

EXHIBIT 12

BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF NAVAJO)

4 After being first duly sworn, and upon her oath, affiant, Diane Dahlin deposes and
5 says:

- 6 1. I am a current resident of Heber/Overgaard, Arizona.
- 7 2. I am over the age of 18 years of age.
- 8 3. I have resided in the Heber/Overgaard area, Navajo County, Arizona, since
9 1989.
- 10 4. I am currently employed at Jim Burton Realty.
- 11 5. I have seen herds of wild horses beginning along the borders of Bison
12 Ranch and continuing east toward Sunrise resort along State Route 260.
- 13 6. I have seen a herd of wild horses of approximately 20 to 30 head in this
14 area as early as 1995 and possibly earlier, well before the Rodeo-Chediski fires.

15 Further affiant sayeth naught.

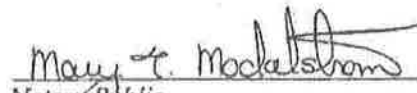
16 DATED: September 7, 2005

17 
18 Diane Dahlin

19
20 STATE OF ARIZONA)
21 County of Navajo) ss.



22 Subscribed and sworn before me this 7th day of September, 2005.

23
24 
25 Notary Public

26 Commission Expires: MM
27 9/27 3-13-2008
28

BRYAN GAYE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

1 STATE OF ARIZONA)
2) ss.
3 COUNTY OF NAVAJO)

4 After being first duly sworn, and upon his oath, affiant, Lee Larson deposes and
5 says:

- 6 1. I am a current resident of Heber/Overgaard, Arizona.
- 7 2. I am over the age of 18 years of age.
- 8 3. I have resided in the Linden area, Navajo County, Arizona, since 2001.
- 9 4. I have been hunting in and visiting the Heber/Overgaard area since the late
10 1970's and have personally witnessed two separate herds of wild horses in this area.
- 11 5. I am currently employed at Jim Burton Realty, in Overgaard, Arizona.
- 12 6. I have seen herds of wild horses in the following locations between
13 approximately 1977 and present time:
 - 14 a) along Forest Service Road 86
 - 15 b) between Forest Service Roads 107 and 146
 - 16 c) near Forest Service Road 125
 - 17 d) near Forest Service Road 141
 - 18 e) on Forest Service Road 300
 - 19 f) near the Forest Service Road 163.
- 20 7. I have also seen the herds outside of Bison Ranch in Overgaard, Arizona.
- 21 8. I have not witnessed any markings or brandings on any of the wild horses
22 that I have encountered.
- 23 9. I have seen between 25 to 30 wild horses at any given time.
- 24 10. I have seen at least five (5) foals since the beginning of 2005 and over the
25 years I have seen numerous other foals.

26 //
27
28

EMERALD CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

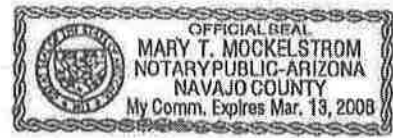
11. Many of these wild horses have been in the area prior to the Rodeo-Chediski fires of 2002.

Further affiant sayeth naught.

DATED: 9-7-05

Lee Larson
Lee Larson

STATE OF ARIZONA)
) ss.
County of Navajo)



Subscribed and sworn before me this 7th day of September, 2005.

Mary T. Mockelstrom
Notary Public

Commission Expires: 3-13-2008

BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

1 STATE OF ARIZONA)

2) ss.

3 COUNTY OF NAVAJO)

4 After being first duly sworn, and upon his oath, affiant, Ron Britz deposes and
5 says:

6 1. I am a current resident of Heber/Overgaard, Arizona.

7 2. I am over the age of 18 years of age.

8 3. I have resided in the Heber/Overgaard area, Navajo County, Arizona, since
9 1980.

10 4. Prior to the Rodeo-Chediski fires in 2002, I had seen herds of wild horses
11 *throughout the Heber/Overgaard area. The size of the herds have varied but have*
12 *included at least a dozen horses at any given time.*

13 5. None of the horses that I have viewed over the years were branded or had
14 any domestic markings, to the best of my knowledge. I believe that on many instances I
15 was close enough to have viewed or seen brands or markings had there been any on these
16 horses.

17 6. Throughout the 1980's, I often drove between Heber and Holbrook,
18 Arizona along State Route 377. During my drives back and forth, I had the opportunity
19 to view many herds of wild horses along this route. In the 1990's, I frequently saw these
20 wild horses while I was driving south toward Chevelon, Arizona. However, since the
21 Rodeo-Chediski fires of 2002, I have noticed an increased number of wild horses near
22 Bison Ranch in Overgaard, Arizona.

23 //

24

25

26

27

28

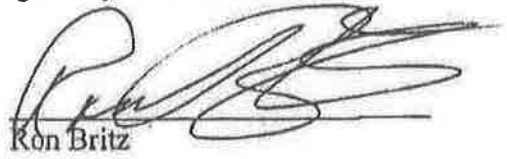
BIRAN CAYE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. Most recently, in April 2005, while driving from Holbrook to Heber, Arizona, I saw a herd of approximately 12 to 15 horses. Again, I did not see any brandings or evidence of domestic marking of any kind on the horses.

Further affiant sayeth naught.

DATED: 9-7-05


Ron Britz

STATE OF ARIZONA)
County of Navajo) ss.



Subscribed and sworn before me this 7th day of September, 2005.

Mary T. Mockelstrom
Notary Public

Commission Expires: 3-13-2008

BRIAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-3405
(602) 364-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF ARIZONA)

) ss.

COUNTY OF NAVAJO)

After being first duly sworn, and upon her oath, affiant, Barbara Van Cleve
deposes:

1. I am over the age of 18 years old.
2. I am a current resident of Overgaard, Arizona.
3. I have resided in the Overgaard area, Navajo County, Arizona, since 1994.
4. I am currently employed at Jim Burton Realty.
5. I have seen herds of wild horses on the borders of Sunrise Resort and surrounding areas since approximately 2004 .

6. In fact, in 2004, I photographed a large herd of these wild horses along State Route 260 in between Forest Roads 107 and 139. Attached hereto are true and correct copies of photographs I took on May 16, 2004, identified as Exhibit A. Due to the large size of this herd, which I estimate at approximately 30 to 40 head, I had to take two separate photographs to capture the entire herd.

Further affiant sayeth naught.

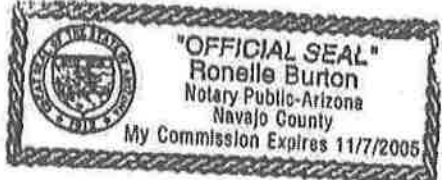
DATED: 9-7-05 Barbara Van Cleve

Barbara Van Cleve

STATE OF ARIZONA)

) ss.

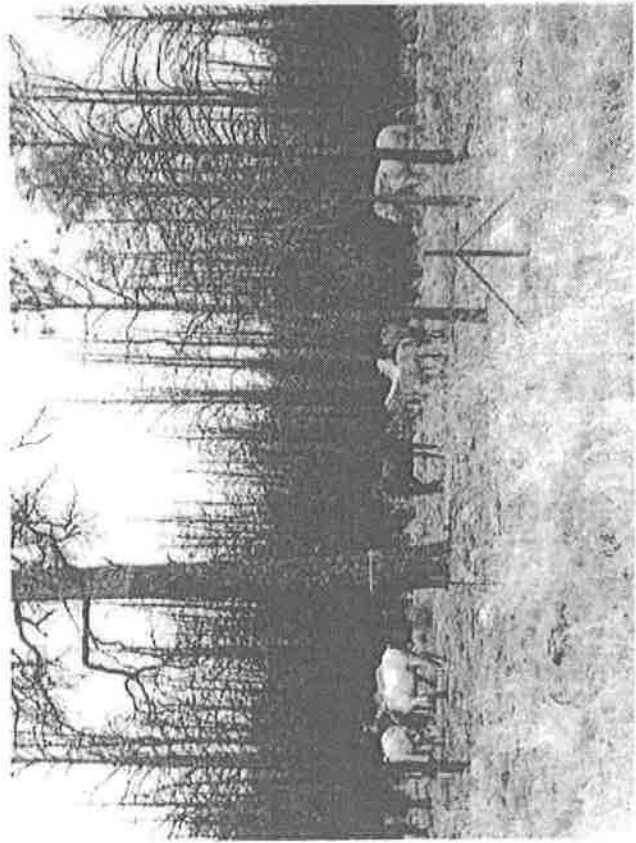
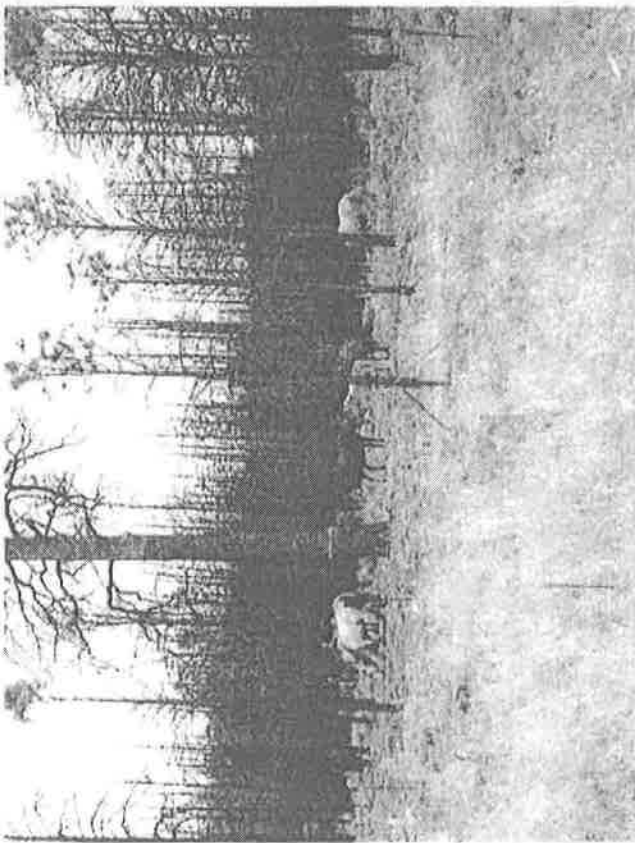
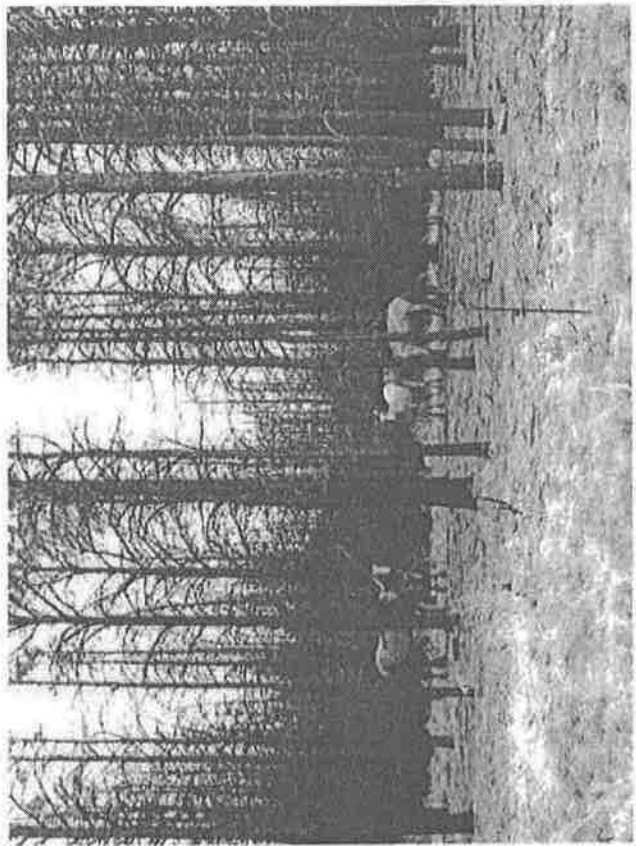
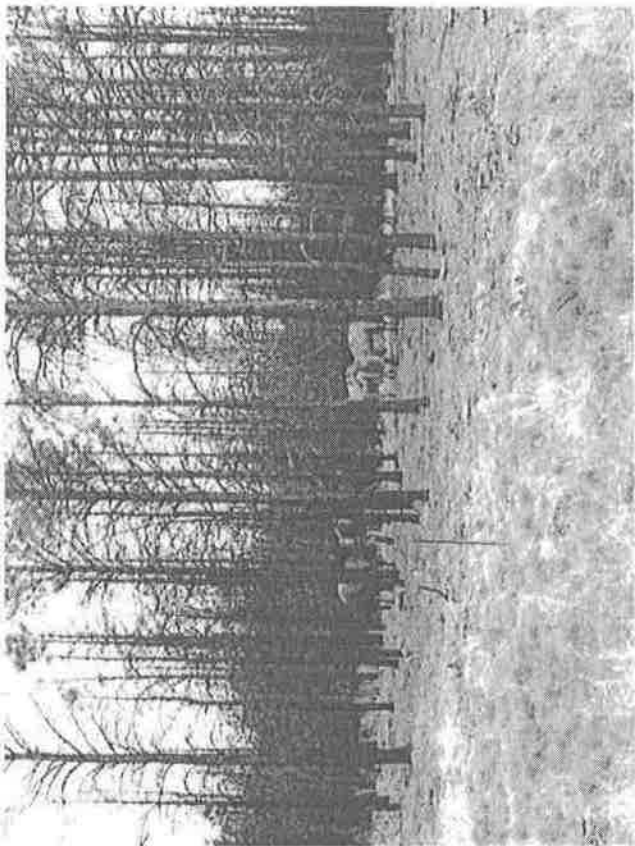
County of Navajo)



Subscribed and sworn before me this 7th day of September, 2005.

Ronelle Burton
Notary Public

Commission Expires: November 7, 2005



BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF ARIZONA)
) ss.
COUNTY OF NAVAJO)

After being first duly sworn, and upon his oath, affiant, Richard Potts deposes:

1. I am over the age of 18 years old.
2. I am a current resident of Heber/Overgaard, Arizona.
3. I joined the Air Force in 1957, obtained a business degree, and was commissioned as an officer in 1974. I eventually retired as a Captain in the Air Force in 1984. I served as a police officer and detective for the City of Scottsdale, Arizona from 1984 until I retired in 1997.
4. I have resided full-time in the Heber/Overgaard area, Navajo County, Arizona, since 1997. Prior to 1997, I visited the area frequently and have owned property here since 1970.
5. *I am currently serving as a fire lookout for the United States Forest Service and have worked for the Forest Service for the past six (6) summer seasons.*
6. In this capacity, I am familiar with the Heber Wild Horse Territory. Over the years, I have seen a small band of wild horses in that Territory and, in particular, in the vicinity of Gentry lookout, Township 11 N, Range 15.5 E, Section 28. A copy of an *Apache-Sitgreaves National Forests map indicating this area (in circle) is attached hereto as Exhibit A.* While driving around the forest roads in the area, I have become familiar with one particular herd since the summer of 2000. This was two years prior to the Rodeo-Chediski fires. The leader of this herd is a Buckskin stallion. This stallion usually runs with seven (7) or eight (8) mares and has produced foals for the last three years of which I am aware.

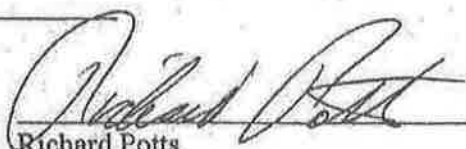
BRYAN CAVE LLP
Two NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. On the numerous occasions that I have seen this stallion and his mares, I have never seen any kind of branding or other domestic markings on any of the horses. In my opinion and based upon my personal knowledge, this small herd of horses is wild and has been roaming in this area since at least 2000.

Further affiant sayeth naught.

DATED: 09/07/05


Richard Potts

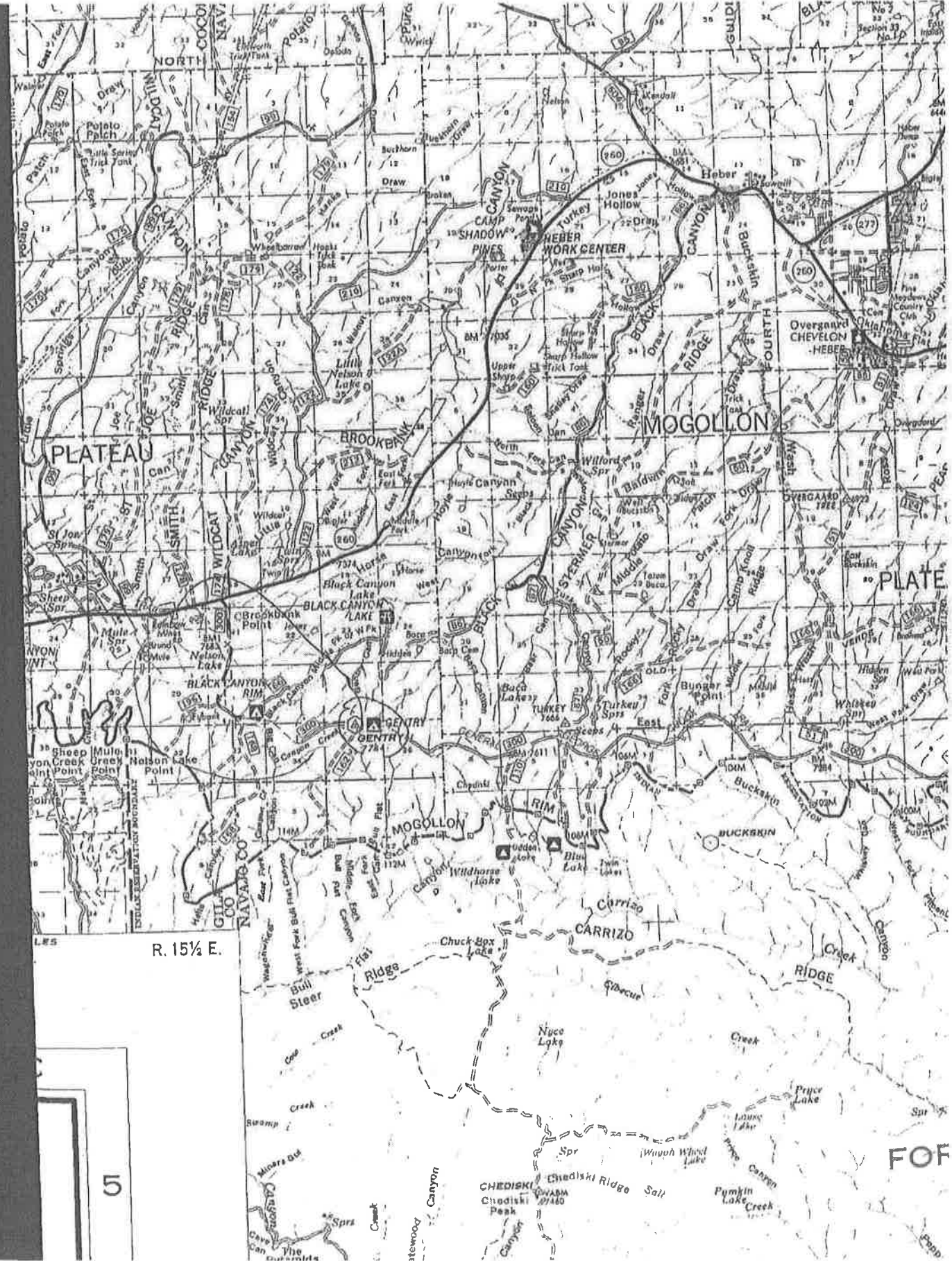
STATE OF ARIZONA)
County of Navajo) ss.



Subscribed and sworn before me this 7th day of September, 2005.


Notary Public

Commission Expires: November 7, 2005



R. 15 1/2 E.

5

FOF

BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF ARIZONA)

) ss.

COUNTY OF NAVAJO)

After being first duly sworn, and upon her oath, affiant, Cheryl Crandell deposes:

1. I am over the age of 18 years old.
2. I am a current resident of Heber/Overgaard, Arizona.
3. I have resided in the Heber/Overgaard area, Navajo County, Arizona, since 1968.
4. I am currently employed at Bison Ranch as a Barn Manager.
5. I have seen herds of wild horses on the borders of Bison Ranch and surrounding areas since approximately 1974.
6. In fact, in 1974, I photographed several of these wild horses along the Mogollon Rim. Attached hereto are true and correct copies of photographs of a herd of wild horses that I personally watched on or around 1974. These horses have historically roamed the Heber/Overgaard area of Arizona.

//
//
//
//
//
//
//
//
//
//
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. Most recently I have witnessed three separate herds of these wild horses. In particular, I have seen an eighteen-month old colt with a distinctive cream color that has consistently appeared around the Bison Ranch area.

Further affiant sayeth naught.

DATED: Sept. 7, 2005

Cheryl Crandell
Cheryl Crandell

STATE OF ARIZONA)
) ss.
County of Navajo)



Subscribed and sworn before me this 7th day of September, 2005.

Janet K. Gibson
Notary Public

Commission Expires: 11/06/2008

BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4408
(602) 364-7000



AFFIDAVIT OF PATRICIA HAIGHT

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

After being first duly sworn, and upon her oath, affiant, Patricia Haight avows as follows:

1. I am over the age of 18 and am competent to testify as to the matters set forth herein and would so testify if called upon to do so.

2. I have personal knowledge of all of the matters set forth herein, except those matters theorized upon information and belief, which matters I believe to be true.

3. I am currently the Southwest Regional Director for the non-profit organization known as In Defense of Animals. I have served in that position since 2001. My responsibilities include investigating citizen complaints about animal cruelty, addressing legislative issues relating to animal protection on both state and national levels, overseeing Arizona's largest equine rescue program, and assisting the Maricopa County Sheriff's Office with their posse program to prevent animal cruelty, among other things.

4. I have a degree (Ph.D.) in Experimental Psychology and over twenty years experience in riding, working with, and handling different breeds of horses.

5. Sometime in July 2005, I learned that the U.S. Forest Service had plans to round up all of the horses on the public lands of the Apache-Sitgreaves National Forests and send them to an auction house near Holbrook, Arizona. On July 12, 2005, I wrote a letter to Senator John McCain asking for his assistance to confirm whether this information was correct. A copy of my letter is attached at Exhibit A. I continued a dialogue with Senator McCain's office and the U.S. Forest Service over the next month. In the end, I confirmed the accuracy of my information.

BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4408
(602) 364-7000

1 6. On or about July 19, 2005, I sent a Freedom of Information Act or FOIA
2 request to Elaine Zieroth with the U.S. Forest Service in Springerville, Arizona. A true
3 and correct copy of that letter is attached at Exhibit 1. The FOIA request sought
4 information relating to a protected wild horse territory similar to a sanctuary dedicated by
5 Congress and known as the Heber Wild Horse Territory.

6 7. I issued a second FOIA request to Ms. Zieroth on or about August 23,
7 2005. This request related to the attempt to award a contract for the removal of all horses
8 from the Apache-Sitgreaves National Forests.

9 8. To date, I have received a few pages of information and reports from the
10 U.S. Forest Service in response to my requests. None of the documents suggest that the
11 Forest Service has conducted any type of investigation or study of the horses in this area
12 before making a decision to remove all of them. In fact, they have failed to provide me
13 with any census or inventory regarding the present number and status of wild horses in
14 the Apache-Sitgreaves National Forest.

15 9. I have also reviewed the Solicitation for Bid entitled "Trespass Horse
16 Capture and Transport, Apache-Sitgreaves National Forest" initially posted on July 19,
17 2005. This Solicitation provides for trapping of the horses, allows motorized equipment,
18 tractor trailers, and stock trailers into the forests for removal of the horses. Most
19 interestingly, the Solicitation also places a "gag order" on it and provides that the
20 "contractor agrees that there shall be no release of information to the news media
21 regarding the removal or remedial activities conducted under this contract." See
22 Solicitation at Section C.1.5(a)(3). The Solicitation provides for conditions for camping
23 for the contractor and its agents when rounding up the horses and staying overnight in the
24 forests at Section H.2.4, a fire plan at Section H.3.0, and other issues such as slash
25 incineration, smoking cigarettes, power chain saws, and the like.

26 10. To my knowledge and investigation to date, neither the United States Forest
27 Service or any other government agency has conducted a public hearing or allowed for
28

BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4408
(602) 364-7000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

public comment on their present intent to remove horses from the Apache-Sitgreaves National Forest.

11. I have reviewed photographs and videos of the wild horses in the Apache-Sitgreaves National Forests. I have also spoken with residents who have viewed these horses.

12. From my review of the photographs and videos of these horses, I believe that the light Buckskin (or crème color) and the jet black horses and foals in the Apache-Sitgreaves National Forests are indicative of offspring of the original Spanish wild mustangs introduced to the Heber area by Father Eusebio Kino some 300 years ago.

13. Based upon my discussions and interviews with local residents of Heber/Overgaard, it appears clear that wild horses have existed continuous in the Apache-Sitgreaves National Forest since 1971 and earlier.

14. If the Forest Service proceeds with its plan to capture and remove these horses, they will be transported to a livestock auction house in Sun Valley, Arizona (near Holbrook). Upon information and belief, most, if not all the horses at that auction will go for slaughter. This means that there is a good chance that the majority of the horses presently living in the Apache-Sitgreaves National Forest will go to a slaughter house.

15. The present bid for removal of these horses constitutes more than a mere relocation or reduction in the horse population, but rather a total eradication and extinction of all wild horses in the area.

//
//
//
//
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

16. Once these wild horses are captured and removed, they can never be replaced.

Further, Affiant sayeth naught.

DATED: 9/09/2005

Patricia Haight, Ph.D.
Patricia Haight, Ph.D.

SWORN AND SUBSCRIBED before me by Patricia Haight, Ph.D. this 9th day of September, 2005.

Lori L. De Los Santos
Notary Public

My Commission expires:

May 6, 2008



BRYAN CAVE LLP
TWO NORTH CENTRAL AVENUE, SUITE 2200
PHOENIX, ARIZONA 85004-4406
(602) 364-7000

The Honorable Senator John McCain
241 Russell Senate Office Building
Washington, D.C. 20510-0303

July 12, 2005

Dear Senator McCain,

Once again I am writing to you regarding an issue related to horses living on Federal land in Arizona. Currently, these horses are living in the Sitgreave National Forest under the jurisdiction of the United States Forest Service. I have been told that the horses may be gathered, sold at auction, and end up at slaughter. I am writing to ask if you might inquire whether the information I have received regarding these horses is correct and whether, if it is correct, there might be an option other than sale of several hundred Arizona horses at auction. This, most likely, will result in most of these horses going to slaughter.

I received the information about this situation through Colonel Newlin Happersett, owner of Blue Grass Arabians in Cave Creek, Arizona. Colonel Happersett is a highly respected horseman in Arizona whose two-year-old Arabian, Point Man, took Championship honors at the last Arabian National Show at WestWorld. He also is a decorated veteran of World War II and Vietnam and was a former POW. Colonel Happersett fosters horses for In Defense of Animals and brought this information to my attention.

Below is the information:

- A committee has been formed by the United States Forest Service to deal with a large number of horses, perhaps several hundred horses, who ran to escape from fires during the Rodeo-Chedeki fire. They are horses that were living on the White Mountain Apache Reservation prior to the Rodeo fire and who belonged to the White Mountain Apache Tribe.
- The terrified horses took refuge from the flames by running to the Sitgreave National Forest during the Rodeo fire and have been living there since. They are living on the rim side of the forest going from Showlow toward Lakeside in an area known as Forest Lakes. The public has been blocked access to this area.
- The US Forest Service does not want these horses on that land because they want the vegetation to come back and the horses are grazing on the vegetation. Technically the horses belong to the White Mountain Apache tribe but the White Mountain Apache tribe won't take them back either. Consequently, the Forest Service is working on a plan to gather up all of these hundreds of horses and turn them over to the Arizona Department of Agriculture. If this happens, the horses will go to the Holbrook sale lot. It is a place with a very bad reputation among horse people and animal welfare organizations.
- If the horses are turned over to the Arizona Department of Agriculture by the Forest Service, they will go to the Holbrook facility and, after 14 days, will then be sent to auction. Most of these horses will end up in the hands of killer buyers and be sold to slaughter because there simply are not enough people in the Holbrook area who will buy these horses. I have been told that the Forest Service will not consider taking the responsibility of the horses directly and doing an adoption program because it is too expensive. However, the BLM certainly does adoptions in Arizona and Kelly Grissom, the head of the BLM Horse and Burro Program in Arizona, is experienced at setting

up adoption programs. While I cannot speak for Mr. Grissom on this issue, he has been more than willing to help tribes in Arizona set up adoption programs for horses in other areas.

Would it be possible for you to inquire of the US Forest Service regarding the following concerns that have been expressed to me?

1. Is the Forest Service dealing with several hundred horses in the Sitgreave Forest that they plan to turn over to the Arizona Department of Agriculture as abandoned horses?
2. If the Forest Service is working on this plan, would they reconsider the possibility of an adoption program instead especially given that they have the BLM program in Phoenix to turn to for information on setting up such an adoption?
3. I have contacted Karen Sussman of the International Society for the Protection of Mustangs and Wild Burros to ask her assistance in finding a place for these horses to be relocated. If a place was found for them, would the Forest Service work with animal welfare groups to allow their relocation rather than sale at auction and to killer buyers?

These horses are simply victims of a horrible wildfire in Arizona. They escaped the fire and survived through their own courage and ingenuity. It would be tragic for them to end up at auction and at slaughter. In Defense of Animals delivered hay, feed and medical supplies to people in the White Mountains during that fire. I saw first hand its effect on the people and on the animals including horses. These horses have survived that ordeal. Now, if it is true that the US Forest Service plans to remove them from the land and turn them over to the Arizona Department of Agriculture, they will end up sold at auction and in the hands of killer buyers and slaughter houses. I believe there are other alternatives.

Would it be possible for you to assist me in determining whether this information is correct and, if it is correct, whether the US Forest Service would consider an adoption program or relocation of the horses if land can be found for them? The person I am told who is in charge of the issue of these horses is the following:

Elaine Zorthor
Forest Supervisor, Apache Sitgreave National Forest
PO Box 640
Springerville, AZ 86938

Once again, thank you so very much for your assistance, for your compassion, and for the assistance and kindness of your staff.

With best wishes and deepest respect,

Patricia Haight, Ph.D.
Southwest Regional Director, In Defense of Animals
Director, IDA Conquistador Equine Rescue Program
Cell: 480-232-8088, Email: pat@ldausa.org