0276 1 SUPERIOR COURT OF THE STATE OF WASHINGTON COUNTY OF SNOHOMISH 2 3 _____ 4 LEONARD and JEANNE HALVERSON,) 5 husband and wife, et al.,) Plaintiff, б) vs.) 93-2-05201-2 SKAGIT COUNTY, a municipal) 7 8 9 corporation,) 10 Defendant.) 11 -----) 12 SKAGIT COUNTY, a municipal) 13 corporation,) 14 3rd Party Plf.,) 15 vs.) STATE OF WASHINGTON, 16) 3rd Party Deft.) 17 18 _____ 19 Telephone Deposition Upon Oral Examination of D. GERALD MUTTER, VOL. III 20 21 _____ 22 January 9, 1996 1301 Fifth Avenue, Suite 2929 23 Seattle, Washington 24 25 JULIE C. OSWALD, CSR #299-06, COURT REPORTER 0277 1 APPEARANCES 2 3 FOR THE PLAINTIFF: CARL H. HAGENS 4 Hagens & Berman 5 Attorney at Law б 1301 Fifth Avenue, #2929 7 Seattle, Washington 98101 8 9 FOR THE DEFENDANT: WILLIAM C. SMART 10 SKAGIT COUNTY Keller Rohrback Attorney at Law 11 12 1201 Third Avenue, #3200 13 Seattle, Washington 14 98101-3052 15 16 FOR THE DEFENDANT: GLEN A. ANDERSON 17 STATE OF WA Assistant Attorney General 18 629 Woodland Square Loop Southeast 19 20 Box 40126 21 Olympia, Washington 22 98504-0126 23 24 25 0278 1 EXAMINATION INDEX

2 3		BY MR. SMART: PAGE 277 EXHIBIT INDEX
4 5		No. Description Marked
5 6		17 - 19 Maps (retained by counsel) 279
7		
8		
9		
10 11		
12		
13		
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16 17		
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1 2		Seattle, Washington 10:50 a.m.
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4		(Marked Deposition Exhibits 17 - 19.)
5		EXAMINATION
6		BY MR. SMART:
7 8	Q.	Mr. Mutter, this is Will Smart and we are here to continue your deposition. As I indicated, I
9		just have a few questions with respect to these
10		maps that were Exhibit Nos. 11 and 12 to your
11		previous deposition, and also the maps that you
12		made subsequent to that time.
13 14		The first question I have is this: If you look at Exhibit No. 11, which is entitled Water
15		Surface Increase From Levee Improvements, do you
16		see that?
17	Α.	Yes.
18 19	Q.	Can you tell me what the southern boundary of your model is? Is that the dotted line?
20	Α.	Yes, that's correct.
21	Q.	So would it be correct to state then that your
22		model does not include any geographic areas that
23		are outside the dotted lines shown on Exhibit
24 25	А.	No. 11? I would be correct to state that for the
0280	л.	I would be correct to state that for the
1		purposes of the hydraulic computations, however
2		you can still draw conclusions about properties
3		that are in the neighborhood of the boundary but

4		beyond the model boundary.
5	Q.	What I'm asking is simply with respect to
6		Exhibit No. 11, and those boundaries are
7		identified by the dotted line, as I understand
8		your testimony; correct?
9	Α.	The dotted line indicates the limits of our grid
10		for hydraulic computations.
11	Q.	Would that also be true for the maps that you've
12		made that show the absolute elevations which I
13		have now marked as Exhibits 17, 18 and 19?
14	Α.	Yes, that's correct.
15	Q.	In other words you used the same system for
16		those Exhibits 17, 18 and 19 as you have for
17		Exhibits 11 and 12; correct?
18	Α.	Correct.
19	Q.	The other question that I have with respect to
20		the maps, Mr. Mutter, is this: Is the datum
21		that you used for the determination of these
22		elevations the NGVD 1929 datum showing
23		elevations and feet above mean sea level?
24	Α.	I believe that's correct; yes.
25		MR. SMART: I don't have any other
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1		questions.
2		MR. HAGENS: Thanks, Gerry.
3		(Deposition concluded at 10:55 a.m.)
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1		SIGNATURE PAGE
2		STATE OF WASHINGTON)
3) ss.
4		COUNTY OF KING)
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7	I have read my within deposition, and
8	the same is true and accurate, save and except
9	for changes and/or corrections, if any, as
10	indicated by me on the correction sheet hereof.
11	
12	
13	D. GERALD MUTTER
14	Taken January 9, 1996
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16	
17	SUBSCRIBED TO before me this
18	day of, 1996.
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20	
21 22	
23	Notary Dublig in and for the State
24	Notary Public in and for the State of Washington, residing at Seattle.
25	or washington, restaing at seattle.
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1	CERTIFICATE
2	STATE OF WASHINGTON)
3) ss.
4	COUNTY OF KING)
5	I, the undersigned Notary Public in
6	and for the State of Washington, do hereby
7	certify:
8	That the annexed and foregoing
9	deposition of each witness named herein was
10	taken stenographically before me and reduced to
11	computerized transcription under my direction;
12	I further certify that the deposition
13	was submitted to each said witness for
14	examination, reading and signature after the
15	same was transcribed, unless indicated in the
16	record that the parties and each witness waive
17	the signing;
18	I further certify that all objections
19	made at the time of said examination to my
20	qualifications or the manner of taking the
21	deposition, or to the conduct of any party, have
22	been noted by me upon said deposition;
23	I further certify that I am not a
24	relative or employee or attorney or counsel of
25	any of the parties to said action, or a relative
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1	or employee of any such attorney or counsel, and
2	that I am not financially interested in the said
3 4	action or the outcome thereof;
4 5	I further certify that each witness
5 6	before examination was by me duly sworn to testify the truth, the whole truth and nothing
6 7	but the truth;
1	

8 9	I further certify that the deposition is a full, true and correct transcript of my
10	stenographic shorthand notes, including
11	questions and answers, and all objections,
12	motions, and exceptions of counsel made and
13	taken at the time of the foregoing examination;
14	IN WITNESS WHEREOF, I have hereunto
15	set my hand and affixed my official seal this
16	day of, 1996.
17	
18	
19	
20	Julie C. Oswald
21	Notary Public in and for the State of
22	Washington, residing at Seattle.
23	