

0276

SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF SNOHOMISH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

LEONARD and JEANNE HALVERSON,)
husband and wife, et al.,)
Plaintiff,)
vs.) 93-2-05201-2
SKAGIT COUNTY, a municipal)
corporation,)
Defendant.)
-----)
SKAGIT COUNTY, a municipal)
corporation,)
3rd Party Plf.,)
vs.)
STATE OF WASHINGTON,)
3rd Party Deft.)

18
19
20
21

Telephone Deposition Upon Oral Examination of
D. GERALD MUTTER, VOL. III

22
23
24
25

January 9, 1996
1301 Fifth Avenue, Suite 2929
Seattle, Washington
JULIE C. OSWALD, CSR #299-06, COURT REPORTER

0277

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

APPEARANCES

FOR THE PLAINTIFF: CARL H. HAGENS
Hagens & Berman
Attorney at Law
1301 Fifth Avenue, #2929
Seattle, Washington 98101

FOR THE DEFENDANT: WILLIAM C. SMART
SKAGIT COUNTY Keller Rohrback
Attorney at Law
1201 Third Avenue, #3200
Seattle, Washington
98101-3052

FOR THE DEFENDANT: GLEN A. ANDERSON
STATE OF WA Assistant Attorney General
629 Woodland Square Loop
Southeast
Box 40126
Olympia, Washington
98504-0126

0278

1

EXAMINATION INDEX

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
0279

BY MR. SMART: PAGE 277
EXHIBIT INDEX
No. Description Marked
17 - 19 Maps (retained by counsel) 279

Seattle, Washington
10:50 a.m.
*****.
(Marked Deposition Exhibits 17 - 19.)
E X A M I N A T I O N

BY MR. SMART:

Q. Mr. Mutter, this is Will Smart and we are here to continue your deposition. As I indicated, I just have a few questions with respect to these maps that were Exhibit Nos. 11 and 12 to your previous deposition, and also the maps that you made subsequent to that time.

The first question I have is this: If you look at Exhibit No. 11, which is entitled Water Surface Increase From Levee Improvements, do you see that?

A. Yes.

Q. Can you tell me what the southern boundary of your model is? Is that the dotted line?

A. Yes, that's correct.

Q. So would it be correct to state then that your model does not include any geographic areas that are outside the dotted lines shown on Exhibit No. 11?

A. I would be correct to state that for the

0280
1
2
3

purposes of the hydraulic computations, however you can still draw conclusions about properties that are in the neighborhood of the boundary but

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
0281

beyond the model boundary.
Q. What I'm asking is simply with respect to Exhibit No. 11, and those boundaries are identified by the dotted line, as I understand your testimony; correct?
A. The dotted line indicates the limits of our grid for hydraulic computations.
Q. Would that also be true for the maps that you've made that show the absolute elevations which I have now marked as Exhibits 17, 18 and 19?
A. Yes, that's correct.
Q. In other words you used the same system for those Exhibits 17, 18 and 19 as you have for Exhibits 11 and 12; correct?
A. Correct.
Q. The other question that I have with respect to the maps, Mr. Mutter, is this: Is the datum that you used for the determination of these elevations the NGVD 1929 datum showing elevations and feet above mean sea level?
A. I believe that's correct; yes.
MR. SMART: I don't have any other

questions.
MR. HAGENS: Thanks, Gerry.
(Deposition concluded at 10:55 a.m.)

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
0282

S I G N A T U R E P A G E
STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

1
2
3
4
5

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I further certify that the deposition is a full, true and correct transcript of my stenographic shorthand notes, including questions and answers, and all objections, motions, and exceptions of counsel made and taken at the time of the foregoing examination;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 1996.

Julie C. Oswald
Notary Public in and for the State of
Washington, residing at Seattle.