

Page 10

1 Zuni Basin was done before you were on board?
2 A. Correct.
3 Q. Okay. So what is the source of your knowledge
4 respecting what happened before you were on board?
5 A. It would be the field notes that we maintained in
6 our office, photography that was taken during those field
7 visits, and discussions with other engineers at the company
8 who would have been out in the field.
9 Q. Okay. How many engineers from the company had
10 been out in the field?
11 A. I don't know off the top of my head. There was an
12 interrogatory that I responded to, and I listed personnel
13 who had worked on this project and marked off the ones who
14 did fieldwork. I don't recall right now who exactly it
15 was, though.
16 Q. And Mr. Allen is no longer with the company?
17 A. Correct.
18 Q. And he was the guy in charge?
19 A. (Witness nodded his head.) Yes.
20 Q. You have to not rely on your nods to give
21 Ms. Costello the --
22 A. Oh, I apologize. Correct, he's not with NRCE.
23 Q. So in connection with the Zuni Basin hydrographic
24 survey, it was essentially done by personnel other than
25 yourself.

Page 11

1 A. I have been out in the field and conducted parts
2 of the survey not related to Atarque Ranch but other areas
3 of the basin.
4 Q. What did you do out in the basin that wasn't
5 related to Atarque Ranch?
6 A. A lot of it was related to the tribal properties
7 of Zuni and Navaho; and I spent some time on the Zuni
8 Reservation with their irrigation works, mapping out
9 irrigated parcels, ditches, a couple of wells. The
10 majority of it had been completed before I was working at
11 NRCE, but there were some ends that we wanted to get tied
12 up also. And then for Navajo we were in the midst of
13 working on the survey of their irrigated lands,
14 historically irrigated lands, and stock ponds as well.
15 Q. Okay.
16 A. And so I made several trips out to those areas to
17 survey those features.
18 Q. With respect to Atarque -- No. Strike that.
19 If you are unable to answer questions about
20 Atarque, who can answer those questions who's still a part
21 of NRCE?
22 MR. GUARINO: He hasn't -- I'm going to object to
23 the form of the question. He hasn't indicated that he
24 can't answer any of the questions that you've got.
25 MR. SHOENFELD: Okay.

Page 12

1 Q. (BY MR. SHOENFELD) Are you able to answer
2 questions respecting the execution of the hydrographic
3 survey before you were part of NRCE?
4 A. Specifically regarding Atarque Ranch?
5 Q. Yes.
6 A. Only to the extent that I know through field notes
7 and what I remember discussing with those engineers before
8 they departed the company.
9 Q. Okay. Now, in 2005, that was the time when most
10 of the fieldwork for Atarque -- the area covering Atarque
11 was done?
12 A. I believe it was 2004.
13 Q. Okay.
14 A. I'd have to -- I'd have to double-check the field
15 notes to see the dates on that.
16 Q. Okay. Let me hand you a part of the hydrographic
17 survey that seems to be dated October 2005.
18 MR. SHOENFELD: Let's mark that.
19 (Discussion off the record.)
20 (Deposition Exhibit No. 1
21 was marked for identification)
22 Q. (BY MR. SHOENFELD) I have handed you now what
23 we've marked as Deposition Exhibit 1.
24 (Ms. Mirabelli returned.)
25 Q. Let me direct your attention --

Page 13

1 MR. SHOENFELD: Hold on. Hold on.
2 MS. MIRABELLI: Oh, sorry.
3 MR. SHOENFELD: Let's not confuse the issue.
4 MS. MIRABELLI: Oh, I'm sorry.
5 Q. (BY MR. SHOENFELD) Let me direct your attention
6 to page 3-1 of Exhibit 1.
7 A. (Witness perused document.)
8 Q. It looks to me like what was done, as reflected in
9 Exhibit 1 at page 3-1, is that you determined the water
10 rights based on a water right per cow rather than a water
11 right per well. Is that accurate?
12 MR. GUARINO: I'm going to object to the form of
13 the question and object that it calls for a legal
14 conclusion from Scott.
15 MR. SHOENFELD: Well, let me restate the question.
16 MR. GUARINO: Okay. Thank you.
17 MR. SHOENFELD: And then if you've still got an
18 objection, we'll deal with it.
19 MR. GUARINO: Okay.
20 Q. (BY MR. SHOENFELD) The paragraph that is bulleted
21 "Livestock" -- Do you see that paragraph?
22 A. Yes.
23 Q. -- refers to the number of animal units that the
24 land can sustain; is that correct?
25 A. An estimate of, yes.

Exhibit 11