

1           **THE WITNESS:** THIS YELLOW AREA IS KIND OF HARD TO  
2 SEE AMONG ALL THE COLORS, BUT THAT'S THE GENERAL AREA OF  
3 PARCELS, A FEW UP HERE AMONG THE RAILROAD, THAT WERE  
4 ACQUIRED THROUGH PURCHASE OR CONDEMNATION DURING THE  
5 PERIOD 1953 TO 1958.

6           **MR. LEININGER:** AND, AGAIN, PLEASE MOVE IN ON THE  
7 QUOTED BLOCK, PLEASE.

8           **THE WITNESS:** YES. TAKING IT -- WELL, IT'S THE  
9 LANGUAGE -- THIS IS THE LANGUAGE I JUST CITED FROM  
10 16661-W.B. CIVIL. IT SAYS, "THE SAID LANDS ARE  
11 NECESSARY ADEQUATELY TO PROVIDE FOR EXPANDING NEEDS AND  
12 REQUIREMENTS FOR THE DEPARTMENT OF THE AIR FORCE AND  
13 OTHER MILITARY USES INCIDENT THERETO. THE LANDS HAVE  
14 BEEN SELECTED -- " AND THEN THERE'S AN ELLIPSES TO MAKE  
15 IT SHORTER -- "FOR USE IN CONNECTION WITH EDWARDS AIR  
16 FORCE BASE, CALIFORNIA, AND FOR OTHER SUCH USES AS MAY  
17 BE AUTHORIZED BY CONGRESS OR BY EXECUTIVE ORDER."

18                       THE FULL TEXT IS IN THE PREVIOUS EXHIBIT.

19 **BY MR. LEININGER:**

20           **Q**           THAT'S FINE. LET'S MOVE ON.

21           **THE COURT:** LET'S WAIT FOR A MOMENT. LET'S TAKE A  
22 RECESS. IT'S ABOUT AN HOUR AND A HALF SINCE WE STARTED;  
23 SO WE'LL GIVE EVERYBODY A BREAK FOR 15 MINUTES. THANK  
24 YOU.

25

26                               (RECESS.)

27

28           **THE COURT:** ALL RIGHT. LET'S RESUME.

1 BY MR. LEININGER;

2 Q MR. HERBERT, I BELIEVE THERE'S TWO OTHER  
3 WITHDRAWALS OF RESERVATIONS. SO LET'S GO TO EXHIBIT 25,  
4 PLEASE.

5 A I'VE GOT IT. IF YOU WOULD LOOK AT THE  
6 SECOND PAGE OF THAT EXHIBIT, THE MIDDLE OF THE PAGE --

7 Q AND I'M SORRY. WHAT IS THIS EXHIBIT?

8 A I'M SORRY. IT'S A COPY OF THE *FEDERAL*  
9 *REGISTER*. IT'S A PUBLICATION OF THE PUBLIC LAND ORDER  
10 NUMBER 2270, WITHDRAWING LANDS FOR USE OF THE DEPARTMENT  
11 OF THE AIR FORCE FOR MILITARY PURPOSES, PARENS, EDWARDS  
12 AIR FORCE BASE. IT'S DATED FEBRUARY 21ST, 1961. IT'S  
13 FOR 230 ACRES.

14  
15 (EXHIBIT 25, IDENTIFIED: *FEDERAL*  
16 *REGISTER* PUBLICATION OF PUBLIC LAND  
17 ORDER 2270.)

18  
19 MR. ZIMMER: I'M SORRY, YOUR HONOR. WHAT EXHIBIT  
20 WAS THIS?

21 MR. LEININGER: EXHIBIT 25.

22 IF WE COULD ZOOM IN ON THE BATES NUMBER,  
23 I'LL READ THAT INTO THE RECORD. IT'S 23438.

24 BY MR. LEININGER:

25 Q AND I MAY HAVE MISSED IT, BUT, AGAIN, WHAT  
26 IS THE PURPOSE OF THIS?

27 A IT STATES THAT IT IS LAND RESERVED FOR THE  
28 USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY

1 PURPOSES IN CONNECTION WITH EDWARDS AIR FORCE BASE.

2 Q LET'S GO TO EXHIBIT 109. AND I'LL READ THE  
3 BATES NUMBER. IT IS 50786.

4

5 (EXHIBIT 109, IDENTIFIED: MAP,  
6 BATES NO. 50786.)

7

8 MR. LEININGER: AND BEFORE WE DISCUSS THIS, YOUR  
9 HONOR, DURING THE BREAK, WE HAD THE OPPORTUNITY TO  
10 REVIEW THE DEPOSITION DOCUMENTS THAT WERE BROUGHT TO  
11 MR. HERBERT'S DEPOSITION AND TO REVIEW THE TRANSCRIPT OF  
12 THAT DEPOSITION.

13 AND THESE DOCUMENTS, ALL OF THESE G.I.S.  
14 BASED DOCUMENTS WERE PROVIDED AT HIS DEPOSITION IN DRAFT  
15 FORM, ALL OF THEM, I THINK -- I BELIEVE WITH THE  
16 EXCEPTION OF THE ONE THAT HAD BEEN SUPPLIED BY --  
17 DIRECTLY FROM EDWARDS AIR FORCE BASE. SO WHEN YOUR  
18 HONOR CONSIDERS WHETHER OR NOT THESE ARE ADMISSIBLE INTO  
19 EVIDENCE, I WOULD HOPE THAT THE COURT TAKES THAT UNDER  
20 CONSIDERATION.

21 THE COURT: ALL RIGHT. MR. KUHS.

22 MR. KUHS: YOUR HONOR, I'LL REVIEW THAT AT THE  
23 BREAK BEFORE THE EXHIBITS COME IN, BUT I HAVE --  
24 REITERATE WHAT I SAID EARLIER, WHICH I HAVE NEVER SEEN  
25 THESE DOCUMENTS BEFORE. I'VE NOT HAD A CHANCE TO  
26 PREPARE THE LEGAL DESCRIPTIONS IN THE RESERVATIONS  
27 AGAINST THE LEGAL DESCRIPTIONS ON THE MAP.

28 THE COURT: WELL, IF THEY WERE PRESENTED AT THE

1 DEPOSITION, THEN OBVIOUSLY THEY'RE GOING TO BE  
2 ADMISSIBLE, AREN'T THEY?

3 MR. KUHS: IF THEY WERE PRESENTED IN THIS FORMAT  
4 AT THE DEPOSITION. BUT I DON'T HAVE ANY -- ANYWAY, I  
5 WANT TO CHECK BEFORE I MAKE ANY FURTHER REPRESENTATIONS  
6 TO THE COURT.

7 THE COURT: YOU DON'T WANT TO CONCEDE YET?

8 MR. KUHS: NO, SIR.

9 THE COURT: OKAY. LET ME KNOW WHEN YOU'RE READY.

10 MR. LEININGER: YOUR HONOR, FOR BENEFIT OF  
11 COUNSEL, IT IS PAGE 135, LINE 11. AND WE HAVE THE  
12 ORIGINAL DEPOSITION TRANSCRIPT HERE.

13 "QUESTION: IN THE MAPS THAT YOU HAVE  
14 PREPARED THAT DEPICT THE  
15 CONSTRUCTION OVER TIME OF ALL THE  
16 ACQUISITION PARCELS, DO YOU KNOW  
17 WHETHER OR NOT THOSE MAPS REFLECT  
18 THE ACQUISITION HISTORY OF ..."  
19 AND THEN YOU SPECIFICALLY TALK ABOUT  
20 SECTION 16 AND SECTION 34.

21 THE COURT: WELL, WE'LL LET MR. KUHS TAKE A LOOK  
22 AT IT, AND HE'LL TELL US WHEN HE'S READY. LET'S GO  
23 AHEAD.

24 BY MR. LEININGER:

25 Q OKAY. LET'S GO TO, THEN, EXHIBIT 26.

26 MESSENGER: YOUR HONOR, I HAVE SOME DOCUMENTS THAT  
27 SHOULD BE FILED HERE.

28

1 (A DISCUSSION WAS HELD,  
2 NOT REPORTED.)  
3

4 **THE COURT:** GO AHEAD.

5 **BY MR. LEININGER:**

6 **Q** MR. HERBERT, WHAT IS THIS DOCUMENT?

7 **A** THIS IS, I BELIEVE, OUR LAST PUBLIC LAND  
8 ORDER. AND IT IS A -- IT'S DIFFERENT BECAUSE IT REVOKES  
9 PARTIALLY SOME LAND PREVIOUSLY RESERVED BY THE FEDERAL  
10 GOVERNMENT FOR THE AIR FORCE. IT'S DATED JULY 17TH,  
11 1962. IT'S ABOUT 268 ACRES OF LAND, PRIMARILY ON THE  
12 NORTHERN BOUNDARY OF THE BASE, NEAR THE HIGHWAY. AND I  
13 BELIEVE THESE ARE ACROSS THE HIGHWAY, NORTH OF THE  
14 HIGHWAY FROM THE FACILITY.  
15

16 (EXHIBIT 26, IDENTIFIED: PUBLIC  
17 LAND ORDER, JULY 17, 1962.)  
18

19 **MR. LEININGER:** IF WE COULD GO TO THE NEXT  
20 EXHIBIT, THEN. THIS IS EXHIBIT, YOUR HONOR, 110, AND  
21 IT'S BATES LABELED 50787.

22 **THE WITNESS:** AND SO IT'S THESE LITTLE PIECES.  
23 NOW, THIS IS THE HIGHWAY (INDICATING). AND THE OLD RAIL  
24 LINE THAT HAD RUN ACROSS ROGERS DRY LAKE BED, IN THAT  
25 SORT OF PATTERN, WAS REROUTED TO FOLLOW THE HIGHWAY AND  
26 STAY OFF THE DRY LAKE BED, OUT OF THE WAY.  
27  
28

(EXHIBIT 110, IDENTIFIED: MAP.)

BY MR. LEININGER:

Q SO WITH THE ELIMINATION OF THOSE TWO SMALL PARCELS, WE HAVE THE CONTIGUOUS AND THE BOUNDARIES OF EDWARDS AIR FORCE BASE AS THEY EXIST TODAY?

A THAT'S AS I UNDERSTAND THEM TO BE TODAY, YES.

Q SO YOU JUST DEPICTED THIS HISTORY OF ACQUISITIONS, WITHDRAWALS, PURCHASES?

A YES.

Q NOW LET'S MOVE THEN TO WATER. WHAT EVIDENCE OF HISTORIC WATER USE DID YOU COLLECT DURING YOUR RESEARCH?

A WE COLLECTED A VARIETY OF SOURCES. THEY WERE U.S.G.S. REPORTS, U.S. GEOLOGICAL SURVEY REPORTS, STATE -- SOME OF THE REPORTS FROM THE STATE OF CALIFORNIA -- WELL, RECORDS FROM THE BASE.

WHEN THE FACILITY WOULD BUY A PIECE OF PROPERTY, THEY WOULD ISSUE A VOUCHER FOR THE PURCHASE, AND THAT VOUCHER OFTEN SHOWED WHETHER OR NOT THE LAND HAD A WELL; SO WE WOULD TAKE NOTE OF THAT. SOME OF THE VALUATION REPORTS MENTIONED WELLS. SO WE HAD A VARIETY OF REFERENCES TO WELLS.

Q COULD YOU SHOW US EXHIBIT 258, PLEASE?

A THIS MAP IS ONE THAT WE PREPARED USING THE SAME BASE TO SHOW THE FACILITY.

1 (EXHIBIT 258, IDENTIFIED: MAP.)

2  
3 **THE WITNESS:** THERE'S THE OLD RAILROAD LINE, BUILT  
4 UP PORTION OF THE FACILITY TODAY, DRY LAKE BED AREA,  
5 ROGERS DRY LAKE BED AREA, AND ROSAMOND DRY LAKE BED  
6 AREA, JUST FOR ORIENTATION.

7 THIS MAP DEPICTS -- AND I'M JUST -- I HAVE  
8 TO RECALL -- SOMEWHERE AROUND 380 WELLS. AND YOU CAN  
9 SEE THEM HERE, YOUR HONOR. THEY'RE -- IT'S KIND OF HARD  
10 TO READ, BUT THEY'RE PURPLE ON THAT THING. THEY'RE  
11 LITTLE PURPLE DOTS.

12 **THE COURT:** OKAY.

13 **THE WITNESS:** THOSE WERE WELLS THAT WERE MENTIONED  
14 EITHER BY THE U.S.G.S. REPORTS OR BY EDWARDS IN THEIR  
15 DATA, THE PURPLE DOTS.

16 THEN IF YOU NOTICE THERE ARE OTHER  
17 NOTATIONS HERE LIKE THIS (INDICATING) -- CAN YOU BLOW  
18 UP, LIKE, THIS ONE RIGHT THERE?

19 SO IF YOU TAKE, FOR EXAMPLE, THIS PARCEL --  
20 WELL, THAT'S A BAD ONE. THIS PARCEL. SEE, IT HAS A TWO  
21 IN IT AND IT ALSO HAS THE TWO DOTS. THE TWO IS THE WELL  
22 COUNT LISTED IN THAT PARCEL ON THE LAND ACQUISITION  
23 VOUCHERS, BUT THEY -- THOSE LAND ACQUISITION VOUCHERS  
24 DON'T GIVE YOU AN EXACT LOCATION. SO WE JUST PUT A TWO  
25 IN THERE. IT MAY BE THAT IT REPEATS THOSE TWO. JUST NO  
26 WAY FOR US TO BE SURE. WE'RE JUST COMPILING INFORMATION  
27 ABOUT WHERE THESE WELLS ARE LOCATED.

28 AND THEN IF YOU COULD GO BACK TO THE MAIN

1 VIEW, OVER IN HERE. LIKE THAT ONE.

2 TECHNICAL ASSISTANT: (INDICATING.)

3 THE WITNESS: THESE WELLS -- THESE NUMBERS THAT  
4 ARE CIRCLED REPRESENT THE NUMBER OF WELLS MENTIONED IN  
5 THE 1938 VALUATION STUDY DONE BY ELMER KARPE, K-A-R-P-E.  
6 BY MR. LEININGER:

7 Q AND I BELIEVE THAT'S THE FIRST TIME YOU'VE  
8 MENTIONED THIS VALUATION STUDY.

9 A UH-HUH.

10 Q WHAT WAS THAT?

11 A WELL, DURING THAT TIME WHEN THE -- ABOUT  
12 THE SAME TIME THAT THE RAILROAD PURCHASE WAS MADE, THAT  
13 WAS THE TIME WHEN THE AIR FORCE WAS -- OR THE AIR CORPS,  
14 I SHOULD SAY AT THAT TIME -- WAS CONSOLIDATING LANDS  
15 WITHIN THE ORIGINAL -- SORT OF THIS AREA (INDICATING).  
16 THEY WERE LOOKING TO ACQUIRE THE LANDS THAT WERE  
17 PRIVATE.

18 AND SO THEY HAD A REAL ESTATE VALUATOR COME  
19 OUT AND STUDY THE PARCELS TO BE ACQUIRED. AND HE WROTE  
20 A TWO VOLUME -- I THINK IT'S SOMEWHERE AROUND 450-PAGE  
21 REPORT THAT DESCRIBES EACH OF THE -- WELL, THAT'S NOT  
22 COMPLETE. I DON'T BELIEVE IT HAS ALL PARCELS, BUT THE  
23 PARCELS THAT HE STUDIED, HE MENTIONS WHETHER OR NOT THEY  
24 HAD WELLS, WHAT THEY WERE DOING, THE QUALITY OF THE LAND  
25 AND SO FORTH. SO HE CAME UP WITH AN ESTIMATION OF THEIR  
26 VALUE FOR THE PURPOSES OF CONDEMNATION --

27 Q SO --

28 A -- FOR THE ACQUISITION.



1           Q           SO WHETHER OR NOT THEY HAD A WELL WAS  
2           IMPORTANT IN THAT VALUATION?

3           A           YES.

4           MR. KUHS:   OBJECTION, CALLS FOR SPECULATION.

5           BY MR. LEININGER:

6           Q           COULD YOU CORRELATE THE VALUES, READING  
7           THAT REPORT, TO WHETHER OR NOT THERE WAS A WELL?

8           MR. ZIMMER:   LACKS FOUNDATION AS AN APPRAISAL.

9           THE COURT:   SUSTAINED.

10          MR. LEININGER:   YOUR HONOR, THIS PARTICULAR  
11          EXHIBIT BY KARPE WAS PROVIDED AS AN EXHIBIT.   WE HAVEN'T  
12          USED IT HERE BECAUSE IT'S VOLUMINOUS.

13          THE COURT:   WELL, IT'S STILL HIS OPINION YOU'RE  
14          ASKING FOR, AND IT GOES BEYOND HIS KNOWLEDGE, BASED UPON  
15          SPECULATION AS TO WHAT WAS IN THE MINDS OF THE PEOPLE  
16          THAT ARE MAKING THE STUDIES.   SO IT IS WHAT IT IS.

17          MR. LEININGER:   SURE.

18          BY MR. LEININGER:

19          Q           SO THIS MAP DEPICTING WELLS -- YOU  
20          MENTIONED THE KARPE REPORT IN 1938.   ARE THESE ALL  
21          HISTORIC WELL LOCATIONS?

22          A           I'M NOT SURE WHAT YOU MEAN BY "HISTORIC."  
23          THESE ARE ALL -- ALL OF THESE WELLS ARE -- DATE FROM THE  
24          PERIOD WHERE WE -- THE PERIOD THAT WE STUDIED.   SO WE  
25          DIDN'T GET INTO, YOU KNOW, WELLS -- THE CURRENT WELLS.  
26          WE HAVEN'T MARKED CURRENT WELLS ON THIS MAP.

27          Q           SO THESE ARE WELLS WITHIN THE BOUNDARIES OF  
28          EDWARDS AIR FORCE BASE.   AND DO YOU HAVE AN APPROXIMATE

1 NUMBER OF HOW MANY WELLS, IF YOU COULD, ON THIS MAP?

2 A THE U.S.G.S. REPORTS LIST I THINK, LIKE,  
3 20. I THINK CURRENTLY THERE'S SOMETHING -- I'VE HEARD  
4 THERE'S, LIKE, 15.

5 Q WELL, NO. I MEAN ON YOUR MAP HERE.

6 A OH, ON THIS MAP HOW MANY WELLS?

7 Q YES.

8 A WELL, THERE'S ABOUT 380, GIVE OR TAKE, OF  
9 THE LITTLE PURPLE DOTS. THEN THERE ARE SMALLER NUMBERS,  
10 I THINK SOMEWHERE AROUND 50 OF THE KARPE WELLS AND, I  
11 DON'T KNOW, 100 OR SO OF THE NUMBERED WELLS, WHERE  
12 THEY'RE JUST APPROXIMATE LOCATIONS.

13 Q SO THERE'S APPROXIMATELY 500 WELLS THAT  
14 WERE --

15 A IF -- IF THERE IS NO -- IF THERE IS NO  
16 INSTANCE WHERE THE SAME WELLS ARE COUNTED TWICE.

17 Q AND DO YOU KNOW HOW MANY WELLS ARE IN  
18 EDWARDS AIR FORCE BASE NOW?

19 A CURRENTLY ACTIVE WELLS?

20 Q YES.

21 A TO MY UNDERSTANDING, THERE'S 15 OR 16.

22 Q LET'S MOVE ON TO EXHIBIT 259. AND WHAT IS  
23 THIS?

24 A THIS IS A SPREADSHEET THAT WE PREPARED  
25 RELATIVELY EARLY ON IN THE INVESTIGATION, EARLIER IN OUR  
26 RESEARCH PROJECT, TRYING TO GET A HANDLE ON A NUMBER OF  
27 THINGS, A NUMBER OF ITEMS OF INFORMATION.

28

(EXHIBIT 259, IDENTIFIED:  
SPREADSHEET.)

**THE WITNESS:** ONE WAS THE TOTAL NUMBER OF PEOPLE ON THE FACILITY, THE STATED AMOUNT OF WATER USED BY THE FACILITY, THE NUMBER OF WELLS ON THE FACILITY, AND THEN IF THERE WERE ANY MAJOR BUILDING CAMPAIGNS AND SO FORTH.

WE HAVE SHORTENED THIS A LITTLE TO MAKE IT FIT ON A PAGE. IT USED TO HAVE THE DAY AND MONTH AND SOME ODD COLUMNS ON THEM, BUT THIS IS -- THESE ARE PRIMARILY THE COLUMNS THAT WE USED.

AND WE USED THIS TO TRY TO BETTER UNDERSTAND THE SORT OF SEQUENCE OF DEVELOPMENT. SO YOU CAN SEE THERE'S LOTS OF REFERENCES TO SPECIFIC YEARS. I MEAN, LIKE, 1953 MAY HAVE TEN REFERENCES BECAUSE IT'S DIFFERENT INFORMATION FROM DIFFERENT -- FROM DIFFERENT SOURCES. BUT IT'S -- THERE'S A LOT OF INFORMATION, A LOT OF DIFFERENT NUMBERS FOR THESE STATISTICS, AND SO WE'RE JUST TRYING TO ORGANIZE OUR THOUGHTS THAT WAY.

**Q** OKAY. SO LET'S TALK JUST ABOUT THE -- IF YOU DON'T MIND, START WITH THE LEFT-HAND COLUMN. WHAT IS THE LEFT-HAND COLUMN?

**A** THE LEFT-HAND COLUMN GIVES THE CITATION FOR THE REPORT OR OTHER INFORMATION THAT THE NUMBERS ARE DRAWN FROM.

SO IF YOU TAKE THE VERY FIRST ONE, GEORGE W. WYMORE, HISTORY OF MUROC ARMY AIRFIELD, 1 JANUARY, 1947 TO 30 JUNE, 1947, PAGE 40. AND THEN ON

1 THE FAR RIGHT SIDE IS THE PHYSICAL LOCATION OF THAT  
2 DOCUMENT. SO IN THAT INSTANCE IT'S AT EDWARDS AIR FORCE  
3 BASE, IN THE HISTORY OFFICE, BUILDING 1405.

4 Q SO IS IT FAIR TO SAY THAT THIS COMPILATION  
5 THAT YOU'VE CREATED FROM THESE VARIOUS SOURCES DEPICTS  
6 GENERALLY POPULATION ON MUROC AT THAT TIME, OR EDWARDS  
7 AIR FORCE BASE, AND WHERE YOU WERE ABLE TO DECIPHER THE  
8 INFORMATION FROM VARIOUS SOURCES, THE WATER USE?

9 A YES. AND IT'S --

10 Q CAN WE GO TO --

11 A -- IT'S STRICTLY WHAT WAS STATED IN THE  
12 DOCUMENT.

13 Q SO CAN YOU NOW GO TO BATES LABEL -- LET'S  
14 GO DIRECTLY TO BATES LABEL 51941. THAT'S ABOUT THE  
15 TENTH PAGE OF THE PRINTOUT.

16 A OKAY.

17 Q SO IT LOOKS LIKE ON THE SIXTH COLUMN OVER  
18 YOU HAVE VALUES FOR WATER USAGE, ANNUAL WATER USAGE.

19 A THAT'S RIGHT.

20 Q SO BEGINNING IN 1962 AND CONTINUING FOR THE  
21 NEXT EIGHT YEARS, WHERE AVAILABLE, WILL YOU JUST READ  
22 INTO THE RECORD WHAT THOSE VALUES ARE?

23 A YES. THE -- IN 1962, ACCORDING TO  
24 J.E. WEIR, JR., GROUND WATER INVENTORY FOR 1962, EDWARDS  
25 AIR FORCE BASE, CALIFORNIA, PUBLICATION DATE 1963,  
26 PAGE 5, IT READS 5,640 ACRE FEET.

27 FOR 1963, J.E. WEIR, JR., GROUND WATER  
28 INVENTORY FOR 1963, EDWARDS AIR FORCE BASE, CALIFORNIA,

1 MARCH 1ST, 1965 PUBLICATION DATE, PAGE 6, LISTS  
2 5,830 FEET.

3 1964, F.W. GIESSNER, G-I-E-S-S-N-E-R, AND  
4 S.G. ROBSON GROUND WATER INVENTORY FOR 1964, EDWARDS AIR  
5 FORCE BASE, CALIFORNIA, PUBLICATION DATE 1965, PAGE 6,  
6 STATES 7,720 ACRE FEET.

7 1965, F.W. GIESSNER AND J.A. WESTPHAL,  
8 W-E-S-T-P-H-A-L, GROUND WATER INVENTORY FOR 1965,  
9 EDWARDS AIR FORCE BASE, CALIFORNIA, PUBLICATION DATE  
10 1966, PAGE 6, SAYS 7,480 ACRE FEET.

11 1966, THE NEXT PAGE, S.J. TYLEY, T-Y-L-E-Y,  
12 GROUND WATER INVENTORY FOR 1966, EDWARDS AIR FORCE BASE,  
13 CALIFORNIA, 1967, FOR THE YEAR 1966, PAGE 1, SAYS 6,280  
14 ACRE FEET.

15 Q THAT'S SUFFICIENT. LET'S -- IF YOU DON'T  
16 MIND, I BELIEVE YOU MAY HAVE STATED A FIGURE  
17 INCORRECTLY. JUST TO RESTATE FOR THE RECORD, CAN YOU  
18 RECITE THE FIGURE FOR 1964?

19 A 7,220 ACRE FEET.

20 Q OKAY. AND THE NEXT VALUE IN '65, THAT'S  
21 74 --

22 A 7,480 ACRE FEET.

23 Q OKAY. LET'S GO TO THE NEXT EXHIBIT,  
24 EXHIBIT 83.

25 A RIGHT. I HAVE THAT.

26 Q WHAT IS THIS?

27 A THIS IS A COPY OF THE GROUND WATER  
28 INVENTORY THAT I WAS CITING FROM FOR 1965 BY GIESSNER

1 AND WESTPHAL.

2

3 (EXHIBIT 83, IDENTIFIED: GROUND  
4 WATER INVENTORY BY GIESSNER AND  
5 WESTPHAL, 1965.)

6

7 BY MR. LEININGER:

8 Q AND -- AND I -- YOU KNOW, I APOLOGIZE. I  
9 THINK I'VE GOTTEN THESE OUT OF ORDER. IS THERE AN  
10 EXHIBIT 82 BEFORE YOU? WE'LL JUST GO CHRONOLOGICALLY.  
11 DO YOU HAVE EXHIBIT 82?

12 A THAT'S FINE. THIS WAS THE ONE I CITED FOR  
13 FOR 1965, GIESSNER AND ROBSON. IT'S A U.S.G.S. GROUND  
14 WATER INVENTORY FOR 1964.

15

16 (EXHIBIT 82, IDENTIFIED: U.S.G.S.  
17 GROUND WATER INVENTORY FOR 1964.)

18

19 BY MR. LEININGER:

20 Q WILL YOU TURN TO PAGE 14. I BELIEVE IT'S  
21 BATES LABEL 50752.

22 A YES. 14?

23 Q PAGE 14.

24 A YES. THAT HAS A REPORTED PUMPAGE FROM BASE  
25 SUPPLY WELLS FOR THE CALENDAR YEAR 1964.

26 Q SO THIS IS THE -- THIS FIGURE HERE, 7220,  
27 IS THE FIGURE YOU JUST READ INTO THE RECORD?

28 A THAT'S RIGHT.

1 Q THIS IS THE SOURCE OF INFORMATION?

2 A THAT'S CORRECT.

3 Q NOW LET'S CONTINUE. AGAIN, PAGE 14,  
4 PLEASE. AND PAGE 14 IS BATES LABELED 51918.

5 A THAT'S RIGHT. THIS IS THE GIESSNER AND  
6 WESTPHAL REPORT FOR 1965, AND IT GIVES A ANNUAL PUMPING  
7 PER BASE SUPPLY WELLS OF 7,480 ACRE FEET.

8 Q AND DO YOU RECALL, IS THAT -- FROM YOUR  
9 RESEARCH AND THESE SOURCES OF INVENTORY RECORDS, IS THAT  
10 THE MAXIMUM WATER PUMPAGE FIGURE THAT YOU SAW FOR YOUR  
11 SPAN OF THE HISTORICAL RESEARCH?

12 A YES, IT IS. DURING THE TIME THAT WE -- THE  
13 PERIOD THAT WE RESEARCHED, THAT'S THE HIGHEST NUMBER  
14 THAT WE RESEARCHED.

15 Q WHAT IS THAT PERIOD THAT YOU RESEARCHED?

16 A IT WAS THROUGH -- WELL, OUR RESEARCH REALLY  
17 ENDED IN ABOUT 1980. WE HAD SOME SCATTERED DOCUMENTS  
18 BEYOND THEN. BUT IN THE 1980S.

19 Q SO THAT THE -- SO THE HIGHEST VALUE THERE  
20 WAS THE 19 ...

21 A 1965, THAT I'VE SEEN.

22 Q THANK YOU. LET'S GO TO THE NEXT DOCUMENT,  
23 DOCUMENT NUMBER -- I'M SORRY -- EXHIBIT NUMBER 84.

24 A OKAY. CAN YOU JUST HOLD ON FOR A MOMENT?  
25 I THINK I'VE GOT THESE OUT OF ORDER NOW.

26 Q CERTAINLY. IT'S THE 1966 GROUND WATER  
27 INVENTORY FOR EDWARDS AIR FORCE BASE.

28

(EXHIBIT 84, IDENTIFIED: 1966  
GROUND WATER INVENTORY FOR EDWARDS  
AIR FORCE BASE..)

**THE WITNESS:** SEE, WHAT I'VE --

**MR. LEININGER:** YOUR HONOR, MAY MR. OYARZO --

**THE COURT:** YES.

**MR. LEININGER:** -- APPROACH? THANK YOU.

**THE WITNESS:** THERE'S A -- OKAY. ALL RIGHT. I  
HAVE 82 NOW.

**MR. OYARZO:** (SPOKE SOTTO VOCE.)

**THE WITNESS:** OH, I'M SORRY. 84.

**MR. LEININGER:** 84.

**THE WITNESS:** OKAY. NOW I HAVE IT.

**BY MR. LEININGER:**

**Q** OKAY. AND WILL YOU TURN -- I DON'T -- IT  
IS PAGE 5. THESE ARE MARKED AT THE TOP. AND IT'S BATES  
LABELED 37999.

**A** YES, SIR.

**Q** AND THE TOTAL PUMPAGE IN EDWARDS AIR FORCE  
BASE AT THAT TIME?

**A** IT'S THE TABLE 2, PUMPAGE FROM BASE SUPPLY  
WELLS FOR CALENDAR YEAR 1966, IN THE S.J. TYLEY GROUND  
WATER INVENTORY, 6,277 ACRE FEET.

**Q** OKAY. THANK YOU, YOUR HONOR -- THANK YOU,  
MR. HERBERT.

LET'S MOVE ON NOW TO AIR FORCE PLANT 42.  
WHERE IS THAT LOCATED?



1           **A**           IT'S IN PALMDALE, CALIFORNIA.

2           **Q**           DO YOU HAVE EXHIBIT 142, PLEASE?

3           **A**           I HAVE IT.

4           **Q**           AND WHAT DOES THIS SHOW?

5           **A**           THIS SHOWS THE LOCATION OF PALMDALE, THE  
6 HIGHWAYS, AND THE LOCATION OF AIR FORCE PLANT 42  
7 OUTLINE.

8  
9                       (EXHIBIT 142, IDENTIFIED: MAP OF  
10 PALMDALE, HIGHWAYS, AND LOCATION OF  
11 AIR FORCE PLANT 42 OUTLINE.)  
12

13 **BY MR. LEININGER:**

14           **Q**           OKAY. SO HOW DOES THIS ACQUISITION OF LAND  
15 FOR AIR FORCE PLANT 42 -- I'M SORRY. DO YOU KNOW THE  
16 APPROXIMATE NUMBER OF ACRES FOR AIR FORCE PLANT 42?

17           **A**           IT'S MORE THAN 4,000. I'M NOT FOR SURE OF  
18 THE EXACT NUMBER.

19           **Q**           OKAY.

20           **A**           4,000 SOMETHING.

21           **Q**           AND HOW DOES THIS COMPARE WITH LAND  
22 ACQUISITION FOR EDWARDS AIR FORCE BASE?

23           **A**           WELL, ITS MAJOR DIFFERENCE IS THAT ALL THE  
24 LAND FOR AIR FORCE PLANT 42 WAS ACQUIRED EITHER BY  
25 PURCHASE OR CONDEMNATION.

26           **Q**           SO NOTHING RESERVED FROM THE PUBLIC DOMAIN;  
27 IT WAS ALL ACQUIRED FROM PRIVATE PARTIES?

28           **A**           THAT'S RIGHT. IT ALL HAD BEEN PREVIOUSLY

1 ACQUIRED OUT OF THE PUBLIC DOMAIN.

2 Q CAN WE HAVE EXHIBIT 86?

3 A YES.

4 Q RATHER THAN SPEAK FROM THIS EXHIBIT RIGHT  
5 NOW, WHY DON'T YOU -- CAN YOU JUST BRIEFLY EXPLAIN, SORT  
6 OF IN A CAPSULE, THE AERONAUTICAL HISTORY OF AIR FORCE  
7 PLANT 42?

8 A YEAH. THE AIR FORCE PLANT 42 STARTED OFF  
9 AS A CIVIL AVIATION, STANDARD GENERAL AVIATION FACILITY  
10 IN THE 1930S. IT WAS A PUBLIC AIRPORT. AND IT'S MY  
11 UNDERSTANDING THE LAND WAS OWNED BY THE PALMDALE  
12 IRRIGATION DISTRICT.

13 DURING WORLD WAR II, IT WAS TAKEN BY THE  
14 AIR CORPS AS A TRAINING FACILITY. AND THE AIR CORPS AT  
15 THAT TIME HAD, I BELIEVE, 900 SOME ODD ACRES, 980 I  
16 BELIEVE, THAT IT ACQUIRED FOR THE PURPOSES OF HAVING  
17 PALMDALE AIR BASE, AIRFIELD. AND THEY -- I BELIEVE IT  
18 WAS BOMBER TRAINING AND SOME OTHER TRAINING FUNCTIONS AT  
19 THE FACILITY.

20 THEN IT WAS GIVEN BACK TO -- IT WAS  
21 DECLARED A SURPLUS AND GIVEN BACK TO -- SOLD BASICALLY  
22 TO LOS ANGELES COUNTY. LOS ANGELES COUNTY WAS  
23 CONSIDERING BUILDING A NEW AIRPORT, AND SO THE COUNTY  
24 TOOK IT.

25 WITH THE BEGINNING OF THE KOREAN WAR, THE  
26 AIR FORCE NEEDED IT BACK. PLUS, DURING THE LATE '40S  
27 AND EARLY '50S, THE AERONAUTICS AND AVIATION COMPANIES  
28 IN SOUTHERN CALIFORNIA HAD BEEN TESTING MOST OF THEIR

1 PLANES IN AND AROUND BURBANK AND IN THE LOS ANGELES  
2 BASIN. SO THEY WERE RUNNING UP THESE BIG JET ENGINES.  
3 THEY WERE TAKING OFF AT ALL TIMES, DAY AND NIGHT. IT  
4 WAS NOISY. IT WAS CONGESTED AREA.

5 FOR PURPOSES OF PUBLIC HARMONY AND ALSO  
6 SAFETY, THEY WANTED TO HAVE -- AND SECURITY, THEY WANTED  
7 TO HAVE A LOCATION THAT WAS AWAY FROM PRYING EYES BUT  
8 ALSO WHERE THERE WAS GOOD FLIGHT LINES, GOOD WEATHER,  
9 AND MUCH, MUCH FEWER PEOPLE SO THAT THEY WOULDN'T BE  
10 BOTHERING THE PUBLIC WITH ALL OF THE ACTIVITIES.

11 SO THE COUNTY OF LOS ANGELES AND AVIATION  
12 COMPANIES BEGAN CONSIDERING WHETHER THEY WOULD ESTABLISH  
13 A SORT OF A FACILITY AT AIR FORCE PLANT 42. AND THEN  
14 WHEN THE AIR FORCE CAME IN, IT OPERATED IT AS A  
15 GOVERNMENT OWNED FACILITY AND AIR FORCE FACILITY ON  
16 WHICH THESE AVIATION COMPANIES COULD OPERATE.

17 Q SO LET'S NOW TURN TO EXHIBIT 86, PLEASE.

18 A RIGHT.

19 Q AND COULD YOU JUST READ -- WELL, LET'S  
20 DESCRIBE THIS DOCUMENT FIRST AND THE DATE OF THE  
21 DOCUMENT.

22 A NOW, THE DATE OF THIS DOCUMENT IS  
23 PROBLEMATIC BECAUSE IT -- IN ITS LOCATION AT THE  
24 NATIONAL ARCHIVES IN -- THIS IS IN -- FROM THE NATIONAL  
25 ARCHIVES IN RIVERSIDE, I BELIEVE. IT'S IN A FOLDER. IT  
26 DOES NOT HAVE A DATE. IT HAS ONLY A DESIGNATION  
27 FY-52-1.

28 THE COURT: WHAT EXHIBIT NUMBER ARE YOU LOOKING

1 AT?

2 MR. LEININGER: I'M SORRY. THIS IS EXHIBIT 86,  
3 YOUR HONOR, AND IT IS BATES LABELED 23762.

4

5 (EXHIBIT 86, IDENTIFIED: NATIONAL  
6 ARCHIVE DOCUMENT DESIGNATED  
7 FY-52-1, BATES LABELED 23762.)

8

9 (PAUSE IN THE PROCEEDINGS.)

10

11 BY MR. LEININGER:

12 Q OKAY. CAN YOU READ, PLEASE, JUST THE FIRST  
13 SENTENCE OF THE FIRST -- I'M SORRY. YOU WERE EXPLAINING  
14 THE AGE OF THIS DOCUMENT.

15 A WELL, JUST THAT IT DOESN'T HAVE A SPECIFIC  
16 DATE AFFIXED TO IT, BUT IT IS LISTING A PROJECT IN  
17 FISCAL YEAR '52, AND FROM THE DATES MENTIONED IN THE  
18 TEXT, IT WOULD HAVE TO BE AFTER 1949; SO WE JUST GAVE IT  
19 A GENERAL DATE OF 1952.

20 Q OKAY. COULD YOU READ THE FIRST SENTENCE OF  
21 THIS DOCUMENT, PLEASE?

22 A ALL RIGHT. IT SAYS, AND I'M QUOTING, "IT  
23 IS PROPOSED TO ACQUIRE THE PALMDALE AIRPORT, DESIGNATE  
24 IT AS AN INDUSTRIAL FACILITY, AND UTILIZE IT FOR THE  
25 FINAL ASSEMBLY AND FLIGHT TESTING OF JET FIGHTER TYPE  
26 AIRCRAFT NOW BEING PRODUCED BY SEVERAL WEST COAST  
27 AIRCRAFT MANUFACTURERS FOR THE UNITED STATES -- " OR FOR  
28 THE -- EXCUSE ME -- "FOR THE AIR FORCE."

1           Q       LET'S MOVE ON. LET'S GO TO THE NEXT  
2 EXHIBIT. 92 IS THE NEXT EXHIBIT. THIS DOCUMENT I  
3 BELIEVE IS DATED.

4           A       YES. THIS IS A LETTER, AND IT'S A LONG --  
5 A LONG LETTER. THIS IS ALSO FROM THE NATIONAL ARCHIVES.  
6 IT'S -- YES, I BELIEVE THAT'S RIVERSIDE, THE NATIONAL  
7 ARCHIVES IN RIVERSIDE. IT'S DATED APRIL 15TH, 1953.

8                   AND IT'S A LETTER FROM BURT C. MONOSMITH,  
9 VICE PRESIDENT, GENERAL MANAGER OF -- OF -- I BELIEVE  
10 IT'S LOCKHEED. IT'S A LETTER TO GENERAL -- BRIGADIER  
11 GENERAL K.D. METZGER, AT WRIGHT-PATTERSON AIR FORCE BASE  
12 IN OHIO.

13  
14                   (EXHIBIT 92, IDENTIFIED: BURT  
15 MONOSMITH'S 4/15/53 LETTER TO K.D.  
16 METZGER.)

17  
18           **THE WITNESS:** AND HE BASICALLY IS LAYING OUT THE  
19 ARGUMENT FOR WHY AIR FORCE PLANT 42 SHOULD BE  
20 ESTABLISHED AT PALMDALE AS OPPOSED TO ONTARIO. WHAT  
21 IT'S GOOD FOR IS A -- IT'S A NICE CAPSULE SUMMARY OF ALL  
22 OF THE REASONS WHY PALMDALE IS A DESIRABLE LOCATION.

23           Q       AND I BELIEVE YOU WERE JUST GIVING A  
24 SUMMARY OF YOUR -- IN YOUR ENCAPSULATION. BUT IF YOU  
25 COULD READ FROM THE THIRD SENTENCE THAT STARTS WITH "THE  
26 BASIS."

27           A       OH, I'M SORRY. YES, IT'S THE THIRD  
28 PARAGRAPH. THE --

1           **Q**           THIRD SENTENCE OR THIRD -- READ THE THIRD  
2 PARAGRAPH.

3           **A**           OH, NO. I'M SORRY. THIS AREA.

4                       "THE BASIS FOR THIS MASTER PLAN WAS TO  
5 CREATE A FACILITY WHICH WOULD MEET THE REQUIREMENTS OF  
6 FULL WAR MOBILIZATION AND WOULD AUGMENT THE INDUSTRIAL  
7 PRODUCTION OF ESTABLISHED AIRCRAFT PLANTS IN THE  
8 LOS ANGELES AREA."

9           **Q**           THEN IF YOU COULD READ THE SECOND FULL  
10 PARAGRAPH, PLEASE.

11           **A**           "THE BASIS FOR THE PLAN ALSO REQUIRED THE  
12 AREA BE ESTABLISHED FOR AN AIR DEFENSE UNIT WITH PROPER  
13 SITE FOR BASIN INSTALLATION, UTILITIES, AND FLIGHT  
14 ACTIVITIES."

15           **Q**           LET'S GO TO EXHIBIT 111.

16           **A**           RIGHT.

17           **THE COURT:** IS THAT -- WHICH ONE?

18           **MR. LEININGER:** I'M SORRY. 111, AND IT IS  
19 BATES -- I CAN'T READ IT.

20                       (SPOKE SOTTO VOCE.)

21           **THE WITNESS:** 050788.

22           **BY MR. LEININGER:**

23           **Q**           WHAT DOES THIS DEPICT?

24           **A**           WE PREPARED THIS MAP TO DEPICT THE AREA OF  
25 THE ORIGINAL ACQUISITION OF AIR FORCE PLANT 42 TO SHOW  
26 THAT NONE OF IT WAS FROM THE PUBLIC DOMAIN.

27

28

1 (EXHIBIT 111, IDENTIFIED: MAP.)

2  
3 **BY MR. LEININGER:**

4 **Q** AND WHAT'S THE BLOCK QUOTE THAT YOU HAVE?

5 **A** THIS IS A QUOTE FROM BRIGADIER GENERAL  
6 TROUP MILLER OF THE U.S. AIR FORCE, NOVEMBER 1ST, 1952.  
7 "IT IS THE POSITION OF THIS DIRECTOR THAT THE  
8 ACQUISITION OF PALMDALE AIRPORT BY PURCHASE IS IN THE  
9 BEST INTEREST OF THE GOVERNMENT."

10 **Q** LET'S GO TO EXHIBIT 112.

11 **A** 112 IS A MAP THAT WE PREPARED SHOWING  
12 EXHIBITS BY PURCHASE OR CONDEMNATION BETWEEN 1953 AND  
13 1958. THERE'S OTHER ONES FROM THIS PERIOD -- OR ONE IN  
14 PARTICULAR, BUT WE WANTED TO DO THIS TO SHOW THESE SMALL  
15 ACQUISITIONS BETWEEN 1953 AND 1958.

16  
17 (EXHIBIT 112, IDENTIFIED: MAP,  
18 PURCHASES OR CONDEMNATIONS,  
19 1953-58.)  
20

21 **BY MR. LEININGER:**

22 **Q** OKAY. LET'S CONTINUE. 113. EXHIBIT 113.

23 **A** EXHIBIT 113 IS THE ONE I JUST REFERENCED  
24 THAT SHOWS THE MAJOR ACQUISITION, WHICH WAS TRACT A-100,  
25 LISTED AS TRACT A-100, AND PURCHASED FROM LOS ANGELES  
26 COUNTY FEBRUARY 2ND, 1954. AND YOU CAN SEE IT'S MOST OF  
27 THE MAIN FACILITY.  
28

1 (EXHIBIT 113, IDENTIFIED: MAP OF  
2 TRACT A-100.)  
3

4 **BY MR. LEININGER:**

5 Q COULD YOU READ FROM THE BLOCK QUOTE,  
6 PLEASE?

7 A YES. AND I'M QUOTING HERE. THIS IS FROM  
8 THAT -- THE FISCAL YEAR REPORT I REFERENCED EARLIER.

9 "IT IS THE INTENT OF THE AIR FORCE TO MAKE  
10 SUBSTANTIAL IMPROVEMENTS TO THIS PROPERTY AND TO RETAIN  
11 IT AS A PERMANENT INSTALLATION."

12 Q LET'S NOW GO TO EXHIBIT 114. 114.

13 A THIS IS A CONTINUATION OF THE MAPPING  
14 EFFORT, SHOWING ACQUISITIONS FROM 1956 TO 1958.

15  
16 (EXHIBIT 114, IDENTIFIED: MAP OF  
17 ACQUISITIONS, 1956-58.)  
18

19 **THE WITNESS:** THIS IS A -- YOU SEE HERE, YOUR  
20 HONOR, THIS RED AREA (INDICATING), THIS PART? THAT WAS  
21 ACQUIRED AS A SAFETY MEASURE, SO THAT IT WAS CLEARING A  
22 APPROACH OR TAKEOFF AREA. THE --

23 **BY MR. LEININGER:**

24 Q SO THE --

25 A IT WAS CONDEMNED. IT WAS PARTIALLY --  
26 PARTIAL PURCHASES AND PARTIAL CONDEMNATIONS.

27 Q SO THERE WAS A RUNWAY, THAT ORIENTATION?

28 A ON THE BASE?



1 Q ON THE PLANT.

2 A YEAH. I -- I BELIEVE THIS AREA, THIS IS  
3 THE HIGHWAY (INDICATING); SO THE ACTIVE RUNWAYS ARE IN  
4 THERE. THIS IS JUST CLEARED FOR SAFETY PURPOSES.

5 Q AND WHAT IS YOUR BLOCK QUOTE HERE?

6 A IT SAYS -- AND THIS IS FROM A CONDEMNATION  
7 JUDGMENT -- "THE PUBLIC USE FOR WHICH SAID LANDS AND  
8 PREMISES WERE TAKEN AND CONDEMNED HEREIN, AS AFORESAID,  
9 ARE TO PROVIDE FOR THE EXPANDING NEEDS AND REQUIREMENTS  
10 OF THE DEPARTMENT OF THE AIR FORCE IN CONNECTION WITH  
11 AIR FORCE PLANT NUMBER 42 AND ANY MILITARY USES INCIDENT  
12 THERETO AND FOR OTHER SUCH USES AS MAY BE AUTHORIZED BY  
13 CONGRESS OR BY EXECUTIVE ORDER."

14 Q I'M SORRY. WHAT'S THE SOURCE OF THAT?

15 A THAT'S THE JUDGMENT IN A CONDEMNATION  
16 LAWSUIT, CIVIL NUMBER 762-57-VH, JANUARY 15TH, 1959.

17 Q AND LET'S GO TO THE LAST -- I'M SORRY.  
18 SECOND TO THE LAST EXHIBIT, 115.

19 A YES. AGAIN, THIS IS A CONTINUATION OF THE  
20 PURCHASES. IT'S THIS LITTLE PIECE RIGHT HERE  
21 (INDICATING). SO BY 1958 THIS MAP IS DEPICTING THE  
22 EXTENT OF AIR FORCE PLANT 52 -- 42. EXCUSE ME.

23

24 (EXHIBIT 115, IDENTIFIED: MAP, AIR  
25 FORCE PLANT 42, 1958.)

26

27 BY MR. LEININGER:

28 Q AND THEN FINALLY YOUR EXHIBIT 116.

1           **A**           RIGHT.  THESE ARE ACQUISITIONS BETWEEN 1958  
2           AND 1962, AND IT IS (INDICATING) THIS LOCATION HERE AND  
3           SURROUNDING OUT THE FACILITY.

4  
5                       (EXHIBIT 116, IDENTIFIED:  MAP, AIR  
6                       FORCE PLANT 42, 1958 TO 1962.)

7  
8           **BY MR. LEININGER:**

9           **Q**           SO EVERYTHING WITHIN THESE SOLID LINES NOW  
10          DEPICTS THE CURRENT BOUNDARIES OF AIR FORCE PLANT 42?

11          **A**           WELL, THE BOUNDARIES AS OF 1950 -- 1963.

12          **Q**           AS OF 1963.

13          **A**           SO THAT (INDICATING).

14          **MR. LEININGER:**  YOUR HONOR, THAT CONCLUDES  
15          MR. HERBERT'S TESTIMONY.

16          **THE COURT:**  OKAY.  ON DIRECT.

17          **MR. LEININGER:**  ON DIRECT, YES.  THANK YOU, YOUR  
18          HONOR.

19                       YOUR HONOR, I GUESS -- SHALL I MOVE NOW FOR  
20          SUBMISSION OF THESE EXHIBITS OR AFTER CROSS-EXAMINATION?

21          **THE COURT:**  WELL, WHY DON'T WE HAVE  
22          CROSS-EXAMINATION AND THEN SEE WHAT HAPPENS.

23                       WHO WANTS TO INITIATE CROSS-EXAMINATION?

24          **MR. SHEFFIELD:**  GOOD AFTERNOON.  ANDREW SHEFFIELD,  
25          ON BEHALF OF GREEN WAY, CRYSTAL ORGANIC, DIAMOND  
26          FARMING, AND LAPIS LAND COMPANY.

27  
28

**CROSS-EXAMINATION****BY MR. SHEFFIELD:**

**Q** GOOD AFTERNOON, MR. HERBERT.

IN THE TESTIMONY YOU JUST GAVE YOU DIDN'T  
PROVIDE ANY WATER HISTORY FOR PLANT 42; IS THAT CORRECT?

**A** NO.

**Q** DID YOU PROVIDE ANY NUMBERS OF THE WATER  
PRODUCTION FROM PLANT 42?

**A** NO.

**Q** AND THAT'S BECAUSE YOU DON'T HAVE ANY  
INFORMATION REGARDING THE WATER PRODUCTION FROM  
PLANT 42?

**A** NO.

**Q** THAT'S CORRECT?

**A** THAT'S CORRECT, YES.

**Q** AND DID YOU FIND ANY DOCUMENTS IN YOUR  
SEARCHING REGARDING PLANT 42 THAT WAS SUBJECT TO ANY  
FEDERAL RESERVATION, THAT WAS ACQUIRED THROUGH ANY  
RESERVATION?

**A** NO.

**Q** AND DID YOU FIND ANY DOCUMENTS ASSERTING  
ANY EXCLUSIVE JURISDICTION OVER THE PLANT 42 PROPERTY?

**A** NO.

**Q** AND DO YOU KNOW -- ARE YOU AWARE OF WHAT  
THE ADJUDICATED BOUNDARIES ARE IN THIS LAWSUIT, OF THE  
WATER BASIN?

**A** I'VE SEEN A MAP. I DIDN'T INTERNALIZE IT.

**Q** DO YOU KNOW WHAT PARTS OF EDWARDS AIR FORCE

1 BASE SIT WITHIN THAT ADJUDICATION BOUNDARY?

2 A IF I REMEMBER CORRECTLY, ALMOST ALL OF IT.  
3 I DON'T KNOW THAT ALL OF IT IS.

4 Q AND WITHIN YOUR TESTIMONY REGARDING EDWARDS  
5 AIR FORCE BASE, DO YOU KNOW HOW MANY OF THE WELLS THAT  
6 YOU IDENTIFIED IN THERE SIT WITHIN THE ADJUDICATION  
7 BOUNDARIES?

8 A IF I REFER TO THAT MAP, I'D HAVE TO COMPARE  
9 IT TO THE ADJUDICATION BOUNDARIES. OFFHAND, I DON'T  
10 THINK THERE'S ANY, BUT I DON'T -- I'D HAVE TO PUT THE  
11 ADJUDICATION BOUNDARY ON MY WELL MAP.

12 Q AND YOU'VE NEVER DONE THAT?

13 A NO.

14 Q AND DO YOU KNOW, WITHIN YOUR MAP, WHERE THE  
15 SAN BERNARDINO COUNTY LINE RUNS WITH REGARDS TO THE AIR  
16 FORCE BASE ON THE MAP?

17 A I BELIEVE SO.

18 Q WHERE IS THAT?

19 A ON THE EASTERN SIDE.

20 Q AND APPROXIMATELY --

21 A I MEAN THE EASTERN EDGE OF THE BASE.

22 Q APPROXIMATELY, HOW MUCH OF THE BASE IS ON  
23 THE SAN BERNARDINO COUNTY SIDE OF THE COUNTY LINE?

24 A ON THE SAN BERNARDINO SIDE?

25 Q CORRECT.

26 A IT'S A PORTION OF THE BASE. I DON'T KNOW  
27 THAT I COULD GIVE YOU A SPECIFIC NUMBER OR PERCENTAGE.

28 Q CAN YOU GIVE AN ESTIMATION BASED ON WHAT

1 YOU'VE REVIEWED?

2 A WELL, I WOULD THINK NO MORE THAN  
3 10 PERCENT.

4 Q AND IN LOOKING AT THE WATER HISTORIES  
5 REGARDING EDWARDS AIR FORCE BASE, DID YOU HAVE ANY  
6 DIFFERENTIATION ABOUT HOW MUCH WATER WAS BEING USED ON  
7 THE SAN BERNARDINO COUNTY SIDE OF THE COUNTY LINE?

8 A NO.

9 Q AND NONE OF THE DOCUMENTS YOU SAW WOULD  
10 TELL YOU THAT AMOUNT, WOULD IT?

11 A NOT THAT I RECALL.

12 Q IN RUNNING DOWN A WATER HISTORY FOR EDWARDS  
13 AIR FORCE BASE, DID YOU HAVE ANY NUMBERS FOR THE WATER  
14 USAGE AFTER 1967?

15 A IF I DO, THEY'RE ON THAT TABLE.

16 Q WELL, I'M -- DO YOU?

17 A YEAH, IF THEY'RE ON THE TABLE. I BELIEVE  
18 SO.

19 Q OKAY. YOU CAN LOOK AT YOUR TABLE.

20 A DO YOU REMEMBER THE NUMBER?

21 Q I BELIEVE IN MY -- IT WAS EXHIBIT 259.  
22 MIGHT BE EXHIBIT -- YEAH, 259 IS THE ONE I THINK THAT  
23 HAD YOUR LIST.

24 A HOLD ON. EXCUSE ME FOR A MOMENT.

25

26 (PAUSE IN THE PROCEEDINGS.)

27

28

1           **MR. SHEFFIELD:** ALL RIGHT.

2           **MR. LEININGER:** COUNSEL, WOULD IT BE OKAY IF WE  
3 PROJECT?

4           **MR. SHEFFIELD:** ABSOLUTELY. THAT WOULD BE  
5 HELPFUL.

6           **MR. LEININGER:** 259?

7           **MR. SHEFFIELD:** YES, I BELIEVE THAT'S THE ONE.

8                   (INDISCERNIBLE: MUMBLING.)

9           **THE WITNESS:** YEAH. THE LAST I HAVE IS 1967.

10          **BY MR. SHEFFIELD:**

11           **Q**           SO AS OF 1967, HAD THE WATER USAGE AT  
12 EDWARDS AIR FORCE BASE BEGUN TO DECREASE?

13           **A**           IT WAS LOWER THAN PREVIOUS YEARS.

14           **Q**           AND IN LOOKING AT YOUR HISTORY OF THE  
15 DOCUMENTS YOU REVIEWED, YOU DIDN'T GATHER AN ENTIRE  
16 HISTORY TO KNOW WHAT WAS GOING ON IN THE WATER USAGE  
17 THROUGH THE LIFE OF THE BASE UP TO 1980, DID YOU?

18           **A**           NO.

19           **Q**           AND THAT INFORMATION WASN'T AVAILABLE?

20           **A**           IT WAS MORE THE CASE THAT THERE WERE OTHER  
21 WITNESSES WHO WERE BETTER QUALIFIED THAN I TO COLLECT  
22 THAT INFORMATION.

23           **Q**           IN THE DOCUMENTS YOU LOOKED AT, WAS THE  
24 INFORMATION AVAILABLE?

25           **A**           IN THE HISTORICAL RECORD, RIGHT.

26           **Q**           SO IT WAS AVAILABLE AND YOU JUST DON'T HAVE  
27 IT IN YOUR DOCUMENTS; CORRECT?

28           **A**           THE INFORMATION THAT'S IN THE TABLE IS

1 INFORMATION I HAVE.

2 Q AND SO THE INFORMATION WHERE THERE'S  
3 BLANKS -- IF YOU LOOK AT 1947 ON UP TO 1948, ABOVE 1948,  
4 IT'S ALL BLANK; CORRECT?

5 A OH, THAT'S WHERE OUR TABLE STARTED. WE  
6 STARTED THIS TABLE VERY EARLY IN THE PROCESS.

7 Q I UNDERSTAND. BUT WHERE IT'S BLANK IN THE  
8 1947, THE COLUMN FOR WATER USAGE, AND IT'S BLANK ALL THE  
9 WAY DOWN TO 1948, WAS THAT INFORMATION AVAILABLE TO YOU?

10 A IF WE HAD HAD THOSE SOURCES, HAD HAD  
11 WHAT -- REFERENCE TO AN ANNUAL WATER NUMBER, IT WOULD  
12 HAVE BEEN IN THE COLUMN.

13 Q SO IT'S --

14 A IT WASN'T NECESSARILY THE INFORMATION'S NOT  
15 AVAILABLE TO ME. IT'S JUST NOT IN THOSE SOURCES.

16 Q SO IF IT'S BLANK, YOU DIDN'T FIND THE  
17 INFORMATION OR HAVE ACCESS -- OR DIDN'T FIND IT IN YOUR  
18 SEARCH; CORRECT?

19 A IF IT'S BLANK, IT'S NOT IN THOSE DOCUMENTS.

20 Q AND ANY SOURCES THAT YOU DID LOOK AT, NOT  
21 THE SOURCES YOU HAVE LISTED THERE, WAS THAT INFORMATION  
22 AVAILABLE TO YOU?

23 A I THINK YOU'RE MISUNDERSTANDING THE PURPOSE  
24 OF THIS TABLE.

25 Q OKAY. WELL, YOU HAVE A TABLE UP THERE, AND  
26 YOU WENT THROUGH -- ON DIRECT EXAMINATION, YOU READ  
27 SPECIFIC ENTRIES IN 1960S, TALKING ABOUT WHAT THE WATER  
28 PRODUCTION WAS AND TELLING US THAT THAT'S THE HISTORICAL

1 WATER PRODUCTION FOR THAT YEAR; CORRECT?

2 A THAT'S RIGHT.

3 Q AND SO THE AREAS THAT ARE BLANK, YOU DIDN'T  
4 TELL US THAT NUMBER, DID YOU?

5 A THERE WAS NO NUMBER REPORTED IN THAT  
6 REPORT.

7 Q CORRECT. SO THEN DID YOU EXAMINE ANY  
8 SOURCES THAT HAD THAT NUMBER?

9 A WE MAY HAVE, BUT THEY DIDN'T MAKE THEIR WAY  
10 ONTO THIS SPREADSHEET.

11 Q OKAY. AND SO WHERE IT'S BLANK, THEN, YOU  
12 CAN'T TELL US WHAT THE NUMBER WAS FOR THAT YEAR, IF I  
13 WERE TO ASK YOU ON THE FIRST COLUMN, 1947, WHAT WAS THE  
14 WATER USAGE AT THE AREA THAT COMPRISES EDWARDS AIR FORCE  
15 BASE?

16 A OH, SITTING HERE RIGHT NOW, NO.

17 Q AND IN DOING YOUR HISTORICAL WATER USAGE,  
18 THE AREAS THAT NOW CURRENTLY COMPRISE EDWARDS AIR FORCE  
19 BASE BUT WERE NOT PART OF IT BACK IN, SAY, 1947, DID YOU  
20 LOOK AT ANY OF THE HISTORY OF THOSE AREAS ON THE WATER  
21 USAGE BEFORE THEY BECAME PART OF EDWARDS AIR FORCE BASE?

22 A RUN -- I'M SORRY. RUN THROUGH THAT ONE  
23 AGAIN.

24 Q SURE. THERE'S AREAS THAT WERE ACQUIRED BY  
25 RESERVATION, AND THERE'S AREAS THAT WERE PURCHASED AND  
26 CONDEMNED.

27 A RIGHT.

28 Q AND YOU JUST WENT THROUGH A PROCESS OF



1       SHOWING HOW THAT ALL EVOLVED.

2           **A**           RIGHT.

3           **Q**           IN DOING THE AREAS, LOOKING AT THESE ITEMS,  
4       DID YOU GO BACK AT THE HISTORY OF THE WATER USAGE? DID  
5       YOU LOOK AT ANY OF THE AREAS BEFORE THEY BECAME PART OF  
6       EDWARDS AIR FORCE BASE?

7           **A**           ONLY TO THE EXTENT THAT THERE WERE  
8       REFERENCES IN THE COURT RECORDS AS TO USE OF THE LAND,  
9       WHETHER IT HAD A WELL, THAT SORT OF THING. BUT THOSE  
10      ALMOST NEVER -- WELL, I TAKE IT BACK. THEY NEVER SAID  
11      HOW MUCH WAS PRODUCED.

12          **Q**           OKAY. SO --

13          **A**           THEY MIGHT SAY DEPTH TO WATER. THEY MIGHT  
14      SAY SIZE OF THE WELL. THEY MIGHT SAY HORSEPOWER OF THE  
15      PUMP.

16          **Q**           SORRY.

17          **A**           THEY DON'T GIVE YOU A USAGE NUMBER.

18          **Q**           OKAY. SO YOU DON'T HAVE THE HISTORIC  
19      NUMBERS, THEN, FOR THE AREAS PRIOR TO OR AT THE TIME  
20      THEY WERE ACQUIRED BY EDWARDS BY PURCHASE OR  
21      CONDEMNATION?

22          **A**           NO, I DON'T HAVE ANY STATISTICS ON THAT.

23          **Q**           IN THE NUMBERS THAT YOU'VE GIVEN US HERE ON  
24      THE WATER USAGE WHERE -- TAKE AN EXAMPLE, 1948, IT SAYS  
25      670 ACRE FEET. DO YOU HAVE ANY IDEA OF THE SOURCE OF  
26      THAT WATER?

27          **A**           THAT'S JUST WHAT WAS REPORTED BY THE  
28      U.S.G.S.

1           Q           AND SO ON THE REPORTS YOU HAD IT DOESN'T  
2 DISTINGUISH ABOUT WHETHER THAT WAS PUMPED GROUND WATER,  
3 TOP FLOWING WATER, OR ANY OTHER KIND OF WATER?

4           A           OH, I'D HAVE TO LOOK AT IT. I DON'T  
5 REMEMBER THAT SPECIFIC ONE.

6           Q           DO YOU REMEMBER ON ANY OF THEM?

7           A           WELL, NO, I BELIEVE THESE ARE ALL GROUND  
8 WATER STATISTICS.

9           Q           AND DOES IT TELL YOU -- WHEN YOU SEE THE  
10 670 ACRE FEET ON THE DOCUMENTS YOU LOOKED AT, DID IT  
11 TELL YOU WHAT WELL THIS WAS COMING OUT OF?

12          A           OFFHAND, I DON'T RECALL.

13          Q           AND SO YOU CAN'T SAY IF THIS WELL WAS ON  
14 THE SAN BERNARDINO SIDE OF THE COUNTY LINE AS OPPOSED TO  
15 BEING ON THE KERN COUNTY SIDE OF THE COUNTY LINE?

16          A           WELL, IF IT'S IN 1948 AND IT HAS TO DO WITH  
17 EDWARDS, IT'S LISTED ON EDWARDS AIR FORCE BASE. IT  
18 DOESN'T NECESSARILY DIFFERENTIATE.

19          Q           I UNDERSTAND. BUT IN LOOKING AT THE  
20 HISTORICAL DOCUMENTS, THERE WAS A COUNTY LINE THAT  
21 EXISTED AT THAT TIME; CORRECT?

22          A           SURE.

23          Q           AND CAN YOU TELL FROM THE DOCUMENTS YOU  
24 LOOKED AT WHAT SIDE, EITHER/OR, IF YOU CAN TELL IF IT  
25 WAS ON THE SAN BERNARDINO COUNTY SIDE THAT IT WAS BEING  
26 PUMPED OR THE KERN COUNTY SIDE?

27          A           THERE ARE IN THESE REPORTS SPECIFIC  
28 REFERENCES TO SPECIFIC WELLS. THEY DO NOT ALWAYS --

1 EACH REPORT DOES NOT ALWAYS LIST EVERY WELL, AND THEY --  
2 THEY'RE MORE GIVEN AS EXAMPLES. SO I CAN'T TELL YOU FOR  
3 SURE IN ANY GIVEN REPORT WHETHER THERE IS A SPECIFIC --  
4 A LIST OF ALL WELLS.

5 THERE IS A MAP THAT DEPICTS WELLS. AND  
6 YOU'D HAVE TO -- WE'D HAVE TO REVIEW THE MAP TO SEE  
7 WHETHER THERE'S ANY IN THE AREA YOU'RE TALKING ABOUT.

8 Q ON EXHIBIT 258, YOU WERE IDENTIFYING PURPLE  
9 DOTS THAT WOULD IDENTIFY WELLS AND THEN SOME CIRCLED  
10 NUMBERS. DO YOU RECALL THAT?

11 A YEAH. LET ME FIND THAT.

12 Q SURE.

13

14 (PAUSE IN THE PROCEEDINGS.)

15

16 THE WITNESS: WELL, LET'S GO FROM THE MAP. HERE I  
17 CAN SEE.

18 BY MR. SHEFFIELD:

19 Q SURE. AND I JUST HAVE A GENERALIZED  
20 QUESTION. WHEN YOU WERE GETTING INFORMATION THAT  
21 PLOTTED THESE DOTS OUT, WERE YOU ABLE TO ASCERTAIN  
22 WHETHER OR NOT THESE ARE ACTIVE PUMPING WELLS AT THE  
23 TIME THAT YOU FOUND INFORMATION ABOUT THEM?

24 A THE INFORMATION SIMPLY STATES THERE WAS A  
25 WELL. AND THE VOUCHERS WOULD SAY THE DEPTH TO WATER,  
26 SOMETIMES THE SIZE OF THE WELL, THE SIZE OF THE PUMP,  
27 BUT THEY DON'T SPECIFY AMOUNTS PUMPED.

28 Q RIGHT. I THINK YOU'RE MISUNDERSTANDING MY

1 QUESTION. AS FAR AS BEING AN ACTIVE WELL -- BECAUSE YOU  
2 CAN HAVE A WELL THAT IS A CLOSEOUT WELL AND IT WILL  
3 STILL SHOW UP ON A MAP AND IT'S NOT AN ACTIVE WELL.  
4 MAYBE SOMEBODY'S PUMPING WATER OUT OF IT.

5 DID YOU HAVE ANY DISTINCTION BETWEEN WHAT  
6 YOU WERE SEEING IN THE PLOT OF THESE DOTS, WHETHER THESE  
7 WERE ACTIVELY PUMPING WELLS?

8 A IT'S SUCH A COMPILATION. THEY COME FROM SO  
9 MANY SOURCES, I COULDN'T TELL YOU FROM, YOU KNOW,  
10 WELL -- WELL TO WELL TO WELL. IN GENERAL, THEY DEPICT  
11 THE WELLS THAT WERE IN THE REPORTS OR ON THE VOUCHERS.  
12 SOME OF THEM MAY HAVE BEEN CAPPED, STATED AS CAPPED.  
13 SOME OF THEM MAY BE STATED AS A WELL --

14 Q AND --

15 A -- SO I DON'T THINK I CAN ANSWER YOUR  
16 QUESTION.

17 Q IN PUTTING THIS INFORMATION ON THIS MAP,  
18 DID YOU DISTINGUISH BETWEEN WHAT WOULD BE IDENTIFIED AS  
19 A CAPPED WELL OR A PUMPING WELL?

20 A NO.

21 Q AND IN LOOKING AT THE RECORDS RELATING TO  
22 THE HISTORY OF THE WATER USE AT EDWARDS AIR FORCE BASE,  
23 DID YOU EXAMINE ANY RECORDS DEALING WITH THE ABANDONMENT  
24 OF ANY WELLS?

25 A IT'S NOT A TOPIC WE WOULD HAVE SEARCHED FOR  
26 SPECIFICALLY. SO WE WOULD HAVE -- WE WOULD HAVE  
27 SEARCHED FOR INFORMATION RELATED TO WELLS IN GENERAL.  
28 IF THERE IS INFORMATION IN THERE ABOUT ABANDONMENT OF

1 WELLS OR INSTALLATION OF NEW WELLS, THAT'S WHAT WE WOULD  
2 HAVE FOUND ALONG THE WAY. SO --

3 Q OKAY.

4 A -- THE ANSWER IS MAYBE.

5 Q OKAY. AND SO WITHIN THIS DIAGRAM THERE'S  
6 APPROXIMATELY 500 WELLS, GIVEN ALL THE VARIATIONS OF THE  
7 CIRCLES AND THE DOTS, AND SINCE THE TIME WHEN THESE WERE  
8 MAPPED, AND NOW THERE'S CURRENTLY ONLY 50 TO 60 ACTIVE  
9 WELLS ON EDWARDS AIR FORCE BASE?

10 A I DON'T BELIEVE I KNOW THE ACTIVE NUMBER OF  
11 WELLS. I THINK IT'S FIFTEEN OR SIXTEEN, SOMETHING LIKE  
12 THAT.

13 Q FIFTEEN OR SIXTEEN?

14 A THAT'S WHAT I UNDERSTAND.

15 Q OH. AND THAT'S DOWN FROM THE 500 THAT WERE  
16 PUT ON THIS MAP; CORRECT?

17 A VERY MUCH SO, YEAH.

18 Q AND OF THE FIFTEEN OR SIXTEEN WELLS, DO YOU  
19 HAVE ANY IDEA WHETHER THOSE WERE -- WHAT SIDE OF THE  
20 COUNTY LINE THOSE WERE ON, SAN BERNARDINO OR KERN?

21 A THE ACTIVE WELLS?

22 Q CORRECT.

23 A I HAVEN'T SEEN A MAP SHOWING ME ALL OF THE  
24 ACTIVE WELLS.

25 Q YOU HAD TESTIFIED EARLIER THAT ONE OF THE  
26 ITEMS THAT YOU RELIED ON FOR THE HISTORIC WATER USE WERE  
27 REPORTS FROM THE STATE OF CALIFORNIA. CAN YOU IDENTIFY  
28 WHAT REPORTS THOSE WERE?

1           **A**           THERE WERE SOME GENERAL WATER STUDIES OF  
2 THE ANTELOPE VALLEY DONE BY THE WATER RESOURCES CENTER,  
3 UNIVERSITY OF CALIFORNIA. THIS IS ALL JUST VERY DEEP --  
4 DEEP MEMORY NOW, BUT I BELIEVE THAT'S RIGHT.

5           **Q**           AND ANY OTHER REPORTS FROM THE STATE OF --

6           **A**           THERE WAS A COUPLE OTHERS. THE NAMES OF  
7 THEM DON'T COME TO MY MIND, AND THEY DIDN'T TURN OUT TO  
8 BE PARTICULARLY HELPFUL.

9           **Q**           DO YOU KNOW THE YEAR ON THE STATE OF  
10 CALIFORNIA REPORT THAT YOU DID IDENTIFY JUST A MOMENT  
11 AGO?

12          **A**           IT WAS THE 1950S.

13          **Q**           NOW, YOU WENT THROUGH A SERIES OF  
14 IDENTIFYING RESERVATIONS AS EXECUTIVE ORDERS AND THEN AS  
15 PUBLIC LAND ORDERS. DO YOU RECALL THAT?

16          **A**           SURE.

17          **Q**           AND DID THOSE EXECUTIVE ORDERS AND PUBLIC  
18 LAND ORDERS HAVE EXCEPTIONS IN THEM?

19          **A**           WHAT DO YOU MEAN BY EXCEPTIONS? GIVE ME AN  
20 EXAMPLE.

21          **Q**           THAT THEY WERE SUBJECT TO THE EXISTING  
22 RIGHTS OR THEN EXISTING RIGHTS.

23          **A**           IN SOME INSTANCES, YES.

24          **Q**           CAN YOU IDENTIFY ONE THAT DID NOT HAVE  
25 THAT?

26          **A**           I'LL HAVE TO GO THROUGH THEM. I DIDN'T  
27 MEMORIZE THEM ALL.

28          **Q**           WELL, DO YOU HAVE IN YOUR MIND A

1 SPECIFIC -- WELL, LET'S START WITH --

2 A START WITH NUMBER 1.

3 Q I BELIEVE IT'S EXHIBIT 11, THE FIRST --

4 A FIRST ONE.

5 Q -- THAT WE DISCUSSED, EXECUTIVE ORDER 6588.

6 A YES.

7 Q DID THAT STATE THAT IT WAS SUBJECT TO THE

8 VALID EXISTING RIGHTS AT THE TIME?

9 A YES.

10 Q AND THEN EXECUTIVE ORDER 7707, WHICH I

11 DON'T THINK WAS ON YOUR LIST. DO YOU RECALL SEEING

12 EXECUTIVE ORDER 7707?

13 A YES. THAT'S FOR SOME, I THINK, MILLIONS OF

14 ACRES OF LAND. YES.

15 Q AND DID YOU CONSIDER THAT EXECUTIVE ORDER

16 IN YOUR ANALYSIS THAT YOU TESTIFIED TO TODAY?

17 A IT CAME UP IN OUR RESEARCH.

18 Q AND THAT WASN'T INCLUDED AS ONE THAT YOU

19 TALKED ABOUT TODAY?

20 A NO.

21 Q DID IT ALSO SAY THAT IT WAS SUBJECT TO

22 VALID AND ALL EXISTING RIGHTS?

23 A I DON'T RECALL.

24 Q AND EXECUTIVE ORDER 7740, DID YOU SEE THAT

25 ONE?

26 A I BELIEVE SO.

27 Q AND WAS THAT ONE SUBJECT TO ALL VALID

28 EXISTING RIGHTS?

1 IF YOU'RE LOOKING -- I DON'T BELIEVE YOU  
2 SPOKE ABOUT THAT ONE TODAY. I THINK IT'S ONE THAT --

3 A 7740. YEAH, I DON'T THINK I HAVE THAT.

4 Q OKAY. CAN YOU GO TO EXHIBIT 21 THEN,  
5 PLEASE?

6 A HOLD ON.

7 ALL RIGHT.

8 Q AND THAT'S PUBLIC LAND ORDER 480; CORRECT?

9 A YES.

10 Q AND WAS THAT SUBJECT TO ALL VALID AND  
11 EXISTING RIGHTS?

12 A YES.

13 Q OKAY. AND THEN EXHIBIT 18 WAS EXECUTIVE  
14 ORDER 8450.

15 A 18. HOLD ON.

16

17 (PAUSE IN THE PROCEEDINGS.)

18

19 THE WITNESS: YES. GO AHEAD.

20 BY MR. SHEFFIELD:

21 Q WAS THAT EXECUTIVE ORDER SUBJECT TO ALL  
22 VALID EXISTING RIGHTS AT THE TIME OF THE ORDER?

23 A SUBJECT TO VALID EXISTING RIGHTS.

24 Q AND THIS EXECUTIVE ORDER SUPERSEDED THE  
25 PRIOR EXECUTIVE ORDERS WE'RE DISCUSSING, 6588, 7707, AND  
26 7740; IS THAT CORRECT?

27 A THAT'S WHAT IT SAYS.

28 Q AND ARE YOU AWARE OF WHETHER -- OR DID YOU