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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
and

STATE OF NEW MEXICO ex rel.
STATE ENGINEER,
Plaintiffs,

No. 01cv00072-MV/WPL
ZUNI RIVER BASIN
ADJUDICATION

v.

A & R PRODUCTIONS, et al.,
Defendants.

Subfile No. ZRB-2-0098

ORAL DEPOSITION OF DARRELL BROWN
March 19, 2015
1:40 p.m.
Law Office of Peter B. Shoenfeld, P.A.
100 La Salle Circle, Suite A
Santa Fe, New Mexico

PURSUANT TO THE NEW MEXICO RULES OF CIVIL
PROCEDURE this deposition was:

TAKEN BY: MR. ANDREW "GUSS" GUARINO, ESQUIRE
ATTORNEY FOR THE PLAINTIFFS

REPORTED BY: DIANNA M. ALVAREZ, NM CCR #141
Court Reporters de Santa Fe
Post Office Box 9603
Santa Fe, New Mexico 87504

1 Q. (By Mr. Guarino) So, Mr. Brown, you recognize
2 Exhibit D?

3 A. Right.

4 Q. That's the report you prepared?

5 A. That's the report I prepared.

6 Q. And I want to talk just generally about this
7 report first. Can you tell me why you prepared this
8 report?

9 MR. SHOENFELD: But --

10 MR. GUARINO: In his own words.

11 MR. SHOENFELD: Counsel, can we agree that in
12 answer to this question, specifically in answer to this
13 question, that if he refers to communications from
14 counsel that you will not regard that as a general
15 waiver of a privilege.

16 MR. GUARINO: I will not consider him
17 answering today as a waiver of the privilege if you're
18 going to insert a privilege there. Of course, whether
19 or not that privilege actually is there or not we'll
20 argue about later if we need to.

21 MR. SHOENFELD: Go ahead and answer the
22 question.

23 A. I think it really was kind of on behalf of --
24 of you, in the fact that I was told as -- as a -- as a
25 witness that I needed to prepare or provide information

1 about my background and about my knowledge of this
2 particular situation, of how ranch management is done,
3 of -- of how water consumption and -- and water delivery
4 is provided on any ranch.

5 I mean, I did not do this -- in preparing this
6 I did not focus on the Atarque Ranch, I did this as a
7 general description of how ranches in the west work on
8 providing water to cattle. And why -- why it is
9 important for cattle to have an abundant need and --
10 well, the full amount of water that they need to have.

11 Q. (By Mr. Guarino) All right. In preparation
12 of this report did you perform any sort of study or
13 calculation of consumption of water by cattle or
14 livestock of any kind in preparation of this report?

15 A. I -- in the ones that I've cited here are
16 studies that have been done in universities around the
17 country. Because of my background of working for New
18 Mexico State University, I went there first to find out
19 what kind of information they had. I visited with
20 professors that I had worked with in the past. They
21 recommended some of these people that I've talked to,
22 that I go and check these articles that have been
23 published on research that had been done on this
24 particular thing.

25 Q. And if you relied upon research you cited it