

KESSLER'S ANSWERS TO DISCOVERY 9-8-20

Kesslers' Responses to Requests For Admission 9-8-20

1. Admit that there was no one residing at the Section 15 building in 2009.

DENY. The house was used whenever my son was back from college and by other family members. We also specifically told representatives of Minnesota Power that the house was going to be used by our son when he returned from college. The house was used as follows:

The house on the property has been there since 1910. The history since we bought it is as follows:

a) the residence existed in 1988 or 1989 when the Kessler bought the land.

b) from 1989-1992 Keith and Deanna Kessler lived in the home.

c) from 1993-1997 Keith's brother Paul lived in the home.

d) from 2001-2003 Keith's mother-in-law lived in the home.

e) from 2003 to the Spring of 2015¹, the home was used regularly for i) lunches for the working crew when the Kesslers were working cattle, ii) for a hunting cabin, iii) an additional residence for out-of-town family members to stay during family get-togethers, including Keith's brother, his brother-in-law, and his sister, and iv) hosting super bowl Sunday parties.

f) Throughout 2003 through 2016 the Section 15 residence was in no way abandoned or left in disrepair. The house throughout the development of the entire project was capable of being used as a residence; it had furniture, running water, working toilet, full kitchen, carpet, and full heating. Yes, general maintenance and upkeep occurred; in 2012 a new coat of paint was administered on the outside; in May – June 2016 the Kesslers put in new flooring and painted the interior; in 2016 the shingles were replaced and some new windows were installed; in 2018 another new coat of paint was administered as well as a few more windows were installed.

g) The residence was used by Hayden when he returned from college in the late spring and summer of 2015, and soon thereafter Hayden and his girlfriend (soon to be wife) lived there full-time. The couple was married in 2017 and their first home was the Kessler Section 15 residence.

¹ Stephen was in college from 2011-2015, and Hayden was in college 2014-2015.

Dates - 1

Kesslers' Answers To Interrogatory No. 10 9-8-20

1. Identify and describe in detail all facts supporting the allegation in paragraph 19, subpart 1 of the Complaint that the Section 15 building was "used before and during the project, and occupied on either side of the actual construction of Turbine 441."

ANSWER TO INTERROGATORY No. 10

1989-1992 Keith and Deanna Kessler

1993-1997 Paul Kessler

2001-2003 Angela Hutmacher and Joe

2004-2014 Stephen and Hayden would stay overnight during hunting season (with Keith)

2007 Paul and Heather stayed for a couple days in the summer

2007 Larry Flemmer and girls watch Super Bowl with US

2010 Watched super Bowl the Kessler family

2011 Bruce and Diane Kessler stayed there for a couple of days in the summer

2016-2019 Hayden and Megan Kessler and Gustav

2020 Stephen and Leah Kessler and kids stayed there for the summer

From 2003 till present, cattle were worked in the yard and ate lunch in the house or prepared food in house.

The house has always had running water, electricity available, stove, refrigerator, furniture, television and furnace

Dates -2

Cow s and Calves 2013

Cow s and Calves 2013

Cow s and Calves 2013

Cow s and Calves 2013

Cow s and Calves 2013

| Cow # | Calv # | B/H | P/H | WEIGHT | SIRE | PAST | NOTE |
|-------|--------|------|-----|--------|------|------|------|
| 308 | 301 | H | | | | P | |
| 1104 | 302 | H | | | RA | G | |
| 47 | 303 | H | | 520 | | P | |
| 123 | 304 | S | | | BRA | G | |
| 119 | 305 | H | | | BRA | G | |
| 516 | 306 | H | | | | P | |
| 115 | 307 | H | | | BRA | G | |
| 708 | 308 | H | | | CAN | P | |
| 114 | 309 | H | | | RA | G | |
| 121 | 310 | S | | | BRA | G | |
| 119 | 311 | S | | | HF | H | |
| 101 | 312 | H | | | | P | |
| 15 | 313 | S | | | HF | HOME | SOLD |
| 8145 | 314 | S | | | | HOME | |
| 509 | 315 | S | | 725 | | P | |
| 306 | 316 | S125 | | 500 | | P | |
| 515 | 317 | H | | 520 | | P | |
| 9129 | 318 | H | | 510 | CAN | P | TWIN |
| | 319 | H | | | CAN | P | TWIN |
| 518 | 320 | S | | 600 | | P | |
| 42 | 321 | S | | 550 | | P | |
| 713 | 322 | H | | | HF | H | |
| 506 | 323 | H | | 530 | | P | |
| 09 | 324 | S | | 585 | | P | |
| 503 | 325 | S | | 540 | | K | |
| 610 | 326 | S | | 600 | | P | |
| 840 | 327 | S | | 550 | CAN | P | |
| 614 | 328 | S | | | | P | |
| 7111 | 329 | S | | 545 | CAN | P | |
| 01 | 330 | S | | 540 | | P | |
| 533 | 331 | H | | 550 | | K | |
| 116 | 332 | S | | | BRA | P | |
| 06 | 333 | H | | 480 | | G | |
| 199 | 334 | S | | | RA | K | |
| 616 | 335 | H | | 500 | | G | |

Kessler Ranch

490
5

470
100

470
100

D-6-3

| Cow # | Calf # | Sex | P/H | Weight | Note |
|-------|--------|-----|-----|--------|------------|
| 750 | 489 | S | | 510 | |
| 753 | 4141 | B | | 600 | BULLY/KEEP |
| 822 | 4109 | H | | 595 | |
| 931 | 4124 | H | | | |

| Cow # | Calf # | Sex | P/H | Weight | Note |
|-------|--------|-----|-----|--------|------|
| 282 | 416 | S | | 500 | |
| 703 | 4133 | S | | | |

| Cow # | Calf # | Sex | P/H | Weight | Note |
|-------|--------|-----|-----|---------|------|
| 418 | 473 | S | | 10/4/14 | |

NO TAG

| Cow # | Calf # | Sex | P/H | Weight | Note |
|---------|--------|-----|-----|--------|-------------------|
| H-R 605 | | | | | |
| 01 | 430 | H | | 440 | |
| 02 | 452 | H | | 610 | HF KEEP |
| 03 | 463 | H | | 575 | 609 CALF |
| 04 | 477 | S | | 568 | |
| 05 | 406 | H | | 560 | |
| 06 | 4115 | S | | 520 | |
| 07 | 410 | H | | 601 | 304 TWIN |
| 08 | 456 | H | | 690 | HC KEEP |
| 09 | 420 | H | | 578 | |
| 10 | 437 | H | | 615 | HF KEEP AND TAG |
| 010 | 4122 | S | | 512 | |
| 011 | 482 | H | | 365 | |
| H-R | | | | | |
| 11 | 4117 | H | | | |
| 12 | 4142 | S | | | |
| 012 | 436 | S | | 479 | |
| 12Y | 422 | H | | - SELL | HF SELL - NOT TAG |
| 13Y | 478 | H | | 530 | HF KEEP |
| 13 | 483 | S | | 643 | |
| 014 | 484 | S | | 646 | |
| 14 | 491 | H | | 500 | HF KEEP |
| 016 | 4129 | H | | 572 | |
| 017 | 4104 | S | | 540 | |
| 018 | 435 | H | | 601 | |
| 019 | 4320 | S | | 582 | |
| 020 | 4101 | S | | | |
| 21 | 4126 | S | | | |
| 022 | 4130 | S | | 540 | |
| 23 | 447 | H | | | |
| 023 | 497 | S | | 537 | |
| 024 | 464 | H | | 553 | |
| 025 | 433 | H | | 550 | |
| 026 | 489 | S | | 604 | |
| 26 | 4103 | H | | 646 | |
| 27 | 487 | H | | 505 | |
| 029 | 4119 | S | | 505 | |
| 030 | 485 | H | | 515 | |
| 031 | 4116 | S | | 559 | |
| 032 | 4138 | H | | 624 | |
| 033 | 488 | S | | 560 | 307 CALF - 1000 |
| 034 | 442 | H | | 460 | 052.000 CALF |
| 036 | 4136 | H | | 606 | |
| 41 | 4118 | H | | 550 | |
| 42 | 445 | H | | 540 | |
| 43 | 431 | H | | | |

NO TAG J-576-479 (010)
NO TAG J-H-8 440 (034)