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Trial Transcript, Vol. 12, Morning Session

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| ير اور | IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT |
| الخفي | |
| فلاجه | WASHAKIE COUNTY, STATE OF WYOMING |
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| لاهير () | IN RE:) |
| اللامير. 5 - اللاب | |
| ليس | |
| و الفسر | SYSTEM AND ALL OTHER) SOURCES, STATE OF WYO-) |
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| 12 | |
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| | VOLUME 12 |
| | Morning Session |
| 3 3 1 | |
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| 2: | 3 |
| 3 24 | |
| -9 . 2: | |
| | FRONTIER DEBODEING AFFINE |
| 1 | 409 WEST 2410 STREET FRONTIER REPORTING SERVICE 201 MDW(ST BULD NG CARVENTE WY 82001 1307/ 635 8280 1307/ 237 1433 |

| 1 | APPI | EARANCES | |
|----|---|---|---|
| 2 | | | |
| 3 | FOR THE STATE OF | MR. JAMES MERRILL and MR. MICHAEL D. WHITE | |
| 4 | WYOMING: | Special, Assistant Attor General | neys |
| 5 | | 2900 Energy Center One Denver, CO 80202 | Bldg. |
| 6 | | | |
| 7 | FOR THE UNITED STATES OF AMERICA: | MS. REGINA SLEATER Attorney at Law | |
| 8 | OF AFERICA. | Land and Natural Resour Division | rces |
| 9 | | Federal Building Cheyenne, WY 82002 | |
| 10 | | - | |
| 11 | | and | |
| 12 | | MR. TOM ECHOHAWK Attorney at Law | |
| 13 | | Land and Natural Resou Division | cces |
| 14 | | 1961 Stout Street Denver, CO 80294 | |
| 15 | | and | |
| 16 | | MR. JOSEPH MEMBRINO | |
| 17 | | Attorney at Law U.S. Department of Jus Washington, DC 20006 | tice |
| 18 | | | |
| 19 | FOR THE ARAPAHOE TRIBE: | WILKINSON, CRAGUN & BA 1735 New York Ave., N. | |
| 20 | | Washington, DC 20006 BY: MR. R. ANTHONY RO | - |
| 21 | | DI. MA. A. ANIMONI AU | GLKS |
| 22 | FOR THE SHOSHONE TRIBE: | SONOSKY, CHAMBERS & SA 200 M. Street, N.W. | CHSE |
| 23 | | Washington, DC 20006 BY: MR. HARRY SACHSE | |
| 24 | | DACIDE | |
| 25 | | | |
| | 40% WEST 241M STREET CHEVENEE WY M2001 (437) 635 M780 | FRONTIER REPORTING SERVICE | 201 MIDALST BURE HG CASPER, WY P2601 (307) 237 1433 |

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| 1-2 1-2 | | |
| * 1-2 * 1-2 * 1 * 1 * 1 * 1 * 1 * 1 * 1 * 1 | 1 | THE SPECIAL MASTER: Yeah, I'm sorry, that |
| لايً | 2 | is the NE of the NE. |
| فأج | 3 | A Yes, we classified those lands gravity 2, |
| e t | 4 | sprinkler 1. |
| قِمَّم اللہ | 5 | Q (By Mr. White) Okay, how about Section 23 in |
| ೆ | 6 | Township 2pNorth, 1 East, NW of the NE? |
| اللم | 7 | A That was classified as 3. |
| . | 8 | Q Township 5 North, 2 East, Section 27, NE of the |
| ය ය | 9 | NE? |
| ن ب | 10 | A Classified as 2. |
| 9 | 11 | One thing I might point out, last night |
| | 12 | we went through and reviewed each of these in |
| 0 10 | 13 | detail and there are some squiggles. We are off |
| • | 14 | sometimes three-sixteenths of an inch or less in |
| も | 15 | the map, not in all cases of the map but in some |
| | 16 | cases the map is off a little bit and there are |
| 0 | 17 | some trust lands there, and in all cases we |
| - | 18 | checked these. Nottrust lands were included in |
| D - | 19 | the acreage totals and, therefore, while there |
| 00000000000 | 20 | may be an error in that conceptual land map that |
| | 21 | we have shown, one line being off slightly, the |
| 0 | 22 | land base itself, the acreage totals is not |
| 5 | 23 | affected by that. |
| 5 | 24 | MR. WHITE: Okay. I think you misspoke. |
| ち | 25 | kersich-cross-white |
| € | | 409 WEST 24TH STREET FRONTIER REPORTING SERVICE 201 M DAEST BURDARS |

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| | 1-1 | L-cb | 1353 |
| چېر | | 1 | THE SPECIAL MASTER: Come to order, please. |
| فلير | | 2 | You had three or four remaining questions, |
| هیر | | 3 | Mr. White. |
| فير فلير | | | |
| ي البر | | 4 | MR. WHITE: I'm sorry sir, I didn't hear you. |
| قابير قامر قامر | | 5 | THE SPECIAL MASTER: You had about three |
| فاسر | | 6 | remaining questions, I believe. |
| فلنسو | | 7 | MR. WHITE: Well, in one area at least, |
| اس الجبر الجبر اليم | | 8 | Your Honor. |
| لايم اللب | | 9 | THE SPECIAL MASTER: Yes, the remaining area. |
| بر م پرسو | | 10 | CROSS-EXAMINATION (RESUMED) |
| يعني | | 11 | BY MR. WHITE: |
| el. | | 12 | |
| اليم | | | Q Mr. Kersich, before we quit last night I believe |
| - | | 13 | you indicated that you would check whether or not |
| ا ي و مد | | 14 | you classified three parcels; have you done so? |
| 5 5 | | 15 | A Yes. Can I read the descriptions so we make sure |
| 0 | | 16 | we are in comparison here? |
| 0 | | 17 | MR. WHITE: You bet. |
| | | 18 | THE WITNESS: 1 South, 3 East, Section 18 in |
| 6 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 | | 19 | the NW 1/4 of the NE 1/4, I believe that was one |
| - | | 20 | of them you asked me on. |
| - | | 21 | Q 1 South, 3 East, Section 18 NE of the NE. |
| с. С | | | THE SPECIAL MASTER: Wait a minute. I have |
| <u>.</u> | | 22 | Harrie Harries |
| بمو ب | | 23 | the NW of the NE. |
| -1 | | 24 | MR. WHITE: NE of the NE is what I asked about. |
| - <u>-</u> | | 25 | kersich-cross-white |
| せ | | | a + (1/1/2010/3001) FBONTIER REPORTING SERVICE (01/9/2010 B. DAY 01/9/2010 (01/2010) (01/9/2010 B. DAY (01/9/2010 B. DAY (0 |

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| 5 1-3 | | | 1355 |
| 5 | }- | | |
| (Comments | 1 | | but I would love to have the record stay as |
| ليدون فسد | 2 | | you stated, but I think you meant to say there |
| Served Served | 3 | | was no fee lands included in the total. |
| Berry B | 4 | | THE WITNESS: That's correct. Thank you |
| e de la companya de | 5 | | for correcting me. But what I mean, the final |
| a state of the second s | 6 | | upshot is our 84,000 hundred and some acres is |
| لیسر) لیسر) | 7 | | still correct, that there are no fee lands included |
| Contraction of the second seco | 8 | | within that total. |
| States and the second s | 9 | Q | (By Mr. White) Correct. |
| 5 5 | 10 | | Let's take a look at that. I direct your |
| 3 3 | 11 | | attention to what has been admitted as Tribes |
| 8-mg | 12 | | Exhibit M-1. Maybe we could just clear off the |
| | 13 | | table here in front of you, Al. That might be |
| 5-4 3-4 3-4 | 14 | | the easiest thing to do. |
| 39 | 15 | A | Okay. |
| 3-9 | 16 | Q | You will notice that the caption or the legend |
| 5 ⁻¹³ | 17 | | for the map shows fee lands to be shown in the |
| | 18 | | color that is described as Scarlet Lake No. 923 |
| | 19 | | which is in common parlance, I think, red. |
| 5-13 | 20 | A | All right, I'll accept your explanation. |
| •••• •••• | 21 | Q | All right. Now, would you check each of the |
| | 22 | | descriptions which I gave you to see whether or |
| | 23 | | not they appear as red on this map and then go to |
| | 24 | | your aerial photograph and explain to me how you |
| | Í | kersi | Lch-cross-white |
| | 25 | | |

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| | 1-4 | 1356 |
|) | 1 | excluded, how you classified those but then |
| فيعد | 2 | excluded the acreage? |
| فوندور | 3 | THE SPECIAL MASTER: Be sure I get that back. |
| موسر. موس | 4 | THE WITNESS: Yeah. |
| فيسو | 5 | |
| الخاسر | | MR. WHITE: We checked it out, Your Honor. |
| الخيب | 6 | We are on the hook for it. |
| اللي مسير د | 7 | THE SPECIAL MASTER: Has this exhibit been |
| لليس المس | 8 | admitted, gentlemen? |
| وليد | 9 | MR. WHITE: Yes, sir. |
| - | 10 | MR. SACHSE: Uh-huh. |
| للجب | 11 | MR. WHITE: It was admitted during the July |
| en el | 12 | hearings 14th through the 22nd of 1980 at Page 77 |
| | 13 | of that transcript, Your Honor. |
| | 14 | |
| | | THE SPECIAL MASTER: Thank you. |
| | 15 | THW WITNESS: Okay. And exactly what do you |
| -9 | 16 | want me to do? |
| -9 | 17 | Q (By Mr. White) Okay, let's start at Township 4, |
| -9 | 18 | 1 East, the first description I gave you yesterday. |
| -9 -9 | 19 | A Okay. |
| - | 20 | Q Not the first description right before the break, |
| | 21 | but when we started at the very first talking about |
| -e | 22 | land descriptions: Township 4 North, 1 East, |
| 3 | 23 | Section 35, SE of the NW 1/4. |
| 2 | 24 | THE SPECIAL MASTER: Class 2. |
| 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 | | kersich-cross-white |
| - • • • • | 25 | |
| se . | | JUD WEST 24TH STREET FRONTIER REPORTING SERVICE 201 M DAEST BULD N3 CH TENH, WI B2001 CATPER WY 02501 CATPER WY 02501 1007 635 8280 1307:237 1471 |

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| i | 1-5 | 1357 |
| } | | |
| | 1 | A Township 4 North what range, sir? |
| 4 | 2 | THE SPECIAL MASTER: 1 East. |
| c | 3 | MR. WHITE: 1 East. |
| e | 4 | THE WITNESS: Okay. |
| 2 ci | 5 | THE SPECIAL MASTER: The SE 1/4 of the NW |
| L. | 6 | 1/4. |
| ب | | |
| 5 - | 7 | THE WITNESS: And what section now was that, |
| 5 5 | 8 | please? |
| - | 9 | MR. WHITE: 35. |
| | 10 | THE WITNESS: Section 35, this one here. So |
| 4 | 11 | it would be the SE 1/4 |
| ņ | 12 | THE SPECIAL MASTER: Of the NW 1/4. |
| ų | 13 | THE WITNESS: Of the NW 1/4. |
| с, - | | THE SPECIAL MASTER: Is that right? |
| 7 M | 14 | |
| _, M | 15 | MR. WHITE: Uh-huh. |
| ' | 16 | THE SPECIAL MASTER: I'd better let you do this, |
| - | 17 | I think. |
| | 18 | MR. WHITE: Yes it is he's got the right |
| | 19 | place. |
| | 20 | |
| <u>.</u> | | Q (By Mr. White) What color is that? |
| | 21 | A That is yellow here. |
| . | 22 | Q It is? |
| - | 23 | A Well, I'm going to write this down. Township 4 |
| | 24 | North, Range 1 East, Section 35, right, this is. |
| <u>,</u> | 25 | kersich-cross-white |
| ;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;;; | | 400 ABST 2450 STREET CONTINUE REPORTING SERVICE 201 MDARST BUILDING CONTINUE WY 82001 CONTINUE WY 82001 CONTINUE ADD CONTINUE SERVICE CASER IN 82001 CONTINUE SERVICE |

| 5 1-6 | | | | |
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| . . | | | 1358 | |
| <u>4</u> | 1 | Q | (By Mr. White) Okay, you've got the right | |
| • | 2 | | section. | |
| ف و | 3 | A | This is Section 35. | |
| ۇ ب | 4 | Q | Okay. | |
| ۇ | 5 | A | Now, which 1/4 of that? | |
| 2 | 6 | Q | The SE of the NW. | |
| ۇ ل | 7 | A | Okay. The SE of the NW would be this particular | |
| • | 8 | | area here. It is dark brown, which means govern- | |
| e) A | 9 | | ment owned. | |
| و ب ب | 10 | Q | Does that mean trust lands to you? | |
| A | 11 | A | Well, it appears on this map that there is a | |
| A 4 4 | 12 | | differentiation between government owned and trust | |
| <u>.</u> | 13 | | lands. | |
| 1 | 14 | Q | All right, it is shown on Exhibit 1 as being | |
| j | 15 | | government owned, it is not shown as being trust | |
| 4 | 16 | | land, is that correct? | |
| | 17 | A | That's correct, that's correct. | |
| j j | 18 | Q | Let's go to the next parcel that's in Township 5 | |
| 1 | 19 | | North, 2 East. | |
| <u>,</u> | 20 | A | Okay. | |
| | 21 | Q | Section 27. | |
| - • | 22 | | Ober Tim in Contion - Tim in Mercelia - | |
| | 22 | A | Okay. I'm in Section I'm in Township 5 North, | |
| | 23 | | 2 East, yes. | |
| na - | 24 25 | Q ker | NE of the NE. | |
| - | 60 | Ver | BICA-CEOBS-WALLE Sea west 24 to state t The order with 2001 (47) ME WINDER (47) ME WINDER | |

| 5-0 | 1-7 | 1359 |
|--|-----|---|
| 5 | | |
| 9 . | 1 | A Okay, this is |
| St. make | 2 | Q Of Section 35. |
| Constitution of the second sec | 3 | A Wait a minute. That would be the NE 1/4 of |
| | 4 | the NE 1/4. |
| | 5 | Q That is land shown as red or fee land on M-1? |
| a start and a start a | 6 | A That's correct. |
| | 7 | MR. SACHSE: May it please the Court, this |
| | 8 | is not an objection, but a request. Since the |
| S and | 9 | witness is referring to a map that was one of |
| Sand a | 10 | the Tribes' Exhibits, and apparently is finding |
| | 11 | some errors in the map, that was one of the |
| 3 | 12 | Tribes' Exhibits or in perhaps one of the other |
| (3) | 13 | maps, it might be well for the witness to mark |
| 8-4 6-4 | 14 | on this Tribal Exhibit any areas where |
| 6 | 15 | MR. WHITE: That's fine with me, Your Honor. |
| ð 📲 | 16 | MR. SACHSE: the State claims there is a |
| and . | 17 | discrepancy so that can be checked out. And my |
| 8 ⁻³ | 18 | own feeling on this, is that in comparison of maps |
| 5-3 | 19 | • |
| * ** | | of this detail, there probably will be found some |
| 5 | 20 | small areas that will be different and if there |
| 5 73 | 21 | are, and if it's of any significance in the case, |
| er u | 22 | we'll try to get to the truth of it. |
| | 23 | THE SPECIAL MASTER: How does Counsel wish |
| je de la construction de la construcción de la cons | 24 | those, circle them in black pen? |
| | 25 | kersich-cross-white |
| سر ایسو ک ۱ | | 409 WEST 24THOSTHEET FRONTIER REPORTING SERVICE 201 M GAEST BORDING |
| لمحصره | | CHETENAL, WY H2091 COT5 6 35 8240 (302) 237 1493 |

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| 1-8 | | ••••••••••••••••••••••••••••••••••••••• | |
| | 1 | MR. WHITE: Circle them with a black pen. | |
| | 2 | THE SPECIAL MASTER: All right. | |
| | 3 | MR. WHITE: I would like to say something | |
| | 4 | though to correct Mr. Sachse's misinterpretation | n |
| | 5 | of what we're doing here. We are not attacking | |
| | 6 | the validity of M-1, that was already admitted | |
| | 7 | | |
| | | without objection by the State, admitted after an | |
| | 8 | offer by the Tribes for the truth of its content | ts. |
| | 9 | We are not attacking that exhibit, what we are | |
| | 10 | doing is saying that these are instances where | the |
| | 11 | arable land base, identified by Mr. Kersich, | |
| | 12 | includes other than trust lands, it includes pr | ivate |
| | 13 | or government lands. | |
| | 14 | THE SPECIAL MASTER: Whatever. | |
| | 15 | MR. WHITE: There will be a number of these | e. |
| | 16 | Q (By Mr. White) Okay, so why don't you mark the | |
| | 17 | SE 1/4 of the NW 1/4 of Section 35, Township 4 | |
| | 18 | North, 1 East on Exhibit M-1. | |
| | 19 | A Just about let's see. Go back. Township 4 | |
| | | North, 1 East? | |
| | 20 | | |
| | 21 | | |
| | 22 | A Section 35. Okay, the SE 1/4 | |
| | 23 | Q Of the NW. | |
| | 24 | A Okay. This area right here. | |
| | 25 | kersich-cross-white | |
| | | AND THE ASSOCIATES FRONTIER REPORTING SERVICE | e e e e e e e e e e e e e e e e e e e |

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| | 1-9 | | | 1361 |
| North Contraction | 1 | | THE SPECIAL MASTER: That's the very | first |
| No. | • | | | |
| W. | 2 | | one. You already | |
| مىرى بەر بىلى | 3 | | MR. WHITE: You marked in 34, Al. I | think |
| للسبحة | 9 4 | | you meant to mark in 35. | |
| | 5 | | THE WITNESS: I didn't I did, righ | t there. |
| 5 - A | 6 | | MR. WHITE: Okay. | |
| ي. مسير | 7 | | THE WITNESS: Okay. | |
| 9 9-16 | 8 | Q | (By Mr. White) Then go to Township 5 Nort | h, 2 East. |
| S. M | 9 | | | |
| 5-4 | , | A | Yes. | |
| 9.4 | 10 | Q | Section 27. | |
| 5-6 | 11 | A | Yes, I have done that. | |
| 3 | 12 | Q | NE of the NE. | |
| 9. 9 | 13 | A | That's correct. | |
| 5-6 | 14 | | THE SPECIAL MASTER: That's correct, | is it not? |
| 5-6 | 15 | | MR. WHITE: Okay. | |
| 5 | 16 | Q | (By Mr. White) Then let's go to Township | 1 South, |
| 5 | 17 | | 3 East. | |
| 5-9 | 18 | A | Okay. 1 South, 3 East, Okay. | |
| 5-9 | 19 | Q | Section 10. | |
| 1 | 20 | A | Section 10; 7, 8, 9, 10. Right here. | |
| | 21 | Q | Okay. | |
| | 22 | A | Okay. Right there. | |
| | 23 | E Q | Uh-huh, okay, NW of the SE. | |
| | 24 | A | Okay, this is is this the SW 1/4 of the | e Se 1/4 |
| ۔ جسٹے | 25 | | sich-cross-white | 1/3 |
| | • | | FRONTIER REPORTING SERVICE | · · · · · · · · · · · · · · · · · · · |
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| 1in2QThe NW of the SE.3ANW of the SE.4QOkay, that's also red, isn't it75AUh-huh, that's correct.6QLet's go to Township 1 South, 3 East.7A1 South, 3 East. Okay, I'm in that Township.8QSection 18.9AOkay, Section 18.10QNE, NE.11AAll right. All right, that's Section 13, 141218, NE of the NE, that's right here. Okay.13QOkay, that's also red, isn't it714AYes.15Q1 North, 2 East.16A1 North, 2 East, yes, sir, I'm in that Township.17QSection 5.18ASection 5, right here.19QRight.20AUh-huh.21QNW of the NW.22ANW of the NW, right there.23QThat's also red, isn't it724AYes.25kersich-cross-white | 1-10 | | | | 1362 |
|---|------|----|-----|---|--------|
| A NW of the SE. Q Okay, that's also red, isn't it? A Uh-huh, that's correct. Q Let's go to Township 1 South, 3 East. A 1 South, 3 East. Okay, I'm in that Township. Q Section 18. Q NE, NE. A All right. All right, that's Section 13, 14 18, NE of the NE, that's right here. Okay. Q Okay, that's also red, isn't it? A Yes. Q I North, 2 East, yes, sir, I'm in that Township. Q Right. Q NW of the NW. Q NW of the NW, right there. Q NW of the NW, right there. Q That's also red, isn't it? | | 1 | | in | |
| 4 Q Okay, that's also red, isn't it? 5 A Uh-huh, that's correct. 6 Q Let's go to Township 1 South, 3 East. 7 A 1 South, 3 East. Okay, I'm in that Township. 8 Q Section 18. 9 A Okay, Section 18. 10 Q NE, NE. 11 A All right. All right, that's Section 13, 14 12 18, NE of the NE, that's right here. Okay. 13 Q Okay, that's also red, isn't it? 14 Yes. 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. right there. 23 Q That's also red, isn't it? 24 A Yes. | | 2 | Q | The NW of the SE. | |
| 5 A Uh-huh, that's correct. 6 Q Let's go to Township 1 South, 3 East. 7 A 1 South, 3 East. Okay, I'm in that Township. 8 Q Section 18. 9 A Okay, Section 18. 10 Q NE, NE. 11 A All right. All right, that's Section 13, 14 12 18, NE of the NE, that's right here. Okay. 13 Q Okay, that's also red, isn't it? 14 A Yes. 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. right there. 23 Q That's also red, isn't it? 24 A Yes. | | 3 | A | NW of the SE. | |
| 6 Q Let's go to Township 1 South, 3 East. 7 A 1 South, 3 East. Okay, I'm in that Township. 8 Q Section 18. 9 A Okay, Section 18. 10 Q NE, NE. 11 A All right. All right, that's Section 13, 14 12 18, NE of the NE, that's right here. Okay. 13 Q Okay, that's also red, isn't it? 14 A Yes. 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 4 | Q | Okay, that's also red, isn't it? | |
| 7 A 1 South, 3 East. Okay, I'm in that Township. 8 Q Section 18. 9 A Okay, Section 18. 10 Q NE, NE. 11 A All right. All right, that's Section 13, 14 18, NE of the NE, that's right here. Okay. 13 Q Okay, that's also red, isn't it? 14 A Yes. 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. right there. 23 Q That's also red, isn't it? 24 A Yes. | | 5 | A | Uh-huh, that's correct. | |
| 8 Q Section 18. 9 A Okay, Section 18. 10 Q NE, NE. 11 A All right. All right, that's Section 13, 14 12 18, NE of the NE, that's right here. Okay. 13 Q Okay, that's also red, isn't it? 14 A Yes. 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 6 | Q | Let's go to Township 1 South, 3 East. | |
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| 10 Q NE, NE. 11 A All right. All right, that's Section 13, 14 12 18, NE of the NE, that's right here. Okay. 13 Q Okay, that's also red, isn't it? 14 A Yes. 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. right there. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 8 | Q | Section 18. | |
| A All right. All right, that's Section 13, 14 18, NE of the NE, that's right here. Okay. Okay, that's also red, isn't it? A Yes. O 1 North, 2 East. 1 North, 2 East, yes, sir, I'm in that Township. O Section 5. A Section 5, right here. Q Right. A Uh-huh. Q NW of the NW. A NW of the NW, right there. Q That's also red, isn't it? A Yes. | | 9 | A | Okay, Section 18. | |
| 18, NE of the NE, that's right here. Okay. Q Okay, that's also red, isn't it? A Yes. Q 1 North, 2 East. A 1 North, 2 East, yes, sir, I'm in that Township. Q Section 5. A Section 5, right here. Q Right. A Uh-huh. Q NW of the NW. A Wh of the NW, right there. Q That's also red, isn't it? A Yes. | | 10 | Q | NE, NE. | |
| 13 Q Okay, that's also red, isn't it? 14 A Yes. 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 11 | A | All right. All right, that's Section 13, | 14 |
| 14 A Yes. 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 12 | | 18, NE of the NE, that's right here. Okay | • |
| 14 A Yes. 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 13 | Q | Okay, that's also red, isn't it? | |
| 15 Q 1 North, 2 East. 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 14 | | | |
| 16 A 1 North, 2 East, yes, sir, I'm in that Township. 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 15 | Q | | |
| 17 Q Section 5. 18 A Section 5, right here. 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 16 | | | mship. |
| 19 Q Right. 20 A Uh-huh. 21 Q NW of the NW. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 17 | Q | | • |
| 20 A Uh-huh. 21 Q NW of the NW. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 18 | A | Section 5, right here. | |
| 21 Q NW of the NW. 22 A NW of the NW, right there. 23 Q That's also red, isn't it? 24 A Yes. | | 19 | Q | Right. | |
| A NW of the NW, right there. Q That's also red, isn't it? A Yes. | | 20 | A | Uh-huh. | |
| 23 Q That's also red, isn't it? 24 A Yes. | | 21 | Q | NW of the NW. | |
| 24 A Yes. | | 22 | A | NW of the NW, right there. | |
| | | 23 | Q | That's also red, isn't it? | |
| 25 kersich-cross-white | | 24 | A | Yes. | |
| | | | ker | sich-cross-white | |

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| or her | | | |
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| 1-11 | | | 1363 |
| | | | |
| ليسر كى لمسر كى لمسر كى | 1 | Q | Township 2 North, 1 East. |
| And | 2 | A | 2 North, 1 East, right. |
| لمسحك | 3 | Q | Section 23. |
| لمستنجى | 4 | A | Okay. Let's see that's Section 25, 23, I |
| and and a second | 5 | | believe. Okay. |
| لیسر بی لیسر بی لیسر کی لیسر کی | 6 | Q | Okay. NW of the NE. |
| لک است | 7 | A | NW of the NE, right here. |
| للسمي | 8 | Q | That's also red, isn't it? |
| Same and | 9 | A | Yes. |
| 5 | 10 | | Marinelia di Mariako E. Maria |
| 5 ~ d 5 ~ d 5 ~ d | | Q | Township 1 North, 5 East. |
| 9 Send | 11 | A | Okay. |
| 5 54 | 12 | Q | Section 4. |
| 5-3 | 13 | A | Okay, right in this Section. |
| 5 | 14 | Q | SE of the NE. |
| 5 | 15 | A | Right. |
| and and | 16 | Q | Shouldn't that be a 1/4 Section higher, Al? |
| a. Serte | 17 | л | Can I extend it, just like this? |
| 5-3 | 18 | Q | Yes, that's fine. That's also red, isn't it? |
| 5-3 | 19 | A | Yes, it is. |
| 5 ⁻¹³ | 20 | Q | Okay, Section 1 excuse me, Township 1, 3 East. |
| | 21 | A | Okay. |
| | 22 | Q | Section 25. |
| e . | | A | Let's see, I believe this will be Section 25. |
| | 23 | | |
| | 24 | Q | SE of the NE. |
| | 25 | ker | sich-cross-white |
| | | | 4. A WEST ATTO THE F FRONTIER REPORTING SERVICE |
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| 5 | 1-12 | | 1364 |
| 5-0 -0 -0 -0 -0 -0 -0 -0 -0 -0 -0 -0 -0 - | 1 | A SE 1/4 of the NE 1/4 would be right there. | |
| S. M. | 2 | Q That's also red, isn't it? | |
| 5 A | 3 | A Yes. | |
| S. S. | 4 | Q Again, in 1: South, 3 East well, let's sta | У |
| البسر. البسري | 5 | inside Section 25 there. | |
| Ser and | 6 | A Okay. | |
| المبري ور | 7 | Q How about the NE of the SE of 25? | |
| 5 | 8 | A North | |
| 5-10 | 9 | Q Is that red? | |
| | 10 | A Yes, sir. | |
| 5 | 11 | | |
| ي. م | | Q Circle it there and the SE of the SE. A Okay. That's red also. | |
| 3-4 | 12 | A Okay. Inat 5 led also. | |
| S 1 | 13 | | |
| 5-0 5-0 | 14 | | |
| and a | 15 | | |
| 5-1 | 16 | * * * * * | |
| E. | ND 1 17 | | |
| | 18 | | |
| 1 | 19 | | |
| 1 | 20 | | |
| | 21 | | |
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| میں میں اور | | to expert stream of the FI FRONTIER REPORTING SERVICE | 201 10 25 5 2 9 5 10 LASPEN 35 10 5 10 LASPEN 35 10 5 10 |
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| | 2-1-ND-CD | | | |
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| S | 2-1-MR-CR | | | 1365 |
| S= | | | | |
| 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 | 1 | Q | (By Mr. White) (Continued) 2 North, 5 East. | |
| الميش کې | 2 | A | Okay. | |
| میں نیس | 3 | Ò | Section 26. | |
| | 4 | A | That's this section here. | |
| ب ليسمي ل | 5 | Q | SW of the SE. | |
| فيتكمك | 6 | A | SW of the SE. Here's the SE. It must be this | 3 |
| A Land | 1 | | little portion here (indicating). | |
| | 7 | Q | That is also red? | |
| ب میران | 8 | A | Yes. | |
| ه السلم | 9 | | | |
| ليشه | 10 | Q | How about excuse me, I'm just checking to | |
| 1 det | 11 | | make sure I haven't given you duplications. | |
| 1 | 12 | А | That's fine. | |
| بر البنه | 13 | Ŏ | Okay. Now, those parcels that we've gone | |
| 10 | 14 | | through, you indicated you made classification | n |
| ين ک | 15 | | in those parcels? | |
| 1 | 16 | A | Within those areas, yes. | |
| The second | 17 | Q | And that those areas were shown as fee land or | r |
| 1 - 1 - | 18 | | government owned land on Exhibit M-1; is that | |
| 1 | | | correct? | |
| (° | 19 | А | That appears to be correct. | |
| 1 | 20 | 0 | Now, you explained that you did not, however, | |
| | 21 | | include those totals, those acreage amounts | |
| | 22 | | that were fee land within your total. | |
| | 23 | | | |
| é. | 24 | A | That's right. | |
| ی می ایک مار ا | 25 | kers | sich-cross-white | |
| | | ¥ • | FRONTIER REPORTING SERVICE | e jet i so ji so |
| Grand | | Į | | |

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| المجاسم كحالا |
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Would you please show us how you excluded the 0 land which you classified within those red areas from the total that you gave in your opinion.

- We made up a tab sheet for each of these Ä townships and in that tab sheet you go to a particular parcel, see where it's located, what 7 it's classified, and whether either fee or trust. Anything that was fee land and not trust land was not included in the final totals.
- 0 Okay. Let's take -- Do you have that copy of that 11 tabulation with you? 12
- I don't have it here yet. I sent Ross back to А 13 the room to get it. 14

Was it here in the building? Q 15

- It isn't here yet, that's what I'm telling you. А 16 * It went to the motel. 17
- Okav. So you'll be able to look at the tab 0 18 sheet when he comes and tell us whether or not 19

you excluded from your totals ---20

That's right. Α 21

-- the lands that you classified in the red or Ö. 22 brown areas? 23

That's right. А 24

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in the second

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|-----------|------|--|
| 1 | 0 | Okay. Now, so why don't we come back to that |
| 2 | | when that gets back, Al. |
| 3 | A | Okay. |
| 4 | Q | Now, let me ask you another question about the |
| 5 | | types of lands that were included in your |
| 6 | A | Could I roll this up? |
| 7 | Q | Why don't you leave it out. |
| 8 | | Included in your arable land base. Did you |
| 9 | | include lands which were once in fee but then |
| 10 | | reacquired |
| 11 | A | By the Tribes? |
| 12 | Q | back into trust? |
| 13 | A | I would I would think we did, yes, because |
| 14 | | I don't recall we ever did historical analysis |
| 15 | | on the lands. |
| 16 | Q | That's a pretty substantial amount of lands, |
| 17 | | the reacquired lands on an arable land base. |
| 18 | A | Within the arable land base I couldn't tell you |
| 19 | | actually, |
| 20 | Ŋ | Directing your attention to what's been admitted |
| 21 | | as Tribes Exhibit M-2, which is an overlay for |
| 22 | | M-1. |
| 23 | A | Okay. |
| 24 | Q | Now, you notice that the lower right-hand corner |
| 25 | kers | sich-cross-white |
| , | | |

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| التسم | | | | t | 1368 |
| Con-M | | | | | ينينا يو مورو الداري و ا |
| Correct . | | 1 | | of M-2 has a legend, and it indicates that the | |
| اليسوميني) اد | | 2 | | green on M-2 is land in trust which was once | |
| ليرمينغ ليرمينة | | 3 | | out of trust. | |
| ليدمج | | 4 | λ | Yes. | |
| ليدم في | | | •• | | |
| ليسمك | | 5 | | | |
| للشركت | | 6 | | this exhibit been admitted previously? | |
| | | 7 | | MR. WHITE: Yes. I can give you a pa | ige |
| ter and | | 8 | | number if you like. | |
| اليسم فخط البسم فنط | | 9 | | MR. ECHOHAWK: That's all right. | |
| ي البندي | | 10 | Q | (By Mr. White) And I would point out to you | |
| Cont . | | 11 | | that the green areas lie in those portions of t | che |
| to and | | 12 | | reservation which are variously described as | |
| 13-11 13-11 13-11 | | 13 | | open or ceded, north of the Wind River and | |
| 1 | | 1 | | east of the Popo Agie. | |
| 18 - 1 18 - 1 | | 14 | | | |
| in and a second | | 15 | | Now, your testimony is that you did not ma | ake |
| Sent. | | 16 | | any attempt to exclude the reacquired lands in | |
| 5-1 | | 17 | | your from your arable land base? | |
| 10 M | | 18 | A | As I recall we did not. | |
| 18 mg | | 19 | Ď | Well, let's work through those. | |
| لي منهج مسمونيوه | | 20 | | | |
| | | 21 | | | |
| 4 mil | | | | | |
| | | 22 | | | |
| 6 mg | | 23 | | * * * * | |
| اليسم مح | | 24 | | | |
| Contraction of the second seco | | 25 | kers | sich-cross-white | |
| Control of the second | | | | FRONTIER REPORTING SERVICE | . ų |

| and the second second | 3-1: V RR | |
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| | 3-1: <i>V</i> .K/A. | 1369 |
| er ins | | |
| wind . | 1 | O (By Mr. White) Now, it looks, sir, like your table |
| Ser and | 2 | may have come back. |
| بهسویس المیسویس | 3 | A Why don't we finish this and then go to the table? |
| Ser and | 4 | Q You may want to use the table for this as well. |
| and and | 5 | MR. WHITE: Excuse me just a second, |
| the week | 5 | |
| tor and | 6 | Your Honor. I have to keep my papers in order |
| torned | 7 | or I'm lost. Why don't we go off the record for |
| tormed. | 8 | a second? |
| المينينيني المنتشريني | 9 | THE SPECIAL MASTER: Do you want a five- |
| is me | 10 | minute break? |
| and . | 11 | MR. WHITE: That would be fine, Your |
| A COLO | | Honor. I think the witness |
| الاست الاستركام الاستركام | 12 | THE SPECIAL MASTER: Very good. We are |
| فيسعهن | 13 | off for five minutes. |
| in any | 14 | OLL FOI LIVE MINULES. |
| بعو سی : بطویر | 15 | (Thereupon a 5 minute recess (was taken. |
| and a set | 16 | |
| بيم ک بسم ک | 17 | THE SPECIAL MASTER: We are back on the |
| · · · | 18 | record. |
| and the second s | | MR. WHITE: Let's go back on the record. |
| and the second s | 19 | |
| ۲۰۰۰ | 20 | Ω (By Mr. White) Mr. Kersich, while we are waiting |
| and the second sec | 21 | for your tables and photography to get here, let's |
| | 22 | run through a number of parcels, and I direct your |
| يند مي ويد مين | 23 | attention first to Exhibit 51, C-51. |
| 1 | 24 | A Okay. I'm sorry, it's up here. |
| (Card | 25 | kersich-cross-white |
| in the | | FRONTIER REPORTING SERVICE |
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| | 3-2 | • | | |
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| 5- | | | | |
| | 1 | Q | How about 2 North, 5 East? | |
| (C ^{and} | 2 | A | Okay. | |
| 5 m | 3 | Ŋ | I have to check to see if I have my right notes | |
| (Carter of the second s | 4 | | here. | |
| Contraction of the second seco | 5 | A | Okay. | |
| | 6 | Q | I have got to go to a different exhibit, I think. | |
| | 7 | | l North, 5 East. I'm sorry. I was reading | |
| and . | 8 | | the section number instead of a township number. | |
| | 9 | | Section 2. | |
| | 10 | A | Section 2? | |
| 1 met | 11 | Ŏ | Yes. North half of the NW 1/4. | |
| | 12 | A | Section 2, the north half of the NW 1/4. Yes. | |
| 1 ⁻² | 13 | Ω | Is that shown as being classified as Class 2 on | |
| a-3 | 14 | | Exhibit 51? | |
| | 15 | А | It is. | |
| and - | 16 | Q | Would you now turn to Exhibit M-2 and tell me | |
| ي. ورسي | 17 | | whether or not it's shown as being reacquired | |
| 1 | 18 | | lands in green? | |
| 1 | 19 | A | Okay. This is Exhibit M-2, and now we are at | |
| | 20 | | Township 1 North, 5 East, way over here, sir | |
| e | 21 | | (indicating). And that would be Section 2, and | 1 |
| | 22 | | the north half of the NW $1/4$, it does show in | |
| i de la composición de la comp | 23 | | green as reacquired trust. | |
| | 24 | Q | Okay. Let's stay in Section 2. | |
| Contraction of the second | 25 | ker | sich-cross-white | |
| (C ^{ine} | | • • | REAL AND | Th: : •. |
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| 6 | | | |
| e | 1 | A | Let me just make a note of that here if I might. |
| G - <u><u><u></u></u></u> | 2 | Q | Right. |
| Contract of the second | 3 | A | Section 2, yes. |
| الميل اليل | | Q | |
| er- | 4 | | SW of the NW 1/4. |
| er La | 5 | A | SW of the NW 1/4. That's here (indicating). |
| 6 km | 6 | 1 | Yes, it shows as green or reacquired trust. |
| tor her | 7 | Q | On Exhibit M-2? |
| erto | 8 | A | Yes. |
| بيرين ديرين | 9 | Ω | Is that shown as Class 2, arable land on Exhibit |
| 845 845 | 10 | | C-51? |
| 6-4-7 | 11 | A | That's right. |
| and the second | | 1 | |
| يبغ مجا | | , , ; | |
| and the second s | 13 | ۱ ۱ | |
| ور کم رو بر می رو بر می رو بر می میر می | 14 | 1 3 | |
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| 1 de la companya de l | 18 | | |
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| | 4-1-MR-CR | | |
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| ••••• | | | 1372 |
| C4 | 1 | Ω | (By Mr. White) (Continued) Let's go to Section |
| O | 2 | | 3. |
| 04 04 | 3 | А | Section 3. The same township? |
| C ^{rris} | 4 | Q | Yes, sir. |
| 6 | 5 . | A | Okay. |
| 6 | 6 | Q | NE 1/4. |
| 13 à 13 à | 7 | A | NE 1/4. |
| 6 6-4 | 8 | Q | Um-hum. |
| 10-3 | 9 | A | Yes. |
| | | ò | Does that show on Exhibit C-51 as having Class l |
| 13-4 13-4 | | | and Class 3 arable lands in it? |
| 15-14 | 11 | A | Class 1 and Class 3, that is correct. |
| 3-3 | 12 | Q | And what's the land status shown on Exhibit M-2? |
| ته مع المع المع المع المع | 13 | A | It shows as green, which would be reacquired trust. |
| تر میں اسر میں | 14 | ç, | Still in 1 North, 5 Fast, still in Section 3, |
| ۰ ۲۰۰۰ | 15 | , . | the SE $1/4$ of the NW $1/4$. |
| and . | 16 | A | Now, this is Section 3? |
| and the second | 17 | | Yes. |
| | 18 | Q N | SE 1/4 of the NW 1/4, okay. |
| • · · | 19 | A | Is that shown as Class 2 on Exhibit C-51? |
| Kara. | 20 | ٥ ۲ | |
| 5 | 21 | λ | Yes. There might be some Class 3 in it too. |
| يسرين يسرين | 22 | 0 | What's it shown as being on M-2? |
| يسمين يسمع يسمع | 23 | A | It shows as green. |
| Contraction of the second | 24 | | MR. SACHSE: May it please the Court, |
| ierred I erred | 25 | ker | sich-cross-white |
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I wish to object at this time to this line of cross-examination on the following grounds: The witness has testified as to whether lands on the reservation are arable or are not arable. The witness has expressed no legal opinions, he's been asked to express no legal opinion as to the priority date of reserved rights for lands reacquired by the United States for the Tribes or indeed whether there is a reserved right for We could go land reacquired by the Tribes. through the exercises of his pointing out lands that admittedly now are held in trust by the United States for the Tribes and that he has studied and that he has classified as Class 2 or 3 or Class 1. Mr, White can go through it and point out on those maps that some of those lands have never been out of trust and other of those lands were reacquired in 1920, 1910, 1980, Some of them have state adjudicated rights that are reacquired at the same time. None of that has anything to do with the testimony of this witness, and since cross-examination, one of the elementary rules of courtroom procedure is limited to the subject of the direct examination. This is getting kersich-cross-white

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| 6-1 | | | 1375 |
| 6 | | | TOLO |
| 6 | 1 | | Township 2 North, 5 East. |
| 6-+ | 2 | A | Okay, sir. |
| 0 6 | 3 | Q | Section 25. |
| art. | 4 | Α | Okay. |
| G-* | 5 | Q | SW of the SW. |
| a-+ | 6 | Х | Section 25 would be over in this area, that's 25. |
| (J - 4) | | | Okay, the SW of the |
| З ⁻⁴ | 7 | 0 | -~ SW. |
| 2 12 marti | 8 | Q | |
| | 9 | A | Okay. |
| ۲۳۰۰ ا | 10 | Q | Is that green on M-2 or yeah, M-2? |
| 5-4 | 11 | A | Yeah, there's a portion of it that's green. |
| يلسم ڪ بيلسم ڪ | 12 | Q | And the northern portion is green? |
| <u>م</u> | 13 | A | Northern portion. |
| ی ایسر ک | 14 | Ņ | I can't tell from where |
| بطلعه ک | 15 | A | No, it appears that it's the very southwesterly |
| بېسىي - بېسىي - | 16 | | portion of that section that's green here on this |
| | 17 | | particular |
| | 18 | Q | Is it in the same area that is colored blue on |
| | 19 | | Exhibit C-51? |
| ۳۵۰ ۲۰۰۰ | 20 | A | No. As a matter of fact, in this instance it |
| 5-1 | 21 | | appears that our map shows that as being outside |
| <u></u> | 22 | | any arable designation. In other words, I'm |
| ۲-۹ ۲-۹ ۲-۹ | 23 | | looking I won't mark on this map, but let me |
| 6-3 | 24 | | show you with this pencil here the way I understand |
| 6 | 25 | ker | sich-cross-white |
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Į ł into a matter which we don't object to in the sense that we're not trying to hide this from the Court, it's there on these maps, but it has nothing to do with the witness's testimony. It's a waste of time for him to repetitiously point out each of these tracts that are covered in green on that map. So we object to a continuation of the cross-examination along these lines.

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THE SPECIAL MASTER: I'm going to overrule your objection. There's a distinction between the two classifications, and I think it's well that it be brought out. If the parties feel that there's a stipulated total acreage that falls in this category, fine, that might save us a few hours, but I'm not even concerned about that.

MR. WHITE: Your Honor, I'm not even sure what the total acreage is. These things we did pretty well random in two of the areas. There may well be no others, but they're the ones we'd like to point out and we'd like to make the record on it.

23 THE SPECIAL MASTER: Yeah. 24 Q (By Mr. White) Okay. Al, let's switch now to 25 kersich-cross-white

FRONTIER REPORTING SERVICE

it, looking at the map that the Master has there. 1 This portion here is colored green, and that would 2 be the 1/4 of the SW 1/4, Section 25. 3 4 0 Okay. 5 Α So we don't have a classification. 6 Q You don't have a classification there? That's correct, sir. Α 7 0 All right. Show's you what happens when you 8 let a lawyer loose at a map, fouls it up 9 from time to time. 10 Α You got to win some of them too. 11 Q Okay. Let's go to Section 26. 12 Section 26 in the same township, sir? Α 13 Same township. Q. 14 Α Okay. 15 Is the SW 1/4 of the SW 1/4 green on M-2? Q 16 There's a little tad of it, yes, that's green, sir. Α 17 And is there a small portion of blue on Exhibit C-51 Q 18 in that one quarter of that section? 19 I don't believe that any of the part that's colored А 20blue is green on this map. 21We can check that when you get your photographs Q 22here, can't we? 23 You bet -- No, wait a minute. I'm going to back λ 24 kersich-cross-white 25

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up on this point. We did not, on our photographs, 1 we did not have the reacquired trust --2 We can find which quarter quarter section your --Q 3 λ Oh, yes. 4 THE SPECIAL MASTER: I think that's 5 an example of what Mr. Sachse had in mind. He's 6 working, neither charged to make a distinction ., nor would he care to make a distinction of trust lands acquired or after acquired, and that's 9 exactly the case in point that Mr. Sachse mentioned. 10 THE WITNESS: Let me just make a note. 11 Now, I'm not sure I'll have all these 1., photographs, although I'll get them at noon. 15 Okay. We have plenty of other things to keep us Q 11 busy till then. 1.7 That's all right. Okay. Α 15 Same township, 2 North, 5 East. Q. 17 Yes, sir. Α 1 5 Section 34. Q 19 Okay, sir, I'm in Section 34. Α 211 South half of the SE. Q. 2^{+} Okay. Λ 144 That's shown in green on M-2? Q. There is a small portion down below your finger Α . 1 kersich-cross-white <u>:</u>..

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1378 there which is, it would be further down than 1 that. It's less than half a quarter. 2 South half of the SE 1/4? Q 3 A Um-hum. 4 Is that shown as Class 2 land on Exhibit 51? Q 5 Α That's correct. 6 I direct your attention to the same township, Q 7 2 North, 5 East, Section 35, NE of the SW. 8 NE of the SW, Section 35, okay. Α 9 Is that shown in green on M-2? Q 10 Α Yes, it is. 11 Q Is it shown as being classified .. Class 2 on 12 Exhibit C-51? 13 Correct. A 14 Township 2 North, 5 East, again, Section 35, same Q 15 section, south half of the SW. 16 Α Okay, sir. 17 Is that shown as being green, reacquired on Q 18 Exhibit M-2? 19 Yes. Ά 20 Is it shown as being Class 2 land on Exhibit C-51? Q 21 Yes, a portion of that is. Α 22 Same section. Q 23 Um-hum, same section? Α 24 kersich-cross-white 25

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| 5 | | | 1270 |
| | | | 1379 |
| | 1 | Q | Yes, sir. That would be Section 35, 2 North, |
| | 2 | | 5 East. |
| | 3 | A | Um-hum. |
| And and a second | 4 | Q | SE of the NW. |
| 5-2 | 5 | A | Okay. |
| is and | 6 | Q | That's shown as green on M-2? |
| مسیحی است | 7 | A | Yeah, a portion of it is, um-hum. |
| | | Q | Is it shown as Class 2 on C-51? |
| Strug | 8 | Â | A portion of it is, yes. |
| S.M. | 9 | | - · · · |
| S. | 10 | Q | Same section, the NE of the NE. |
| J. | 11 | A | Okay. |
| a man | 12 | Q | Is it shown as green on M-2? |
| 3 | 13 | A | Yes, a very small portion. |
| Const. | 14 | Q | Is it shown as Class 2 and 3 on C-51? |
| 3 | 15 | A | Yes, sir. |
| | 16 | Q | Now, let's move to the east, Section 36 in |
| ور میلی این میلی این میلی | 17 | | Township 2 North, 5 East. |
| 3 ³ | 18 | A | Okay. |
| | 19 . | Q | I direct your attention to the north half of the |
| <u>نې مې</u> | 20 | | NE. |
| | 21 | A | Okay, of the NE, I'm with you. |
| | 21 | Q | Is that green on M-2? |
| 5 | | A | A portion of it is. |
| Constant State | 23 | ç Q | Is it classified as Class 2, a portion of it on |
| ت ممینی معد | 24 | | ich-cross-white |
| | 25 | Kers | |
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| | | Exhibit C-51? |
| فس | 1 | |
| فعسرت | 2 | A Yes. |
| فكس | 3 | Q Same section, north half of the NW. |
| لغس | 4 | A Okay, sir. |
| Bene - | 5 | Q That would be Section 36, 2 North, 5 East. |
| Les Contraction | 6 | Is it green on M-2? |
| | 7 | A Yes, a portion of it is. |
| | 8 | Q And classified as Class 3 on C-51? |
| S | 9 | A Correct. |
| | 10 | Q Let's turn to Section excuse me, Exhibit C-51, |
| 1 | 11 | which is the Riverton East area, gravity land |
| | 12 | classification. |
| | 12 | A Okay. |
| | 14 | Q 51, as I recall, was Riverton East, sprinkler |
| | 15 | land classification. |
| -0 | | Let's go back to Township 1 North, 5 East, |
| | 16 | and I ask you whether or not the NW 1/4 of the |
| | 17 | NW 1/4 of Section 2 is shown on Exhibit C-50? |
| | 18 | |
| | 19 | A Okay, here's Section 2, NW 1/4 of the NW 1/4. |
| | 20 | Q Is it shown on Exhibit C-50 as being in part |
| | 21 | classified as Class 3? |
| | 22 | A That's correct. |
| L | 23 | Q And what's the land status shown on Exhibit M-2? |
| | 24 | A Green. |
| | 25 | kersich-cross-white |
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| 1 | Q | I direct your attention to the same section, |
| 2 | | the SE 1/4 of the NW 1/4. |
| 3 | A | Yes, |
| 4 | Q | Is it classified as Class 3, arable land on |
| 5 | | Exhibit C-50? |
| 6 | A | That's the SE 1/4 of the NW 1/4? |
| 7 | Q | Yes, sir. |
| 8 | A | It shows Class 3 there, yes. |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |
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| | 1 | Q | (By Mr. White) Is it green on it too? |
| | 2 | A | Well, maybe a very little portion of it. |
| | 3 | Q | Well, we'll check that when we get your book. |
| | 4 | A | Okay. |
| | 5 | Q | Moving one section to the west, Section 3, |
| | 6 | ~ | Township 1 North, 5 East |
| | | A | Okay, Section 3, sir. |
| | 7 | | |
| | 8 | Q | The NE 1/4. Does that show as Class 2 land in |
| | 9 | | part on Exhibit C-50? |
| | 10 | A | Okay, yes. |
| | 11 | Q | What does it show on M-2? |
| • | 12 | A | It shows green. |
| | 13 | Q | The same section, the NE of the NW, Section 3, |
| , | 14 | | 1 North, 5 East. |
| | 15 | A | NE of the NW? |
| | 16 | Q | Yes. Is a portion of that classified as Class 2 |
| , , | 17 | | on Exhibit C-50? |
|) | 18 | A | Yes. |
|) | 19 | Q | What color is it on M-2? |
|) | 20 | A | Well, a portion maybe all of it I can't tell |
|) | 23 | | from the scale on it is green. |
| • | | | |
|)))]]] | 22 | Q | That overlay slides around a little bit too. |
|) | 23 | A | Can we take just a second? |
| 1 | 24 | | There we are. All right. |
| J | 25 | ker | sich-cross-white |

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| A. | | | |
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| 5-2 | | 1383 | |
| | 1 | Q Okay. Did we just do the NE of the NW on | |
| | 2 | Section 3? | |
| | 3 | A My note shows NE to the NW. | |
| J. | 4 | Q Let's go to the South 1/2 of the NW. | |
|) | 5 | A The South 1/2 of the NW. Okay. | |
| y y | 6 | Q On Exhibit C-50 is that in part classified as | |
| • | 7 | Class 3? | |
| 4 | 8 | A A small portion, yes. | |
| J | 9 | Q And how about on M-2? What's the land status | |
| y | 10 | shown? | |
| 9 | 11 | A It looks green here. I'll have to say it's all | |
| • | 12 | green. | |
| * | 13 | Q Let's go to Section 2 North, 5 East. | |
| * | 14 | A Section 2. Wait a minute. You said | |
| 3 | 15 | Q Or, excuse me. Township 2 North, 5 East. | |
| ¢ | 16 | A Township 2 North, 5 East. Section 2? | |
| * | 17 | Q Section 35. | |
| 9 | 18 | A Oh, Section 35. Okay. | |
| 9 | 19 | Q The NE of the SW. | |
| • | 20 | A Wait a minute. Okay. I'm in Section 35. | |
| 9 9 9 9 9 | 21 | Would you give me the Section breakdown, please? | |
| 9 | 22 | Q NE, SW. | |
| * | 23 | A Okay. I'm at the NE, SW 1/4, Section 35. | |
| · • | 24 | Q On Exhibit C-50 is that in part classified as Class 3 | 2 |
| 3 | 25 | kersich-cross-white | • |
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| 5 | 5-3 | | 1384 | |
| | | | | |
| لنسبق | 1 | A | Yes. | |
| للسمين المعسول | 2 | Q | And what's the land status shown | |
| للسرين الكسرين | 3 | A | It appears to be green here, sir. | |
| للسري المسري المسري المسري المسري المسري | 4 | Q | On M-2? | |
| اللسيتي المسيقي | 5 | А | Yes. | |
| للسيم | 6 | Q | The same Section, 35, 2 North, 5 East, the SE | |
| لكسين | 7 | | of the NW. | |
| المستحق | 8 | A | Okay. I'm in the SE of the NW, yes. | |
| اللسومي اللس | 9 | Q | Okay. On Exhibit C-50 does that show as being | |
| للمريد المريد | 10 | | in part classified Class 3? | |
| | 11 | A | Yes. | |
| للسري | 12 | Q | Maybe a smidgen of Class 2? | |
| | 13 | A | You gave me the SE of the NW $1/4$, I thought. | |
| السري | 14 | Q | I'm sorry. It's all Class 2 classified in that | |
| ليستمح | 15 | | 1/4, isn't it? | |
| ليسم المسمر | 16 | A | Yes. | |
| ب الاسمي ال | 17 | Q | And what's the status | |
| وليتنا | 18 | A | Well, this is one of those iffy areas. It could | |
| السب السب | 19 | | be a little bit of the southern portion that | |
| | 20 | 1 | might be green. | |
| | 21 | Q | So we'll put a question by that and come back. | |
| - | 22 | | The same Section, the NE to the NE. | |
| | 23 | A | Okay. The NE | |
| | 24 | Q | NE to the NE. | |
| | 25 | ker | sich-cross-white | |
| 4 | | | 409 WEST 241H STHEET PRONTIER REPORTING SERVICE | |
| A | | | 409 WEST 24TH STHEFT PRONTIER REPORTING SERVICE 201 MOANST BUILDING CHERKIE WEB2000 CASEA AN 06001 3027 635 82800 Report | |

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| | 5-4 | | 1385 |
| | 1 | A | Right. |
| الكمير | - 2 | Q | On Exhibit C-50 is that classified as 2 and a |
| لكم | | | |
| یکسر ا | 3 | | portion in Class 3? |
| کلام ن | 4 | A | A portion of 2, a portion of 3. |
| الكلمني الحلمن | 5 | Q | And what's it shown on 2? |
| للعب | 6 | A | Here it shows all green. |
| لكسر | 7 | Q | Let's move one section to the east then to |
| الخدر | 8 | | Section 36, 2 North, 5 East, the North 1/2, and |
| الطيعي | 9 | | I direct your attention to the North 1/2 of the |
| | 10 | | NE 1/4 on Exhibit C-50. Is that shown as Class 3 |
| net net | | | |
| | 11 | | lands? |
| | 12 | A | Just a minute, please. Yes. |
| -13 | 13 | Q | And what's the status shown on M-2? |
| ~ 9 | 14 | A | It's green. |
| , | 15 | Q | The same Section, North 1/2 of the NW, was that |
| وي.ر | 16 | | land status shown as being Class 3 on C-50? |
| ~** ~** | 17 | A | Okay. That's the North 1/2 to the NW 1/4. It |
| ومر | 18 | | is shown as Class 3 on 50. |
| | 19 | Q | C-50, right. |
| | 20 | A | And it's shown as green on M-2. |
| | | | |
| 49 19 | 21 | Q | And let's jump back a couple sections to Section 34, |
| | 22 | | 2 North, 5 East. |
| -19 -19 | 23 | A | Section 34, 2 North, 5 East. |
| -3 | 24 | Q | The North $1/2$ to the SE. Is that shown as Class 3 |
| -21 | 25 | ker | sich-cross-white |
| - | | | 404 MEST 2410 STREET FRONTIER REPORTING SERVICE 201 MUREST REPORT |
| العلي | | ļ | CH 16 ML, WE 8700 (BD7 635 8280) (BD7 635 820) (BD7 635 820) (BD7 635 820) (BD7 |

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| 1 | on Exhibit C-50? |
| 2 | A Portions of it, yes. |
| 3 | 2 And its land status on M-2? |
| 4 | A It appears to be green. |
| 5 | Now, let's go to 2 North, 6 East. |
| 6 | A Okay. |
| 7 | THE SPECIAL MASTER: 2 North, 6 East, did |
| 8 | you say? |
| 9 | MR. WHITE: I think I'm going to drop that |
| 10 | one, Your Honor. I'm not sure what I was thinkin |
| 11 | of when I went to that map. |
| 12 | THE WITNESS: Okay. You dropped that one? |
| 13 | Okay. |
| 13 | Q (By Mr. White) Let's go to North Crowheart, a |
| 15 | biguarea, and I direct your attention to what's |
| | |
| 16 | been admitted as U.S. Exhibit C-44. |
| 17 | A Just give me a second to write down C-44, sir; |
| 18 | 2 Yes, sir. |
| 19 | A Okay., Here we go. |
| 20 | 2 Township 3 North, 2 West, Section 1. |
| 21 | A Okay. |
| 22 | 2 NW 1/4. |
| 23 | A Okay. |
| 24 | 2 There's a portion of that that is shown as Class |
| 25 | kersich-cross-white |

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SPACE LOSSES

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| | 5-6 | | 1387 |
| 5 | 1 | | on Exhibit 44? |
| 5 | 2 | A | A very small portion, yeah. |
| Con and a second | 3 | Q | About 80 acres or so in there? |
| هسري | 4 | A | Oh, I don't think so. I don't know. A small |
| Cr. and | 5 | | portion. |
| 6 | 6 | Q | What's it shown on M-2? |
| | 7 | A | Green. |
| | 8 | Q | 3 North, 1 West. |
| and a | 9 | A | 3 North, 1 West. Okay, sir. |
| | 10 | Q | Section 7. |
| | 11 | A | 3 North, 1 West, Section 7. Okay. I'm here, sir. |
| وتسبي | 12 | Q | There's a small portion of the NW of the SE |
| 9 | 13 | | shown as Class 2 on 442 |
| | 14 | | shown as Class 2 on 44? |
| | 15 | A | It appears that way, yes. |
| c. 3 | | Q | And what's that land status on M-2? |
| -3 | 16 | | THE SPECIAL MASTER: I wouldn't call that the |
| | 17 | | NE of the SE. |
| | 18 | | THE WITNESS: No, I have got the NW of the SE. |
| | 19 | Q | (By Mr. White) This is the 1/4 quarter line that |
| T | 20 | | comes down like this and there's |
| T | 21 | A | In looking at it I thought there was a very small |
| | 22 | | portion in the NW 1/4. |
| | 23 | Q | And what's the land status of that on |
| | 24 | А | Let me find it again. I have lost it. Okay. |
| - | 25 | kers | sich-cross-white |
| | | | 409 MIST 2416 STREET FRONTILE REPORTING SERVICE 201 MOMIST 8 D70 - 307 E35 8240 CALLER ALL CONTINUES - D70 |
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| | 5-7 | ····· | | 1388 |
| | 1 | <u></u> | We are looking at the NE 1/4 of the SE 1/4 | |
| فسيني | 2 | | | |
| فسينبى | | i | Here again it appears there's a small port. | 1011 |
| فسينه | 3 | | that is green. | |
| Comme . | 4 | Q | The same Township, 3 North, 1 West, Section | n 18. |
| مصلح کی۔ المحلب کی: | 5 | A | Okay. That's the next section just due so | uth |
| Contraction of the second | 6 | | of that. | |
| and the second s | 7 | Q | Wait a minute. Now, I'm lost here. You s | aid |
| and the second s | 8 | | that's the next section just due south? | |
| Contraction of the second | 9 | A | Well, normally it would be, yes, wasn't it | ? |
| and a | 10 | | See, this is Section 7 here, and you add 1 | |
| | | } | and it should come out to be Section 18 th | |
| | 11 | | and it should come out to be section to th | |
| a interest | 12 | Q | Okay. | |
| وسري | 13 | A | Okay. I'm with you now. | |
| 5-03 | 14 | Q | SW 1/4 to NE 1/4. | |
| and a second | 15 | A | SW 1/4 NE 1/4. | |
| | 16 | Q | Is that shown as Class 3 land on Exhibit 4 | 4? |
| | 17 | A | Yes. | |
| | 18 | Q | And what's the land status on M-2? | |
| and the second | 19 | A | A portion of it appears to be green again. | |
| 5 | 20 | Q | 4 North, 3 West. | |
| | 20 | | | |
| | | A | 4 North, 3 West excuse me just a minute | unt11 |
| | 22 | ł | I get caught up here. | |
| | 23 | | Okay. I'm in the Township. | |
| · | 24 | Q | Section 11. | |
| 8 - 2 | 25 | kers | sich-cross-white | |
| a | | | 409 WEST 2416 STREET FRONTIER REPORTING SERVICE (DESING WER200) (307) h35 8200 | 201 M DALCE B. DOG |
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| <u></u> | | | |
| | 1 | A | Okay, sir. I'm in Section 11. |
| فسيتح | 2 | Q | SW 1/4 of the SW 1/4. |
| and and | 3 | A | SW 1/4 of the SW 1/4. Okay. I'm in the SW |
| فسير | 4 | | 1/4 of the SW 1/4. |
| فسيتم | 5 | Q | Is a portion of that shown as Class 2 land on |
| فسين | 6 | | Exhibit 44, C-44? |
| Contradiction of the second se | 7 | A | Yes, a small portion. |
| (and | 8 | Q | What's the status on M-2? |
| Constant of the second | 9 | А | It's green here, sir. |
| and a | 10 | | THE SPECIAL MASTER: Give the estimated |
| ens. | 11 | | acreage of that portion. |
| en e | 12 | | MR. WHITE: Oh, I don't know, Your Honor. |
| Contraction of the second | 13 | | THE SPECIAL MASTER: Mr. Kersich, can you |
| en e | 14 | | give the estimated acreage? One of those is |
| and a | 15 | | lessethan five acres, and we are getting awfully |
| | 16 | | minute. |
| | 17 | | MR WHITE: I understand, Your Honor, but |
| | 18 | | this is a study that was done with great precision, |
| | 19 | | as he pointed out with the direct case, and I think |
| | 20 | | we need to deal with precision |
| | 21 | | THE SPECIAL MASTER: What are we talking about, |
| ••• | 22 | | five acres? |
| | 23 | | THE WITNESS: If that portion over there is |
| | 24 | | six, that's smaller than that, so four or five acres. |
| en s | 25 | kers | sich-cross-white |
| Contraction of the second seco | | | 409 VEST 2416 STREET FRONTIER BEPORTING SERVICE 201 MC Atst BLODAG |
| المعصف | | l | сален ж. н. сален ж. н. сален ж. н. р.с. Сален ж. н. р.с. Э. Л. 21/ 14:00 |

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|--|-----|-----|--|
| • 5-9 نیستر نیوز | | | 1390 |
| | 1 | | MR. ECHOHAWK: But again, Your Honor, this |
| Contra la contra | 2 | | matter is totally irrelevant when it was re- |
| يعير من المعرب من ال المعرب من المعرب من ال | 3 | | acquired lands, so his precision, according to |
| Contraction of the second seco | 4 | | that |
| of mile | 5 | | THE SPECIAL MASTER: I have already ruled. |
| and | 6 | | on that. Go ahead. |
| and the second s | | 0 | (By Mr. White) Are you ready for the next one |
| Come and | 7 | Q | |
| Contraction of the second | 8 | - | now? |
| and a | . 9 | A | Yes, sir. |
| 6-0 | 10 | Q | Again in 4 North, 3 West, Section 12. |
| Contraction of the second seco | 11 | A | Okay. All right. |
| and and | 12 | Q | The South $1/2$ of the SW. There is again a very |
| | 13 | | small portion in Class 3 shown in that area on |
| Start Start | 14 | | Exhibit 44; isn't that correct? |
| and the second second | 15 | A | That's correct. |
| | 16 | Q | Now, let's go to Section 13 in 4 North, 3 West. |
| | 17 | A | Okay. That will be the section just due south |
| | 18 | | of the one you just pointed to. |
| é,a | 19 | Q | The whole section there, the major portion of that |
| | 20 | | section, is classified as either 2 or 3 in Exhibit 44? |
| | 21 | A | Yes. |
| | 22 | Q | What's its land status on M-2? |
| • 3 | 23 | A | Looking at the map I am, it looks like the NE |
| | 24 | | 1/4 of Section 13 is colored in green and a small |
| | 25 | ker | sich-cross-white |
| | | | 409 WEST 2414 STREET FRONTIER REPORTING SERVICE 201 Manual |
| | | ĺ | 2013 40 0.455 6 U. (1955) 0.10 (1) (3) (5) (5) (5) (5) (5) (5) (5) (5) (5) (5 |

 $\hlower have been constrained by the second secon$

| 5-10 | | <u> </u> | | 1391 |
|----------|----|----------|--|---|
| 5-10 | 1 | | portion of the SE 1/4 and possibly a littl | 8 |
| | 2 | | bit in the NW 1/4 on the top here. | |
| 1 | 3 | Q | It sort of slants across from NW to SE? | |
| i | 4 | A | Yes, more of that section is not green tho | ugh. |
| 4 | 5 | | Let me make a note of that. That's the to | tal |
| в в | 6 | | section we talked about. | |
| đ | 7 | | Okay. | |
| d | 8 | Q | Section 14. | |
| 9 | 9 | A | Yes. | |
| ¢ | 10 | Q | East $1/2$ of the NE $1/4$. | |
| 9 | 11 | A | East 1/2 of the NW 1/4? | |
| 3 3 | 12 | Q | NE. | |
| 3 | 13 | A | NE 1/4. Okay. Let me find myself. | |
| 9 | 14 | | All right. I'm in Section 14. | |
| 9 9 | 15 | | | |
| 3 | 16 | | | |
| 3 | 17 | | | |
| S END 5 | 18 | | | |
| 3 3 | 19 | | | |
| 9 | 20 | | | |
| 3 | 21 | | | |
| 3 3 | 22 | | | |
| 3 | 23 | | | |
| 3 | 24 | | | |
| 3 | 25 | | | |
| ~ (ð | | | 409 MESE 2410 STREET FRONTIER REPORTING SERVICE CHEVEN-WY 82001 - 307/005 8280 | 201 M.DWEST BUICHG CASPER WY 82601 13071 237 1493 |

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| 6-1 MR- CB | | 1392 |
|--|----|---|
| | 1 | Q (By Mr. White) (Continued) Okay. On Exhibit C-44, |
| وسبته | 2 | is a portion of the East 1/2 of the NW of that |
| الاسم مع جسر م | 3 | Section classified as 2 and 3? |
| and the second s | 4 | A There's a small portion, yes. |
| and the second s | 5 | Q And what's the land status on M-2? |
| Com a | 6 | A It's green. |
| | 7 | THE SPECIAL MASTER: We'll take a five |
| Cincip Cincip | 8 | minute break. |
| and the | 9 | (Thereupon a five minute |
| | 10 | recess was taken.) |
| | 11 | THE SPECIAL MASTER: All right, let's come |
| 6-3 | 12 | to order. We're on the East 1/2, North 3/4 of 14. |
| 0 | 13 | MR. WHITE: I think we just finished that. |
| | 14 | THE WITNESS: Yeah. |
| 6 | 15 | Q (By Mr. White) Let's go back to Section 13. |
| 8-3 | 16 | A Let's see, that's Township? |
| | 17 | Q 4 North, 3 West. |
| | 18 | A Section 13. |
| | 19 | Q 4 North, 3 West. |
| | 20 | A Yeah. |
| | 20 | Q And the whole section you said before, the |
| | ļ | Section was only partially green, but when you |
| 5 | 22 | were referring to that partially green section |
| in the second se | 23 | you were referring to Township 4 West instead of |
| | 24 | kersich-cross-white |
| 6 | 25 | |
| | | AVARST 2416 D1661 T FRONTIER REPORTING SERVICE 211 260A6 of 6000 CONTRACT WITH A CONTRACT CON |

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| | 1 | | 3 West, weren't you? | |
| | 2 | A | Well, let me check that. | |
| and and | 3 | | Yes, I'm sorry. | |
| فسري | 4 | Q | Section 13 and 4 North, 3 West is entirely green, | |
| فسير | 5 | | isn't it? | |
| ind. | 6 | A | Yes, let me go back and check my notes. | |
| and a second | 7 | | Yeah, Okay. | |
| Comes . | 8 | Q | Let's stay in the 4 North, 3 West. | |
| Contraction of the second | 9 | A | Okay. | |
| the second s | 10 | Q | Section 14 again. | |
| | 11 | A | Okay | |
| | 12 | Q | West 1/2 of the West 1/2. | |
| and a | 13 | A | The West 1/2 of that Section? | |
| | 14 | | THE SPECIAL MASTER: West 1/2 of the West 1/2. | |
| | 15 | Q | (By Mr. White) West 1/2 of the West 1/2. In other | |
| | 16 | | words, the strip 1,328 feet across going North | |
| | 17 | | and South. | |
| | 18 | A | 1,328? 1,320, that's correct. | |
| | 19 | Q | 1,320. On Exhibit C-44 are small portions of that | |
| | 20 | | parcel classified as Class 2 and 3? | |
| in the second se | 21 | A | Yes. | |
| | 22 | Q | What's the color shown on M-2? | |
| | 23 | A | That entire section appears to be green. | |
| | 24 | Q | Let's go to Section 24 of the same Township. | |
| | 25 | ker | sich-cross-white | |
| | | | 201 MD/EST 2416 STREET FRONTIER BEPORTING SERVICE 201 MD//EST 8_LCAG | |

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| | 6-3 | | | 1394 |
| | 1 | | | Im at |
| للمسيني | | A | Okay. Section 24, that's 20, okay. I | |
| and a | 2 | _ | Section 24, Township 4 North, Range 3 | NCD C. |
| and a | 3 | Q | North 1/2 of the NE. | |
| | 4 | A | North 1/2 of the NE 1/4. | Tubibit |
| - And | 5 | Q | Is that classified in part as 2 and 3 | on Exhibit |
| and a | 6 | | 44? | |
| and . | 7 | A | Yes. | |
| Contract of the second | 8 | Q | And what color is it shown on M-2? | |
| Constant of the second | 9 | A | It's green. | |
| | 10 | Q | 4 North, 2 West. | |
| to and | 11 | A | Township 4 North, Range 2 West, okay. | |
| to and | 12 | Ω | Section 16. | |
| | 13 | A | Okay, Section 16. | |
| | 14 | Q | Is that the one with Dry Creek running | right |
| | 15 | l. | through it there? | |
| | 16 | A | I believe so, yes. | |
| | 17 | Q | SW 1/4. | |
| | 18 | A | SW 1/4, uh-huh. | |
| the state | 19 | Q | On Exhibit 44, is that classified, in: | major |
| يستنت | 20 | } | part as Class 3? | |
| | 21 | A | Uh-huh. | |
| السمين | 22 | Q | What's the color on M-2? | |
| | 23 | A | Appears to be all green here. | |
| and the second s | 23 | Q | Let's go to Section 17. | |
| | 24 | | sich-cross-white | |
| | | | 49 + WEST, THE STREET FRONTIER REPORTING SERVICE | 201 M GARST BUILDING CASHE VIN BUILDING |
| RI | | | (497-635-8789) | CASER VA BALO (317) 237 1493 |

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| 6 6 6 | -4 | | ,,,,, |
| £. | 1 | A | In the same Township? |
| <u>F</u> | 2 | Q | Yes, 4 North, 2 West. |
| يسلم الحسل | 3 | A | Okay, Section 17. |
| أيسل | 4 | Q | Is that classified in major part as Class 2 and |
| لوم ا | 5 | | Class 3 on Exhibit 44? |
| يوم لورا | 6 | A | Yeah, there's Class 2 and Class 3 in that, um-hum |
| legel | 7 | Q | What color is it on M-2? |
| | 8 | A | Section 17 is green. |
| 9 9 | 9 | Q | Whole section? |
| | 10 | A | On this map it appears to be, yes. |
| | 11 | Q | Go to Section 18, same Township. |
| -1) -1) | 12 | A | Okay. |
| 3 | 13 | Q | On Exhibit C-44 is it classified in major part |
| -3 | 14 | | as Class 2 and 3? |
| 19 49 | 15 | A | That's correct. |
| - 9 | 16 | Q | What color is it on M-2? |
| 3 | 17 | A | That whole section appears to be colored green. |
| 3 | 18 | Q | Let's go to Section 19. |
| ्र 3 | 19 | A | Okay. |
| 3 | 20 | Q | Same Township, 4 North, 2 West. |
| 3 | 21 | A | Right. |
| 3 | 22 | Q | North 1/2. |
| 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 | 23 | A | North 1/2 is colored Well, it's classified as |
| • | 24 | | 2 and 3. |
| 3 | 25 | ker | sich-cross-white |
| 9 4 | 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - | | A09 WEST 24TH STREET FRONTIER REFORTING SERVICE 201 M DAGS CHEVELAE, WY 8/003 CASPER WY (107) 635 8280 (107) 237 |

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| ≠ 7 6- <u>4</u> 5 7 | | 1396 |
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| 1 | Q | On Exhibit 44? |
| 2 | A | Yes. |
| 3 | Q | What color is it on M-2? |
| 4 | A | It appears the whole half of that section is |
| 5 | | green. North 1/2 of that section I should have |
| 6 | | said. |
| 7 | Q | Again, with respect to Section 19, same section, |
| 8 | | what color does M-2 show in the NE of the SE? |
| 9 | A | NE 1/4 of the SE 1/4 appears to be green. |
| 10 | Q | Okay. Is it classified as 2 and 3? |
| 11 | A | Possibly 2 and 3, yes. |
| 12 | Q | Section 20. |
| 13 | A | Same Township again? |
| 14 | Q | Yes. |
| 15 | A | All right. |
| 16 | Q | North 1/2. |
| 17 | A | North $1/2$, Section 20 there are some Class 2 and |
| 18 | | 3 and 6 lands in that. |
| 19 | Q | What's the color on M-2? |
| 20 | A | Whole North 1/2 of Section 20 appears to be |
| 21 | | Wait a minute, let me back up on that answer a |
| 22 | | moment. |
| 23 | Q | You're in 4 North, 2 West. |
| 24 | A | Yeah, I got that. Okay, I'm right. North 1/2. |
| 25 | ke | rsich-cross-white |
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| المحال | | | |
| ليغتبنه | 1 | Q | Is it green on M-2? |
| ليستعمله | 2 | A | Yes, it appears to be green here. |
| ليسيبني ليسيبن | 3 | Q | Okay. Same Township, 4 North, 2 West, but go |
| مى مەربىيە يەربىيە مەمەربىيە | 4 | | to Section 35, please. |
| | 5 | A | Section 35, I'm there. |
| لعسبتها | 6 | Q | West 1/2 of the SE. |
| للسرين السرين | 7 | A | Okay. |
| | 8 | Q | On Exhibit 44 is the West 1/2 of the SE in part |
| للميني | 9 | ~ | classified as Class 3 and in part Class 2? |
| is and | | | |
| the second se | 10 | A | Yes. |
| السبخة | 11 | Q | How is it shown on M-2? |
| the second | 12 | A | It appears that the West 1/2 is colored green. |
| السيتي | 13 | Q | That same Section, 35, the SE of the SE. On |
| and the second | 14 | | Exhibit 44 |
| السبيني. السبار | 15 | A | Okay. |
| المستحق المستحق | 16 | Q | We're in Section 35, 4 North, 2 West, SE of the |
| 1 | 17 | | SE. On Exhibit 44 is that classified as 2 and 3? |
| Jane Barres | 18 | A | Yes. |
| tore the second | 19 | Q | What's it shown as on M-2? |
| المعنی المسلام | 20 | A | It's green. |
| المستري المستري | 21 | Q | Now, let's go to Section, East of Section 36, |
| ter and | 22 | | South 1/2 of the SE. |
| | 23 | A | The South 1/2 |
| | 24 | 1 | THE SPECIAL MASTER: SW 1/4. |
| | 25 | ker | sich-cross-white |
| | | | 40 W(S) (410 STOLET FRONTIER REPORTING SERVICE |
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| مسینی بسینی | | 1 | | |
| فسيتح | | | Q | All North 1/2 is green? |
| City and | | 2 | A | 1/2 North is green. |
| 0 | | 3 | Q | Let's go to Section 21. |
| and a | | 4 | A | Hang on just a minute, please. |
| | | 5 | | Okay, Section 21, and that's still Township |
| | | 6 | | 4 North, 2 West? |
| and | | 7 | Q | That's right. NW of the NW. |
| of me | | 8 | A | NW 1/4 of the NW 1/4. |
| | | 9 | Q | Is it classified as 3 on Exhibit 44? |
| Contraction of the second s | | 10 | A | Yes. |
| and and a second | | 11 | | |
| وسنح | | | Q | And is it green on M-2? |
| and the second | | 12 | A | Yeah. |
| ورجه | | 13 | Q | Okay. |
| ŝ | | 14 | A | Yes. |
| | | 15 | Q | Exhibit excuse me, Section 21, same section. |
| 400 400 | | 16 | A | Yes. |
| • | | 17 | Q | NE of the SW. |
| | | 18 | A | NE 1/4 of the SW 1/4, okay. |
| 6 | | 19 | Q | Is a portion of that classified as Class 3 on |
| | | 20 | | Exhibit 44? |
| | | 21 | A | Well, that 1/4 again is a very small portion. |
| | | 22 | | It's mostly Class 6. |
| <i>~</i> | | | Q | But there is a portion in there that's Class 3? |
| 6 | | 23 | A | Right. |
| <pre></pre> | | 24 | | rsich-cross-white |
| | | 25 | ker | |
| مند المنظمة ال ومنظمة المنظمة ا | | | | 400 WEST 241H STREET CHETCHAR, WE 87001 (197) 635 6280 (197) 635 6280 (197) 635 6280 (197) 635 6280 |
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| | | | | | | |
| - | ** | | 1 | | THE WITNESS: Of the SW 1/4, okay. | |
| میں میں | ور | | 2 | Q | (By Mr. White) Is that classified as 2, Cla | 185 |
| U | فند | | 3 | | 2 on Exhibit 44? | |
| e v | ene | | 4 | A | Yes, um-hum. | |
| U | | | 5 | Q | Is it green on M-2? | |
| U | | | 6 | A | Yes. | |
| 6 | - | | 7 | Q | Let's go to 5 North, 1 East. | |
| U U | | | 8 | A | Township 5 North and 1 East, okay, sir. | |
| ď | | | 9 | Q | Section 12. | |
| Ø | | | 10 | A | Right. | |
| - 6 - 4 | | | 11 | Q | NE of the SE. | |
| Ğ | | | 12 | A | NE of the SE, okay. | |
| 6. 8. 6. 6. 8. 8. 9 | | | 13 | Q | Is that Class 3 on Exhibit 44? | |
| 5 | | | 14 | A | Appears to be all Class 3. | |
| ě | | | 15 | Q | Is it green on M-2? | |
| é | | | 16 | A | Yes. | |
| چ بتر | | | 17 | Q | Let's go to 5 North, 2 East. | |
| ź | - | | 18 | A | Okay. | |
| ć | | | 19 | Q | Section 7. | |
| ć | | | 20 | A | Section 7, 5 North, 2 East. Section 7, I'm | there. |
| نې مړ | | | 21 | Q | NW of the SW. | |
| | - | | 22 | A | NW 1/4 of the SW 1/4. | |
| ć | - | | 23 | Q | Is a portion of that classified as Class 3? | • |
| Ű | | | 24 | A | Some are 3 and some are 6, right. | |
| ű é | | | 25 | ker | sich-cross-white | |
| á | - - | | | | 109 WELT 24TH SPEET FRONTIER REPORTING SERVICE CHEMPAGE AVAILABLE | 201 W DAEST BUI DING |
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| | | |
| | 1 | Yeah, I said some 3, some 6. |
| | 2 | Q On Exhibit that's on Exhibit 44; is that |
| فست | 3 | correct? |
| فسأتع | 4 | A Yes, uh-huh. |
| | 5 | Q What color is it on Exhibit M-2? |
| | 6 | A It appears to be green here, sir. |
| | 7 | THE SPECIAL MASTER: Is that 1 isn't |
| 6-0 | 8 | that one of those diminimus types again, five-acre |
| | 9 | jobs? |
| | 10 | MR. WHITE: It may be, Your Honor, but we |
| وسرائ | 11 | won!t be able to tell until Mr. Kersich reviews his |
| and a | 12 | photographs, because these maps may be 3 centimeters |
| 6 - 9 | 13 | off or so. |
| 5 | 14 | THE WITNESS: I think it should be understood, |
| 5-13 | 15 | sir, these lands would not be on our photographs. We'd |
| وسي | 16 | have to go and actually locate them from this map because |
| | 17 | this map was not used. I'm speaking now, the Tribes' |
| | 18 | Exhibits with regard to the trust lands. |
| وست | 19 | Q (By Mr. White) Isn't it true, Al, you can tell us |
| | 20 | the amount of land that is classified in this |
| | 21 | blue area from your photographs, can't you? |
| in the second se | 22 | A We can tell you the total piece, but that doesn't |
| 60 | 23 | mean anything until we get you're going to want |
| é de la come | 24 | to know the green stuff. |
| | 25 | kersich-cross-white |
| é | | 407 WEST 24105 STREET FRONTIER REPORTING SERVICE 201 WOWEST BUNDAG CHEVENALE WY 82001 (497) 6 10, 628 1 (497) 6 10, 628 1 |

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| ي. يوري المراجعي المراجع ا | 6-10 | 1401 |
| يديني يسبق | 1 | Q We're going to ask you whether or not that total |
| للسيتن | 2 | piece overlaps the green stuff and you can point |
| ليسريني المسران | 3 | it out, and maybe we can figure out the acreages |
| للسبيتين المسيتين | 4 | Ourselves. |
| للسبس فسبس للسبس للسبس | 5 | THE SPECIAL MASTER: In that Section 7, if |
| المعين | 6 | you're talking about the SW 1/4 of the whole Section, |
| للسنين | 7 | I follow you. |
| | 8 | THE WITNESS: No, he's not. |
| المعوم | 9 | MR. WHITE: We're just talking about |
| المعسومي - | 10 | THE SPECIAL MASTER: You're talking about |
| وسريم | 11 | the NW 1/4 of the SW 1/4, that's terribly small. |
| ويسري | 12 | MR. WHITE: I know it's small, Your Honor. |
| فيسلح | 13 | The point is though what's happening with these water |
| وسینی جسر | | rights, the claims as we're finding in our work, |
| وسري | 15 | there's about an acre for acre transfer, an acre of |
| وسيلى | 16 | land that goes into irrigation takes another acre out, |
| وسنج | | and that's why we're interested in small numbers as |
| | 17 | well as specifics. |
| ي. وسرين | 18 | THE SPECIAL MASTER: Very good. |
| - Jung | 19 | MR. WHITE: Okay. |
| é. | 20 | MR. SACHSE: Your Honor, I move that that |
| | 21 | last statement by Mr. White be stricken from the |
| وسنت | 22 | |
| 6-3 | 23 | record. If he's going to testify about taking an acre, |
| | 24 | putting an acre takes an acre out, he should be put on |
| ميسين جير ان | 25 | kersich-cross-white |
| Constant of the second | | Alter 24 51 24 20 5 104 21 CHER STRUCT TRONTIEB REPORTING SERVICE 2014 OAIST B. CHER STRUCT CONTROL OF A CHER STRUCT CON |

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| ن من منطق 6-11 منطق | | |
| the second second | 1 | the witness stand, put under oath and made to state |
| للسيني للسيني للسيني للسيني للسيني للسيني للسيني للسيني للسيني للسيني للسيني للسيني | 2 | the basis for his testimony. |
| and the second | 3 | MR. WHITE: Well, I'd be glad to do that, |
| للمسيح | 4 | Your Honor, especially if Mr. Sachse cross-examined |
| and and | 5 | me. |
| اللعمين المعسيم | 6 | THE SPECIAL MASTER: We'll take it off the |
| للسوار | 7 | record, and if he wants to put it in under oath. |
| لفسيل | 8 | MR. SACHSE: I'll have the opportunity to |
| لفسيني | 9 | cross-examine him as a witness. |
| and the second s | 10 | MR. WHITE: I'm sure they're looking forward |
| and and a | 11 | to that, Your Honor. |
| en la | 12 | THE SPECIAL MASTER: Let's proceed then. |
| den est | 13 | |
| الاستى مەسىرات | 14 | THE WITNESS: We were in Section 7, NW 1/4. |
| يسريني وسريني | } | Q (By Mr. White) Let's look at the SE of the SW. |
| وسران | 15 | A Same Section, in the SE 1/4 of the SW 1/4? |
| 6 | 16 | Q Yep. |
| • · · · · · · · · · · · · · · · · · · · | 17 | A I got to find myself again, just a moment, please. |
| | 18 | Okay, I'm there. |
| in the second | 19 | Q Is that green on M-2? |
| in second | 20 | A Yes, that's green, um-hum. |
| 6-3 | 21 | Q And on 44 is roughly half of that 1/4 Quarter |
| Const. Const. | 22 | in blue? |
| ن ک وست | 23 | A Yes. |
| - internet | 24 | Q Class 3? |
| | 25 | kershic-cross-white |
| é | | Any WEST (ATH STREET CHERENAL WE READ AND ANY ANY ANY ANY ANY ANY ANY ANY ANY ANY |

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| · · · · · · · · · · · · · · · · · · · | 6-12 | | 1403 |
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| | | | |
| e | 1 | A | Yes. |
| | 2 | Q | Let's go to Section 27. |
| | 3 | A | Okay, just a moment, please. Will this be in |
| فيسوه | 4 |] | 5 North, 2 West? |
| هديني ا | 5 | Q | You bet. |
| الدسوي | 6 | A | What was the section again now, sir? |
| المنسيري المنسيري | 7 | Q | Twenty-seven. |
| e | 8 | A | Section 27, all right. Okay, I'm in the section. |
| Q | 9 | | |
| e | | Q | Is that the one with Muddy Creek running through |
| ered ered | 10 | | it on your map? |
| e d | 11 | A | Yeah, Muddy Creek. |
| erad | 12 | Q | South 1/2 of the SW. |
| 8 | 13 | A | South 1/2 of the SW 1/4, I'm there. |
| e | 14 | Q | Is that green on M-27 |
| 8-4 | 15 | A | It is. |
| Comments of the second s | 16 | Q | Is it in major part classified as Class 2 on 44? |
| 6 | 17 | A | I believe it's Class 1, |
| Contraction of the second | 18 | Q | I'm sorry, you're right. |
| | 19 | A | Mr. White. |
| | 20 | Q | Hit the jackpot. |
| 6 | 21 | | (Brief pause.) |
| 6 mil | 22 | Q | Okay. I direct your attention to C-45, the last |
| | 23 | | exhibit, and we'll go through those reacquired |
| 6 | 24 | | lands and ask you to start with Township 3 North, |
| GAN | 25 | ker | sich-cross-white |
| Gent | | | ADV AEST 24TH STHEET FRONTIER REPORTING SERVICE 201 MOWEST BUD W |
| | | | CASPER AV 8277 (307-635 8280 |

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| And the second s | | T | 1404 |
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| | 6-13 | | |
| | | 1 | 2 West, and this is North Crowheart sprinkler |
| <u>الم</u> سور | | 2 | land classification; |
| العسير، | | 3 | A Okay. I'm in the Township. |
| المعمورية. المعمورية | | | |
| مىسورى قىرىسورى | | 4 | Q Section 1. |
| ليسرح | | 5 | A Okay. |
| Barres | | 6 | Q NW of the NW. |
| Constant of the second | | 7 | A NW 1/4 of the NW 1/4. |
| Brand . | | 8 | Q Is that green on M-2? |
| اليسين م | | 9 | A There's a very small portion that is green, yes. |
| Constant of the second s | | 10 | THE SPECIAL MASTER: You're talking The |
| Connego Connego | | 11 | question was on M-2. |
| 6 | | | |
| S | | 12 | THE WITNESS: Excuse me, let me correct that. |
| Contract of | | 13 | That entire 1/4 Quarter seems, 1/4 of a Quarter is |
| 6 | | 14 | green. |
| Erro C | | 15 | Q (By Mr. White) I'm sorry, is there a small |
| | | 16 | portion of the northern end of that $1/4$ Quarter |
| 6-9 6-9 6-9 | | 17 | on 45 that's |
| 6 mm | | 18 | А Усв. |
| | | 19 | Q That's classified as Class 2? |
| 63 63 | | 20 | A Class 2, that's correct. |
| in the second | | | Q Let's go to 3 North, 1 West. |
| | | 21 | |
| | | 22 | A Okay, sir. |
| and the second | | 23 | Q Section 7. |
| | | 24 | A Section 7. Okay, I'm in the section. |
| | | 25 | kersich-cross-white |
| | | | 409 WEST 2410 STPLET FRONTIER REPORTING SERVICE 201 M DATST 6. 4 1 HER WE WERE WERE 201 M DATST 6. 4 201 M DATST 6. 4 201 M DATST 6. 4 201 M DATST 6. 4 |
| | | | 201 W 0 A 31 307 8 35 8280 (327 2 3 7 (327 2 3 7 (|

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| | , | | and a second |
|--|------|-----|---|
| | 6-14 | | 1405 |
| 1-1-3 | | | |
| وسو | 1 | Q | West $1/2$ of the SE $1/4$. Is that green on M-2? |
| اليمسو ي 1 | 2 | A | West $1/2$ of the SW $1/4$ is green on M-2. |
| اليمسة 🔹 اليمسية ال | 3 | Q | Is a small portion of that shown as Class 2 |
| وسون وسون | | | |
| - south | 4 | A | Yes. |
| لأسور | 5 | Q | on Exhibit 45? |
| | 6 | A | Yes. |
| (ممریک | 7 | Q | Same Section, 3 North, 1 West. |
| Cont. | 8 | A | Yes, I'm in Let's see, give me a minute. |
| and a second | 9 | | Section 18, directly south of that. |
| استری استری | 10 | Q | The SW of the NE. |
| erend | 11 | A | SW of the NE. |
| erend | | | |
| 8. seal | 12 | Q | Is that green on M-2? |
| وسورج | 13 | A | Yes. Portions of it is. There's a wiggly line |
| ss | 14 | | thorugh there. |
| وسومه | 15 | Q | Probably Dry Creek. |
| وسوري وسوري | 16 | | Is it shown as Class 2 lands on Exhibit 44? |
| erend. | 17 | A | Yes. |
| السنيس | 18 | Q | Let's go to Section 13, it's the one we looked |
| en s | | | at before. |
| 6 minut | 19 | | |
| Series 1 | 20 | A | Still the same Township and same Range? |
| (and the second | 21 | Q | 4 North, 3 West. |
| Series . | 22 | A | 4 North, 3 West or 1 West? |
| | 23 | Q | 3 West. I've just gone to a new Township. |
| | 24 | A | Range 3 West, Township 4 North. Range 3 West, I'm |
| | 25 | ker | sich-cross-white |
| | | | 409 WEST 24TH STREET FRONTIER REPORTING SERVICE 201 M DWEST BU CHEYENN, WY 22001 EASPER WY 22 CJ070 535-8750 13071 247-14 |

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|------------------------|-----|---|--|
| | 12 | | 1406 |
| | 1 | | in that now, and the Township, Section 13, yes. |
| - | 2 | Q | Exhibit 45, is the major portion of Section 13 |
| المنتقدين المنتقدين | - 3 | | classified as Class 2? |
| المنتقد الم | 4 | A | I'd say approximately 50 percent of that. |
| | 5 | Q | Is the entire section green? |
| | 6 | A | Yes. |
| | | } | |
| | 7 | Q | Is still in 4 North, 3 West. |
| • | 8 | A | Um-hum. |
| 8-1-4 | 9 | Q | Township 24. |
| Comments of the second | 10 | | THE SPECIAL MASTER: Section. |
| e and | 11 | | MR. WHITE: I'm sorry, Section 24, Your Honor. |
| erent. | 12 | | THE WITNESS: Okay. Just give me a minute |
| مىرى مىرى | 13 | | to locate it. |
| للسلامي | 14 | | Okay, I'm in Section 24. |
| e | 15 | Q | (By Mr. White) North 1/2 Let's see; make sure |
| | 16 | | I got the right one. |
| 1 | 17 | | North 1/2 of the NE 1/4. |
| 5-1-1 | 18 | A | Section 24, the North 1/2 of the NE 1/4, okay. |
| السلتي | 19 | | |
| | 20 | | |
| and a start | 21 | | |
| sen - | | | . |
| Er | | | न म म ± |
| 1-1-1 | 23 | | |
| () | 24 | | |
| | 25 | | |
| | . — | | 407 WEST 24TH STHEET FRONTIER REPORTING SERVICE 201 M DWEST BUD CHEENAE, WEB2001 CASEAR, WEB2001 CASEAR, WEB200 (307) 635 6280 (307) 107) 231-1491 |

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| | | 7-1-V-Cr | | | |
| 6-15 | | | | 1407 | |
| | | 1 | Q. | (By Mr. White) Is a portion of that classified | T |
| | فسلمه | 2 | | as Class 1 land? | |
| | Construction of the second | 3 | A | Yes. | ¥ |
| | | 4 | Q | Is it green on M-2? | |
| | | 5 | Ā | It appears to be, yes. | |
| | ender of | 6 | Q | 4 North, 3 West again, Section 14. | |
| | | 7 | A | Okay. | |
| | مب | 8 | Q | Is that classified on Exhibit 45, for the most | |
| | | 9 | | part, Class 2 with a small portion Class 3 | |
| | | 10 | | Class 1, 6? | |
| | 8 | 11 | A | 1, 2, and 6, yes. | |
| | Same | 12 | Q | But the major portion is classified as arable, | |
| | S-and | 13 | | correct? | |
| | and and a | 14 | A | Yes. | |
| | 69 | 15 | Q | Is that entire section green on M-2? | |
| | 5-0 | 16 | A | Yes. | |
| | | 17 | Q | Section 18, 4 North, 2 West. | |
| | 5-2-3 | 18 | | THE SPECIAL MASTER: 4 North, 2 West? | |
| | and a | 19 | | MR. WHITE: Yes, sir. | |
| | Services . | 20 | A | (By The Witness) Okay, 4 North, 2 West, Section 18. | |
| | (marine) | 21 | | Okay. | |
| | grand . | 22 | Q | The entire section is green on M-2, isn't it? | |
| 3 làiste | (and the second | 23 | A | That's correct. | |
| | (second | 24 | Q | And virtually the entire section is classified | |
| | (mand | 25 | ke | rsich-cross-white | |
| | (| | | A 12 MEST 2410 STRIET PRONTIER REPORTING SERVICE 201 WEARST 201 WEARST 201 | |
| | (fragents | | | Centrik Marine 201 Monetonia - 1026 6 Moneton | |

| | - | 7-2 | | |
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| · ' - <u>T</u> T | and the second | | | 1408 |
| | | | | as Class 2 on Exhibit 45? |
| | - | 1 | A | A substantial portion of that section is Class 2, |
| | and and | 2 | | that's right. I'm looking at the right one now, |
| | | 3 | | |
| | | 4 | Q | so I agree with you. I'm sorry? |
| | | 5 | × A | I'm looking at the right one now, so I agree with |
| | | 6 | л | |
| | | 7 | ^ | you, |
| | | 8 | Q | Section 17, 2 North excuse me, 4 North, 2 West, |
| | 6 | 9 | | same township, |
| | 6B | 10 | A | 4 North, 2 West, Section 17. Okay. |
| | | 11 | Q | That's entirely green on Exhibit M-2, isn't it? |
| | 6 | 12 | A | Yes. |
| \sim | 0 | 13 | Ω | And has substantial portions, probably something |
| | 5 | 14 | | less than a half, but substantial portions of |
| ſ | | 15 | | Class 3 and Class 2 lands? |
| Y | 6 | 16 | A | Yes, and a small portion Class 3. |
| | 6 | 17 | Q | A small portion Class 3 and a larger portion Class 2? |
| ~ | 6 | 18 | A | Yes. |
| | | 19 | Q | Section 19 in 4 North, 2 West, on Exhibit 45, maybe |
| | 6 | 20 | | three-quarters of that section. |
| | 6 | 21 | A | Section 19? |
| | -3 | 22 | õ | Yes, classified |
| | | 23 | A | Just a minute, 19, I'm in the section now, |
| Ĺ | | 24 | Q | Classified as Class 2? |
| | | 25 | ker | sich-cross-white |
| | | | | And West 24th States FRONTIER REPORTING SERVICE 201 M.D.A.EST BURDING CONTRACT VIEW (2004) CASPER WE (2004) CASPER WE (2004) (307) 7.37 (43) |
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| in the second se | 7-3 | | | |
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| 04. | | | | 1409 |
| w | | | | |
| السوري ر | 1 | A | Yes. | |
| امبس امس | 2 | Q | And with respect to the north half in the | NE to |
| اسب | 3 | | the SE of that section on M-2, those are o | jreen, |
| المرب | 4 | | are they not? | |
| السور | 5 | A | That's right. | |
| السيب ال | 6 | Q | Section 20. | |
| السوب السوب | 7 | A | Okay. | |
| and in | 8 | Q | North half. | |
| V | - | A | Yes. | |
| Cond. | 9 | Q | A portion of that is classified Class 2 o | n Exhibit |
| and a | 10 | | 45? | |
| | 11 | A | Yes. | |
| 5-4 5-49 6-49 | 12 | | | |
| 6-9 | 13 | Q | Is it green on M-2? | |
| ér S | 14 | A | Yes, | |
| 6 3 | 15 | | THE SPECIAL MASTER: Is it real | ly the |
| يسوي چسري | 16 | | north half, or is it the NW 1/4, Mr. Whit | e? |
| مینون ا | 17 | | MR. WHITE: Well, I was asking | the |
| وسنوي | 18 | | NW 1/4, which is substantially all green, | Your |
| يستسري جستسري | 19 | | Honor, and I was asking about the entire | north |
| S. S | 20 | | half simply because it was easier for him | to |
| En s | 21 | | pick it up off M-2, but you are right, th | e green |
| 5-9 | | | on Exhibit 45 for Class 2 is limited to t | he |
| | | | NW 1/4. | |
| e-9 | 23 | | THE SPECIAL MASTER: All right, | |
| er s | 24 | ker | sich-cross-white | |
| | 25 | | | |
| | | | 409 WEST 2 THE STREET FRONTIER REPORTING SERVICE CREET(MAL WY 82:601 (307) 635 8280 | 201 MDWEST BULCHS CASEEN WY 62601 (307) 237-1403 |
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| . 50 | | | 1410 |
| الله م <u>ل</u> | 1 | Q | (By Mr. White) Let's go to Section 21. |
| هميونې هر از | 2 | A | Okay. |
| هدیون هدیدک | 3 | Q | NW of the NW again. |
| ھىيىل ئىلىلى | 4 | A | NW 1/4 NW 1/4, yeah. |
| : معربيل | | | And that's classified in part as Class 2 on Exhibit |
| المنسط، | 5 | Q | |
| الله الله الله الله الله الله الله الله | 6 | | 45? |
| المربيل. المربيل | 7 | A | Right. |
| هريي | 8 | Q | And is it green on M-2? |
| | 9 | A | Yes, portions of it are green. It's very |
| 1000 1000 | 10 | | difficult to see if it's the full quarter corner. |
| 2.0 | 11 | Q | Section 35, same township, SE of the SE. |
| <u>e</u> | 12 | A | The SE 1/4 to SE 1/4. Just a moment, please. |
| rte- | | | Okay. |
| re- | 13 | - | - |
| 3-0 | 14 | Q | Class 2 on Exhibit 45? |
| 6 | 15 | А | Yes. |
| 9-49 19-49 | 16 | Q | Green on M-2? |
| 6-4 | 17 | A | Yes, the SW 1/4 to SW 1/4 is green on M-2. |
| 6-4 | 18 | Q | Okay, the last one, Section 36. |
| 6-4 | 19 | A | Okay. |
| | 20 | Q | South half of the SW. |
| ۵۰۰۵ ۵۰۰۵ ۵۰۰۵ ۲۰۰۵ | 21 | A | Section 36, the south 1/2 of the SW 1/4. Okay. |
| Gurd | | | I'm there. |
| Gud | 22 | Q | Is that classified as Class 2 on Exhibit 45? |
| 6-4 6-4 6-4 | 23 | А | Yes. |
| المسرية. مرا | 24 | | sich-cross-white |
| | 25 | | |
| | | | 4 of West 2 Doubled FRONTIER REPORTING SERVICE |
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| | | | and the second |
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| 6-9 | 7-5 | | |
| 69 69 | | | |
| 67 | | • | 1411 |
| | 1 | Q | Is it green on M-2? |
| <u>کینی</u> | 2 | A | Yes. |
| التنبغ التنبي | 3 | Q | Okay. Thank you. We'll come back when you get |
| and a | _ | | your photos. You can roll that up if you like |
| ten . | 4 | | |
| Sec. | 5 | | and get it out of your way. |
| ÷ | 6 | | Mr. Kersich, in your arable land base, which |
| ÷ | 7 | | is illustrated by the large maps that we have |
| the state | 8 | | been referring to, did you exclude or include |
| | 9 | | lands that have already enjoyed irrigation |
| تکسین تکسین | 10 | | development, have already been irrigated? |
| فسي | 11 | А | That are being irrigated now? |
| Q-3 | | Q | Yes. |
| Q | 12 | A | To the best of my knowledge, yes. |
| 0- | 13 | A | |
| 6-0 | 14 | | THE SPECIAL MASTER: Yes what? |
| 6 | 15 | Q | (By Mr. White) You excluded |
| هسن هسن | 16 | A | We excluded them. |
| يسري ويسري | 17 | Q | What about lands that have been irrigated in |
| چس | 18 | | the past? |
| هسرت جسرت | | A | There may have been some lands that weren't |
| 5-13 | 19 | | covered by any permit or any state rights, |
| er d | 20 | | but it might have been attached to some of the |
| فاسرته | 21 | | |
| Contract of the second s | 22 | | that I say undeveloped lands that have never been |
| الجسس الجسس ن | 23 | | irrigated, those were classified. In some |
| فالمستري | 24 | | instances those were included, yes. |
| and the second | 25 | ker | sich-cross-white |
| - Barris - | | | ANALSS PART FRONTIER REPORTING SERVICE |
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| 6 | | | 1412 |
| | 1 | Q | Do you have any knowledge of the amount of |
| التمليه التعليه | 2 | | land which had been historically irrigated |
| مىليە 1. مەلە | 3 | | which was included in your future arable base? |
| - Jan Marken | 4 | А | No, I would not. |
| ا مولید | 5 | Q. | How would such a determination be made? |
| هي | | Ā | The only way I know would be to go back to our |
| | 6 | л | records and find where those were and add them |
| السنے السنے | 7 | | |
| هي | 8 | | up. |
| é. | 9 | | MR. WHITE: Excuse me, Your Honor. I |
| - | 10 | | need to get a couple maps out here. |
| | 11 | | Your Honor, would you mind if I asked |
| end | 12 | | questions from over here so I can ask the |
| 12-1) 12-1) | 13 | | questions from my own map? |
| | 14 | | THE SPECIAL MASTER: That's all right. |
| in the | 15 | | Just speak up nice and loud for the reporter. |
| | 16 | Q | (By Mr. White) On Exhibit C-49, have you classified |
| فتسبح | | | as Class 1 land in 2 North 2 West in Sections 17 |
| ی میں م | 17 | | and 18 as shown on Exhibit 49? |
| الاستان الاستان | 18 | _ | |
| | 19 | A | It appears so from that exhibit, yes. |
| and a | 20 | Q | Isn't it true that that is served by the Sage Mc. 1 |
| ent | 21 | | Ditch, permit no. 13426? |
| Const. | 22 | A | I can't tell you that, no. |
| | 23 | Q | How did you then make a determination that these |
| المناسمة من المناسمة المناسمة المناسمة المناسمة الم | 24 | t | arable lands, that are shown on C-49 and similar |
| هندي. هوي | 25 | ker | sich-cross-white |
| | | | FRONTIER BEPORTING SERVICE |
| | | | E A MARTINA PRATICA FRANCISCO FRANCES |

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| 60 | 7-7 | |
| | | |
| 8 -9 | | 1413 |
| 1=9 1 | 1 | exhibits were not served by existing permits? |
| التغير. التفقيل | 2 | A There would have been a hydrographic study |
| | 3 | done on those areas. |
| مرول مسول | 4 | Q Do you have that hydrographic study with you? |
| ا سول | - | |
| م ىيۇل | 5 | |
| گ من <u>ال</u> | 6 | Q So you are unable to tell me whether or not |
| السولي. | 7 | that is served or is not served by that particular |
| و سناد | 8 | ditch; is that right? |
| گ سن <u>ل</u> ، | 9 | A At this point in time, no. |
| همول: همول: | 10 | MR. WHITE: Your Honor, I would move to |
| وسين | | strike Exhibit C-49 and the testimony relating |
| وسي ا | 11 | to it since the witness is unable |
| هدبي | 12 | |
| Q9 | 13 | THE SPECIAL MASTER: The motion to |
| Q-9 | 14 | strike is overruled. |
| Q-9 | 15 | MS. SLEATER: Your Honor |
| Q | 16 | THE SPECIAL MASTER: I have already |
| €سی €سی | 17 | ruled. |
| 2-4 | | MS. SLEATER: I would like to strike |
| السنيني: | 18 | |
| Teres A | 19 | Mr. White's testimony and any further testimony |
| er A | 20 | relating to permits or information which is not |
| فسنبخ | 21 | provided here so that we can determine for |
| المشيخ | 22 | ourselves if this has any relevance to what is |
| estand . | 23 | going on. |
| | 24 | Mr. White cannot just conjure up a number |
| | | kersich-cross-white |
| التعين | 25 | |
| - Jan Po | | TRONTIER REPORTING SERVICE 231 N DA155 BL C146 CAPPE VERSES 3076 95 9283 |
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| والعياية | 4 | |
| مسعا | | |
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| 9-19 | | |
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| egendelle Aller | 16 | |
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| المسور المسور | 18 | |
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| النسر | 20 | |
| Jan Barris | 21 | |
| and the second second | 22 | |
| المبيدين مر | 23 | |
| 1 1 1 | 24 | |
| | | ker |
| | 25 | |
| | | |

and ask a question about it. Before the question is proper he should be --

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THE SPECIAL MASTER: Well, I think he should be permitted to once, and he did ask, and this witness doesn't have any knowledge whether permits or adjudicated water rights were in existence in given areas, and he's so stated, and I think that was brought out.

I would concur in your objection to further inquiries along the same line unless this witness can be made to show that he took into consideration state water rights and permits and adjudicated water rights in his land classification, and I believe he said he did not do that.

MR. WHITE: Well, Your Honor, I believe he indicated that he excluded from the arable land base lands which were under adjudicated water rights, and if he didn't, maybe I ought to ask him the question again.

THE SPECIAL MASTER; Arable land base were irrigated, they were excluded, and you asked him whether it was excluded or included.

FRONTIER REPORTING SERVICE

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MR. WHITE: And I think I have the right to know how he made the determination. rsich-cross-white

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| E L | 7-9 | |
|------------------|-------|---|
| | | |
| | | 1415 |
| , | 1 | THE SPECIAL MASTER: And you did in the |
| الخري التقري | 2 | two parts was it Section 17? But that is a |
| ميو، الايون | 3 | big map and a lot of land, and I'm not going to |
| و المراجع | 4 | throw the whole exhibit out on the basis of that |
| 1 | | one area. |
| 13 A | 5 | |
| میں م | 6 | Q (By Mr. White) Let me ask you, Mr. Kersich, |
| | 7 | whether you made any investigation at all |
| الجسطی الحسطی | 8 | that you can describe to us of those lands |
| tine . | 9 | which are irrigated within the study area shown |
| فسح | 10 | on Exhibit 49? |
| هري | 11 | A Yes, there was an investigation made of those |
| 5-0 | 12 | lands. |
| 5-8 | 13 | Q Precisely how did you determine that there was |
| وري وري | 14 | not an overlap between the lands that are |
| هدي | | irrigated and the lands that you show as being |
| هدي | 15 | arable but unirrigated? |
| 12-0 | 16 | A We had two teams working on this, one team |
| | 17 | |
| | 18 | which was doing the arable base predicated on |
| ليسي ليسي | 19 | the undeveloped lands, and the other team that |
| المسی السی | 20 | was developing the information on permits, ditches, |
| وسري | 21 | and things of this nature, and we tried to |
| فتسلحه | 22 | interchange information and tried as much as |
| - Come | 23 | possible to get out of it lands that were |
| وتىسىتى مە | 10 24 | presently covered by a system, |
| هس المحسن | | kersich-cross-white |
| - | 25 | |
| فيسا | | ANG WEST 24TH STREET FRONTIER REPORTING SERVICE 2014 DATE |
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| | | 1416 |
| | 1 | THE SPECIAL MASTER: Was your answer |
| | 2 | then to Section 17 a moment ago indicate that there |
| | 3 | are some margin of errors in your work? |
| | 4 | THE WITNESS: There could be a margin |
| - Andrew | 5 | of error. |
| | 6 | Q (By Mr. White) What margin of error is there |
| A start | 7 | associated with the inclusion or the |
| Surger S | 8 | exclusion of irrigated lands from the arable |
| Water and | 9 | land base? |
| التغري التعري | 10 | A What margin of error? |
| التجري | 11 | Q Yes. |
| Size and | 12 | A I don't know. I mean we've been working on |
| Service . | 13 | this for a long time. We checked it, we've |
| Served . | 14 | constantly checked it. We've tried to give |
| Service . | 15 | you the corrections as we find them. We gave |
| المبسون ا | 16 | you some last week, we gave you some more |
| الاسرية الاسرية | 17 | again Monday morning. We went through, for |
| Emil | 18 | example last night and it appears that none |
| E- | 19 | of those areas there was any fee lands |
| المعسیٰ العسیٰ | 20 | included, the maps may have not gotten done. |
| و الاست | 21 | I think there's just, there's a potential |
| فالمسميقا | 22 | that some of this but I feel very strongly, |
| لاسع الاست | 23 | the cerror's are very small. We're talking |
| انسے ایسے | 24 | about 84,000 acres. I think our errors, if |
| end. | 25 | kersich-cross-white |
| لعسی الاست | | CHEWIST 24 DE STOCET FRONTIER REPORTING SERVICE CA MARKAGES |
| Normal State | | politica (to days) |

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| | | 1417 |
| | 1 | any, are very small, but I couldn't testify |
| ere Beig | 2 | that there were no errors, and I wouldn't |
| 6×3 | 3 | testify that there were no errors. |
| 5.9 | 4 | 2 You still haven't described how you personally |
| 100 m | 5 | insured that there was no overlap between |
| | 6 | irrigated and arable lands. |
| جمطه جسطه | | A I did not check every section, but I did check |
| وسوية الحمرية | • | some of the maps which required further checking |
| the second second | 8 | |
| السوي | 9 | on our part, sir, but I can't say that I checked |
| | 10 | boundary and every map and every delineation |
| وس | 11 | personally. |
| هري هري | 12 | MR. WHITE: Your Honor, could I have |
| | 13 | just a moment? |
| e-O | 14 | THE SPECIAL MASTER: Surely. |
| وسی | 15 | (Brief pause. |
| 60 | 16 | Q (By Mr. White) Mr. Kersich, I direct your |
| هسی هسی | 17 | attention to |
| | 18 | MS. SLEATER: Your Honor, may we |
| 6-00 | | see what exhibit they're going to show? |
| Conto | 19 | MR. WHITE: As soon as he identifies |
| هدي | 20 | them. |
| الاسري الاشرار | 21 | |
| الشهرية الشهرية | 22 | THE SPECIAL MASTER: As soon as he |
| فتسري | 23 | unravels them. Can you unravel them so |
| فتسريه | 24 | everybody can see it? |
| می اور | 25 | kersich-cross-white |
| مند فعیرے اس | | ETA ALL CATHER TO FRONTIER REPORTING SERVICE 201 MOALST E. LONG |
| | | and a strategy of a strategy of the strategy o |

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| | 8-3 | 1418 | |
| Jung State | 1 | Everybody come forward, others that want | |
| | 2 | to see it. | |
| الي الي الي الي الي الي الي الي الي الي | 3 | Q (By Mr. White) I want to show you what is | |
| | 4 | identified as Aerial Photograph 179-166 and | |
| م ید | | ask you whether or not you recognize that | |
| e and | 5 | | |
| and a | 6 | photograph? | |
| فإسب | 7 | A Not this photograph, no. | |
| <u>م</u> سبع | 8 | Q Isn't that the photograph that was supplied | |
| ميريني المسري | 9 | during discovery by your firm? | |
| فسي | 10 | THE SPECIAL MASTER: Before you go | |
| فسي | 11 | any further, I see a 164 and I see a 168. | |
| فسيه | 12 | MR. WHITE: I'm referring to the | |
| هسه | 13 | numbers in the upper right-hand corner, Your | |
| فسوا | | Honor, | |
| فسيو | 14 | THE SPECIAL MASTER: All right, thank | |
| er al | 15 | you. | |
| فيسي | 16 | | |
| ie | 17 | THE WITNESS: It may have been, yes. | |
| هسي: هنسي: | 18 | Q (By Mr. White) Do you know whether or not your | |
| للسون فتسوية | 19 | firm prepared any photographs such as that? | |
| لىسىرى ئەسىرى | 20 | A Oh, yes, I know that. | |
| er and a | 21 | Q Are you able to locate Sections 13 and 14 in | |
| فتسته | 22 | Township 2 North, 3 West on that photograph? | |
| Same and | 23 | A There are some section numbers here whether | |
| التسري | | they're 13 or 14 I wouldn't vouch for that, | |
| التسري الت | 24 | kersich-cross-white | |
| المينية المسينة | 25 | | |
| المعيدية | | AND AND 2470 STREET FRONTIER REPORTING SERVICE 231 W LOOPS AND AND 22 OF CONTRACT | |
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|------------------------|-----|------|--|
| 624 624 | | | 1419 |
| العنيان | | | |
| الغل | 1 | | These appear to be section numbers. |
| J. | 2 | Q | Are you able, based on your familiarity with |
| rije. | 3 | | your work, to describe the or to locate the |
| وليتنابع | 4 | | land that's shown as Class 1 in Sections 13 and |
| لتبليتا | 5 | | 14 of that township, as portrayed on Exhibit 49 |
| when the | 6 | | on that particular photograph? |
| همانته همانته | _ | А | Looks like they might be right through here. I'd |
| مريني المدان | 7 | | have to go back to my work sheets for this |
| - | 8 | | |
| وس | . 9 | | particular for that particular township and |
| G 9 | 10 | | take a look at it. |
| | 11 | Q | Have your photographs and work sheets arrived? |
| G | 12 | A | I got my work sheets and '69 photos. |
| وسي وسي | 13 | Q | Okay. |
| المناسبي السبي | 14 | | (Brief pause, |
| هست | | A | That would be Township 2 North, Range 3 West, |
| هندي | 15 | | right. |
| 5-13 | 16 | ~ | - |
| فلسمت | 17 | Q | Right. |
| فتسمتك | 18 | A | 2 North. |
| هنسی هنسرت هنسرت | 19 | Q | I'm sorry, 2 North, 3 West. |
| کلسری کلسری | 20 | | You said 2 North, 2 West, it's 3 West. |
| ليسري ليسري | 21 | А | Here's Section 13 and here's Section 14. |
| ه می | • | Q | I'm asking about the yellow Class 1 lands that |
| فتسري | 22 | - | |
| فتسريه | 23 | | are depicted on Exhibit 49 and extend between |
| فتستنتديه | 24 | | the two sections. |
| And a start | 25 | kers | ich-cross-white |
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| 4 | 1 | A | Okay. And this is the portion here that's |
|------------------|----|-----|--|
| 4 | 2 | | shown uphill from the ditch, this portion right |
| 4 | 3 | | here (indicating), |
| | 4 | Q | How about into Section 14? |
| | 5 | A | That was Section 14. |
| 1 | 6 | | All right, 13, excuse me. |
|))))) | | Q | |
| | 7 | A | It's shown above the ditch in here somewheres |
| | 8 | | (indicating). |
| 9 | 9 | Q | So you're saying that those are above the ditch. |
| 9 | 10 | | How can you tell that from that photograph |
| | 11 | | to which you're referring? |
| er. | 12 | A | I believe it refers to a ditch right here, |
| en La | 13 | Ω | The Gurna Tewon Ditch. |
| 29 29 | 14 | A | That's what appears. We didn't have any |
| ¥9 | 15 | | information for some time, |
| 20 | 16 | Q | And you have 42 acres shown as above that |
| Les Contractions | | | ditch; is that right? |
| 1) 1) | 17 | | |
| 10 10 | 18 | A | That's correct, yes. Yes, um-hum, |
| \$ | 19 | Q | Okay, |
| 9 | 20 | A | We have lands here which appear to be idle or |
| 3 | 21 | 1 | not irrigated at the time they were classified, |
| 3 | 22 | ! | and we show 53 acres there, 3T-1, so it would |
| :B | 23 | | be three gravity and one sprinkler. |
| :B :D | 24 | Q | Okay. Now, are you able, based on the review |
| 20 20 | 25 | ker | sich-cross-white |
| | 23 | 1 | FRONTIEB REPORTING SERVICE |
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| | | and a star a |
|--|-----|---|
| | 8-6 | |
| consi consi | | 1423 |
| Cranks | 1 | you've made of your notes, are you able to |
| Strange - | 2 | locate that land that's shown in yellow on |
| Constant of the second se | 3 | Exhibit 49, running between Sections 13 and 14 |
| لاست الاست | 4 | on the aerial photograph that I initially |
| الأسري | - | showed you? |
| AT-IN | 5 | A Approximately in here somewheres, and in here |
| اللاسرين | 6 | |
| للاسرين اس | 7 | |
| للتدسين للتسرين | 8 | work to check that all out completely, but |
| لتسرك | 9 | that's what it appears to be, right here. |
| لتشرته | 10 | I don't know what this means right there, |
| فتسرك | 11 | I don't know what that means, but what it appears |
| 6 | 12 | is that we picked up some of these lands in the |
| لیسری لیسری | 13 | historic study and those lands which had been |
| للتسري التسريح | 14 | classified and not under irrigation of that |
| فتسرك | 15 | ditch were added on the arable land base data. |
| فتسرك | 16 | Q Now, how did you treat this 28 acres right there? |
| 5-50 | | A I don't know what that 28 acres refers to, I'm |
| 6-00 | 17 | not familiar with this photograph. |
| لتريمي وتسري | 18 | Q You're not, all right. Are you generally |
| وي ال | 19 | |
| 6 | 20 | responsible for the work that's done by your |
| فتستنه | 21 | firm in this case? |
| | 22 | A Why yes, but in a job this large and time |
| | 23 | constraints, I can't look at everything and |
| لتسريم لتسريم | 24 | do everything. I've got good people working |
| | 25 | kersich-cross-white |
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| · · • • | | | 1422 |
| | <u>chad</u> | | |
| | الميني الميني | 1 | for me. |
| | الانتيان الارتيان | 2 Q | Who would know about this photograph and |
| | R | 3 | explain the relationship between |
| | الاست. الاستشال | 4 | THE SPECIAL MASTER: Why don't we get |
| | R | 5 | back in our relative positions so we can sit |
| | الاستين الاستين | 6 | down. |
| | . | 7 | MR. WHITE: I'm sorry. |
| | - | 8 | THE SPECIAL MASTER: That's okay. |
| | | 9 Q | (By Mr. White) Who would know about the photograph |
| | ویست ویسل | 10 | marked 179-166? |
| | هدين | 11 A | There are two or three people that would have |
| | Sec. 9 | 12 | knowledgesof the information on that photograph. |
| \sim | | 13 0 | Who would be able to explain exactly what acreage |
| | 6-29 6-29 | 14 | was included in your arable lands and excluded |
| ſ | 6 | 15 | from your arable lands under the Gurna Tewon Ditch? |
| Y | C. | 16 A | Ross Waples would, I'm sure. |
| | | 17 Q | But you can't? |
| ~ | کرندی هندی | 18 A | Not at this time, no. |
| | e de la companya de l | 19 | Could we have about a five-minute break? |
| | er er | 20 | THE SPECIAL MASTER: Can we take a |
| | هندي هندي | 21 | five-minute break? |
| | en l | 22 | MR, WHITE: You bet. |
| | الستريَّ الستريَّ | | THE SPECIAL MASTER: We'll take a five- |
| 2 | C.S.C | 23 | minute break. |
| | المستوي الا | 24 | |
| | | 25 ke | (Thereupon a 5 minute recess (was taken. |
| | | | restant to the second service |
| | el la | | |

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| | 1 | THE SPECIAL MASTER: All right. We shall | |
| | 2 | convene, please. | |
| | 3 | Q. (By Mr. White) Mr. Kersich, on Exhibit C-48 and | |
| | 4 | in Sections 17 and 20 of Township 2 North, 2 West | |
| البتيان البتيان | 5 | A. Yes. | |
| المبينية الربينية | 6 | Q I notice that you have two areas of Class 3 | |
| and the second s | 7 | arable lands; is that correct? | |
| | 8 | A That's 2 North, 2 West, Sections | |
| هشین هشت | 9 | Q It should be 17 and 20. | |
| time a | 10 | A. 17 and 20, right, 17 and 20. | |
| 5 | 11 | Q. Would you take a look at your photograph and see | |
| الاشتري الا | 12 | how you dealt with any adjudicated or permitted | |
| الاشمىزة الاستراب | 13 | ditch in that area, if any? | |
| الاسلى مەلى | 14 | A. This wouldn't show it. | |
| میسین م | 15 | I think this is the time to point out some- | |
| | 16 | thing for your edification, if I might? | |
| Crank C | 17 | Q You bet. I'm always willing to be edified. | |
| 6 | 18 | A. There are two studies that are being done, one | |
| 649 | 19 | having to do with historic lands, and that's be- | |
| Contraction of the second | 20 | ing run by Ron Billstein, and those are under | |
| | 21 | irrigation or have been under irrigation or per- | |
| 5A | 22 | mits, things of that nature. All of that data | |
| 5 | 23 | has been accumulated and put on those photos. | |
| | 24 | He will be testifying about that. | |
| | 25 | kersich - cross - white | |
| | | 409 WEST 241% STREET FRONTIER REPORTING JERVICE | |
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I have not had the time and I have not been available to get into the work with that.

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Now, we have tried to constantly check these potentials of interface, if you see what I'm talking about, of undeveloped arable lands, winding up in that particular program. But the point is that for the information on the ditches and things of this nature, that will be testified to by other people on my staff.

MR. WHITE: Your Honor, maybe the most efficient thing to do would be to postpone this line of questioning until Mr. Billstein comes on. The problem is I doubt that Mr. Billstein will testify on direct as to the arable land base, and what I have been trying to drive at is that arable land base really aren't future lands. They are really historic irrigated lands.

Now, if counsel for the United States will stipulate, as well as the Tribes would stipulate, that we could examine Mr. Billstein about any overlaps between historically irrigated lands and arable land base, maybe we ought to wait and ask Ron Billstein those questions. If not, I think we need to get it from Mr. Kersich.

FRONTIER REPORTING SERVICE

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403 WEST 247H STREET CHEVENNE, WY 82001 43074 635 8280

1425 MR. ECHOHAWK: I have no objection to Mr. 1 White cross-examining on that so long as he 2 doesn't go into the entire arable base. If he 3 has certain problems where he thinks there is 4 some overlap, he can examine Mr. Billstein about 5 that because the witnesses have taken great pains 6 to try not to have any overlap. 7 THE SPECIAL MASTER: Mr. Echohawk --8 MR. ECHOHAWK: Well, it's our witness. 9 MR. SACHSE: The Tribes have no objection to 10 Mr. Billstein being examined with the limitation --11 THE SPECIAL MASTER: Yes, that Mr. Echohawk 12 put on. 13 MR. WHITE: The arrangement then is ---14 THE SPECIAL MASTER: All right, You have 15 the right to put Mr. Billstein on direct and in-16 quire regarding the overlap or the interface. 17 MR. WHITE: Between historically irrigated 18 lands or --19 THE SPECIAL MASTER: And what is called the 20 arable on these maps. 21 MR. WHITE: Let me put everything away. 22 THE SPECIAL MASTER: It's 11:30, if you think 23 this is the time to break on this matter. 24 MR. WHITE: This might be a good time to 25 FRONTIER REPORTING SERVICE 400 WEST 241H STREET CHEVENNE WY 82001 13071034 8280

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| 0-8 | | 9-4 | | 1426 |
| | | | 1 | break, Your Honor. The next part will probably |
| | | | 2 | |
| | | | | take a couple hours to go through. |
| | | | 3 | THE SPECIAL MASTER: We have got a bad day |
| | | | 4 | to get around, and maybe you could use a half |
| | | | 5 | hour to get to lunch or find your way around. |
| | | | 6 | It's 20 below zero out there. |
| | | | 7 | We are going to knock off until 1:30 and |
| | No the second | | 8 | then we will carry on then. |
| | North Contraction | | 9 | - |
| | 1 | | ļ | (Proceedings recessed at |
| | | m. 1 m 0 | 10 | (11:35 a,m, to reconvene |
| | - | End T-9 | 11 | (at 1:30 p.m. |
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