 served as set forth therein by Plaintiffs Don Halvorson and Charlotte Halvorson on me as counsel for Defendants in this action, which Items 11 through 23 have either been answered or responded to by the appropriate Defendant, as follows:

11. Plaintiffs' First Interrogatories (Arneberg).
12. Plaintiffs' First Request for Admission (Arneberg).
13. Plaintiffs' First Interrogatories (Payne).
14. Plaintiffs' First Request for Admissions (Payne).

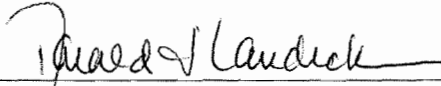
15. Plaintiffs' First Interrogatories (Hansen).
16. Plaintiffs' First Request for Admissions (Hansen).
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22. Plaintiffs' Second Interrogatories (Clyde).
23. Plaintiffs' Second Request for Admissions (Arneberg).

3. I have read and reviewed Items 1 through 23 and have calculated the number of interrogatories, including subparts, and requests for admission, including subparts, that, to the best of my knowledge, are included in each Item. The numerical references in Defendants' First Motion For Protective Orders and Brief to the number of interrogatories, including subparts, and requests for admission, including subparts, are the result of such review and calculation, and I believe those numerical references to be true and correct to the best of my knowledge.

4. I have also considered the subject matter addressed in Items 1 through 23 and the references to the subject matter covered by particular, numbered interrogatories and requests for admission are the result of my consideration of them, and I believe those references to be true and correct to the best of my knowledge.

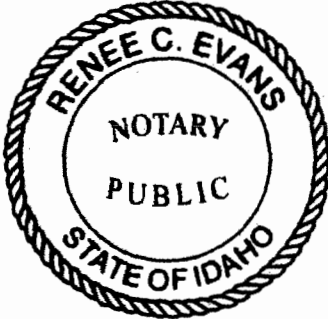
The above statements are true and correct to the best of my knowledge and belief.

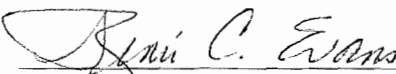
Dated this 22nd day of October, 2008.



Ronald J. Landeck

Subscribed and sworn to before me this 22nd day of October, 2008.





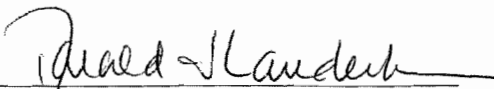
Notary Public for Idaho
My commission expires 8-17-2013

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

DON HALVORSON
CHARLOTTE HALVORSON
1290 AMERICAN RIDGE ROAD
KENDRICK, IDAHO 83537

U.S. Mail
 Federal Express Standard Overnight Mail
 FAX (208) 322-4486
 Hand Delivery



Ronald J. Landeck

ITEM 1

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' THIRD
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(ARNEBERG)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
<u>Defendants</u>)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Orland Arneberg in case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) 180 and in conjunction with and with reference to PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS (ARNEBERG) of defendant Orland Arneberg under case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories

have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

II

DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part of an ancient fence, posts or barbed wire whether standing or on the ground, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).

2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.

3. *Work done*: any movement of soil, and/or gavel, falling of and/or excavation of trees or tree stumps.

4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.

5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.

6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way.

7. *Maintenance*: as per the Idaho Code.

8. *The Wagners*: Bob and/or Kate Wagner

9. *Dependable statistic*: a measurement which could be relied on for accuracy.

10. *Known*: knowledge of and/or should have knowledge of

11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.
12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.
13. *Resulted in*: was preceded temporally by
14. *Was destroyed*: no longer exists do to the action of a person
15. *Wagner first driveway access permit*: the driveway access permit issued before 4/12/2006 and after 9/1/2005.
16. *In the vicinity of*: adjoining to, abutting to
17. *The 3+/- acre parcel*: See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title.
18. *In the application of law to fact*: As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).
19. *Standard operating procedure*: the steps or manners, which are required by law, policy, and/or custom to accomplish a goal.
20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
22. *Equal Treatment Under the Law*: See U.S. Constitution Amendments 5 and 14.
23. *In the vicinity of the west end of the 3+/- acre parcel*: within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.
24. *In the vicinity of the east end of the 3+/- acre parcel*: within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.
25. *Lowered the road bed*: any decrease in elevation in the road bed from what it was before and after work had been done.
26. *Contacted*: initiated a call or sought out in any way.
27. *Circumvent*: to go around.


28. *Agreement*: an understanding between two or more people.

29. *Active participation*: listening to, understanding, intending the results of the topics talked about, and/or giving permission for and/or denying permission for and/or affirmation of and or negation of the topics talked about.

INTERROGATORIES

1.) To the extent that any of your responses to any of PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS (ARNEBERG) under CASE No. CV 2008-180 (which accompanies this Interrogatory) is other than an unqualified admission, list all facts on which you based any part of your responses that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact.

Respectfully submitted,



Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express Standard Overnight Mail <input type="checkbox"/> FAX (208) 883-4593 <input checked="" type="checkbox"/> Hand Delivery
--	--



Don Halvorson

ITEM 2

0437

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' FOURTH
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(ARNEBERG)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Orland Arneberg in case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) 180 and in conjunction with and with reference to PLAINTIFFS' THIRD REQUEST FOR ADMISSIONS (ARNEBERG) of defendant Orland Arneberg under case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing

under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

II

DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part of an ancient fence, posts or barbed wire whether standing or on the ground, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).

2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.

3. *Work done*: any movement of soil, and/or gavel, falling of and/or excavation of trees or tree stumps.

4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.

5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.

6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way.

7. *Maintenance*: as per the Idaho Code.

PLAINTIFFS' FOURTH INTERROGATORIES (ARNEBERG)

8. *The Wagners*: Bob and/or Kate Wagner
9. *Dependable statistic*: a measurement which could be relied on for accuracy.
10. *Known*: knowledge of and/or should have knowledge of
11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.
12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.
13. *Resulted in*: was preceded temporally by
14. *Was destroyed*: no longer exists do to the action of a person
15. *Wagner first driveway access permit*: the driveway access permit issued before 4/12/2006 and after 9/1/2005.
16. *In the vicinity of*: adjoining to, abutting to
17. *The 3+/- acre parcel*: See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title.
18. *In the application of law to fact*: As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).
19. *Standard operating procedure*: the steps or manners, which are required by law, policy, and/or custom to accomplish a goal.
20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
22. *Equal Treatment Under the Law*: See U.S. Constitution Amendments 5 and 14.
23. *In the vicinity of the west end of the 3+/- acre parcel*: within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.

24. *In the vicinity of the east end of the 3+/- acre parcel.* within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.

25. *Lowered the road bed.* any decrease in elevation in the road bed from what it was before and after work had been done.

26. *Contacted.* initiated a call or sought out in any way.

27. *Circumvent.* to go around.

28. *Agreement.* an understanding between two or more people.

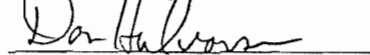
29. *Active participation.* listening to, understanding, intending the results of the topics talked about, and/or giving permission for and/or denying permission for and/or affirmation of and or negation of the topics talked about.

INTERROGATORIES

1.) To the extent that any of your responses to any of PLAINTIFFS' THIRD REQUEST FOR ADMISSIONS (ARNEBERG) under CASE No. CV 2008-180 (which accompanies this Interrogatory) is other than an unqualified admission, list all facts on which you based any part of your responses that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact.

Dated this 6 day of October, 2008

Respectfully submitted,

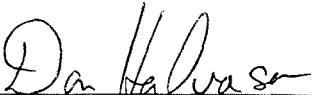


Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express Standard Overnight Mail <input type="checkbox"/> FAX (208) 883-4593 <input type="checkbox"/> Hand Delivery
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Don Halvorson

ITEM 3

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' THIRD
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(CLYDE)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Sherman Clyde in case no. CV 2008-180 and under Idaho Rules of Civil Procedure (IRCP) 33(a)(2) 180 and in conjunction with and with reference to PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS (CLYDE) of defendant Sherman Clyde under case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing

under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

II

DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part of an ancient fence, posts or barbed wire whether standing or on the ground, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).
2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.
3. *Work done*: any movement of soil, and/or gavel, falling of and/or excavation of trees or tree stumps.
4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.
5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.
6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way.
7. *Maintenance*: as per the Idaho Code.

8. *The Wagners*: Bob and/or Kate Wagner
9. *Dependable statistic*: a measurement which could be relied on for accuracy.
10. *Known*: knowledge of and/or should have knowledge of
11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.
12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.
13. *Resulted in*: was preceded temporally by
14. *Was destroyed*: no longer exists do to the action of a person
15. *Wagner first driveway access permit*: the driveway access permit issued before 4/12/2006 and after 9/1/2005.
16. *In the vicinity of*: adjoining to, abutting to
17. *The 3+/- acre parcel*: See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title.
18. *In the application of law to fact*: As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).
19. *Standard operating procedure*: the steps or manners, which are required by law, policy, and/or custom to accomplish a goal.
20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
22. *Equal Treatment Under the Law*: See U.S. Constitution Amendments 5 and 14.
23. *In the vicinity of the west end of the 3+/- acre parcel*: within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.

24. *In the vicinity of the east end of the 3+/- acre parcel.* within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.

25. *Lowered the road bed.* any decrease in elevation in the road bed from what it was before and after work had been done.

26. *Contacted.* initiated a call or sought out in any way.

27. *Circumvent.* to go around.

28. *Agreement.* an understanding between two or more people.

29. *Active participation.* listening to, understanding, intending the results of the topics talked about, and/or giving permission for and/or denying permission for and/or affirmation of and or negation of the topics talked about.

INTERROGATORIES

1.) To the extent that any of your responses to any of PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS (CLYDE) under CASE No. CV 2008-180 (which accompanies this Interrogatory) is other than an unqualified admission, list all facts on which you based any part of your responses that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact.

Dated this 6 day of October, 2008

Respectfully submitted,

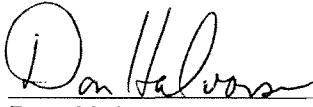
Don Halvorson

Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 6 th day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express Standard Overnight Mail <input type="checkbox"/> FAX (208) 883-4593 <input type="checkbox"/> Hand Delivery
--	---



Don Halvorson

ITEM 4

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife))

Plaintiffs)

vs.)

North Latah County Highway District; Board of)

Commissioners for the North Latah County)

Highway District, Orland Arneberg, Richard)

Hansen, Sherman Clyde, in their Official)

Capacities, and in their Individual Capacities;)

Dan Payne, in his Official Capacity and in his)

Individual Capacity)

Defendants)

Case No. CV 2008-180

PLAINTIFFS' THIRD

INTERROGATORIES

(HANSEN)

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Richard Hansen in case no. CV 2008-180 and under Idaho Rules of Civil Procedure (IRCP) 33(a)(2) 180 and in conjunction with and with reference to PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS (HANSEN) of defendant Richard Hansen under case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a) (2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing

PLAINTIFFS' THIRD INTERROGATORIES (HANSEN)

under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

II

DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part of an ancient fence, posts or barbed wire whether standing or on the ground, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).

2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.

3. *Work done*: any movement of soil, and/or gavel, falling of and/or excavation of trees or tree stumps.

4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.

5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.

6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way.

7. *Maintenance*: as per the Idaho Code.

PLAINTIFFS' THIRD INTERROGATORIES (HANSEN)

8. *The Wagners*: Bob and/or Kate Wagner
9. *Dependable statistic*: a measurement which could be relied on for accuracy.
10. *Known*: knowledge of and/or should have knowledge of
11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.
12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.
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15. *Wagner first driveway access permit*: the driveway access permit issued before 4/12/2006 and after 9/1/2005.
16. *In the vicinity of*: adjoining to, abutting to
17. *The 3+/- acre parcel*: See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title.
18. *In the application of law to fact*: As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).
19. *Standard operating procedure*: the steps or manners, which are required by law, policy, and/or custom to accomplish a goal.
20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
22. *Equal Treatment Under the Law*: See U.S. Constitution Amendments 5 and 14.
23. *In the vicinity of the west end of the 3+/- acre parcel*: within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.

24. *In the vicinity of the east end of the 3+/- acre parcel.* within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.

25. *Lowered the road bed.* any decrease in elevation in the road bed from what it was before and after work had been done.

26. *Contacted.* initiated a call or sought out in any way.

27. *Circumvent.* to go around.

28. *Agreement.* an understanding between two or more people.

29. *Active participation.* listening to, understanding, intending the results of the topics talked about, and/or giving permission for and/or denying permission for and/or affirmation of and or negation of the topics talked about.

INTERROGATORIES

1.) To the extent that any of your responses to any of PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS (HANSEN) under CASE No. CV 2008-180 (which accompanies this Interrogatory) is other than an unqualified admission, list all facts on which you based any part of your responses that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact.

Dated this 6 day of October, 2008

Respectfully submitted,


Don Halvorson

Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 6 th day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express Standard Overnight Mail <input type="checkbox"/> FAX (208) 883-4593 <input type="checkbox"/> Hand Delivery
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Don Halvorson

ITEM 5

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' THIRD
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(PAYNE)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Dan Payne in case no. CV 2008-180 and under Idaho Rules of Civil Procedure (IRCP) 33(a)(2) 180 and in conjunction with and with reference to PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS (PAYNE) of defendant Dan Payne under case no. CV 2008-180 and under Idaho Rules of Civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless it is

objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

II

DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part of an ancient fence, posts or barbed wire whether standing or on the ground, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).

2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.

3. *Work done*: any movement of soil, and/or gavel, falling of and/or excavation of trees or tree stumps.

4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.

5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.

6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way.

7. *Maintenance*: as per the Idaho Code.

PLAINTIFFS' THIRD INTERROGATORIES (PAYNE)

8. *The Wagners*: Bob and/or Kate Wagner
9. *Dependable statistic*: a measurement which could be relied on for accuracy.
10. *Known*: knowledge of and/or should have knowledge of
11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.
12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.
13. *Resulted in*: was preceded temporally by
14. *Was destroyed*: no longer exists do to the action of a person
15. *Wagner first driveway access permit*: the driveway access permit issued before 4/12/2006 and after 9/1/2005.
16. *In the vicinity of*: adjoining to, abutting to
17. *The 3+/- acre parcel*: See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title.
18. *In the application of law to fact*: As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).
19. *Standard operating procedure*: the steps or manners, which are required by law, policy, and/or custom to accomplish a goal.
20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
22. *Equal Treatment Under the Law*: See U.S. Constitution Amendments 5 and 14.
23. *In the vicinity of the west end of the 3+/- acre parcel*: within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.

24. *In the vicinity of the east end of the 3+/- acre parcel.* within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.

25. *Lowered the road bed.* any decrease in elevation in the road bed from what it was before and after work had been done.

26. *Contacted.* initiated a call or sought out in any way.

27. *Circumvent.* to go around.

28. *Agreement.* an understanding between two or more people.

29. *Active participation.* listening to, understanding, intending the results of the topics talked about, and/or giving permission for and/or denying permission for and/or affirmation of and or negation of the topics talked about.

INTERROGATORIES

1.) To the extent that any of your responses to any of PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS (PAYNE) under CASE No. CV 2008-180 (which accompanies this Interrogatory) is other than an unqualified admission, list all facts on which you based any part of your responses that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact.

Dated this 6 day of October, 2008

Respectfully submitted,

Don Halvorson

Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 6 th day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express Standard Overnight Mail <input type="checkbox"/> FAX (208) 883-4593 <input type="checkbox"/> Hand Delivery
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Don Halvorson

ITEM 6

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' THIRD
Highway District, Orland Arneberg, Richard	)	REQUEST FOR ADMISSIONS
Hansen, Sherman Clyde, in their Official	)	(ARNEBERG)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
<u>Defendants</u>)	

Plaintiffs (referred to in this document as Plaintiffs, Halvorsons, first person pronouns as we, and/or I and the objective and possessive cases, such as us, our) request admissions of defendant Orland Arneberg (referred to in this document as Arneberg, defendant, or you, including possessive case your) on the following matters pursuant to Idaho Rules of Civil Procedure rule number (IRCP) 36 and for purposes of the pending action of Plaintiffs allegations of violations highway/right of way authority of Camps Canyon Road as it travels through SENE Section 15 T39N R3WBM (CCR) and as filed

PLAINTIFFS' THIRD REQUEST OF R ADMISSIONS (ARNEBERG)

under Case No. CV 2008-180. Copies of any documents referred to in this admissions request have been submitted to or are of the rightful possession of the NLCHD and copies may be obtained there if needed for ascertaining your truthful answers. Under IRCP 36(a) ...“The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested represents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why the party cannot admit or deny it. The answers shall first set forth each request for admission made, followed by the answer or response of the party....”

Each Request solicits all information obtainable by Defendant, from Defendant's attorneys, agents, employees and representatives. If you answer a Request on the basis that you lack sufficient information to respond, describe in detail any and all efforts you made to inform yourself of the facts and circumstances necessary to answer or respond.

In the event that you deny or object to any Request or portion of a Request, Defendant must state the reasons for its objection.

For each and every Request For Admission which is not an unqualified admission please refer to accompanying interrogatory PLAINTIFFS' FOURTH INTERROGATORY (ARNEBERG) and note your reasons for and documentation of your denial and/or qualification/s of any response that is less than an unqualified admission.

1. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time it was established as a prescriptive right of way/highway.
2. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time it was established as a prescriptive right of way/highway.
3. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time it was established as a prescriptive right of way/highway.
4. Admit that the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.
5. Admit that the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished at the permission of Ed Swanson.
6. Admit that after the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time after the 1996 alteration.
7. Admit that after the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time after the 1996 alteration.
8. Admit that after the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time after the 1996 alteration.

9. Admit that the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.
10. Admit that the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without notice and/or hearing provided to Plaintiffs.
11. Admit that after the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time after the 2005 widening.
12. Admit that after the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time after the 2005 widening.
13. Admit that after the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time after the 2005 widening.
14. Admit that the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.
15. Admit that the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without notice and/or hearing provided to Plaintiffs.
16. Admit that after the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time after the 2006 widening.
17. Admit that after the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time after the 2006 widening.
18. Admit that after the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time after the 2006 widening.
19. Admit that the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.

20. Admit that the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without notice and/or hearing provided to Plaintiffs.
21. Admit that after the repeated alteration and/or widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time it was established as a prescriptive right of way/highway.
22. Admit that after the repeated alteration and/or widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time it was established as a prescriptive right of way/highway.
23. Admit that after the repeated alteration and/or widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time it was established as a prescriptive right of way/highway.
24. Admit that the standing operating procedure of the NLCHD for dealing with complaints of damage to an abutting landowner's fence on a road/highway/right of way claimed to be established by prescription is to determine if said fence is within 25 feet of centerline of the road.
25. Admit that the standing operating procedure of the NLCHD for dealing with issuing and/or revoking a driveway access permit on a road/highway/right of way claimed to be established by prescription is to determine if said permit is within 25 feet of centerline of the road.
26. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a driveway access permit has been issued in error on a road/highway/right of way claimed to be established by prescription is to determine if the issuance is within 25 feet of centerline of the road.
27. Admit that the standing operating procedure of the NLCHD as stated in # 26 of this document was in particular the support/basis for the issuance and/or the failure to revoke the first Wagner Driveway access permit as expounded by Defendants

Arneberg and/or Payne, regardless if a property line existed as Plaintiffs alleged at the 4/12/06 meeting.

28. Admit that due to the numerous alterations, straightenings and widenings of Camps Canyon Road in the vicinity of the 3+/- acre parcel the road frontage described on the deed of the Wagners is not a dependable statistic.
29. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a road drainage ditch has been altered and is causing new erosion and damaging an abutting landowner's fence is to determine if the erosion, fence damage and road ditch is within 25 feet of centerline of the road on a road/highway/right of way claimed to be established by prescription.
30. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a prescriptive right of way has been altered and is no longer occupying the identical strip of land that it was when it was established is to determine if the area complained of is within 25 feet of centerline of the road.
31. Admit that the standing operating procedure of the NLCHD for dealing with complaints of any and all matters of complaints on a road/highway/right of way claimed to be established by prescription is to determine if the complaint deals with any matter which is within 25 feet of centerline of the road.
32. Admit that there were no adverse actions on the part of the Defendants in regards to any land northeast of the northeast edge of Camps Canyon Road prior to the late fall grading of the road in the vicinity of the 3+/- acre parcel in 2005 when the Defendants pushed gravel to the northeast extending the width of the road and its supporting structures and permanently occupying the buffer.
33. Admit that the first time Defendants verbally informed Plaintiffs that Defendants were claiming prescription to the northeast side of Camps Canyon Road in the vicinity of the 3+/- acre parcel subsequent to the 1996 alterations was at the 4/12/06 meeting of the Commissioners of the NLCHD.

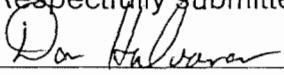
34. Admit that the Defendants have never informed Plaintiffs in writing that Defendants were claiming prescription to the northeast side of Camps Canyon Road in the vicinity of the 3+/- acre parcel subsequent to the 1996 alterations.
35. Admit that Defendants' basis for issuing and failing to revoke the first Wagner Driveway access permit were two fold; (a) access was permitted by NLCHD policy/custom within 25 feet of centerline regardless of underlying property lines, and (b) the road frontage described on the deed was 699 feet.
36. Admit that Plaintiffs requested that Defendants validate, under the resolution of the Commissioners, the Camps Canyon Road/highway/right of way on several occasions including 3/21/07 and 9/15/07 at the regular meetings of the Commissioners of the NLCHD.
37. Admit that on 3/21/07 Plaintiffs were allowed time on the agenda of the regular meeting of the NLCHD and submitted evidence of the movement of Camps Canyon Road in the vicinity of the 3+/- acre parcel, including a letter submitted two weeks before the scheduled meeting, consisting of, but not limited to, their deed description describing the intersections of the east and west property lines of the 3+/- acre parcel with Camps Canyon Road and a copy of the recent survey done by Rimrock Consultants (7/07) showing the incongruence presently with those intersections, that is the surveyed position of Camps Canyon Road in the vicinity of the 3+/- acre parcel does not conform with the public record.
38. Admit that the standing operating procedure of the NLCHD for dealing with complaints that the NLCHD is operating outside the bounds of their authority or the limits of their right of way on a road/highway/right of way claimed to be established by prescription is to determine if the complaint deals with any matter which is within 25 feet of centerline of the road.
39. Admit that no hearing has ever been afforded to Plaintiffs.
40. Admit that no formal, written, reasoned final decision based on findings of fact/s in regards to any matter of injury to Plaintiffs' fence, permanent and/or temporary

physical invasion of and/or occupation of Plaintiffs land, destruction of (including erosion of) Plaintiffs' property, issuance of and failure to revoke the first Wagner driveway access permit and/or the validity of the Camps Canyon right of way held in doubt by Plaintiffs due to numerous alterations, questions of legal establishment, and/or incongruence with the public record has ever be given to Plaintiffs.

Please refer to accompanying Plaintiffs' Fourth Interrogatories (Arneberg) for instructions and interrogatories of any of the responses to these Plaintiffs' Third Request for Admissions (Arneberg) which are not an unqualified admission.

Dated this 6 day of October, 2008

Respectfully submitted,




Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/>	U.S. Mail
	<input type="checkbox"/>	Federal Express Standard Overnight Mail
	<input type="checkbox"/>	FAX (208) 883-4593
	<input type="checkbox"/>	Hand Delivery



Don Halvorson

ITEM 7

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife))

Plaintiffs)

vs.)

North Latah County Highway District; Board of)

Commissioners for the North Latah County)

Highway District, Orland Arneberg, Richard)

Hansen, Sherman Clyde, in their Official)

Capacities, and in their Individual Capacities;)

Dan Payne, in his Official Capacity and in his)

Individual Capacity)

Defendants)

Case No. CV 2008-180

PLAINTIFFS' SECOND

REQUEST FOR ADMISSIONS

(CLYDE)

Plaintiffs (referred to in this document as Plaintiffs, Halvorsons, first person pronouns as we, and/or I and the objective and possessive cases, such as us, our) request admissions of defendant Sherman Clyde (referred to in this document as Clyde, defendant, or you, including possessive case your) on the following matters pursuant to Idaho Rules of Civil Procedure rule number (IRCP) 36 and for purposes of the pending action of Plaintiffs allegations of violations highway/right of way authority of Camps Canyon Road as it travels through SENE Section 15 T39N R3WBM (CCR) and as filed

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS (CLYDE)

under Case No. CV 2008-180. Copies of any documents referred to in this admissions request have been submitted to or are of the rightful possession of the NLCHD and copies may be obtained there if needed for ascertaining your truthful answers. Under IRCP 36(a) ...“The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested represents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why the party cannot admit or deny it. The answers shall first set forth each request for admission made, followed by the answer or response of the party....”

Each Request solicits all information obtainable by Defendant, from Defendant's attorneys, agents, employees and representatives. If you answer a Request on the basis that you lack sufficient information to respond, describe in detail any and all efforts you made to inform yourself of the facts and circumstances necessary to answer or respond.

In the event that you deny or object to any Request or portion of a Request, Defendant must state the reasons for its objection.

For each and every Request For Admission which is not an unqualified admission please refer to accompanying interrogatory PLAINTIFFS' THIRD INTERROGATORY (CLYDE) and note your reasons for and documentation of your denial and/or qualification/s of any response that is less than an unqualified admission.

1. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time it was established as a prescriptive right of way/highway.
2. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time it was established as a prescriptive right of way/highway.
3. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time it was established as a prescriptive right of way/highway.
4. Admit that the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.
5. Admit that the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished at the permission of Ed Swanson.
6. Admit that after the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time after the 1996 alteration.
7. Admit that after the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time after the 1996 alteration.
8. Admit that after the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time after the 1996 alteration.

9. Admit that the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.
10. Admit that the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without notice and/or hearing provided to Plaintiffs.
11. Admit that after the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time after the 2005 widening.
12. Admit that after the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time after the 2005 widening.
13. Admit that after the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time after the 2005 widening.
14. Admit that the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.
15. Admit that the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without notice and/or hearing provided to Plaintiffs.
16. Admit that after the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time after the 2006 widening.
17. Admit that after the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time after the 2006 widening.
18. Admit that after the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time after the 2006 widening.
19. Admit that the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.

20. Admit that the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without notice and/or hearing provided to Plaintiffs.
21. Admit that after the repeated alteration and/or widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time it was established as a prescriptive right of way/highway.
22. Admit that after the repeated alteration and/or widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time it was established as a prescriptive right of way/highway.
23. Admit that after the repeated alteration and/or widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time it was established as a prescriptive right of way/highway.
24. Admit that the standing operating procedure of the NLCHD for dealing with complaints of damage to an abutting landowner's fence on a road/highway/right of way claimed to be established by prescription is to determine if said fence is within 25 feet of centerline of the road.
25. Admit that the standing operating procedure of the NLCHD for dealing with issuing and/or revoking a driveway access permit on a road/highway/right of way claimed to be established by prescription is to determine if said permit is within 25 feet of centerline of the road.
26. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a driveway access permit has been issued in error on a road/highway/right of way claimed to be established by prescription is to determine if the issuance is within 25 feet of centerline of the road.
27. Admit that the standing operating procedure of the NLCHD as stated in # 26 of this document was in particular the support/basis for the issuance and/or the failure to revoke the first Wagner Driveway access permit as expounded by Defendants

Arneberg and/or Payne, regardless if a property line existed as Plaintiffs alleged at the 4/12/06 meeting.

28. Admit that due to the numerous alterations, straightenings and widenings of Camps Canyon Road in the vicinity of the 3+/- acre parcel the road frontage described on the deed of the Wagners is not a dependable statistic.
29. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a road drainage ditch has been altered and is causing new erosion and damaging an abutting landowner's fence is to determine if the erosion, fence damage and road ditch is within 25 feet of centerline of the road on a road/highway/right of way claimed to be established by prescription.
30. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a prescriptive right of way has been altered and is no longer occupying the identical strip of land that it was when it was established is to determine if the area complained of is within 25 feet of centerline of the road.
31. Admit that the standing operating procedure of the NLCHD for dealing with complaints of any and all matters of complaints on a road/highway/right of way claimed to be established by prescription is to determine if the complaint deals with any matter which is within 25 feet of centerline of the road.
32. Admit that there were no adverse actions on the part of the Defendants in regards to any land northeast of the northeast edge of Camps Canyon Road prior to the late fall grading of the road in the vicinity of the 3+/- acre parcel in 2005 when the Defendants pushed gravel to the northeast extending the width of the road and its supporting structures and permanently occupying the buffer.
33. Admit that the first time Defendants verbally informed Plaintiffs that Defendants were claiming prescription to the northeast side of Camps Canyon Road in the vicinity of the 3+/- acre parcel subsequent to the 1996 alterations was at the 4/12/06 meeting of the Commissioners of the NLCHD.

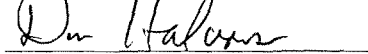
34. Admit that the Defendants have never informed Plaintiffs in writing that Defendants were claiming prescription to the northeast side of Camps Canyon Road in the vicinity of the 3+/- acre parcel subsequent to the 1996 alterations.
35. Admit that Defendants' basis for issuing and failing to revoke the first Wagner Driveway access permit were two fold; (a) access was permitted by NLCHD policy/custom within 25 feet of centerline regardless of underlying property lines, and (b) the road frontage described on the deed was 699 feet.
36. Admit that Plaintiffs requested that Defendants validate, under the resolution of the Commissioners, the Camps Canyon Road/highway/right of way on several occasions including 3/21/07 and 9/15/07 at the regular meetings of the Commissioners of the NLCHD.
37. Admit that on 3/21/07 Plaintiffs were allowed time on the agenda of the regular meeting of the NLCHD and submitted evidence of the movement of Camps Canyon Road in the vicinity of the 3+/- acre parcel, including a letter submitted two weeks before the scheduled meeting, consisting of, but not limited to, their deed description describing the intersections of the east and west property lines of the 3+/- acre parcel with Camps Canyon Road and a copy of the recent survey done by Rimrock Consultants (7/07) showing the incongruence presently with those intersections, that is the surveyed position of Camps Canyon Road in the vicinity of the 3+/- acre parcel does not conform with the public record.
38. Admit that the standing operating procedure of the NLCHD for dealing with complaints that the NLCHD is operating outside the bounds of their authority or the limits of their right of way on a road/highway/right of way claimed to be established by prescription is to determine if the complaint deals with any matter which is within 25 feet of centerline of the road.
39. Admit that no hearing has ever been afforded to Plaintiffs.
40. Admit that no formal, written, reasoned final decision based on findings of fact/s in regards to any matter of injury to Plaintiffs' fence, permanent and/or temporary

physical invasion of and/or occupation of Plaintiffs land, destruction of (including erosion of) Plaintiffs' property, issuance of and failure to revoke the first Wagner driveway access permit and/or the validity of the Camps Canyon right of way held in doubt by Plaintiffs due to numerous alterations, questions of legal establishment, and/or incongruence with the public record has ever be given to Plaintiffs.

Please refer to accompanying Plaintiffs' Third Interrogatories (Clyde) for instructions and interrogatories of any of the responses to these Plaintiffs' Second Request for Admissions (Clyde) which are not an unqualified admission.

Dated this 6 day of October, 2008

Respectfully submitted,

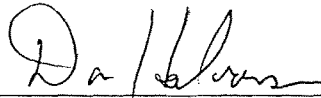


Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/>	U.S. Mail
	<input type="checkbox"/>	Federal Express Standard Overnight Mail
	<input type="checkbox"/>	FAX (208) 883-4593
	<input type="checkbox"/>	Hand Delivery



Don Halvorson

ITEM 8

0479

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' SECOND
Highway District, Orland Arneberg, Richard	)	REQUEST FOR ADMISSIONS
Hansen, Sherman Clyde, in their Official	)	(HANSEN)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

Plaintiffs (referred to in this document as Plaintiffs, Halvorsons, first person pronouns as we, and/or I and the objective and possessive cases, such as us, our) request admissions of defendant Richard Hansen (referred to in this document as Hansen, defendant, or you, including possessive case your) on the following matters pursuant to Idaho Rules of Civil Procedure rule number (IRCP) 36 and for purposes of the pending action of Plaintiffs allegations of violations highway/right of way authority of Camps Canyon Road as it travels through SENE Section 15 T39N R3WBM (CCR) and as filed

under Case No. CV 2008-180. Copies of any documents referred to in this admissions request have been submitted to or are of the rightful possession of the NLCHD and copies may be obtained there if needed for ascertaining your truthful answers. Under IRCP 36(a) ...“The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested represents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why the party cannot admit or deny it. The answers shall first set forth each request for admission made, followed by the answer or response of the party....”

Each Request solicits all information obtainable by Defendant, from Defendant's attorneys, agents, employees and representatives. If you answer a Request on the basis that you lack sufficient information to respond, describe in detail any and all efforts you made to inform yourself of the facts and circumstances necessary to answer or respond.

In the event that you deny or object to any Request or portion of a Request, Defendant must state the reasons for its objection.

For each and every Request For Admission which is not an unqualified admission please refer to accompanying interrogatory PLAINTIFFS' THIRD INTERROGATORY (HANSEN) and note your reasons for and documentation of your denial and/or qualification/s of any response that is less than an unqualified admission.

1. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time it was established as a prescriptive right of way/highway.
2. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time it was established as a prescriptive right of way/highway.
3. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time it was established as a prescriptive right of way/highway.
4. Admit that the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.
5. Admit that the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished at the permission of Ed Swanson.
6. Admit that after the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time after the 1996 alteration.
7. Admit that after the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time after the 1996 alteration.
8. Admit that after the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time after the 1996 alteration.

9. Admit that the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.
10. Admit that the 2005 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without notice and/or hearing provided to Plaintiffs.
11. Admit that after the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time after the 2005 widening.
12. Admit that after the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time after the 2005 widening.
13. Admit that after the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time after the 2005 widening.
14. Admit that the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.
15. Admit that the 2006 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without notice and/or hearing provided to Plaintiffs.
16. Admit that after the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time after the 2006 widening.
17. Admit that after the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time after the 2006 widening.
18. Admit that after the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time after the 2006 widening.
19. Admit that the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without a prior survey.

20. Admit that the 2008 widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel was accomplished without notice and/or hearing provided to Plaintiffs.
21. Admit that after the repeated alteration and/or widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the width of the road is wider than it was at the time it was established as a prescriptive right of way/highway.
22. Admit that after the repeated alteration and/or widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, the centerline of the road is no longer located where the centerline was located at the time it was established as a prescriptive right of way/highway.
23. Admit that after the repeated alteration and/or widening to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time it was established as a prescriptive right of way/highway.
24. Admit that the standing operating procedure of the NLCHD for dealing with complaints of damage to an abutting landowner's fence on a road/highway/right of way claimed to be established by prescription is to determine if said fence is within 25 feet of centerline of the road.
25. Admit that the standing operating procedure of the NLCHD for dealing with issuing and/or revoking a driveway access permit on a road/highway/right of way claimed to be established by prescription is to determine if said permit is within 25 feet of centerline of the road.
26. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a driveway access permit has been issued in error on a road/highway/right of way claimed to be established by prescription is to determine if the issuance is within 25 feet of centerline of the road.
27. Admit that the standing operating procedure of the NLCHD as stated in # 26 of this document was in particular the support/basis for the issuance and/or the failure to revoke the first Wagner Driveway access permit as expounded by Defendants

Arneberg and/or Payne, regardless if a property line existed as Plaintiffs alleged at the 4/12/06 meeting.

28. Admit that due to the numerous alterations, straightenings and widenings of Camps Canyon Road in the vicinity of the 3+/- acre parcel the road frontage described on the deed of the Wagners is not a dependable statistic.
29. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a road drainage ditch has been altered and is causing new erosion and damaging an abutting landowner's fence is to determine if the erosion, fence damage and road ditch is within 25 feet of centerline of the road on a road/highway/right of way claimed to be established by prescription.
30. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a prescriptive right of way has been altered and is no longer occupying the identical strip of land that it was when it was established is to determine if the area complained of is within 25 feet of centerline of the road.
31. Admit that the standing operating procedure of the NLCHD for dealing with complaints of any and all matters of complaints on a road/highway/right of way claimed to be established by prescription is to determine if the complaint deals with any matter which is within 25 feet of centerline of the road.
32. Admit that there were no adverse actions on the part of the Defendants in regards to any land northeast of the northeast edge of Camps Canyon Road prior to the late fall grading of the road in the vicinity of the 3+/- acre parcel in 2005 when the Defendants pushed gravel to the northeast extending the width of the road and its supporting structures and permanently occupying the buffer.
33. Admit that the first time Defendants verbally informed Plaintiffs that Defendants were claiming prescription to the northeast side of Camps Canyon Road in the vicinity of the 3+/- acre parcel subsequent to the 1996 alterations was at the 4/12/06 meeting of the Commissioners of the NLCHD.

34. Admit that the Defendants have never informed Plaintiffs in writing that Defendants were claiming prescription to the northeast side of Camps Canyon Road in the vicinity of the 3+/- acre parcel subsequent to the 1996 alterations.
35. Admit that Defendants' basis for issuing and failing to revoke the first Wagner Driveway access permit were two fold; (a) access was permitted by NLCHD policy/custom within 25 feet of centerline regardless of underlying property lines, and (b) the road frontage described on the deed was 699 feet.
36. Admit that Plaintiffs requested that Defendants validate, under the resolution of the Commissioners, the Camps Canyon Road/highway/right of way on several occasions including 3/21/07 and 9/15/07 at the regular meetings of the Commissioners of the NLCHD.
37. Admit that on 3/21/07 Plaintiffs were allowed time on the agenda of the regular meeting of the NLCHD and submitted evidence of the movement of Camps Canyon Road in the vicinity of the 3+/- acre parcel, including a letter submitted two weeks before the scheduled meeting, consisting of, but not limited to, their deed description describing the intersections of the east and west property lines of the 3+/- acre parcel with Camps Canyon Road and a copy of the recent survey done by Rimrock Consultants (7/07) showing the incongruence presently with those intersections, that is the surveyed position of Camps Canyon Road in the vicinity of the 3+/- acre parcel does not conform with the public record.
38. Admit that the standing operating procedure of the NLCHD for dealing with complaints that the NLCHD is operating outside the bounds of their authority or the limits of their right of way on a road/highway/right of way claimed to be established by prescription is to determine if the complaint deals with any matter which is within 25 feet of centerline of the road.
39. Admit that no hearing has ever been afforded to Plaintiffs.
40. Admit that no formal, written, reasoned final decision based on findings of fact/s in regards to any matter of injury to Plaintiffs' fence, permanent and/or temporary

physical invasion of and/or occupation of Plaintiffs land, destruction of (including erosion of) Plaintiffs' property, issuance of and failure to revoke the first Wagner driveway access permit and/or the validity of the Camps Canyon right of way held in doubt by Plaintiffs due to numerous alterations, questions of legal establishment, and/or incongruence with the public record has ever be given to Plaintiffs.

Please refer to accompanying Plaintiffs' Third Interrogatories (Hansen) for instructions and interrogatories of any of the responses to these Plaintiffs' Second Request for Admissions (Hansen) which are not an unqualified admission.

Dated this 6 day of October, 2008

Respectfully submitted,

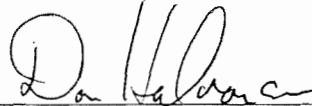


Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 6 th day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/>	U.S. Mail
	<input type="checkbox"/>	Federal Express Standard Overnight Mail
	<input type="checkbox"/>	FAX (208) 883-4593
	<input type="checkbox"/>	Hand Delivery



Don Halvorson

ITEM 9

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife))

Plaintiffs)

vs.)

North Latah County Highway District; Board of)

Commissioners for the North Latah County)

Highway District, Orland Arneberg, Richard)

Hansen, Sherman Clyde, in their Official)

Capacities, and in their Individual Capacities;)

Dan Payne, in his Official Capacity and in his)

Individual Capacity)

Defendants)

Case No. CV 2008-180

PLAINTIFFS' SECOND

REQUEST FOR ADMISSIONS

(PAYNE)

Plaintiffs (referred to in this document as Plaintiffs, Halvorsons, first person pronouns as we, and/or I and the objective and possessive cases, such as us, our) request admissions of defendant DAN PAYNE (referred to in this document as PAYNE, defendant, or you, including possessive case your) on the following matters pursuant to Idaho Rules of Civil Procedure rule number (IRCP) 36 and for purposes of the pending action of Plaintiffs allegations of violations highway/right of way authority of Camps Canyon Road as it travels through SENE Section 15 T39N R3WBM (CCR) and as filed

under Case No. CV 2008-180. Copies of any documents referred to in this admissions request have been submitted to or are of the rightful possession of the NLCHD and copies may be obtained there if needed for ascertaining your truthful answers. Under IRCP 36(a) ...“The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested represents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why the party cannot admit or deny it. The answers shall first set forth each request for admission made, followed by the answer or response of the party...”

Each Request solicits all information obtainable by Defendant, from Defendant's attorneys, agents, employees and representatives. If you answer a Request on the basis that you lack sufficient information to respond, describe in detail any and all efforts you made to inform yourself of the facts and circumstances necessary to answer or respond.

In the event that you deny or object to any Request or portion of a Request, Defendant must state the reasons for its objection.

For each and every Request For Admission which is not an unqualified admission please refer to accompanying interrogatory PLAINTIFFS' THIRD INTERROGATORY (PAYNE) and note your reasons for and documentation of your denial and/or qualification/s of any response that is less than an unqualified admission.

1. Admit that after the 1996 alteration to Camps Canyon Road in the vicinity of the 3+/- acre parcel, Camps Canyon Road no longer occupies the identical strip of land it did at the time it was established as a prescriptive right of way/highway.
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25. Admit that the standing operating procedure of the NLCHD for dealing with issuing and/or revoking a driveway access permit on a road/highway/right of way claimed to be established by prescription is to determine if said permit is within 25 feet of centerline of the road.
26. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a driveway access permit has been issued in error on a road/highway/right of way claimed to be established by prescription is to determine if the issuance is within 25 feet of centerline of the road.
27. Admit that the standing operating procedure of the NLCHD as stated in # 26 of this document was in particular the support/basis for the issuance and/or the failure to revoke the first Wagner Driveway access permit as expounded by Defendants

Arneberg and/or Payne, regardless if a property line existed as Plaintiffs alleged at the 4/12/06 meeting.

28. Admit that due to the numerous alterations, straightenings and widenings of Camps Canyon Road in the vicinity of the 3+/- acre parcel the road frontage described on the deed of the Wagners is not a dependable statistic.
29. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a road drainage ditch has been altered and is causing new erosion and damaging an abutting landowner's fence is to determine if the erosion, fence damage and road ditch is within 25 feet of centerline of the road on a road/highway/right of way claimed to be established by prescription.
30. Admit that the standing operating procedure of the NLCHD for dealing with complaints that a prescriptive right of way has been altered and is no longer occupying the identical strip of land that it was when it was established is to determine if the area complained of is within 25 feet of centerline of the road.
31. Admit that the standing operating procedure of the NLCHD for dealing with complaints of any and all matters of complaints on a road/highway/right of way claimed to be established by prescription is to determine if the complaint deals with any matter which is within 25 feet of centerline of the road.
32. Admit that there were no adverse actions on the part of the Defendants in regards to any land northeast of the northeast edge of Camps Canyon Road prior to the late fall grading of the road in the vicinity of the 3+/- acre parcel in 2005 when the Defendants pushed gravel to the northeast extending the width of the road and its supporting structures and permanently occupying the buffer.
33. Admit that the first time Defendants verbally informed Plaintiffs that Defendants were claiming prescription to the northeast side of Camps Canyon Road in the vicinity of the 3+/- acre parcel subsequent to the 1996 alterations was at the 4/12/06 meeting of the Commissioners of the NLCHD.

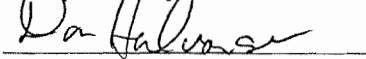
34. Admit that the Defendants have never informed Plaintiffs in writing that Defendants were claiming prescription to the northeast side of Camps Canyon Road in the vicinity of the 3+/- acre parcel subsequent to the 1996 alterations.
35. Admit that Defendants' basis for issuing and failing to revoke the first Wagner Driveway access permit were two fold; (a) access was permitted by NLCHD policy/custom within 25 feet of centerline regardless of underlying property lines, and (b) the road frontage described on the deed was 699 feet.
36. Admit that Plaintiffs requested that Defendants validate, under the resolution of the Commissioners, the Camps Canyon Road/highway/right of way on several occasions including 3/21/07 and 9/15/07 at the regular meetings of the Commissioners of the NLCHD.
37. Admit that on 3/21/07 Plaintiffs were allowed time on the agenda of the regular meeting of the NLCHD and submitted evidence of the movement of Camps Canyon Road in the vicinity of the 3+/- acre parcel, including a letter submitted two weeks before the scheduled meeting, consisting of, but not limited to, their deed description describing the intersections of the east and west property lines of the 3+/- acre parcel with Camps Canyon Road and a copy of the recent survey done by Rimrock Consultants (7/07) showing the incongruence presently with those intersections, that is the surveyed position of Camps Canyon Road in the vicinity of the 3+/- acre parcel does not conform with the public record.
38. Admit that the standing operating procedure of the NLCHD for dealing with complaints that the NLCHD is operating outside the bounds of their authority or the limits of their right of way on a road/highway/right of way claimed to be established by prescription is to determine if the complaint deals with any matter which is within 25 feet of centerline of the road.
39. Admit that no hearing has ever been afforded to Plaintiffs.
40. Admit that no formal, written, reasoned final decision based on findings of fact/s in regards to any matter of injury to Plaintiffs' fence, permanent and/or temporary

physical invasion of and/or occupation of Plaintiffs land, destruction of (including erosion of) Plaintiffs' property, issuance of and failure to revoke the first Wagner driveway access permit and/or the validity of the Camps Canyon right of way held in doubt by Plaintiffs due to numerous alterations, questions of legal establishment, and/or incongruence with the public record has ever be given to Plaintiffs.

Please refer to accompanying Plaintiffs' Third Interrogatories (Payne) for instructions and interrogatories of any of the responses to these Plaintiffs' Second Request for Admissions (Payne) which are not an unqualified admission.

Dated this 6 day of October, 2008

Respectfully submitted,



Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 6 th day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express Standard Overnight Mail <input type="checkbox"/> FAX (208) 883-4593 <input type="checkbox"/> Hand Delivery
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Don Halvorson

ITEM 10

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife))	Case No. CV 2008-180
Plaintiffs	) PLAINTIFFS' REQUEST FOR
vs.	) DISCOVERY OF NLCHD
North Latah County Highway District; Board of	) STANDING OPERATING
Commissioners for the North Latah County	) PROCEDRUES/POLICIES
Highway District, Orland Arneberg, Richard)
Hansen, Sherman Clyde, in their Official)
Capacities, and in their Individual Capacities;)
Dan Payne, in his Official Capacity and in his)
Individual Capacity)
Defendants)

Under I.R.C.P. Rule 26 Plaintiffs seek discovery of the following documents:

1. NLCHD Standing Operating Procedures For:

- (a) The standing operating procedure of the NLCHD for dealing with complaints of damage to an abutting landowner's fence on a road/highway/right of way claimed to be established by prescription.

- (b) The standing operating procedure of the NLCHD for dealing with complaints that the NLCHD is operating outside the bounds of their authority or the limits of their right of way on a road/highway/right of way claimed to be established by prescription.
- (c) The standing operating procedure of the NLCHD for dealing with issuing and/or revoking a driveway access permit on a road/highway/right of way claimed to be established by prescription.
- (d) The standing operating procedure of the NLCHD for dealing with complaints that a driveway access permit has been issued in error and/or to temporarily/permanently revoke a permit which may be issued in error on a road/highway/right of way claimed to be established by prescription.
- (e) The standing operating procedure of the NLCHD for dealing with complaints that a road drainage ditch has been altered and is causing new erosion and damaging an abutting landowner's fence on a road/highway/right of way claimed to be established by prescription.
- (f) The standing operating procedure of the NLCHD for dealing with complaints that a prescriptive right of way has been altered and is no longer occupying the identical strip of land that it was when it was established.
- (g) The standing operating procedure of the NLCHD for dealing with complaints that there are doubts as to the legal establishment of a prescriptive right of way.
- (h) The standing operating procedure of the NLCHD for dealing with complaints that the NLCHD is not accurately

determining the location a prescriptive right of way that has been altered on numerous occasions.

- (i) The standing operating procedure of the NLCHD for dealing with complaints that a prescriptive right of way does not conform to the public record.
- (j) The standing operating procedure of the NLCHD for dealing with complaints of any and all matters of complaints on a road/highway/right of way claimed to be established by prescription, including obtaining and determining circumstances pertaining to and peculiar to the legal establishment of a prescriptive right of way/road/highway, the present location, width, use, and/or character of a road/highway/right of way, and/or the procedure for presenting evidence and/or rebuttal to any or all claims of prescription and/or claims of the legal determination of width, location, use and/or character of any easement/right of way/road/highway under the jurisdiction of the NLCHD..
- (k) The standing operating procedure or the NLCHD for obtaining and fulfilling a permit for a drive way access to a prescriptive right of way.

2. In light that written documents of Standing Operating Procedures in item 1) may not be in existence, please submit formal description of policies/customs/procedures as in existence in place of written Standing Operating Procedures.

Dated this 6 day of October, 2008.

Respectfully submitted,

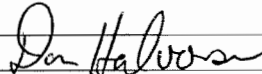
Don Halvorson

Don Halvorson, Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express Standard Overnight Mail <input type="checkbox"/> FAX (208) 883-4593 <input type="checkbox"/> Hand Delivery
--	--


Don Halvorson

ITEM 11

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife))

Plaintiffs)

vs.)

North Latah County Highway District; Board of)

Commissioners for the North Latah County)

Highway District, Orland Arneberg, Richard)

Hansen, Sherman Clyde, in their Official)

Capacities, and in their Individual Capacities;)

Dan Payne, in his Official Capacity and in his)

Individual Capacity)

Defendants)

Case No. CV 2008-180

PLAINTIFFS' FIRST

INTERROGATORIES

(ARNEBERG)

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Orland Arneberg in case no. CV 2008-180 and in conjunction with and with reference to PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (ARNEBERG) of defendant Orland Arneberg under case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately

PLAINTIFFS' FIRST INTERROGATORIES
(ARNEBERG)

and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

Interrogatories

1.) To the extent that any of your responses to any of PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (ARNEBERG) under CASE No. CV 2008-180 (which accompanies this Interrogatory) is other than an unqualified admission, list all facts on which you based any part of your responses that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact. Specifically, please answer these questions in applying these instructions to these documents:

(a) Is your response to each PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (ARNEBERG) request served with these interrogatories an unqualified admission? If your responses are total unqualified admissions, then proceed to interrogatory # 2. If not proceed to (b).

(b) For each and every response to each PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (ARNEBERG) request served with these interrogatories to which your response to question 1) (a) is a denial or a qualified admission please answer the following questions for each and every such denial or qualified response:

PLAINTIFFS' FIRST INTERROGATORIES
(ARNEBERG)

- (i) state the number of such request;
- (ii) state all facts upon which you base your response;

(iii) identify all Documents, sources of information, and other tangible things that support your response and state the holder of such documents, information, or things. _____

2.) Any change in the (a) use, (b) width, (c) location, or (d) nature/type of the right of way/highway of CCR which may be in contravention to Idaho Statutes, Idaho State Constitution, U.S. Constitution, and/or Federal statutes and/or is disputed by an abutting landowner may be adjudicated by what NLCHD available means? Please be complete in your answer indicating the name of the means (process), the format of the process, and how the means (process) is initiated (If the format has a written form and/or a written self explanatory form, this is sufficient to cite the form and where to obtain a copy.), and what form would the decision come in (written and/or verbal)? _____

3.) List all available information and documents you know of, the names, addresses, phone numbers and whereabouts of anyone, who may have information of or the possession of documents concerning the acquisition of the prescriptive right of way/highway, CCR, the time of the prescriptive period for the prescriptive right of way/highway, CCR, the establishment of the prescriptive right of way/highway, CCR, and /or the width, location and use of the prescriptive right of way, CCR, at the end of the prescriptive period for the prescriptive right of way/highway, CCR. _____

6.) What is/are the point/s of difficulty in the resolution of the dispute with the Halvorsons? _____

7.) Do you consider the Halvorsons' complaints frivolous? _____

8.) If #7 is an affirmative answer, please state what evidence you would have to support a finding the Halvorsons have no complaint of legal merit and/or no disputed facts. _____

PLAINTIFFS' FIRST INTERROGATORIES
(ARNEBERG)

9.) If your answer to # 7 is a negative answer—you believe that the Halvorsons complaints are not frivolous—please so state what valid complaints that the Halvorsons have if these valid complaints are different from # 6. _____

10.) State the number of meetings you have had with the Halvorsons in trying to resolve the dispute over CCR. _____

11.) If your answer to # 6 and/or # 9 are affirmative—that the Halvorsons have valid complaints—please list each complaint as you understand it and the decision on which this complaint was answered and how and where the Halvorsons received their answer to each valid complaint. _____

12.) For each meeting in interrogatory # 10) please state all evidentiary points brought by each participant, any findings of fact determined by the you and the other commissioners, what final decisions you and the other commissioners stated, how the final decisions were rationally arrived at and how these final decisions were written down and transmitted to the Halvorsons. _____

13.) What rights do abutting landowners, Halvorsons, have to represent themselves?

14.) At the 4/12/06 meeting of the NLCHD was your decision not to get a survey and seek to resolve the dispute a rationally based decision? _____

15.) If your answer to interrogatory #13.) was an affirmative answer please answer the following:

(a) State the facts, evidence, legal precedent/custom for the basis of that decision; _____

(b) State any and all other reasons for that decision; _____

(c) At the present time would you now still adhere to the same decision? _____

(d) If # 14.) (c) is not an unqualified affirmation, please state your reasons for adjusting your decision. _____

16.) Did your approach (4/12/06 regular meeting of the NLCHD) to the Wagner driveway permit issuance, to the non revocation of the unlawful permit issuance, of refusal to accept culpability in the disagreement, of refusal to share in the resolving predetermining survey, and to the resolution of the right of way dispute of CCR in any way: _____

(a) advance the aspirations of the Wagners to obtain a reasonable, most cost effective, environmentally sound, and legally conducted accomplishment of a driveway access to CCR? If so please state and how this advancement was accomplished; _____

(b) inhibit the aspirations of the Wagners to obtain a reasonable, most cost effective, environmentally sound, and legally conducted accomplishment of a driveway access to CCR? If so please state and if so how this inhibition was accomplished; _____

(c) advance the aspirations of the Halvorsons to find an equitable settlement to the issue that would not unconstitutionally burden the servient estate and/or mar their title to their property? If so please state; _____

(d) inhibit the aspirations of the Halvorsons to find an equitable settlement to the issue that would not unconstitutionally burden the servient estate and/or mar their title to their property? If so please state; _____

(e) advance the public interest? If so please state; _____

(f) inhibit the public interest? If so please state; _____

17.) What purpose/s would either refusal to allow the Halvorsons to represent themselves, demanding that the Halvorsons hire an attorney, and/or refusal to allow the Halvorsons to speak with the NLCHD counsel serve? Please enumerate. _____

I hereby certify that a true copy was delivered to the Latah County Sheriffs Office on 3/11/08 for delivery with the COMPLAINT

Don Halvorson

Don Halvorson

PLAINTIFFS' FIRST INTERROGATORIES (ARNEBERG)

ITEM 12

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife))

Plaintiffs)

vs.)

North Latah County Highway District; Board of)

Commissioners for the North Latah County)

Highway District, Orland Arneberg, Richard)

Hansen, Sherman Clyde, in their Official)

Capacities, and in their Individual Capacities;)

Dan Payne, in his Official Capacity and in his)

Individual Capacity)

Defendants)

Case No. CV 2008-180

PLAINTIFFS' FIRST

REQUEST FOR ADMISSIONS

(ARNEBERG)

Plaintiffs (referred to in this document as plaintiffs, Halvorsons, first person pronouns as we, and/or I and the objective and possessive cases, such as us, our) request admissions of defendant Orland Arneberg (referred to in this document as Arneberg, defendant, or you, including possessive case your) on the following matters pursuant to Idaho Rules of Civil Procedure rule number (IRCP) 36(a) and for purposes of the pending action of Plaintiffs allegations of violations highway/right of way authority of

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (ARNEBERG)

Camps Canyon Road as it travels through SENE Section 15 T39N R3WBM (CCR) and as filed under Case No. CV 2008-180. This PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (ARNEBERG) are sent in conjunction with PLAINTIFFS' FIRST INTERROGATORIES (ARNEBERG). Copies of any other documents referred to in this admissions request have been submitted to or are of the rightful possession of the NLCHD and copies may be obtained there if needed for ascertaining your truthful answers. Under IRCP 36(a) ...“The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested represents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why the party cannot admit or deny it. The answers shall first set forth each request for admission made, followed by the answer or response of the party....”

PLEASE ADMIT OR DENY OR STATE YOUR REASON FOR OBJECTION TO THE FOLLOWING STATEMENTS. IF YOUR ANSWER TO ANY OF THESE

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (ARNEBERG)

STATEMENTS IS ANYTHING BUT AN UNQUALIFIED ADMISSION PLEASE REFER TO THE ACCOMPANING PLAINTIFFS' FIRST INTERROGATORIES (ARNEBERG), interrogatory #1.

1.) In the fall of 1996, NLCHD foreman, Dan Payne, acting under your authority and under the policies/customs of the NLCHD made request of and agreement (the 1996 agreement) with Ed Swanson to alter, straighten, and/or widen CCR (the 1996 alteration). _____

2.) The 1996 agreement between Dan Payne (agent and/or foreman of the NLCHD) was that the NLCHD could cut down trees, straighten curves at both ends of the alteration, and extend the road bed to the northeast around a rock outcropping as far as the NLCHD needed to, to accomplish their goals and that this extension and straightening would push the road bed beyond the old fence line. _____

3.) The 1996 alteration exceeded the limits of the prescriptive right of way in the following manners:

a. Extension of the road bed and supporting structures beyond the old line fence—the boundary set by the owner as the limit to the prescriptive right of way and recognized by judicial custom and precedent as a prescriptive easement boundary. _____

b. The usage limit was narrow (less than 12 feet) and any increase of width (greater than 1 to 2%—less than 3 inches) would be considered to be in excess of incidental variation. _____

c. The actual physical location of CCR was altered in the straightening of the curves and the extension of the road bed around the rock outcropping and the washout of the roadbed. _____

d. The excavated trees (spontaneously growing—non human planted, 60 to 80 years old) indicated there had been no road usage amongst or under them. _____

e. Judicial custom and precedent recognizes the rebuttable presumptions of location and width as being as is now as it was at the end of the prescriptive period in the absence of known alterations. The 1996 agreement and the 1996 alteration rebut these presumptions. _____

f. There is no archeological evidence of a 50 foot highway ever existing in Camps Canyon and more specifically the usage of the present CCR shows no archeological evidence of ever being 50 feet wide with the natural occurrence of rocks, trees, and steep terrain contradicting such a claim. _____

g. There is no objective evidence indicating a 50 foot highway was ever established in Camps Canyon. _____

4.) The 1996 alteration was a "taking" of private property (considered as a gift dedication). _____

5.) No permission was given by Ed Swanson for future widening in the 1996 agreement. _____

6.) Ed Swanson waived no future constitutional rights in the 1996 agreement. _____

7.) The 1996 alteration accomplished what the 1996 agreement entailed. _____

8.) When the 1996 alteration was finished in the fall of 1996 all work was complete that was agreed to in the 1996 agreement. _____

9.) There are no written records of the 1996 agreement. _____

10.) There are no written records of the 1996 alteration either as planning goals prior to the alteration or as accomplishments after completion of the 1996 alteration. _____

11.) The 1996 alteration was conducted in violation of Idaho Statutes. _____

12.) The line fence to the northeast of the 1996 alteration was reconstructed by the Halvorsens in the spring of 1997. _____

13.) The Halvorsens left a 5-10 foot buffer (the buffer) between the northeast edge of the 1996 reestablished road bed and the reconstructed fence line. _____

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (ARNEBERG)

14.) The buffer had neither been granted to the NLCHD by Ed Swanson nor by the Halvorsons. The buffer remained in the possession of the Halvorsons. _____

15.) The buffer can only be obtained by the NLCHD through the civil procedures of eminent domain. _____

16.) No eminent domain/condemnation procedures have been processed on CCR. _____

- 17.) The widening of CCR in 2005 and 2006 to the northeast resulted in:
- a. the physical invasion of the buffer for a total of 5x 50 feet. _____
 - b. redirection of the runoff drainage from the road bed creating additional erosion and undermining of the fence support post. _____
 - c. damages to the fence of burying the wires; _____
 - d. a known trespass and creation of a public nuisance. _____

- 18.) The claim of prescription to the northeast side of CCR is:
- a. a per se taking; _____
 - b. a violation of the Halvorsons' constitutionally protected property rights; _____
 - c. unsubstantiated by any objective evidence. _____
 - d. rebutted and has been rebutted on several occasions, including but not limited to:

- (1) 4/12/06 regular meeting of the NLCHD by Halvorsons; _____
- (2) May 06 tour of CCR with Hansen by Halvorson; _____
- (3) 3/21/07 regular meeting of the NLCHD by the Halvorsons; _____
- (4) July 07 informal meeting at CCR by the Halvorsons and Ed Swanson; _____
- (5) 8/15/07 regular meeting of NLCHD by the Halvorsons; _____
- (6) 9/12/07 regular meeting of NLCHD by the Halvorsons. _____

- 19.) Issuance of the first permit (the permit) to the Wagners in 2006 was:
- a. in contravention to Idaho Statutes; _____
 - b. in contravention to the Idaho State Constitution; _____
 - c. in contravention to the U.S. Constitution; _____

d. was arbitrarily, willfully, and recklessly done—without a rational decision based on the evidence. _____

e. was done with malice and/or criminal intent—your knowledge of the 1996 alteration is undisputed. _____

f. was officially sanctioned by the commissioners (final policy makers of the NLCHD) at the 4/12/06 regular meeting of the NLCHD. _____

g. was done in deliberate indifference to private property lines and valid objective evidence of private property claims by the Halvorsons. _____

20.) The decision not to revoke the permit on 4/12/06 was:

a. in contravention to Idaho Statutes; _____

b. in contravention to the Idaho State Constitution; _____

c. in contravention to the U.S. Constitution; _____

d. was arbitrarily, willfully, and recklessly done—without a rational decision based on the evidence; _____

e. was done with malice and/or criminal intent—your knowledge of the 1996 alteration is undisputed. _____

f. was officially sanctioned by the commissioners (final policy makers of the NLCHD) at the 4/12/06 regular meeting of the NLCHD. _____

g. was done in deliberate indifference to private property lines and valid objective evidence of private property claims by the Halvorsons. _____

21.) Widening of prescriptive right of ways/highways through maintenance is unconstitutional. _____

22.) Widening of prescriptive right of ways/highways through maintenance is a policy of the NLCHD. _____

23.) Your relationship with Ridgeview Farms is described as:

a. a long time business relationship—Ridgeview Farms farms for you; _____

b. long time neighbors and friends. _____

- 24.) You are aware of Dan Payne's relationship with Ridgeview Farms and the owners of Ridgeview Farms. _____
- 25.) You are aware of Bob Wagner's relationship to Ridgeview Farms in the nature of:
- a. employment and/or share in the farming; _____
 - b. brother-in-law of one of the partners. _____
- 26.) You talked with Bob Wagner about the property line dispute. _____
- 27.) You were aware of the property line dispute and:
- a. made available aerial photos to Bob Wagner; _____
 - b. knew Bob Wagner had done his own survey; _____
 - c. you told Bob Wagner that CCR had never been moved. _____
 - d. you told Bob Wagner that CCR had never been altered (straightened or widened). _____
 - e. you assured Bob Wagner that historic access of the Harris (Wagner) driveway was where Bob Wagner thought it to be. _____
 - f. you assured Bob Wagner that the 8 foot embankment where the historic driveway entered CCR was not the creation of the NLCHD and the 1996 alteration. _____
- 28.) Your statement/s at agency meetings 4/12/06 and/or 3/21/07 that CCR has never moved in your lifetime, tenure as commissioner, or under your watch as commissioner is/are not based in fact. _____
- 29.) You are knowledgeable and participatory in the decisions of the 1996 agreement and the 1996 alteration. _____
- 30.) It is the NLCHD policy to avoid deeded highway/right of way easements in favor of prescriptive easements. _____
- 31.) You are aware that prescriptive easements are not favored by judicial custom. _____
- 32.) The NLCHD turned down a deeded easement resolution proposed by the Wagners and the Halvorsons to the driveway dispute. _____

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (ARNEBERG)

33.) Your refusal to initiate validation proceedings of CCR to resolve the location, public record, and establishment errors was:

- a. abuse of discretion; _____
- b. an arbitrary decision—not based on the evidence and/or finding of fact; _____
- c. was done to prevent the discovery of the statutory and constitutional contraventions of the 1996 agreement and/or the 1996 alteration. _____

34.) Your offer to validate CCR if we pay you a fee of \$750 is based on the finding:

- a. of insufficient evidence has been given to the NLCHD to have the Commissioners initiate validation proceedings; _____
- b. that you have objective evidence to offer to substantiate your claims of:
 - (1) prescriptive right of way; _____
 - (2) the location and width to be as the location and width were known to be at the end of the prescriptive period of CCR. _____
- c. that an attempt to extract further fees from the Halvorsons might be a way to get them to abandon their claims. _____

35.) You are aware of the civil procedure requirements of eminent domain/condemnation found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40 Chapter 20) and I.C. Title 7 Chapter 7. _____

36.) You are aware of the civil procedure requirements of eminent domain/condemnation found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40 Chapter 20) and I.C. Title 7 Chapter 7 and that these statutes are clear and well established. _____

37.) You are aware of the civil procedure requirements of the taking of private property found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40-604, 605, 606, 608, 1310, 1336, 2302 and 2312) and I.C. Title 7 Chapter 7. _____

38.) You are aware of the civil procedure requirements of the taking of private property found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40-604,

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (ARNEBERG)

605, 606, 608, 1310, 1336, 2302 and 2312) and I.C. Title 7 Chapter 7 and that these statutes represent clear and well established law. _____

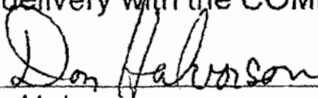
39.) The civil procedure requirements of eminent domain/condemnation found in the Idaho Code and the civil procedure requirements of the taking of private property found in the Idaho Code are found:

- a. in the written policies of the NLCHD; _____
- b. in the employee training handouts, manuals or instruction sheets; _____
- c. in verbal policies/customs of the NLCHD; _____
- d. in employee training seminars, and/or in service trainings. _____

40.) Denial of the Halvorsons' request to speak with the NLCHD counsel in 9/07 was:

- a. a way to increase the Halvorsons' expenses; _____
- b. a denial of the Halvorsons' right to represent themselves; _____
- c. arbitrary decision of the NLCHD policy makers; _____
- d. in deliberate indifference to the Halvorsons' rights to due process. _____

I hereby certify that a true copy was delivered to the Latah County Sheriffs Office on 3/ 11 /08 for delivery with the COMPLAINT



Don Halvorson

ITEM 13

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' FIRST
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(PAYNE)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Dan Payne in case no. CV 2008-180 and in conjunction with and with reference to PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (PAYNE) of defendant Dan Payne under case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing

PLAINTIFFS' FIRST INTERROGATORIES
(PAYNE)

under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

Interrogatories

1.) To the extent that any of your responses to any of PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (PAYNE) under CASE No. CV 2008-180 (which accompanies this Interrogatory) is other than an unqualified admission, list all facts on which you based any part of your responses that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact. Specifically, please answer these questions in applying these instructions to these documents:

(a) Is your response to each PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (PAYNE) request served with these interrogatories an unqualified admission? If your responses are total unqualified admissions, then proceed to interrogatory # 2. If not proceed to (b).

(b) For each and every response to each PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (PAYNE) request served with these interrogatories to which your response to question 1) (a) is a denial or a qualified admission please answer the following questions for each and every such denial or qualified response:

(i) state the number of such request;

PLAINTIFFS' FIRST INTERROGATORIES
(PAYNE)

(ii) state all facts upon which you base your response;

(iii) identify all Documents, sources of information, and other tangible things that support your response and state the holder of such documents, information, or things. _____

2.) Any change in the (a) use, (b) width, (c) location, or (d) nature/type of the right of way/highway of CCR which may be in contravention to Idaho Statutes, Idaho State Constitution, U.S. Constitution, and/or Federal statutes and/or is disputed by an abutting landowner may be adjudicated by what NLCHD available means? Please be complete in your answer indicating the name of the means (process), the format of the process, and how the means (process) is initiated (If the format has a written form and/or a written self explanatory form, this is sufficient to cite the form and where to obtain a copy.), and what form would the decision come in (written and/or verbal)? _____

3.) List all available information and documents you know of, the names, addresses, phone numbers and whereabouts of anyone, who may have information of or the possession of documents concerning the acquisition of the prescriptive right of way/highway, CCR, the time of the prescriptive period for the prescriptive right of way/highway, CCR, the establishment of the prescriptive right of way/highway, CCR, and /or the width, location and use of the prescriptive right of way, CCR, at the end of the prescriptive period for the prescriptive right of way/highway, CCR. _____

6.) What is/are the points of difficulty in the resolution of the dispute with the Halvorsons? _____

7.) Do you consider the Halvorsons' complaints frivolous? _____

8.) If #7 is an affirmative answer, please state what evidence you would have to support a finding the Halvorsons have no complaint of legal merit and/or no disputed facts. _____

9.) If your answer to # 7 is a negative answer—you believe that the Halvorsons complaints are not frivolous—please so state what valid complaints that the Halvorsons have if these valid complaints are different from # 6. _____

10.) State the number of meetings you have had with the Halvorsons in trying to resolve the dispute over CCR. _____

11.) If your answer to # 6 and/or # 9 are affirmative—that the Halvorsons have valid complaints—please list each complaint as you understand it and the decision on which this complaint was answered and how and where the Halvorsons received their answer to each valid complaint. _____

12.) For each meeting in interrogatory # 10) please state all evidentiary points brought by each participant, any findings of fact determined by the you and the other commissioners, what final decisions you and the other commissioners stated, how the final decisions were rationally arrived at and how these final decisions were written down and transmitted to the Halvorsons. _____

13.) Was your decision to issue the Wagners a driveway access permit a rationally based decision on the facts, evidence and circumstances considering the property line dispute was in process?

14.) If your answer to interrogatory #13.) was an affirmative answer please answer the following:

(a) State the facts, evidence, legal precedent/custom for the basis of that decision; _____

(b) State any and all other reasons for that decision; _____

(c) At the present time would you now still adhere to the same decision? _____

(d) If # 14.) (c) is not an unqualified affirmation, please state your reasons for adjusting your decision. _____

15.) Did your approach (4/12/06 regular meeting of the NLCHD) to the Wagner driveway permit issuance, to the non revocation of the unlawful permit issuance, of

refusal to accept culpability in the disagreement, of refusal to share in the resolving predetermining survey, and to the resolution of the right of way dispute of CCR in any way:

(a) advance the aspirations of the Wagners to obtain a reasonable, most cost effective, environmentally sound, and legally conducted accomplishment of a driveway access to CCR? If so please state and how this advancement was accomplished; _____

(b) inhibit the aspirations of the Wagners to obtain a reasonable, most cost effective, environmentally sound, and legally conducted accomplishment of a driveway access to CCR? If so please state and if so how this inhibition was accomplished; _____

(c) advance the aspirations of the Halvorsons to find an equitable settlement to the issue that would not unconstitutionally burden the servient estate and/or mar their title to their property? If so please state; _____

(d) inhibit the aspirations of the Halvorsons to find an equitable settlement to the issue that would not unconstitutionally burden the servient estate and/or mar their title to their property? If so please state; _____

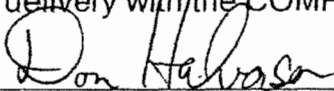
(e) advance the public interest? If so please state; _____

(f) inhibit the public interest? If so please state; _____

16.) What purpose/s would the decision to not revoke the permit serve if a clarifying survey was being called for? _____

17.) Whose decision was it not to revoke the permit? _____

I hereby certify that a true copy was delivered to the Latah County Sheriffs Office on 3/11/08 for delivery with the COMPLAINT



Don Halvorson

ITEM 14

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife))

Plaintiffs)

vs.)

North Latah County Highway District; Board of)

Commissioners for the North Latah County)

Highway District, Orland Arneberg, Richard)

Hansen, Sherman Clyde, in their Official)

Capacities, and in their Individual Capacities;)

Dan Payne, in his Official Capacity and in his)

Individual Capacity)

Defendants)

Case No. CV 2008-180

PLAINTIFFS' FIRST

REQUEST FOR ADMISSIONS

(PAYNE)

Plaintiffs (referred to in this document as plaintiffs, Halvorsons, first person pronouns as we, and/or I and the objective and possessive cases, such as us, our) request admissions of defendant Dan Payne (referred to in this document as Payne, defendant, or you, including possessive case your) on the following matters pursuant to Idaho Rules of Civil Procedure rule number (IRCP) 36(a) and for purposes of the pending action of Plaintiffs allegations of violations highway/right of way authority of Camps Canyon Road as it travels through SENE Section 15 T39N R3WBM (CCR) and as filed

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (PAYNE)

under Case No. CV 2008-180. This PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (PAYNE) are sent in conjunction with PLAINTIFFS' FIRST INTERROGATORIES (PAYNE). Copies of any other documents referred to in this admissions request have been submitted to or are of the rightful possession of the NLCHD and copies may be obtained there if needed for ascertaining your truthful answers. Under IRCP 36(a) ...“The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested represents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why the party cannot admit or deny it. The answers shall first set forth each request for admission made, followed by the answer or response of the party....”

PLEASE ADMIT OR DENY OR STATE YOUR REASON FOR OBJECTION TO THE FOLLOWING STATEMENTS. IF YOUR ANSWER TO ANY OF THESE STATEMENTS IS ANYTHING BUT AN UNQUALIFIED ADMISSION PLEASE REFER

TO THE ACCOMPANING PLAINTIFFS' FIRST INTERROGATORIES (PAYNE),
interrogatory #1.

1.) In the fall of 1996, NLCHD foreman, Dan Payne, acting under NLCHD authority and under the policies/customs of the NLCHD made request of and agreement (the 1996 agreement) with Ed Swanson to alter, straighten, and/or widen CCR (the 1996 alteration). *Do not remember making any request or d/or agreement*

2.) The 1996 agreement between Dan Payne (agent and/or foreman of the NLCHD) and ? was that the NLCHD could cut down trees, straighten curves at both ends of the alteration, and extend the road bed to the northeast around a rock outcropping as far as the NLCHD needed to, to accomplish their goals and that this extension and straightening would push the road bed beyond the old fence line. *Assume fact that was not true. Object to form. Ambiguous.*

3.) The 1996 alteration exceeded the limits of the prescriptive right of way in the following manners:

- a. Extension of the road bed and supporting structures beyond the old line fence—the boundary set by the owner as the limit to the prescriptive right of way and recognized by judicial custom and precedent as a prescriptive easement boundary. _____
- b. The usage limit was narrow (less than 12 feet) and any increase of width (greater than 1 to 2%—less than 3 inches) would be considered to be in excess of incidental variation. _____
- c. The actual physical location of CCR was altered in the straightening of the curves and the extension of the road bed around the rock outcropping and the washout of the roadbed. _____
- d. The excavated trees (spontaneously growing—non human planted, 60 to 80 years old) indicated there had been no road usage amongst or under them. _____
- e. Judicial custom and precedent recognizes the rebuttable presumptions of location and width as being as is now as it was at the end of the prescriptive

period in the absence of known alterations. The 1996 agreement and the 1996 alteration rebut these presumptions of no change in CCR. _____

f. There is no archeological evidence of a 50 foot highway ever existing in Camps Canyon and more specifically the usage of the present CCR shows no archeological evidence of ever being 50 feet wide with the natural occurrence of rocks, trees, and steep terrain contradicting such a claim. _____

g. There is no objective evidence indicating a 50 foot highway was ever established in Camps Canyon. _____

4.) The 1996 alteration was a "taking" of private property (considered as a gift dedication). _____

5.) No permission was given by Ed Swanson for future widening in the 1996 agreement. _____

6.) Ed Swanson waived no future constitutional rights in the 1996 agreement. _____

7.) The 1996 alteration accomplished what the 1996 agreement entailed. _____

8.) When the 1996 alteration was finished in the fall of 1996 all work was complete that was agreed to in the 1996 agreement. _____

9.) There are no written records of the 1996 agreement. _____

10.) There are no written records of the 1996 alteration either as planning goals prior to the alteration or as accomplishments after completion of the 1996 alteration. _____

11.) The 1996 alteration was conducted in violation of Idaho Statutes. _____

12.) The line fence to the northeast of the 1996 alteration was reconstructed by the Halvorsons in the spring of 1997. _____

13.) The Halvorsons left a 5-10 foot buffer (the buffer) between the northeast edge of the 1996 reestablished road bed and the reconstructed fence line. _____

14.) The buffer had not been granted to the NLCHD by Ed Swanson nor by the Halvorsons. The buffer remained in the possession of the Halvorsons. _____

15.) The buffer can only be obtained by the NLCHD through the civil procedures of eminent domain. _____

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (PAYNE)

16.) No eminent domain/condemnation procedures have been processed on CCR. _____

17.) The widening of CCR in 2005 and 2006 to the northeast resulted in:

- a. the physical invasion of the buffer for a total of 5x 50 feet. _____
- b. redirection of the runoff drainage from the road bed creating additional erosion and undermining of the fence support post. _____
- c. damages to the fence of burying the wires; _____
- d. a known trespass and creation of a public nuisance. _____

18.) The claim of prescription to the northeast side of CCR is:

- a. a per se taking; _____
- b. a violation of the Halvorsons' constitutionally protected property rights; _____
- c. unsubstantiated by any objective evidence. _____

d. rebutted and has been rebutted on several occasions, including but not limited to:

- (1) 4/12/06 regular meeting of the NLCHD by Halvorsons; _____
- (2) May 06 tour of CCR with Hansen by Halvorson; _____
- (3) 3/21/07 regular meeting of the NLCHD by the Halvorsons; _____
- (4) July 07 informal meeting at CCR by the Halvorsons and Ed Swanson; _____
- (5) 8/15/07 regular meeting of NLCHD by the Halvorsons; _____
- (6) 9/12/07 regular meeting of NLCHD by the Halvorsons. _____

19.) Issuance of the first permit (the permit) to the Wagners in 2006 was:

- a. in contravention to Idaho Statutes; _____
- b. in contravention to the Idaho State Constitution; _____
- c. in contravention to the U.S. Constitution; _____
- d. was arbitrarily, willfully, and recklessly done—without a rational decision based on the evidence. _____
- e. was done with malice and/or criminal intent—your knowledge of the 1996 alteration is undisputed. _____

f. was officially sanctioned by the commissioners (final policy makers of the NLCHD) at the 4/12/06 regular meeting of the NLCHD. _____

g. was done in deliberate indifference to private property lines and valid objective evidence of private property claims by the Halvorsons. _____

20.) The decision not to revoke the permit on 4/12/06 was:

a. in contravention to Idaho Statutes; _____

b. in contravention to the Idaho State Constitution; _____

c. in contravention to the U.S. Constitution; _____

d. was arbitrarily, willfully, and recklessly done—without a rational decision based on the evidence; _____

e. was done with malice and/or criminal intent—your knowledge of the 1996 alteration is undisputed. _____

f. was officially sanctioned by the commissioners (final policy makers of the NLCHD) at the 4/12/06 regular meeting of the NLCHD. _____

g. was done in deliberate indifference to private property lines and valid objective evidence of private property claims by the Halvorsons. _____

21.) Widening of prescriptive right of ways/highways through maintenance is unconstitutional. _____

22.) Widening of prescriptive right of ways/highways through maintenance is a policy of the NLCHD. _____

23.) You are aware of Orland Arneberg's conflict of interest with Ridgeview Farms and the owners of Ridgeview Farms and the Wagner permit issuance and property line dispute with the Halvorsons. _____

24.) You are aware of Dan Payne's conflict of interest with Ridgeview Farms and the owners of Ridgeview Farms and the Wagner permit issuance and property line dispute (the dispute) with the Halvorsons. _____

25.) You are aware of Bob Wagner's relationship to Ridgeview Farms in the nature of:

a. employment and/or share in the farming; _____

b. brother-in-law of one of the partners. _____

26.) You talked with Bob Wagner about the dispute. _____

27.) You were aware of the dispute and:

a. knew Arneberg had made available aerial photos to Bob Wagner; _____

b. knew Bob Wagner had done his own survey; _____

c. you knew Arneberg and/or Payne had told Bob Wagner that CCR had never been moved. _____

d. you knew Arneberg and/or Payne had told Bob Wagner that CCR had never been altered (straightened or widened). _____

e. you knew Arneberg and/or Payne had assured Bob Wagner that the historic access of the Harris (Wagner) driveway was where Bob Wagner thought it to be. _____

f. you knew Arneberg and/or Payne had assured Bob Wagner that the 8 foot embankment where the historic driveway entered CCR was not the creation of the NLCHD and the 1996 alteration. _____

28.) Arneberg's statement/s at agency meetings 4/12/06 and/or 3/21/07 that CCR has never moved in his lifetime, tenure as commissioner, or under his watch as commissioner is/are not based in fact. _____

29.) You are knowledgeable of the decisions of the 1996 agreement and the 1996 alteration. _____

30.) It is the NLCHD policy to avoid deeded highway/right of way easements in favor of prescriptive easements. _____

31.) You are aware that prescriptive easements are not favored by judicial custom. _____

32.) The NLCHD turned down a deeded easement resolution proposed by the Wagners and the Halvorsons to the driveway dispute. _____

33.) Your refusal to initiate validation proceedings of CCR to resolve the location, public record, and establishment errors was:

a. abuse of discretion; _____

- b. an arbitrary decision—not based on the evidence and/or finding of fact;_____
- c. was done to prevent the discovery of the statutory and constitutional contraventions of the 1996 agreement and/or the 1996 alteration._____

34.) Your offer to validate CCR if we pay you a fee of \$750 is based on the finding:

- a. of insufficient evidence has been given to the NLCHD to have the Commissioners initiate validation proceedings;_____
- b. that you have objective evidence to offer to substantiate your claims of:
 - (1) prescriptive right of way;_____
 - (2) the location and width to be as the location and width were known to be at the end of the prescriptive period of CCR._____
- c. that an attempt to extract further fees from the Halvorsons might be a way to get them to abandon their claims._____

35.) You are aware of the civil procedure requirements of eminent domain/condemnation found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40 Chapter 20) and I.C. Title 7 Chapter 7._____

36.) You are aware of the civil procedure requirements of eminent domain/condemnation found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40 Chapter 20) and I.C. Title 7 Chapter 7 and that these statutes are clear and well established._____

37.) You are aware of the civil procedure requirements of the taking of private property found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40-604, 605, 606, 608, 1310, 1336, 2302 and 2312) and I.C. Title 7 Chapter 7._____

38.) You are aware of the civil procedure requirements of the taking of private property found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40-604, 605, 606, 608, 1310, 1336, 2302 and 2312) and I.C. Title 7 Chapter 7 and that these statutes represent clear and well established law._____

39.) The civil procedure requirements of eminent domain/condemnation found in the Idaho Code and the civil procedure requirements of the taking of private property found in the Idaho Code are found:

- a.. in the written policies of the NLCHD; _____
- b. in the employee training handouts, manuals or instruction sheets; _____
- c. in verbal policies/customs of the NLCHD; _____
- d. in employee training seminars, and/or in service trainings. _____

40.) The centerline of CCR has moved to the northeast and no longer is where it was in 1996. _____

41.) The present width of CCR is now greater than it was in 1996. _____

42.) The width of CCR was greater after the 1996 alteration than it was before. _____

43.) The centerline of CCR moved to the northeast in the 1996 alteration. _____

44.) The centerline of CCR moved to the northeast in the 1996 alteration and no longer is where it was at the end of the prescriptive period. _____

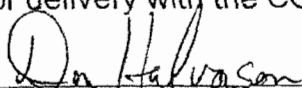
45.) Without having done a survey before the 1996 alteration you can't tell exactly where the centerline of the old prescriptive right of way/ highway, CCR, was. _____

46.) Without having done a survey before the 1996 alteration you can't tell exactly what the width of the old prescriptive right of way/ highway, CCR, was. _____

47.) Without having done a survey before the 2005-2006 widening you can't tell exactly where the previous centerline of the right of way/ highway, CCR, was. _____

48.) Without having done a survey before the 2005-2006 widening you can't tell exactly what the previous width of the right of way/ highway, CCR, was. _____

I hereby certify that a true copy was delivered
to the Latah County Sheriffs Office on 3/ 11 /08
for delivery with the COMPLAINT



Don Halvorson

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (PAYNE)

ITEM 15

0534

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' FIRST
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(HANSEN)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Richard Hansen in case no. CV 2008-180 and in conjunction with and with reference to PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (HANSEN) of defendant Richard Hansen under case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately

PLAINTIFFS' FIRST INTERROGATORIES
(HANSEN)

and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

Interrogatories

1.) To the extent that any of your responses to any of PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (HANSEN) under CASE No. CV 2008-180 (which accompanies this Interrogatory) is other than an unqualified admission, list all facts on which you based any part of your responses that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact. Specifically, please answer these questions in applying these instructions to these documents:

(a) Is your response to each PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (HANSEN) request served with these interrogatories an unqualified admission? If your responses are total unqualified admissions, then proceed to interrogatory # 2. If not proceed to (b).

(b) For each and every response to each PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (HANSEN) request served with these interrogatories to which your response to question 1) (a) is a denial or a qualified admission please answer the following questions for each and every such denial or qualified response:

PLAINTIFFS' FIRST INTERROGATORIES
(HANSEN)

- (i) state the number of such request;
- (ii) state all facts upon which you base your response;
- (iii) identify all Documents, sources of information, and other tangible

things that support your response and state the holder of such documents, information, or things. _____

2.) Any change in the (a) use, (b) width, (c) location, or (d) nature/type of the right of way/highway of CCR which may be in contravention to Idaho Statutes, Idaho State Constitution, U.S. Constitution, and/or Federal statutes and/or is disputed by an abutting landowner may be adjudicated by what NLCHD available means? Please be complete in your answer indicating the name of the means (process), the format of the process, and how the means (process) is initiated (If the format has a written form and/or a written self explanatory form, this is sufficient to cite the form and where to obtain a copy.), and what form would the decision come in (written and/or verbal)? _____

3.) List all available information and documents you know of, the names, addresses, phone numbers and whereabouts of anyone, who may have information of or the possession of documents concerning the acquisition of the prescriptive right of way/highway, CCR, the time of the prescriptive period for the prescriptive right of way/highway, CCR, the establishment of the prescriptive right of way/highway, CCR, and /or the width, location and use of the prescriptive right of way, CCR, at the end of the prescriptive period for the prescriptive right of way/highway, CCR. _____

6.) What is/are the points of difficulty in the resolution of the dispute with the Halvorsons? _____

7.) Do you consider the Halvorsons' complaints frivolous? _____

8.) If #7 is an affirmative answer, please state what evidence you would have to support a finding the Halvorsons have no complaint of legal merit and/or no disputed facts. _____

9.) If your answer to # 7 is a negative answer—you believe that the Halvorsons complaints are not frivolous—please so state what valid complaints that the Halvorsons have if these valid complaints are different from # 6. _____

10.) State the number of meetings you have had with the Halvorsons in trying to resolve the dispute over CCR. _____

11.) If your answer to # 6 and/or # 9 are affirmative—that the Halvorsons have valid complaints—please list each complaint as you understand it and the decision on which this complaint was answered and how and where the Halvorsons received their answer to each valid complaint. _____

12.) For each meeting in interrogatory # 10) please state all evidentiary points brought by each participant, any findings of fact determined by the you and the other commissioners, what final decisions you and the other commissioners stated, how the final decisions were rationally arrived at and how these final decisions were written down and transmitted to the Halvorsons. _____

13.) What rights do abutting landowners, Halvorsons, have to represent themselves?

14.) At the 4/12/06 meeting of the NLCHD was your decision not to get a survey and seek to resolve the dispute a rationally based decision? _____

15.) If your answer to interrogatory #13.) was an affirmative answer please answer the following:

(a) State the facts, evidence, legal precedent/custom for the basis of that decision; _____

(b) State any and all other reasons for that decision; _____

(c) At the present time would you now still adhere to the same decision? _____

(d) If # 14.) (c) is not an unqualified affirmation, please state your reasons for adjusting your decision. _____

PLAINTIFFS' FIRST INTERROGATORIES
(HANSEN)

16.) Did your approach (4/12/06 regular meeting of the NLCHD) to the Wagner driveway permit issuance, to the non revocation of the unlawful permit issuance, of refusal to accept culpability in the disagreement, of refusal to share in the resolving predetermining survey, and to the resolution of the right of way dispute of CCR in any way:

(a) advance the aspirations of the Wagners to obtain a reasonable, most cost effective, environmentally sound, and legally conducted accomplishment of a driveway access to CCR? If so please state and how this advancement was accomplished: _____

(b) inhibit the aspirations of the Wagners to obtain a reasonable, most cost effective, environmentally sound, and legally conducted accomplishment of a driveway access to CCR? If so please state and if so how this inhibition was accomplished: _____

(c) advance the aspirations of the Halvorsons to find an equitable settlement to the issue that would not unconstitutionally burden the servient estate and/or mar their title to their property? If so please state: _____

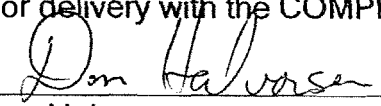
(d) inhibit the aspirations of the Halvorsons to find an equitable settlement to the issue that would not unconstitutionally burden the servient estate and/or mar their title to their property? If so please state: _____

(e) advance the public interest? If so please state: _____

(f) inhibit the public interest? If so please state: _____

17.) What purpose/s would either refusal to allow the Halvorsons to represent themselves, demanding that the Halvorsons hire an attorney, and/or refusal to allow the Halvorsons to speak with the NLCHD counsel serve? Please enumerate. _____

I hereby certify that a true copy was delivered
To the Latah County Sheriffs Office on 3/11/08
For delivery with the COMPLAINT



Don Halvorson

ITEM 16

0540

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife))
Plaintiffs)

vs.)

North Latah County Highway District; Board of)
Commissioners for the North Latah County)
Highway District, Orland Arneberg, Richard)
Hansen, Sherman Clyde, in their Official)
Capacities, and in their Individual Capacities;)
Dan Payne, in his Official Capacity and in his)
Individual Capacity)
Defendants)

Case No. CV 2008-180
PLAINTIFFS' FIRST
REQUEST FOR ADMISSIONS
(HANSEN)

Plaintiffs (referred to in this document as plaintiffs, Halvorsons, first person pronouns as we, and/or I and the objective and possessive cases, such as us, our) request admissions of defendant Richard Hansen (referred to in this document as Hansen, defendant, or you, including possessive case your) on the following matters pursuant to Idaho Rules of Civil Procedure rule number (IRCP) 36(a) and for purposes of the pending action of Plaintiffs allegations of violations highway/right of way authority of

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (HANSEN)

Camps Canyon Road as it travels through SENE Section 15 T39N R3WBM (CCR) and as filed under Case No. CV 2008-180. This PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (HANSEN) are sent in conjunction with PLAINTIFFS' FIRST INTERROGATORIES (HANSEN). Copies of any other documents referred to in this admissions request have been submitted to or are of the rightful possession of the NLCHD and copies may be obtained there if needed for ascertaining your truthful answers. Under IRCP 36(a) ...“The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested represents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why the party cannot admit or deny it. The answers shall first set forth each request for admission made, followed by the answer or response of the party....”

PLEASE ADMIT OR DENY OR STATE YOUR REASON FOR OBJECTION TO THE FOLLOWING STATEMENTS. IF YOUR ANSWER TO ANY OF THESE

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (HANSEN)

STATEMENTS IS ANYTHING BUT AN UNQUALIFIED ADMISSION PLEASE REFER TO THE ACCOMPANING PLAINTIFFS' FIRST INTERROGATORIES, interrogatory #1.

1.) In the fall of 1996, NLCHD foreman, Dan Payne, acting under NLCHD authority and under the policies/customs of the NLCHD made request of and agreement (the 1996 agreement) with Ed Swanson to alter, straighten, and/or widen CCR (the 1996 alteration). _____

2.) The 1996 agreement between Dan Payne (agent and/or foreman of the NLCHD) was that the NLCHD could cut down trees, straighten curves at both ends of the alteration, and extend the road bed to the northeast around a rock outcropping as far as the NLCHD needed to, to accomplish their goals and that this extension and straightening would push the road bed beyond the old fence line. _____

3.) The 1996 alteration exceeded the limits of the prescriptive right of way in the following manners:

a. Extension of the road bed and supporting structures beyond the old line fence—the boundary set by the owner as the limit to the prescriptive right of way and recognized by judicial custom and precedent as a prescriptive easement boundary. _____

b. The usage limit was narrow (less than 12 feet) and any increase of width (greater than 1 to 2%—less than 3 inches) would be considered to be in excess of incidental variation. _____

c. The actual physical location of CCR was altered in the straightening of the curves and the extension of the road bed around the rock outcropping and the washout of the roadbed. _____

d. The excavated trees (spontaneously growing—non human planted, 60 to 80 years old) indicated there had been no road usage amongst or under them. _____

e. Judicial custom and precedent recognizes the rebuttable presumptions of location and width as being as is now as it was at the end of the prescriptive

period in the absence of known alterations. The 1996 agreement and the 1996 alteration rebut these presumptions of no change to CCR. _____

f. There is no archeological evidence of a 50 foot highway ever existing in Camps Canyon and more specifically the usage of the present CCR shows no archeological evidence of ever being 50 feet wide with the natural occurrence of rocks, trees, and steep terrain contradicting such a claim. _____

g. There is no objective evidence indicating a 50 foot highway was ever established in Camps Canyon. _____

- 4.) The 1996 alteration was a "taking" of private property (considered as a gift dedication). _____
- 5.) No permission was given by Ed Swanson for future widening in the 1996 agreement. _____
- 6.) Ed Swanson waived no future constitutional rights in the 1996 agreement. _____
- 7.) The 1996 alteration accomplished what the 1996 agreement entailed. _____
- 8.) When the 1996 alteration was finished in the fall of 1996 all work was complete that was agreed to in the 1996 agreement. _____
- 9.) There are no written records of the 1996 agreement. _____
- 10.) There are no written records of the 1996 alteration either as planning goals prior to the alteration or as accomplishments after completion of the 1996 alteration. _____
- 11.) The 1996 alteration was conducted in violation of Idaho Statutes. _____
- 12.) The line fence to the northeast of the 1996 alteration was reconstructed by the Halvorsons in the spring of 1997. _____
- 13.) The Halvorsons left a 5-10 foot buffer (the buffer) between the northeast edge of the 1996 reestablished road bed and the reconstructed fence line. _____
- 14.) The buffer had neither been granted to the NLCHD by Ed Swanson nor by the Halvorsons. The buffer remained in the possession of the Halvorsons. _____

- 15.) The buffer can only be obtained by the NLCHD through the civil procedures of eminent domain. _____
- 16.) No eminent domain/condemnation procedures have been processed on CCR. _____
- 17.) The widening of CCR in 2005 and 2006 to the northeast resulted in:
- a. the physical invasion of the buffer for a total of 5x 50 feet. _____
 - b. redirection of the runoff drainage from the road bed creating additional erosion and undermining of the fence support post. _____
 - c. damages to the fence of burying the wires; _____
 - d. a known trespass and creation of a public nuisance. _____
- 18.) The claim of prescription to the northeast side of CCR is:
- a. a per se taking; _____
 - b. a violation of the Halvorsons' constitutionally protected property rights; _____
 - c. unsubstantiated by any objective evidence. _____
 - d. rebutted and has been rebutted on several occasions, including but not limited to:
 - (1) 4/12/06 regular meeting of the NLCHD by Halvorsons; _____
 - (2) May 06 tour of CCR with Hansen by Halvorson; _____
 - (3) 3/21/07 regular meeting of the NLCHD by the Halvorsons; _____
 - (4) July 07 informal meeting at CCR by the Halvorsons and Ed Swanson; _____
 - (5) 9/12/07 regular meeting of NLCHD by the Halvorsons. _____
- 19.) Issuance of the first permit (the permit) to the Wagners in 2006 was:
- a. in contravention to Idaho Statutes; _____
 - b. in contravention to the Idaho State Constitution; _____
 - c. in contravention to the U.S. Constitution; _____
 - d. was arbitrarily, willfully, and recklessly done—without a rational decision based on the evidence. _____

e. was done with malice and/or criminal intent—your knowledge of the 1996 alteration is undisputed. _____

f. was officially sanctioned by the commissioners (final policy makers of the NLCHD) at the 4/12/06 regular meeting of the NLCHD. _____

g. was done in deliberate indifference to private property lines and valid objective evidence of private property claims by the Halvorsons. _____

20.) The decision not to revoke the permit on 4/12/06 was:

a. in contravention to Idaho Statutes; _____

b. in contravention to the Idaho State Constitution; _____

c. in contravention to the U.S. Constitution; _____

d. was arbitrarily, willfully, and recklessly done—without a rational decision based on the evidence; _____

e. was done with malice and/or criminal intent—your knowledge of the 1996 alteration is undisputed. _____

f. was officially sanctioned by the commissioners (final policy makers of the NLCHD) at the 4/12/06 regular meeting of the NLCHD. _____

g. was done in deliberate indifference to private property lines and valid objective evidence of private property claims by the Halvorsons. _____

21.) Widening of prescriptive right of ways/highways through maintenance is unconstitutional. _____

22.) Widening of prescriptive right of ways/highways through maintenance is a policy of the NLCHD. _____

23.) You are aware of Orland Arneberg's conflict of interest with Ridgeview Farms and the owners of Ridgeview Farms and the Wagner permit issuance and property line dispute with the Halvorsons. _____

- 24.) You are aware of Dan Payne's conflict of interest with Ridgeview Farms and the owners of Ridgeview Farms and the Wagner permit issuance and property line dispute (the dispute) with the Halvorsons. _____
- 25.) You are aware of Bob Wagner's relationship to Ridgeview Farms in the nature of:
- a. employment and/or share in the farming; _____
 - b. brother-in-law of one of the partners. _____
- 26.) You talked with Bob Wagner about the dispute. _____
- 27.) You were aware of the dispute and:
- a. knew Arneberg had made available aerial photos to Bob Wagner; _____
 - b. knew Bob Wagner had done his own survey; _____
 - c. you knew Arneberg and/or Payne had told Bob Wagner that CCR had never been moved. _____
 - d. you knew Arneberg and/or Payne had told Bob Wagner that CCR had never been altered (straightened or widened). _____
 - e. you knew Arneberg and/or Payne had assured Bob Wagner that the historic access of the Harris (Wagner) driveway was where Bob Wagner thought it to be. _____
 - f. you knew Arneberg and/or Payne had assured Bob Wagner that the 8 foot embankment where the historic driveway entered CCR was not the creation of the NLCHD and the 1996 alteration. _____
- 28.) Arneberg's statement/s at agency meetings 4/12/06 and/or 3/21/07 that CCR has never moved in his lifetime, tenure as commissioner, or under his watch as commissioner is/are not based in fact. _____
- 29.) You are knowledgeable of the decisions of the 1996 agreement and the 1996 alteration. _____
- 30.) It is the NLCHD policy to avoid deeded highway/right of way easements in favor of prescriptive easements. _____

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (HANSEN)

- 31.) You are aware that prescriptive easements are not favored by judicial custom. _____
- 32.) The NLCHD turned down a deeded easement resolution proposed by the Wagners and the Halvorsons to the driveway dispute. _____
- 33.) Your refusal to initiate validation proceedings of CCR to resolve the location, public record, and establishment errors was:
- a. abuse of discretion; _____
 - b. an arbitrary decision—not based on the evidence and/or finding of fact; _____
 - c. was done to prevent the discovery of the statutory and constitutional contraventions of the 1996 agreement and/or the 1996 alteration. _____
- 34.) Your offer to validate CCR if we pay you a fee of \$750 is based on the finding:
- a. of insufficient evidence has been given to the NLCHD to have the Commissioners initiate validation proceedings; _____
 - b. that you have objective evidence to offer to substantiate your claims of:
 - (1) prescriptive right of way; _____
 - (2) the location and width to be as the location and width were known to be at the end of the prescriptive period of CCR. _____
 - c. that an attempt to extract further fees from the Halvorsons might be a way to get them to abandon their claims. _____
- 35.) You are aware of the civil procedure requirements of eminent domain/condemnation found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40 Chapter 20) and I.C. Title 7 Chapter 7. _____
- 36.) You are aware of the civil procedure requirements of eminent domain/condemnation found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40 Chapter 20) and I.C. Title 7 Chapter 7 and that these statutes are clear and well established. _____

37.) You are aware of the civil procedure requirements of the taking of private property found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40-604, 605, 606, 608, 1310, 1336, 2302 and 2312) and I.C. Title 7 Chapter 7. _____

38.) You are aware of the civil procedure requirements of the taking of private property found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40-604, 605, 606, 608, 1310, 1336, 2302 and 2312) and I.C. Title 7 Chapter 7 and that these statutes represent clear and well established law. _____

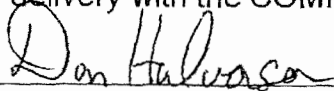
39.) The civil procedure requirements of eminent domain/condemnation found in the Idaho Code and the civil procedure requirements of the taking of private property found in the Idaho Code are found:

- a.. in the written policies of the NLCHD; _____
- b. in the employee training handouts, manuals or instruction sheets; _____
- c. in verbal policies/customs of the NLCHD; _____
- d. in employee training seminars, and/or in service trainings. _____

40.) Denial of the Halvorsons' request to speak with the NLCHD counsel in 9/07 was:

- a. a way to increase the Halvorsons' expenses; _____
- b. a denial of the Halvorsons' right to represent themselves; _____
- c. arbitrary decision of the NLCHD policy makers; _____
- d. in deliberate indifference to the Halvorsons' rights to due process. _____

I hereby certify that a true copy was delivered to the Latah County Sheriffs Office on 3/11/08 for delivery with the COMPLAINT



Don Halvorson

PLAINTIFFS' FIRST REQUEST
FOR ADMISSIONS (HANSEN)



ITEM 17

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' FIRST
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(CLYDE)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Sherman Clyde in case no. CV 2008-180 and in conjunction with and with reference to PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (CLYDE) of defendant Sherman Clyde under case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately

PLAINTIFFS' FIRST INTERROGATORIES
(CLYDE)

and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

Interrogatories

1.) To the extent that any of your responses to any of PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (CLYDE) UNDER CASE No. CV 2008-180 (which accompanies this Interrogatory) is other than an unqualified admission, list all facts on which you based any part of your responses that is not an unqualified admission, identify all documents memorializing each such fact, and identify all persons with knowledge of each such fact. Specifically, please answer these questions in applying these instructions to these documents:

(a) Is your response to each PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (CLYDE) request served with these interrogatories an unqualified admission? If your responses are total unqualified admissions, then proceed to interrogatory # 2. If not proceed to (b).

(b) For each and every response to each PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (CLYDE) request served with these interrogatories to which your response to question 1) (a) is a denial or a qualified admission please answer the following questions for each and every such denial or qualified response:

PLAINTIFFS' FIRST INTERROGATORIES
(CLYDE)

- (i) state the number of such request;
- (ii) state all facts upon which you base your response;
- (iii) identify all Documents, sources of information, and other tangible

things that support your response and state the holder of such documents, information, or things. _____

2.) Any change in the (a) use, (b) width, (c) location, or (d) nature/type of the right of way/highway of CCR which may be in contravention to Idaho Statutes, Idaho State Constitution, U.S. Constitution, and/or Federal statutes and/or is disputed by an abutting landowner may be adjudicated by what NLCHD available means? Please be complete in your answer indicating the name of the means (process), the format of the process, and how the means (process) is initiated (If the format has a written form and/or a written self explanatory form, this is sufficient to cite the form and where to obtain a copy.), and what form would the decision come in (written and/or verbal)? _____

3.) List all available information and documents you know of, the names, addresses, phone numbers and whereabouts of anyone, who may have information of or the possession of documents concerning the acquisition of the prescriptive right of way/highway, CCR, the time of the prescriptive period for the prescriptive right of way/highway, CCR, the establishment of the prescriptive right of way/highway, CCR, and /or the width, location and use of the prescriptive right of way, CCR, at the end of the prescriptive period for the prescriptive right of way/highway, CCR. _____

4.) What is/are the points of difficulty in the resolution of the dispute with the Halvorsons? _____

5.) Do you consider the Halvorsons' complaints frivolous? _____

6.) If #7 is an affirmative answer, please state what evidence you would have to support a finding the Halvorsons have no complaint of legal merit and/or no disputed facts. _____

PLAINTIFFS' FIRST INTERROGATORIES
(CLYDE)

7.) If your answer to # 7 is a negative answer—you believe that the Halvorsons complaints are not frivolous—please so state what valid complaints that the Halvorsons have if these valid complaints are different from # 6. _____

8.) State the number of meetings you have had with the Halvorsons in trying to resolve the dispute over CCR. _____

9.) If your answer to # 6 and/or # 9 are affirmative—that the Halvorsons have valid complaints—please list each complaint as you understand it and the decision on which this complaint was answered and how and where the Halvorsons received their answer to each valid complaint. _____

10.) For each meeting in interrogatory # 10) please state all evidentiary points brought by each participant, any findings of fact determined by the you and the other commissioners, what final decisions you and the other commissioners stated, how the final decisions were rationally arrived at and how these final decisions were written down and transmitted to the Halvorsons. _____

11.) What rights do abutting landowners, Halvorsons, have to represent themselves?

12.) At the 4/12/06 meeting of the NLCHD was the commissioners decision not to get a survey and seek to resolve the dispute a rationally based decision? _____

13.) If your answer to interrogatory #13.) was an affirmative answer please answer the following:

(a) State the facts, evidence, legal precedent/custom for the basis of that decision; _____

(b) State any and all other reasons for that decision; _____

(c) At the present time would you now still adhere to the same decision? _____

(d) If # 14.) (c) is not an unqualified affirmation, please state your reasons for adjusting your decision. _____

PLAINTIFFS' FIRST INTERROGATORIES
(CLYDE)

14.) Did the commissioners approach (4/12/06 regular meeting of the NLCHD) to the Wagner driveway permit issuance, to the non revocation of the unlawful permit issuance, of refusal to accept culpability in the disagreement, of refusal to share in the resolving predetermining survey, and to the resolution of the right of way dispute of CCR in any way: _____

(a) advance the aspirations of the Wagners to obtain a reasonable, most cost effective, environmentally sound, and legally conducted accomplishment of a driveway access to CCR? If so please state and how this advancement was accomplished; _____

(b) inhibit the aspirations of the Wagners to obtain a reasonable, most cost effective, environmentally sound, and legally conducted accomplishment of a driveway access to CCR? If so please state and if so how this inhibition was accomplished; _____

(c) advance the aspirations of the Halvorsons to find an equitable settlement to the issue that would not unconstitutionally burden the servient estate and/or mar their title to their property? If so please state; _____

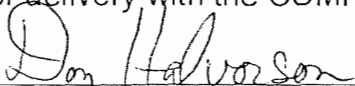
(d) inhibit the aspirations of the Halvorsons to find an equitable settlement to the issue that would not unconstitutionally burden the servient estate and/or mar their title to their proerty? If so please state; _____

(e) advance the public interest? If so please state; _____

(f) inhibit the public interest? If so please state; _____

15.) What purpose/s would either refusal to allow the Halvorsons to represent themselves, demanding that the Halvorsons hire an attorney, and/or refusal to allow the Halvorsons to speak with the NLCHD counsel serve? Please enumerate. _____

I hereby certify that a true copy was delivered to the Latah County Sheriffs Office on 3/21/08 for delivery with the COMPLAINT



Don Halvorson

PLAINTIFFS' FIRST INTERROGATORIES
(CLYDE)

ITEM 18

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' FIRST
Highway District, Orland Arneberg, Richard	)	REQUEST FOR ADMISSIONS
Hansen, Sherman Clyde, in their Official	)	(CLYDE)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

Plaintiffs (referred to in this document as plaintiffs, Halvorsons, first person pronouns as we, and/or I and the objective and possessive cases, such as us, our) request admissions of defendant Sherman Clyde (referred to in this document as Clyde, defendant, or you, including possessive case your) on the following matters pursuant to Idaho Rules of Civil Procedure rule number (IRCP) 36(a) and for purposes of the pending action of Plaintiffs allegations of violations highway/right of way authority of Camps Canyon Road as it travels through SENE Section 15 T39N R3WBM (CCR) and

PLAINTIFFS' FIRST REQUEST
ADMISSIONS (CLYDE)

as filed under Case No. CV 2008-180. This PLAINTIFFS' FIRST REQUEST FOR ADMISSIONS (CLYDE) are sent in conjunction with PLAINTIFFS' FIRST INTERROGATORIES (CLYDE). Copies of any other documents referred to in this admissions request have been submitted to or are of the rightful possession of the NLCHD and copies may be obtained there if needed for ascertaining your truthful answers. Under IRCP 36(a) ..."The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested represents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why the party cannot admit or deny it. The answers shall first set forth each request for admission made, followed by the answer or response of the party...."

PLEASE ADMIT OR DENY OR STATE YOUR REASON FOR OBJECTION TO THE FOLLOWING STATEMENTS. IF YOUR ANSWER TO ANY OF THESE STATEMENTS IS ANYTHING BUT AN UNQUALIFIED ADMISSION PLEASE REFER

PLAINTIFFS' FIRST REQUEST
ADMISSIONS (CLYDE)

TO THE ACCOMPANYING PLAINTIFFS' FIRST INTERROGATORIES (CLYDE),

interrogatory #1.

1.) In the fall of 1996, NLCHD foreman, Dan Payne, acting under NLCHD authority and under the policies/customs of the NLCHD made request of and agreement (the 1996 agreement) with Ed Swanson to alter, straighten, and/or widen CCR (the 1996 alteration). _____

2.) The 1996 agreement between Dan Payne (agent and/or foreman of the NLCHD) was that the NLCHD could cut down trees, straighten curves at both ends of the alteration, and extend the road bed to the northeast around a rock outcropping as far as the NLCHD needed to, to accomplish their goals and that this extension and straightening would push the road bed beyond the old fence line. _____

3.) The 1996 alteration exceeded the limits of the prescriptive right of way in the following manners:

a. Extension of the road bed and supporting structures beyond the old line fence--the boundary set by the owner as the limit to the prescriptive right of way and recognized by judicial custom and precedent as a prescriptive easement boundary. _____

b. The usage limit was narrow (less than 12 feet) and any increase of width (greater than 1 to 2%--less than 3 inches) would be considered to be in excess of incidental variation. _____

c. The actual physical location of CCR was altered in the straightening of the curves and the extension of the road bed around the rock outcropping and the washout of the roadbed. _____

d. The excavated trees (spontaneously growing--non human planted, 60 to 80 years old) indicated there had been no road usage amongst or under them. _____

e. Judicial custom and precedent recognizes the rebuttable presumptions of location and width as being as is now as it was at the end of the prescriptive

period in the absence of known alterations. The 1996 agreement and the 1996 alteration rebut these presumptions. _____

f. There is no archeological evidence of a 50 foot highway ever existing in Camps Canyon and more specifically the usage of the present CCR shows no archeological evidence of ever being 50 feet wide with the natural occurrence of rocks, trees, and steep terrain contradicting such a claim. _____

g. There is no objective evidence indicating a 50 foot highway was ever established in Camps Canyon. _____

4.) The 1996 alteration was a "taking" of private property (considered as a gift dedication). _____

5.) No permission was given by Ed Swanson for future widening in the 1996 agreement. _____

6.) Ed Swanson waived no future constitutional rights in the 1996 agreement. _____

7.) The 1996 alteration accomplished what the 1996 agreement entailed. _____

8.) When the 1996 alteration was finished in the fall of 1996 all work was complete that was agreed to in the 1996 agreement. _____

9.) There are no written records of the 1996 agreement. _____

10.) There are no written records of the 1996 alteration either as planning goals prior to the alteration or as accomplishments after completion of the 1996 alteration. _____

11.) The 1996 alteration was conducted in violation of Idaho Statutes. _____

12.) The line fence to the northeast of the 1996 alteration was reconstructed by the Halvorsons in the spring of 1997. _____

13.) The Halvorsons left a 5-10 foot buffer (the buffer) between the northeast edge of the 1996 reestablished road bed and the reconstructed fence line. _____

14.) The buffer had neither been granted to the NLCHD by Ed Swanson nor by the Halvorsons. The buffer remained in the possession of the Halvorsons. _____

15.) The buffer can only be obtained by the NLCHD through the civil procedures of eminent domain. _____

16.) No eminent domain/condemnation procedures have been processed on CCR. _____

17.) The widening of CCR in 2005 and 2006 to the northeast resulted in:

- a. the physical invasion and occupation of the buffer for a total of 5x 50 feet; _____
- b. redirection of the runoff drainage from the road bed creating additional erosion and undermining of the fence support post; _____
- c. damages to the fence of burying the wires; _____
- d. a known trespass and creation of a public nuisance. _____

18.) The claim of prescription to the northeast side of CCR is:

- a. a per se taking; _____
- b. a violation of the Halvorsons' constitutionally protected property rights; _____
- c. unsubstantiated by any objective evidence. _____
- d. rebutted and has been rebutted on several occasions, including but not limited to:

- (1) 4/12/06 regular meeting of the NLCHD by Halvorsons; _____
- (2) May 06 tour of CCR with Hansen by Halvorson; _____
- (3) 3/21/07 regular meeting of the NLCHD by the Halvorsons; _____
- (4) July 07 informal meeting at CCR by the Halvorsons and Ed Swanson; _____
- (5) 9/12/07 regular meeting of NLCHD by the Halvorsons. _____

19.) Issuance of the first permit (the permit) to the Wagners in 2006 was:

- a. in contravention to Idaho Statutes; _____
- b. in contravention to the Idaho State Constitution; _____
- c. in contravention to the U.S. Constitution; _____
- d. was arbitrarily, willfully, and recklessly done—without a rational decision based on the evidence. _____
- e. was done with malice and/or criminal intent—your knowledge of the 1996 alteration is undisputed. _____
- f. was officially sanctioned by the commissioners (final policy makers of the NLCHD) at the 4/12/06 regular meeting of the NLCHD. _____

g. was done in deliberate indifference to private property lines and valid objective evidence of private property claims by the Halvorsons. _____

20.) The decision not to revoke the permit on 4/12/06 was:

a. in contravention to Idaho Statutes; _____

b. in contravention to the Idaho State Constitution; _____

c. in contravention to the U.S. Constitution; _____

d. was arbitrarily, willfully, and recklessly done—without a rational decision based on the evidence; _____

e. was done with malice and/or criminal intent—your knowledge of the 1996 alteration is undisputed. _____

f. was officially sanctioned by the commissioners (final policy makers of the NLCHD) at the 4/12/06 regular meeting of the NLCHD. _____

g. was done in deliberate indifference to private property lines and valid objective evidence of private property claims by the Halvorsons. _____

21.) Widening of prescriptive right of ways/highways through maintenance is unconstitutional. _____

22.) Widening of prescriptive right of ways/highways through maintenance is a policy of the NLCHD. _____

23.) You are aware of Orland Arneberg's conflict of interest with Ridgeview Farms and the owners of Ridgeview Farms and the Wagner permit issuance and property line dispute with the Halvorsons. _____

24.) You are aware of Dan Payne's conflict of interest with Ridgeview Farms and the owners of Ridgeview Farms and the Wagner permit issuance and property line dispute (the dispute) with the Halvorsons. _____

25.) You are aware of Bob Wagner's relationship to Ridgeview Farms in the nature of:

a. employment and/or share in the farming; _____

b. brother-in-law of one of the partners. _____

26.) You talked with Bob Wagner about the dispute. _____

PLAINTIFFS' FIRST REQUEST
ADMISSIONS (CLYDE)

27.) You were aware of the dispute and:

- a. knew Arneberg had made available aerial photos to Bob Wagner; _____
- b. knew Bob Wagner had done his own survey; _____
- c. you knew Arneberg and/or Payne had told Bob Wagner that CCR had never been moved. _____
- d. you knew Arneberg and/or Payne had told Bob Wagner that CCR had never been altered (straightened or widened). _____
- e. you knew Arneberg and/or Payne had assured Bob Wagner that the historic access of the Harris (Wagner) driveway was where Bob Wagner thought it to be. _____
- f. you knew Arneberg and/or Payne had assured Bob Wagner that the 8 foot embankment where the historic driveway entered CCR was not the creation of the NLCHD and the 1996 alteration. _____

28.) Arneberg's statement/s at agency meetings 4/12/06 and/or 3/21/07 that CCR has never moved in his lifetime, tenure as commissioner, or under his watch as commissioner is/are not based in fact. _____

29.) You are knowledgeable of the decisions of the 1996 agreement and the 1996 alteration. _____

30.) It is the NLCHD policy to avoid deeded highway/right of way easements in favor of prescriptive easements. _____

31.) You are aware that prescriptive easements are not favored by judicial custom. ____

32.) The NLCHD turned down a deeded easement resolution proposed by the Wagners and the Halvorsons to the driveway dispute. _____

33.) Your refusal to initiate validation proceedings of CCR to resolve the location, public record, and establishment errors was:

- a. abuse of discretion; _____
- b. an arbitrary decision—not based on the evidence and/or finding of fact; _____

c. was done to prevent the discovery of the statutory and constitutional contraventions of the 1996 agreement and/or the 1996 alteration. _____

34.) Your offer to validate CCR if we pay you a fee of \$750 is based on the finding:

a. of insufficient evidence has been given to the NLCHD to have the Commissioners initiate validation proceedings; _____

b. that you have objective evidence to offer to substantiate your claims of:

(1) prescriptive right of way; _____

(2) the location and width to be as the location and width were known to be at the end of the prescriptive period of CCR. _____

c. that an attempt to extract further fees from the Halvorsons might be a way to get them to abandon their claims. _____

35.) You are aware of the civil procedure requirements of eminent domain/condemnation found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40 Chapter 20) and I.C. Title 7 Chapter 7. _____

36.) You are aware of the civil procedure requirements of eminent domain/condemnation found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40 Chapter 20) and I.C. Title 7 Chapter 7 and that these statutes are clear and well established. _____

37.) You are aware of the civil procedure requirements of the taking of private property found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40-604, 605, 606, 608, 1310, 1336, 2302 and 2312) and I.C. Title 7 Chapter 7. _____

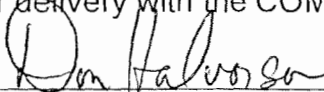
38.) You are aware of the civil procedure requirements of the taking of private property found in the Idaho Code (I.C.)—I.C. Title 40 (including but not limited to I.C. § 40-604, 605, 606, 608, 1310, 1336, 2302 and 2312) and I.C. Title 7 Chapter 7 and that these statutes represent clear and well established law. _____

39.) The civil procedure requirements of eminent domain/condemnation found in the Idaho Code and the civil procedure requirements of the taking of private property found in the Idaho Code are found:

PLAINTIFFS' FIRST REQUEST
ADMISSIONS (CLYDE)

- a.. in the written policies of the NLCHD; _____
 - b. in the employee training handouts, manuals or instruction sheets; _____
 - c. in verbal policies/customs of the NLCHD; _____
 - d. in employee training seminars, and/or in service trainings. _____
- 40.) Denial of the Halvorsons' request to speak with the NLCHD counsel in 9/07 was:
- a. a way to increase the Halvorsons' expenses; _____
 - b. a denial of the Halvorsons' right to represent themselves; _____
 - c. arbitrary decision of the NLCHD policy makers; _____
 - d. in deliberate indifference to the Halvorsons' rights to due process. _____

I hereby certify that a true copy was delivered
to the Latah County Sheriffs Office on 3/11/08
for delivery with the COMPLAINT



Don Halvorson

ITEM 19

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' SECOND
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(ARNEBERG)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Orland Arneberg in case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked,

followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

II

II. DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part of an ancient fence, posts or barbed wire whether standing or on the ground, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).

2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.

3. *Work done*: any movement of soil, and/or gavel, falling of and/or excavation of trees or tree stumps.

4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.

5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.

6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way.

7. *Maintenance*: as per the Idaho Code.

8. *The Wagners*: Bob and/or Kate Wagner

9. *Dependable statistic*: a measurement which could be relied on for accuracy.

10. *Known*: knowledge of and/or should have knowledge of

11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.

12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.
13. *Resulted in*: was preceded temporally by
14. *Was destroyed*: no longer exists do to the action of a person
15. *Wagner first driveway access permit* : the driveway access permit issued before 4/12/2006 and after 9/1/2005.
16. *In the vicinity of*: adjoining to, abutting to
17. *The 3+/- acre parcel*: See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title.
18. *In the application of law to fact*: As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).
19. *Standard operating procedure*: the steps or manners, which are required by law, policy, and/or custom to accomplish a goal.
20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
22. *Equal Treatment Under the Law*: See U.S. Constitution Amendments 5 and 14.
23. *In the vicinity of the west end of the 3+/- acre parcel*: within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.
24. *In the vicinity of the east end of the 3+/- acre parcel*: within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.
25. *Lowered the road bed*: any decrease in elevation in the road bed from what it was before and after work had been done.
26. *Contacted*: initiated a call or sought out in any way.
27. *Circumvent*: to go around.
28. *Agreement*: an understanding between two or more people.

29. *Active participation*: listening to, understanding, intending the results of the topics talked about, and/or giving permission for and/or denying permission for and/or affirmation of and or negation of the topics talked about.

NOTE: MAINTENANCE AND ALTERATION ARE MUTUALLY EXCLUSIVE,
REPAIR DOES NOT EQUATE MAINTENANCE AND ALTERATION.

Plaintiffs' Second Interrogatories 1. Please state and define any disagreements you have with any or all definitions found above in II. DEFINITIONS: to be used in this Plaintiffs' Second Interrogatories.

Plaintiffs' Second Interrogatories 2. Did Dan Payne talk to Ed Swanson in the last half of 1996 prior to the work done on CCR about making alterations to CCR. Specifically, did Dan Payne talk to Ed Swanson about any of the following:

- (a) cutting down and/or excavation of any trees;
- (b) straightening of the curves and/or alteration in the grade at the west end of the 3+/- acre parcel;
- (c) straightening of the curves at the east end of the 3+/- acre parcel;
- (d) lowering of the road bed at the east end of the 3+/- acre parcel;
- (e) alteration of the roadbed to circumvent the washout at the rock out cropping?

Plaintiffs' Second Interrogatories 3. In Plaintiffs' First Request For Admission, Request For Admission No. 2 you denied this Request (No. 2) by stating, "Denied, as there was no such agreement [1996 agreement with Ed Swanson]." In Plaintiffs' First Request For Admission, Request For Admission No. 1 you denied this Request (No. 1) by stating, "Denied, as Dan Payne does not remember making any such request and/or agreement with Ed Swanson." Dan Payne's lack of memory of the 1996 agreement is not a negation of any such agreement and/or request:

- (a) What other steps did you take to further your knowledge of a possible 1996 agreement and/or request of Ed Swanson by Dan Payne and/or do you admit there was an agreement between the NLCHD and Ed Swanson about any

alteration in CCR, in the vicinity of the 3+/- acre parcel in the last half of 1996 and Dan Payne just does not remember the agreement?

(b) Do you deny there was active participation by Ed Swanson in the contact with Ed Swanson by Dan Payne in the matters of the work to be done on CCR in the vicinity of the 3+/- acre parcel in the last half of 1996?

(c) Do you deny that Dan Payne talked to Ed Swanson about any or all of the work done on CCR in the vicinity of the 3+/- acre parcel in the last half of 1996?

(d) Do you deny that Ed Swanson understood what Dan Payne had said about the work to be done on CCR in the last half of 1996 in the vicinity of the 3+/-acre parcel?

(e) Do you deny that Dan Payne made any contacted with Ed Swanson before the work done on CCR in the last half of 1996 in the vicinity of the 3+/-acre parcel?

(f) Do you deny that there was any conversation at all between Dan Payne and Ed Swanson in the last half of 1996 about the work to be done on CCR in the vicinity of the 3+/- acre parcel?

Plaintiffs' Second Interrogatories 4. Please state the present legal established nature (type), width, and location of CCR in the vicinity of the 3+/- acre parcel. In the application of law to fact, include any and all substantiating data available and the location of this data for each and every characteristic, attribute and/or limit of the right of way in the vicinity of the 3+/- acre parcel. If no substantiating objective evidence is available or known please so state.

Plaintiffs' Second Interrogatories 5. What steps did the NLCHD take to insure no private property was improperly taken and/or not recorded in the widening and changing of the location of CCR in the vicinity of the 3+/- acre parcel in 1996?

Plaintiffs' Second Interrogatories 6. What steps did the NLCHD take to insure no private property was improperly taken and/or not recorded in the widening and of CCR in the vicinity of the 3+/- acre parcel in 2005 and/or 2006?

Plaintiffs' Second Interrogatories 7. In Plaintiffs' First Request For Admissions you denied Request For Admission No. 7.) Do you disagree with, whether with or without an agreement with Ed Swanson, the work done on CCR in the vicinity of the 3+/- acre parcel accomplished what the NLCHD intended to accomplish at the time in the last half of 1996? If so, why, if not why not?

Plaintiffs' Second Interrogatories 8. Please state the legal established width and location of CCR in the vicinity of the 3+/- acre parcel on December 31, 1996. In the application of law to fact, include any and all substantiating data available and the location of this data. If no substantiating objective evidence is available or known please so state.

Plaintiffs' Second Interrogatories 9. Please state all circumstances pertaining to the NLCHD's present claim of a 50-foot and/or a 25 foot from centerline prescriptive right of way/highway in the vicinity of the 3+/- acre parcel on the northeast side of CCR and all and any *application/s of law/s to fact/s pertaining to this claim.*

Plaintiffs' Second Interrogatories 10. Do you deny an ancient fence was present amongst the trees, which were cut down and excavated during the work done on CCR in the last half of 1996 in the vicinity of the 3+/- acre parcel, and ran along the northeast side of CCR prior to the work done on CCR in the last half of 1996 in the vicinity of the 3+/- acre parcel?

Plaintiffs' Second Interrogatories 11. In Response to Request For Admission No. 4 of Plaintiffs' First Request For Admission, your response was objection on the grounds it calls for a legal conclusion. No legal conclusions were requested; rather, as a Commissioner of the NLCHD, you know fact/s, have opinion/s of fact/s and apply laws to these fact/s and opinion/s of facts.

a. What is/are your knowledge of the fact/s and/or your opinion/s of the fact/s with regard to the taking of private property in the work done in the last half of 1996?

b. What is/are your knowledge of the fact/s and/or your opinion/s of the fact/s and the application of law to fact/s and/or opinion/s of fact/s with regard to the taking of private property in the work done in the last half of 1996?

c. In your position as Commissioner of the NLCHD what steps were taken to insure no private property was acquired by the improper interference of your/NLCHD action by the work done in 1996?

Plaintiffs Second Interrogatories 12. In Plaintiffs First Request For Admissions, Request For Admission No. 26, you stated, "Admitted. I first became aware of this issue when Halvorsons and Wagners appeared at a Commissioners meeting to discuss it. I had no further conversations with Mr. Wagner during the permitting phase. I have since spoken to Mr. Wagner on several occasions concerning his problems with Mr. Halvorson." In regards to this admission and your stated qualifications, answer the following interrogatories.

a. Where and when did these conversations take place?

b. Were other people present at these conversations?

c. What do you mean by the expression of "the permitting phase"; give the range of dates?

d. How did the different parties become aware of the same Commissioners' meeting to discuss the same issue; that is how did John Bohman, Gary Osborn, Bob Wagner, Kate Wagner, Patsy Wagner, Francis Wagner, and Don Halvorson all arrive at the same place at the same time; that is, were John Bohman, Gary Osborn, Bob Wagner, Kate Wagner, Patsy Wagner, Francis Wagner, on the meeting agenda, or was Don Halvorson on the meeting agenda and who put them on the agenda?

e. Did either or both parties receive notice and if so how was notice provided?

f. Was the issue put on the meeting agenda; that is, why did you choose to address Don Halvorson rather than any of the other people in the room?

g. Do you have any reasonable explanation for the confluence of both parties arriving at the same meeting with the availability of the time on the meeting schedule to address the issue?

h. Was any communication directed by the NLCHD (including commissioners and/or employees) to either party about discussing the issue at a commissioner's meeting?

i. Was the meeting you refer to the 4/12/06 meeting?

j. What are the dates of the "issue" with reference to the dealings of the Halvorsons with the NLCHD on the matter from your knowledge; that is, how long have the Halvorsons been talking to the NLCHD about the driveway permit and/or the NLCHD's unauthorized activities on CCR in the SENE of Section 15 T39N R3wBM?

k. Did any NLCHD commissioner and/or employee inform or talk to any of the parties to inform those who also attended this meeting (subpart j.).

Plaintiffs' Second Interrogatories 13. In Plaintiffs' First Request For Admissions, Request For Admission No. 28, your response, an objection to the Request For Admission was that the form of the request, "...misstates the statements made". Please restate the statements in your own words.

Plaintiffs' Second Interrogatories 14. In Plaintiffs' First Request For Admissions, Request For Admission No. 28, your response, an objection to the Request For Admission was that the form of the request, "...misstates the statements made". Please restate your words and/or your meaning to the words, if the words are to imply anything but what your words stated as recorded in the minutes of the 3/21/07 meeting, "Orland Arneberg said he's lived out there his whole life and can testify that the road hasn't moved".

Plaintiffs' Second Interrogatories 15. Do you deny giving Bob Wagner the aerial photos presented at the 3/21/07 NLCHD meeting by the commissioners and/or copies of these aerial photos any time preceding 7/1/2006?

Plaintiffs' Second Interrogatories 16. In Plaintiffs' First Request For Admissions, Request For Admission No. 27, your response was, "Admitted as to its general location and denied as to minor movement." Please (a) define "minor movement" and (b) state circumstances under which you told Bob Wagner this (i.e. when, where, and who else was present).

Respectfully submitted,

Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this ___th day of June, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input type="checkbox"/>	U.S. Mail
	<input type="checkbox"/>	Federal Express Standard Overnight Mail
	<input type="checkbox"/>	FAX (208) 883-4593
	<input checked="" type="checkbox"/>	Hand Delivery

Don Halvorson

ITEM 20

0576

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' SECOND
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(HANSEN)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
<u>Defendants</u>)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Richard Hansen in case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them.

The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

II

II. DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part of an ancient fence, posts or barbed wire whether standing or on the ground, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).

2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.

3. *Work done*: any movement of soil, and/or gavel, falling of and/or excavation of trees or tree stumps.

4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.

5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.

6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way.

7. *Maintenance*: as per the Idaho Code.

8. *The Wagners*: Bob and/or Kate Wagner

9. *Dependable statistic*: a measurement which could be relied on for accuracy.
10. *Known*: knowledge of and/or should have knowledge of
11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.
12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.
13. *Resulted in*: was preceded temporally by
14. *Was destroyed*: no longer exists do to the action of a person
15. *Wagner first driveway access permit*: the driveway access permit issued before 4/12/2006 and after 9/1/2005.
16. *In the vicinity of*: adjoining to, abutting to
17. *The 3+/- acre parcel*: See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title.
18. *In the application of law to fact*: As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).
19. *Standard operating procedure*: the steps or manners, which are required by law, policy, and/or custom to accomplish a goal.
20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
22. *Equal Treatment Under the Law*: See U.S. Constitution Amendments 5 and 14.
23. *In the vicinity of the west end of the 3+/- acre parcel*: within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.

24. *In the vicinity of the east end of the 3+/- acre parcel:* within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.

25. *Lowered the road bed:* any decrease in elevation in the road bed from what it was before and after work had been done.

26. *Contacted:* initiated a call or sought out in any way.

27. *Circumvent:* to go around.

28. *Agreement:* an understanding between two or more people.

29. *Active participation:* listening to, understanding, intending the results of the topics talked about, and/or giving permission for and/or affirmation of the topics talked about.

NOTE: MAINTENANCE AND ALTERATION ARE MUTUALLY EXCLUSIVE, REPAIR DOES NOT EQUATE MAINTENANCE AND ALTERATION.

Plaintiffs' Second Interrogatories 1. Please state and define any disagreements you have with any or all definitions found above in II. DEFINITIONS: to be used in this Plaintiffs' Second Interrogatories.

Plaintiffs' Second Interrogatories 2. For what reasons did you offer to honor Plaintiffs' petition for validation of CCR?

Plaintiffs' Second Interrogatories 3. Did Plaintiffs ever request/petition to initiate validation of CCR, if so when?

Plaintiffs' Second Interrogatories 4. For what reasons did you turn down Plaintiffs' request that you initiate validation proceedings of CCR?

Plaintiffs' Second Interrogatories 5. Did Plaintiffs ever show you evidence that CCR's location and/or width had changed as a result of alterations to CCR in the vicinity of the 3+/- acre parcel; that is, was it not obvious that the commissioners did not know the location of CCR in the vicinity of the 3+/- acre parcel in their failure to revoke the first Wagner driveway access permit based on any rational evaluation of the evidence after the 4/12/2006 meeting and Plaintiffs' allegations that CCR had been changed in 1996 and that the then present driveway access was not in the location of the historic driveway access and was trespassing?

Plaintiffs' Second Interrogatories 6. Did Plaintiffs ever show you evidence that CCR's legal establishment in the vicinity of the 3+/- acre parcel was questioned; that is did Plaintiffs ever show you evidence that CCR had been moved in the vicinity of the 3+/- acre parcel in the last half of 1996?

Plaintiffs' Second Interrogatories 7. Did Plaintiffs ever show you evidence that CCR's present location and the location as recorded in the public record in the vicinity of the 3+/- acre parcel were not in agreement; that is, a comparison of the described location of CCR in Plaintiffs' deed and the survey done by Rimrock Consultants in May to July , 2006?

Plaintiffs' Second Interrogatories 8. In the application of law/s to fact/s and or opinion/s of fact/s what application did your legal advice to Plaintiffs' questions and Plaintiffs' requests for resolution of controversies consist of in stating that their questions and requests for resolution to the controversies would be answered by paying a \$750 fee and applying for validation?

Plaintiffs' Second Interrogatories 9. Your response to Plaintiffs' First Interrogatories (Hansen) Interrogatory No. 14 was:

(a) "Object to the form of Interrogatory as it misstates the 'decision'". Please restate your reason for the decision not to get a survey to resolve the dispute over the driveway access permit in your own words.

(b) "NLCHD Commissioners continued to attempt to resolve Halvorson's concerns but Halvorsons chose to initiate a lawsuit rather than utilize alternative dispute resolution process." Did not the Halvorsons request a formal meeting (3/21/07), an informal meeting 7/07, file Requests For Regulatory Taking Analysis, request a disputed case under IDAPA, offer to the Wagners and the NLCHD a deeded easement resolution, request to speak with the NLCHD counsel, submit a proposal for resolution in August 2007, and request that the NLCHD Commissioners initiate validation of CCR?

(c) What "alternative dispute resolution processes" did Commissioners offer in the last two years?

(d) In your own words what were the "Halvorson's concerns"?

(e) List each "concern" and what steps the NLCHD Commissioners did to "attempt to resolve Halvorson's concerns"?

Plaintiffs' Second Interrogatories 10. Did the NLCHD issue a permit for a driveway access permit to the Wagners before 4/12/06 and after 9/1/2005?

Plaintiffs' Second Interrogatories 11. Did the Wagners abate their first driveway because it was trespassing on the Halvorson property?

Plaintiffs' Second Interrogatories 12. Did the NLCHD issue a second permit for a driveway access permit to the Wagners after 5/31/2006?

Plaintiffs' Second Interrogatories 13. Why did the NLCHD issue a second permit for a driveway access permit to the Wagners after 5/31/2006?

Plaintiffs' Second Interrogatories 14. What did the NLCHD do with the first Wagner permit for a driveway access; that is, was final approval given?

Plaintiffs' Second Interrogatories 15. Why was final approval and record of the first Wagner permit not kept; that is Dan Payne signed approval of road access on the Wagners' Latah County building permit on 3/27/2006, was this not reason to keep the first permit as it was the authority for signing the building permit?

Plaintiffs' Second Interrogatories 16. On 4/12/2006 at the regular meeting of the Commissioners of the NLCHD, Plaintiffs brought evidence of the probable trespass of the first Wagner Permit and offered their evidence and testimony to the Commissioners at the request of the Commissioners (Arneberg asked Don Halvorson to speak even though he was not on the agenda and others were present in the room, including the Wagners). Was not this evidence and testimony presented to the commissioners directed toward the opinions of the Plaintiffs that the first driveway access permit was trespassing?

Plaintiffs' Second Interrogatories 17. At the 4/12/2006 meeting, what was the NLCHD's position of the first permit; that is, the first permit for the Wagners' driveway access was valid for what stated reasons?

Plaintiffs' Second Interrogatories 18. What did the Commissioners do to insure the first Wagner Permit was not issued for unlawful actions (creation of a nuisance and/or malicious trespass); that is, what objective data was offered in support of and/or existed to rebut what Plaintiffs alleged, that CCR had been altered in 1996 and the loss of road frontage of the 3+/- acre parcel was evidence of this 1996 alteration and not evidence in support of not revoking the Wagners' first driveway access permit or of even issuing it in the first place and that Dan Payne and the Commissioners knew of the 1996 alterations

to CCR in the vicinity of the 3+/- acre parcel and that the presence of a prescriptive right of way did not give authority to cross underlying property lines?

Plaintiffs' Second Interrogatories 19. What did the Commissioners do to insure the first Wagner Permit was not issued for unlawful actions (creation of a nuisance and/or malicious trespass) after the Commissioners were told by Plaintiffs at the 4/12/2006 meeting that the Wagner Driveway was trespassing; that is, what did the Commissioners do to "attempt to resolve Halvorson's concerns" (Your response to Plaintiffs' First Interrogatories (Hansen) Interrogatory No. 14 was: "NLCHD Commissioners continued to attempt to resolve Halvorson's concerns but Halvorsons chose to initiate a lawsuit rather than utilize alternative dispute resolution process.") and/or did the Commissioners show deliberate indifference to Plaintiffs' rights and property lines?

Plaintiffs' Second Interrogatories 20. What did the Commissioners do to insure the first Wagner Permit was not issued for unlawful actions (creation of a nuisance and/or malicious trespass) after the Commissioners were told by Plaintiffs at the 4/12/2006 meeting that the Wagner Driveway was trespassing and that the Plaintiffs would call for a survey?

Plaintiffs' Second Interrogatories 21. If the Plaintiffs were calling for a survey, and the Commissioners had been given notice and fair warning that the first Wagner permit was trespassing, and the Commissioners knew the road had been changed from its original description in the Wagner deed, what would, in your opinion, be a "reasonable" action to take in regards to the status of the first Wagner driveway access permit; that is, to maintain the permit or to revoke it until the survey was completed? Please state your reasons along with your answer in the application of law to these facts as Commissioner of the NLCHD.

Plaintiffs' Second Interrogatories 22. Is there, in your opinion, a difference in the Commissioners inaction (not revoking the first Wagner permit) and an actual official statement that the permit would be continued as active; that is, with knowledge of the alleged trespass by Plaintiffs, did not the Commissioners intervene in the action whether it was by inaction (not revoking the permit), actively stating to continue the permit, or by not enforcing the revocation of the permit?

Plaintiffs' Second Interrogatories 23. Did the Commissioners by their actions/inactions at the 4/12/2006 meeting, as the final policy makers of the NLCHD, endorse the issuance and/or non revocation of the first Wagner driveway access permit for a known or should have known violation (malicious trespass and/or creation of a nuisance) of law?

Plaintiffs' Second Interrogatories 24. Did the Commissioners by their actions/inactions at the 4/12/2006 meeting, as the final policy makers of the NLCHD, endorse the issuance and/or non revocation of the first Wagner driveway access permit for a known or should have known violation (malicious trespass and/or creation of a nuisance) of law, and acted/failed to act in deliberate indifference to Plaintiffs colorable claim?

Plaintiffs' Second Interrogatories 25. What reasons did you give Plaintiffs for the legal justification of the Plaintiffs allegation that the grader operator had pushed a tree through their fence in the fall of 2004?

Plaintiffs' Second Interrogatories 26. What steps did you take to insure Plaintiffs complaint that the grader operator had pushed a tree through their fence in the fall of 2004 was not accurate; that is, whom did you interview, either Dan Payne, Jim Sergeant and/or others?

Plaintiffs' Second Interrogatories 27. What was your final determination of Plaintiffs' allegations of damage to their fence by the grader operator pushing a fallen tree through their fence?

Plaintiffs' Second Interrogatories 28. Plaintiffs have brought complaints to the Commissioners of the NLCHD about alleged damage to their fence.

(a) Have Plaintiffs ever been given notice to remove their fence?

(b) Are the damages alleged by Plaintiffs to their fence justified by the claim of prescription by the NLCHD? If so, by what statute?

(c) Damage to a fence is a misdemeanor, or a felony I.C. §18-7001, and/or I.C. § 18-7012; in your application of law to opinions of facts and/or facts, how do you explain the contradiction that damage to Plaintiffs' fence is justified by your claim of prescription and/or lack of any other justification?

(d) Do you deny that the drainage from CCR was altered between the northwest end of Plaintiffs' driveway culvert and the cross road culvert to the northwest of Plaintiffs driveway culvert?

(e) In Plaintiffs' First Interrogatories Interrogatory No. 3 your response reads, "Width of CCR was widened on the north side in 1996 to its present width." In Plaintiffs' First Request For Admissions Request For Admission No. 13 your response reads, "Denied, as there was a separation between three and ten feet between traveled edge of CCR and fence when constructed in 1997." Notwithstanding the opinions of fact that Plaintiffs state the separation (buffer) was 5 to 10 feet and that the fence was constructed in 1997 was reconstructed, how do you account for the discrepancy that northwest of Plaintiffs corral there is no separation between Plaintiffs' fence and CCR and its supporting structures?

(f) What steps have you taken to ascertain the differences in CCR and its supporting structures from 1996 to the present; that is how do you explain the wires of Plaintiffs' fence now lies beneath the dirt and gravel of CCR, and

(g) What happened to the separation of three (5) feet between Plaintiffs' fence and the traveled surface of the road; that is have you shown anything but deliberate indifference to Plaintiffs' allegations and if not what actions have you taken?

Plaintiffs' Second Interrogatories 29. In Plaintiffs' First Request For Admissions Request For Admission No. 14 your response reads, "Admit that no grant was made by Swanson to the NLCHD and, otherwise, denied." By what events do you deny that the separation (3 to ten feet) (buffer 5 to 10 feet) no longer remains in the possession of the Halvorsons and/or was granted to the NLCHD by the Halvorsons?

Plaintiffs' Second Interrogatories 30. How have you, as Commissioner of the NLCHD, applied the law to the facts and opinions of facts you ascertained of Plaintiffs' colorable claim and/or allegations of your their taking of their land, your damages to Plaintiffs' fence, and your issuing and not revoking driveway access permit for unlawful and unauthorized acts (if so please state these facts, opinions of fact and the application of the laws to these facts and opinions of fact) or have you intentionally stonewalled Plaintiffs with inaction and deliberate indifference (if not, please state what determinations you have made, what the rational basis was for these determinations, what final decisions of these determinations you have related to Plaintiffs, and how these final decisions have been transmitted to Plaintiffs during the last two years)?

On this ___ day of June, 2008

Respectfully submitted,

Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this ___th day of June, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express Standard Overnight Mail <input type="checkbox"/> FAX (208) 883-4593 <input checked="" type="checkbox"/> Hand Delivery
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Don Halvorson

ITEM 21

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of)	Case No. CV 2008-180
Commissioners for the North Latah County)	PLAINTIFFS' SECOND
Highway District, Orland Arneberg, Richard)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official)	(PAYNE)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Dan Payne in case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon

whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

II

II. DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part of an ancient fence, posts or barbed wire whether standing or on the ground, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).

2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.

3. *Work done*: any movement of soil, and/or gavel, falling of and/or excavation of trees or tree stumps.

4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.

5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.

6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way.

7. *Maintenance*: as per the Idaho Code.

8. *The Wagners*: Bob and/or Kate Wagner

9. *Dependable statistic*: a measurement which could be relied on for accuracy.

10. *Known*: knowledge of and/or should have knowledge of
11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.
12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.
13. *Resulted in*: was preceded temporally by
14. *Was destroyed*: no longer exists do to the action of a person
15. *Wagner first driveway access permit*: the driveway access permit issued before 4/12/2006 and after 9/1/2005.
16. *In the vicinity of*: adjoining to, abutting to
17. *The 3+/- acre parcel*: See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title.
18. *In the application of law to fact*: As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).
19. *Standard operating procedure*: the steps or manners, which are required by law, policy, and/or custom to accomplish a goal.
20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
22. *Equal Treatment Under the Law*: See U.S. Constitution Amendments 5 and 14.
23. *In the vicinity of the west end of the 3+/- acre parcel*: within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.
24. *In the vicinity of the east end of the 3+/- acre parcel*: within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.

25. *Lowered the roadbed*: any decrease in elevation in the road bed from what it was before and after work had been done.

26. *Contacted*: initiated a call or sought out in any way.

27. *Circumvent*: to go around.

28. *Agreement*: an understanding between two or more people.

29. *Active participation*: listening to, understanding, intending the results of the topics talked about, and/or giving permission for and/or affirmation of the topics talked about.

NOTE: MAINTENANCE AND ALTERATION ARE MUTUALLY EXCLUSIVE; REPAIR DOES NOT EQUATE MAINTENANCE AND ALTERATION.

Plaintiffs' Second Interrogatories 1 Please state the standard operating procedure for straightening, widening, altering, and/or changing CCR.

Plaintiffs' Second Interrogatories 2 Please state the standard operating procedure for insuring no private property is taken in straightening, widening, altering, and/or changing CCR.

Plaintiffs' Second Interrogatories 3. Please state the steps you took to insure that no private property was taken in the last half of 1996 in the changes, alterations, straightening, and or widening of CCR in the vicinity of the 3+/- acre parcel?

Plaintiffs' Second Interrogatories 4. Please state the steps you took to insure that no private property was taken in 2005 in the changes, alterations, straightening, and or widening of CCR in the vicinity of the 3+/- acre parcel?

Plaintiffs' Second Interrogatories 5. Please state the steps you took to insure that no private property was taken in 2006 in the changes, alterations, straightening, and or widening of CCR in the vicinity of the 3+/- acre parcel?

Plaintiffs' Second Interrogatories 6. When did you first become aware of a property line dispute between the Wagners and Plaintiffs in the vicinity of the 3+/- acre parcel?

Plaintiffs' Second Interrogatories 7. When did you issue the first driveway access permit to the Wagners?

Plaintiffs' Second Interrogatories 8. When did you take final action on the first Wagner driveway access permit (Latah County Building department shows record of you signing off on the question of road access for the Wagners' building permit in March 2006)?

Plaintiffs' Second Interrogatories 9. What was the final action taken on the first Wagner driveway access permit?

Plaintiffs' Second Interrogatories 10. Did the Wagners apply for a second driveway access permit?

Plaintiffs' Second Interrogatories 11. (a) Do you know of any reason/s why the Wagners applied for a second driveway access permit? (b) If so, for what reason/s did the Wagners apply for a second driveway access permit?

Plaintiffs' Second Interrogatories 12. What steps did you take to ascertain the facts of Plaintiffs' allegation that the Wagners' first driveway access permit was violating the law, that is, trespassing before the 4/12/2006 NLCHD regular meeting?

Plaintiffs' Second Interrogatories 12. What steps did you take to ascertain the facts of Plaintiffs' allegation that the Wagners' first driveway access permit was not violating the law, that is, trespassing after the 4/12/2006 NLCHD regular meeting?

Plaintiffs' Second Interrogatories 13. What steps did you take to ascertain the facts of Plaintiffs' allegation that the Wagners' first driveway access permit was not violating the law, that is, trespassing after the completion of Plaintiffs' survey?

Plaintiffs' Second Interrogatories 14. Why did you not at any time consider revoking Wagners' first permit; that is, what objective data did you rely on that the Plaintiffs' allegation of trespass of the first Wagner driveway access permit was not correct?

Plaintiffs' Second Interrogatories 15. In your response to Plaintiffs' First Interrogatories Plaintiffs' Interrogatory No. 13 you stated "To the best of my knowledge and belief, Wagners' request was for a permit on an approach located wholly within Wagners' property. My decision was rationally based on facts and circumstances known to me." What were these facts and circumstances, including circumstances of any and all changes to CCR in the vicinity of the 3+/- acre parcel and the ramifications of these changes and their potential effect on the historic driveway access to the 3+/- acre parcel and your knowledge of these changes?

Plaintiffs' Second Interrogatories 16. In your response to Plaintiffs' First Interrogatories Plaintiffs' Interrogatory No. 13 you stated "To the best of my knowledge and belief, Wagners' request was for a permit on an approach located wholly within Wagners' property. My decision was rationally based on facts and circumstances known to me." What facts and circumstances did Plaintiffs present to rebut your statement at the 4/12/2006 meeting and what steps did you take to insure the correctness of your

knowledge and/or belief or did you simply ignore Plaintiffs' allegations with deliberate indifference?

Plaintiffs' Second Interrogatories 17. (a) On or before 4/12/2006 did you and others make measurements to determine the position of the east property line of the 3+/- acre parcel? (b) What measurements did you make? (c) What were the results of these measurements?

Plaintiffs' Second Interrogatories 18. (a) At the 4/12/2006 meeting of the NLCHD Commissioners did you state that the driveway access permit was valid as it was within the NLCHD's prescriptive right? (b) If this is not an accurate restatement, please restate in your own words the relationship between the driveway access permit, validity of the permit, and the claim of prescriptive right of way as expressed by you at the 4/12/2006 meeting.

Plaintiffs' Second Interrogatories 19. (a) At the 4/12/2006 meeting of the NLCHD Commissioners did you state that the driveway access permit was valid as it was within road frontage recorded on the Wagners' deed? (b) If this is not an accurate restatement, please restate in your own words the relationship between the driveway access permit, validity of the permit, and the measurement of road frontage.

Plaintiffs' Second Interrogatories 20. In your response to Plaintiffs' First Interrogatories Plaintiffs' Interrogatory No. 14 subpart (b) you stated, "Met all NLCHD requirements." Does the NLCHD allow a permit to be issued for an unlawful act and if not, how then did the first Wagner driveway access permit "Me[e]t all NLCHD requirements"?

Plaintiffs' Second Interrogatories 21. In your response to Plaintiffs' First Interrogatories Plaintiffs' Interrogatory No. 16 you stated, "...to the best of my knowledge no request was

made by Halvorsons to revoke such permit and, therefore no decision to not revoke was ever considered.” In reference to this statement, please answer the following:

(a) Is not the decision to revoke a permit, yours and the Commissioners of the NLCHD?

(b) On what facts, opinions of facts, and the application of what laws to these fact/s and/or opinion/s of fact/s was the decision not to revoke the first Wagner driveway permit made?

(c) On 4/12/2006 at the regular meeting of the NLCHD, Plaintiffs alleged that they rebutted claims by you and Orland Arneberg that the prescriptive right of way gave the NLCHD the right to issue the first Wagner driveway access permit where they had issued the permit for, notwithstanding the potential violation of the east property line of the 3+/- acre parcel, that the measurement of the road frontage described in the Wagner deed was no longer a dependable statistic as the NLCHD had altered the road in 1996 and had straightened the road, and Plaintiffs requested that the Wagners and the NLCHD share the cost of a survey as the Defendants had no rights (the NLCHD to issue a permit) in the actions they had taken, and the Wagners had no rights to build a driveway. Plaintiffs alleged that the first Wagner driveway access and the permit for it were in violation of the law. Notwithstanding your denial of Plaintiffs allegation that they asked the NLCHD to revoke the first Wagner driveway access permit, why did the NLCHD not consider the revocation of the first Wagner driveway access permit?

(d) From what authority do you derive the discretion to revoke the first Wagner driveway access permit or not to revoke it; that is, how does the NLCHD have the discretion to break the law?

(e) What steps did you take to insure the Plaintiffs were not correct in their allegations?

(f) Considering that you stated that you knew CCR in the vicinity of the 3+/- acre parcel had been straightened, widened and altered in the last half of 1996 (see Plaintiffs' First Request For Admissions Request For Admission No. 3, subpart c.) , as you were

participatory in the alterations, what steps did you take to insure the permit was valid, not issued for a unlawful act?

Plaintiffs' Second Interrogatories 22. In the application of law to fact, including any and all substantiating data available or known and the location of this data, please state any changes in CCR in the vicinity of the 3+/- acre parcel after May 31, 1996 to present in the legal established:

- a. Width;
- b. Location;
- c. Nature.

Plaintiffs' Second Interrogatories 23. Please state and define any disagreements you have with any or all definitions found above in II. DEFINITIONS: to be used in this Plaintiffs' Second Interrogatories.

Plaintiffs' Second Interrogatories 24. What is the extent of the actual physical use and/or occupation of the land under the authority of the NLCHD's right of way/highway CCR; that is, does the width of the right of way/highway include any supporting structures or just the traveled "surface"?

Plaintiffs' Second Interrogatories 25. State in your own words what conversations you had with Ed Swanson in the last half of 1996 with regards to any work to be done on CCR in the vicinity of the 3+/- acre parcel, including any communication of cutting down of trees, straightening of any curves, widening of any roadbed and/or supporting structures, circumventing any washout in the roadbed and/or topics concerning CCR in the SENE Section 15 T39N 3WBM.

Plaintiffs' Second Interrogatories 26. Did you give notice to Plaintiffs that the NLCHD was planning to widen CCR in the vicinity of the 3+/- acre parcel in 2005?

Plaintiffs' Second Interrogatories 27. Did you give notice to Plaintiffs that the NLCHD was planning to widen CCR in the vicinity of the 3+/- acre parcel in 2006?

Plaintiffs' Second Interrogatories 28. State in your own words the circumstances of the covering of the separation between Plaintiffs' new fence (Defendants claim Plaintiffs' reconstructed fence) and the traveled surface of the road (Defendants call this separation between Plaintiffs' new fence and the traveled surface of CCR--Plaintiffs' call it the buffer) (see Plaintiffs' First Request For Admissions Request For Admission No. 13) with dirt and gravel and appearance of a new drainage ditch in the area to the northeast side of CCR in the vicinity of the 3+/- acre parcel between the end of Plaintiffs' corral fence and for 50 feet to the northeast of the corral fence, if this coverage with dirt and gravel is not and relocation of the drainage ditch is not the work of the NLCHD and is not considered the supporting structure of CCR, and the admission to the widening of CCR in the vicinity of the 3+/- acre parcel does not include any widening or changes to CCR to the northeast side of the road (see Plaintiffs' First Interrogatories Interrogatory No. 3); that is, that present width now is as it was at the end of the widening of 1996, and that there was a 3 (Plaintiffs state this to be 5 to 10 feet between the right of way, that is the roadbed and its supporting structures including ditches and Plaintiffs rebuilt fence) to 10 foot separation between Plaintiffs' fence and the traveled surface of CCR, when and by whom was this change made, as the dirt and gravel now lay upon Plaintiffs' fence and the old compaction roller that occupied that space is now pushed back into and onto the fence?

On this ___ day of June, 2008

Respectfully submitted,

Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this ___th day of June, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK	<input type="checkbox"/>	U.S. Mail
LANDECK, WESTBERG, JUDGE	<input type="checkbox"/>	Federal Express Standard
& GRAHAM, P.A.		Overnight Mail
414 S. Jefferson	<input type="checkbox"/>	FAX (208) 883-4593
P.O. Box 9344	<input checked="" type="checkbox"/>	Hand Delivery
Moscow, ID 83843		

Don Halvorson

ITEM 22

Don Halvorson
 1290 American Ridge Road
 Kendrick, Idaho, 83537
 (208) 289-5602
 Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' SECOND
Highway District, Orland Arneberg, Richard	)	INTERROGATORIES
Hansen, Sherman Clyde, in their Official	)	(CLYDE)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
<u>Defendants</u>)	

These interrogatories are requested by Plaintiffs (Halvorson) of defendant Sherman Clyde in case no. CV 2008-180 and under Idaho rules of civil Procedure (IRCP) 33(a)(2) Answers to Interrogatories. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections may be signed by the attorney making them. The party upon whom the interrogatories have been served shall serve the original of the answers, and objections if any, within 30 days after the service of the interrogatories. The court may allow a shorter or longer time. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party. The party submitting the interrogatories

may move for an order under Rule 37(a) with respect to any objection to or other failure to answer any interrogatory. Please refer to the Idaho Rules of Civil Procedure for the complete requirements for answering these interrogatories.

II

II. DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part of an ancient fence, posts or barbed wire whether standing or on the ground, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).

2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.

3. *Work done*: any movement of soil, and or gavel, excavation of trees or tree stumps.

4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.

5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.

6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way.

7. *Maintenance*: as per the Idaho Code.

8. *The Wagners*: Bob and/or Kate Wagner

9. *Dependable statistic*: a measurement which could be relied on for accuracy.

10. *Known*: knowledge of and/or should have knowledge of

11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.

12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.

13. *Resulted in*: was preceded temporally by

14. *Was destroyed*: no longer exists do to the action of a person

15. *Wagner first driveway access permit*: the driveway access permit issued before 4/12/2006 and after 9/1/2005.

16. *In the vicinity of*. adjoining to, abutting to

17. *The 3+/- acre parcel*. See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title.

18. *In the application of law to fact*. As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).

19. *Standard operating procedure*: the steps or manners, which are required by law, policy, and/or custom to accomplish a goal.

20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.

21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.

22. *Equal Treatment Under the Law*. See U.S. Constitution Amendments 5 and 14.

23. *In the vicinity of the west end of the 3+/- acre parcel*. within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.

24. *In the vicinity of the east end of the 3+/- acre parcel*. within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.

25. *Lowered the road bed*. any decrease in elevation in the road bed from what it was before and after work had been done.

26. *Contacted*. initiated a call or sought out in any way.

27. *Circumvent*: to go around.

NOTE: MAINTENANCE AND ALTERATION ARE MUTUALLY EXCLUSIVE, REPAIR DOES NOT EQUATE MAINTENANCE AND ALTERATION.

Plaintiffs' Second Interrogatories 1. In Plaintiffs' First Request For Admissions you denied Request For Admission No. 13.) on what appears to be your disagreement with definitions of "buffer", "reconstructed fence", and/or "left". In your own words, regarding

“the separation between the traveled edge of CCR and the fence when constructed in 1997”, answer the following questions:

a. What is the extent of the actual physical use and/or occupation of the land under the authority of the NLCHD’s right of way/highway CCR; that is, does the width of the right of way/highway include any supporting structures or just the traveled “surface”?

b. What is the authority by which Plaintiffs’ Second Interrogatories 1., subpart a. is determined?

c. At present what is the distance between the physical usage and or occupation of Plaintiffs’ property by the NLCHD ‘s right of way/highway and Plaintiffs’ fence.

d. Your response to Plaintiffs’ First Request For Admissions Request For Admission No. 13.) was a denial. “Denied, as there was a separation between three and ten feet between traveled edge of CCR and fence when constructed in 1997.” Does this denial then state that the NLCHD does not presently physically occupy any land within 3 to ten feet of the fence, and if so by what authority?

e. Plaintiffs claim ownership of the land up to and including 5 to 10 feet southwest of their fence unencumbered by any right of way/highway, easement or any other instrument indicating a servient tenement and/or presence of a dominant tenement. Do you have any objective information of, knowledge of or documentation of any existent right of way /highway and/or easement which would indicate any such encumbrance and if so provide documentation and/or where such documentation is to be found?

f. If your answer to Plaintiffs’ Second Interrogatories 1., subpart e. is the affirmative please state the name of such person, document, and/or thing the whereabouts of such person, document, and/or thing.

g. Your response to Plaintiffs’ First Request For Admissions Request For Admission No. 14.) was, “Admit only to that no grant was made by Swanson to NLCHD and, otherwise denied.” Are you claiming Plaintiffs made a grant to the NLCHD and/or Plaintiffs do not have fee simple title to the land in question (the 3 (5 feet, Plaintiffs state) feet to 10 feet of separation between the traveled edge of CCR and Plaintiffs’ fence (the buffer according to Plaintiffs)) unencumbered by any easement, right of way/highway or other instrument? If so, please state any such source or authority for such a claim.

h. Your response to Plaintiffs' First Request For Admissions Request For Admission No. 15.) was a denial. In Response to Request For Admission No.15 of Plaintiffs' First Request For Admission, your response was objection on the grounds it calls for a legal conclusion. No legal conclusions were requested; rather, as a Commissioner of the NLCHD, you know fact/s, have opinion/s of fact/s and apply laws to these fact/s and opinion/s of facts. Do you know of another legal manner for the NLCHD to obtain unused land abutting a prescriptive way and/or outside of the limits of a deeded easement, right of way and/or highway other than by eminent domain? If so, please state such procedure, the legal authority for it and/or other reason for your denial of the Request For Admission No. 15 Plaintiffs' First Request For Admission.

Plaintiffs' Second Interrogatories 2. Please state the standard operating procedure of the NLCHD for widening, straightening or changing of a right of way/highway.

Plaintiffs' Second Interrogatories 3. In Plaintiffs' First Request For Admissions you denied Request For Admission No. 3.) subpart g. which read "There is no objective evidence indicating a 50 foot highway was ever established in Camps Canyon." Please state your objective evidence and/or your reason for denial of this Request.

Plaintiffs' Second Interrogatories 4. In Plaintiffs' First Request For Admissions you denied Request For Admission No. 3.) subpart f. Please state your archeological evidence and/or your reason for denial.

Plaintiffs' Second Interrogatories 5. In Plaintiffs' First Request For Admissions you denied Request For Admission No. 3.) subpart d. Please state how a vehicle, person and/or any other plausible mode of travel would permit travel under a tree and/or your reason for denial.

Plaintiffs' Second Interrogatories 6. In Plaintiffs' First Request For Admissions you denied Request For Admission No. 3.) subpart a. Please state your reason for denial, including:

(a) What was the width of the actual traveled surface of CCR in the vicinity of the 3+/- acre parcel prior to the work done in the last half of 1996?

(b) What was the width of the actual traveled surface plus the supporting structures of CCR in the vicinity of the 3+/- acre parcel prior to the work done in the last half of 1996, by enumerating what the each and every supporting structure is and the actual width of each and every supporting structure is?

(c) Was there an old line fence to the northeast of CCR in the vicinity of the 3+/- acre parcel prior to the work done in the last half of 1996?

(d) Did the alterations of CCR in the vicinity of the 3+/- acre parcel included in the work done in the last half of 1996 extend the actual traveled surface plus supporting structures of CCR in the vicinity of the 3+/- acre parcel north and/or east of the location of the old line fence?

(e) In your application/s of law to fact/s as a commissioner of the NLCHD what does the presence of a fence and/or remnants of an ancient fence mean with regards to the boundary of a prescriptive right of way?

(f) In your application/s of law to fact/s as a commissioner of the NLCHD does the presence of a fence and/or remnants of an ancient fence mean private property of the abutting landowner?

(g) In your application/s of law to fact/s as a commissioner of the NLCHD does the presence of a fence and/or remnants of an ancient fence mean that a survey and/or other required actions take place before any work is done in altering, straightening, and/or widening of CCR?

(h) In your application/s of law to fact/s as a commissioner of the NLCHD does the presence of a fence and/or remnants of an ancient fence mean any steps are necessary to protect the property rights of an abutting landowners, the Swansons and/or the Halvorsons?

(i) In your application/s of law to fact/s as a commissioner of the NLCHD what are the property rights of the abutting landowners, the Swansons and/or the Halvorsons, and the proper interference with those abutting landowner rights with any or all changes in the limits, location, width, or use of the right of way/highway, CCR?

(k) In your application/s of law to fact/s as a commissioner of the NLCHD have the Halvorsons or the Swansons waived any Constitutionally protected property rights

by talking with and/or cooperating with the NLCHD, including the Commissioners and/or the NLCHD employees?

(l) In your application/s of law to fact/s as a commissioner of the NLCHD do you know of any reason that the Halvorsens are not deserving of the protections of their property rights under the 5th Amendment of the Constitution of the U.S., the 14th Amendment of the Constitution of the U.S., Article I § 13 and/or § 14 of the Idaho State Constitution, the Idaho Administrative Procedure Act, The Idaho Regulatory Takings Act, the quasi-judicial capacity of the NLCHD, and/or the duties of the commissioners of the NLCHD as contained in Title 40 of the Idaho Code?

(m) In your application/s of law to fact/s as a commissioner of the NLCHD have you given the Halvorson any of the protections of their property rights under the 5th Amendment of the Constitution of the U.S., the 14th Amendment of the Constitution of the U.S., Article I § 13 and/or § 14 of the Idaho State Constitution, the Idaho Administrative Procedure Act, The Idaho Regulatory Takings Act, the quasi-judicial capacity of the NLCHD, and/or the duties of the commissioners of the NLCHD as contained in Title 40 of the Idaho Code?

Plaintiffs' Second Interrogatories 7. In Plaintiffs' First Request For Admissions you denied Request For Admission No. 3.) subpart b. Please state your reason for denial.

Plaintiffs' Second Interrogatories 8. In Plaintiffs' First Request For Admissions you objected to Request For Admission No. 3.) subpart e. Your stated reason for objection was the Request was for it called for a legal conclusion. No legal conclusions were requested; rather as a Commissioner of the NLCHD, you know fact/s, have opinion/s of fact/s and apply law/s to these fact/s and opinion/s of fact/s. What is your knowledge of the fact/s and/or your opinion/s of the fact/s with regard to the present location and width of CCR and its location and width in the first half of 1996 and after the work done in the last half of 1996, with regard to the following interrogatories:

a. In any instance is the present location and width of CCR in the vicinity of the 3+/- acre parcel the same now as it was at the end of the prescriptive period; that is do you know of any changes to the location and or width of CCR in the vicinity of the 3+/- acre parcel and if so list all changes and when they occurred?

b. In any instance was the location and width of CCR in the vicinity of the 3+/- acre parcel after the work done in the last half of 1996 the same as it was at the end of the prescriptive period and or before the work done in the last half of 1996?

c. What documents or evidence do you have to support the present location and of CCR in the vicinity of the 3+/- acre parcel are the same now as at the end of the prescriptive period?

In the application of law to fact:

d. What is the basis for the present legal establishment of CCR, in the light of your admission to Plaintiffs' First Request For Admissions Request For Admission No. 3.) subpart c.; that is, if a prescriptive way is established to be where it presently is and of the width it presently has, in the absence of any changes to these limits, what legal reestablishment now exists in the acknowledged presence of changes in these limits?

e. Does the original prescriptive right of way/highway still exist in the vicinity of the 3+/- acre parcel?

f. If not (subpart e.), under the authority of what statute or law is the reestablishment of CCR provided for and provide location of and/or documentation of any such reestablishment?

g. If the original prescriptive right of way still exists, under what authority, statute, and/or law is the movement and reestablishment of the original prescriptive way of CCR permitted?

h. In the movement of CCR was private property taken; and if not, as it is your duty to know, how do you know, (provide all objective data you have and or location of all objective data you have supporting your knowledge of the taking of private property?

i. Under what authority does the NLCHD have to create a prescriptive way, whether intentionally or by mistake?

Plaintiffs' Second Interrogatories 9. Please define "legal conclusion", in your own words.

Plaintiffs' Second Interrogatories 10. Please define "legal advice", in your own words.

Plaintiffs' Second Interrogatories 11. Please state and define any disagreements you have with any or all definitions found above in II. DEFINITIONS: to be used in this Plaintiffs' Second Interrogatories.

Plaintiffs' Second Interrogatories 12. In Plaintiffs' First Request For Admissions Request For Admission No. 14 your response reads, "Admit that no grant was made by Swanson to the NLCHD and, otherwise, denied." The Halvorsons have a colorable claim to all lands underlying CCR in the SENE, save for the land demarcated by the centerline of CCR in the vicinity of the 3+/- acre parcel and the 3+/- acre parcel, do they not?

Plaintiffs' Second Interrogatories 13. What steps have you taken to ascertain the facts of Plaintiffs' colorable claim and/or allegation of the taking of Plaintiffs' land and subsequent damage to Plaintiffs' fence?

On this ___ day of June, 2008

Respectfully submitted,

Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this ___th day of June, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input type="checkbox"/>	U.S. Mail
	<input type="checkbox"/>	Federal Express Standard Overnight Mail
	<input type="checkbox"/>	FAX (208) 883-4593
	<input checked="" type="checkbox"/>	Hand Delivery

Don Halvorson

ITEM 23

Don Halvorson
1290 American Ridge Road
Kendrick, Idaho, 83537
(208) 289-5602
Plaintiff, Pro se

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

Don & Charlotte Halvorson (Husband and Wife)))	
Plaintiffs)	
vs.)	
North Latah County Highway District; Board of	)	Case No. CV 2008-180
Commissioners for the North Latah County	)	PLAINTIFFS' SECOND
Highway District, Orland Arneberg, Richard	)	REQUEST FOR ADMISSIONS
Hansen, Sherman Clyde, in their Official	)	(ARNEBERG)
Capacities, and in their Individual Capacities;)	
Dan Payne, in his Official Capacity and in his)	
Individual Capacity)	
Defendants)	

Plaintiffs (referred to in this document as Plaintiffs, Halvorsons, first person pronouns as we, and/or I and the objective and possessive cases, such as us, our) request admissions of defendant Orland Arneberg (referred to in this document as Arneberg, defendant, or you, including possessive case your) on the following matters pursuant to Idaho Rules of Civil Procedure rule number (IRCP) 36 and for purposes of the pending action of Plaintiffs allegations of violations highway/right of way authority of Camps Canyon Road as it travels through SENE Section 15 T39N R3WBM (CCR) and as filed

under Case No. CV 2008-180. Copies of any documents referred to in this admissions request have been submitted to or are of the rightful possession of the NLCHD and copies may be obtained there if needed for ascertaining your truthful answers. Under IRCP 36(a) ...“The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed under oath by the party or by the party's attorney, unless the court shortens the time. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify the answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny. A party who considers that a matter of which an admission has been requested represents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(c), deny the matter or set forth reasons why the party cannot admit or deny it. The answers shall first set forth each request for admission made, followed by the answer or response of the party....”

Each Request solicits all information obtainable by Defendant, from Defendant's attorneys, agents, employees and representatives. If you answer a Request on the basis that you lack sufficient information to respond, describe in detail any and all efforts you made to inform yourself of the facts and circumstances necessary to answer or respond.

In the event that you object to any Request or portion of a Request, Defendant must state the reasons for its objection.

In the event that you deny any Request or portion of a Request, please see accompanying Plaintiffs' Third Interrogatories (Arneberg) and state the reasons for your denial.

I. DEFINITIONS: to be used in this Plaintiffs' Second Request For Admissions

1. *Old line fence*: Ancient fence, or any part or remnant of an ancient fence, such as posts or barbed or barbless wire, whether standing or on the ground or attached to posts or attached to trees, to the northeast side of Camps Canyon Road, as it travels through the SENE Section 15 T39N 3WBM (CCR).

2. *Reconstructed Fence*: New fence constructed by the Plaintiffs in 1997 to the northeast side of CCR.

3. *Work done*: any movement of soil, and or gavel, excavation of trees or tree stumps.

4. *Widening*: any work done which results in the increased width of a road bed and/or the supporting structures of a road bed.

5. *Straightening*: any work done which results in the shortening of the linear distance a road bed travels, or results in the decrease of the curvature of a road bed. In the process of straightening the centerline of a road bed would move in part and/or all of the road bed.

6. *Alteration*: widening, straightening, or changing a road bed or its supporting structures in any way, excluding repair and/or maintenance, which means to adequately maintain the present status so as to prevent it from decaying and/or changing (See maintenance in the Idaho code.

7. *Maintenance*: as per the Idaho Code.

8. *The Wagners*: Bob and/or Kate Wagner

9. *Dependable statistic*: a measurement, which could be relied on for accuracy.
10. *Known*: knowledge of and/or should have knowledge of
11. *Movement of a road*: any change in the road bed, straightening or widening which would alter the position of the centerline of the road bed.
12. *Last half of 1996*: anytime between June 1, 1996 and December 31, 1996.
13. *Resulted in*: was preceded temporally by
14. *Was destroyed*: no longer exists do to the action of a person
15. *Wagner first driveway access permit*: the driveway access permit issued before 4/12/2006 and after 9/1/2005.
16. *In the vicinity of*: adjoining to, abutting to
17. *The 3+/- acre parcel*: See Halvorson's deed description, the parcel of land in the SENE Section 15 T39N R3WBM which is excluded from Halvorson's fee simple title and is included in the Wagner fee simple title. The northeast boundary is formed by CCR.
18. *In the application of law to fact*: As intended by the Supreme Court of the State of Idaho and found in the I.R.C.P. Rule 36 (a).
19. *NLCHD*: the North Latah County Highway District, its commissioners, and/or its employees.
20. *Due Process*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
21. *Just Compensation*: See U.S. Constitution Amendments 5 and 14, Idaho State Constitution Article I §§ 13 and 14.
22. *Equal Treatment Under the Law*: See U.S. Constitution Amendments 5 and 14.
23. *In the vicinity of the west end of the 3+/- acre parcel*: within 100 feet southeast of the intersection of the west line of to the intersection of the west line of SENE Section 15 T39N 3WBM with Camps Canyon Road.

24. *In the vicinity of the east end of the 3+/- acre parcel.* within 100 feet southeast of to 50 feet to the northwest of the intersection of the east property line of 3+/- acre parcel with Camps Canyon Road.

25. *Lowered the road bed.* any decrease in elevation in the road bed from what it was before and after work had been done.

26. *Contacted.* initiated a call or sought out in any way.

27. *Circumvent:* to go around.

II. PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 1: In RESPONSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, your response was "To the best of Orland Arneberg's knowledge, CCR in this vicinity is a public road established by prescription or public use which, at the time of its establishment, was, under Idaho law, fifty (50) feet wide and continues to be fifty (50) feet wide, meaning twenty-five (25 feet on either side of the established centerline thereof". Admit that this response, a public road established by prescription or public use which, at the time of its establishment, was, under Idaho law, fifty (50) feet wide and continues to be fifty (50) feet wide, meaning twenty-five (25 feet on either side of the established centerline thereof is NLCHD policy/custom notwithstanding any particular circumstances pertaining to the individual highway/right of way, such as Camps Canyon Road. That is all prescriptive rights of way/highways under the authority of the NLCHD are 50 feet wide.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 2: Referring to the same REPONSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that CCR was never surveyed and/or laid out to be 50 feet that is no records of Camps Canyon Road being laid out to 50 feet wide exist.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 3: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that there is no evidence of any adverse use and acquiescence by owner of a strip of land to the extent of 50 feet during the prescriptive period in the vicinity of the 3+/- acre parcel on Camps Canyon Road.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 4: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that there was no such law that demanded a public road established by prescription or public use to be 50 feet wide.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 5: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that a prescriptive right of way/highway could be of a lesser width than 50 feet.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 6: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that a prescriptive right of way is as wide as the road width including supporting structures such as ditches, that is the width of the road is the width of the right of way.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 7: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that there is no evidence to show that Camps Canyon Road in the vicinity of the 3+/- acre parcel was used to the extent of 50 feet at the end of the prescriptive period.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO.8: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that prior to any alteration of CCR in the last half of 1996, CCR was of the width it was, the

centerline was located as the centerline was located, and CCR occupied the identical strip of land as it did at the end of the prescriptive period.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 9: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that subsequent to the alterations to Camps Canyon Road in the last half of 1996 Camps Canyon Road no longer occupied the identical strip of land it did before the alteration.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 10: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that as subsequent to the alterations to Camps Canyon Road in the last half of 1996 and that Camps Canyon Road no longer occupied the identical strip of land it did at the end of the prescriptive period.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 11: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that the width of a prescriptive easement/right of way is the width of the road, including the supporting structures by clear and well established law.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 12: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that no prescriptive right of way exists on the northeast side of Camps Canyon Road since the 1996 alteration.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 13: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that since the width of a prescriptive right of way/easement equals the width of the road, including its supporting structures, that any increase in width and/or actual change in

physical location of the road, absent any demarcating structures such as fences to indicate the extent of the original prescriptive right of way/easement, involved the entrance into private property and occupation thereof.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 14: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 4, admit that the entrance into and the permanent occupation of the private land as a matter of the moving and widening of Camps Canyon Road in 1996 was by permission of the owner of the private property, Ed Swanson.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 15: In RESPONSE TO PLAINTIFFS' SECOND INTERROGATORIES 5, 6, & 13 your response was "Orland Arneberg has no specific knowledge but generally knows that the District makes every reasonable effort to remain within its fifty (50) foot right-of-way in connection with public roads established by prescription or public use." Admit that, operation within the NLCHD's 50 foot right of way in connection with public roads established by prescription or public use, is NLCHD policy/custom of authority to operate.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 16: Admit that the NLCHD has a policy/custom of widening a prescriptive right of way without prior notice and/or permission of the underlying, adjoining, and/or abutting landowner (servient estate).

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 17: Admit that the NLCHD has a policy/custom of widening a prescriptive right of way only after prior notice and/or permission of the underlying, adjoining, and/or abutting landowner (servient estate) was obtained.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 18: Admit that the NLCHD has a policy/custom of widening a prescriptive right of way only after prior notice and/or permission of the underlying, adjoining, and/or abutting landowner (servient estate) and that no prior notice was given and/or no permission was obtained from the Halvorsons for the widening of Camps Canyon Road in 2005, 2006 and/or 2008.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 19: Admit that the NLCHD has a policy/custom of surveying, conveying, and recording prior to the actual widening of a prescriptive right of way.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 20: Admit that the NLCHD did not survey, convey, and/or record prior to the actual widening of a claimed prescriptive right of way, Camps Canyon Road, in the area of the 3+/- acre parcel in 2005, 2006, and/or 2008.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 21: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 5, 6, & 13, (see PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 15) admit that such policy/custom as admitted in PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 15 also as policy/custom of the NLCHD precludes, excludes, or in any and/or all ways denies, or allows the exception for any need for any notice and/or hearing for any of the following:

- (a) injury to a fence;
- (b) widening of prescriptive highway/right of way regardless on which side of the road the widening took place;

- (c) A rebuttal of Defendants' claim to prescription after such activity such as widening or straightening of a right of way/highway has taken place.
- (d) Any complaint that due to any alteration in the highway/right of way the highway/right of way no longer occupies the identical strip of land it did at the end of the prescriptive period that the legal establishment of the prescriptive right of way/right of way is nullified and is invalid.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 22: Referring to the same REPOSE TO PLAINTIFFS' SECOND INTERROGATORIES 5, 6, & 13, (see PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 15) admit that such policy/custom as admitted in PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 15 also as policy/custom of the NLCHD has precluded, excluded, or in every way denied, or allowed the exception for any need for any notice and/or hearing to Plaintiffs for any of the following:

- (a) injury to Plaintiffs' fence;
- (b) widening of Camps Canyon Road in the vicinity of the 3+/- acre parcel regardless on which side of the road the widening took place;
- (c) Plaintiffs' rebuttal (on 4/12/06, 3/12/07 or at any other subsequent meeting of the NLCHD or meeting with the Plaintiffs) of Defendants' claim to prescription to the northeast side of Camps Canyon Road in the vicinity of the 3+/-acre parcel.
- (d) Plaintiffs' complaints on 4/12/06 or any other time or meeting of the Commissioners of the NLCHD that the first Wagner driveway access permit was issued without proper regard to the property lines underlying the claimed prescriptive right of way, Plaintiffs' denial of any such 25 foot from centerline right of way under any prescriptive claim or any other theory of right of way, and/or Plaintiffs' complaints that Camps Canyon Road had been altered in

1996 and that the road frontage shown on the Wagner deed description was no longer valid;

(e) Plaintiffs' complaints that due to the alteration in the last half of 1996 to Camps Canyon Road the legal established prescriptive right of way is invalid.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 23: Admit that a hearing was feasible on 4/12/06 to hear, reasonably consider and meaningfully respond to Plaintiffs' complaints that the first driveway access permit was unlawfully issued, the NLCHD did not know the location of CCR due to numerous alterations, (specifically the alteration of 1996), damage to Plaintiffs' fence and Plaintiffs' complaint of improper interference with Plaintiffs property rights by issuing and failing to revoke the first Wagner driveway access permit and by widening CCR in 2005.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 24: Considering the feasibility/infeasibility of a hearing on 4/12/06, admit that all necessary parties were present.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 25: Admit that a hearing was feasible on 3/21/07 to hear, reasonably consider and meaningfully respond to Plaintiffs' complaints that the first driveway access permit was unlawfully issued and failed to be revoked, the NLCHD did not know the location of CCR due to numerous alterations, that the legal establishment of Camps Canyon Road was nullified by the 1996 alteration, that the public record was not in agreement with the location of Camps Canyon Road in the vicinity of the 3+/- acre parcel as evidenced by the Rimrock survey, of damage to Plaintiffs' fence, and Plaintiffs' complaint of improper interference (for a non public use) with Plaintiffs property rights by issuing and failing to revoke the first Wagner driveway access permit and by widening CCR in 2005 and 2006.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 26: Admit that a hearing was feasible on 9/12/07 to hear, reasonably consider and meaningfully respond to Plaintiffs' complaints that the first driveway access permit was unlawfully issued and failed to be revoked, the NLCHD did not know the location of CCR due to numerous alterations, that the legal establishment of Camps Canyon Road was nullified by the 1996 alteration, that the public record was not in agreement with the location of Camps Canyon Road in the vicinity of the 3+/- acre parcel as evidenced by the Rimrock survey, of damage to Plaintiffs' fence, and Plaintiffs' complaint of improper interference (for a non public use) with Plaintiffs property rights by issuing and failing to revoke the first Wagner driveway access permit and by widening CCR in 2005 and 2006.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 27:

Considering the feasibility/ infeasibility of a hearing on 4/12/06, admit that time was allotted on the agenda and that you first called on Don Halvorson to speak.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 28:

Considering the feasibility/ infeasibility of a hearing on 4/12/06, admit that you were aware that Don Halvorson was going to attend the meeting and that you were going to give him time to speak. (See Plaintiffs' Second Interrogatories (Arneberg) Interrogatories No. 12 including all subparts.)

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 29: Admit that you denied Plaintiffs a meaningful response by not taking steps to accurately record the minutes of the 4/12/06 meeting, that is, to provide a verbatim transcribable record of the meeting.

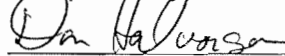
PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 30:

Considering the feasibility/ infeasibility of a hearing on 3/21/07, admit that time was

allotted on the agenda for the Plaintiffs to talk about their complaints and that Plaintiffs had submitted a letter outlining their complaints 2 weeks ahead of time to notify Defendants of their complaints.

PLAINTIFFS' SECOND REQUEST FOR ADMISSIONS, REQUEST NO. 31: Admit that you denied Plaintiffs a meaningful response by not taking steps to accurately record the minutes of the 3/21/07 meeting, that is, to provide a verbatim transcribable record of the meeting.

Respectfully submitted,

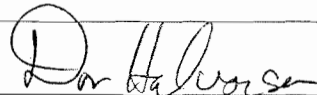


Don Halvorson

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September, 2008, I caused a true and correct copy of this document to be served on the following individual in the manner indicated below:

RONALD J. LANDECK LANDECK, WESTBERG, JUDGE & GRAHAM, P.A. 414 S. Jefferson P.O. Box 9344 Moscow, ID 83843	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Federal Express Standard Overnight Mail <input type="checkbox"/> FAX (208) 883-4593 <input type="checkbox"/> Hand Delivery
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Don Halvorson