

# TESTIMONY LOG

IN THE MATTER OF APPLICATION FOR )  
TRANSFER NO. 70887 IN THE NAME OF )  
BRACKETT RANCHES LTD. AND )  
APPLICATION FOR TRANSFER NO. )  
70890 IN THE NAME OF BERT )  
BRACKETT AND PAULA BRACKETT )  
\_\_\_\_\_ )

Beginning at 9:30 a.m.  
May 12, 2009  
Hearing Officer: Shelley W. Keen

## DIGITAL AND TAPE INFORMATION:

| DIGITAL TRACK | DIGITAL LOCATION    | TAPE NO. & TIME STAMP | TAPE LOCATION | TESTIMONY DESCRIPTION                                                    |
|---------------|---------------------|-----------------------|---------------|--------------------------------------------------------------------------|
| NO.           | HRS-MIN-SEC         | TO                    | FROM          |                                                                          |
| 007           | 00:00:00            | TAPE NO. 1            | 0028          | BEGIN HEARING 05/12/09 @ 09:45 hrs MDT                                   |
|               | <del>00:00:35</del> | <del>03:50</del>      | 0141          | INTRODUCTIONS                                                            |
|               | 03:51               |                       | 0141          | ISSUES                                                                   |
|               | 05:35               | 0185                  |               |                                                                          |
|               | 05:35               |                       | 0185          | MR. DALE PIPPITT TESTIMONY, DIRECT                                       |
|               | 13:41               | 0423                  |               | PAUSE/OFF RECORD                                                         |
|               | 13:41               | <del>04</del>         | 0423          | CONT. DIRECT, MR. PIPPITT                                                |
|               | 17:30               | 0535                  |               |                                                                          |
|               | 17:30               |                       | 0535          | CROSS, MR. PIPPITT                                                       |
|               | 23:00               | 0700                  | <del>07</del> |                                                                          |
|               | 23:00               |                       | 0700          | OFF RECORD                                                               |
|               | 23:32               |                       | 0713          | NO REDIRECT                                                              |
|               | 23:55               | 0725                  |               | END MR. PIPPITT                                                          |
|               | 24:15               |                       | 0735          | MR. BERT BRACKETT TESTIMONY, DIRECT                                      |
|               | 25:34               | 0774                  |               | PAUSE/OFF RECORD                                                         |
|               | 26:29               |                       | 0799          | BERT BRACKETT SWEAR IN, DIRECT                                           |
|               | 55:50               | 1720                  |               |                                                                          |
|               | 55:50               |                       | 1720          | Brackett explanation of <sup>alleged</sup> decrease in water, ref. Ex. 2 |
|               | 1:00:25             | 1871                  |               | PAUSE/OFF RECORD / BREAK @ 10:47 hrs MDT                                 |
|               | 1:00:26             |                       | 1872          | OBJECTIONS, RULING, <sup>WITHDRAWN</sup> RESUME @ 10:56 hrs MDT          |
|               | 1:07:40             | 2110                  |               | CONT. BRACKETT TESTIMONY, DIRECT                                         |
|               | 1:07:40             |                       | 2110          | OBJECTIONS, (3), RULING                                                  |
|               | 1:13:20             | 2303                  |               |                                                                          |
|               | 1:13:20             |                       | 2303          | CONT. DIRECT, BRACKETT,                                                  |

| DIGITAL TRACK | DIGITAL LOCATION   | TAPE NO. & TIME STAMP | TAPE LOCATION | TESTIMONY DESCRIPTION                              |
|---------------|--------------------|-----------------------|---------------|----------------------------------------------------|
| NO.           | HRS-MIN-SEC        | TO                    | FROM          |                                                    |
| 007           | 1:34:30            | TAPE #1<br>3058       |               | END DIRECT, BRACKETT                               |
|               | 1:34:30            |                       | 3058          | CROSS, BRACKETT                                    |
|               | 1:46:50            | 3522                  |               | END CROSS                                          |
|               | 1:46:50            |                       | 3522          | RE-DIRECT, BRACKETT                                |
|               | 1:51:14            | 3692                  |               | END RE-DIRECT, NO RE-CROSS                         |
|               | 1:51:32            |                       | 3705          | Q? from MR. KEEN to BRACKETT                       |
|               | 2:01:00            | 4090                  |               | END Q? from MR. KEEN to BRACKETT                   |
|               | 2:01:00            |                       | 4090          | CROSS FROM HONSINGER to BRACKETT                   |
|               | 2:04:15            | 4227                  |               | Q? from MR. KEEN to BRACKETT                       |
|               | 2:06:40            |                       | 4325          | <del>END Q?</del> CONT. Q? from Pridgen, Honsinger |
|               | 2:09:30            | 4448                  |               |                                                    |
|               | 2:09:30            |                       | 4448          | Q? from PRIDGEN to BRACKETT                        |
|               | 2:10:35            | 4490                  |               | END TESTIMONY, BRACKETT                            |
|               |                    |                       |               | ~ BREAK ~ @ 12:08 hrs MDT                          |
|               | 2:10:52            |                       | 4505          | RESUME @ 12:16 hrs MDT                             |
|               | <del>2:10:52</del> | 4                     |               | FRANK BACHMAN, DIRECT from HONSINGER               |
|               | 2:34:05            | 5573                  |               | END DIRECT                                         |
|               | 2:34:05            |                       | 5573          | Clarification of ruling RE: Exhibits 200, 201, 202 |
|               | 2:39:48            | 5860                  |               |                                                    |
|               | 2:40:00            |                       | 5870          | CROSS, MR. BACHMAN from PRIDGEN                    |
|               | 2:55:51            | 6737                  |               |                                                    |
|               | 2:55:51            | TAPE #2               | 0019          | Changed tape, cont. cross of MR. BACHMAN           |
|               | 3:06:32            | 0322                  |               | END CROSS OF BACHMAN                               |
|               | 3:06:32            |                       | 0322          | RE-DIRECT, BACHMAN from HONSINGER                  |
|               | 03:08:09           | 0370                  |               | END RE-DIRECT                                      |
|               | 03:08:48           |                       | 0389          | RE-CROSS, BACHMAN from PRIDGEN                     |
|               | 03:09:55           | 0422                  |               | END Q? from Pridgen                                |
|               | 03:09:55           |                       | 0422          | Q? from MR. KEEN, MARSHALL                         |
|               | 03:15:00           | 0575                  |               | END Q?                                             |
|               | 03:15:20           |                       | 0580          | DIRECT Q? of JOHN WESTRA from HONSINGER            |
|               | 03:26:20           | 0912                  | 0912          | CROSS from MR. PRIDGEN of MR. WESTRA               |
|               | 03:31:48           | 1079                  |               | PAUSE/OFF RECORD, REVIEW OF EX. 1, OBJECTION       |
|               | 3:31:48            |                       | 1079          | RE: ADMISSION OF EVIDENCE                          |

[illegible]