

1 Q. Are you familiar with that area right around
2 where it's known as the gravel pit?

3 A. Sure.

4 Q. All right, sir. Now, just -- And you have spent
5 your entire life in this general area?

6 A. Yes.

7 Q. All right. Now, can you describe generally for
8 the purposes of raising crops, what is there about this area
9 that all farmers practice? And I'll have to ask you in
10 terms of -- How do they manage water?

11 A. Nature take care of it mostly.

12 Q. Right.

13 A. But the farms -- Once in a while somebody is
14 raising a special crop, they can try to irrigate it a little
15 bit. Like cabbage or cauliflower. But most of the time
16 they depend upon mother nature to furnish the water.

17 Q. So these would be natural channels, water
18 channels, or --

19 A. Well, yes, they are natural channels.

20 Q. All right. Now, what did that area look like
21 over the years, as far as you can think back in terms of
22 years? Let's go back to 1977, say.

23 MR. DANA: Objection. What area are you
24 talking about?

25 MR. WARD: The area right around the

1 intersection of Greenlee Road and South Hill
2 Road.

3 MR. DANA: The area you were calling the
4 gravel pit area for this purpose?

5 MR. WARD: Yes. Right. It's right below the
6 intersection there.

7 A. There's Greenlee Road, and there's South Hill
8 Road (indicating).

9 Q. All right. Now, generally what does that area --
10 What has it looked like over the years? Do you recall?

11 A. For many years it was all farm land. Then the
12 beavers got in there and kind of dammed up the water and
13 made this so as they couldn't farm it so good. They could
14 pasture it. But their water backed up there from the beaver
15 dam.

16 Q. And in 1977, do you recall how that piece of
17 property was being used? At that time, I believe Mr.
18 Brace's father owned the farm.

19 A. Yes.

20 Q. Up until '77.

21 A. Mostly pasture land.

22 Q. Now, generally from time to time could you see
23 water on the surface of that area? And, again, we're
24 talking about the intersection of Greenlee Road or anyplace
25 else in that whole area.

1 A. Not unless it was in the spring of the year, for
2 a little while, and the late fall.

3 Q. That would be the only time?

4 A. (Witness nods head affirmatively.)

5 Q. Were there beavers in the area?

6 A. Beavers, yes.

7 MR. DANA: Again, the area is just --

8 MR. WARD: Again, the area is -- I'm still
9 referring to -- When I use the word "area", I
10 am referring to that area immediately south
11 of Greenlee Road and South Hill Road. The
12 intersection. Let's see if I have --

13 THE WITNESS: North of -- It would be north
14 of Greenlee Road and South Hill Road.

15 MR. WARD: Let's do this, if the intersection
16 shows up here (indicating). I'm trying to go
17 back before this picture was taken now.

18 MR. DANA: But, John, just for the record,
19 I'd like to interpose a general objection to
20 the use of the word "area" here. It's too
21 imprecise a term for this case. You've only
22 defined it as sort of south of these two
23 roads.

24 MR. WARD: Let me explain it for Mr. Sharpe.

25 BY MR. WARD:

Q. Mr. Sharpe, I'm going to just draw a general circle south of the intersection of Greenlee Road and South Hill Road. Right here (indicating). And I'm just going to draw a general circle right like this. All right, sir?

A. (No response.)

Q. Do you see this circle?

A. Yeah.

Q. Now, I'm going to refer to that as the area.

MR. WARD: Because he is not familiar with the term site --

MR. DANA: I understand. And I'm not trying to make him tied to the litigation. I'm just trying to get an inkling of what he's talking about.

Q. When I talk about "the area" or a specific area, this is the area we're discussing (indicating).

A. Right. Went up through here (indicating).

Q. Yes.. And you lived approximately how far away from this area?

A. Oh, up here (indicating). North of that. Yes, right. There's Sibleyville. That would be south of this area.

Q. No, sir, that's north. This is oriented north and south. That's north coming this way (indicating).

MR. BRACE: 19 is up here (indicating).

1 MR. WARD: Yes, 19 is up here.

2 MR. BRACE: It doesn't show on there.

3 MR. DANA: We should also just add for the

4 record that Mr. Brace is attending the

5 deposition, as is his daughter, Miss McAtee.

6 A. Turn this map around.

7 Q. Does that help?

8 A. There's Sibleyville Corners. Here's where they
9 are farming. Right in here (indicating).

10 Q. Right, okay.

11 THE WITNESS: Right, Bob?

12 Q. He can't talk right now.

13 A. Oh, he can't talk.

14 Q. No. Here's Tamarack Road?

15 A. Yes. That's another road here. And this is
16 Greenlee Road (indicating).

17 Q. Right. This (indicating) is South Hill Road.
18 Okay?

19 A. Yes.

20 Q. Generally, you say that water would be -- you
21 could see water in the spring?

22 A. Very early in the spring. There was a little
23 stream there. After -- Before the beavers come there, there
24 was very little. There was just a little -- wet weather
25 stream you might call it.

1 Q. Now, did the beavers move in at any particular
2 time, or did they come in some years and not come in other
3 years?

4 A. Oh, they was in there for several years. I can't
5 pinpoint the years they was there, but they was in there a
6 little time; enough to back the water up quite a ways.
7 Spoil it.

8 Q. And did you notice what we might call flooding in
9 there; water moving above ground?

10 A. It was -- See, there's Sibleyville Corners.
11 Beaver dam was right in there (indicating). It flooded this
12 land back up in here (indicating), which was never flooded
13 before.

14 Q. Did beavers -- Again, we're on this entire map.
15 You're familiar with the -- not just the specific area, but
16 the whole countryside here. Are beavers very prevalent, or
17 are they --

18 A. No. There's some up in here now (indicating),
19 but they don't interfere with this (indicating) at all.

20 Q. Okay.

21 A. But these -- The highway had to take these out,
22 because there was water coming over the highway.

23 Q. They took out what?

24 A. The beaver dams.

25 Q. The beaver dams.

1 MR. DANA: You may have said this for the
2 record, but the area Mr. Ward has marked on
3 the map he's marked with a circle in ink, and
4 that's being used on the exhibit.

5 A. Here's where they --

6 Q. We don't have to pinpoint them, but if we just
7 generally know that beavers came in the area.

8 A. They came across this road right here
9 (indicating); was Sibleyville Corners.

10 Q. But do you remember in terms of years when it was
11 more noticeable, as far -- how far back?

12 A. Well, gosh, I can't pinpoint the year, but --

13 Q. Well, don't worry about that. But it was prior
14 to 1977?

15 A. Yes.

16 Q. Now, I believe you mentioned in 1977 that Mr.
17 Brace's father used this -- the area in the circle here for
18 pasture land.

19 A. A lot of it, yes.

20 Q. Did he use it for any crops, do you know?

21 A. He -- He did at certain times, I think, but
22 mostly pasture land there at that time. Because these
23 beavers, see, they would back that water up here and ruin it
24 for plow land.

25 MR. DANA: What time frame are we talking

about?

MR. WARD: 1977.

A. And before that.

Q. And before. There's been testimony that Mr. Brace purchased property from his father.

A. Yeah.

Q. Which included this encircled area.

A. Sure.

Q. In 1977. Did you ever work for Mr. Brace at all on any of his farm properties?

A. Not this man.

Q. Not this man?

A. No.

Q. Did you notice the activity -- Can you tell us of the activity in the surrounding area, and including this area, as to agricultural, farming, pasturing, whatever you --

MR. DANA: Objection. What area --

MR. WARD: I said the general area including the area that's encircled. You know, we can call it a site if that's going to make you feel comfortable.

MR. DANA: Well, no. Your question isn't clear as to what area you're asking him to respond to.

1 MR. WARD: I said the general countryside
2 around the area that was within the circle.

3 And I don't know how else to express that.

4 MR. DANA: So both in and outside the circle?

5 MR. WARD: Yes.

6 MR. DANA: I'm just trying to understand, Mr.
7 Ward. I'm not trying to be difficult.

8 MR. WARD: Yes, you are.

9 BY MR. WARD:

10 Q. Within the circle and surrounding the circle, did
11 you see Mr. Brace operate a farm?

12 A. Yes, I saw him clear that off so he could work it
13 all.

14 Q. What about the surrounding area outside the
15 circle?

16 A. Well --

17 Q. If you know where his property is.

18 A. Yes.

19 Q. What other kind of activity did he do?

20 A. Cabbage and potatoes.

21 Q. Any other crops?

22 A. Hay. Corn, I suppose. I know he used to raise
23 potatoes and cabbage there a lot.

24 Q. All right.

25 A. This up here (indicating) was grown up through

1 fault of the beavers being back in there. This kind of grew
2 up to brush and weeds. It has been pastured, but --

3 Q. Somewhere within that circle.

4 A. Yes. But he straightened the creek out and --

5 Q. Now, did you see this property -- You said
6 straighten the creek out. Within that circled area, can you
7 tell us what you recall of how the water moved across the
8 property?

9 A. Well, when he first got there, it was all over on
10 account of these beavers here, see?

11 Q. Yes, all right.

12 A. And they took them out, and then he made it so
13 the water all run down one area. There's a low spot through
14 there (indicating).

15 Q. But prior to that, was there any -- like a
16 channel or creek at all, or did it --

17 A. It was kind of a channel like, but it was a
18 natural course for the water there. But he cleared -- After
19 them beavers was taken out, then he could get in here and
20 work that. Because when they was in there, that flooded
21 this area, see (indicating).

22 Q. What did the area look like when the beavers were
23 taken out after --

24 A. It was brush and weeds. Grass.

25 Q. How often do you go by this area, say on a