

In The Matter Of:
Collins v. Hall, et al.
Case No. 1JU-14-771 CI

John W. Bean
April 22, 2015

Glacier Stenographic Reporters Inc.
P.O. Box 32340
Juneau, Alaska 99803
www.glaciersteno.com



Original File John Bean 4-22-2015.txt
Min-U-Script® with Word Index

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

RAY M. COLLINS and)
CAROL J. COLLINS,)
)
Plaintiffs,)
)
v.)
)
DAVID W. HALL and)
MARGARET R. HALL,)
Trustees, and their)
successors in trust,)
the D & M HALL COMMUNITY)
PROPERTY TRUST, dated)
March 14, 2005, and also)
all other persons or)
parties unknown claiming)
a right, title, estate,)
lien, or interest in the)
real estate described in)
the complaint in this)
action,)
)
Defendants.)
_____)

Case No. 1JU-14-771 CI

DEPOSITION OF JOHN W. BEAN

Pages 1 through 118, Inclusive
Taken: Wednesday, April 22, 2015
Place: Juneau, Alaska

1 Deposition of JOHN W. BEAN

2

3

INDEX OF EXAMINATIONS

4

PAGE

5 Examination by Mr. Bruce5

6 Examination by Ms. Harrison97

7 Further Examination by Mr. Bruce114

8

9

INDEX OF EXHIBITS

10

NO.

PAGE

11 Exhibit 114

12 1927 U.S. Survey 1755, Homestead of
Albert Forsythe, PL 000131

13 Exhibit 226

14 7/14/1975 Survey by John Bean,
No. 75-11, PL 000130

15 Exhibit 348

16 10/8/2014 Survey by John Bean,
Lot 14, Area 1, Colt Island, PL 000129

17 Exhibit 449

18 8/1/1999 Survey, David Hall,
Lot 15, Area 1, Colt Island

19 Exhibit 561

20 12/7/2012 Survey by R&M Engineering,
Lot 15, Area 1, Colt Island, PL 000128

21 Exhibit 676

22 2/2/2010 e-mail from David and Maggie
Hall to various recipients re Colt Island

23 Exhibit 782

24 3/12/2004 Alaska Tidelands Survey 1620,
PL 000127

25

INDEX OF EXHIBITS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NO.	PAGE
Exhibit 8	83
Document prepared by Randall Davis entitled "The Issue: Common Property/ Lot Boundary Dispute"	
Exhibit 9	85
Color photograph, PL000076	
Exhibit 10	88
Color photograph, PL000075	
Exhibit 11	88
Color photograph, PL000073	
Exhibit 12	89
Color photograph, PL000077	
Exhibit 13	90
Color photograph, PL000078	
Exhibit 14	90
Color photograph, PL000079	
Exhibit 15	91
Color photograph, PL000101	

1 A P P E A R A N C E S:

2
3 For the Plaintiffs: DANIEL G. BRUCE, ESQ.
4 GABRIEL SASSOON, ESQ.
5 Baxter Bruce & Sullivan, PC
6 P.O. Box 32819
7 Juneau, Alaska 99803

8 For the Defendants: LAEL HARRISON, ESQ.
9 Faulkner Banfield, PC
10 8420 Airport Blvd., Ste. 101
11 Juneau, Alaska 99801

12 Also Present: Ray Collins

13 BE IT REMEMBERED that, pursuant to Notice of
14 Taking Deposition, and beginning on Wednesday, the 22nd
15 day of April, 2015, commencing at the hour of 9:00 a.m.
16 thereof, in the offices of Baxter Bruce & Sullivan,
17 located at 9309 Glacier Highway, Suite A-201, Juneau,
18 Alaska, before me, LYNDA BARKER, Registered Diplomat
19 Reporter and Notary Public in and for the State of
20 Alaska, personally appeared:

21 JOHN W. BEAN

22
23 called as a witness by the plaintiffs, who was examined
24 as hereinafter set forth.
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WEDNESDAY, APRIL 22, 2015

JUNEAU, ALASKA

9:00 A.M.

JOHN W. BEAN

having been first duly sworn by the court reporter to tell the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. BRUCE:

Q. Can you please state your full name and spell your last name for the record?

A. My name is John W. Bean, B-E-A-N.

Q. And what is your address?

A. 1070 Arctic Circle, Juneau, Alaska.

Q. And what is your occupation?

A. Professional land surveyor.

Q. And how long have you been a professional land surveyor?

A. 40 years.

Q. Can you tell us briefly what kind of training you had to become a professional land

1 surveyor?

2 A. well, it's been on-hand experience,
3 most of it; and some education, college; and just
4 through experience and taking refresher courses
5 with the state, for the state to get my -- keep my
6 license active.

7 Q. Okay.

8 A. And that's just all been experience for
9 all the years I've been surveying.

10 Q. Okay. As a professional land surveyor,
11 you're licensed by the State of Alaska?

12 A. Yes. And my LS number is 3650.

13 Q. Okay. And how long have you been
14 licensed by the State of Alaska?

15 A. 37 years, I think. In that
16 neighborhood.

17 Q. And over that 37 years that you've been
18 -- well, strike that.

19 You said you've been in land
20 surveying for 40 years. Has that all been in the
21 state of Alaska?

22 A. No. I've surveyed in Colorado and
23 California and Montana, but I didn't have a license
24 there. I worked under other engineering firms.

25 Q. Okay. Where were you born and raised?

1 A. Lamar, Colorado.

2 Q. And so when did you come to Alaska?

3 A. Right after the Vietnam war, '76,
4 somewhere in there.

5 Q. Okay.

6 A. So . . .

7 Q. And did you begin work as a land
8 surveyor then?

9 A. No. I became a commercial hand troller
10 for three years before I picked up the field again
11 after being out of the service.

12 Q. Okay. So how many years have you been
13 in land surveying -- well, strike that.

14 So did you do --

15 A. I've had my --

16 Q. -- land surveying before you went into
17 the military?

18 A. Yes.

19 Q. Okay. And how many years did you do
20 that?

21 A. Oh, probably -- let's see. I graduated
22 in '62; so from '62, '65, somewhere in there, about
23 three or four years.

24 Q. Okay. When you say graduated in '62,
25 is that from college or high school?

1 A. High school. I graduated in '61 from
2 high school.

3 Q. Okay.

4 A. And college, junior college in '63, I
5 think it was, Lamar Junior College.

6 Q. Okay. And did you study land surveying
7 in college?

8 A. No. I studied agricultural
9 engineering.

10 Q. And then you were in the military from
11 when to when?

12 A. Oh, boy. I'll get out my card, because
13 I'm not sure.

14 Q. Sure. Approximately.

15 A. I get them days confused.

16 Q. Approximately.

17 A. It was in '67, '68, '69, probably,
18 somewhere in there.

19 Q. Okay. And then you came to Alaska,
20 spent a few years as a hand troller, and then got
21 back into land surveying?

22 A. I went to work for wyler, Killewich,
23 Van Dorn, and Hazard, an engineering firm here.

24 Q. Here in Juneau?

25 A. Right.

1 Q. And how long did you work for them?

2 A. Oh, probably four years before I got my
3 license.

4 Q. Okay. So what happened when you got
5 your license?

6 A. Then I went and started my own
7 business.

8 Q. Okay. Do you recall approximately when
9 that was?

10 A. '72.

11 Q. Okay.

12 A. I think that's when I got my business
13 license. And I did a lot of construction
14 surveying, too, also, as well as land surveying.

15 Q. Okay. What's the distinction between
16 construction surveying and land surveying?

17 A. Well, you take plans and draw them on
18 the ground for contractors to build them based off
19 the engineering aspects of what they do, and then
20 make sure it all comes out right towards the end.

21 Q. Okay.

22 A. And that's mainly the biggest thing.
23 You use instruments, the same procedure as you do
24 for land surveying.

25 Q. Okay. And what is the purpose of land

1 surveying?

2 A. Finding land and solving disputes and
3 elevations, flood insurance, and figuring out old
4 descriptions and writing easements and that sort of
5 stuff.

6 Q. Okay.

7 A. And recording plats and trying to
8 follow the rules as they change over the years.

9 Q. So would it be fair to say one of the
10 purposes is to establish the legal land boundaries?

11 A. Yes. That would be a good term, yes.

12 Q. And you have been deposed before;
13 correct?

14 A. Have I been what?

15 Q. You've had your deposition taken
16 before?

17 A. Yes, I have. Yes.

18 Q. Okay. So you're familiar with the
19 rules and know that you're being asked questions
20 under oath?

21 A. Right.

22 Q. And if you get a completely
23 inarticulate question from me, one you cannot
24 understand, say you can't understand it.

25 A. Yes. Okay.

1 Q. Because that will probably happen.

2 A. Yes.

3 Q. Have you testified in court, and
4 specifically in regards to your duties as a land
5 surveyor?

6 A. Yes, I have. Yes.

7 Q. Were you qualified by the court as an
8 expert witness?

9 A. Yes, I was.

10 Q. How many times -- do you know
11 approximately how many times you've been --

12 A. It's been three times, I think it was,
13 to the best of my memory.

14 Q. Okay. And all three times, were you
15 qualified as an expert?

16 A. Yes, most of -- all three of those
17 times.

18 Q. And what was the nature of those
19 disputes?

20 A. One was -- I think was a quantity thing
21 down in Ketchikan against Chuck Pool. And then one
22 was on R&M's survey they did; and I can't remember
23 where, but on one of those. And the other one --
24 the third one I can't remember.

25 Q. Okay. Well, let's talk for a moment

1 just about the R&M --

2 A. Right.

3 Q. -- dispute. Were you called in to give
4 testimony in support of an R&M survey or a
5 difference of opinion?

6 A. It was about the field notes and the
7 way they did their survey on a certain project.
8 And that's what that was about.

9 Q. And were you hired by the plaintiff or
10 the defendant in that case?

11 A. Let's see. Defendant. Yeah.

12 Q. Are there specific standards that
13 you're expected to comply with in terms of the
14 performance of a land survey?

15 A. Well, there is -- yes. There is a
16 standard in practicing surveying that you're
17 supposed to abide by and follow.

18 Q. Okay. What are those standards?

19 A. I can't quote them word for word,
20 verbatim.

21 Q. No, and I don't expect you to. I mean,
22 just give me, if you can, your understanding of the
23 standards that apply to your profession when you're
24 doing a land survey.

25 A. If you're doing a land survey, you try

1 to get the proper title of the land, that is, the
2 legal description, if there is one. And you do the
3 research on that to see if you have any
4 encroachment -- any easements or any conflicts or
5 anything of record so you can define them once you
6 start surveying.

7 And then you pull all the
8 adjoining plats and information in that area so you
9 can find your monumentation and then try to
10 establish your control based on that information.

11 Q. Okay.

12 A. And then you physically survey it.

13 Q. When you -- let's break that down just
14 a little bit. You referenced looking at other
15 plats and other documents.

16 A. Right.

17 Q. What is the purpose there?

18 A. Well, so you can find information of
19 record and be able to establish what you're going
20 to do and where this survey is positioned within
21 that area so you can give the relationships to the
22 monumentation and to that area.

23 Q. Okay. And can you tell us why that's
24 important?

25 A. Well, there's the legal -- you try to

1 specify based on their descriptions; but sometimes
2 descriptions are very loosely written, and so
3 they're hard to follow. So you try to find the
4 best information and then put it together and then
5 see if you can make sense out of the description
6 based -- of-record description based on their field
7 information.

8 Q. Okay.

9 A. And then you do a drawing of it, a
10 sketch drawing or whatever you accomplished, and
11 show your basis of bearing, where you started from.

12 Q. Okay. And can you tell us the
13 importance of the term "basis of bearing"?

14 A. Well, that's so people can reenact it
15 in the future, if they want to try to retrace the
16 survey.

17 Q. Let's just turn to the specific surveys
18 in this case. Were you contacted by someone to
19 perform a survey of what was originally known as
20 U.S. Survey 1755, Homestead of Albert Forsythe?

21 A. Right.

22 MR. BRUCE: Okay. We'll mark that
23 as Exhibit 1.

24 (Exhibit 1 duly marked.)

25 (Mr. Sassoon enters the room.)

1 BY MR. BRUCE:

2 Q. Mr. Bean, can you identify what has
3 been marked as Exhibit 1 to this deposition?

4 A. It's a U.S. survey recorded in the
5 Division of Lands, or in them days it was probably
6 called BLM. And it's not really a recorded
7 document, but it's recorded in the state archives.

8 Q. Okay.

9 A. Yeah.

10 Q. And are you familiar with what's been
11 handed to you --

12 A. Yes.

13 Q. -- as Exhibit 1?

14 A. Yes, I am.

15 Q. Okay. And were you hired at some point
16 to do a survey -- or were you hired at some point
17 in the '70s to do work related to this survey?

18 A. Yes, I was. Yes.

19 Q. Who hired you?

20 A. It was a combination of Howard
21 Lockwood, which was the land developer, and the
22 Blacks were the land owners.

23 Q. Okay. We all know that this survey,
24 Survey 1755, is --

25 A. Right.

1 Q. -- is what's commonly known as Colt
2 Island; correct?

3 A. Yes. Uh-huh.

4 Q. Okay. And why did the Blacks and
5 Howard Lockwood contact you to do a survey of U.S.
6 Survey 1755?

7 A. Because they wanted to come up with
8 recreational lots on the island and divide it up
9 among the people that was working there and become
10 a -- to create lots for retail.

11 Q. For resale?

12 A. Yeah, for resale.

13 Q. And as you're sitting here today, what
14 can you tell us about your meetings with Lockwood
15 and Black?

16 A. Well, they had a concept of what they
17 wanted to do, sketches and ideas. And we'd done a
18 lot of changes and variations of making these lots.
19 And then we started doing field work under their
20 directions based on where the meander of the ocean
21 was along the -- along the bluff of what is
22 referred to as the Stephens Passage here, but we
23 call it the inside between Colt and Horse Island.

24 And then they established where
25 we've measured down the beach and tried to

1 establish where these in and out points were along
2 the shoreline so we could decide. After that, they
3 looked at what they wanted to do; so then they
4 started -- then we finalized -- tried to finalize
5 the drawing to match that.

6 And then, at that time, probably
7 just before this plat was started to get recorded,
8 there was starting to be a problem; so everybody
9 hurried up and wanted to get the plat recorded so
10 they could solve their discrepancies among
11 themselves and the sawmill out there that was there
12 too. It was involved in it too, the worrells.

13 Q. Okay. So there is a lot of information
14 in that response, and I'd like to kind of break it
15 down a little bit.

16 At the time that you were engaged,
17 Colt Island had not been subdivided. It was just
18 one large parcel of property; correct?

19 A. One large parcel; correct. Yes.

20 Q. And so it's fair to say that the
21 developer needed to subdivide it in order to sell
22 lots; correct?

23 A. Right. Yes.

24 Q. And you said that you had some meetings
25 with them where there were drawings; and they were,

1 I guess, conceptually talking about how --

2 A. How they wanted to do it.

3 Q. -- they wanted to go about it. Do you
4 know, do you have any of those drawings, those
5 initial drawings?

6 A. Let see here. I have another folder.
7 I should go get that. I didn't bring that with me.
8 Yeah, it was -- it looks like I'm missing my
9 folders. Can I go down to the truck and see if I
10 got them in there? I thought I picked them up.

11 Q. Sure. We can take a quick break.

12 A. Because I thought I had them.

13 MR. BRUCE: Okay. Let's go off
14 record for just a moment.

15 9:19 AM

16 (Off record.)

17 9:23 AM

18 MR. BRUCE: Back on record.

19 Mr. Bean was unable to locate the
20 other part of his file in his truck, so what I
21 suggest we do is just blaze on. He'll produce the
22 file. I'll make copies and get them to you. And
23 if we want to ask questions of him, then we'll just
24 continue this deposition if there's something
25 there.

1 MS. HARRISON: That's fine with me.

2 BY MR. BRUCE:

3 Q. So how long a period of time transpired
4 between your initial meetings and conceptual
5 discussions about the subdivision and when you
6 began work actually towards creating a plat?

7 A. I think it took almost a year before
8 they -- and probably another year, probably two
9 years total until the time the plat was finally
10 taken and recorded.

11 Q. Okay. And what instructions, if any,
12 were you given by your employers in performing the
13 work?

14 A. Well, I was supposed to do -- acquire
15 the survey after the lots were sold and start
16 staking the lots, based on the plat and getting
17 everybody's corners in.

18 Q. Okay. Were you given any specific
19 instructions in how to perform the survey, what the
20 size of the lots were to be --

21 A. Yes.

22 Q. -- and how they were to be located,
23 et cetera?

24 A. Yes.

25 Q. Can you give us a description, to the

1 best of your recollection, of what you were told to
2 do by your employers?

3 A. Well, some of it was based on the
4 location of where the distance in from the shore --
5 from the shoreline that we had established, from
6 the bluff line in, so they have a certain depth of
7 lots along the water edge, because they have a 10-
8 or 12-foot bluff along that side.

9 Q. Okay.

10 A. And so it was measured in. And that's
11 where we set some hubs and controls for the job.

12 Q. Okay. So I'm not a surveyor.

13 Ms. Harrison is not a surveyor.

14 A. Yes.

15 Q. And so I kind of need you to explain it
16 to me like I'm in the second grade.

17 A. Okay.

18 Q. And we need to go kind of step by step,
19 if you would.

20 A. Okay.

21 Q. So when you start work, the only thing
22 you have of record --

23 A. Right.

24 Q. -- is what's been marked as Exhibit 1;
25 correct?

1 A. Yes.

2 Q. Now, was your survey going to -- what
3 connection, if any, did your survey work that
4 ultimately became Plat 75-11 have with what is
5 marked as Exhibit 1?

6 A. So we had to find what this plat here
7 refers to as a U.S. land monument and an actual,
8 physical WC, witness corner, marked on the island.

9 Q. What does that mean to --

10 A. It's an X on a rock, and it's a
11 vertical -- it's supposed to be a vertical rock.
12 And if you see in the field notes, it was on what
13 they called Wacky Rock. So then we had to search
14 for that and found it, and then we found the X over
15 on Admiralty Island, on another big boulder which
16 was described.

17 Q. Okay. And you found those by looking
18 at the field notes to --

19 A. Right.

20 Q. -- U.S. Survey 1755?

21 A. Right.

22 Q. Okay.

23 A. And then we physically set up and took
24 a bearing from one object to the other to establish
25 the starting point on the island.

1 Q. Okay. So the control, then, for you,
2 is it this witness corner that's marked on
3 U.S. 1755, or is it the mark over on Admiralty
4 Island?

5 A. Both. You have to use both --

6 Q. Okay.

7 A. -- to get a bearing. And so your
8 orientation of your job, everything has an
9 orientation, bearings and distances, so you can
10 relate that to your survey work.

11 Q. Okay. And your survey work commenced
12 in 1975 or --

13 A. '73, I think it was. Yeah.

14 Q. And U.S. Survey 1755 was done when?

15 A. I'd have to look on there. It looks
16 like in '28.

17 Q. That would be 1928?

18 A. 1927 is when it was certified by the
19 BLM office. Yeah. And it says executed in '27.
20 Yeah.

21 Q. And have there been any changes in the
22 way surveys are done between 1927 and 1973?

23 A. Oh, quite a bit. Yes. In those days,
24 they used what they called a chain, and it was a
25 link of 6.6 feet long. And they pulled it and

1 stretched it to measure their distances with. And
2 the instruments were probably one-minute guns,
3 which is -- now you use guns in seconds.

4 Q. when you say "guns" --

5 A. Surveying instruments. I'm sorry.
6 Surveying instruments.

7 Q. And one minute -- what's one minute --
8 what does that mean?

9 A. So you have 360 degrees, and then
10 they're broke down into 60 minutes and 60 seconds,
11 each degree. So every -- so there's 60 minutes, so
12 the accuracy of the guns are designed to turn
13 within one minute --

14 Q. Okay.

15 A. -- that you read on. And then
16 seconds -- nowadays they use seconds -- and also
17 GPS, which is more satellite surveying, and more
18 EDMs, electronic measuring equipment, nowadays.

19 Q. Were you using that kind of equipment
20 in 1973?

21 A. No. I was using a -- let's see. That
22 was -- I was using a theon light, which was called
23 a theon light instrument, which is a direct reading
24 instrument. You read it right off of the
25 instrument, off of the surveyor -- I mean off of

1 the venue of the survey gun.

2 Q. Okay. So just tell us what happens.
3 You set that surveying gun up on Admiralty?

4 A. No, over on Colt.

5 Q. Okay.

6 A. Or Survey 1755 and back-sided the X
7 across the water, which I had a large range pole
8 set up on it. And it has one-foot increments, that
9 you can see it a long ways away because of the
10 opticals in your instrument, so you can sight in on
11 it really fine.

12 And then I took a shot on that and
13 created the bearing from the WC to the U.S. LM.
14 And then I started surveying based on the
15 information that's on this plat here, which I
16 created coordinates -- which is north, south, east,
17 west direction -- and you add numbers. And then
18 you survey to those points by doing angles and
19 distances to create what you're going to establish
20 in the field.

21 Q. Okay. So you're here at Witness Corner
22 1 (indicating)?

23 A. Right.

24 Q. And that becomes -- is that the
25 starting point, then, of the subdivision?

1 A. Yes. Uh-huh.

2 Q. Okay. And then you start -- you lay
3 out your, I guess, grid or --

4 A. Bearings and distances.

5 Q. -- bearings and distances?

6 A. Yes.

7 Q. And what's the next thing you did --
8 well, strike that.

9 Do you know -- this shows the
10 meander line; correct?

11 A. Right.

12 Q. The dark -- and there are different
13 numbers along there?

14 A. It's defined as meanders, yes
15 (indicating).

16 Q. Okay. And can you tell us what
17 meanders are all about?

18 A. In those days, they called out where
19 the high water line was -- or, by their
20 observation, where they thought the high water line
21 was. And so they traverse -- what we call
22 traverse -- surveyed around the island and created
23 those points and bearings and distances so they
24 could draw a plat of it, where they found the high
25 water mark. And I suppose they used the tide as a

1 high water mark.

2 Q. Okay. Is there anything in the field
3 notes that gives you instructions as to how they
4 proceeded?

5 A. No. They just say they followed the
6 high water mark around the island.

7 Q. Okay. And for you to do your plat,
8 which is 75-11 --

9 A. Right.

10 MR. BRUCE: And we'll just go ahead
11 and get this marked as Exhibit 2.

12 (Exhibit 2 duly marked.)

13 BY MR. BRUCE:

14 Q. What has been marked as Exhibit 2 --
15 you have a smaller version in front of you; right?

16 A. Right. Yes.

17 Q. And I have to use the larger version,
18 because my eyes are so bad I can't read the smaller
19 version.

20 A. Oh, yes. This is still a small
21 conversion. There is a big, 24-by-36 recorded.

22 Q. Okay. So where is Witness Corner 1 on
23 Exhibit 2?

24 A. In there is area over here
25 (indicating).

1 Q. Okay.

2 A. But it's not identified on this.

3 Q. Why is it not identified?

4 A. Because the plat was based on the
5 location of the island where they wanted the
6 meanders to -- these lots to be created from the
7 shoreline, or the bluff.

8 Q. Okay. So the outer boundary here, is
9 that the meander? And I'm pointing to --

10 A. At the time, that's the meander that we
11 marked in the field.

12 Q. And the meander for creating --

13 A. This subdivision.

14 Q. -- this subdivision?

15 A. Yes.

16 Q. Okay. And does that meander for the
17 subdivision differ from the meander that was
18 established in U.S. Survey 1755?

19 A. By numbers, it's close to the same
20 meanders as this -- recorded as these numbers here
21 (indicating), but it varies because -- based on
22 where these points were created in the field and by
23 surveying around and finding the different angle
24 points of the meander -- of the mean high tide or
25 the high tide at that time.

1 Q. So putting it into simpler terms, if
2 the meander -- if your meander line went inward
3 towards the cliff line versus the meander line that
4 was done in 1755 --

5 A. Right.

6 Q. -- the distances would vary between
7 75-11 and 1755; correct?

8 A. Yes. But when we drew this plat, it
9 was based on the field information plus the
10 original plat -- original meanders and tried to
11 hold the same direction and the distances around
12 the island to make sure it fit the island. And
13 that's how we started out.

14 Q. When you say "fit the island," what do
15 you mean by that?

16 A. The tide, the tide around the island.

17 Q. Okay. And this survey you had to
18 close; correct?

19 A. Yes. But the trouble was, we didn't
20 ever get to finish it. We only got started on the
21 survey, and that was the end. Then it went kaput.

22 Q. Okay. Tell us what happened there.

23 A. Well, the Blacks and the Lockwoods had
24 a discrepancy on what their accomplishments were on
25 the island and who owned what land and who had what

1 rights. And there was a big lawsuit about it for
2 years, I think.

3 Q. Okay. So when that lawsuit started,
4 had you -- or when that dispute began between the
5 Blacks and Mr. Lockwood, had Plat 75-11 been
6 completed?

7 A. Oh, yes. Yeah. It was recorded well
8 before that.

9 Q. Okay.

10 A. And it's what I would consider now a
11 paper plat.

12 Q. Okay. What does a "paper plat" mean?

13 A. It's based on some -- like the original
14 numbers and then what they decided to do within
15 that area.

16 Q. Okay. What do you mean by "what they
17 decided to do within that area"? Who --

18 A. Subdivided.

19 Q. Okay.

20 A. The owners and -- the landowners and
21 the developer.

22 Q. Okay. Did you place any monuments in
23 relationship to the work you did in creating 75-11?

24 A. No. Only wood stakes. I started
25 surveying along this boundary here (indicating).

1 We had wood stakes at these inner points in and out
2 of the -- along the bluff.

3 Q. Okay. And just for purposes of the
4 record, that would be within the area that's noted
5 as Area 1?

6 A. Right. Uh-huh.

7 MS. HARRISON: Let me line this up
8 so I have it --

9 THE WITNESS: There you are. It
10 would be here (indicating).

11 Q. So it would be Lots 1 through 18 in
12 Area 1?

13 A. Right. Uh-huh.

14 Q. So you put wood stakes along just the
15 meander line?

16 A. The high water line, yes.

17 Q. Okay. Did you stake anything else?

18 A. We started setting control up into --
19 for the path, but they were just control points.

20 Q. What are control points?

21 A. That's -- you use your physical
22 surveying information, and then you set points into
23 where you're going to start setting corners or
24 whatever. And it's called your traverse, so you
25 can set corners as you -- from your control points.

1 Q. Okay. And who was doing that work with
2 you?

3 A. Well, the Lockwoods, the Worrells, and
4 my wife, Ginger.

5 Q. Okay.

6 A. Who helped with the surveying.

7 Q. And so when you say "the Lockwoods,"
8 which Lockwoods were working with you?

9 A. Howard, Howard Lockwood.

10 Q. Okay. Was Dale working with you?

11 A. No, not then.

12 Q. Okay. And so he knew where the control
13 points were?

14 A. Right. Yes. Uh-huh.

15 Q. Do you know if, subsequent to -- so
16 when did you stop working on --

17 A. Probably right around '76, somewhere in
18 there.

19 Q. Okay. And at that point, you had
20 staked -- had you staked the corners --

21 A. No.

22 Q. -- of 1 through 18 --

23 A. No.

24 Q. -- and along the meander line, or just
25 the meander line?

1 A. Just the meander lines.

2 Q. Okay. And then you'd set some control
3 points?

4 A. Up into this path area so we could
5 start defining this path (indicating).

6 Q. And that path area is --

7 A. Between the area --

8 Q. It's called Totem Pole Trail?

9 A. Right. Totem Pole Trail. Yes.

10 Q. And do you know if that trail was
11 subsequently established pursuant to those control
12 points, as shown on your Plat 75-11?

13 A. No. It was mainly a logging operation
14 going through there at that time, and some of the
15 trails were -- were very small trails. And also,
16 they were trying to establish the trails based on
17 the distances up from the marked meanders.

18 Q. Okay.

19 A. And I wasn't in on that. All I did was
20 set the points up in there, and they used them as
21 information to try to establish where the trail
22 went.

23 Q. Okay.

24 A. When the physical work was being done,
25 I was not there.

1 Q. But you've been out there since then?

2 A. Oh, yes. Uh-huh.

3 Q. And when you went out -- well, let's
4 just talk about that for a moment.

5 How many surveys have you
6 performed on Colt Island?

7 A. Oh, probably about seven, eight. Let's
8 see. Yeah. At least eight. Yup.

9 Q. And over what time period have you
10 performed those surveys?

11 A. Well, so I've surveyed over here, Lot
12 5, 5 and 4 (indicating). And then I've surveyed 5
13 and 4 over on Area 3. And then I have surveyed
14 Allwine's property, which I don't have that lot
15 number here. It's one of these lots right here
16 (indicating).

17 And then these lots here and here
18 (indicating) in this area. I don't have that
19 drawing with me.

20 Okay. Lots 17, 15, 14 in Area 1,
21 and I think it's 9 and 10 and 15 and 16 in Area 2.
22 And they were based off of the original control
23 points that I had set in this area between Area 1
24 and Area 2.

25 Q. When you said control points you set,

1 what do you mean by "set"?

2 A. I had stakes in the ground with tacks
3 in them and coordinates on them related to the
4 survey that we'd started along the meander to
5 create the subdivision.

6 Q. Okay.

7 A. And they'd been setting there for --
8 when I started surveying again, probably at least
9 five or six years. And I went and back and
10 recovered them and started using them.

11 Q. Okay.

12 A. Instead of starting from the original
13 bearing and distance.

14 Q. Okay. So I guess it's a shortcut?

15 A. Yes. That's why you put in controls,
16 so you don't have to keep rerunning the same
17 information over and over again.

18 Q. And that's consistent with the
19 standards of land surveying?

20 A. Yes. Uh-huh.

21 Q. And what was the developer's intent in
22 terms of lot size of these lots in Area 1?

23 A. well, it's kind of defined in the title
24 as recreational lots, not massive land lots. They
25 just wanted them for cabins, as cabin sites,

1 mainly.

2 Q. Okay. Was there a specific size or
3 dimensions for the lots?

4 A. Well, they had the beach lots larger
5 than the other ones. Most of them, it looks
6 like -- they had most of the frontages were 100 of
7 beachfront per lot.

8 Q. Okay. And how deep were they?

9 A. And they were about 140 feet. I think
10 that's what -- (Reading.) 120 feet. 120. I think
11 that's what that says. I can't read it.

12 Q. Well, here, we can get you --

13 A. A magnifying glass? Yeah.

14 Q. -- a larger plat if necessary.

15 9:44 AM

16 (Off record.)

17 9:45 AM

18 MR. BRUCE: Back on record.

19 BY MR. BRUCE:

20 Q. So --

21 A. They're 150 feet in depth by 100 on the
22 beach. And then the upper lots, they decided to
23 make them smaller because of the retail value, I
24 guess. And they were anywhere by -- 100 by 100, it
25 looks like.

1 Q. And so the beachfront boundary of the
2 lots in Area 1, is that tied to mean high tide, or
3 to the toe of the bluff that runs along there?

4 A. It's more of the toe of the bluff than
5 high water, the high water level, like 20, 22 feet,
6 21 feet tide marks, the highest water.

7 Q. And the U.S. Survey 1755 was tied to
8 what level of high tide?

9 A. It doesn't define it. It just says
10 "high water mark," "high water line." They didn't
11 give an elevation, though.

12 Q. Can high water in Southeast Alaska
13 vary?

14 A. Yes. It can be anywhere from 24 to 20.
15 It depends on what area you go in, in Southeast,
16 yes. And then low tides are minus 4 to 0. It
17 depends on where you're at.

18 Q. You didn't have any role in the
19 preparation of the covenants for this recreational
20 subdivision, did you?

21 A. No. No.

22 Q. When Plat 75-11, Exhibit 2, was
23 created, were there any platting authorities that
24 controlled or forced you to do work in a specific
25 way in an area such as Colt Island?

1 A. Let's see. It was regulated. It's
2 outside any platting authority, and DNR was only --
3 was not reviewing any of the plats at that time in
4 that -- in this area. And there's quite a few of
5 them in the whole Southeast that got recorded
6 without being approved by any platting authority or
7 anything.

8 Q. Okay.

9 A. So it seemed to be -- when I first came
10 to Alaska, it seemed to be the right thing to do.

11 Q. And that changed in 1998?

12 A. Somewhere in there, yes. They started
13 regulating platting, yes.

14 Q. And earlier I asked you if you closed
15 the plat, 75-11. And maybe I asked the question
16 inappropriately or used the wrong terminology.

17 But did you fully survey the outer
18 line of the island?

19 A. No.

20 Q. Okay.

21 A. Negative.

22 Q. So how far did you go?

23 A. Around to about in here somewhere
24 (indicating), from here to here.

25 Q. Okay. So they --

1 MS. HARRISON: Sorry.

2 THE WITNESS: At this point here
3 (indicating).

4 MS. HARRISON: So that's
5 witness corner 1?

6 THE WITNESS: Yeah, where the
7 witness corner was around to this area here between
8 7 and 8 on Area 3 (indicating).

9 Q. Okay. And then you testified briefly
10 about the lots that you had surveyed subsequent to
11 doing 75-11. Do you know or recall what your first
12 assignment was or surveys that you did out there
13 after completing 75-11?

14 A. Well, it was the Allwines, because they
15 wanted to build a cabin on their island, on their
16 spot, so they could be on their lot, which was --
17 and that's what I did. I marked their corners.

18 Q. Okay. Do you recall what year that
19 was?

20 A. No, I don't remember that.

21 Q. When you said you marked their
22 corners --

23 A. With their rebar and plastic caps.

24 Q. And how did you go about doing that?

25 A. I used my control, which was from the

1 past, when I started the project.

2 Q. And where was that control located?

3 Can you just --

4 A. Along this path line here (indicating).

5 Q. Can you identify by putting a mark

6 where it would be?

7 A. If I knew their lot number. I don't

8 have their lot number.

9 MR. COLLINS: It's 10.

10 THE WITNESS: 10? Yeah. Okay.

11 A. Right here, No. 10 (indicating), on

12 this angle point right here. There is an angle

13 point right there. Do you see where the line

14 changes direction? And I had control hubs in

15 there.

16 Q. You can put one of these arrows on

17 there without obliterating the whole line.

18 (Handing.)

19 A. (Puts red arrow on map.)

20 Q. And that control that you found was one

21 that you'd placed there in --

22 A. Back in the '70s, yes.

23 Q. Okay.

24 A. And then that's what I used in the

25 future for surveying both ways in the future, this

1 way and this way (indicating) from the lots.

2 Q. when you say "this way and this way"
3 you're --

4 A. Up and down Totem Trail.

5 Q. Okay. So when you went out to do the
6 Allwines', Totem Trail was clearly established;
7 correct?

8 A. well, I don't know what you mean by
9 "totally established."

10 Q. No, I said "clearly established." In
11 other words, it was clear that this was the path,
12 the trail?

13 A. No. No.

14 Q. No?

15 A. Everything was real rough still.

16 Q. when you did Allwines'?

17 A. Right, because there was -- we had to
18 chop back into the trees to set the corners.

19 Q. Okay.

20 A. Yeah. Because the trail was just a
21 random trail. It wasn't really defined as to its
22 width and everything.

23 Q. Okay. So you set the upland corners
24 then --

25 A. Right.

1 Q. -- on Lot --

2 A. 10.

3 Q. -- 10?

4 A. And then I set witness corners at the
5 top of the bluff; so they could use it up above to
6 build with, not down on the beach line.

7 Q. Okay.

8 A. Because if you set them down on the
9 beach, they're useless to building on the lots. So
10 you can have a line of sight.

11 Q. Right. Because they're below the
12 cliff?

13 A. Right. So there is no way you could
14 use them, so . . .

15 Q. Now, the upper corners that you put in,
16 did that mark the boundary between Totem Pole Trail
17 and --

18 A. Yes.

19 Q. -- their lot?

20 A. Yes. Uh-huh.

21 Q. And you've been out there subsequent to
22 placing those monuments --

23 A. And they're still there. Yes.

24 Q. -- and they're still there. And is
25 that the current location of Totem Pole Trail? In

1 other words, is it on --

2 A. Based on this plat, yes. Uh-huh.

3 Q. So what was the next parcel or lot that
4 you were asked to survey on Colt Island?

5 A. Let's see. Well, these over here. I
6 think I was 3 and 4 (indicating). Yeah, 3 and 4, 2
7 and 3. These two over here on this, 3 and 4.

8 Q. In Area 3?

9 A. Yes. Uh-huh. And I had to establish
10 control -- the control points were still here on
11 the beach (indicating), and I had one up the trail
12 here that -- this comes up from a sand bar, and
13 then I had one up at the top of the trail so you
14 could -- where it was in a safe spot so that I
15 could use it in the future.

16 Q. Okay.

17 A. And I re-found those again and staked
18 these lots over here with the -- where the trail
19 was. It was called the Eagle Nest Trail, the upper
20 part of that. And then I also set the beach
21 corners on 2 and 3.

22 Q. And then what was the next lot or lots
23 you surveyed?

24 A. Then I went down and surveyed my own
25 lot, which I was supposed to get title to, Lot 13.

1 And I pushed the control down for myself from this
2 area down to there (indicating) and set my -- I
3 know I identified the lot. I didn't ever set the
4 corners.

5 Q. So what year was that, approximately?

6 A. '76, I think, '77; somewhere in there.

7 Q. And when was the next time or the next
8 lot that you did work on in Area -- what's marked
9 as Area 1?

10 A. Then these Lots 17 -- not 17 -- yes,
11 17, which was Shumway's, and 15. Right? 15.

12 MR. COLLINS: 14.

13 THE WITNESS: 14, yeah. 14. And
14 then 13 for Lockwood. And Lockwood owned 14 or 15,
15 I can't remember which one of these. I staked it.
16 And then Allwine had bought two more or three more
17 of these lots in this area (indicating), and I went
18 down and staked those.

19 Q. Okay. So let's talk about the
20 surveying work you did on 17 and -- did you say 14?

21 A. I think it's -- yeah. No, it was 15
22 and 14, I think.

23 Q. 15 and 14?

24 A. Yeah. I'm trying to figure out which
25 ones they were.

1 MS. HARRISON: Are we in Area 2?

2 THE WITNESS: Yes, in Area 2.

3 Is that where the house is built
4 right there, on Lot 13, Area 2?

5 MR. COLLINS: Oh, Loveid's?

6 THE WITNESS: Yeah.

7 A. I think 13 is where -- and Dale owns
8 Lot 12. Yeah, that's right. These two right here
9 (indicating).

10 BY MR. BRUCE:

11 Q. Okay. So you're in Area 2. And when
12 you --

13 A. And 12 and 13. I set front corners on
14 all of those.

15 Q. Okay. When you say you set front
16 corners on those, would those front corners then be
17 establishing the uphill boundary of Totem Pole
18 Trail?

19 A. Right. Uh-huh. And then I did --

20 Q. And do you know what years it was that
21 you did that?

22 A. In the '90s, I think, somewhere around
23 there.

24 Q. Okay. And so when you did it in the
25 '90s, was -- I'll ask the question I asked

1 earlier -- was Totem Pole Trail an established
2 trail at that point, where it was clear it was
3 being used as a right-of-way for --

4 A. well, it was being used as vehicular
5 traffic access. Not physically marked, but it
6 was -- it was existing for four-wheelers to run up
7 and down.

8 Q. So when you looked at it, you said,
9 "This is a trail that everybody is using"?

10 A. Yeah. A physical trail, yeah.

11 Q. I mean, we know it didn't have street
12 signs and all of that.

13 A. Yes. But it didn't have no identifying
14 marking corners to identify it physically, based on
15 this plat.

16 Q. Based on this plat --

17 A. Right.

18 Q. -- other than the front corners of the
19 lots established the boundaries --

20 A. After I set them, yes.

21 Q. After you set them?

22 A. Yes.

23 Q. Okay. And when you set them --

24 A. In -- go ahead.

25 Q. When you set those, you said it was an

1 established vehicular traffic area. Where were the
2 corners in relationship to that trail?

3 A. In generality, it was close to it but
4 not perfectly close to it. It kind of jumped back
5 and forth in a few spots.

6 Q. By how much?

7 A. Oh, maybe 3 feet, sometimes, at the
8 most; and then sometimes right on the edge of it.

9 Q. Okay.

10 A. It wasn't off, you know, 10 or 15 feet.

11 Q. So we've got -- and 17 was done about
12 the same time?

13 A. No. 17 wasn't staked, no. It was
14 these two over here (indicating).

15 Q. Okay.

16 A. And these on the bottom side were
17 staked. 17 is what I'm talking about. 17.

18 Q. When did you stake 17 on the bottom?

19 A. At the same time that I did these up
20 here.

21 Q. So in the '90s?

22 A. Yes. Uh-huh.

23 Q. And did you set front corners on 17?

24 A. Yup. Yup. I had that wrong. That was
25 2005. I'm sorry. It was 2005 when I went back

1 over and set those. I'm sorry. Not in the '90s.

2 Q. Okay.

3 A. 2005.

4 Q. For Lot 17 or --

5 A. For all these in this area here that I
6 staked. I went over there when they was trying to
7 establish their lines with Shumway, that guy that
8 went in and started demolishing trees and things
9 and garbage. And they wanted to know where their
10 line was, so they contacted -- I think it was five
11 of the people -- contacted me to establish that
12 area so they'd know where their lines were,
13 including Shumway.

14 Q. Is that one of the cases you gave
15 testimony in?

16 A. No. No, I didn't testify in that one.

17 Q. But that did go to court; correct?

18 A. I heard it did, yes. But it was over
19 other issues, I think, about garbage and stuff, is
20 what I heard.

21 Q. So when was the next survey that you
22 did -- well, we've got you doing 17 in 2005.

23 A. Right.

24 Q. What was the next survey you did, and
25 specifically in Area 1?

1 A. Yeah. It was on Lot 14. I did a topo
2 survey of the Lot 14 in Area 1.

3 Q. And who owns Lot 14?

4 (Exhibit 3 duly marked.)

5 A. Yes. For this gentleman here
6 (indicating).

7 Q. Mr. Collins?

8 A. Yes.

9 Q. The plaintiff in this action?

10 A. Yes.

11 Q. And why did Mr. Collins contact you?

12 A. Because he wanted to do a topo and show
13 where his physical buildings were so he could
14 design a septic system. And the corners were
15 already marked from the survey before.

16 Q. What do you mean "the corners were
17 already marked"?

18 A. On that piece of property it was
19 already marked in 2005.

20 Q. Who marked it in 2005?

21 A. I did. Yes. I did.

22 Q. Let me see here. (Reading.) Okay.
23 But Exhibit 3 -- did you do a survey in 2005?

24 A. Yes. On that one, yes. That's in this
25 same area that I was talking about here

1 (indicating).

2 Q. Okay. Because Exhibit 3 was done in
3 2014.

4 A. Yes. Uh-huh. Yeah. That was -- you
5 asked me the next survey after 2005.

6 Q. Okay.

7 A. Yeah.

8 Q. So in 2005, you set corners on?

9 A. On this lot as well.

10 Q. Okay. And why did you set corners on
11 Lot 14 in 2005?

12 A. That's because of that -- with Shumway
13 and finding where the property lines in that area
14 were.

15 Q. Okay. Were you aware in 2005 of --
16 MR. BRUCE: Let's mark this as
17 Exhibit 4.

18 (Exhibit 4 duly marked.)

19 A. I haven't seen this one.

20 BY MR. BRUCE:

21 Q. Okay. That was the question I was just
22 going to ask you. Have you ever seen what's been
23 marked as Exhibit 4 before?

24 A. No, I've not seen this.

25 Q. why don't you take a moment.

1 A. (Reading.)

2 Q. Do you know who David W. Hall is?

3 A. No. No, I do not.

4 Q. Do you know of any surveyors in Juneau
5 named David W. Hall?

6 A. No.

7 Q. Does this --

8 A. I don't see a surveyor's number on it,
9 no.

10 Q. Okay.

11 A. It looks like some kind of location
12 survey, I guess.

13 Q. Okay. And would the -- can you tell by
14 looking at this drawing whether it's consistent or
15 fits within the boundaries for Lot 15, Area 1, as
16 shown on your Plat 75-11?

17 A. Well, it has the right dimensions.

18 Q. And the dimensions being 150 feet deep
19 by 100 feet?

20 A. Right, by 100. And 300 feet down from
21 this corner (indicating) of what you'd identify as
22 some "stake (recovered) with lath and flagging,"
23 which I'm not sure what that was. But he seemed to
24 have found the stake and a lath on the corner of
25 Lot 18, on Totem Trail.

1 Q. You don't know how that 300 feet was
2 measured, though, do you?

3 A. It doesn't say, no.

4 Q. what about the --

5 A. And the bearings are consistent with
6 the plat too.

7 Q. Are --

8 A. Are consistent with the plat.

9 Q. Okay. And what about the meander as
10 shown on this?

11 A. It shows it down below the bluff, and
12 that's about it, with the stakes up above, which it
13 doesn't say how far they are from the meander or
14 how -- what the witness corners are.

15 Q. Is that meander on the shoreline
16 consistent with the meander in 75-11, that bearing?

17 A. That bearing and distance, yes.
18 Uh-huh. I think I did see this one once, this
19 two-by-two one time (indicating), one time I went
20 by there.

21 Q. when you say "this two-by-two," what
22 are you referring to?

23 A. Right between lot -- on the upper
24 right-hand corner, that two-by-two stake.

25 Q. Next to the --

1 A. Trail.

2 Q. -- drawing of the shed or the trail?

3 A. Above the shed.

4 Q. Above the shed?

5 A. Yes. Next to the trail. I think I did
6 see that evidence one time before, but I didn't
7 know what it was.

8 Q. Okay. It says "WC 4.1 foot from
9 corner"?

10 A. It says 4 feet and one-tenth of a foot
11 from the original corner, which was added to
12 this -- it shows that there was a nail set there.

13 Q. Okay.

14 A. And that is consistent with this corner
15 right here (indicating).

16 Q. And it shows a "1-inch round wood stake
17 (recovered) with yellow flagging from original
18 survey. Set new rebar stake survey."

19 Did you put -- use 1-inch wood
20 stakes with yellow flagging when you did your
21 survey?

22 A. I'm trying to figure that out.

23 (Reading.) I do not understand that.

24 Q. So has anyone ever contacted you about
25 your survey work and asked for direction or

1 guidance in doing their own surveys?

2 A. Only Barry Rome, which he owns Lot --
3 did on Lot 18.

4 Q. Okay.

5 A. And he was -- at that time, he was
6 working for the DOT, Department of Transportation.

7 Q. And when did he contact you?

8 A. Oh, that was back in -- before 2005,
9 probably back in the '90s when he built his cabin
10 out there.

11 Q. And did you do survey work for him as
12 well?

13 A. Not till when he got ready to sell the
14 house, his house. I went back out to verify the
15 corners in relationship to my corners that I had
16 set in that area.

17 Q. And how did -- what were your findings?

18 A. They were within three-tenths of where
19 he had set -- showed me where he'd figured the
20 corner to be.

21 Q. Three-tenths of what?

22 A. Of a foot.

23 Q. Okay. Is there an accepted margin of
24 error in surveying?

25 A. well, you have to -- moving of the

1 earth, and usually you just record the difference
2 in the distances that you find. And sometimes they
3 get moved by people, and you never know. So that's
4 why you have to check one against the other, and
5 you find -- and the error is supposed to be less
6 than three tenths, yes. To get one in five
7 thousandths, that means you have a foot of error
8 for every 5,000 feet that you measure, is the
9 common practice.

10 Q. Okay. So he was within the margin of
11 error?

12 A. Margin of error; right.

13 Q. And so do you know who Randall -- Randy
14 Davis is?

15 A. Yes. He's another person that works
16 for the Department of Transportation.

17 Q. And does he do -- doesn't he moonlight
18 as well?

19 A. Yes. I've seen him surveying, yes.

20 Q. And has he ever contacted you about --

21 A. No.

22 Q. -- the survey work you did?

23 A. No. Not out there, no.

24 Q. What about R&M? Did R&M ever contact
25 you --

1 A. No.

2 Q. -- about your surveying work?

3 A. No.

4 Q. Are you aware that both Mr. Davis and
5 R&M have performed surveys out on Colt Island?

6 A. Yes. I've known that in the past, yes.
7 Uh-huh.

8 Q. Is that common or uncommon in surveying
9 work for somebody to come in and do a survey years
10 after a plat is done and not talk to the individual
11 who did the plat?

12 A. well, it's usually a courtesy thing, if
13 they do find an error, to try to see why the error
14 was there, if they're not getting the same
15 information.

16 Q. Okay.

17 A. It's usually a courtesy thing. It's
18 not a law or anything that you have to do in the
19 bylaws of surveying.

20 Q. Okay. When you say "error,"
21 "discrepancy" would also work; right?

22 A. Or a discrepancy, yes. A difference.

23 Q. A variation, a difference?

24 A. A difference, yes. Do we know who
25 Mr. Hall is?

1 Q. Mr. Hall is the defendant in this case.
2 He's the owner of Lot 15.

3 A. Oh, okay. Then that's what this is.
4 Okay.

5 Q. Yeah.

6 A. Okay.

7 Q. In your world of a legal land surveyor,
8 dealing with creating corners and, you know, lots
9 within subdivisions, would what's been marked as
10 Exhibit No. 4 have any weight with you?

11 A. Any weight with me?

12 Q. Yeah.

13 A. As a land surveyor, no. It only shows
14 what somebody had recovered based on -- in the
15 field. And the reasoning for it -- I'm not sure
16 what it's done for, except for he's trying to
17 establish, it looks like, his property lines based
18 on some existing information that he had.

19 Q. When did you become aware of -- well,
20 strike that.

21 Are you aware that there is a
22 dispute between Mr. Collins and Mr. Hall about the
23 boundary between their two lots?

24 A. Yes. Uh-huh.

25 Q. And when did you become aware of that

1 dispute?

2 A. In 2005, when I set the corners,
3 because I had noticed that the shed, a four-by-four
4 shed, was closing the line.

5 Q. Okay. Let's look at the survey that's
6 shown on Exhibit No. 4. Can you identify the shed
7 on Exhibit No. 4?

8 A. I see a shed, but that's not the shed I
9 was talking about. I was talking about a shed --
10 this small shed down here (indicating).

11 Q. Okay. So that would be Exhibit 3?

12 A. Yes, on Exhibit 3, on my drawing. Yes.
13 There was a small outhouse or -- I think it's an
14 outhouse.

15 Q. Okay. Well, there are two structures
16 there; correct?

17 A. Yes.

18 Q. Or three structures shown on Lot 14 --
19 or 15, but that's not the lot you were surveying;
20 correct?

21 A. Right. Well, I didn't -- at that time
22 I did not see this shed across the line. It was
23 still over on that property that I observed
24 (indicating). And this has been added on -- when I
25 went back to do this topo, this had been

1 materialized -- it seemed like, to me, it had been
2 added onto.

3 Q. Okay. So between 2005 and 2014 --

4 A. Yes.

5 Q. -- the structure that's up towards
6 Totem Trail that's a little bit L-shaped had grown?

7 A. Right. And this one, on this shed
8 here, they were -- it says "Dale Barton,"
9 B-A-R-T-O-N. That's a generator shed, which I've
10 never seen in that area.

11 Q. And by "that area," you mean on the
12 boundary line?

13 A. Yeah. On that boundary line in this
14 position, which I don't know if it's that building,
15 or if that's referring to the same building
16 (indicating). I can't tell by looking.

17 Q. Well, let's assume that they're
18 separate buildings. For purposes of the question,
19 let's assume they're separate buildings. What's
20 happened with the boundary line between what you've
21 shown on Exhibit 3 and what's shown on Exhibit 4?

22 A. Could you repeat that again?

23 Q. Yeah. Does there appear to be a
24 discrepancy between the locations of the boundary
25 line between Lot 14 and 15 in Exhibit 4 and

1 Exhibit 3?

2 A. well, it's hard to tell from the
3 drawing, because all I see is that he's referencing
4 to a stake that he found down at Corner 18. So not
5 knowing where that is, I can't really define what
6 this is trying to tell me.

7 Q. Okay.

8 A. It's just that he's measuring in
9 relationships.

10 Q. Okay. Let's talk about the work that
11 you did -- so in 2005, you set corners for Lot 14?

12 A. Yes. Uh-huh.

13 Q. And at that time you were informed that
14 there was a dispute between Mr. Collins and
15 Mr. Hall as to the boundary line between the two?

16 A. Yeah. The shed. Yes.

17 Q. Did you have any conversations with
18 Mr. Hall at that time?

19 A. On Lot 15?

20 Q. Yes.

21 A. Yes.

22 Q. What conversation did you have with
23 him?

24 A. Well, he was the only one that -- in
25 that process not having his lot corner set and

1 having it -- it was in the contact of the people
2 that wanted it done in that area. And he was not
3 satisfied with where it was. And I think that's
4 when I pointed out that two-by-two stake, where it
5 was. But it didn't look official to me, so -- and
6 it was off by 4 feet in relationship to what I was
7 doing.

8 Q. what do you mean "it was off by 4
9 feet"?

10 A. In perpendicular distance to the beach,
11 to the -- if you're standing on the trail.

12 Q. Uh-huh.

13 A. And my point would be over here
14 (indicating), and his point would be over here 4
15 feet to the left, if you're facing the lots.

16 Q. From Totem Pole Trail?

17 A. Correct. Yes, from Totem Pole Trail.
18 And then also the other side was staked. It was
19 staked for Shumway on the other side of him. Also
20 the lot on the other side was staked also, based on
21 the Shumway; and that discrepancy they was trying
22 to figure out. And them corners are in, and
23 there's -- well, you don't have the R&M drawing
24 yet.

25 Q. well, let's just get right to it.

1 MR. BRUCE: Let's go off record.

2 10:17 AM

3 (Off record.)

4 (Exhibit 5 duly marked.)

5 10:23 AM

6 MR. BRUCE: Back on the record.

7 A. And I have seen this. This was
8 delivered to me, this recorded document. And I
9 looked it up on the Internet also.

10 BY MR. BRUCE:

11 Q. Okay.

12 A. So I've seen this before. And then so
13 in 2013 and 2014, when I went back to do this
14 survey, Exhibit 3 --

15 Q. 3?

16 A. -- I went back over and revisited the
17 site where the U.S. LM was, and I found the
18 Department of Agriculture or the Forest Service had
19 reset the X with a brass cap on it.

20 Q. Okay. This is the brass cap located on
21 Admiralty?

22 A. Yes. On Admiralty, yes, which is
23 referred to as the U.S. Land Monument.

24 And then also I revisited the site
25 where the WC/MC was supposed to be, the X on the

1 rock; and that seemed to be one object that I had
2 never seen where it was. In all the time I'd been
3 working on Colt Island, I'd never seen that.

4 Q. Seen what?

5 A. what they identified as the X on the
6 rock.

7 Q. So would that be the witness corner?

8 A. Yes, that they'd be finding here
9 (indicating).

10 Q. Is that the same -- so it's a different
11 witness corner than you --

12 A. Than I observed at the time I did the
13 survey on the island.

14 Q. Okay. How can that be?

15 A. I do not know.

16 Q. Okay.

17 A. And by looking at the pictures, it's an
18 object which I'd never seen before. And somebody
19 had put a big spike nail into the X, because it's a
20 vertical monument which you can't occupy, because
21 it's on the face of a rock.

22 Q. Is the X that you were using still
23 there?

24 A. well, I couldn't find it the last time
25 I was there. It's further back. It was on the

1 face of the rock further back, but I could not find
2 it, because it -- when I started with my WC that
3 I'd found, it was on a -- it was deteriorating from
4 the rock falling off.

5 Q. Okay.

6 A. So -- and I didn't spend enough time to
7 try to -- I was trying to locate -- to make sure
8 the rest of the survey was checking together so I
9 could finish this survey on a time factor.

10 Q. Okay. Finish the --

11 A. Locating everything because of this
12 discrepancy here. So I was retracing my footsteps,
13 trying to figure out why there was a discrepancy.

14 Q. Okay. So let's back up just a little
15 bit.

16 So in -- when did you see what's
17 marked as Exhibit 5? Do you recall when the first
18 time you saw that was?

19 A. It was in -- probably close to 2013,
20 somewhere in there --

21 Q. Okay.

22 A. -- or 2012, somewhere.

23 Q. And at that point, you were engaged in
24 doing some survey work yourself on Colt Island;
25 correct?

1 A. Right. Yes.

2 Q. You were doing the work for what's now
3 Exhibit 3?

4 A. Yes. Uh-huh.

5 Q. And your review of Exhibit 5 caused you
6 some concerns about differences that were appearing
7 between your work on 75-11 --

8 A. And the --

9 Q. -- and the survey shown in Exhibit 5;
10 correct?

11 A. Yes. Yes. Uh-huh.

12 Q. And so you found the new mark on
13 Admiralty?

14 A. Yes.

15 Q. And then the witness corner they show
16 on Exhibit 5?

17 A. Correct.

18 Q. Do you know when that X was placed in
19 the stone?

20 A. No, I do not know. It looked awful
21 fresh to me, but I -- it stood out like a sore
22 thumb. It just flashed like a -- and I'm not that
23 forgetful, so I know that I'd never seen that
24 before. And I don't know --

25 Q. Who is charged with putting an X in the

1 face of the rock such as that in witness corner 1?

2 A. Clear back to this Exhibit 1, is when
3 it should have been put there.

4 Q. Okay.

5 A. In '27.

6 Q. But it's your testimony that when you
7 created --

8 A. This plat.

9 Q. -- Plat 75-11, which is Exhibit 2, you
10 recovered a witness corner, an X on the rock?

11 A. That was identified, yes.

12 Q. In the field notes for U.S. Survey
13 1755?

14 A. Right. I assumed that it was it,
15 because the bearing worked across the -- across the
16 channel. But I did not check the distance, so I
17 was not positive of the distance.

18 Q. Okay. And do you know the difference
19 in distances between the witness corner shown in
20 Exhibit 5 and the one that you had established in
21 75-11?

22 A. 22 feet. That's 22 feet that shows on
23 Exhibit 3. The difference here, it shows -- the
24 one in the parentheses is a recorded document
25 number and what the physical number was that I'd

1 come up with on the survey.

2 Q. So the number in the parentheses is the
3 difference?

4 A. It's a recorded document -- recorded
5 distance of 3,814.61.

6 Q. So which one is -- what's the distance
7 on?

8 A. Same thing on this drawing
9 (indicating).

10 Q. Okay.

11 A. And that's off of Exhibit 1, which is
12 this number right here (indicating). But it's in
13 chains and not in feet.

14 Q. Okay. And so the distance of the shot
15 from U.S.LM 1285 -- is that right?

16 A. Uh-huh.

17 Q. -- to that witness corner is just shy
18 of 4,000 feet?

19 A. Right. It's 3,836. And this is 3,813,
20 which is approximately a 22-foot difference.

21 Q. So if a surveyor -- I'm going to give
22 you a hypothetical.

23 A. Yes.

24 Q. In 2012, I'm doing a survey, and I
25 can't find the X on the rock. What am I allowed to

1 do as a surveyor at that point?

2 A. well, this is related to other
3 monuments in the area on Admiralty Island and Colt
4 Island, and so you try to reference to them and try
5 to survey to find those and check those, do a
6 triangulation or actual physical distance, if you
7 can see it, or traverse between the two points --

8 Q. Okay.

9 A. -- to reestablish your position to
10 survey back over and try to reposition that point.

11 Q. Okay. So if you reposition that point,
12 and you go, "There is no X in the rock," do you
13 then carve an X in the rock?

14 A. Yes. You should, yes, and do a record
15 of survey and that you reset it or whatever.

16 Q. Okay. Is there any evidence that R&M
17 did a record of survey and reset that witness
18 corner?

19 A. It does not say that on here, no.
20 They're saying that it's a stone that they found
21 with an X on it. Right here it says the comment on
22 it. It's the witness corner, Meander 1, with an X
23 in the stone. And like the monument over here, it
24 was reset, I think that says on there, by a
25 surveyor. 6700 is his registration number.

1 Q. That's the monument on Admiralty?

2 A. Yes. Uh-huh. And in was reset in 1989
3 on top of a boulder, a big boulder.

4 Q. But that would have nothing to do with
5 the discrepancy between --

6 A. No. No.

7 Q. -- the two witness corners?

8 A. Because I don't know if this was
9 positioned in the same spot again or not, because I
10 don't have the information how they reset it, or if
11 they just chiseled it into the rock close to where
12 they found the X or what; so I'm not positive.
13 That's probably of record somewhere in their
14 archives that you could research it.

15 Q. Okay. But it's fair to say, 14 years
16 later, a new --

17 A. Monument.

18 Q. -- monument was placed --

19 A. Yes.

20 Q. -- that differs from the monument you
21 used?

22 A. Well, it was an X on the rock.
23 Description-wise, it's different.

24 Q. For you it was an X on the rock, and
25 now it's a brass cap or something like that?

1 A. Right. A big brass cap, yes. And
2 this --

3 Q. And what --

4 A. Okay. Go ahead.

5 Q. And what else -- are there any
6 discrepancies between the boundary lines now shown
7 on Lot 15 and the boundary lines as you would have
8 shown them on Plat 75-11?

9 A. The dimensions and the bearings are all
10 the same. It's a 150-by-100-foot lot, but the
11 position has changed because of the location of the
12 starting point over here (indicating). And also
13 they show my existing corners in the area. The
14 only thing they don't show is the top of the bluff.
15 Here it's showing where the bluff is (indicating).

16 Q. So you say the positioning has changed?
17 How has the positioning changed?

18 A. well, based on where I started with the
19 subdivision and where they're starting the
20 subdivision.

21 Q. Okay.

22 A. It's a point on -- (indicating), where
23 this point is right here on the original plat,
24 which is the corner of that tract.

25 And it shows the buildings in the

1 same generality, except for it shows it shifted
2 this way approximately 16 feet on the flag.

3 Q. when you say "it shifted this way,"
4 it's going onto Lot 14 --

5 A. Onto Lot 14.

6 Q. -- or going in the direction of Lot 14?

7 A. Yes. Yes. Uh-huh. And also it seems
8 to be that they are saying that my corners are back
9 this way about 20 feet.

10 Q. when you say "back this way about
11 20 feet" --

12 A. Across Totem to the northeast, or on
13 the other side of Totem Trail.

14 Q. Okay. So --

15 A. And they also do not show where Totem
16 Trail is on their drawing, the original location --
17 a physical location, I meant.

18 Q. Okay.

19 A. They show a path up to it, but they
20 don't show how it travels through this area
21 (indicating).

22 Q. well, they have it marked, don't they?
23 Don't they have a delineation of Totem Trail?

24 A. where they think it's platted.

25 Q. where they think it's platted? Okay.

1 A. Not the physical location in the field.

2 Q. Okay.

3 A. Because this is also known as a topo
4 survey or a location survey that shows objects in
5 the area, physical conditions, like buildings,
6 gardens, existing information that they find.

7 Q. Okay.

8 A. which they did not refer to any of this
9 information on this one here (indicating).

10 Q. when you say "did not refer" --

11 A. On No. 4.

12 Q. Okay.

13 A. They show none of the hubs or any of
14 this stuff that's marked on this drawing
15 (indicating).

16 Q. Is there some significance in that to
17 you?

18 A. well, usually you try to see all the
19 evidence in the area when you're surveying.

20 Q. would it appear that they were aware of
21 Exhibit 4 when they did that drawing?

22 A. I do not know, because it's not of
23 record; so they may not have been aware of it, just
24 like I was not being aware.

25 Q. would Exhibit 4 conflict with the

1 boundaries and corners of Exhibit 5?

2 A. Yes, because this right here, where
3 they show this corner between 15 and 14 at the path
4 shows it almost -- it was 4 feet away from the
5 path. And here, that would be -- this would be
6 about 20-some feet from the path, this corner here,
7 this nail.

8 Q. Uh-huh.

9 A. Which I did not find in the field,
10 either one of these nails (indicating), unless
11 somebody completely buried them and hid them; but I
12 could not find them.

13 Q. When you say "nails," are you --

14 A. That's what they say on there. Spikes.

15 Q. Okay. Spikes? So it's --

16 A. Usually they're like bridge spikes,
17 20-penny, 20B nails.

18 Q. Okay. A big --

19 A. Spikes.

20 Q. -- piece of metal?

21 A. Yeah. Uh-huh. But I could not find
22 those when I did this survey right here
23 (indicating).

24 Q. When you did Exhibit 3 --

25 A. Yes.

1 Q. -- you could not find any survey
2 spikes?

3 A. No. I looked for them on the beach,
4 too, along the garden site. Nothing.

5 Q. Does Exhibit 5 show the garden?

6 A. Yes. It was down on the beach area.
7 Yes.

8 Q. Is it contained entirely within the
9 boundaries of Lot 15, as shown by --

10 A. No. It's over on 16.

11 Q. Can you tell how far it goes over on
12 16?

13 A. It looks like about 16 feet.

14 Q. Okay. So would it be fair to say it
15 appears that the drawing -- the topo in Exhibit 5
16 has shifted Lot 15 16 feet towards Lot 14 and
17 20 feet towards the water?

18 A. Yes. That's what I would say, yes,
19 based on their information, what they have
20 surveyed. And these distances are inconsistent
21 with the distances on the original plat, too, these
22 distances coming down to the lot from the point of
23 beginning.

24 Q. And explain that for us.

25 A. The bearings and distances. It gives

1 you how to get from this point down to this one.

2 Q. Uh-huh.

3 A. which is this area here to here
4 (indicating), this bearing and this bearing, the
5 distance.

6 Q. And what would be the impact of the
7 variance between those --

8 A. well, it would be the starting point.

9 Q. Okay.

10 A. Yeah. And that's why they used that in
11 relation to the plat so they would end up showing
12 where this lot would start based on their starting
13 point (indicating).

14 Q. But you said these courses and bearings
15 differ from what --

16 A. No. I said they are consistent.

17 Q. Oh, they are consistent?

18 A. Consistent with the Plat 75-11.

19 Q. But starting at a different starting
20 point?

21 A. Yes. It's like if you take an image
22 and you put it on here, but one's sitting over here
23 like this on top of this one (indicating), because
24 where this point is over here would pull it back if
25 you went this way or this way in relationship to

1 each other.

2 Q. Okay.

3 A. But the bearings seem to be
4 inconsistent. The direction of the lines seem to
5 be inconsistent with what my survey shows. This
6 line here between these existing corners seems to
7 be parallel with these lines also.

8 Q. Okay. To restate it, if I
9 understand --

10 A. They're parallel to each other.

11 Q. They're parallel, so they have the same
12 bearing and the same distance --

13 A. Correct.

14 Q. -- but they're just in the wrong spot?

15 A. Yes, based on the starting points.

16 Q. Do you recall -- I think I asked you
17 this earlier, and we got a little bit off
18 subject -- about the conversation that you had with
19 Mr. Hall when you were doing -- when you were
20 setting the corners on Lot 14? Can you
21 specifically recall what was said between the two
22 of you?

23 A. Well, I think I said it doesn't matter
24 where the lines are; you still have the same amount
25 of area, you know, that the lot is 150 by 100. It

1 depends on the position in the area where it is.
2 And if you lose on this side, you -- I mean, if you
3 gain on this side, you lose on the other side. So
4 your lot doesn't change in width or anything, is
5 what we were talking about.

6 Q. Uh-huh.

7 A. And so your lots are only going to be
8 100 by 150, no matter where any surveyor decides
9 where it's at, and putting our marks in on the
10 ground. So -- and that's consistent with all the
11 drawings. The lot sizes haven't changed.

12 MR. BRUCE: This is an e-mail --
13 February 24, 2010. You guys provided it in your
14 disclosures.

15 MS. HARRISON: I don't remember it
16 off the top of my head. Can you make a copy for me
17 so I can look at it too?

18 MR. BRUCE: Yes.

19 10:43 AM

20 (Off record.)

21 (Exhibit 6 duly marked.)

22 10:46 AM

23 MR. BRUCE: Back on record.

24 BY MR. BRUCE:

25 Q. Mr. Bean, you've had an opportunity to

1 read what's been marked as Exhibit 6 to this
2 deposition. Have you seen this --

3 A. No, I have not seen this before.

4 Q. Have the contents of this e-mail been
5 disclosed to you by any individual?

6 A. No, no one.

7 Q. Now that you've had an opportunity to
8 read it, do you have a response to the claims of
9 Mr. Hall about the discrepancies between your
10 surveys and Mr. Davis's surveys?

11 A. It has -- yes, the possibility of what
12 he's talking about does happen in surveying. If
13 you did a survey from different directions and
14 different monumentation, it does create sometimes
15 an overlap or a gap between surveys, because in the
16 old days, they -- some of the surveys were not that
17 great and some were great but not great, or
18 monuments get moved.

19 So it does create this scenario of
20 what he's talking about, measuring from different
21 directions. And you come up with different areas
22 and different errors or discrepancies as you travel
23 across between the two areas.

24 And, yes, I'd like to see the
25 problem solved, which I'm willing to try to get it

1 solved; but I was not informed or asked about how
2 to solve it. So . . .

3 Q. Okay. Well, let me ask you a couple of
4 questions, first of all. Have you -- did you ever
5 measure the lineal distance from -- let me get the
6 larger one here.

7 A. This one? Yes.

8 Q. 4,351 -- what is that? Is that a --

9 A. Okay. That is the distance from the --
10 from this point to the edge of that access easement
11 (indicating).

12 Q. Okay. So have you ever measured the
13 lineal distance from -- which that effectively sets
14 the corners of Lot 18; right?

15 A. Right.

16 Q. And have you ever measured the lineal
17 distance from that corner of Lot 18 to the far
18 corner, meander corner of Lot 1?

19 A. No. But if you add up these distances
20 of the meanders, across this from here to here
21 (indicating) --

22 Q. Uh-huh.

23 A. -- and if you add the lot numbers up,
24 there is a discrepancy in the lengths.

25 Q. Okay.

1 A. Only on the paper, but not physically
2 in the field, so -- which has never been
3 established to be able to do that.

4 Q. Okay. Explain that, what you just said
5 to me.

6 A. Okay. If you take and add up the outer
7 boundary from here to here (indicating), based
8 on -- subtracting this distance out and starting
9 there, and then add up all the lot distances across
10 to this point, there is a discrepancy from these
11 outer numbers to the lot numbers, the distance of
12 the lots, by about 4 feet.

13 Q. Okay. But Mr. Hall says it's 10 feet.

14 A. well, I'd have to re-comp it, but I
15 think it was around 4 feet. But I'd have to
16 re-comp it, add them all up again.

17 But as I remember, that's one
18 thing I observed when I started checking into this.

19 Q. Okay.

20 A. I found that there is an error on the
21 plat. So it does depend on which way you come
22 from, which direction.

23 Q. Explain that. It does matter --

24 A. If you start surveying mathematically
25 from this point and go this way (indicating) --

1 Q. Yes.

2 A. -- it would be different than if you
3 mathematically started at this point and went that
4 way (indicating). It would shift everything that
5 direction or this direction.

6 Q. Okay. So depending on which -- when
7 you say -- so if you started at the corner of Lot
8 1, Area 1, and went towards Lot 18, it would move
9 what?

10 A. The position of this point here. By
11 the time you got the total distance, it would move
12 it this direction (indicating).

13 Q. And you believe it would move it
14 4 feet?

15 A. Yeah, I would say. I think that's what
16 it was, 4 feet.

17 Q. And Mr. Hall is suggesting it's going
18 to move 10 feet?

19 A. Yes. In this letter, yes. Uh-huh.

20 Q. And what about the uplands? would the
21 same be true of the upland -- by that, I mean the
22 interior corner. would that also --

23 A. No. well, that coincides with the
24 dimensions of the lots.

25 Q. Okay.

1 A. Not the outer boundary.

2 Q. And I believe you testified that you
3 set corners for Lot 18. That's the Rohm lot?

4 A. No. I reverified his -- what he said
5 were the corners.

6 Q. He set corners?

7 A. Yes. I reverified that corner.

8 Q. And you verified that when?

9 A. When he sold his house. I don't know
10 what date it was. It was after the -- after 2005
11 somewhere. I think 2006, I think, is when he sold
12 his house, or 2007, somewhere in there.

13 Q. And those corners corresponded to the
14 corners that you have --

15 A. In the existing --

16 Q. -- in 75-11?

17 A. Yes. Uh-huh.

18 Q. And the corners that you set for Lot 14
19 in Exhibit 3, those also correspond with
20 Plat 75-11?

21 A. Right. Yes.

22 Q. And you have testified that Exhibit 5
23 shifts Lot 15 16 feet towards Lot 14 and 20 feet
24 towards the water?

25 A. Yes. Uh-huh.

1 Q. So that one is completely inconsistent
2 with Plat 75-11; correct?

3 A. Right.

4 Q. In your opinion?

5 A. Yes. By directions, bearings, and
6 distances, yes.

7 (Exhibit 7 duly marked.)

8 A. And this is a tideland survey, 1620,
9 for the marina, for the location of the floats and
10 the walkway down towards the sand spit.

11 BY MR. BRUCE:

12 Q. Okay. Can you show where this is on
13 75-11?

14 A. Yeah. That is this Tract D, I think it
15 is. Yes. Tract D is the upland landowner.

16 Q. So it borders Lot 1 of Area 1?

17 A. No, Tract D.

18 Q. Right, but Tract D borders --

19 A. Oh, right. Yes. Yes.

20 Q. And was Tract D consistent with
21 Plat 75-11?

22 A. Yes. Uh-huh.

23 Q. And that was done in 2004; correct?

24 A. Right. Uh-huh. Yes. Uh-huh. It was
25 started in '02.

1 10:55 AM

2 (Off record.)

3 (Exhibit 8 duly marked.)

4 11:01 AM

5 MR. BRUCE: Back on the record.

6 BY MR. BRUCE:

7 Q. I've handed you what's Exhibit 8.

8 A. 8.

9 Q. And have you seen Exhibit 8 before?

10 A. Yes. Uh-huh.

11 Q. It's an expert report written by Randy
12 Davis?

13 A. Yes.

14 Q. And do you have any --

15 A. I have no comment on the -- whether the
16 position of the X that I saw on the face of the
17 rock is true where they say it is -- which is not
18 where I found it, but that's where they're saying
19 it is. And it is physically there in the field,
20 which I have seen it.

21 And the only other thing is that
22 they have in here a comment about that my meander
23 line or boundary line or something there -- I guess
24 there's no page numbers. So that would be the
25 fourth page in at the top there, where he says,

1 terrain and the water and everything. So you set
2 them up on the upper banks.

3 That's just like the WC rock
4 (indicating). They moved it over 13 feet because
5 it was out in the tidal area, I guess, where the
6 water would have washed it out, instead of
7 physically setting that true meander -- what they
8 call the meander corner; so they move it away from
9 where the position is.

10 Q. Okay.

11 A. So it can be saved for in the future,
12 and that it's not destroyed, so it can be used
13 properly.

14 (Exhibit 9 duly marked.)

15 BY MR. BRUCE:

16 Q. Did you have another comment, Mr. Bean,
17 about Mr. Davis's report?

18 A. It was going to be about the picture
19 that you just brought up.

20 Q. Okay.

21 A. And this is Exhibit 9? Yes.

22 Q. Can you identify Exhibit No. 9?

23 A. Oh, I see the spike now. Okay. I was
24 confused with the X in the middle of the picture.
25 It looks like the X, but the X is really over here

1 (indicating).

2 Q. Over where?

3 A. Right here (indicating).

4 Q. Okay.

5 A. And this one right here, where the nail
6 is sticking out, not this point here. That's what
7 was confusing when I was first looking at it. Yes.
8 And that's on a vertical face. That's what I saw
9 last time I was there.

10 Q. Okay. And is that --

11 A. And I'd never seen it before.

12 Q. In the white chalk, or was that paint
13 that's on the rock?

14 A. When I was there, it was yellow.
15 Somebody inscribed it with yellow -- what we call a
16 heal. It's a soft chalk that you can highlight it.
17 But I didn't see it in white. It could be white.

18 Q. So that had been done fairly -- how
19 durable is their chalk? I mean, what do you
20 expect --

21 A. It will last quite a while.

22 Q. Okay.

23 A. Yes. And the spike, I mean, that had
24 to be added. Somebody had done that, because it's
25 on a vertical face, so they could set an object --

1 what we call a pogo or a measuring device -- set it
2 on there so you could get that exact point on the
3 face of the rock (indicating).

4 Q. Okay. But we don't know who placed
5 that?

6 A. No. I don't know who put that there.

7 Q. And Mr. Davis doesn't state that he'd
8 ever placed --

9 A. The nail in the rock? Yeah. No.

10 And the other thing is, nobody
11 refers to finding any bearing objects either,
12 witness trees. I don't know if anybody looked for
13 those. I know I didn't.

14 Q. What's the significance, if any, of
15 that?

16 A. That is in case the original object is
17 destroyed, that you can use these bearing objects
18 to reposition by what they call swing ties. That
19 gives you a distance from each object, and you make
20 a point based on those two swing ties.

21 Q. You kind of triangulate into it?

22 A. Yeah. And there you'll be within 20 to
23 40 feet of the area. And in those days, when the
24 original plat was done in '27, they probably used
25 the trees, which is referred to in the notes, field

1 notes.

2 Q. Are there bearing trees?

3 A. I didn't -- could not find any.

4 Q. Okay. So you looked?

5 A. I don't know if anybody else looked.

6 Yes. Originally, the first time when I was there,
7 I looked for bearing trees.

8 (Exhibit 10 duly marked.)

9 A. This is just another picture of it
10 further out. Yes. I was looking for a date when
11 these were taken.

12 So what's the significance of this
13 stuff at the top on 9 besides the date?

14 BY MR. BRUCE:

15 Q. Are you asking me?

16 A. Yeah, because I don't know.

17 Q. That's just how I got it.

18 A. Okay.

19 (Exhibit 11 duly marked.)

20 A. And this is type of corner I would set,
21 yes, No. 11. It has my survey number and my name
22 on it. And that's a 2-inch aluminum cap on a
23 five-eighths rebar.

24 BY MR. BRUCE:

25 Q. But you don't know where that is

1 positioned, do you?

2 A. No. I couldn't tell you. I know it's
3 probably on the island, because we're talking about
4 island.

5 (Exhibit 12 duly marked.)

6 A. Oh, pictures of me.

7 BY MR. BRUCE:

8 Q. I was just going to ask if that was
9 you.

10 A. Yes. That is I.

11 Q. What were you doing there that day? Do
12 you recall?

13 A. 11-13? If that's the true date, at
14 1:00 --

15 Q. I believe the date is accurate. For
16 purposes of this, you may assume the date is
17 accurate.

18 A. It must have been when we were doing
19 this topo survey that I did back in --

20 Q. Can you tell us, by looking at that
21 picture, approximately where you were on Exhibit 3?
22 If you can. If you can't, it's no big deal.

23 A. I see a shed here. I think that's
24 Shumway's house that is real close to the trail,
25 which was on lot -- let's see -- Lot 16.

1 Q. The picture was taken on Lot 14.

2 A. From Lot 14?

3 Q. On Lot 14, yes.

4 A. Oh, that's right. That's going down
5 the trail to the house. That's right. Yeah.
6 That's it. Now I recognize it. Because I seen the
7 shed in the back. That's what I was trying to
8 position it from. It's this shed right here
9 (indicating).

10 Q. Okay.

11 A. That's not a very good picture of me.

12 Q. Well, you were moving pretty fast
13 there, so --

14 A. Well, I wasn't standing still.

15 (Exhibit 13 duly marked.)

16 A. Yes. That's my survey helper, Keith
17 Cherry.

18 BY MR. BRUCE:

19 Q. And what is he doing?

20 A. He is holding up the measuring device
21 over some object, probably for topo, getting
22 elevations. And that's a survey rod with a prism
23 on top so he can turn the angles and distances to
24 it and it records it. It gives you an elevation
25 and a position related to your control points.

1 (Exhibit 14 duly marked.)

2 A. Exhibit 14. No, I don't know -- it's a
3 yellow cap. I can tell that, but I don't know if
4 it's mine or not, because I can't identify it.

5 BY MR. BRUCE:

6 Q. Okay.

7 A. I do not know where that's at.

8 (Exhibit 15 duly marked.)

9 A. And that's the garden side in front of
10 Lot 15.

11 BY MR. BRUCE:

12 Q. Okay. And --

13 A. And I see a marker up on the beach.

14 Q. would you -- yeah. Let's -- so can you
15 locate, using -- describe the picture in reference
16 to Exhibit 5.

17 A. As you're facing from the water, facing
18 uphill towards Lot 15.

19 Q. Okay.

20 A. This is -- shows fence line symbols
21 around a garden, which this has a fence around it.
22 And then straight up above it, there is a lath, it
23 looks like, that somebody flagged up here. And I
24 would say that's probably where that corner is, up
25 above, looking up at it.

1 Q. The witness corner that you placed?

2 A. I would say, yes, this corner right
3 here identified on this is my survey.

4 Q. Okay. So that's --

5 A. They're standing here, looking this
6 direction (indicating).

7 Q. -- the secondary?

8 A. Yes. Uh-huh. It was right there on
9 top of the bluff (indicating).

10 Q. So according to Exhibit 5, then, the
11 garden is off of --

12 A. Lot 15.

13 Q. -- Lot 15?

14 A. Yes. Based on this drawing, yes.

15 Q. On this drawing?

16 A. Yes.

17 Q. Just on Exhibit 5?

18 A. Yes.

19 Q. And, in fact, the water-side boundary
20 is on the water side of the garden. Is that where
21 your meander line would have put it?

22 A. No. No. It would have been on the
23 back side, closer to the bluff, the bluff area here
24 (indicating).

25 Q. Okay.

1 A. Yes.

2 Q. And so "3650-S, Secondary," that is --

3 A. My survey number.

4 Q. Okay.

5 A. And "secondary" means not a large
6 monument, but this picture of this -- of exhibit --
7 this Exhibit 11, it would be one of these or a
8 yellow plastic cap, because they're both on the
9 island.

10 Q. Do you know when you would have placed
11 that secondary monument?

12 A. That's in 2005.

13 Q. Okay. And you would have been
14 surveying Lot 16?

15 A. Yes, 16.

16 Q. Okay.

17 A. And 15, 14, all the -- the Shumway
18 survey.

19 Q. So when they did -- when R&M did their
20 survey in 2012 --

21 A. Right.

22 Q. -- they found your secondary monuments
23 that are --

24 A. Identified there.

25 Q. Right. And found all four of them?

1 A. Yes.

2 Q. And those had been placed by you prior
3 to 2012 --

4 A. Yes. Uh-huh.

5 Q. -- in doing work that would establish
6 the boundaries of Lot 16 and Lot 14?

7 A. Yes.

8 Q. And wouldn't those, by default, have
9 established those boundaries for Lot 15?

10 A. Well, yes. It leaves 100 feet between
11 there, yes, and the sideline directions.

12 Q. And you've had no phone calls from R&M
13 or you haven't had any discussions with anybody at
14 R&M about the survey work they did?

15 A. I didn't, no.

16 MR. BRUCE: Let's go off record for
17 a moment.

18 11:17 AM

19 (Off record.)

20 11:19 AM

21 BY MR. BRUCE:

22 Q. I have just one last question for you,
23 and then Ms. Harrison may have some questions for
24 you.

25 A. Okay.

1 Q. And it's going back to the line of
2 questioning about the discrepancy in distances.

3 A. Yes.

4 Q. And in the field -- is the discrepancy
5 just in the paper plats?

6 A. Paper.

7 Q. Or is it actually out in the field?

8 A. No.

9 Q. In other words, if you ran the
10 distances on the ground, would that discrepancy
11 show up?

12 A. No. No. It would -- I don't know what
13 you mean. I'm sorry. What do you mean by the
14 discrepancy in the field? If you held the lot
15 dimensions --

16 Q. Yes.

17 A. -- as they are on the plat, they would
18 come out based on that. But if you designed from
19 this plat to get this distance, there would be a
20 discrepancy with that one on this end, if you came
21 from that direction (indicating). And if you came
22 from this direction, based on holding -- holding
23 this position (indicating), then this error, this
24 43 would be in discrepancy.

25 Q. Okay. So --

1 A. Mathematically.

2 Q. -- I know I said "one question"; and I
3 shouldn't have said that, but I did.

4 So there is an actual difference
5 between the field measurement and adding the
6 numbers up on paper; correct?

7 A. No.

8 Q. Okay.

9 A. That depends on what you're referring
10 to as "field." Okay?

11 Q. Okay. Well, I'm saying if we go out
12 and start where you put the corner in for Lot 18 --

13 A. Right.

14 Q. -- and ran it all the way to where you
15 put in a corner for Lot 1 --

16 A. Right.

17 Q. -- does that measure 957 feet, or does
18 it measure 947?

19 A. It should -- the dimensions of the lot
20 descriptions, the 100-foot frontages added up, or
21 whatever they are, and the easements, yes. That's
22 where it should end up.

23 Q. So on the ground, your survey fits?

24 A. Right.

25 MR. BRUCE: I have no further

1 questions.

2 MS. HARRISON: I do have some
3 questions. Shall we just go right into it --

4 MR. BRUCE: Yeah.

5 MS. HARRISON: -- or do you guys
6 want to take a break? Okay. Good.

7

8 EXAMINATION

9

10 BY MS. HARRISON:

11 Q. So I guess my first question that I
12 want -- the first topic I want to talk about is
13 that distance from Admiralty Island to the witness
14 corner on Colt Island that Mr. Davis identified as
15 being the difference between your recorded survey
16 and R&M's.

17 A. Right.

18 Q. Okay. So how many times have you
19 measured that distance?

20 A. I have computed it more than measured
21 it by triangulation, shooting from one point to
22 another point and then triangulating, because the
23 distance is so great that it's hard for some EBMS
24 to get it accurate, because you get reflections off
25 of the water. And so that is not a good practice.

1 I like doing a triangulation
2 instead of -- and computing what the actual
3 distance is. And to establish a bearing, it's a
4 lot tighter, and the direct sight from one point to
5 the other is hard to set on a physical point and
6 sight the other point.

7 Q. So then I guess the question is: How
8 many times have you determined that distance
9 physically?

10 A. Physically, probably once.

11 Q. Okay. And when was that?

12 A. And it's usually by line of sight, is
13 what I use more than anything.

14 Q. Okay.

15 A. Probably four or five times only.

16 Q. And when were those?

17 A. The first one was back in the -- the
18 line of sight back in the '70s, when I did the
19 original. It was by line of sight and then
20 triangulation to position myself.

21 And then the actual physical
22 shooting the distances was when I had done the --
23 in '13, 2013, just recently, when I found the new X
24 on the rock. I physically shot that, and I found
25 that R&M was consistent with their distance and

1 everything to that point to the other monument.

2 Q. So then when you did Alaska Tidelands
3 Survey 1620 --

4 A. Yes.

5 Q. -- did you take that measurement at
6 that time?

7 A. No. It was because it was off of the
8 monumentation, these monuments up here
9 (indicating), the coastal geodetic monuments. And
10 that's to get the grid bearings and distances to
11 the state standards to position that in their
12 latitude and longitude positions on their maps.

13 Q. Okay.

14 A. And you can see that I did a
15 triangulation between the corners.

16 Q. Okay. So then could you explain for me
17 in the General Notes on that survey -- and I
18 believe you have it there. I can't remember what
19 number it ended up being. There you are.
20 Exhibit 7.

21 A. Yes.

22 Q. In the General Notes, it says, "Basis
23 of Bearing." Is that right --

24 A. Uh-huh.

25 Q. -- for No. 1?

1 A. Yes.

2 Q. And then can you explain for me this
3 second line that says, "Measured between USLM 1285
4 and WCMC1," et cetera?

5 A. Yes. That was a line of sight, and
6 then computed the bearings, based on these geodetic
7 positions. And I set on the USLM, and that's line
8 of sight to compute that point.

9 Q. So when you say you had a line of sight
10 to compute that point, you were starting at the
11 witness corner?

12 A. No. I was starting --

13 Q. Okay. Explain that to me, exactly what
14 you did, because the terminology -- I don't
15 understand all these things.

16 A. I was setting on this USLM.

17 Q. And where is that?

18 A. Over on Admiralty.

19 Q. Okay.

20 A. And then I sighted the point which I
21 thought was the witness corner on the island.

22 Q. Uh-huh.

23 A. And then that's how I came up with the
24 basis of bearing in relationship to these geodetic
25 positions to establish the monument for the ATS,

1 which is this WCMC ATS 1620.

2 Q. So at that time you measured the
3 distance between Admiralty -- that distance between
4 Admiralty and Colt that is the same as the one
5 that --

6 A. Right.

7 Q. -- Randy Davis was talking about?

8 A. Yeah.

9 Q. Okay.

10 A. Right. Yeah.

11 Q. Okay. And at that time, according to
12 these general notes, you measured that distance as
13 being exactly the same to the -- to the 100th of a
14 foot as in U.S. Survey 1755?

15 A. Yes. Uh-huh.

16 Q. Okay. And that measurement, when you
17 did it again for --

18 A. I didn't get the same answer.

19 Q. You got about 22 feet different?

20 A. Right. Yup. For some reason, based on
21 this information that I was surveying back in the
22 '70s.

23 Q. And then when you -- and just to make
24 sure we're talking apples and apples here --

25 A. Yes.

1 Q. -- comparing your survey that is
2 Exhibit 5 --

3 A. Yes.

4 Q. -- with R&M's --

5 MR. BRUCE: Exhibit 5 is R&M's.

6 MS. HARRISON: Oh, R&M's is
7 Exhibit 5.

8 BY MS. HARRISON:

9 Q. So comparing yours with this, when R&M
10 measured that same distance, they came --

11 A. It was shorter.

12 Q. -- within less than a foot of the
13 U.S. 1755?

14 A. Right. Yup.

15 Q. Okay. And am I correct in
16 understanding that that basis of bearing explains
17 why your location of the lot is different from
18 R&M's location of the lot?

19 A. Not the basis of bearing; it's the
20 position of where this point is described on the
21 island (indicating).

22 Q. Okay. So let me rephrase that to make
23 sure I've got it right.

24 The location of this
25 witness corner 1 is what explains the difference

1 between where you located the lot and where R&M
2 located the lot?

3 A. Right. Yup.

4 Q. Okay. Got it. And as I understood
5 your testimony, looking at Randy Davis's report,
6 you have no comment about why you got such a
7 different distance?

8 A. No. No.

9 Q. Okay.

10 A. Yup. It's just -- I don't know why.

11 Q. Okay. So then just --

12 A. without an extreme resurveying and
13 everything and doing everything all over again. It
14 could be a possibility.

15 Q. when you say "it could be a
16 possibility" --

17 A. To see if you could find where the
18 discrepancy was, if there is a discrepancy, by
19 putting in -- tying down more monumentation in the
20 area.

21 Q. Okay. Then just to confirm the
22 timeline here, when you did the 2005 survey related
23 to the Shumway dispute --

24 A. Right. Uh-huh.

25 Q. -- that was before you had taken this

1 measurement?

2 A. Right. Yes.

3 Q. Okay. So your survey in 2005 was not
4 related --

5 A. No.

6 Q. -- to that witness corner?

7 A. No.

8 Q. Okay.

9 A. It was related to the control that I
10 set back in the '70s.

11 Q. Okay. And did you do any record of
12 survey in 2005 associated with that survey that you
13 did?

14 A. No.

15 Q. So when R&M came and surveyed for their
16 record of survey, there was no prior record of
17 survey of this property line?

18 A. No. No.

19 Q. Okay. I've got to look back at my
20 notes. (Pause.)

21 And I think I've heard you say
22 this before, but I just want to confirm it. Other
23 than that distance between the witness corner and
24 the Admiralty monument, there weren't any other
25 differences between your survey and R&M's survey in

1 terms of direction and distances?

2 A. No. Based on the bearings and
3 distances recorded on the plat, they're all the
4 same bearings and distances.

5 Q. Oh, here's something else I want to
6 confirm with you that maybe I'm not understanding
7 correctly. You referred to your survey as a topo
8 survey?

9 A. Yes.

10 Q. And as I understand it, that means that
11 you marked the elevation of --

12 A. Recorded the elevations.

13 Q. Sorry. Recorded the elevations.

14 A. And that shows contours on there.

15 Q. Okay. So when I'm looking at these
16 contours -- and maybe if you'll pull yours up as
17 well. When I'm looking at these contours, as I
18 understand it, you placed a witness corner at the
19 top of the bluff?

20 A. Right.

21 Q. And that's that little circle?

22 A. Right. Yeah.

23 Q. And then the property line continues
24 further seaward slightly?

25 A. By 6 feet.

1 Q. By about 6 feet. Okay. And then it
2 looks to me like it cuts across the bluff and,
3 according to the topo lines, is between 40 feet in
4 elevation and 25 feet in elevation?

5 A. Right. Yeah.

6 Q. So you had testified before that the
7 seaward edge of Lot 14 should have been at the base
8 of the bluff, but here I see it as being in places
9 40 feet up the bluff; is that right?

10 A. Are you talking vertically?

11 Q. Sorry. Yes. So what I understood that
12 you said before was that the seaward line of Lot 14
13 should have been on the beach.

14 A. It is, yes.

15 Q. Okay.

16 A. That's why the 5-foot is showing the
17 5-foot, because if I went 5 more feet, I'd end up
18 on the beach.

19 Q. Okay. Show me the 5-foot you're
20 talking about, because I see 20 feet.

21 A. This number right here. You're looking
22 at this right here (indicating).

23 Q. I'm looking at this thick, black line
24 that runs across --

25 A. That's the property line.

1 Q. Okay. And what elevation is this point
2 of the property line (indicating)?

3 A. Probably in the 20s.

4 Q. Okay. So I see here a number that says
5 "40."

6 A. Yes.

7 Q. And when I follow that topo line around
8 at 40, it looks to me like it crosses the property
9 line. Am I not reading that right?

10 A. Well, there's a dip in this, yes. It's
11 not really detailed for out past the property line.
12 It just looks like it had a shot here, but then --
13 it looks like there was a shot taken on the beach
14 out at 18, reference to this up here, so -- and
15 if -- this is set right on top of the bluff, this
16 6-foot. And if you went 6 more feet, you'd end up
17 down on the beach.

18 Q. So --

19 A. And the same thing over here
20 (indicating). This is down on the beach at 20.

21 Q. So the 20-foot topo marker is the top
22 of the beach?

23 A. Well, it depends on where the water is.
24 It's a different elevation as you go in. And this
25 is the bluff (indicating).

1 Q. Let's look at this photo of the bluff
2 that is marked as Exhibit 15.

3 A. Right here.

4 Q. Okay. So --

5 A. See where this point is (indicating)?

6 MR. BRUCE: Just a second. I think
7 that is Lot 15, not Lot 14.

8 A. Yeah. This is over on this lot over
9 here (indicating).

10 Q. But just to understand the topo lines,
11 which is what I'm not understanding here, this Topo
12 Line 20 -- where in that photo would Topo Line 20
13 run?

14 A. In this area right here (indicating).

15 Q. Okay. So that's about 5 feet up the
16 bluff, it looked like you pointed at?

17 A. No.

18 Q. No?

19 A. Along the toe of the bluff.

20 Q. Okay. So the 20-foot topo line is
21 about the toe of the bluff?

22 A. Right. Yeah.

23 Q. Okay. That is very helpful.

24 A. Yeah.

25 Q. Oh, there was something that you said

1 that I wanted to ask a follow-up question about.
2 Going back to ancient history, which was when we
3 were first talking about this, we talked about the
4 original subdivision that you did with the Blacks
5 and the Lockwoods.

6 A. Right.

7 Q. And you said something that I wanted to
8 follow up on. You said, "We never got to finish
9 it."

10 A. No.

11 Q. Tell me what more should have been done
12 to finish that --

13 A. Every lot should have been staked. We
14 should have done the surveys completely. And as
15 they sold them, they should have had the lot
16 corners all set.

17 Q. And when you say "the lot corners all
18 set," what does that mean?

19 A. Like where the discrepancy is now, they
20 would have been in the field and recorded with a
21 plat, showing that these were all set. And then
22 the people would recognize the corners in the field
23 as where their property is.

24 Q. And so is that what you were talking
25 about when you talked about this being a paper

1 plat?

2 A. Yup. This is not done. Yup.

3 Q. Okay.

4 A. Because he keeps asking me about in the
5 field, which was not ever done, really completely
6 done in the field to be able to identify it. And I
7 never received any pay for anything that I've done.

8 Q. I'm sorry to hear that.

9 A. Yes. Except for on the previous
10 surveys, I've been paid. But that's . . .

11 Q. Sorry. I'm just gathering my thoughts
12 to see if I had any other questions about that
13 process.

14 And then just to confirm -- I
15 think you said this, again, but I just want to make
16 sure I'm right.

17 we talked about all these various
18 surveys that you've done on Colt, but the only ones
19 that have been recorded are the ones we have in
20 front of us here?

21 A. Yes.

22 Q. Okay. I just wanted to make sure there
23 wasn't something recorded out there that I didn't
24 know about. So the Allwines' property, that wasn't
25 recorded?

1 A. No.

2 Q. Oh. And then, again, I think you said
3 this, but it was just something I had a question
4 mark to follow up about.

5 when you -- you said that you took
6 this basis of bearing, this -- and found this
7 witness corner using the Admiralty marker.

8 A. Right.

9 Q. That the marker on Admiralty had
10 changed from when you did your original survey in
11 the '70s?

12 A. When I did it back in the '70s, yes.

13 Q. But am I correct that it looks like R&M
14 also used that updated cap, that you were both
15 looking at the same monument on Admiralty, even
16 though it's different from the one in the '70s?

17 A. Yes. Uh-huh.

18 Q. But then when you came -- and also when
19 you came back, you took that distance from
20 Admiralty, and the witness corner that you found
21 looked different from the one that was --

22 A. Right.

23 Q. -- there in the '70s?

24 A. Right.

25 Q. Oh, and then you also said something

1 else I wanted to follow up on about that
2 new-looking marker. You said that you didn't have
3 time to look around for the one that you had found
4 before --

5 A. Yes.

6 Q. -- at that time?

7 A. Yes.

8 Q. Okay. One last question. There. I'll
9 say it.

10 Dan asked you whose survey was
11 consistent with Plat 75-11, yours or R&M's. And I
12 understood that you said that your survey was
13 consistent with 75-11 and R&M's was not. Did I
14 hear that correctly?

15 A. No.

16 MR. BRUCE: Objection. Form.

17 MS. HARRISON: Okay. I apologize.

18 BY MS. HARRISON:

19 Q. So I should just ask the question.

20 A. Yeah.

21 Q. Is your survey consistent with 75-11?

22 A. My survey --

23 MR. BRUCE: Just form and which
24 survey, because we've got three or four that he's
25 done.

1 MS. HARRISON: Sure. I'm sorry.

2 BY MS. HARRISON:

3 Q. The one that's the one of Lot 14 --

4 A. Okay.

5 Q. -- that is at issue in this case. So
6 let me try again. Your record of survey of Lot 14,
7 is it consistent with Plat 75-11?

8 A. Yes.

9 Q. Okay. R&M's survey of Lot 15, is it
10 consistent with 75-11?

11 A. Yes.

12 Q. Okay. That was what I wanted to know.

13 A. Because in the field, it's the field
14 position of this point that creates the problem.

15 Q. Right.

16 A. That's the discrepancy or the error.

17 Q. And that was my poor way of asking that
18 question, that they're both consistent with the
19 measurements in 75-11?

20 A. And the bearings.

21 Q. And the bearings are consistent?

22 A. It's only the position of the witness
23 corner.

24 Q. Okay. That was my question. All
25 right. Well, it was one last question, but it took

1 a while. I'm done.

2 THE WITNESS: That means I'm done?
3 Or do you have more questions?

4

5 FURTHER EXAMINATION

6

7 BY MR. BRUCE:

8 Q. Is Exhibit -- well, you've got -- I
9 don't want to take Lael's copy.

10 A. Exhibit 5.

11 Q. In Exhibit 5, is the survey as shown by
12 R&M consistent with the way the lots have been
13 actually marked and developed over the course of
14 time? And specifically given where they show the
15 location of Totem Pole Trail, is that consistent
16 with where Totem Pole Trail is today?

17 A. Not the existing feature of the trail,
18 no. where the actual trail is built, no.

19 Q. Okay. And, conversely, doesn't it
20 appear that their waterside boundary is lower on
21 the beach line --

22 A. Yes.

23 Q. -- than the one that you would have
24 shown?

25 A. Right. Yes.

1 Q. So it is inconsistent in that --

2 A. In the existing features, yes.

3 Q. Yes. Okay. And it's inconsistent in
4 that it places the waterline meander line farther
5 seaward than yours does?

6 A. Yes. But they don't consider it a
7 meander. They don't call it a meander line either.

8 Q. Okay. I'm probably using the wrong
9 term, but --

10 A. But it is a meander, because it is on
11 the water; and that's what people refer to them as.

12 Q. Okay.

13 A. But, yes. In that sense, yes, that is
14 where the discrepancy is. But what I was saying
15 is, they're consistent in the bearings and the
16 lengths of the lots. Everything is all -- that is
17 all the same.

18 Q. Okay.

19 A. It's just the position on the ground is
20 in a different spot.

21 Q. So it's 150 by 100 feet?

22 A. Yes.

23 Q. But it's just they put it on a
24 different spot on the ground?

25 A. Yes. Yup.

1 Q. And, in fact, the effect of that is
2 to -- well --

3 A. Based on --

4 Q. Yes.

5 A. Based on what they say they found in
6 the field, yes.

7 Q. Great. Okay. No further questions.

8 MS. HARRISON: I'm done. Thank
9 you.

10 MR. BRUCE: You are excused,
11 subject to production of that file.

12 THE WITNESS: Yeah.

13 MR. BRUCE: And if we have any
14 questions --

15 THE WITNESS: Of the old stuff that
16 I have.

17 MR. BRUCE: Yes.

18 THE WITNESS: Yeah.

19 MR. BRUCE: And Ms. Harrison and I
20 will speak after we get that and decide if you get
21 the pleasure of answering our questions again.

22 (Deposition concluded at 11:45 a.m.)

23 (Signature reserved.)

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

S T A T E O F A L A S K A)
) ss.
F I R S T J U D I C I A L D I S T R I C T)

I, LYNDA BARKER, Registered Professional Reporter and Notary Public duly commissioned and qualified in and for the State of Alaska, do hereby certify that the foregoing proceedings were taken stenographically before me and thereafter reduced to typewriting by me or at my direction;

That each witness, if any, before examination was first duly sworn by me to testify truthfully; that the transcript of the proceedings is a full, true, and correct transcript of the testimony, including questions, answers, objections, statements, motions, and exceptions made and taken at the time of the foregoing proceedings.

That all documents and/or things marked for identification as exhibits to the proceedings have been annexed to and included with said proceedings, unless orally waived by the witness and the respective counsel.

That I am not a relative or employee or attorney or counsel of any of the parties in these proceedings, nor a relative or employee of such attorney or counsel, and that I am not financially interested in said proceedings or the outcome thereof.

IN WITNESS WHEREOF, I have set my hand and affixed my Notarial Seal this 14th day of May, 2015.



LYNDA BARKER, RDR
Notary Public for Alaska
My commission expires: 5/6/16

A	<p>against (2) 11:21;54:4</p> <p>agricultural (1) 8:8</p> <p>Agriculture (1) 61:18</p> <p>ahead (3) 26:10;45:24;69:4</p> <p>ALASKA (10) 5:2,18;6:11,14,21; 7:2;8:19;36:12;37:10; 99:2</p> <p>Albert (1) 14:20</p> <p>allowed (1) 66:25</p> <p>Allwine (1) 43:16</p> <p>Allwines (1) 38:14</p> <p>Allwines' (3) 40:6,16;110:24</p> <p>Allwine's (1) 33:14</p> <p>almost (2) 19:7;72:4</p> <p>along (16) 16:21,21;17:1;20:7, 8;25:13;29:25;30:2, 14;31:24;34:4;36:3; 39:4;73:4;84:11; 108:19</p> <p>aluminum (1) 88:22</p> <p>among (2) 16:9;17:10</p> <p>amount (1) 75:24</p> <p>ancient (1) 109:2</p> <p>angle (3) 27:23;39:12,12</p> <p>angles (2) 24:18;90:23</p> <p>apologize (1) 112:17</p> <p>appear (3) 58:23;71:20;114:20</p> <p>appearing (1) 64:6</p> <p>appears (1) 73:15</p> <p>apples (2) 101:24,24</p> <p>apply (1) 12:23</p> <p>approved (1) 37:6</p> <p>Approximately (8) 8:14,16;9:8;11:11; 43:5;66:20;70:2; 89:21</p> <p>APRIL (1)</p>	<p>5:1</p> <p>archives (2) 15:7;68:14</p> <p>Arctic (1) 5:18</p> <p>area (63) 13:8,21,22;26:24; 29:15,17;30:4,5,12; 32:4,6,7;33:13,18,20, 21,23,23,24;34:22; 36:2,15,25;37:4;38:7, 8;42:8;43:2,8,9,17; 44:1,2,4,11;46:1;47:5, 12,25;48:2,25;49:13; 50:15;53:16;58:10, 11;60:2;67:3;69:13; 70:20;71:5,19;73:6; 74:3;75:25;76:1;80:8; 82:16;85:5;87:23; 92:23;103:20;108:14</p> <p>areas (3) 77:21,23;84:20</p> <p>around (14) 25:22;26:6;27:23; 28:11,16;31:17; 37:23;38:7;44:22; 79:15;91:21,21; 107:7;112:3</p> <p>arrow (1) 39:19</p> <p>arrows (1) 39:16</p> <p>aspects (1) 9:19</p> <p>assignment (1) 38:12</p> <p>associated (1) 104:12</p> <p>assume (3) 58:17,19;89:16</p> <p>assumed (1) 65:14</p> <p>ATS (2) 100:25;101:1</p> <p>authorities (1) 36:23</p> <p>authority (2) 37:2,6 49:15;55:4;56:19, 21,25;71:20,23,24</p> <p>away (3) 24:9;72:4;85:8</p> <p>awful (1) 64:20</p>	<p>62:25;63:1,14;65:2; 67:10;70:8,10;74:24; 76:23;83:5;89:19; 90:7;92:23;95:1; 98:17,18;101:21; 104:10,19;109:2; 111:12,19</p> <p>back-sided (1) 24:6</p> <p>bad (1) 26:18</p> <p>banks (1) 85:2</p> <p>bar (1) 42:12</p> <p>Barry (1) 53:2</p> <p>Barton (1) 58:8</p> <p>B-A-R-T-O-N (1) 58:9</p> <p>base (1) 106:7</p> <p>based (35) 9:18;13:10;14:1,6, 6;16:20;19:16;20:3; 24:14;27:4,21;28:9; 29:13;32:16;33:22; 42:2;45:14,16;56:14, 17;60:20;69:18; 73:19;74:12;75:15; 79:7;87:20;92:14; 95:18,22;100:6; 101:20;105:2;116:3,5</p> <p>basis (7) 14:11,13;99:22; 100:24;102:16,19; 111:6</p> <p>beach (21) 16:25;35:4,22;41:6, 9;42:11,20;60:10; 73:3,6;84:8,9,22; 91:13;106:13,18; 107:13,17,20,22; 114:21</p> <p>beaches (1) 84:6</p> <p>beachfront (2) 35:7;36:1</p> <p>BEAN (6) 5:5,16;15:2;18:19; 76:25;85:16</p> <p>B-E-A-N (1) 5:16</p> <p>Bean's (1) 84:1</p> <p>bearing (22) 14:11,13;21:24; 22:7;24:13;34:13; 51:16,17;65:15;74:4, 4;75:12;87:11,17; 88:2,7;98:3;99:23; 100:24;102:16,19;</p>	<p>111:6</p> <p>bearings (17) 22:9;25:4,5,23; 51:5;69:9;73:25; 74:14;75:3;82:5; 99:10;100:6;105:2,4; 113:20,21;115:15</p> <p>became (2) 7:9;21:4</p> <p>become (4) 5:25;16:9;56:19,25</p> <p>becomes (1) 24:24</p> <p>began (2) 19:6;29:4</p> <p>begin (1) 7:7</p> <p>beginning (1) 73:23</p> <p>below (2) 41:11;51:11</p> <p>besides (1) 88:13</p> <p>best (3) 11:13;14:4;20:1</p> <p>big (8) 21:15;26:21;29:1; 62:19;68:3;69:1; 72:18;89:22</p> <p>biggest (1) 9:22</p> <p>bit (6) 13:14;17:15;22:23; 58:6;63:15;75:17</p> <p>Black (2) 16:15;106:23</p> <p>Blacks (5) 15:22;16:4;28:23; 29:5;109:4</p> <p>blaze (1) 18:21</p> <p>BLM (2) 15:6;22:19</p> <p>bluff (26) 16:21;20:6,8;27:7; 30:2;36:3,4;41:5; 51:11;69:14,15; 84:10,10;92:9,23,23; 105:19;106:2,8,9; 107:15,25;108:1,16, 19,21</p> <p>bluffs (1) 84:15</p> <p>borders (2) 82:16,18</p> <p>born (1) 6:25</p> <p>Both (7) 22:5,5;39:25;55:4; 93:8;111:14;113:18</p> <p>bottom (3) 46:16,18;84:10</p> <p>bought (1)</p>
		B		
	<p>back (37) 8:21;18:18;34:9; 35:18;39:22;40:18; 46:4,25;53:8,9,14; 57:25;61:6,13,16;</p>			

43:16 boulder (3) 21:15;68:3,3 boulders (1) 84:11 boundaries (7) 10:10;45:19;50:15; 72:1;73:9;94:6,9 boundary (19) 27:8;29:25;36:1; 41:16;44:17;56:23; 58:12,13,20,24;59:15; 69:6,7;79:7;81:1; 83:23;84:16;92:19; 114:20 boy (1) 8:12 brass (4) 61:19,20;68:25; 69:1 break (4) 13:13;17:14;18:11; 97:6 bridge (1) 72:16 briefly (2) 5:24;38:9 bring (1) 18:7 broke (1) 23:10 brought (1) 85:19 BRUCE (43) 5:13;14:22;15:1; 18:13,18;19:2;26:10, 13,35;18,19;44:10; 49:16,20;61:1,6,10; 76:12,18,23,24;82:11; 83:5,6;85:15;88:14, 24;89:7;90:18;91:5, 11;94:16,21;96:25; 97:4;102:5;108:6; 112:16,23;114:7; 116:10,13,17,19 build (3) 9:18;38:15;41:6 building (4) 41:9;58:14,15; 84:20 buildings (5) 48:13;58:18,19; 69:25;71:5 built (3) 44:3;53:9;114:18 buried (1) 72:11 business (2) 9:7,12 bylaws (1) 55:19	C	22:24 chains (1) 66:13 chalk (3) 86:12,16,19 change (2) 10:8;76:4 changed (6) 37:11;69:11,16,17; 76:11;111:10 changes (3) 16:18;22:21;39:14 channel (1) 65:16 charged (1) 64:25 check (3) 54:4;65:16;67:5 checking (2) 63:8;79:18 Cherry (1) 90:17 chiseled (1) 68:11 chop (1) 40:18 Chuck (1) 11:21 Circle (2) 5:18;105:21 claims (1) 77:8 clear (3) 40:11;45:2;65:2 clearly (2) 40:6,10 cliff (2) 28:3;41:12 close (8) 27:19;28:18;46:3,4; 63:19;68:11;84:9; 89:24 closed (1) 37:14 closer (1) 92:23 closing (1) 57:4 coastal (1) 99:9 coincides (1) 80:23 college (6) 6:3;7:25;8:4,4,5,7 COLLINS (7) 39:9;43:12;44:5; 48:7,11;56:22;59:14 Colorado (2) 6:22;7:1 Colt (14) 16:1,23;17:17;24:4; 33:6;36:25;42:4;55:5; 62:3;63:24;67:3;	97:14;101:4;110:18 combination (1) 15:20 coming (1) 73:22 commenced (1) 22:11 comment (5) 67:21;83:15,22; 85:16;103:6 commercial (1) 7:9 common (2) 54:9;55:8 commonly (1) 16:1 comparing (2) 102:1,9 completed (1) 29:6 completely (5) 10:22;72:11;82:1; 109:14;110:5 completing (1) 38:13 comply (1) 12:13 compute (2) 100:8,10 computed (2) 97:20;100:6 computing (1) 98:2 concept (1) 16:16 conceptual (1) 19:4 conceptually (1) 18:1 concerns (1) 64:6 concluded (1) 116:22 conditions (1) 71:5 confirm (4) 103:21;104:22; 105:6;110:14 conflict (1) 71:25 conflicts (1) 13:4 confused (2) 8:15;85:24 confuses (1) 84:14 confusing (1) 86:7 connection (1) 21:3 consider (2) 29:10;115:6 consistent (22)	34:18;50:14;51:5,8, 16;52:14;74:16,17, 18;76:10;82:20; 98:25;112:11,13,21; 113:7,10,18,21; 114:12,15;115:15 construction (2) 9:13,16 contact (5) 16:5;48:11;53:7; 54:24;60:1 contacted (5) 14:18;47:10,11; 52:24;54:20 contained (1) 73:8 contents (1) 77:4 continue (1) 18:24 continues (1) 105:23 contours (3) 105:14,16,17 contractors (1) 9:18 control (20) 13:10;22:1;30:18, 19,20,25;31:12;32:2, 11;33:22,25;38:25; 39:2,14,20;42:10,10; 43:1;90:25;104:9 controlled (1) 36:24 controls (2) 20:11;34:15 conversation (2) 59:22;75:18 conversations (1) 59:17 conversely (1) 114:19 conversion (1) 26:21 coordinates (2) 24:16;34:3 copies (1) 18:22 copy (2) 76:16;114:9 corner (52) 21:8;22:2;24:21; 26:22;38:5,7;50:21, 24;51:24;52:9,11,14; 53:20;59:4,25;62:7, 11;64:15;65:1,10,19; 66:17;67:18,22; 69:24;72:3,6;78:17, 18,18;80:7,22;81:7; 84:23,24;85:8;88:20; 91:24;92:1,2;96:12, 15;97:14;100:11,21; 102:25;104:6,23;
--	----------	---	---	---

105:18;111:7,20; 113:23 corners (48) 19:17;30:23,25; 31:20;38:17,22; 40:18,23;41:4,15; 42:21;43:4;44:13,16, 16;45:14,18;46:2,23; 48:14,16;49:8,10; 51:14;53:15,15;56:8; 57:2;59:11;60:22; 68:7;69:13;70:8;72:1; 75:6,20;78:14;81:3,5, 6,13,14,18;84:15; 99:15;109:16,17,22 correctly (2) 105:7;112:14 correspond (1) 81:19 corresponded (1) 81:13 couple (1) 78:3 course (1) 114:13 courses (2) 6:4;74:14 court (4) 5:7;11:3,7;47:17 courtesy (2) 55:12,17 covenants (1) 36:19 create (5) 16:10;24:19;34:5; 77:14,19 created (7) 24:13,16;25:22; 27:6,22;36:23;65:7 creates (1) 113:14 creating (4) 19:6;27:12;29:23; 56:8 crosses (1) 107:8 current (1) 41:25 cuts (1) 106:2	50:2,5 Davis (6) 54:14;55:4;83:12; 87:7;97:14;101:7 Davis's (3) 77:10;85:17;103:5 day (1) 89:11 days (6) 8:15;15:5;22:23; 25:18;77:16;87:23 deal (1) 89:22 dealing (1) 56:8 decide (2) 17:2;116:20 decided (3) 29:14,17;35:22 decides (1) 76:8 deep (2) 35:8;50:18 default (1) 94:8 defendant (3) 12:10,11;56:1 define (3) 13:5;36:9;59:5 defined (3) 25:14;34:23;40:21 defining (1) 32:5 degree (1) 23:11 degrees (1) 23:9 delineation (1) 70:23 delivered (1) 61:8 demolishing (1) 47:8 Department (3) 53:6;54:16;61:18 depend (1) 79:21 depending (1) 80:6 depends (5) 36:15,17;76:1;96:9; 107:23 deposed (1) 10:12 deposition (5) 10:15;15:3;18:24; 77:2;116:22 depth (2) 20:6;35:21 describe (1) 91:15 described (3) 21:16;84:2;102:20	describing (1) 84:12 description (4) 13:2;14:5,6;19:25 descriptions (4) 10:4;14:1,2;96:20 Description-wise (1) 68:23 design (1) 48:14 designed (2) 23:12;95:18 destroyed (3) 84:25;85:12;87:17 detailed (1) 107:11 deteriorating (1) 63:3 determined (1) 98:8 developed (1) 114:13 developer (3) 15:21;17:21;29:21 developer's (1) 34:21 device (2) 87:1;90:20 differ (2) 27:17;74:15 difference (12) 12:5;54:1;55:22,23, 24;65:18,23;66:3,20; 96:4;97:15;102:25 differences (2) 64:6;104:25 different (19) 25:12;27:23;62:10; 68:23;74:19;77:13, 14,20,21,22;80:2; 101:19;102:17;103:7; 107:24;111:16,21; 115:20,24 differs (1) 68:20 dimensions (7) 35:3;50:17,18;69:9; 80:24;95:15;96:19 dip (1) 107:10 direct (2) 23:23;98:4 direction (14) 24:17;28:11;39:14; 52:25;70:6;75:4; 79:22;80:5,5,12;92:6; 95:21,22;105:1 directions (5) 16:20;77:13,21; 82:5;94:11 disclosed (1) 77:5 disclosures (1)	76:14 discrepancies (4) 17:10;69:6;77:9,22 discrepancy (21) 28:24;55:21,22; 58:24;60:21;63:12, 13;68:5;78:24;79:10; 95:2,4,10,14,20,24; 103:18,18;109:19; 113:16;115:14 discussions (2) 19:5;94:13 dispute (6) 12:3;29:4;56:22; 57:1;59:14;103:23 disputes (2) 10:2;11:19 distance (35) 20:4;34:13;51:17; 60:10;65:16,17;66:5, 6,14;67:6;74:5;75:12; 78:5,9,13,17;79:8,11; 80:11;84:19;87:19; 95:19;97:13,19,23; 98:3,8,25;101:3,3,12; 102:10;103:7;104:23; 111:19 distances (26) 22:9;23:1;24:19; 25:4,5,23;28:6,11; 32:17;54:2;65:19; 73:20,21,22,25;78:19; 79:9;82:6;90:23;95:2, 10;98:22;99:10; 105:1,3,4 distinction (1) 9:15 divide (1) 16:8 Division (1) 15:5 DNR (1) 37:2 document (4) 15:7;61:8;65:24; 66:4 documents (1) 13:15 done (26) 16:17;22:14,22; 28:4;32:24;46:11; 49:2;55:10;56:16; 60:2;82:23;86:18,24; 87:24;98:22;109:11, 14;110:2,5,6,7,18; 112:25;114:1,2;116:8 Dorn (1) 8:23 DOT (1) 53:6 down (28) 11:21;13:13;16:25; 17:15;18:9;23:10;	40:4;41:6,8;42:24; 43:1,2,18;45:7;50:20; 51:11;57:10;59:4; 73:6,22;74:1;82:10; 84:22,24;90:4; 103:19;107:17,20 draw (2) 9:17;25:24 drawing (16) 14:9,10;17:5;33:19; 50:14;52:2;57:12; 59:3;60:23;66:8; 70:16;71:14,21; 73:15;92:14,15 drawings (4) 17:25;18:4,5;76:11 drew (1) 28:8 duly (16) 5:7;14:24;26:12; 48:4;49:18;61:4; 76:21;82:7;83:3; 85:14;88:8,19;89:5; 90:15;91:1,8 durable (1) 86:19 duties (1) 11:4
E				
D				
Dale (3) 31:10;44:7;58:8 Dan (1) 112:10 dark (1) 25:12 date (6) 81:10;88:10,13; 89:13,15,16 David (2)				Eagle (1) 42:19 earlier (3) 37:14;45:1;75:17 earth (1) 54:1 easement (1) 78:10 easements (3) 10:4;13:4;96:21 east (1) 24:16 EBMs (1) 97:23 edge (4) 20:7;46:8;78:10; 106:7 EDMs (1) 23:18 education (1) 6:3 effect (1) 116:1 effectively (1) 78:13 eight (2) 33:7,8 either (3) 72:10;87:11;115:7 electronic (1) 23:18 elevation (7)

36:11;90:24; 105:11;106:4,4; 107:1,24 elevations (4) 10:3;90:22;105:12, 13 else (5) 30:17;69:5;88:5; 105:5;112:1 e-mail (2) 76:12;77:4 employers (2) 19:12;20:2 encroachment (1) 13:4 end (7) 9:20;28:21;74:11; 95:20;96:22;106:17; 107:16 ended (1) 99:19 engaged (2) 17:16;63:23 engineering (4) 6:24;8:9,23;9:19 enough (1) 63:6 enters (1) 14:25 entirely (1) 73:8 equipment (2) 23:18,19 error (11) 53:24;54:5,7,11,12; 55:13,13,20;79:20; 95:23;113:16 errors (1) 77:22 establish (15) 10:10;13:10,19; 17:1;21:24;24:19; 32:16,21;42:9;47:7, 11;56:17;94:5;98:3; 100:25 established (13) 16:24;20:5;27:18; 32:11;40:6,9,10;45:1, 19;46:1;65:20;79:3; 94:9 establishing (1) 44:17 et (2) 19:23;100:4 even (1) 111:15 everybody (2) 17:8;45:9 everybody's (1) 19:17 evidence (3) 52:6;67:16;71:19 exact (1)	87:2 exactly (2) 100:13;101:13 EXAMINATION (3) 5:11;97:8;114:5 except (3) 56:16;70:1;110:9 excused (1) 116:10 executed (1) 22:19 Exhibit (76) 14:23,24;15:3,13; 20:24;21:5;26:11,12, 14,23;36:22;48:4,23; 49:2,17,18,23;56:10; 57:6,7,11,12;58:21, 21,25;59:1;61:4,14; 63:17;64:3,5,9,16; 65:2,9,20,23;66:11; 71:21,25;72:1,24; 73:5,15;76:21;77:1; 81:19,22;82:7;83:3,7, 9;85:14,21,22;88:8, 19;89:5,21;90:15; 91:1,2,8,16;92:10,17; 93:6,7;99:20;102:2,5, 7;108:2;114:8,10,11 existing (8) 45:6;56:18;69:13; 71:6;75:6;81:15; 114:17;115:2 expect (3) 12:21;84:3;86:20 expected (1) 12:13 experience (3) 6:2,4,8 expert (3) 11:8,15;83:11 explain (8) 20:15;73:24;79:4, 23;84:18;99:16; 100:2,13 explained (1) 84:20 explains (2) 102:16,25 extreme (1) 103:12 eyes (1) 26:18	63:9 fair (4) 10:9;17:20;68:15; 73:14 fairly (1) 86:18 falling (1) 63:4 familiar (2) 10:18;15:10 far (4) 37:22;51:13;73:11; 78:17 farther (1) 115:4 fast (1) 90:12 feature (1) 114:17 features (1) 115:2 February (1) 76:13 feet (52) 22:25;35:9,10,21; 36:5,6;46:7,10;50:18, 19,20;51:1;52:10; 54:8;60:6,9,15;65:22, 22;66:13,18;70:2,9, 11;72:4,6;73:13,16, 17;79:12,13,15;80:14, 16,18;81:23,23;85:4; 87:23;94:10;96:17; 101:19;105:25;106:1, 3,4,9,17,20;107:16; 108:15;115:21 fence (2) 91:20,21 few (3) 8:20;37:4;46:5 field (30) 7:10;12:6;14:6; 16:19;21:12,18; 24:20;26:2;27:11,22; 28:9;56:15;65:12; 71:1;72:9;79:2;83:19; 87:25;95:4,7,14;96:5, 10;109:20,22;110:5, 6;113:13,13;116:6 figure (4) 43:24;52:22;60:22; 63:13 figured (1) 53:19 figuring (1) 10:3 file (3) 18:20,22;116:11 finalize (1) 17:4 finalized (1) 17:4 finally (1)	19:9 find (18) 13:9,18;14:3;21:6; 54:2,5;55:13;62:24; 63:1;66:25;67:5;71:6; 72:9,12,21;73:1;88:3; 103:17 Finding (5) 10:2;27:23;49:13; 62:8;87:11 findings (1) 53:17 fine (2) 19:1;24:11 finish (5) 28:20;63:9,10; 109:8,12 firm (1) 8:23 firms (1) 6:24 first (11) 5:7;37:9;38:11; 63:17;78:4;86:7;88:6; 97:11,12;98:17;109:3 fit (2) 28:12,14 fits (2) 50:15;96:23 five (4) 34:9;47:10;54:6; 98:15 five-eighths (1) 88:23 flag (1) 70:2 flagged (1) 91:23 flagging (3) 50:22;52:17,20 flashed (1) 64:22 floats (1) 82:9 flood (1) 10:3 folder (1) 18:6 folders (1) 18:9 follow (7) 10:8;12:17;14:3; 107:7;109:8;111:4; 112:1 followed (1) 26:5 follows (1) 5:9 follow-up (1) 109:1 foot (6) 52:8,10;53:22;54:7; 101:14;102:12	footsteps (1) 63:12 forced (1) 36:24 Forest (1) 61:18 forgetful (1) 64:23 Form (2) 112:16,23 Forsythe (1) 14:20 forth (1) 46:5 found (22) 21:14,14,17;25:24; 39:20;50:24;59:4; 61:17;63:3;64:12; 67:20;68:12;79:20; 83:18;93:22,25; 98:23,24;111:6,20; 112:3;116:5 four (5) 7:23;9:2;93:25; 98:15;112:24 four-by-four (1) 57:3 fourth (1) 83:25 four-wheelers (1) 45:6 fresh (1) 64:21 front (8) 26:15;44:13,15,16; 45:18;46:23;91:9; 110:20 frontages (2) 35:6;96:20 full (1) 5:14 fully (1) 37:17 further (8) 62:25;63:1;84:1; 88:10;96:25;105:24; 114:5;116:7 future (5) 14:15;39:25,25; 42:15;85:11
F				
G				
	face (7) 62:21;63:1;65:1; 83:16;86:8,25;87:3 facing (3) 60:15;91:17,17 fact (2) 92:19;116:1 factor (1)	figured (1) 53:19 figuring (1) 10:3 file (3) 18:20,22;116:11 finalize (1) 17:4 finalized (1) 17:4 finally (1)	gain (1) 76:3 gap (1) 77:15 garbage (2) 47:9,19 garden (6) 73:4,5;91:9,21; 92:11,20 gardens (1)	

<p>71:6 gathering (1) 110:11 gave (1) 47:14 General (3) 99:17,22;101:12 generality (2) 46:3;70:1 generator (1) 58:9 gentleman (1) 48:5 geodetic (3) 99:9;100:6,24 Ginger (1) 31:4 given (3) 19:12,18;114:14 gives (4) 26:3;73:25;87:19; 90:24 glass (1) 35:13 goes (1) 73:11 good (4) 10:11;90:11;97:6, 25 GPS (1) 23:17 grade (1) 20:16 graduated (3) 7:21,24;8:1 great (5) 77:17,17,17;97:23; 116:7 grid (2) 25:3;99:10 ground (7) 9:18;34:2;76:10; 95:10;96:23;115:19, 24 grown (1) 58:6 guess (9) 18:1;25:3;34:14; 35:24;50:12;83:23; 85:5;97:11;98:7 guidance (1) 53:1 gun (2) 24:1,3 guns (4) 23:2,3,4,12 guy (1) 47:7 guys (2) 76:13;97:5</p>	<p>Hall (11) 50:2,5;55:25;56:1, 22;59:15,18;75:19; 77:9;79:13;80:17 hand (2) 7:9;8:20 handed (2) 15:11;83:7 Handing (1) 39:18 happen (2) 11:1;77:12 happened (3) 9:4;28:22;58:20 happens (1) 24:2 hard (4) 14:3;59:2;97:23; 98:5 HARRISON (19) 19:1;20:13;30:7; 38:1,4;44:1;76:15; 94:23;97:2,5,10; 102:6,8;112:17,18; 113:1,2;116:8,19 Hazard (1) 8:23 head (1) 76:16 heal (1) 86:16 hear (2) 110:8;112:14 heard (3) 47:18,20;104:21 held (1) 95:14 helped (1) 31:6 helper (1) 90:16 helpful (1) 108:23 here's (1) 105:5 hid (1) 72:11 high (18) 7:25;8:1,2;25:19, 20,24;26:1,6;27:24, 25;30:16;36:2,5,5,8, 10,10,12 highest (1) 36:6 highlight (1) 86:16 hired (4) 12:9;15:15,16,19 history (1) 109:2 hold (1) 28:11 holding (3)</p>	<p>90:20;95:22,22 Homestead (1) 14:20 Horse (1) 16:23 house (7) 44:3;53:14,14;81:9, 12;89:24;90:5 Howard (4) 15:20;16:5;31:9,9 hubs (3) 20:11;39:14;71:13 hurried (1) 17:9 hypothetical (1) 66:22</p>	<p style="text-align: center;">I</p> <p>ideas (1) 16:17 identified (8) 27:2,3;43:3;62:5; 65:11;92:3;93:24; 97:14 identify (8) 15:2;39:5;45:14; 50:21;57:6;85:22; 91:4;110:6 identifying (1) 45:13 image (1) 74:21 impact (1) 74:6 importance (1) 14:13 important (1) 13:24 inappropriately (1) 37:16 inarticulate (1) 10:23 including (1) 47:13 inconsistent (6) 73:20;75:4,5;82:1; 115:1,3 increments (1) 24:8 indicating (70) 24:22;25:15;26:25; 27:21;29:25;30:10; 32:5;33:12,16,18; 37:24;38:3,8;39:4,11; 40:1;42:6,11;43:2,17; 44:9;46:14;48:6;49:1; 50:21;51:19;52:15; 57:10,24;58:16; 60:14;62:9;66:9,12; 69:12,15,22;70:21; 71:9,15;72:10,23; 74:4,13,23;78:11,21;</p>	<p>79:7,25;80:4,12;85:4; 86:1,3;87:3;90:9; 92:6,9,24;95:21,23; 99:9;102:21;106:22; 107:2,20,25;108:5,9, 14 individual (2) 55:10;77:5 information (18) 13:8,10,18;14:4,7; 17:13;24:15;28:9; 30:22;32:21;34:17; 55:15;56:18;68:10; 71:6,9;73:19;101:21 informed (2) 59:13;78:1 initial (2) 18:5;19:4 inland/uphill (2) 84:1,8 inner (1) 30:1 inscribed (1) 86:15 inside (1) 16:23 Instead (3) 34:12;85:6;98:2 instructions (3) 19:11,19;26:3 instrument (4) 23:23,24,25;24:10 instruments (4) 9:23;23:2,5,6 insurance (1) 10:3 intent (1) 34:21 interior (1) 80:22 Internet (1) 61:9 into (13) 7:16;8:21;23:10; 28:1;30:18,22;32:4; 40:18;62:19;68:11; 79:18;87:21;97:3 involved (1) 17:12 inward (1) 28:2 Island (34) 16:2,8,23;17:17; 21:8,15,25;22:4; 25:22;26:6;27:5; 28:12,12,14,16,25; 33:6;36:25;37:18; 38:15;42:4;55:5;62:3, 13;63:24;67:3,4;89:3, 4;93:9;97:13,14; 100:21;102:21 issue (1) 113:5</p>	<p>issues (1) 47:19</p> <p style="text-align: center;">J</p> <p>job (2) 20:11;22:8 JOHN (2) 5:5,16 jumped (1) 46:4 JUNEAU (4) 5:2,18;8:24;50:4 junior (2) 8:4,5</p> <p style="text-align: center;">K</p> <p>kaput (1) 28:21 keep (2) 6:5;34:16 keeps (1) 110:4 Keith (1) 90:16 Ketchikan (1) 11:21 Killewich (1) 8:22 kind (9) 5:24;17:14;20:15, 18;23:19;34:23;46:4; 50:11;87:21 knew (2) 31:12;39:7 knowing (1) 59:5 known (4) 14:19;16:1;55:6; 71:3</p> <p style="text-align: center;">L</p> <p>Lael's (1) 114:9 Lamar (2) 7:1;8:5 land (30) 5:20,22,25;6:10,19; 7:7,13,16;8:6,21;9:14, 16,24,25;10:2,10; 11:4;12:14,24,25; 13:1;15:21,22;21:7; 28:25;34:19,24;56:7, 13;61:23 landowner (1) 82:15 landowners (1) 29:20 Lands (1) 15:5 large (4)</p>
H					

17:18,19;24:7;93:5 larger (4) 26:17;35:4,14;78:6 last (7) 5:15;62:24;86:9,21; 94:22;112:8;113:25 later (1) 68:16 lath (3) 50:22,24;91:22 latitude (1) 99:12 law (1) 55:18 lawsuit (2) 29:1,3 lay (1) 25:2 least (2) 33:8;34:8 leaves (1) 94:10 left (1) 60:15 legal (4) 10:10;13:2,25;56:7 lengths (2) 78:24;115:16 less (2) 54:5;102:12 letter (1) 80:19 level (2) 36:5,8 license (5) 6:6,23;9:3,5,13 licensed (2) 6:11,14 light (2) 23:22,23 line (65) 20:6;25:10,19,20; 28:2,3,3;30:7,15,16; 31:24,25;36:10; 37:18;39:4,13,17; 41:6,10;47:10;57:4, 22,58;12,13,20,25; 59:15;75:6;83:23,23; 84:1,4,5,10,10,12,13, 19,21,21;91:20; 92:21;95:1;98:12,18, 19;100:3,5,7,9; 104:17;105:23; 106:12,23,25;107:2,7, 9,11;108:12,12,20; 114:21;115:4,7 lineal (3) 78:5,13,16 lines (12) 32:1;47:7,12;49:13; 56:17;69:6,7;75:4,7, 24;106:3;108:10 link (1)	22:25 little (6) 13:14;17:15;58:6; 63:14;75:17;105:21 LM (2) 24:13;61:17 locate (3) 18:19;63:7;91:15 located (5) 19:22;39:2;61:20; 103:1,2 Locating (1) 63:11 location (14) 20:4;27:5;41:25; 50:11;69:11;70:16, 17;71:1,4;82:9; 102:17,18,24;114:15 locations (1) 58:24 Lockwood (7) 15:21;16:5,14;29:5; 31:9;43:14,14 Lockwoods (5) 28:23;31:3,7,8; 109:5 logging (1) 32:13 long (6) 5:21;6:13;9:1;19:3; 22:25;24:9 longitude (1) 99:12 look (7) 22:15;57:5;60:5; 76:17;104:19;108:1; 112:3 looked (11) 17:3;45:8;61:9; 64:20;73:3;87:12; 88:4,5,7;108:16; 111:21 looking (16) 13:14;21:17;50:14; 58:16;62:17;86:7; 88:10;89:20;91:25; 92:5;103:5;105:15, 17;106:21,23;111:15 looks (14) 18:8;22:15;35:5,25; 50:11;56:17;73:13; 85:25;91:23;106:2; 107:8,12,13;111:13 loosely (1) 14:2 lose (2) 76:2,3 lot (100) 9:13;16:18;17:13; 33:11,14;34:22;35:7; 38:16;39:7,8;41:1,19; 42:3,22,25,25;43:3,8; 44:4,8;47:4;48:1,2,3;	49:9,11;50:15,25; 51:23;53:2,3;56:2; 57:18,19;58:25; 59:11,19,25;60:20; 69:7,10;70:4,5,6;73:9, 16,16,22;74:12;75:20, 25;76:4,11;78:14,17, 18,23;79:9,11;80:7,8; 81:3,3,18,23,23; 82:16;89:25,25;90:1, 2,3;91:10,18,92:12, 13;93:14;94:6,6,9; 95:14;96:12,15,19; 98:4;102:17,18; 103:1,2;106:7,12; 108:7,7,8;109:13,15, 17;113:3,6,9 lots (36) 16:8,10,18;17:22; 19:15,16,20;20:7; 27:6;30:11;33:15,17, 20;34:22,24,24;35:3, 4,22;36:2;38:10;40:1; 41:9;42:18,22;43:10, 17;45:19;56:8,23; 60:15;76:7;79:12; 80:24;114:12;115:16 Loveid's (1) 44:5 low (1) 36:16 lower (1) 114:20 LS (1) 6:12 L-shaped (1) 58:6	14:24;15:3;20:24; 21:5,8;22:2;26:11,12, 14;27:11;32:17; 38:17,21;43:8;45:5; 48:4,15,17,19,20; 49:18,23;56:9;61:4; 63:17;70:22;71:14; 76:21;77:1;82:7;83:3; 85:14;88:8,19;89:5; 90:15;91:1,8;105:11; 108:2;114:13 marker (5) 91:13;107:21; 111:7,9;112:2 marking (1) 45:14 marks (2) 36:6;76:9 massive (1) 34:24 match (1) 17:5 materialized (1) 58:1 mathematically (3) 79:24;80:3;96:1 matter (3) 75:23;76:8;79:23 may (3) 71:23;89:16;94:23 maybe (4) 37:15;46:7;105:6, 16 mean (23) 12:21;21:9;23:8,25; 27:24;28:15;29:12, 16;34:1;36:2;40:8; 45:11;48:16;58:11; 60:8;76:2;80:21;84:4; 86:19,23;95:13,13; 109:18 meander (32) 16:20;25:10;27:9, 10,12,16,17,24;28:2, 2,3;30:15;31:24,25; 32:1;34:4;51:9,13,15, 16;67:22;78:18; 83:22;84:5,13;85:7,8; 92:21;115:4,7,7,10 meanders (7) 25:14,17;27:6,20; 28:10;32:17;78:20 means (4) 54:7;93:5;105:10; 114:2 meant (1) 70:17 measure (5) 23:1;54:8;78:5; 96:17,18 measured (11) 16:25;20:10;51:2; 78:12,16;97:19,20;	100:3;101:2,12; 102:10 measurement (4) 96:5;99:5;101:16; 104:1 measurements (1) 113:19 measuring (5) 23:18;59:8;77:20; 87:1;90:20 meetings (3) 16:14;17:24;19:4 memory (1) 11:13 metal (1) 72:20 middle (1) 85:24 military (2) 7:17;8:10 mine (2) 84:7;91:4 minus (1) 36:16 minute (3) 23:7,7,13 minutes (2) 23:10,11 missing (1) 18:8 moment (5) 11:25;18:14;33:4; 49:25;94:17 Montana (1) 6:23 monument (14) 21:7;61:23;62:20; 67:23;68:1,17,18,20; 93:6,11;99:1;100:25; 104:24;111:15 monumentation (5) 13:9,22;77:14;99:8; 103:19 monuments (7) 29:22;41:22;67:3; 77:18;93:22;99:8,9 moonlight (1) 54:17 more (12) 23:17,17;36:4; 43:16,16;97:20; 98:13;103:19;106:17; 107:16;109:11;114:3 most (5) 6:3;11:16;35:5,6; 46:8 move (5) 80:8,11,13,18;85:8 moved (3) 54:3;77:18;85:4 moving (2) 53:25;90:12 much (1)
		M		
		magnifying (1) 35:13 mainly (3) 9:22;32:13;35:1 making (1) 16:18 many (7) 7:12,19;11:10,11; 33:5;97:18;98:8 map (1) 39:19 maps (1) 99:12 margin (3) 53:23;54:10,12 marina (1) 82:9 mark (11) 14:22;22:3;25:25; 26:1,6;36:10;39:5; 41:16;49:16;64:12; 111:4 marked (41)		

46:6 must (1) 89:18 myself (2) 43:1;98:20	99:19;106:21;107:4 numbers (10) 24:17;25:13;27:19, 20;29:14;78:23; 79:11,11;83:24;96:6	113:3,3,25;114:23 one-foot (1) 24:8 one-minute (1) 23:2 ones (4) 35:5;43:25;110:18, 19 one's (1) 74:22 one-tenth (1) 52:10 on-hand (1) 6:2 only (15) 20:21;28:20;29:24; 37:2;53:2;56:13; 59:24;69:14;76:7; 79:1;83:21;84:16; 98:15;110:18;113:22 onto (3) 58:2;70:4,5 operation (1) 32:13 opinion (2) 12:5;82:4 opportunity (2) 76:25;77:7 opticals (1) 24:10 order (1) 17:21 orientation (2) 22:8,9 original (15) 28:10,10;29:13; 33:22;34:12;52:11, 17;69:23;70:16; 73:21;87:16,24; 98:19;109:4;111:10 originally (2) 14:19;88:6 out (37) 7:11;8:12;9:20; 10:3;14:5;17:1,11; 25:3,18;28:13;30:1; 33:1,3;38:12;40:5; 41:21;43:24;52:22; 53:10,14;54:23;55:5; 60:4,22;63:13;64:21; 79:8;85:5,6;86:6; 88:10;95:7,18;96:11; 107:11,14;110:23 outer (5) 27:8;37:17;79:6,11; 81:1 outhouse (2) 57:13,14 outside (1) 37:2 over (40) 6:17;10:8;21:14; 22:3;24:4;26:24;33:9,	11,13;34:17,17;42:5, 7,18;46:14;47:1,6,18; 57:23;60:13,14; 61:16;67:10,23; 69:12;73:10,11; 74:22,24;84:5;85:4, 25;86:2;90:21; 100:18;103:13; 107:19;108:8,8; 114:13 overlap (1) 77:15 own (3) 9:6;42:24;53:1 owned (2) 28:25;43:14 owner (1) 56:2 owners (2) 15:22;29:20 owns (3) 44:7;48:3;53:2	14:19;19:19 performance (1) 12:14 performed (3) 33:6,10;55:5 performing (1) 19:12 period (2) 19:3;33:9 perpendicular (1) 60:10 person (1) 54:15 phone (1) 94:12 photo (2) 108:1,12 physical (12) 21:8;30:21;32:24; 45:10;48:13;65:25; 67:6;70:17;71:1,5; 98:5,21 physically (10) 13:12;21:23;45:5, 14;79:1;83:19;85:7; 98:9,10,24 picked (2) 7:10;18:10 picture (8) 85:18,24;88:9; 89:21;90:1,11;91:15; 93:6 pictures (2) 62:17;89:6 piece (2) 48:18;72:20 place (1) 29:22 placed (9) 39:21;64:18;68:18; 87:4,8;92:1;93:10; 94:2;105:18 places (2) 106:8;115:4 placing (1) 41:22 plaintiff (2) 12:9;48:9 plans (1) 9:17 plastic (2) 38:23;93:8 plat (48) 17:7,9;19:6,9,16; 21:4,6;24:15;25:24; 26:7;27:4;28:8,10; 29:5,11,12;32:12; 35:14;36:22;37:15; 42:2;45:15,16;50:16; 51:6,8;55:10,11;65:8, 9;69:8,23;73:21; 74:11,18;79:21; 81:20;82:2,21;84:17;
N	O		P	
nail (5) 52:12;62:19;72:7; 86:5;87:9 nails (3) 72:10,13,17 name (4) 5:14,15,16;88:21 named (1) 50:5 nature (1) 11:18 necessary (1) 35:14 need (2) 20:15,18 needed (1) 17:21 Negative (1) 37:21 neighborhood (1) 6:16 Nest (1) 42:19 new (4) 52:18;64:12;68:16; 98:23 new-looking (1) 112:2 next (10) 25:7;42:3,22;43:7, 7;47:21,24;49:5; 51:25;52:5 nobody (1) 87:10 none (1) 71:13 north (1) 24:16 northeast (1) 70:12 noted (1) 30:4 notes (12) 12:6;21:12,18;26:3; 65:12;84:13;87:25; 88:1;99:17,22; 101:12;104:20 noticed (1) 57:3 nowadays (2) 23:16,18 number (15) 6:12;33:15;39:7,8; 50:8;65:25,25;66:2, 12;67:25;88:21;93:3;	oath (1) 10:20 object (7) 21:24;62:1,18; 86:25;87:16,19;90:21 Objection (1) 112:16 objects (3) 71:4;87:11,17 obliterating (1) 39:17 observation (1) 25:20 observed (3) 57:23;62:12;79:18 occupation (1) 5:19 occupy (1) 62:20 ocean (2) 16:20;84:24 off (24) 9:18;18:13,16; 23:24,25,25;33:22; 35:16;46:10;60:6,8; 61:1,3;63:4;66:11; 75:17;76:16,20;83:2; 92:11;94:16,19; 97:24;99:7 office (1) 22:19 official (1) 60:5 of-record (1) 14:6 old (3) 10:3;77:16;116:15 once (3) 13:5;51:18;98:10 one (62) 10:9,23;11:20,21, 23,23,24;13:2;17:18, 19;21:24;23:7,7,13; 33:15;39:16,20; 42:11,13;43:15; 47:14,16;48:24; 49:19;51:18,19,19; 52:6;54:4,6;58:7; 59:24;62:1;65:20,24; 66:6;71:9;72:10;74:1, 23;77:6;78:6,7;79:17; 82:1;86:5;93:7;94:22; 95:20;96:2;97:21; 98:4,17;101:4; 111:16,21;112:3,8;		page (2) 83:24,25 paid (1) 110:10 paint (1) 86:12 paper (7) 29:11,12;79:1;95:5, 6;96:6;109:25 parallel (3) 75:7,10,11 parcel (3) 17:18,19;42:3 parentheses (2) 65:24;66:2 part (2) 18:20;42:20 Passage (1) 16:22 past (3) 39:1;55:6;107:11 path (10) 30:19;32:4,5,6; 39:4;40:11;70:19; 72:3,5,6 Pause (1) 104:20 pay (1) 110:7 people (8) 14:14;16:9;47:11; 54:3;60:1;84:14; 109:22;115:11 per (1) 35:7 perfectly (1) 46:4 perform (2)	

87:24;95:17,19; 105:3;109:21;110:1; 112:11;113:7 plats (5) 10:7;13:8,15;37:3; 95:5 platted (2) 70:24,25 plating (4) 36:23;37:2,6,13 please (1) 5:14 pleasure (1) 116:21 plus (1) 28:9 pogo (1) 87:1 point (45) 15:15,16;21:25; 24:25;31:19;38:2; 39:12,13;45:2;60:13, 14;63:23;67:1,10,11; 69:12,22,23;73:22; 74:1,8,13,20,24; 78:10;79:10,25;80:3, 10;86:6;87:2,20; 97:21,22;98:4,5,6; 99:1;100:8,10,20; 102:20;107:1;108:5; 113:14 pointed (2) 60:4;108:16 pointing (1) 27:9 points (21) 17:1;24:18;25:23; 27:22,24;30:1,19,20, 22,25;31:13;32:3,12, 20;33:23,25;42:10; 67:7;75:15;84:16; 90:25 pole (11) 24:7;32:8,9;41:16, 25;44:17;45:1;60:16, 17;114:15,16 Pool (1) 11:21 poor (1) 113:17 position (16) 58:14;67:9;69:11; 76:1;80:10;83:16; 85:9;90:8,25;95:23; 98:20;99:11;102:20; 113:14,22;115:19 positioned (3) 13:20;68:9;89:1 positioning (2) 69:16,17 positions (3) 99:12;100:7,25 positive (2)	65:17;68:12 possibility (3) 77:11;103:14,16 practice (2) 54:9;97:25 practicing (1) 12:16 preparation (1) 36:19 pretty (1) 90:12 previous (1) 110:9 prior (2) 94:2;104:16 prism (1) 90:22 probably (23) 7:21;8:17;9:2;11:1; 15:5;17:6;19:8,8; 23:2;31:17;33:7;34:8; 53:9;63:19;68:13; 87:24;89:3;90:21; 91:24;98:10,15; 107:3;115:8 problem (3) 17:8;77:25;113:14 procedure (1) 9:23 proceeded (1) 26:4 process (2) 59:25;110:13 produce (1) 18:21 production (1) 116:11 profession (1) 12:23 Professional (4) 5:20,22,25;6:10 project (2) 12:7;39:1 proper (1) 13:1 properly (1) 85:13 property (14) 17:18;33:14;48:18; 49:13;56:17;57:23; 104:17;105:23; 106:25;107:2,8,11; 109:23;110:24 provided (1) 76:13 pull (3) 13:7;74:24;105:16 pulled (1) 22:25 purpose (2) 9:25;13:17 purposes (4) 10:10;30:3;58:18;	89:16 pursuant (1) 32:11 pushed (1) 43:1 put (15) 14:4;30:14;34:15; 39:16;41:15;52:19; 62:19;65:3;74:22; 84:23;87:6;92:21; 96:12,15;115:23 Puts (1) 39:19 putting (5) 28:1;39:5;64:25; 76:9;103:19	50:1;52:23;107:9 ready (1) 53:13 real (3) 40:15;84:9;89:24 really (7) 15:6;24:11;40:21; 59:5;85:25;107:11; 110:5 reason (1) 101:20 reasoning (1) 56:15 rebar (2) 52:18;88:23 rebars (1) 38:23 recall (7) 9:8;38:11,18;63:17; 75:16,21;89:12 received (1) 110:7 recently (1) 98:23 recognize (2) 90:6;109:22 recollection (1) 20:1 re-comp (2) 79:14,16 record (28) 5:15;13:5,19;18:14, 16,18;20:22;30:4; 35:16,18;54:1;61:1,3, 6;67:14,17;68:13; 71:23;76:20,23;83:2, 5;94:16,19;104:11,16, 16;113:6 recorded (22) 15:4,6,7;17:7,9; 19:10;26:21;27:20; 29:7;37:5;61:8;65:24; 66:4,4;97:15;105:3, 12,13;109:20;110:19, 23,25 recording (1) 10:7 records (1) 90:24 recovered (5) 34:10;50:22;52:17; 56:14;65:10 recreational (3) 16:8;34:24;36:19 red (1) 39:19 reenact (1) 14:14 reestablish (1) 67:9 refer (3) 71:8,10;115:11 reference (4)	67:4;84:16;91:15; 107:14 referenced (1) 13:14 referencing (1) 59:3 referred (4) 16:22;61:23;87:25; 105:7 referring (3) 51:22;58:15;96:9 refers (2) 21:7;87:11 reflections (1) 97:24 re-found (1) 42:17 refresher (1) 6:4 regards (1) 11:4 registration (1) 67:25 regulated (1) 37:1 regulating (1) 37:13 relate (1) 22:10 related (7) 15:17;34:3;67:2; 90:25;103:22;104:4,9 relation (1) 74:11 relationship (6) 29:23;46:2;53:15; 60:6;74:25;100:24 relationships (2) 13:21;59:9 remember (7) 11:22,24;38:20; 43:15;76:15;79:17; 99:18 repeat (1) 58:22 rephrase (1) 102:22 report (3) 83:11;85:17;103:5 reporter (1) 5:7 reposition (3) 67:10,11;87:18 rerunning (1) 34:16 resale (2) 16:11,12 research (2) 13:3;68:14 reserved (1) 116:23 reset (6) 61:19;67:15,17,24;
		Q		
		qualified (2) 11:7,15 quantity (1) 11:20 quick (1) 18:11 quite (3) 22:23;37:4;86:21 quote (1) 12:19		
		R		
		R&M (16) 12:1,4;54:24,24; 55:5;60:23;67:16; 93:19;94:12,14; 98:25;102:9;103:1; 104:15;111:13; 114:12 R&M's (10) 11:22;97:16;102:4, 5,6,18;104:25;112:11, 13;113:9 raised (1) 6:25 ran (2) 95:9;96:14 Randall (1) 54:13 random (1) 40:21 Randy (4) 54:13;83:11;101:7; 103:5 range (1) 24:7 rather (1) 84:8 read (6) 23:15,24;26:18; 35:11;77:1,8 reading (6) 23:23;35:10;48:22;		

<p>68:2,10 response (2) 17:14;77:8 rest (1) 63:8 restate (1) 75:8 resurveying (1) 103:12 retail (2) 16:10;35:23 retrace (1) 14:15 retracing (1) 63:12 reverified (2) 81:4,7 review (1) 64:5 reviewing (1) 37:3 revisited (2) 61:16,24 Right (109) 7:3;8:25;9:20; 10:21;12:2;13:16; 14:21;15:25;17:23; 20:23;21:19,21; 23:24;24:23;25:11; 26:9,15,16;28:5;30:6, 13;31:14,17;32:9; 33:15;37:10;39:11, 12,13;40:17,25;41:11, 13;43:11;44:4,8,19; 45:17;46:8;47:23; 50:17,20;51:23; 52:15;54:12;55:21; 57:21;58:7;60:25; 64:1;65:14;66:12,15, 19;67:21;69:1,23; 72:2,22;78:14,15; 81:21;82:3,18,19,24; 86:3,5;90:4,5,8;92:2, 8;93:21,25;96:13,16, 24;97:3,17;99:23; 101:6,10,20;102:14, 23;103:3,24;104:2; 105:20,22;106:5,9,21, 22;107:9,15;108:3,14, 22;109:6;110:16; 111:8,22,24;113:15, 25;114:25 right-hand (1) 51:24 right-of-way (1) 45:3 rights (1) 29:1 rock (22) 21:10,11,13;62:1,6, 21;63:1,4;65:1,10; 66:25;67:12,13; 68:11,22,24;83:17;</p>	<p>85:3;86:13;87:3,9; 98:24 rocks (1) 84:11 rocky (1) 84:6 rod (1) 90:22 Rohm (1) 81:3 role (1) 36:18 Rome (1) 53:2 room (1) 14:25 rough (1) 40:15 round (1) 52:16 rules (2) 10:8,19 run (2) 45:6;108:13 running (1) 84:5 runs (2) 36:3;106:24</p>	<p>77:19 school (3) 7:25;8:1,2 search (1) 21:13 seaward (4) 105:24;106:7,12; 115:5 second (3) 20:16;100:3;108:6 secondary (5) 92:7;93:2,5,11,22 seconds (4) 23:3,10,16,16 seem (2) 75:3,4 seemed (5) 37:9,10;50:23;58:1; 62:1 seems (2) 70:7;75:6 sell (2) 17:21;53:13 sense (2) 14:5;115:13 separate (2) 58:18,19 septic (1) 48:14 service (2) 7:11;61:18 set (51) 20:11;21:23;24:3,8; 30:22,25;32:2,20; 33:23,25;34:1;40:18, 23;41:4,8;42:20;43:2, 3;44:13,15;45:20,21, 23,25;46:23;47:1; 49:8,10;52:12,18; 53:16,19;57:2;59:11, 25;81:3,6,18;84:15, 21;85:1,86:25;87:1; 88:20;98:5;100:7; 104:10;107:15; 109:16,18,21 sets (1) 78:13 setting (6) 30:18,23;34:7; 75:20;85:7;100:16 seven (1) 33:7 Shall (1) 97:3 shed (17) 52:2,3,4;57:3,4,6,8, 8,9,10,22;58:7,9; 59:16;89:23;90:7,8 shift (1) 80:4 shifted (3) 70:1,3;73:16 shifts (1)</p>	<p>81:23 shooting (2) 97:21;98:22 shore (1) 20:4 shoreline (4) 17:2;20:5;27:7; 51:15 shortcut (1) 34:14 shorter (1) 102:11 shot (5) 24:12;66:14;98:24; 107:12,13 show (15) 14:11;48:12;64:15; 69:13,14;70:15,19,20; 71:13;72:3;73:5; 82:12;95:11;106:19; 114:14 showed (1) 53:19 showing (4) 69:15;74:11; 106:16;109:21 shown (14) 32:12;50:16;51:10; 57:6,18;58:21,21; 64:9;65:19;69:6,8; 73:9;114:11,24 shows (14) 25:9;51:11;52:12, 16;56:13;65:22,23; 69:25;70:1;71:4;72:4; 75:5;91:20;105:14 Shumway (7) 47:7,13;49:12; 60:19,21;93:17; 103:23 Shumway's (2) 43:11;89:24 shy (1) 66:17 side (12) 20:8;46:16;60:18, 19,20;70:13;76:2,3,3; 91:9;92:20,23 sideline (1) 94:11 sight (10) 24:10;41:10;98:4,6, 12,18,19;100:5,8,9 sighted (1) 100:20 Signature (1) 116:23 significance (3) 71:16;87:14;88:12 signs (1) 45:12 simpler (1) 28:1</p>	<p>site (3) 61:17,24;73:4 sites (1) 34:25 sitting (2) 16:13;74:22 six (1) 34:9 size (3) 19:20;34:22;35:2 sizes (1) 76:11 sketch (1) 14:10 sketches (1) 16:17 slightly (1) 105:24 small (4) 26:20;32:15;57:10, 13 smaller (3) 26:15,18;35:23 soft (1) 86:16 sold (4) 19:15;81:9,11; 109:15 solve (2) 17:10;78:2 solved (2) 77:25;78:1 solving (1) 10:2 somebody (7) 55:9;56:14;62:18; 72:11;86:15,24;91:23 someone (1) 14:18 sometimes (5) 14:1;46:7,8;54:2; 77:14 somewhere (13) 7:4,22;8:18;31:17; 37:12,23;43:6;44:22; 63:20,22;68:13; 81:11,12 sore (1) 64:21 sorry (10) 23:5;38:1;46:25; 47:1;95:13;105:13; 106:11;110:8,11; 113:1 sort (1) 10:4 south (1) 24:16 Southeast (3) 36:12,15;37:5 speak (1) 116:20 specific (5)</p>
	S			
	<p>safe (1) 42:14 same (26) 9:23;27:19;28:11; 34:16;46:12,19; 48:25;55:14;58:15; 62:10;66:8;68:9; 69:10;70:1;75:11,12, 24;80:21;101:4,13, 18;102:10;105:4; 107:19;111:15; 115:17 sand (2) 42:12;82:10 sandy (1) 84:5 Sassoon (1) 14:25 satellite (1) 23:17 satisfied (1) 60:3 saved (1) 85:11 saw (3) 63:18;83:16;86:8 sawmill (1) 17:11 saying (5) 67:20;70:8;83:18; 96:11;115:14 scenario (1)</p>			

<p>12:12;14:17;19:18; 35:2;36:24 specifically (4) 11:4;47:25;75:21; 114:14 specify (1) 14:1 spell (1) 5:15 spend (1) 63:6 spent (1) 8:20 spike (3) 62:19;85:23;86:23 Spikes (5) 72:14,15,16,19; 73:2 spit (1) 82:10 spot (6) 38:16;42:14;68:9; 75:14;115:20,24 spots (1) 46:5 stake (9) 30:17;46:18;50:22, 24;51:24;52:16,18; 59:4;60:4 staked (12) 31:20,20;42:17; 43:15,18;46:13,17; 47:6;60:18,19,20; 109:13 stakes (6) 29:24;30:1,14;34:2; 51:12;52:20 staking (1) 19:16 standard (1) 12:16 standards (5) 12:12,18,23;34:19; 99:11 standing (3) 60:11;90:14;92:5 start (9) 13:6;19:15;20:21; 25:2;30:23;32:5; 74:12;79:24;96:12 started (23) 9:6;14:11;16:19; 17:4,7;24:14;28:13, 20;29:3,24;30:18; 34:4,8,10;37:12;39:1; 47:8;63:2;69:18; 79:18;80:3,7;82:25 starting (14) 17:8;21:25;24:25; 34:12;69:12,19;74:8, 12,19,19;75:15;79:8; 100:10,12 state (9)</p>	<p>5:14;6:5,5,11,14, 21;15:7;87:7;99:11 step (2) 20:18,18 Stephens (1) 16:22 sticking (1) 86:6 still (9) 26:20;40:15;41:23, 24;42:10;57:23; 62:22;75:24;90:14 stone (3) 64:19;67:20,23 stony (1) 84:5 stood (1) 64:21 stop (1) 31:16 straight (1) 91:22 street (1) 45:11 stretched (1) 23:1 strike (4) 6:18;7:13;25:8; 56:20 structure (1) 58:5 structures (2) 57:15,18 studied (1) 8:8 study (1) 8:6 stuff (5) 10:5;47:19;71:14; 88:13;116:15 subdivide (1) 17:21 subdivided (2) 17:17;29:18 subdivision (10) 19:5;24:25;27:13, 14,17;34:5;36:20; 69:19,20;109:4 subdivisions (1) 56:9 subject (2) 75:18;116:11 subsequent (3) 31:15;38:10;41:21 subsequently (1) 32:11 subtracting (1) 79:8 suggest (1) 18:21 suggesting (1) 80:17 support (1)</p>	<p>12:4 suppose (1) 25:25 supposed (6) 12:17;19:14;21:11; 42:25;54:5;61:25 sure (13) 8:13,14;9:20;18:11; 28:12;50:23;56:15; 63:7;101:24;102:23; 110:16,22;113:1 survey (105) 11:22;12:4,7,14,24, 25;13:12,20;14:16,19, 20;15:4,16,17,23,24; 16:5,6;19:15,19;21:2, 3,20;22:10,11,14; 24:1,6,18;27:18; 28:17,21;34:4;36:7; 37:17;42:4;47:21,24; 48:2,15,23;49:5; 50:12;52:18,18,21,25; 53:11;54:22;55:9; 57:5;61:14;62:13; 63:8,9,24;64:9;65:12; 66:1,24;67:5,10,15, 17;71:4,4;72:22;73:1; 75:5;77:13;82:8; 88:21;89:19;90:16, 22;92:3;93:3,18,20; 94:14;96:23;97:15; 99:3,17;101:14; 102:1;103:22;104:3, 12,12,16,17,25,25; 105:7,8;111:10; 112:10,12,21,22,24; 113:6,9;114:11 surveyed (10) 6:22;25:22;33:11, 12,13;38:10;42:23, 24;73:20;104:15 surveying (38) 6:9,20;7:13,16;8:6, 21;9:14,14,16,16,24; 10:1;12:16;13:6;23:5, 6,17;24:3,14;27:23; 29:25;30:22;31:6; 34:8,19;39:25;43:20; 53:24;54:19;55:2,8, 19;57:19;71:19; 77:12;79:24;93:14; 101:21 surveyor (16) 5:20,22;6:1,10;7:8; 11:5;20:12,13;23:25; 56:7,13;66:21;67:1, 25;76:8;84:3 surveyors (1) 50:4 surveyor's (1) 50:8 surveys (14) 14:17;22:22;33:5,</p>	<p>10;38:12;53:1;55:5; 77:10,10,15,16; 109:14;110:10,18 survey's (1) 84:2 swing (2) 87:18,20 sworn (1) 5:7 symbols (1) 91:20 system (1) 48:14</p>	<p>7:10,23;11:12,14, 16;43:16;54:6;57:18; 112:24 three-tenths (2) 53:18,21 thumb (1) 64:22 thus (1) 84:2 tidal (1) 85:5 tide (8) 25:25;27:24,25; 28:16,16;36:2,6,8 tideland (1) 82:8 Tidelands (1) 99:2 tides (1) 36:16 tied (2) 36:2,7 ties (2) 87:18,20 tighter (1) 98:4 till (1) 53:13 timeline (1) 103:22 times (8) 11:10,11,12,14,17; 97:18;98:8,15 title (3) 13:1;34:23;42:25 today (2) 16:13;114:16 today's (1) 84:3 toe (4) 36:3,4;108:19,21 together (2) 14:4;63:8 told (1) 20:1 took (6) 19:7;21:23;24:12; 111:5,19;113:25 top (14) 41:5;42:13;68:3; 69:14;74:23;76:16; 83:25;84:15;88:13; 90:23;92:9;105:19; 107:15,21 topic (1) 97:12 topo (15) 48:1,12;57:25;71:3; 73:15;89:19;90:21; 105:7;106:3;107:7, 21;108:10,11,12,20 total (2) 19:9;80:11</p>
T				
			<p>tacks (1) 34:2 talk (6) 11:25;33:4;43:19; 55:10;59:10;97:12 talked (3) 109:3,25;110:17 talking (15) 18:1;46:17;48:25; 57:9,9;76:5;77:12,20; 89:3;101:7,24; 106:10,20;109:3,24 tenths (1) 54:6 term (3) 10:11;14:13;115:9 terminology (2) 37:16;100:14 terms (4) 12:13;28:1;34:22; 105:1 terrain (2) 84:2;85:1 testified (6) 5:9;11:3;38:9;81:2, 22;106:6 testify (1) 47:16 testimony (4) 12:4;47:15;65:6; 103:5 theon (2) 23:22,23 thick (1) 106:23 third (1) 11:24 though (3) 36:11;51:2;111:16 thought (4) 18:10,12;25:20; 100:21 thoughts (1) 110:11 thousandths (1) 54:7 three (9)</p>	

totally (1) 40:9	5:8,8,9	uplands (1) 80:20	vertically (1) 106:10	5:8;37:5;39:17
Totem (18) 32:8,9;40:4,6; 41:16,25;44:17;45:1; 50:25;58:6;60:16,17; 70:12,13,15,23; 114:15,16	try (14) 12:25;13:9,25;14:3, 15;32:21;55:13;63:7; 67:4,4,10;71:18; 77:25;113:6	upper (5) 35:22;41:15;42:19; 51:23;85:2	Vietnam (1) 7:3	whose (1) 112:10
towards (11) 9:20;19:6;28:3; 58:5;73:16,17;80:8; 81:23,24;82:10;91:18	trying (11) 10:7;32:16;43:24; 47:6;52:22;56:16; 59:6;60:21;63:7,13; 90:7	use (14) 9:23;22:5;23:3,16; 26:17;30:21;41:5,14; 42:15;52:19;84:21, 22;87:17;98:13	W	width (2) 40:22;76:4
tract (6) 69:24;82:14,15,17, 18,20	turn (3) 14:17;23:12;90:23	used (13) 22:24;25:25;32:20; 37:16;38:25;39:24; 45:3,4;68:21;74:10; 85:12;87:24;111:14	Wacky (1) 21:13	wife (1) 31:4
traffic (2) 45:5;46:1	two (13) 19:8;42:7;43:16; 44:8;46:14;56:23; 57:15;59:15;67:7; 68:7;75:21;77:23; 87:20	useless (1) 41:9	walkway (1) 82:10	willing (1) 77:25
Trail (38) 32:8,9,10,21;40:4,6, 12,20,21;41:16,25; 42:11,13,18,19;44:18; 45:1,2,9,10;46:2; 50:25;52:1,2,5;58:6; 60:11,16,17;70:13,16, 23;89:24;90:5; 114:15,16,17,18	two-by-two (4) 51:19,21,24;60:4	using (9) 23:19,21,22;34:10; 45:9;62:22;91:15; 111:7;115:8	War (1) 7:3	within (12) 13:20;23:13;29:14, 17;30:4;50:15;53:18; 54:10;56:9;73:8; 87:22;102:12
trails (3) 32:15,15,16	tying (1) 103:19	USLM (4) 66:15;100:3,7,16	washed (1) 85:6	without (3) 37:6;39:17;103:12
training (1) 5:25	type (1) 88:20	usually (8) 54:1;55:12,17; 71:18;72:16;84:23, 25;98:12	water (23) 20:7;24:7;25:19,20, 25;26:1,6;30:16;36:5, 5,6,10,10,12;73:17; 81:24;85:1,6;91:17; 92:20;97:25;107:23; 115:11	witness (44) 11:8;21:8;22:2; 24:21;26:22;30:9; 38:2,5,6,7;39:10; 41:4;43:13;44:2,6; 51:14;62:7,11;64:15; 65:1,10,19;66:17; 67:17,22;68:7;84:15, 23;87:12;92:1;97:13; 100:11,21;102:25; 104:6,23;105:18; 111:7,20;113:22; 114:2;116:12,15,18
transpired (1) 19:3	U	V	waterline (1) 115:4	witnesses (1) 84:24
Transportation (2) 53:6;54:16	ultimately (1) 21:4	value (1) 35:23	waterside (1) 114:20	wood (5) 29:24;30:1,14; 52:16,19
travel (1) 77:22	unable (1) 18:19	Van (1) 8:23	water-side (1) 92:19	word (2) 12:19,19
travels (1) 70:20	uncommon (1) 55:8	variance (1) 74:7	way (20) 12:7;22:22;36:25; 40:1,1,2,2;41:13;70:2, 3,9,10;74:25,25; 79:21,25;80:4;96:14; 113:17;114:12	words (3) 40:11;42:1;95:9
traverse (4) 25:21,22;30:24; 67:7	under (3) 6:24;10:20;16:19	variation (1) 55:23	ways (2) 24:9;39:25	work (29) 7:7;8:22;9:1;15:17; 16:19;19:6,13;20:21; 21:3;22:10,11;29:23; 31:1;32:24;36:24; 43:8,20;52:25;53:11; 54:22;55:2,9,21; 59:10;63:24;64:2,7; 94:5,14
trees (6) 40:18;47:8;87:12, 25;88:2,7	understood (3) 103:4;106:11; 112:12	variations (1) 16:18	WC (5) 21:8;24:13;52:8; 63:2;85:3	worked (2) 6:24;65:15
triangulate (1) 87:21	unless (1) 72:10	varies (1) 27:21	WC/MC (1) 61:25	working (6) 16:9;31:8,10,16; 53:6;62:3
triangulating (1) 97:22	up (58) 7:10;16:7,8;17:9; 18:10;21:23;24:3,8; 30:7,18;32:4,17,20; 40:4;41:5;42:11,12, 13;45:6;46:19;51:12; 58:5;61:9;63:14;66:1; 70:19;74:11;77:21; 78:19,23;79:6,9,16; 84:15;85:2,19;90:20; 91:13,22,23,24,25; 95:11;96:6,20,22; 99:8,19;100:23; 105:16;106:9,17; 107:14,16;108:15; 109:8;111:4;112:1	various (1) 110:17	WCMC (1) 101:1	works (1) 54:15
triangulation (5) 67:6;97:21;98:1,20; 99:15	updated (1) 111:14	vary (2) 28:6;36:13	WCMC1 (1) 100:4	world (1) 56:7
tried (3) 16:25;17:4;28:10	uphill (2) 44:17;91:18	vehicular (2) 45:4;46:1	WEDNESDAY (1) 5:1	Worrells (2) 17:12;31:3
troller (2) 7:9;8:20	upland (3) 40:23;80:21;82:15	venue (1) 24:1	weight (2) 56:10,11	writing (1) 10:4
trouble (1) 28:19		verbatim (1) 12:20	weren't (1) 104:24	written (2) 14:2;83:11
truck (2) 18:9,20		verified (1) 81:8	west (1) 24:17	wrong (4)
true (5) 80:21;83:17;84:16; 85:7;89:13		verify (1) 53:14	What's (19) 9:15;15:10;16:1; 20:24;23:7;25:7;43:8; 49:22;56:9;58:19,21; 63:16;64:2;66:6;77:1; 83:7;84:12;87:14; 88:12	
truth (3)		version (3) 26:15,17,19	white (3) 86:12,17,17	
		versus (1) 28:3	whole (3)	
		vertical (5) 21:11,11;62:20; 86:8,25		

37:16;46:24;75:14; 115:8 Wyer (1) 8:22	11:45 (1) 116:22 11-13 (1) 89:13 12 (3) 44:8,13;89:5 120 (2) 35:10,10 1285 (2) 66:15;100:3 12-foot (1) 20:8 13 (8) 42:25;43:14;44:4,7, 13;85:4;90:15;98:23 14 (36) 33:20;43:12,13,13, 14,20,22,23;48:1,2,3; 49:11;57:18;58:25; 59:11;68:15;70:4,5,6; 72:3;73:16;75:20; 81:18,23;90:1,2,3; 91:1,2;93:17;94:6; 106:7,12;108:7; 113:3,6 140 (1) 35:9 15 (28) 33:20,21;43:11,11, 14,21,23;46:10; 50:15;56:2;57:19; 58:25;59:19;69:7; 72:3;73:9,16;81:23; 91:8,10,18;92:12,13; 93:17;94:9;108:2,7; 113:9 150 (5) 35:21;50:18;75:25; 76:8;115:21 150-by-100-foot (1) 69:10 16 (11) 33:21;70:2;73:10, 12,13,16;81:23; 89:25;93:14,15;94:6 1620 (3) 82:8;99:3;101:1 17 (13) 33:20;43:10,10,11, 20;46:11,13,17,17,18, 23;47:4,22 1755 (14) 14:20;15:24;16:6; 21:20;22:3,14;24:6; 27:18;28:4,7;36:7; 65:13;101:14;102:13 18 (11) 30:11;31:22;50:25; 53:3;59:4;78:14,17; 80:8;81:3;96:12; 107:14 1927 (2) 22:18,22	1928 (1) 22:17 1973 (2) 22:22;23:20 1975 (1) 22:12 1989 (1) 68:2 1998 (1) 37:11 1-inch (2) 52:16,19	66:20 24 (2) 36:14;76:13 24-by-36 (1) 26:21 25 (1) 106:4 27 (3) 22:19;65:5;87:24 28 (1) 22:16 2-inch (1) 88:22	5 (23) 33:12,12,12;61:4; 63:17;64:5,9,16; 65:20;72:1;73:5,15; 81:22;91:16;92:10, 17;102:2,5,7;106:17; 108:15;114:10,11 5,000 (1) 54:8 5-foot (3) 106:16,17,19	
Y		2	3	6	
year (4) 19:7,8;38:18;43:5 years (18) 5:23;6:9,15,17,20; 7:10,12,19,23;8:20; 9:2;10:8;19:9;29:2; 34:9;44:20;55:9; 68:15 yellow (6) 52:17,20;86:14,15; 91:3;93:8 Yup (10) 33:8;46:24,24; 101:20;102:14;103:3, 10;110:2,2;115:25		2 (14) 26:11,12,14,23; 33:21,24;36:22;42:6, 21;44:1,2,4,11;65:9 20 (11) 36:5,14;70:9,11; 73:17;81:23;87:22; 106:20;107:20; 108:12,12 2004 (1) 82:23 2005 (20) 46:25,25;47:3,22; 48:19,20,23;49:5,8, 11,15;53:8;57:2;58:3; 59:11;81:10;93:12; 103:22;104:3,12 2006 (1) 81:11 2007 (1) 81:12 2010 (1) 76:13 2012 (4) 63:22;66:24;93:20; 94:3 2013 (3) 61:13;63:19;98:23 2014 (3) 49:3;58:3;61:13 2015 (1) 5:1 20B (1) 72:17 20-foot (2) 107:21;108:20 20-penny (1) 72:17 20s (1) 107:3 20-some (1) 72:6 21 (1) 36:6 22 (5) 5:1;36:5;65:22,22; 101:19 22-foot (1)	3 (23) 33:13;38:8;42:6,6, 7,7,8,21;46:7;48:4,23; 49:2;57:11,12;58:21; 59:1;61:14,15;64:3; 65:23;72:24;81:19; 89:21 3,813 (1) 66:19 3,814.61 (1) 66:5 3,836 (1) 66:19 300 (2) 50:20;51:1 360 (1) 23:9 3650 (1) 6:12 3650-S (1) 93:2 37 (2) 6:15,17	6 (5) 76:21;77:1;105:25; 106:1;107:16 6.6 (1) 22:25 60 (3) 23:10,10,11 61 (1) 8:1 62 (3) 7:22,22,24 63 (1) 8:4 65 (1) 7:22 67 (1) 8:17 6700 (1) 67:25 68 (1) 8:17 69 (1) 8:17 6-foot (1) 107:16	
0					
0 (1) 36:16 02 (1) 82:25					
1					
1 (33) 14:23,24;15:3,13; 20:24;21:5;24:22; 26:22;30:5,11,12; 31:22;33:20,23; 34:22;36:2;38:5;43:9; 47:25;48:2;50:15; 65:1,2;66:11;67:22; 78:18;80:8,8;82:16, 16;96:15;99:25; 102:25 1:00 (1) 89:14 10 (10) 33:21;39:9,10,11; 41:2,3;46:10;79:13; 80:18;88:8 10- (1) 20:7 100 (10) 35:6,21,24,24; 50:19,20;75:25;76:8; 94:10;115:21 100-foot (1) 96:20 100th (1) 101:13 1070 (1) 5:18 11 (3) 88:19,21;93:7				4	
				7	
				4 (26) 33:12,13;36:16; 42:6,6,7;49:17,18,23; 52:10;56:10;57:6,7; 58:21,25;60:6,8,14; 71:11,21,25;72:4; 79:12,15;80:14,16 4,000 (1) 66:18 4,351 (1) 78:8 4.1 (1) 52:8 40 (7) 5:23;6:20;87:23; 106:3,9;107:5,8 43 (1) 95:24	7 (3) 38:8;82:7;99:20 70s (9) 15:17;39:22;98:18; 101:22;104:10; 111:11,12,16,23 72 (1) 9:10 73 (1) 22:13 75-11 (29) 21:4;26:8;28:7; 29:5,23;32:12;36:22; 37:15;38:11,13; 50:16;51:16;64:7; 65:9,21;69:8;74:18; 81:16,20;82:2,13,21; 84:17;112:11,13,21; 113:7,10,19 76 (3) 7:3;31:17;43:6
			5		

77 (1) 43:6				
8				
8 (5) 38:8;83:3,7,8,9				
9				
9 (5) 33:21;85:14,21,22; 88:13				
9:00 (1) 5:3				
9:19 (1) 18:15				
9:23 (1) 18:17				
9:44 (1) 35:15				
9:45 (1) 35:17				
90s (5) 44:22,25;46:21; 47:1;53:9				
947 (1) 96:18				
957 (1) 96:17				