

No. 126, Original

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In The  
Supreme Court of the United States

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DEPOSITION OF DALE E. BOOK, P.E.

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STATE OF KANSAS,

Plaintiff,

v.

STATE OF NEBRASKA

and

STATE OF COLORADO,

Defendants.

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Monday, June 25, 2012

1:19 P.M.

PURSUANT TO NOTICE and the Federal Rules of Civil Procedure, the above-entitled deposition was taken on behalf of Defendant State of Nebraska at 1525 Sherman Street, 7th Floor, Denver, Colorado, before K. Michelle Dittmer, Registered Merit Reporter and Notary Public within Colorado.

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I N D E X

EXAMINATION

PAGE

June 25, 2012

By Mr. Blankenau

4

By Ms. Bernhardt

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By Mr. Draper

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EXHIBITS

INITIAL REFERENCE

1 Notice of Deposition of Mr. Dale E. Book, P.E.  
and Subpoena Duces Tecum

4

2 Rebuttal Report by Dale Book, 5/25/12

5

3 KBID precip and delivery comparison.xlsx

8

(Attached to original and electronic copy transcripts.)

1 PROCEEDINGS

2 DALE E. BOOK,

3 having been first duly sworn, was examined and  
4 testified as follows:

5 (Deposition Exhibit 1 was marked.)

6 EXAMINATION

7 BY MR. BLANKENAU:

8 Q Good afternoon, Mr. Book.

9 A Good afternoon, Mr. Blankenau.

10 Q I am going to begin this deposition with  
11 what has been marked Deposition Exhibit No. 1. Does  
12 that exhibit look familiar to you?

13 A Yes, it does.

14 Q And what is it?

15 A It is the Notice of Deposition and Subpoena  
16 for this deposition.

17 Q It's a Subpoena Duces Tecum; is that  
18 correct?

19 A Yes.

20 Q Did you bring any additional materials in  
21 response to that Subpoena?

22 A No, I did not.

23 Q Okay. All right. I'm going to switch to  
24 Exhibit 2.

25 (Deposition Exhibit 2 was marked.)

1 Q (BY MR. BLANKENAU) Do you recognize that  
2 exhibit?

3 A Yes, I do.

4 Q And what is it, please.

5 A This is the report that I prepared, dated  
6 May 25, 2012, titled Rebuttal Report, in this matter.

7 Q Okay. And does it appear to be complete?

8 A Yes, it is.

9 MR. DRAPER: This is a two-sided copy.

10 MR. BLANKENAU: That is a two-sided copy,  
11 correct.

12 Q (BY MR. BLANKENAU) Mr. Book, which report  
13 does your rebuttal report respond to?

14 A What I've termed in this report the "Riley  
15 report," which I believe was an appendix to the Sunding  
16 report, but it's listed specifically in Footnote No. 1  
17 on page 1.

18 Q Okay. Page 1 of your report, that would be  
19 KS1137?

20 A Yes.

21 Q All right. And from whom did you receive  
22 the Riley report?

23 A I believe that was provided to me from the  
24 attorneys for Kansas.

25 Q Do you remember which ones?

1           A    I believe I would have received that from  
2   Montgomery & Andrews.

3           Q    Okay.  So Mr. Draper's firm?

4           A    Yes.

5           Q    And when did you receive that report?

6           A    I don't recall the exact day, but looking  
7   at the date on the report, I recollect it was probably  
8   within two days of the date on the report, which is  
9   March 15.

10          Q    Okay.  Did you receive any instructions  
11   regarding that report from the attorneys at Montgomery &  
12   Andrews?

13          A    No.

14          Q    When were you asked to write a rebuttal  
15   report?

16          A    I believe it was approximately one week,  
17   give or take a couple of days, prior to May 25, 2012.

18          Q    So it would be sometime the week of roughly  
19   the 18th?

20          A    That's possible.  I don't remember what day  
21   of the week this was due, but it was around that time,  
22   yes.

23          Q    Okay.  And from whom did you receive that  
24   request?

25          A    Mr. Draper.

1 Q And when did you begin working on that  
2 rebuttal report?

3 A At the time that I received the request.

4 Q Okay. Within the day or --

5 A Yes.

6 Q Okay. Did anyone assist you in preparing  
7 your rebuttal report?

8 A Yes.

9 Q And who was that?

10 A This report was prepared in my office. I  
11 was the primary author, and Angela Schenk on our staff  
12 also assisted.

13 Q And her name does not appear on the report;  
14 is that correct?

15 A That's correct.

16 Q What portions of the report did you prepare  
17 and which portions did she prepare?

18 A I prepared all of the narrative, and I had  
19 final review and finalization of the comments on the  
20 tables and the graphs. She prepared the first draft of  
21 the tables and the graphs, Figure 1 and Figure 2.

22 Q And do you recall when she prepared those?

23 A I believe those were prepared within one or  
24 two days prior to the report being submitted.

25 Q Okay. To your knowledge, was the report

1 modified in any respect after May 25, 2012?

2 A No, it was not.

3 Q Okay. I'm going to have you look at what  
4 we'll mark as Exhibit 3.

5 (Deposition Exhibit 3 was marked.)

6 Q (BY MR. BLANKENAU) Do you recognize  
7 Exhibit 3, Mr. Book?

8 A Yes, I do.

9 Q And what is that, please.

10 A This is a copy of the properties page out  
11 of the spreadsheet that is the basis for part of the  
12 tables; specifically for Table 1 --

13 Q Okay.

14 A -- in my report.

15 Q And do you see, under the column captioned  
16 "Related Dates," the line indicating "Last Modified"?

17 A Yes, I do.

18 Q And what's the date it was last modified?

19 A This indicates June 5, 2012.

20 Q Do you know why or how it was modified at  
21 that point?

22 A No, I don't.

23 Q Okay. It indicates Angela Schenk modified  
24 the document. She is your employee still; is that  
25 correct?

1           A    Yes.

2           Q    Okay.  Would she know why this document  
3 might have been modified or how it was modified?

4           A    As I recall, that's the date that we  
5 supplied the backup date to Mr. Draper to pass on to the  
6 State of Nebraska, so I don't know specifically what  
7 would have been modified.

8                         We had the graph -- excuse me, the graph or  
9 the table, I believe Table 1, where it blocked out at  
10 the time of the report, so . . .

11          Q    Is Ms. Schenk the person that needs to be  
12 deposed to find out what might have been done with  
13 certainty?

14          A    She may not remember what -- what that is.

15          Q    Okay.

16          A    I'm not sure that there's any significant  
17 modifications that get recorded by Excel when they  
18 indicate that a file was last modified.

19          Q    Okay.  All right.  Let's shift to the  
20 report itself, Exhibit 2, please.

21                         At the first page of this report KS1137, it  
22 looks like about line 5, the -- in Section 2,  
23 Precipitation at KBID, you state in that section that  
24 you disagree with Mr. Riley's criticism "based on the  
25 historical practice in KBID and comparison of conditions

1 for the two years . . ."

2 I'm a bit confused by that wording. Did  
3 you have two separate criticisms of the Riley analysis,  
4 or is that just a single criticism with -- that's  
5 compound?

6 A That's really a single criticism because  
7 it's a -- it's a review of the historical practices  
8 documented by the records and comparing that with the  
9 specific conditions that Mr. Riley was concerned about  
10 for the two years. So those are really one combined.

11 Q Okay. So it's a comparison with rather  
12 than an "and"; is that correct?

13 A That -- the way I phrase it is "and," so  
14 it's -- it's based on the historical practice and  
15 comparison of the conditions for the two years.

16 Q So you're just comparing those two sets; is  
17 that right?

18 A Yes.

19 Q Okay. The first sentence of the second  
20 paragraph, you state that: "Water deliveries from KBID  
21 are often expressed in depths."

22 What else are they expressed as in KBID?

23 A Volumes.

24 Q Such as in?

25 A Number of acre-feet.

1 Q Okay. Several lines farther down, you  
2 state that KBID users are allocated 15 inches.

3 Do you see that? Looks like about the  
4 third and fourth lines of the second paragraph of that  
5 section.

6 A Could you repeat the question?

7 Q Sure.

8 You state that KBID users are allocated  
9 15 inches?

10 A Yes.

11 Q From whom do they receive an allocation?

12 A That was a cite out of the November 2011  
13 report that I prepared. My understanding is that the  
14 allocation is from the District. The only thing I don't  
15 recall is what role, if any, the Bureau of Reclamation  
16 may play on that -- may play in that. My understanding  
17 is, it's primarily a District allocation to the users.

18 Q So it's not the allocation that they  
19 received from the State of Kansas, but rather just the  
20 amount of water that they're allocated by the KBID  
21 District itself; is that --

22 A That's correct.

23 Q Do you know what those allocations are  
24 based upon, how that number is determined?

25 A That's a number that -- a value that has

1    been determined by the District, I assume with some  
2    input from the water users in the District, as well as  
3    possibly from the Bureau of Reclamation as to what a  
4    full supply would be for the users in the District from  
5    the project.

6                    It probably relates in some part to  
7    expected water supply, historical practice. It's not a  
8    hard-and-fast limit, though.

9                    Q    Okay. But you don't know specific -- or  
10   with certainty what criteria that allocation is based  
11   upon?

12                   A    Not other than the points I just mentioned.

13                   Q    Okay. Do you know when that allocation was  
14   initially made?

15                   A    I do not.

16                   Q    Is it a recent allocation, or is that more  
17   of a long-standing one?

18                   A    I don't recall specifically how long it's  
19   been in place, but my understanding is it's somewhat of  
20   a long-standing allocation.

21                   Q    Okay. In that same section, you also state  
22   in years when the water supply was not limited by  
23   availability, deliveries were slightly more than the  
24   appropriation of 15 inches.

25                            What did you mean by "not limited by

1 availability"?

2 A I'm sorry. Could you point me to that  
3 sentence?

4 Q I will do my best. Yeah, it's, again, back  
5 to KS1137, fourth line. You see "is 15 inches" in the  
6 left side? "Historical data show deliveries in years  
7 when water supply was not limited by availability . . ."

8 A Yes, I see that.

9 Q And what did you mean by "not limited by  
10 availability"?

11 A That's an indication that the District  
12 develops each year based on projections of the water  
13 supply, and I'm using the same -- same classification of  
14 years that they use in their annual report, where they  
15 specify by asterisk certain years when there were  
16 limited supply and restrictions.

17 So that's what I'm referring to in the  
18 sentence.

19 Q So if they are allocated 15 inches, the  
20 District still has the authority to provide them with  
21 water in amounts greater than 15 inches; is that  
22 correct?

23 A Yes.

24 Q Okay. And what years, can you tell me, was  
25 the water supply limited by availability?

1 (At this time, Ms. Bernhardt left the  
2 deposition room.)

3 A Yes. I can tell you that from looking at  
4 Table 1, which is page 1146.

5 Q Okay.

6 A And this is a table that lists each of the  
7 years for which the water supply was not limited or for  
8 which there were not restrictions in pursuant -- or in  
9 accordance with the KBID annual report.

10 So the way you would figure the years out  
11 is to look at this table, and the years that are missing  
12 from this table would be those that had restrictions.

13 Q Okay. Thank you.

14 And then you received -- the source of  
15 information for the deliveries actually came from KBID;  
16 is that correct?

17 A Yes, that's correct, I believe, with the  
18 exception noted in Footnote No. 2 on Table 1. All of  
19 the information except for that specific year was taken  
20 from the KBID annual report.

21 Q Okay. Let's go back to KS1137, if we may.

22 Toward the bottom of that page, you state  
23 that the "Use of sprinklers can reduce per acre  
24 irrigation demand by 20 percent, when compared to  
25 gravity irrigation, due to reduced deep percolation that

1 occurs with sprinklers."

2 Do you see that?

3 A Yes.

4 Q And are you referring to any particular  
5 type of sprinkler system?

6 A Primarily center pivots.

7 Q Okay. So it's not any of the efficiency  
8 sprinkler systems like LEPA or anything like that; just  
9 center pivots generally?

10 A Center pivots under their current type of  
11 configuration. Center pivots have evolved over the  
12 years, and now most of them have drop nozzles, different  
13 than LEPA systems; but out in the basin, there's sort of  
14 a convention type of center pivot sprinkler that I'm  
15 referring to here.

16 Q And can you describe that system?

17 A I think the best way to describe it is just  
18 pivots that have drop nozzles.

19 Q Okay. And it spins the nozzle and water  
20 sprays; is that it?

21 A They can. They have different types of  
22 heads --

23 Q Okay. And do the different --

24 A -- irrigation heads.

25 Q -- heads change efficiencies?

1           A    Oh, sure.

2           Q    Let me back up before I get specific to  
3   KBID on that point.

4                    What's your source of information on the  
5   reduced demand associated with sprinkler systems?  Is  
6   that in your report?

7           A    That's based on my experience with  
8   irrigation engineering and the work that I've done in  
9   various basins related to furrow irrigation and  
10   sprinkler irrigation and in this basin specifically.

11          Q    Okay.  Then in this basin specifically, did  
12   you survey the farmers to see which ones had sprinklers  
13   and which ones didn't and the different sorts of nozzles  
14   that they might have?

15          A    The District does that survey periodically,  
16   I believe on a five -- four- or five-year frequency, and  
17   so they publish the amount of sprinkler coverage in the  
18   District.

19                    However, this opinion doesn't really go to  
20   the split of sprinkler and gravity, other than in a very  
21   general way, that -- the relation of the 10 percent to  
22   the 20 percent.

23          Q    Is that kind of just an estimate then?

24          A    The 10 percent is an indication of what the  
25   difference could be Districtwide if it was half and half

1 sprinklers and gravity.

2 Q Okay. But we don't know -- strike that.

3 What's the basis, then, for your conclusion  
4 that about half of the total land is served by  
5 sprinklers?

6 A I believe that's based on the current  
7 information available from the District in round  
8 numbers.

9 Q Okay. And where is that information  
10 available?

11 A The District does a survey of sprinkler --  
12 of irrigation type. I believe it's published in their  
13 annual reports. That's my recollection.

14 Q Okay. And you referenced that material  
15 before writing your rebuttal report, that about half are  
16 served by sprinklers?

17 A I don't recall exactly when -- when that  
18 applies in time. I believe it's close to current  
19 conditions. I may have gotten that information from the  
20 economists. They were looking at that specifically.

21 I also had -- had discussions with the  
22 manager of the District and have a general sense about  
23 what the split is out there in recent years.

24 Q But you haven't personally gone out there  
25 and done any survey to see what that split might be?

1 A No.

2 Q So if I understand what you're telling me  
3 about sprinklers, it's just generally that KBID water  
4 demand is lowered due to this new technology; would that  
5 be correct?

6 A The -- the demand will -- will be somewhat  
7 less bounded by the percentages that I've indicated here  
8 as conversions from gravity to sprinkler have occurred  
9 in the District.

10 Q Okay. So if KBID converted its entire --  
11 or all of its users over to a sprinkler system, you  
12 would expect additional reductions in water demand?

13 A In a general sense, yes. That's going to  
14 vary year to year, so it's hard to say in any particular  
15 year.

16 Q Why would it vary from year to year?

17 A Depending on temperature, water demand --

18 Q Okay. But all --

19 A -- crop demand.

20 Q I'm sorry.

21 All other factors being equal, though,  
22 would water demand generally be expected to be reduced?

23 A Well, it could, up to a point.

24 Q And that point would be what percentage?

25 A I don't have a percentage.

1 Q Okay. I'm confused by that because you  
2 indicated that -- that the irrigation demand can be  
3 reduced by as much as 20 percent. So if all of the KBID  
4 users converted to sprinkler, wouldn't that water demand  
5 be reduced by 20 percent?

6 A Yes. I'm sorry. I didn't understand that  
7 prior question.

8 Q Okay.

9 A I didn't realize you were referring to with  
10 and without sprinklers --

11 Q Okay.

12 A -- when you said "all other things being  
13 equal."

14 Q Okay. I was referring to temperature and  
15 crops and everything like that from year to year.

16 A Okay. So yeah, I mean, in general, the --  
17 you will have to apply less water with a sprinkler than  
18 you would with a gravity system.

19 Q Let's go to the next page, KS1138. "KBID  
20 recorded precipitation and delivery depths were  
21 tabulated for the 1960-2010 time period."

22 Do you see that?

23 A Yes.

24 Q Who tabulated that information?

25 A I'm sorry, would you repeat the question?

1 Q Certainly.

2 Who tabulated that information?

3 A That was done in my office, either Angela  
4 Schenk or someone helping her.

5 Q But you don't have who would have done that  
6 for certain?

7 A Specifically?

8 Q Yes.

9 A I know that Ms. Schenk checked the data --

10 Q Okay.

11 A -- was responsible for the tabulation of  
12 it.

13 Q Do you know what the sources of her data  
14 were?

15 A The KBID annual reports have this  
16 information.

17 Q Okay. And is that where she, or whoever  
18 tabulated this, got that information?

19 A Yes.

20 Q In the same paragraph, you indicate that  
21 precipitation amounts are reported in three-month blocks  
22 in KBID annual reports.

23 And in that -- those KBID reports, are  
24 those the source of your precipitation data for this  
25 rebuttal report?

1 A Yes.

2 Q And you didn't look at precipitation from  
3 other sources that might have been available?

4 A I did.

5 Q You did look at other precip sources?

6 A Yes.

7 Q And what sources were those?

8 A Two sources specifically. Mr. Riley had  
9 provided a table with his report that I reviewed. I  
10 believe that was Lovewell Reservoir.

11 And then I had made some review of the  
12 precipitation data that is compiled and put into the  
13 RRCA Groundwater Model.

14 Q Did you use data from either of those two  
15 sources for purposes of this report?

16 A No, I did not.

17 Q Okay. In the next sentence, I guess, you  
18 refer to "adjusted deliveries."

19 Do you see that? It's the --

20 A Yes.

21 Q What do you mean by "adjusted deliveries"?

22 A The amounts of water that I had computed  
23 being delivered for the two years, 2005 and 2006, after  
24 adding the Nebraska overuse.

25 Q Okay. So that is -- that would be the

1 delivery you would have anticipated in those years had  
2 Nebraska not overused?

3 A Yes. I believe that's a fair way to  
4 characterize what we derived in our 2011 report.

5 Q Second paragraph of that same page, you  
6 state ". . . there was also a slight decrease in  
7 precipitation."

8 Did you quantify that decrease? I guess  
9 what I'm asking is, how slight is "slight"?

10 A I think that is a reference to the two  
11 period averages. 1960 to 1976 has a value of  
12 21.8 inches for the six-month periods, and 1980 through  
13 2010 has a value of 19.2. So it's the comparison of  
14 those two numbers.

15 Q What are you referring to? I'm sorry.

16 A This is on Table 1 and Bates 1146. There's  
17 bottom-line averages for two different periods.

18 Q Okay. So with respect then to the 13 years  
19 that you examined and -- the 13 years that experienced  
20 greater precipitation amounts than the 22.69 inches in  
21 2005, did you examine the precipitation events that  
22 occurred in those 13 years?

23 A I'm using the data that's stated in the  
24 table when I make that statement there. So to the  
25 extent it's reported here, that's what is being

1 examined.

2 Q Okay. So it's just the information you  
3 obtained from the KBID annual reports?

4 A Yes.

5 Q Okay. Does the timing of precipitation  
6 events impact when irrigation water is needed or  
7 demanded?

8 A Yes.

9 Q And how so?

10 A Precipitation will affect the timing of  
11 irrigation by possibly delaying or causing an irrigation  
12 event to be postponed, if you will, when there's a large  
13 precipitation event occurring.

14 Q So can you tell me what the crop irrigation  
15 requirement is defined in that number?

16 A I didn't quantify the crop irrigation  
17 requirement here. Are you referring to a specific  
18 sentence?

19 Q No, I'm sorry. I'm kind of a little more  
20 fundamental than that.

21 A Oh.

22 Q Can you tell us what the crop irrigation  
23 requirement is generally as a concept?

24 A Yes. In its very simple fundamental form,  
25 the crop irrigation requirement is the calculated

1 potential consumptive use minus the effective  
2 precipitation.

3 Q And the effective precipitation would be  
4 what?

5 A The effective precipitation is a fraction  
6 of the precipitation that is generally calculated,  
7 estimated or otherwise determined to be effective in  
8 meeting the crop demand.

9 Q And so that would be a precipitation event  
10 that was at the right time and the right amount to aid  
11 in the evapotranspiration of water by that plant?

12 A Yes, but it -- by definition, it's never  
13 considered the entire amount unless it's quite small  
14 amounts. So it's generally more of a fraction of the  
15 amount, the fraction varying by the time when it occurs  
16 and the depth of the total event.

17 Q Does the crop irrigation requirement or CIR  
18 focus on optimal crop production?

19 A Well, the starting point is the potential  
20 evapotranspiration, which is a monthly or daily time  
21 step calculation of the crop demand for full -- by  
22 definition, it's, I guess, optimal because it's the full  
23 demand for water that the crop would have at any given  
24 point in time -- or for any given time step.

25 Q For purposes of your report, did you

1 compare the volume of water in storage at Harlan County  
2 Reservoir for the 2005 and 2006 years with the amount of  
3 storage in Harlan County Reservoir in those 13 other  
4 years that you mentioned?

5 A No.

6 MR. BLANKENAU: I know you're tired  
7 already. Why don't we take a brief break.

8 (Recess taken from 1:52 p.m. until  
9 2:11 p.m.)

10 Q (BY MR. BLANKENAU) Mr. Book, when we broke,  
11 we were talking about crop irrigation requirements as a  
12 general matter.

13 Do you think that wet conditions generally  
14 can suppress the need for irrigation in the basin?

15 A Well, in general, yes. I mean, that would  
16 depend on the timing and the amount of precipitation.  
17 For example -- and just to give you an example, one that  
18 does kind of stick out, I believe, is --

19 Q You're referring to Table 1; is that  
20 correct?

21 A I was. It doesn't show up in here, but I  
22 believe it was 1993. That happened to be a year of very  
23 high precipitation and very low water demand throughout  
24 the basin and at KBID, so that's kind of an example that  
25 you could point to.

1           Q    That's an interesting year.  That's not  
2 listed as one without a water shortage.  So why wouldn't  
3 that year be listed here?

4           A    I don't know.

5           Q    Let's switch to part 3 of your report then,  
6 if we could.

7                    Can you tell me whether groundwater CBCU  
8 for any particular year always shows up as a depletion  
9 in the river during irrigation season?

10           MR. DRAPER:  Can you state that question  
11 again, Don?

12           MR. BLANKENAU:  Sure.

13                    Could I ask the court reporter to read it  
14 again and make sure I understood it.

15                    (The following question was read:

16                    "Question:  Let's switch to part 3 of your  
17 report then, if we could.

18                    "Can you tell me whether groundwater CBCU  
19 for any particular year always shows up as a depletion  
20 in the river during irrigation season?")

21           A    Well, the question is somewhat broad.  The  
22 groundwater depletions in the Republican River Basin for  
23 purposes of Compact accounting are determined by the  
24 model, which has lots of reaches in the stream, lots of  
25 tributaries and general -- generally, the groundwater

1 CBCU is going to be positive as a result of pumping  
2 generally in the basin, but that's not the case always  
3 in specific reaches or for specific time steps.

4 For example, in Table 2 in my report, there  
5 are actually a couple of negatives related to the change  
6 in impact of groundwater pumping. One would think, in  
7 general, that if you reduce the pumping, you would  
8 always have a positive reduction, but that's not  
9 necessarily always the case, either tributary by  
10 tributary or time step by time step.

11 Q (BY MR. BLANKENAU) Can you walk me through  
12 that then, what Table 2 means? What's -- go ahead,  
13 just --

14 A Yes. Table 2 is a summary of the change in  
15 Nebraska pumping impacts as a result of reducing the  
16 groundwater pumping --

17 Q And let me interrupt you just briefly.

18 By "groundwater impacts," are you talking  
19 about CBCU?

20 A Yes.

21 Q Okay. Go ahead.

22 A So this is a tabulation of monthly time  
23 step information as a result of reducing the pumping  
24 within the Rapid Response Region, what the total  
25 effect -- and this is total in the basin above Guide

1 Rock -- was in each of these monthly time increments.

2 Q Okay. So, for instance, let me just pick  
3 December. In 2005, you would have a depletion to the  
4 river showing up as 2,100 acre-feet?

5 A Yes. In this table, these are changes in  
6 depletions, so that's a change from the condition with  
7 the pumping all on to with the pumping off in the Rapid  
8 Response Region.

9 Q Okay.

10 A In both cases, there's depletions. This is  
11 the difference.

12 Q Okay. And these are the impacts that would  
13 be seen on a monthly basis throughout each of those two  
14 years; is that correct?

15 A Yes.

16 Q Okay. And this includes the Rapid Response  
17 Region from Guide Rock how far, all the way to the  
18 stateline?

19 A I -- I'm not exactly sure, as I sit here,  
20 what the extent of the Rapid Response Regions is. It  
21 generally follows along the corridor of the live streams  
22 in the model.

23 So certainly on the major streams, such as  
24 the Republican River and major tributaries, it would go  
25 to the stateline. For some of the other tributaries, it

1 would stop somewhere in the basin short of the stateline  
2 certainly.

3 Q Okay. And did you prepare Table 2 or was  
4 that done by someone else in your office?

5 A That was done by Angela Schenk.

6 Q Okay. And do you know where she obtained  
7 the data for this table?

8 A Yes. We have indicated the source of this  
9 information. It's referred to as Nebraska's  
10 spreadsheet, and the name is provided here and -- in  
11 combination with the results out of the Perkins/Larson  
12 report.

13 Q Okay. So this includes wells both above  
14 and below Harlan County Reservoir?

15 A Yes.

16 MR. BLANKENAU: Okay. I'm sorry, we're  
17 done.

18 MR. GRIGGS: No need to apologize.

19 MR. BLANKENAU: Thank you. Very much  
20 appreciate it.

21 THE DEPONENT: You're welcome.

22 (Whereupon, the deposition concluded at  
23 2:18 p.m.)

24

25

1 I, DALE E. BOOK, P.E., do hereby certify  
2 that I have read the foregoing transcript and that the  
3 same transcript and accompanying correction sheets, if  
4 any, constitute a true and complete record of my  
5 testimony.

6  
7

\_\_\_\_\_

Deponent

8  
9

10 [ ] No Changes [ ] Amendments attached

11

12 Subscribed and sworn to before me this  
13 \_\_\_\_\_ day of \_\_\_\_\_ 2012.

14 My commission expires: \_\_\_\_\_

15

\_\_\_\_\_

Notary Public

16

17 sd

18 State of Kansas v. State of Nebraska, et al.

19

20

21

22

23

24

25

1 STATE OF COLORADO )

2 )SS. REPORTER'S CERTIFICATE

3 COUNTY OF ARAPAHOE )

4 I, K. MICHELLE DITTMER, do hereby certify  
5 that I am a Registered Merit Reporter and Notary Public  
6 within the state of Colorado; that previous to the  
7 commencement of the examination, the deponent was duly  
8 sworn by me to testify to the truth.

9 I further certify that this deposition was  
10 taken in shorthand by me at the time and place herein  
11 set forth and was thereafter reduced to typewritten  
12 form, and that the foregoing constitutes a true and  
13 correct transcript.

14 I further certify that I am not related to,  
15 employed by, nor counsel of any of the parties or  
16 attorneys herein, nor otherwise interested in the  
17 result of the within action.

18 I further certify reading and signing not  
19 requested pursuant to CRCP Rule 30(e).

20 In witness whereof, I have affixed my  
21 signature this 25th day of June, 2012.

22

23

24 \_\_\_\_\_  
PATTERSON REPORTING & VIDEO

25 K. Michelle Dittmer  
Registered Merit Reporter

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2 2170 South Parker Road, Suite 263  
Denver, Colorado 80231  
3

4 June 26, 2012

5 JOHN B. DRAPER, ESQ.  
Montgomery & Andrews, PA  
6 325 Paseo de Peralta  
Santa Fe, New Mexico 87501  
7

8 Case Name: State of Kansas v. State of Nebraska, et al.  
Case No.: No. 126, Original  
9 Deposition of: DALE E. BOOK, P.E.

10 The deposition in the above-entitled matter is ready for  
reading and signing. Please attend to this matter by  
11 complying with ALL blanks checked below.

12 XX arranging with us at (303) 696-7680 to read.  
and sign the deposition in our office.

13 OR (if applicable),

14 XX have deponent read your copy; signing attached  
15 original signature page and any amendments  
sheets.

16 \_\_\_\_\_ read enclosed deposition, sign attached  
17 signature page and any amendment sheets.

18 XX within 30 days of the date of this letter.

19 Please be sure that the signature page and accompanying  
amendment sheets, if any, are signed before a notary  
20 public and returned to our office at the above address.

21 If this matter has not been taken care of within said  
period of time, the deposition will be filed unsigned  
22 pursuant to the Rules of Civil Procedure.

23 Thank you.

Enclosures:

24 cc: Don Blankenau, Esq; Autumn Bernhardt, Esq.

25

1 PATTERSON REPORTING & VIDEO  
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2 2170 South Parker Road, Suite 263  
Denver, Colorado 80231

3 June 26, 2012

4 DON BLANKENAU, ESQ.  
Blankenau Wilmoth LLP  
5 206 South 13th Street, Suite 1425  
Lincoln, Nebraska 68508  
6

7 Re: State of Kansas v. State of Nebraska, et al.  
Deposition of: DALE E. BOOK, P.E.  
8

Dear Mr. Blankenau:

9 \_\_\_ Previously filed. Forwarding signature page and  
amendment sheet(s).  
10

11 \_\_\_ Signed, no changes.

12 \_\_\_ Signed, with changes, copy of which is enclosed.

13 \_\_\_ No signature required.

14 \_XX\_ Reading and signing not requested pursuant to CRCP  
Rule 30(e)  
15

16 \_\_\_ Signature waived.

17 \_XX\_ Forwarding original transcript unsigned; signature  
page and/or amendments will be forwarded if  
received.  
18

19 \_\_\_ Original exhibits included in ongoing notebook  
and will be filed with counsel at conclusion of  
discovery.  
20

Enclosures: (As above noted)

21 cc: John B. Draper, Esq.; Autumn Bernhardt, Esq.  
22  
23  
24  
25