

RDI APPLICATION
MANGANESE ROAD
WASHINGTON COUNTY,
UTAH

ATTACHMENTS 33

Biography and
Foundation
Fenton Bowler

IN THE UNITED STATES JUDICIAL DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

WASHINGTON COUNTY, UTAH, a	:	
Utah political subdivision,	:	
and STATE OF UTAH,	:	
	:	
Plaintiffs,	:	Case No. 2:12-cv-00471 CW
	:	
vs.	:	Judge Clark Waddoups
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendants,	:	
	:	
and	:	
	:	
SOUTHERN UTAH WILDERNESS	:	
ALLIANCE, et al.,	:	
	:	
Proposed Intervenor	:	
Defendants.	:	
	:	

DEPOSITION OF FENTON LEWIS BOWLER,

Taken before Rory Johnson, RPR, at 8:30 a.m. on
Monday, April 29, 2013, at the Utah State Attorney's
Office, 33 N. 100 W., Suite 350, St. George, Utah.

1 APPEARANCES

2 Appearing on behalf of the Plaintiffs:

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4 ASST. ATTORNEY GENERAL
5 5110 State Office Building
6 P.O Box 142477
7 Salt Lake City, UT 84114-24778 ERIC CLARK, ESQ.
9 WASHINGTON COUNTY ATTORNEY
10 178 North 200 East
11 St. George, UT 84770

12 Appearing on behalf of the Defendant:

13 ANNA K. STIMMEL, ESQ.
14 ENVIRONMENT & NATURAL RESOURCES DIVISION
15 UNITED STATES DEPARTMENT OF JUSTICE
16 601 D Street NW, Room 3534
17 Washington, D.C. 20004

18 Appearing on behalf of Proposed Intervenor-Defendants:

19 AARON GARRETT, ESQ.
20 MANNING, CURTIS, BRADSHAW & BEDNAR
21 170 South Main Street, #900
22 Salt Lake City, UT 84101

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I N D E X

EXAMINATION

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* * *

E X H I B I T S

Exhibit No.	Description	Marked
1	Map of the West Half of Washington County	9

* * *

1 FENTON LEWIS BOWLER,
2 was thereupon called as a witness on behalf of the
3 Plaintiffs, and having been first duly sworn, was examined
4 and testified as follows:

5 (On the record at 8:34 a.m.)

6 EXAMINATION

7 BY MR. RAMPTON:

8 Q Mr. Bowler, good morning. How are you?

9 A I'm all right.

10 Q Would you please state your full name for the
11 record?

12 A Fenton Lewis Bowler.

13 Q And how are you spelling that last name?

14 A B-O-W-L-E-R.

15 Q Where do you presently reside, Mr. Bowler?

16 A In Veyo, Utah.

17 MR. GARRETT: My name is Aaron Garrett.

18 I'm here on behalf of the Southern Utah
19 Wilderness Alliance Wilderness Society, the
20 Grand Canyon Trust, and the Sierra Club,
21 collectively SUWA. We have requested the
22 permission of the parties to state objections
23 on the record during this deposition.

24 The United States previously informed SUWA
25 that it takes no position with regard to SUWA's

1 ability to object; while the plaintiffs have
2 stated that they oppose SUWA's requests and
3 will not allow SUWA to raise objections during
4 the deposition. SUWA would like to be able to
5 object so as to preserve its objections to the
6 form of the question and to exhibits and to
7 give the opportunity to cure.

8 So as not to disrupt the proceedings of
9 this deposition, SUWA will not make its
10 objections. However, SUWA states for the
11 record that we may have such objections; and
12 that in the event SUWA is allowed to intervene,
13 it reserves all rights with respect to
14 objections that it may have; and also to its
15 inability to participate in this deposition in
16 general including that it will make objections
17 to the introduction of this deposition
18 transcript; and that it should be able to make
19 any objections in the future if these
20 preservation depositions are ever introduced in
21 support of any motion or at any trial without
22 any argument that such objections have been
23 raised and the Federal Rules of Civil Procedure
24 32(d)3 relates to this objection. Thank you.

25 MR. CLARK: Tony, if you wouldn't mind

3 MR. JOHNSON: Rory Johnson, court
4 reporter.

5 MR. CLARK: Tony Rampton is representing
6 the attorney generals office and the State of
7 Utah.

8 MS. STIMMEL: I'm Anna Stimmel. I'm
9 representing the United States.

10 MR. GARRETT: Aaron Garrett on behalf of
11 proposed intervenors.

12 MR. CLARK: April 29th, 2013, and the
13 time is 8:30 a.m.

14 EXAMINATION

15 BY MR. RAMPTON:

16 Q Mr. Bowler, have you ever had your deposition
17 taken before?

18 | A No.

19 Q Let me just explain quickly the process that we
20 go through today regarding a number of roads located in
21 Washington County. You have been put under oath so your
22 testimony is just as if you were testifying at the time
23 of trial. I will ask questions, the reporter will take
24 the questions down verbatim as will he take down your
25 answers verbatim.

1 After the deposition, there will be a written
2 transcript of the deposition. You will be given an
3 opportunity to at that time to review the deposition and
4 to make any changes to the deposition as to substance or
5 form that you would like to make.

6 I would ask that you wait until I am finished
7 asking questions before you start answering, and I will
8 try to refrain from asking another question before you're
9 completely through with an answer. The reason being is
10 the reporter can only take down one person at a time. Is
11 that okay?

12 A Yep.

13 Q If you don't understand a question, please tell
14 me, would you? And you need to answer audibly. Say yes
15 or no or something. You have to answer so I can hear
16 you. Do you understand that?

17 A Yes.

18 Q When were you born, Mr. Bowler?

19 A June 19th, 1933.

20 Q So you'll be 80 years old in June?

21 A Yep.

22 Q What I'd like to do before we get into
23 discussing specific roads, Mr. Bowler, is to have you
24 give us some historical background information regarding
25 you and your family in Washington County. Is that all

1 right?

2 A Yes.

3 Q When did your family, that is your ancestors,
4 first come to Washington County?

5 A I don't know the year they come here.

6 Q Who was your first ancestor in Washington
7 County?

8 A My great grandpa came from England and brought
9 his family here and settled in Gunlock and Veyo.

10 Q Do you recall your great grandfather's name?

11 A No.

12 Q Do you know where your great grandfather lived?

13 A He lived in Gunlock.

14 Q Do you know what your great grandfather's
15 occupation was?

16 A He had some kind of a business, and I'm not
17 right sure. So besides ranching and what not, they had
18 another profession, but I don't know right now what it
19 was.

20 Q But you do know he was a rancher?

21 A Yes.

22 Q Was that a cattle rancher?

23 A Yes.

24 Q Let's go forward a generation then to your
25 grandfather. Did you know your grandfather?

1 A Yes.

2 Q What was his name?

3 A John H. Bowler.

4 Q Where did John H. Bowler reside?

5 A He lived -- at the time I knew he lived right
6 there in Veyo, but he had been at Gunlock at the Bigelow
7 ranch right in that area here in Washington County.

8 Q What was his occupation?

9 A Ranching.

10 Q Cattle ranching?

11 A Yep.

12 (Deposition Exhibit 1 marked.)

13 Q You mentioned the Bigelow ranch. In front of
14 you you have a map of the west half of Washington County.
15 This map is a topographical map that has roads marked on
16 it, and I'll represent to you that the roads that are
17 dark gray and fairly bold are what we call B-roads in
18 that they have been maintained by Washington County. The
19 smaller brown roads are what we will call D-roads. And
20 for purposes of this deposition, D-roads are roads that
21 have not been regularly maintained by the county. Using
22 this map, Exhibit 1, I would like you, if you would, to
23 locate where the Bigelow ranch was; that is, where your
24 grandfather's ranch was?

25 A You'll have to help me out with this map.

1 Q All right. This is Veyo, this is Gunlock, and
2 here's a road that is labeled Bigelow Ranch Road.

3 MS. STIMMEL: And for the record, I want
4 to point out counsel has pointed to areas on
5 the map as described.

6 Q Go ahead and show me again. So you're pointing
7 to a location that is east off of what is marked on the
8 map as Bigelow Ranch Road 0222. What I'm going to do is
9 put a box where you've indicated, and I'm going to come
10 over here and underneath that box I'm going to put the
11 letters BR for Bigelow Ranch, do you see that?

12 A Yep.

13 Q All right. You've indicated that your
14 grandfather was a cattle rancher. Did you know your
15 grandfather?

16 A Yes.

17 Q Did you at anytime work with your grandfather
18 on his cattle operation?

19 A By the time I knew him, he was old enough that
20 he didn't do a whole lot on his own.

21 Q Do you recall where it was at that your
22 grandfather ran cattle?

23 A Yes.

24 Q Where was that?

25 A Be on the forest in the summertime North of the

1 Bigelow ranch between there and Enterprise, and they had
2 wintered them in Nevada out in the desert there.

3 Q Let me direct your attention, again, to Exhibit
4 1. When you say up in the forest, are you referring to
5 the area north of the Bigelow ranch?

6 A Yes.

7 Q Up in the area that's marked in green on
8 Exhibit 1?

9 A Yes.

10 Q When you say in Nevada, can you tell me how far
11 south in Nevada you're talking about? Show me on Exhibit
12 1, if you would.

13 A Okay. Find that Lytle ranch down here. So it
14 would have been west eight to ten miles west of there
15 across the Nevada line in an area springs called Snow
16 Spring in Nevada at that time.

17 Q Go ahead.

18 A At that time is where they wintered them.
19 Then, of course, later we got more.

20 Q Let the record show that the witness has
21 indicated on Exhibit 1 when referring to the winter range
22 in Nevada, he is indicating an area that is west of what
23 is marked on the map as Lytle Ranch Road number 0026, and
24 he's indicating an area off the map that is off the
25 western end of that Lytle Ranch Road.

1 Let's move forward then another generation to
2 your father, if we could. What was your father's name?

3 A Willard Lewis Bowler.

4 Q And where did your father live?

5 A In Veyo.

6 Q Where were you born?

7 A St. George.

8 Q And after you were born, where did you live?

9 A In Veyo.

10 Q So your father had a home in Veyo?

11 A Right.

12 Q Throughout the time that he was alive that you
13 knew him?

14 A Right.

15 Q Did your father -- what was his occupation?

16 A Ranching, cattle ranching.

17 Q Did he ranch cattle with your grandfather?

18 A Yes.

19 Q On the Bigelow ranch?

20 A Yes.

21 Q To your knowledge, did your father at anytime
22 live anywhere other than Veyo?

23 A Not after I was born.

24 Q Do you know whether he did before you were
25 born?

1 A He lived in Mesquite, Nevada, for a few years.

2 Q Do you recall what years that would have been?

3 A It was during the depression, whatever years
4 the depression was. In the 30s.

5 Q But by the time of your birth in 1933 had he
6 moved back?

7 A Yes.

8 Q To Veyo?

9 A Yes.

10 Q What was your mother's maiden name?

11 A Mildred Bunker.

12 Q Did you, at some time in your life, become
13 involved in your father's -- and I take it your father's
14 and grandfather's cattle operations?

15 A Yes.

16 Q At what age did you first become involved? Do
17 you recall?

18 A I recall that when I was in 1940 going on the
19 first spring roundup with them, and I went with my dad
20 before that whatever he was doing when I was big enough
21 to go at all. But I remember going on the spring roundup
22 for ten days in 1940 to gather the cattle and bring them
23 home.

24 Q So that would have been when you were seven
25 years of age?

1 A Yeah.

2 Q But you had gone out even prior to that?

3 A Yes.

4 Q Did you continue to work on your father's ranch
5 after age seven?

6 A Yes.

7 Q How long approximately did you work with your
8 father?

9 A Until the day he died.

10 Q And during that period of time that you were
11 working with your father until the day he died, was that
12 working with the cattle operation?

13 A Yes.

14 Q Did you have any other businesses other than
15 your cattle operation?

16 A We run a deer camp. It was big business then,
17 and we run a deer camp. We had quite a bunch of horses
18 we used and kept for deer hunting. And then in 1951 we
19 built that little dairy and had a dairy.

20 Q Let's talk first about the ranching, the cattle
21 ranching operation, while you were working with your
22 father; that is, prior to the date of his death. And,
23 again, when was it he died?

24 A In '67.

25 Q Throughout that period of time, that is from

1 the time you were seven years old until your father died
2 in 1967, did you throughout that period work with the
3 family's cattle operation?

4 A Yes.

5 Q Did you at anytime reside somewhere else?

6 A Two years in the Army.

7 Q What years did you go into the Army?

8 A I went in December of 1953 and got out December
9 of '55.

10 Q Where were you stationed during that period of
11 time in the Army?

12 A Basic training in Fort Ord, California, and
13 then I spent the rest of the time in Fort Knox, Kentucky.

14 Q Other than those two years in the service, have
15 you resided anyplace other than in Washington County?

16 A No.

17 Q When did you marry?

18 A In February 1953.

19 Q That was just prior to you going into the Army?

20 A Right.

21 Q After you were married, where did you reside?

22 A In Veyo.

23 Q Let's talk about the ranching operation between
24 the time that you were seven years old and the time you
25 went away from the Army, to break it into pieces, if we

1 could do that. All right? During that period of time,
2 and I believe we're talking between the years 1940 and
3 1953, '40 being your first experience out on the cattle
4 drive, and 1953 being your date of marriage and your time
5 in the Army. During that period of time, that 23 years,
6 where was your family's cattle operation?

7 A Started out with what we talked about at Ox
8 Valley. That's the forest. We call it that Ox Valley
9 country north of the Bigelow ranch, and we wintered at
10 Snow Spring. And then he started buying up permits, so
11 we got into most of this country on this west side.
12 Besides out in Nevada, we come into Utah where this Lytle
13 ranch and that area around there. So we had cattle. And
14 then expanded on the forest to Pine Valley area and Grass
15 Valley Mountain and around Pine Valley, we bought cattle.
16 So we increased the cattle in the area that we run in.

17 Q Approximately how many head of cattle were you
18 working with during those years 1940 to 1953?

19 A Oh, approximately 150 head.

20 Q You've indicated three locations that you ran
21 cattle up in the forest north of Bigelow ranch; down to
22 the southwest to the winter range around the Lytle ranch
23 area; and then later in Pine Valley over here to the east
24 on Exhibit 1?

25 A Right.

1 Q I take it that the forest was used as summer
2 range; is that right?

3 A Right.

4 Q And the Lytle ranch was winter range?

5 A Right.

6 Q Did your family's cattle operation have grazing
7 permits or allotments up in the forest for the summer
8 range?

9 A Yes.

10 Q And using Exhibit 1, approximately where was
11 that allotment for the summer range? There is a little
12 area of private ground that is indicated in white north
13 of the Bigelow ranch that's labeled Ox Valley. Do you
14 see that?

15 A Yes.

16 MS. STIMMEL: Again, for the record,
17 counsel has pointed to the area marked as Ox
18 Valley.

19 Q Go ahead.

20 A We own 50 acres of that in there, and the
21 cattle run pretty much in this -- I suppose this is the
22 road that goes to Enterprise Reservoir, and this is the
23 highway that goes to Enterprise -- most of that country
24 in between there.

25 Q Let's move now to the winter pasturage. Did

1 you also have a grazing permit or allotment in the Lytle
2 ranch area?

3 A Yes.

4 Q And using Exhibit 1 again, where generally was
5 that allotment?

6 A It even goes into Nevada and Utah BLM manages
7 some of the Nevada ground out to this little spring
8 allotment. So from the Snow Spring allotment out to what
9 they called the Terry Banks, still in Nevada on this
10 side, and then back into Utah from Dodge Spring down to
11 north of Mesquite -- well, down almost to the Clark
12 County line in that whole area.

13 Q So you're pointing to an area roughly south of
14 a road marked as Jackson Road number 0011, and down to
15 the bottom of the map in the southwest corner of Exhibit
16 1?

17 A Right.

18 Q In addition to the grazing permit that you had
19 in southwestern Washington County, did your family own
20 any property?

21 A Yes.

22 Q And where was that?

23 A It's right here on this -- is this the Lytle
24 ranch place private property right there?

25 Q Let the record show that the witness is

1 pointing on Exhibit 1 to a location that is on the
2 terminal north -- or pardon me -- the western terminal
3 point of Lytle Ranch Road. And I'm going to put a box
4 where you pointed, and I'm going to mark that Bowler
5 ranch. You see that on Exhibit 1?

6 A Yep.

7 Q Is that approximately where that ranch property
8 is?

9 A Yes.

10 Q Do you recall when it was that your family
11 acquired that Bowler ranch property?

12 A Approximately 1950.

13 Q I'd like to explore with you in a little more
14 detail the ranching operation between approximately 1940
15 and 1953. You've indicated you summered the cattle up in
16 the forest north of Bigelow ranch, and wintered the
17 cattle down in the Lytle ranch area? How did you move
18 cattle from summer range to winter range?

19 A We drove them.

20 Q When you say drove them, do you mean drove them
21 in trucks or drove them on the ground?

22 A No, in bunches, and we drove them on the
23 ground. We drove them out in the fall and back in the
24 spring.

25 Q How long did it take to drive the cattle from

1 the summer range down to the winter range?

2 A We'd get them to the Bigelow Ranch, then you'd
3 leave there with them, and it would take three days to
4 drive them out in the winter range in the fall going out.
5 In the spring it would take six to eight days driving
6 them back because you had little calves with them, and
7 took longer to bring them back in the spring than in the
8 fall.

9 Q When you were driving the cattle between the
10 summer range and the winter range, and then back again to
11 the summer range, did you use roads to any degree?

12 A We used all the roads we could that was there.
13 The only place we didn't use the roads was when we go
14 down like that Jackson Wash, bottom end of it didn't have
15 a road. We went down the wash until we picked up another
16 road, and part of the Beaver Dam wash at that time it had
17 a road down it, too, but it flooded out off and on, so if
18 wasn't permanent. But we drove them down the roads
19 wherever we could and then down the washes.

20 Q So I take it that you used the roads during the
21 movement of cattle between summer and winter range as
22 more or less avenues through which you actually moved the
23 cattle?

24 A Right.

25 Q During that operation of moving cattle from

1 summer range to winter range and back again, did you use
2 vehicles as well as horses?

3 A Yes.

4 Q And how were vehicles used? For what purpose
5 were vehicles used?

6 A Early on they was used mostly to haul baggage,
7 beds and grub for our camp is what we used on the pickup.
8 Then, as the years went by and vehicles become a little
9 more available, then we hauled horses in them, a little
10 truck, flatbed, three-quarter ton truck we could haul the
11 horses back and forth by 19, in the -- by 1945, why we
12 had a flat bed truck we could haul them some. But prior
13 to that just pretty much hauled the baggage in the
14 pickup.

15 Q Was that the only vehicle that your family's
16 cattle operation owned?

17 A At first, yes.

18 Q And what kind of pickup truck was that?

19 A International pickup. It was the first pickup
20 I remember.

21 Q Was that a four-wheel drive or two-wheel drive?

22 A Two wheel.

23 Q And then you indicated in the 40s you got some
24 kind of a flatbed. What kind of a truck was that?

25 A The next pickup they had in, I remember in 1949

1 when we was building fences for these -- they divided up
2 the allotments and we was fencing them. We had a Ford
3 pickup in 1949, and then right after that then we had a
4 three-quarter ton pickup with a flatbed on it, Omaha bed,
5 could haul two horses, and three if they wasn't too big.
6 We had one of them from then on.

7 Q Were those vehicles four-wheel or two-wheel?

8 A Two-wheel.

9 Q Did you have to -- before you started moving
10 cattle from summer to winter, winter to summer, did you
11 have to gather the cattle first?

12 A Oh, yes.

13 Q Back in that period of time 1940 to 1953, was
14 it open range or were the cattle allotments fenced?

15 A Up until '49 and '50, this country was all
16 open. And they fenced it. They had the allotments
17 divided up, and the boundary lines earlier than that, but
18 they didn't get them fenced until '49 and '50 they fenced
19 the allotments.

20 Q So you're pointing to the area down in the
21 southwest corner on Exhibit 1?

22 A Yep.

23 Q We will call it the Lytle ranch area. That was
24 not fenced between 1940 and 1950?

25 A It was fenced up in '49.

1 Q What about in the forest? Was that allotment,
2 that grazing area fenced?

3 A It was fenced as far back as I remember.

4 Q All right. During the period from 1940 to 1949
5 when you were working with your family's cattle
6 operation, when your cattle were on the winter range in
7 the Lytle ranch area, would they spread out?

8 A Yes, they scattered all over.

9 Q How far north would your cattle scatter?

10 A Actually, they would go up in the Snow Spring
11 allotment in Nevada and on the Utah side, too, they could
12 go as far north as the railroad tracks that goes through
13 Barkley back, and they could go up into Slaughter Creek
14 up against the forest fence. The cattle would be
15 scattered in that whole entire area.

16 Q All right. Let's talk about -- you said
17 Slaughter. You used the word Slaughter. Where is the
18 Slaughter area on Exhibit 1?

19 A This is Cougar Pass Road, and so it's right
20 here would be Beaver Dam Wash, I guess this is Beaver Dam
21 Wash?

22 Q Yes.

23 A So Slaughter Creek is up in this country, and I
24 suppose that's what hits the forest fence.

25 Q Let the record show that the witness is

1 pointing to an area on Exhibit 1 that is immediately
2 south of the forest area in the northwest corner of the
3 map. So your cattle during the winter pasture period
4 would move as far north as that Slaughter area?

5 A Yes.

6 Q How far to the east would your cattle drift?

7 A That mountain there pretty well kept them going
8 east any further than the West Mountain or Beaver Dam
9 Mountains, whatever, Communications Mountains, whatever
10 you want to call it, it pretty well kept them from going
11 east of there. So from that Indian Road, they didn't go
12 much east of there. They stayed up north.

13 Q Let me direct your attention so we can pin that
14 down a little more clearly on the record. Here is -- on
15 the map you see on the topographical you see a
16 mountainous area to the east of the Lytle ranch area?

17 A Yes.

18 Q And here's a road that's marked on Exhibit 1 as
19 TV Tower Road. Do you see that?

20 A Right.

21 Q And here's a road called Pahcoon Flat Road. Do
22 you see that?

23 A Yes.

24 Q Did your cattle move as far east as that TV
25 Tower Road and Pahcoon Flat Road?

1 A That's about as far as they went east. That
2 was pretty much the boundary line.

3 Q How did you gather the cattle to move them from
4 summer to winter range and back again?

5 A We get them on horseback. You'd go in there
6 and gather them up and move them to an area where you
7 could hold them, and then so you could trail them
8 wherever you was going.

9 Q Did you use roads at all while you were
10 gathering cattle?

11 A We used every road that was available that we
12 could drive cattle on, or get to the area where the
13 cattle was at on horseback. And it was so much easier to
14 go on a road than it was just through the country. And
15 then when you got some cattle, it's hard to drive cattle
16 if they don't have something to follow. So we followed a
17 road wherever we could follow a road back to wherever we
18 was going.

19 Q So in gathering cattle you would use horses.
20 Is that accurate?

21 A Right.

22 Q But you would take the horses out in a vehicle?

23 A We pretty much trailed the horses out at first.
24 And I think the first bigger truck they had was right
25 around 1950 was the first time I remember hauling a truck

1 load of horses out to the Beaver Dam Wash. Before that,
2 we just left home with them and trailed them out wherever
3 we was going to ride and camp, then we rode wherever the
4 country. Get all the water and gather your cattle and
5 get them into an area where you could go home with them.

6 Q We've been talking about a period from 1940 to
7 1953, generally. After 1953, after you came back from
8 the army, did you go back again working your family's
9 cattle business?

10 A Yes.

11 Q Did the operation remain essentially the same
12 in terms of the areas that you were ranching?

13 A Pretty much the same, only we kept buying out
14 littler outfits, and we kept growing all the time. We
15 kept buying up little permittees, so we kept getting more
16 cattle all the time.

17 Q I take it you were buying out pieces of private
18 property and also allotments?

19 A Yes.

20 Q And where did you buy additional private
21 property and allotments? What area?

22 A Well, it's pretty much this Lytle ranch
23 property down there, and then we bought in the Ox Valley
24 in that area, and then the rest of the properties pretty
25 much around Veyo.

1 Q After 1953 after you returned to the military,
2 did your cattle operation -- did you acquire additional
3 vehicles used in the cattle operation?

4 A Yes.

5 Q And what kind of vehicles did you buy?

6 A Well, like I said before, we had three-quarter
7 ton Ford truck, and then in mid 50's we bought a
8 Chevrolet truck 14-foot bed. Had a homemade bed on it,
9 but 14-foot. So then we could haul the horses wherever
10 we went to start to ride.

11 Q Was that vehicle four-wheel or two-wheel?

12 A Two-wheel.

13 Q Let's turn for a moment to the dairy operation.
14 Where was that dairy operation located?

15 A Just as you go into Veyo across the gorge
16 across that bridge. It was there on the right-hand side
17 on the north side of the -- on the north side of the
18 highway, Highway 18.

19 Q I'm pointing on the map, Exhibit 1, to a
20 highway that's marked as 18 that runs essentially north
21 and south. Do you see that?

22 A Where is -- is Veyo on that map?

23 Q Here's the Veyo area, yes.

24 MS. STIMMEL: And Veyo area is not
25 actually marked on the map?

1 MR. RAMPTON: No.

2 MS. STIMMEL: So if you could indicate the
3 area you just circled.

4 Q (By Mr. Rampton) I'm pointing to an area that
5 was private ground that is bounded on the west by
6 Gunlock/Veyo Road and by the Enterprise Road and bordered
7 on the east by essentially Highway 18. It goes actually
8 a ways to the east of Highway 18 and sits south of the
9 area that we've marked as the Bigelow ranch.

10 A Right. Veyo has got to be right there.

11 Q Yes.

12 A So the dairy would have been setting right
13 here.

14 Q Let me put a box there where the witness has
15 indicated, and I'm going to mark it with a D. Do you see
16 that?

17 A Yeah.

18 Q Is that approximately where that dairy was
19 located?

20 A Right. My house is located right there.

21 Q On the map, Exhibit 1, I'm going to draw
22 another box, and I'm going to put an H below it. That's
23 approximately where your house is?

24 A Right.

25 Q Is that where you presently reside?

1 A Right, yes.

2 Q Where did you pasture the cattle that you used
3 in conjunction with the dairy operation?

4 A We had some pasture right here in Veyo that we
5 pasture them some, but we primarily fed the cows. We
6 pretty much didn't pasture them. We pretty much fed
7 them.

8 Q So you had a feed yard?

9 A Yeah, where we kept the dairy cows and we fed
10 them.

11 Q Did you ever take your dairy cows out on any of
12 your allotments?

13 A Did some of the heifers. But once they
14 freshened the first time, you never did. We milked them
15 until they was of no use then sold them.

16 Q How long did you continue in the dairy
17 business? Do you recall?

18 A I don't remember exactly when we sold them, but
19 it was approximately 28 years, the dairy.

20 Q Do you recall, just ballpark it for me, when
21 you sold the dairy operation? Use your father's date of
22 death as a benchmark.

23 A Okay. It probably would have been in somewhere
24 between '75 and 1980 in that area. Closer maybe to '75.

25 Q Let's talk for a minute now about deer hunting.

1 First of all, let me ask you this. Were you or are you a
2 deer hunter?

3 A Yes.

4 Q Have you been a deer hunter all your life?

5 A Yes.

6 Q Do you still deer hunt?

7 A Not very hard anymore, no.

8 Q How young did you start hunting deer?

9 A Well, legally when I was 16.

10 Q Did you go out hunting with your family
11 generally?

12 A Yes, with dad. We run a deer camp and we had a
13 bunch of hunters, and we guided them and helped them get
14 their deer.

15 Q So in addition to your own hunting, you ran a
16 deer hunting business?

17 A Yes.

18 Q When do you recall that deer hunting business
19 starting?

20 A Well, they was -- they was doing it when I
21 first remembered, so they started before 1940.

22 Q And how long did that deer hunting business
23 continue?

24 A I think I run it one more year after dad died
25 in '67, and then I quit hunting as a business. We kept

1 hunting all the time with friends and hunted the same,
2 but I quit taking hunters. I wasn't obligated to work
3 with them and get deer.

4 Q Where did you have your deer camps when you
5 were in the deer hunting business?

6 A We had camped in Veyo, we camped in Ox Valley,
7 we camped out on the Beaver Dam Wash and places in
8 between. We moved the camp different places and hunt.

9 Q You've mentioned several times Beaver Dam Wash.
10 Would you point out where the Beaver Dam Wash is on
11 Exhibit 1?

12 A I don't know that it shows it running down this
13 map, but it comes right down close to the state line all
14 the way down to Beaver Dams, Littlefield, Beaver Dam
15 there where it goes into the Virgin River and goes up
16 north and heads up what they call Pine Park. And I don't
17 know whether Pine Park should be on this map up there in
18 the forest.

19 Q You're pointing to an area that runs along the
20 western edge of Washington County, and you pointed at the
21 southern extremity down in the Lytle ranch area, and then
22 at the northern extremity up in the forested area. Is
23 that pretty much accurate?

24 A Right. And I'm quite sure it stays in Utah all
25 the way until it goes -- it goes into Arizona before it

1 gets down to Beaver Dams, and maybe Beaver Dam is still
2 in Arizona. Anyway, it goes into Virgin River at
3 Littlefield. It is in Arizona.

4 Q So it goes all the way down to the state line?

5 A It goes through Arizona there into the Virgin
6 River, Beaver Dam.

7 Q In this deer hunting business that you operated
8 from 1940 to approximately 1980, did you say that you
9 were in the business?

10 A Right.

11 Q Did you take hunters out as a guide? Is that
12 the way you ran it?

13 A We cooked for them, cooked for them, they bring
14 their own sleeping quarters where they camped. We cook
15 for them, furnish them a horse and guide them. Take them
16 and help them get their deer.

17 Q And you also indicated -- well, let me ask you
18 this. What area on the map, Exhibit 1, did you hunt in
19 this deer hunting business?

20 A Throughout the years we hunted, there was very
21 little of this country we didn't hunt from the forest
22 over to the Nevada line all the way down -- well, we
23 didn't get down lower than this Lytle ranch, but from
24 there up and in this Indian country, again, the towers,
25 we hunted pretty much that whole country off and on at

1 different times.

2 Q You had your hunters, I'll call them your
3 hunters, you put them on horseback?

4 A Right.

5 Q Would you have used vehicles in that hunting
6 operation at all?

7 A Sure.

8 Q How did you use vehicles?

9 A Well, we hauled some horses to different places
10 to hunt, and then we always had to have pickups to assist
11 you in the places you was hunting. And then in the 50s
12 some of the hunters showed up with a -- some of the first
13 four-wheel drives I remember -- showed up with a Jeep.
14 So then they used that Jeep, and they hunted this Jackson
15 country, that Jackson Wash country anywhere that was that
16 they'd get with a Jeep, they hunted with a Jeep a whole
17 lot in that area.

18 Q Would you go out with the hunters?

19 A Yes.

20 Q So you would be with them as they were hunting?

21 A Yeah.

22 Q Do you have children, Mr. Bowler?

23 A I have two, two boys.

24 Q When were they born?

25 A Carl was born in -- well, when I was in the

1 service, so he was born in '34 June. And Stewart was
2 nine years later and born in March, if I'm right.

3 Q Now, you said '34. I don't think you mean '34.

4 A '54, excuse me in '54.

5 Q In 1954 and 1963?

6 A Yeah.

7 Q Did your sons participate in the family's
8 cattle business?

9 A Yep.

10 Q Did they participate in the dairy business?

11 A Yes.

12 Q Did they participate in the hunting business?

13 A Definitely, yes.

14 Q And I think you may have already answered this
15 question, but after you stopped running the hunting
16 business, you did continue as a hunter yourself?

17 A Yes.

18 Q What areas did you hunt on Exhibit 1?

19 A The same areas we talked about. We pretty much
20 hunted all of it again.

21 Q Did you use the roads that are indicated on
22 Exhibit 1 for any purposes other than in hunting and in
23 the cattle business?

24 A Used it some to get wood post, and of course,
25 when we were looking for cattle, it was still to do with

1 the cattle operation, but we used those roads a lot to
2 look for cattle signs or look for wherever the cattle
3 were so we could go get them. We used the roads a lot
4 doing that.

5 Q Did you observe other people using the roads
6 that were indicated on Exhibit 1?

7 A Yes.

8 Q And let's talk about the period prior to 19 --
9 approximately 1976. What would you observe other people
10 doing on these roads?

11 A They was enough of them little ranches,
12 families on those ranches that had to use the roads to
13 take whatever they raised, garden stuff, fruit stuff,
14 whatever they had to sell into town, and then to get
15 supplies and stuff. So you'd meet them people on them
16 roads.

17 There seemed to be quite a lot of prospecting
18 in that area, people prospecting. And then, of course,
19 you always had a certain amount of people that's just
20 recreation or looking around. So you would meet people,
21 nothing to the extent you do now, but you would see
22 people on the roads.

23 Q Would you ever see people out gathering pine
24 nuts?

25 A A little bit in some of this area, but there is

1 not much for pine nuts in this country. When you got up,
2 you would -- that was always something they done where
3 they was at, but it was limited areas where the pine nuts
4 was at. Kind of in this area where we had the cattle.

5 Q Would they hunt pine nuts up against the forest
6 in the northwest corner?

7 A Some they would, but there is not a lot of that
8 pine nuts in that area.

9 Q So you're pointing to an area more centrally
10 located on Exhibit 1?

11 A This area down here don't have much for -- the
12 Joshua area, the desert area, the pine trees you didn't
13 have. So they'd gather them up in this Pine Valley area,
14 you'd see people all the time, and some up in that area,
15 but it was in the higher country.

16 Q When you say that area, you're talking up in
17 the Cougar Pass area?

18 A Yes.

19 Q Did you ever observe people gathering
20 arrowheads and things like that?

21 A A lot of that back then. There was a lot of
22 people that seemed to go on weekends all over looking for
23 arrowheads and stuff, pottery and whatever.

24 Q When you say back then, what do you mean?

25 A In that time frame back.

1 Q Prior to 1976?

2 A Yes, yes.

3 Q Would you observe people just out sightseeing?

4 A Yes, yes.

5 Q Did you build a lot of your own fences?

6 A Yes.

7 Q And did you actually go out and gather your own
8 fence posts?

9 A Yes. The BLM, when they divided up them
10 allotments, the BLM went in and they dug the holes for
11 us. They made roads to where we get posts, but we had to
12 go cut them. That desert country, we had to go north to
13 get in the cedar areas to cut the posts. We had to cut
14 the posts. They dug the holes and furnished the wire,
15 and we put up the fence.

16 Q What's the road -- you said that some of these
17 roads that they cut for purposes of obtaining fence
18 posts. You say the BLM made some of these roads?

19 A The ones I remember was more in Nevada than it
20 was into Utah. I was more involved at that time when we
21 was building that fence in Nevada more than I was Utah.
22 So I knew where some of them were then, but they did some
23 in Utah, too. They made posts available for guys to go
24 cut posts.

25 Q Did you continue to use these roads for any

1 purposes other than obtaining posts?

2 A Yes. They was used from then on.

3 Q By you?

4 A Yes, and other people.

5 MR. RAMPTON: Let's take five minutes.

6 MR. CLARK: The time is 9:32.

7 (Short break was taken.)

8 MR. CLARK: We're going to do this one
9 more time.

10 MR. JOHNSON: Rory Johnson, court
11 reporter, work for Reporters, Inc., address 10
12 West 100 South, Suite 250 in Salt Lake City.

13 MR. CLARK: And we're in St. George, Utah.
14 April 29th, 2013. The time now is
15 approximately 9:40, and Fenton Bowler is being
16 deposed. I'm Eric Clark with the county
17 attorney's office. Tony Rampton with the State
18 Attorney General's Office.

19 MS. STIMMEL: Anna Stimmel with the U.S.
20 Department of Justice representing the United
21 States.

22 MR. GARRETT: Aaron Garrett with SUWA and
23 other parties, proposed intervenors in this
24 case.

25 MR. CLARK: Thanks, you guys.

1 Q (By Mr. Rampton) Just before the break you
2 indicated that at some point the BLM made some roads to
3 assist you in your fence post gathering, and that mostly
4 in Nevada, but you said some in Utah. Can you, on
5 Exhibit 1, identify any roads that the BLM made for
6 purposes of post gathering?

7 A Not in Utah right now, I can't, no.

8 Q What I'd like to do now, Mr. Bowler, is start
9 reviewing the roads that are depicted on Exhibit 1, and
10 talk about your experience, your personal experience, on
11 these roads. And we're going to start around the Veyo
12 area. And I'm first going to direct your attention to a
13 road that is marked on Exhibit 1 as Gunlock/Veyo Road
14 number 0139. Can you see that road?

15 A Yes.

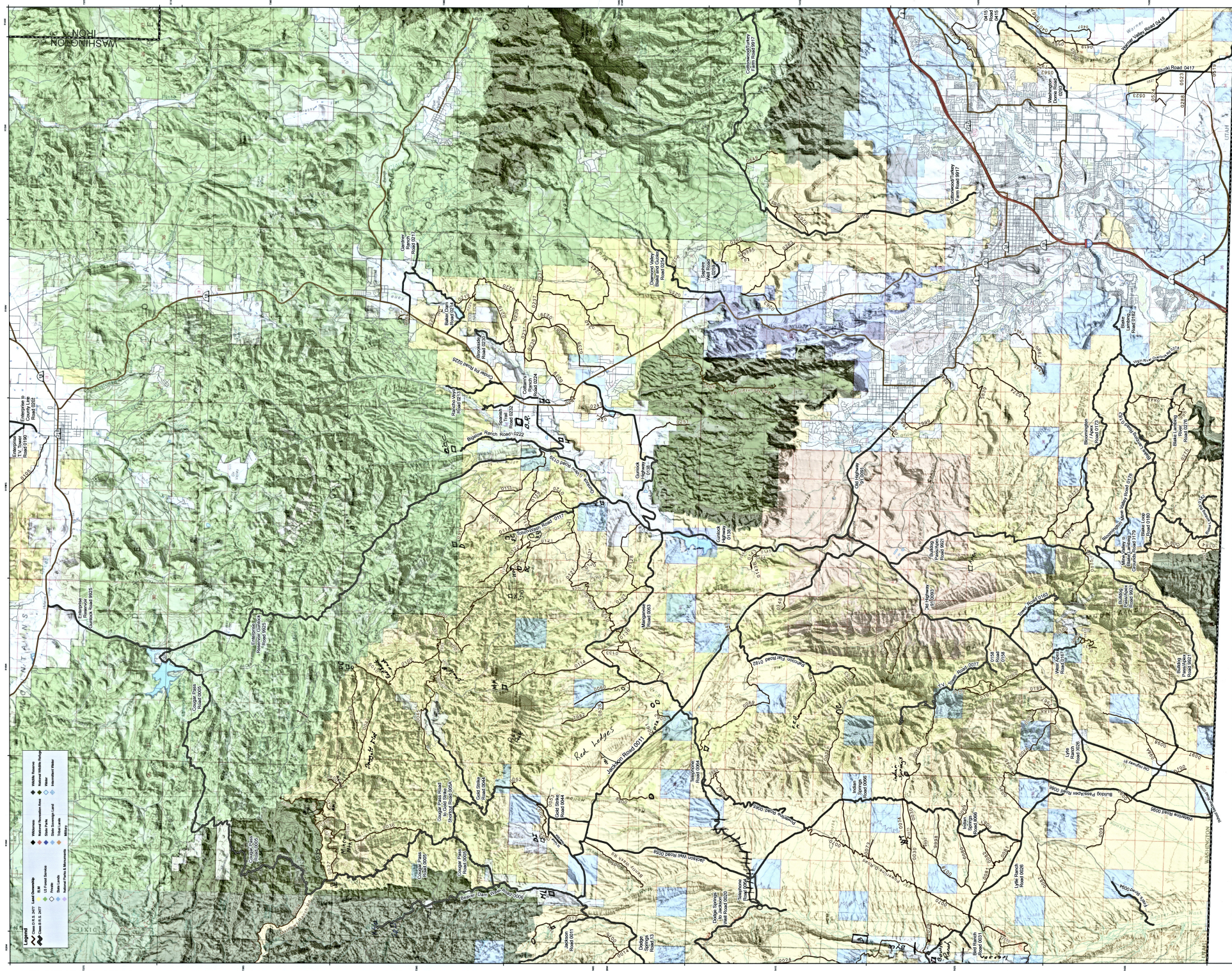
16 Q And it's not quite clear, but for purposes of
17 the deposition, we're going to indicate that that road
18 goes from the Gunlock Highway in the south, that's road
19 number 0138, up to where the road runs into Highway 18.
20 Do you see that?

21 A Yes.

22 Q Are you familiar with that Gunlock/Veyo Road?

23 A Yes.

24 Q When, if you recall, when do you think you were
25 first on that road?



Washington County
(West Side)
R.S. 2477 Rights-Of-Way

Washington County Depositions
Exhibit #1

