

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

3 A. Right.

4 Q. That's the report you prepared?

5 A. That's the report I prepared.

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

9 MR. SHOENFELD: But --

10 MR. GUARINO: In his own words.

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

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

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

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

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

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

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

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

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

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1 in your report?

2 A. I relied partly on research that I cited in
3 this report.

4 Q. Is there something else that you relied upon?

5 A. I relied partly on my education from New
6 Mexico State University, where I -- and a Bachelor of
7 Science degree in Animal Science and Master of Science
8 in -- in Ag. Business.

9 Q. Okay.

10 A. That -- those two together might contribute 50
11 percent of the equation, the other 50 percent comes from
12 actual on the ground experience and -- and observation.

13 Q. You haven't prepared any sort of study that
14 captures this actual on the ground experience and
15 observation; have you? I mean, is there any place that
16 that's captured?

17 A. No. One of the things that I learned while
18 working at New Mexico State University as a research
19 technician, and -- and associated with many different
20 things, is that in order to properly provide that kind
21 of a document you have to be able to measure that
22 information in a controlled situation.

23 Now, one of the things that they are beginning
24 to learn at these institutions is that they cannot mimic
25 in a small paddock type situation what happens out on

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1 the rangeland. And so there are now studies being done
2 to do it on a ranch wide basis, and to do a more
3 comprehensive study.

4 Q. And you give those references and studies
5 included in your report here?

6 A. No, sir.

7 Q. This is something else that's going on
8 elsewhere?

9 A. Those -- those are -- those not prepared in
10 such a way to be able to be used for -- for something
11 like this at this point.

12 Q. They're not part of a peer reviewed study?

13 A. Not that I know of.

14 Q. Okay. So can you explain, can you describe
15 for me what you're trying to accomplish in preparing
16 this report. Is this a description of ranch operation
17 or is it a description of water quantification, or is it
18 a description of water use, or a combination of all of
19 these?

20 A. Kind of a combination of all things. I mean,
21 before you can understand how much water is needed to
22 economically operate and manage a ranch you've got to
23 understand the biological needs of the animals that are
24 out there, and what -- what -- what all is involved with
25 providing them with those nutritional needs, which water

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