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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN RE THE GENERAL ADJUDICATION) W1-11-605
OF ALL RIGHTS TO USE WATER IN)
THE GILA RIVER SYSTEM AND) CLAIMANT UNITED STATES' RESPONSE
SOURCE) TO THE ARIZONA WATER COMPANY'S
) AND ASARCO LLC's:
) (1) FIRST SET OF REQUESTS FOR
) ADMISSION;
) (2) FIRST SET OF INTERROGATORIES;
) AND
) (3) FIRST SET OF REQUESTS FOR
) PRODUCTION OF DOCUMENTS
) SERVED UPON THE UNITED STATES

CONTESTED CASE NAME: *In re Fort Huachuca.*
HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.
DESCRIPTIVE SUMMARY: The United States' response to discovery served by the Arizona Water Company and ASARCO, L.L.C.
NUMBER OF PAGES:

GENERAL OBJECTIONS

1. Claimant objects to any and all definitions, instructions and requests, or any part thereof, to the extent that they call for material subject to the attorney-client privilege, the work product doctrine, investigative privilege or any other privilege, immunity or statutory prohibition.

This objection is intended to apply to all discovery requests that seek such information.

2. Claimant objects to any and all requests, or any part thereof, to the extent that they

1 require identification of facts or information not relevant to this lawsuit and outside the scope of
2 discovery.

3 3. Claimant objects to any and all requests, or any part thereof, to the extent they
4 purport to impose burdens on the United States in excess of those allowed by the Arizona Rules
5 of Civil Procedure and the procedural rules of this water adjudication court.

6 4. Claimant objects to any and all requests, or any part thereof, to they extent they
7 require identification of facts and information that are proprietary, confidential, sensitive, private,
8 and/or that for any reason should be subject to limitations regarding use, dissemination and
9 publication absent an appropriate confidentiality agreement and/or protective order restricting the
10 use, dissemination and publication of such materials and information.

11 5. No incidental or implied admissions are intended. The fact that the United States
12 has responded to all or part of a request for admission is not intended to, and shall not be
13 construed to be a waiver by the United States of all or part of any objection to other requests for
14 admission. The United States' answers to any discovery requests herein do not constitute a
15 waiver of the United States' right to object to any future additional, or supplemental discovery
16 requests regarding the same or similar matters.

17 Subject to these objections and without waiving them, Claimant responds to the *Arizona*
18 *Water Company's and ASARCO L.L.C.'s: (1) First Set of Requests for Admission; (2) First Set or*
19 *Interrogatories; and (3) First Set of Requests for Production of Documents served upon the*
20 *United States (hereinafter the "AWC/ASARCO Discovery Request").* All responses prefaced with
21 "USFH" are referring to the Bates-labeled documents previously submitted as initial disclosures
22 or supplemental disclosures.

23
24 **REQUESTS FOR ADMISSION**

25 1. Admit the principle reason for creating the Fort in 1881 was to provide protection to
26 settlers from Native Americans, including the Apache Indians, and to prevent Native Americans
27 from raiding into Mexico.

28 **RESPONSE:** Denied. The Fort was established for military purposes. See USFH 0287-

1 0290, 0293-0298. In addition to military engagements with Native Americans, Fort Huachuca
2 also provided protection from "Mexican outlaws" when it was first established. *See* USFH 0626,
3 Letter to General Krautz dated December 6, 1876.

4
5 2. Admit the Fort served as a base to not more than 90 soldiers and 53 horses in 1881.

6 **RESPONSE:** Denied. While the Post Returns showed 90 soldiers and 53 horses in 1881,
7 *see* USFH 0252, civilians were also living on the Fort in 1881. *See* response to Request for
8 Admission # 4 below.

9
10 3. Admit that in 1881 the total water demand on the Fort was met by surface water sources.

11 **RESPONSE:** Admitted.

12
13 4. Admit that in 1881 water was not used on the Fort for purposes other than for support of
14 the troops and livestock then occupying the Fort.

15 **RESPONSE:** Denied. By 1881 the Army had erected structures for a temporary
16 cantonment in Huachuca Canyon. There were some civilians at the camp, for example, a
17 postmaster and post trader, and a handful of laundresses who washed and ironed clothes for the
18 troops. These civilians likely made other uses of water for their own domestic purposes.

19 In 1881, there were also two or three families living in Tanner's (Garden) Canyon at the
20 south end of Fort Huachuca Military Reservation, about three miles from the army cantonment in
21 Huachuca Canyon. These civilian families had cultivated gardens that were watered from the
22 creek in Tanner's Canyon and they also made use of water for household purposes. There was
23 also a privately-owned sawmill operated by Mr. Tanner that was located in the upper part of
24 Tanner's Canyon within the military reservation. The mill was located adjacent to the largest
25 spring in the canyon which was probably used to provide water-power for operation of the
26 sawmill. A great quantity of cordwood was cut at the site in 1881. The operators of the mill
27 undoubtedly used water for domestic purposes as well. *See* USFH 0717-0724.

28

1 5. Admit the role of EO 36 was to accommodate the Department of the Army's request for
2 additional grazing lands on the Fort.

3 **RESPONSE:** Denied. Executive Order (aka General Order) 36 expanded the
4 geographic scope of the military reservation Fort Huachuca and thereby expanded the area
5 reserved for military purposes. One of the military purposes served by Executive Order 36 was
6 "the purpose of securing to the Government the valuable grazing lands in the vicinity of the post.
7 ." as stated in the Letter from the Secretary of War to the Secretary of Interior, dated May 17,
8 1883, *see* USFH 0467-0469. These lands continue to serve other military purposes.

9
10 6. Admit the Fort served as a base to not more than 205 soldiers and 142 horses in 1883.

11 **RESPONSE:** Denied. While the Post Returns showed 205 soldiers and 142 horses in
12 1883, *see* USFH 0252, civilians were also living on the Fort in 1881. *See* response to Request
13 for Admission # 4 above.

14
15 7. Admit that in 1883 the total water demand on the Fort was met by surface water sources.

16 **RESPONSE:** Admitted.

17
18 8. Admit that in 1883 water was not used on the lands subject to EO 36 other than for
19 support of livestock grazing.

20 **OBJECTION:** The United States objects because this request for admission calls for
21 speculation and conjecture.

22 **RESPONSE:** Without waiving the above objection, the United States has no evidence
23 that proves that water was used only by livestock on the lands subject to Executive Order 36 in
24 1883 and therefore denies the request for admission. The expanded area includes Huachuca
25 Canyon (creek), a source of surface water, and therefore water may have been used for any
26 military purpose.

27
28 9. Admit the principal reason for the adoption of Public Land Order ("PLO") 16 and PLO

1 251 was for the use of the subject lands by the War Department as a field artillery range.

2 **OBJECTION:** The United States objects because this request asks for a legal
3 conclusion.

4 **RESPONSE:** Without waiving the above objection, the United States admits that PLO
5 16 states that the subject lands were withdrawn and "reserved for the use of the War Department
6 as a field artillery range," and that PLO 251 states that the subject lands were withdrawn and
7 "reserved for the use of the War Department as an artillery range." See USFH 0299, 0300.

8

9 10. Admit that when PLO 16 and PLO 251 were adopted, water was not necessary to utilize the
10 lands subject to PLO 16 and PLO 251 as a field artillery range.

11 **OBJECTION:** The United States objects because this request for admission calls for
12 speculation and conjecture.

13 **RESPONSE:** Without waiving the above objection, the United States has no evidence
14 that water was not necessary to utilize the Fort's lands as a field artillery range and therefore
15 denies this request for admission. It is reasonable to assume that water was utilized by the troops
16 engaged in the military purpose of artillery training or other activities on the field artillery range.

17

18 11. Admit that PLO 251 and PLO 16 expired on October, 1952.

19 **OBJECTION:** The United States objects because this request asks for a legal
20 conclusion.

21 **RESPONSE:** Without waiving the above objection, the status of the withdrawal orders
22 may have been superceded by the Surplus Property Act of 1944, 58 Stat 765, *see e.g.*, USFH
23 1625-1627, and therefore the United States denies the request for admission.

24

25 12. Admit the Fort, including all of the Original Fort and the East Range, was declared surplus in
26 1947 because it was no longer required for military purposes.

27 **OBJECTION:** The United States objects because this request asks for a legal
28 conclusion.

1 **RESPONSE:** Without waiving the above objection, this request for admission is denied.
2 The Fort was declared surplus pursuant to the provisions of the Surplus Property Act of 1944, 58
3 STAT 765. The June 29, 1948, amendment to the Surplus Property Act, 62 Stat. 1103, permitted
4 disposal of surplus property to the States for use in training and maintaining any civilian
5 component of the armed services. There is ample evidence that the Army anticipated that the
6 National Guard would use the post once transferred. See USFH 0679-0682, letter from Secretary
7 Patterson to Senator Hayden, noting that the Fort was to be used by the National Guard and other
8 units once deactivated; USFH 1641, letter from General Eisenhower to Senator Hayden, 9-20-46,
9 noting plans at that time were not to deactivate the post but use it to train "civilian components";
10 USFH 0668-0671, letter from Adj. Gen. to Commanding General, noting that Fort Huachuca was
11 to be used by Arizona National Guard units; USFH 1601, letter from BG Davidson to Director of
12 Logistics, noting that the Army supported the Arizona National Guard's application; USFH
13 1206-1243, Deeds containing reversion language in event of National Emergency, that for 20
14 years the property was to be used to train Arizona National Guard troops.

15
16 13. Admit that today the purposes of the Fort do not include providing protection to settlers from
17 Native Americans or preventing Native Americans from raiding into Mexico.

18 **RESPONSE:** Admitted.

19
20 14. Admit that those participants in the Work Progress Administration and the Civilian
21 Conservation Corps did not occupy the Fort for military purposes.

22 **RESPONSE:** Denied. The WPA rehabilitated buildings, dug ditches and constructed a
23 variety of stone masonry structures within the Fort in support of the post's military purposes.
24 The CCC camp at Fort Huachuca from 1935 to 1939 was a summer camp for students enrolled in
25 military accessory schools in Arizona, New Mexico and Texas. For activities of CCC and WPA
26 in support of the military mission, *see attached* Works Progress
27 Administration (WPA) Additions and Upgrades, 1934-39. USFH 1928-1931. *See also* USFH
28 0981 through 1004, Record Cards for Description of Post Buildings and dates of completion.

1 15. Admit that the water demands of the Fort population during the 1920's and 1930's exceeded
2 surface water supplies available to the Fort.

3 **RESPONSE:** Denied. The Fort's water demands did not always exceed the surface
4 water supply available in the 1920's and 1930's. During wet periods, surface water (stream and
5 springs) may have provided sufficient water. These sources, however, were affected by drought
6 were not dependable. With the development of the submersible turbine pumps, wells were
7 constructed in the 1930's which did provide a reliable water source. *See e.g.*, USFH 0728
8 through 0791; USFH 0804 through 0830; USFH 0889 through 0999; USFH 1086 through 1092;
9 USFH 1631.

10

11 16. Admit that arrival of the U.S. Army Electronic Proving Ground resulted in significant
12 increases in water demand on the Fort.

13 **OBJECTION:** This request for admission is ambiguous and calls for speculation and
14 conjecture. The term "significant" is vague and capable of being understood in more than one
15 sense.

16 **RESPONSE:** Without waiving the above objection, this request for admission is denied.
17 The U.S. Army Electronic Proving Ground was established at Fort Huachuca in 1954. Prior to
18 1954, during the period 1942-1943, the post population increased approximately 636% to 40,500
19 resulting in significant increases in water demand. *See* USFH 0254. When the Fort was
20 reactivated by the U.S. Army in the 1950s and the Electronic Proving Ground was established,
21 the Fort's population increased by approximately 133% from 1954 to 1955. This resulted in an
22 increase in water demand, but neither the increase nor the amount used was as great as the 1942-
23 1943 period.

24

25 17. Admit that the arrival of the U.S. Strategic Communications Command resulted in
26 significant increases in water demand on the Fort.

27 **OBJECTION:** This request for admission is ambiguous and calls for speculation and
28 conjecture. The term "significant" is vague and capable of being understood in more than one

1 sense.

2 **RESPONSE:** Without waiving the above objection, this request for admission is denied.
3 The U.S. Strategic Communications Command was established at Fort Huachuca in 1967. *See*
4 USFH 1569-1594. Prior to 1967, during the period 1942-1943, the post population increased
5 approximately 636% to 40,500 resulting in significant increases in water demand. When the
6 Strategic Communications Command was established the Fort's population increased by
7 approximately 58% to 19,000 from the years immediately prior to the Strategic Communications
8 Command' arrival. This resulted in an increase in water demand, but neither the increase nor the
9 amount used was as great as the 1942-1943 period.

10

11 18. Admit that the arrival of the U.S. Army Combat Surveillance and Electronic Warfare School
12 and the U.S. Army Intelligence Center and School resulted in significant increases in water
13 demand on the Fort.

14 **OBJECTION:** This request for admission is ambiguous and calls for speculation and
15 conjecture. The term "significant" is vague and capable of being understood in more than one
16 sense.

17 **RESPONSE:** Without waiving the above objection, this request for admission is denied.
18 The U.S. Strategic Communications Command was redesignated as the U.S. Army Intelligence
19 Center and School at Fort Huachuca in 1971. In early 1973, the USAICS consolidated with three
20 other Army activities, the Combat Surveillance and Electronic Warfare School, the Combat
21 Developments Command Intelligence Agency and the Sixth Army Training Aids Center. *See*
22 USFH 1139. Prior to 1971-1973, during the period 1942-1943, the post population increased
23 approximately 636% to 40,500 resulting in significant increases in water demand. In 1971 to
24 1973, the Fort's population increased slightly from 1971 by approximately 4.2% to 18,309. This
25 may have resulted in an increase in water demand, but neither the increase nor the amount used
26 was as great as the 1942-1943 period.

27

28

1 RESPONSES TO INTERROGATORIES

2 **OBJECTION:** The number of interrogatories propounded in the *AWC/ASARCO*
3 *Discovery Request* exceeds the limitation of forty (40) as required in Ariz. R. Civ. P.
4 33.1(a)(stating in part “a party shall not serve upon any other party more than forty (40)
5 interrogatories”). Any subpart to a non-uniform interrogatory is considered as a separate
6 interrogatory. *Id.* Interrogatory number one, for example, contains six separate and distinct
7 subparts applied to five separate and distinct executive orders or public land orders. This
8 question, therefore, consists of 30 interrogatories. Accounting for all subparts, and eliminating
9 by mutual agreement interrogatories numbers 13 and 22, the *AWC/ASARCO Discovery Request*
10 contains seventy-two (72) interrogatories. All interrogatories beyond paragraph number eight
11 exceed the maximum number of interrogatories allowed. Subject to this objection and without
12 waiving it, Claimant responds as follows:

- 13
- 14 1. For each of the following orders: EO 35, EO 36, PLO 16, PLO 251, and PLO 1471, identify:
- 15 (a) the total annual consumptive use of water on the parcel subject to the order on the date the
16 order was entered;
- 17 (b) the total annual consumptive use of water in 2005 on the parcel subject to the order;
- 18 © the source(s) of all water used on the parcel subject to the order on the date the order was
19 entered;
- 20 (d) the source(s) of all water used in 2005 on the parcel subject to the order;
- 21 (e) the purpose(s) for which water was used on the parcel subject to the order on the date the
22 order was entered (including the amount of each use); and
- 23 (f) the purpose(s) for which water was used in 2005 on the parcel subject to the order (including
24 the amount of each use).

25 **OBJECTION:** The United States objects because

- 26 1) these interrogatories will not lead to discovery which is relevant to the subject matter involved
27 in the pending action. The issues in the pending action relate to the withdrawal and reservation
28 of land, the purpose of the reservation, the United States’ intent to reserve unappropriated waters

1 to satisfy the purpose of the reservation, and the priority date of the reserved water right. The
2 quantity of water the Fort is entitled to is *not* at issue and therefore amount of water historically
3 used is irrelevant; and

4 2) These interrogatories are ambiguous and capable of being understood in more than one sense.
5 Further, these interrogatories call for speculation and conjecture. First, the Executive Orders and
6 Public Land Orders are not treated as separate entities (parcels of land) upon addition to the
7 military reservation. All are used to fulfill the military purpose. Thus, water from various
8 sources may be commingled and transported to a parcel of land and consumed, or the water may
9 be pumped from a well on the parcel and transported to other parcels for consumption. Second,
10 the water may be consumed and then reclaimed and/or used for recharge. Thus, the source and
11 amount of water used on each parcel may involve differing interpretations of "consumption."
12 Third, there are no forms of metering associated with each use on each EO or PLO other than
13 from the point of extraction for a groundwater pumping well. Thus, water consumption could
14 mean the amount of water extracted from the ground or it could mean the amount of water used
15 and reused.

16 **RESPONSE:** Without waiving the above objection, the United States responds as
17 follows:

18 EO35 (aka General Order 35):

- 19 1.a.(a) unknown
- 20 1.a.(b) unknown
- 21 1.a.(c) surface
- 22 1.a.(d) ground water
- 23 1.a.(e) military purposes (domestic/military)
- 24 1.a.(f) military purposes (domestic/military); no data -- no end-use metering available.

25 EO36 (aka General Order 36):

- 26 1.b.(a) unknown
- 27 1.b.(b) unknown
- 28 1.b.(c) surface water
- 1.b.(d) ground water
- 1.b.(e) military purposes (domestic/military); no data -- no end-use metering available.
- 1.b.(f) military purposes (domestic/military); no data -- no end-use metering available.

PLO 16:

- 1.c.(a) unknown
- 1.c.(b) unknown
- 1.c.(c) water wells and springs

- 1 1.c.(d) water wells only
1.c.(e) military purposes (domestic/military); no data -- no end-use metering available.
2 1.c.(f) military purposes (domestic/military); no data -- no end-use metering available.

3 PLO251

- 1.d.(a) unknown
4 1.d.(b) unknown
1.d.(c) water wells and springs
5 1.d.(d) water wells only
1.d.(e) military purposes (domestic/military); no data -- no end-use metering available.
6 1.d.(f) military purposes (domestic/military); no data -- no end-use metering available.

7 PLO 1471:

- 1.e.(a) unknown
8 1.e.(b) unknown
1.e.(c) groundwater and springs
9 1.e.(d) groundwater only
1e.(e) military purposes (domestic/military); no data -- no end-used metering available.
10 1.e.(f) military purposes (domestic/military); no data -- no end-use metering available.

11
12 2. Does the United States contend that any actions other than the following resulted in the
13 reservation and withdrawal of lands within the current boundaries of the Fort: EO 35, EO 36, PO
14 16, PLO 251 and PLO 1471? If the answer is yes, identify the parcel, the order or action the
15 United States contends resulted in a reservation and withdrawal of that parcel, and the date of the
16 action.

17 **OBJECTION:** The United States objects because this interrogatory asks for a legal
18 conclusion.

19 **RESPONSE:** Without waiving the above objection, the United States does not contend
20 that any actions other than the following resulted in the reservation and withdrawal of lands
21 within the current boundaries of the Fort: EO 35, EO 36, PO 16, PLO 251 and PLO 1471.

22
23 3. Does the United States contend that any lands in the Fort were withdrawn or reserved after
24 1949 (PLO 1471 excepted)?

25 **OBJECTION:** The United States objects because this interrogatory asks for a legal
26 conclusion.

27 **RESPONSE:** Without waiving the above objection, the United States does not contend
28 that any lands in the Fort were withdrawn or reserved after 1949 (PLO 1471 excepted).

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4. Identify the maximum annual water consumption ever used at the Fort and in what year that use occurred.

OBJECTION: The United States objects because this request will not lead to discovery which is relevant to the subject matter involved in the pending action. The issues in the pending action relate to the withdrawal and reservation of land, the purpose of the reservation, the United States' intent to reserve unappropriated waters to satisfy the purpose of the reservation, and the priority date of the reserved water right. The quantity of water the Fort is entitled to is *not* at issue and therefore amount of water historically used is irrelevant.

RESPONSE: Without waiving the above objection, there is no definitive water use data available for the base population of 40,500 troops during the years 1942-1944. The Avg/Capita water usage listed in the table A.1., *see* USFH 0248, from December 1942 through December 1944, were added and divided by 23 months to give the average per capita for the period (3,191/23=138.9 or 139). Therefore, a per capita 139 gpd for use by the permanent and bivouacked troops is reasonable. Based on the 40,500 population figure and assuming 139 gallons per day per capita use, an approximate maximum annual use in this period was 6303 ac ft., calculated as follows: $139 \times 40,500 = 5,629,500 \times 365 \text{ days} = 2,054,767,500 \text{ gals} / 326,000 \text{ gals per acre foot} = 6,303 \text{ ac ft.}$

5. Identify what percentage of the maximum annual water consumption at the Fort was for:

- (1) domestic;
- (2) livestock;
- (3) recreation and wildlife;
- (4) other purposes

RESPONSE: In 1942 through 1944, the period of maximum annual water consumption, the amount of the water was not quantified for the various end uses identified in this interrogatory. All water use was for military purposes.

1 6. Does the United States contend the State of Arizona obtained an entitlement to part or all of
2 the reserved right when the State acquired title to the Fort? If not, explain the status of any
3 reserved right associated with the Fort when title was held by the State.

4 **OBJECTION:** The United States objects because this interrogatory calls for a purely
5 legal conclusion.

6 **RESPONSE:** Without waiving the above objection, the United States does not contend
7 that the State of Arizona obtained an entitlement to part or all of the reserved right when the State
8 acquired title to the Fort. The United States retained a right of reacquisition and repossession of
9 the Fort in the event of a national emergency. Moreover, after deeding to the State, the Fort
10 continued to serve a military purpose as a training ground for the Arizona National Guard. The
11 reserved water right was preserved with a 1881 priority date or, in the alternative, the priority
12 date of the reserved water right is the date of reacquisition and/or repossession.

13
14 7. Does any non-federal entity possess any right to real property within the Fort's boundaries? If
15 the answer is yes, identify:

16 (1) the parcel(s),

17 (2) the entity

18 (3) the document entitling the Fort to use the parcel(s), if any and

19 (4) any water uses associated with the parcel(s).

20 **RESPONSE:** No. By way of further response, there are nine enclaves consisting of
21 1,537 acres of land owned by the State of Arizona located in the area of the East Range, but they
22 are not within the Fort's boundaries.

23
24 8. Does the United States claim a reserved water right for every acre of the Fort? If not, identify
25 the particular lands for which the United States claims a reserved water right.

26 **RESPONSE:** Yes.

27
28 9. For each parcel within the Fort for which the United States claims a reserved right, list and

1 describe the physical source(s) of water associated with that parcel, and the amount claimed from
2 each source for that parcel.

3 **RESPONSE:** The United States claims a reserved right for Fort Huachuca as a whole
4 and not for individual parcels. The physical sources of water and the amount claimed are listed
5 in the Fort's Statement of Claimant 39-010774 (ground water) and 39-010775 (surface water).
6 This data is also contained in the 1991 HSR, Tables 5-69 and 5-70, pages 419-429.

7
8 10. Identify and describe all wells currently located on the Fort, including the legal description of
9 the well, a statement of whether the well is located on the Original Fort or the East Range, and a
10 statement of whether a well log exists for that well. In describing the well, provide the legal
11 pumping capacity, the depth to water, the date of first use, the current use of the well (i.e.,
12 monitor, test, producing, etc.) and, if the well is capped and/or abandoned, the date it was capped
13 and/or abandoned.

14 **OBJECTION:** The United States objects because a part of this interrogatory, the "legal
15 pumping capacity," calls for a legal conclusion.

16 **RESPONSE:** Without waiving the above objection, the well attributes are addressed in
17 the Fort's Statement of Claimant 39-010774 (ground water) and 39-010775 (surface water). This
18 data is also contained in the 1991 HSR, Tables 5-69 and 5-70, pages 419-429. There are well
19 logs for the following wells:

- 20 Post Well #1
- 21 Post Well #2
- 22 Post Well #4
- 23 Post Well #6
- 24 Test Well #5
- 25 Test Well #6
- 26 Test Well #7
- 27 Test Well #8
- 28 Obs Well #8

1 Test Well #9

2

3 11. Identify and describe all wells on the Fort that

4 (1) are located on the Original Fort but supply water for use on the East Range, and

5 (2) are located on the East Range but supply water for use on the Original Fort.

6 **RESPONSE:**

7 11.(1) Wells 1, 2, 3, 4, 5 and 6 provided water to the Eastern Academic Complex (Area 155)
8 until 2003. At that time the buildings were removed and the utilities were disconnected and
9 infrastructure abandoned. Further, water may be acquired from sources on the original Fort
10 grounds and used by troops or personnel engaged in military activities on the East Range.

11 11.(2) Wells 7 and 8.

12

13 12. In Fort Huachuca, AZ – A Century of Development and Changing Missions 1877-1977,
14 Table A.2 at USFH 0250 describes the water consumption at Fort Huachuca for 1956-1972 and
15 1982-1989. Identify the same or similar data set forth in Table A.2 for the years 1973-1981,
16 1990-2005, and any years prior to 1956 for which similar data is available.

17 **OBJECTION:** The United States objects because this request will not lead to discovery
18 which is relevant to the subject matter involved in the pending action. The issues in the pending
19 action relate to the withdrawal and reservation of land, the purpose of the reservation, the United
20 States' intent to reserve unappropriated waters to satisfy the purpose of the reservation, and the
21 priority date of the reserved water right. The quantity of water the Fort is entitled to is *not* at
22 issue and therefore amount of water historically used is irrelevant.

23 **RESPONSE:** Without waiving the above objection, the United States responds with the
24 following information and the attached tables of water production. USFH 1932-1937.

25 Fort Huachuca Water Consumption – 1973 to 1981

26 YEAR	AVE DAILY (mmg/d)	FISCAL YR TOTAL (gals.)	POPULATION ON-POST	POPULATION NOON-TIME
27 1973	2.5	906,606,000	NO DATA	16,630
28 1974	2.9	1,092,426,000	NO DATA	16,786

1	1975	2.3	846,622,000	NO DATA	NO DATA
	1976	2.5	901,716,000	NO DATA	16,160
2	1977	2.6	935,946,000	NO DATA	16,592
	1978	2.1	756,602,999	9,446	16,705
3	1979	2.5	913,452,000	8,957	16,149
	1980	2.7	981,586,000	9,301	16,311
4	1981	2.8	1,025,596,000	8,602	15,687

5 Fort Huachuca Water Consumption – 1990 to 2005

6	YEAR	AVE DAILY	YR TOTAL(FY)	POPULATION ON-POST	POPULATION NOON-TIME
7	1990	2.5	895,491,000	9,210	17,075
	1991	2.4	883,183,000	8,410	16,195
8	1992	2.5	927,874,000	8,163	16,386
	1993	2.7	987,286,000	8,534	16,183
	1994	2.3	837,223,000	9,388	18,420
9	1995	2.2	791,546,000	8,982	15,842
	1996	2.1	767,632,000	8,656	15,310
10	1997	2.1	767,776,000	7,760	14,850
	1998	1.9	709,766,000	7,603	14,793
11	1999	1.7	617,342,000	8,584	15,466
	2000	1.6	600,647,000	9,728	15,518
12	2001	1.5	539,308,000	9,283	15,826
	2002	1.4	496,567,000	8,659	14,710
13	2003	1.4	503,268,000	7,736	15,566
	2004	1.3	486,031,000	7,066	15,531
14	2005	1.3	457,370,000	6,792	15,985

15 No such data exists or is available prior to 1956.

16 13. On November 4, 2002, the United States amended Claim No. 39-010774 to reduce its claim
17 for groundwater from 10,087 acre-feet to 7,549 acre-feet. State the factual and legal basis for
18 this reduction.

19 **RESPONSE:** By agreement with counsel for the Arizona Water Company and
20 ASARCO, LLC., the parties agree that the United States need not respond to this question at this
21 time.

22
23 14. Identify and describe the missions and purposes of the Fort today.

24 **RESPONSE:** The Fort today retains its military purpose. Specifically, its current
25 missions and purposes include:

26 (1) The primary mission of the US Army Intelligence School is to plan and develop the
27 necessary doctrine, organization and material requirements to structure the military intelligence
28 support for the Army in the field; train Army personnel in combat, counter and strategic

1 intelligence; train selected Department of Defense personnel and allied officers in intelligence
2 operations; conduct professional education courses for officers and noncommissioned officers.
3 Plan, develop, and conduct instruction and training for individuals and units in the employment,
4 operation, and maintenance of combat surveillance and electronic warfare equipment in concepts
5 and resources.

6 (2) The mission of the US Army Signal Command (USASC) is to engineer, install,
7 operate, and maintain defense communication systems and assigned Army communications
8 worldwide in accordance with AR 10-13. The USASC reorganized during 2002 to become the
9 US Army Network Enterprise Technology Command/9th Army Signal Command.

10 (3) The mission of the US Army Electronic Proving Ground at Fort Huachuca is to
11 operate an electromagnetic environment test facility and a systems test facility; to plan, conduct,
12 evaluate and report on engineering tests of communications-electronics and avionics equipment
13 and systems; service testing of communications-electronics equipment and systems used above
14 division level; and provide technical and logistical consultation service.

15 (4) The Joint Interoperability Test Center (JITC), previously the Joint Test Element/TRI-
16 TAC, ensures the interoperability of strategic and tactical command, control, communications,
17 and intelligence (C3I) systems for joint or combined operations through the conduct of a
18 comprehensive interoperability testing program. The JITC plans for, conducts, evaluates, and
19 reports the results of interoperability tests of strategic, joint, and combined tactical C3I systems
20 to the Commander-in-Chiefs/Services/Agencies (C/S/A). It performs the JTC3A interoperability
21 standards configuration management mission and verifies compliance by C/S/A with published
22 interoperability standards. Develops requirements for, acquires, and operates interoperability test
23 bed systems, equipment, instrumentation, and components required to accomplish the strategic
24 and tactical joint/combined interoperability testing programs. Supports service managed DTE,
25 OTE, and follow-on OTE conducted by JITC. Interfaces with service owned C3 systems for the
26 purpose of evaluating strategic and tactical C3I systems joint/combined interoperability.

27 (5) The TEXCOM/Intelligence Electronic Warfare Test Directorate (IEWTD) mission is
28 to formulate test methodology, develop test plans, conduct tests, and report on assigned test,

1 demonstrations and experiments of IEWTD material doctrine organizations and training systems,
2 in addition to electromagnetic vulnerability tests to the Test and Experimentation Command
3 (TEXCOM). This Directorate reorganized in 1999 and is now the US Army Operational Test
4 Command, an element of the Army Test and Evaluation Command of Fort Hood, Texas.

5 (6) The Medical Department Activity (MEDDAC) is the main Army medical activity for
6 the State of Arizona. It includes the Raymond W. Bliss Army Health Center and the Veterinary
7 Activity. Only outpatient medical care and treatment is provided to active duty and retired military
8 personnel, their dependents, and other personnel, food inspections, and zoonotic control. The
9 MEDDAC provides medical staff support to the installation commander.

10 (7) The Dental Activity (DENTAC) is the main Army dental activity for the State of
11 Arizona. It includes the Runion Clinic and one other dental facility. This activity provides
12 services for prevention and treatment of disease conditions to active duty personnel, their
13 dependents, and other personnel, as authorized by DA. The DENTAC provides dental staff
14 support to the installation commander.

15 (8) The mission of the US Army Security Logistics Activity is the management of the
16 communication security logistics and related matters.

17 (9) The Atmospheric Sciences Laboratory, Meteorological Team, provides meteorological
18 services for Army research, development, test, and evaluation activities at Fort Huachuca.

19 (10) The US Army Intelligence and Security Command conducts communications
20 intelligence activities to provide timely information and operational security support to maintain
21 and ensure the security for the Army commands, activities, and agencies within the assigned
22 geographical area of responsibility.

23 (11) The US Army Criminal Investigation Command provides criminal investigation
24 support to all US Army activities located within the geographical area of the State of Arizona. It
25 establishes and maintains effective liaison with federal, state, and local law enforcement agencies
26 on matters pertaining to criminal investigation in which the US Army has vested interest.

27 (12) The West Region Civilian Personnel Operations Center was assigned to Fort Huachuca
28 in 1997. The center consolidated activities from 14 Army installations in six western states. The

1 Center provides assistance in personnel actions, job placement, and is a repository for personnel
2 data.

3 (13) The current mission of the US Army Garrison (USAG) is to provide logistic and
4 administrative support to the USAG and partner organizations, provide resources and assistance to
5 area Army commanders in support of Army emergency plans and training support to active Army
6 and Reserve Component Units, or as directed by the Headquarters.

7
8 15. Does the Fort receive or has it previously received water, for any purpose, from an outside
9 source (e.g., from a private water company, City or water district)? If the answer yes:

10 a) How much water does/did the Fort receive from each such source?

11 b) When did the Fort first receive such water?

12 c) For what purpose is/was such water used?

13 d) Identify the source(s).

14 **RESPONSE:** No.

15
16 16. Does the Fort supply or has it previously supplied water for use off the Fort?

17 If the answer is yes:

18 a) How much water does/did the Fort provide?

19 b) When did the Fort first provide such water?

20 c) For what purpose is/was such water used?

21 d) To what entities is/was the water provided?

22 **RESPONSE:** No.

23
24 17. How many military personnel employed at the Fort live outside of the Fort? Does the United
25 States contend that those military personnel's residential sources of water are supplied by sources
26 on the Fort?

27 **RESPONSE:** There are 5,680 military personnel assigned to the Fort as of September
28 2005 (most recent post population report). Of that number 4,296 reside on the Fort (according to

1 most recent Barracks and Family Housing Occupancy Report dated February 28, 2006).
2 Subtracting 4,296 from 5,680 yields 1,484 military personnel who reside off post. The Fort does
3 not supply water to the residences outside the Fort.

4
5 18. How many non-military personnel employed at the Fort live outside the
6 Fort? Does the United States contend that those non-military personnel's
7 residential sources of water are supplied by sources on the Fort?

8 **RESPONSE:** There are a total of 13,098 personnel employed at the Fort (based on the
9 most recent September 2005 post population report). Subtracting 5,680 military personnel from
10 13,098 yields 7,418 non-military personnel employed at the Fort that live off post. The Fort does
11 not supply water to the residences outside the Fort.

12
13 19. Identify and describe all water conservation efforts currently being implemented at the Fort.

14 **RESPONSE:** Water conservation efforts currently being implemented at the Fort include
15 the following. Descriptions are provided for items that are not self-explanatory:

16 Riley Barracks toilet upgrade

17 Installation of Front Load Washers

18 Xeriscaping

19 Residential Greywater/rooftop capture

20 Barracks Greywater/rooftop capture,

21 Sludge Press Washwater (Fort implemented a process at the Waste Water
22 Treatment Plant to replace the use of potable water for sludge pressing and
washes it with treated effluent).

23 Evaporative Cooler Replacement program.

24 Rooftop capture at the EPG Warehouse, Barnes Field House, and Hospital

25 Waterless urinals

26 Waterwise Audits (Waterwise is a public/private funded University of Arizona Cooperative
27 Extension program. Fort Huachuca has partnered with Waterwise in order to provide water
conservation education and related support services to those that work and live on the Fort. The
28 audits assess the current water use and provides ways to reduce and use
water efficiently both in and out of doors.)

1 Athletic Fields Irrigation Off-set (Athletic fields offset represent the
2 retirement of groundwater pumping through use of effluent for irrigation).

3 Military Family Housing Savings (based on a combination of fixture upgrades and xeriscaping).

4
5 20. Identify when the Fort's water demand became dependent on non-surface water sources.

6 At that time:

7 a) what was the Fort's population?

8 b) what uses were being made of water at the Fort?

9 c) what necessitated the development of groundwater (e.g., additional personnel, new uses, new
10 mission(s))?

11 **OBJECTION:** This interrogatory is ambiguous and calls for speculation and conjecture.

12 The term "dependant" is vague and capable of being understood in more than one sense.

13 **RESPONSE:** Without waiving the above objection, the first well was drilled and
14 completed in 1939. (1991 HSR, page 397) The Fort discontinued using spring water as part of
15 the Fort's potable water supply in 1983. The Garden Canyon Spring system continued to be used
16 for military training and fire firing purposes until 2000 (END).

17 20.(a) In 1983, the Fort's population was 9,860 (on-post); 16,360 (noon-time); 12,005
18 (effective)(The effective population accounts for the normal 8 hours of those employees working
19 on the post that live off the post.)

20 20.(b) Water was used for military purposes.

21 20.© The initial need for ground water was due to a lack of surface water because of persistent
22 drought conditions. As the Fort's population increased a more dependable water source/supply
23 was needed. With the advent of the turbine submersible pumps, the Fort was able to construct
24 wells and expand the water distribution system, along with water storage facilities. As stated
25 above, the distribution system for the springs was disconnected from the ground water supply.
26 The pipelines from the surface water sources are still in place and are in a stand-by status in case
27 of mobilizations or emergencies.

28

1 21. Did the United States make any attempt(s) in the past to secure an appropriation of surface
2 water for the Fort under Arizona state law? If the answer is yes, identify and describe any such
3 attempt(s), including any notice of intent to appropriate or similar legal document filed for the
4 Fort.

5 **RESPONSE:** No. By way of further response, the original Statement of Claimant no.
6 39-010775 filed in *In the Matter of Determination of Relative Rights to the Use of Waters of the*
7 *San Pedro River and Its Tributary Watershed, inc. Aravaipa Ck.* on behalf of Fort Huachuca
8 shows a check-mark next to "Other" under the paragraph asking for a statement of the nature of
9 the right or use. *See* USFH 2793-2796. The explanation next to the check-mark states "[s]tate
10 water law and legitimate and authorized Federal Activities." The stated basis of the water right
11 claimed was not intended to imply that the water right was claimed pursuant to state law. This
12 possible ambiguity was clarified in the Amended Statement of Claimant for claim number 39-
13 10775 filed in August 1989. *See* USFH 2788-2791. The amended SOC states the basis of the
14 claim as federal reserved water rights.

15
16 22. Does the United States contend that off reservation pumping impermissibly interferes with
17 any reserved water right?

18 **RESPONSE:** By agreement with counsel for the Arizona Water Company and
19 ASARCO, LLC., the parties agree that the United States need not respond to this question at this
20 time.

21
22 23. To which part(s) of the Fort (if any) does the United States contend it reacquired title from
23 the State of Arizona pursuant to a reversionary clause? *See* USFH 0162-0163. If reacquisition
24 was made pursuant to a declaration by the President or congress of a then-existing national
25 emergency, explain the nature of the emergency and identify the document declaring the
26 applicable declaration of national emergency.

27 **OBJECTION:** The United States objects because this request asks for a purely legal
28 conclusion.

1 **RESPONSE:** Without waiving the above objection, the United States reacquired title to
2 and control of the Fort as now established from the State of Arizona pursuant to the reversionary
3 clause contained in the original agreements of transfer from the federal government to the state.
4 The reacquisition process was begun by a notice from the Acting Secretary of the Air Force, John
5 McCone, dated January 18, 1951. At that time the Air Force called for reacquisition of the lands
6 (32,259.20 acres) covered by the deed to the Arizona Game and Fish Commission, dated January
7 14, 1949, and the lands deeded to the State of Arizona for use of the Arizona National Guard,
8 covered by the deed of March 2, 1949, and amended April 18, 1950. *See* USFH 1094-1095. The
9 area acquired by the state for use of the Arizona National Guard (10,483.41 acres in the
10 cantonment area, 4,497.31 in the Artillery Range, and 28,521.66 acres in the East Range) was
11 reacquired by a process beginning in January 1951 and completed by the deed dated May 2, 1957
12 and finalized on August 22, 1957. *See* USFH 0383-0387. The specific areas covered by the
13 reacquisition process are covered in the deeds transferring possession and title from the state to
14 the federal government. *See* USFH 1294-1297, USFH 1264-1266, USFH 1298-1301.

15 The reacquisition occurred during the Korean War (1950-1953). The conflict was not
16 subject to a congressional declaration of war; President Harry Truman declared, after the armed
17 forces had been involved in several months of fighting on the Korean Peninsula, a National
18 Emergency on December 16, 1950 (93d Congress, Senate, Report No. 93-549, 1st Session,
19 Appendices). Less than one month later Acting Secretary of the Air Force McCone began the
20 process that led to reacquisition of Fort Huachuca. *See* USFH 1094-1095.

21
22 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

- 23
24 1. Produce any and all documents relating to the determination after World War II that the Fort
25 was "surplus to military needs," including but not limited to:
26 (a) the declaration of surplus issued by the War Assets Administration on September 15, 1947;
27 (b) Surplus Real Estate Directives dated May 31, 1947 and September 15, 1947 referenced at
28 USFH 0384; and

1 © Real Estate Directive 670 dated March 14, 1942, and Real Estate Directives 670A and 670B
2 amending Real Estate Directive 670, all referenced at USFH 0383 and USFH 0384.

3 **RESPONSE:** Documents responsive to this request were included in the United States'
4 initial disclosures and supplemental disclosures. See above response to Request for Admission #
5 12. We do not have a copy of the declaration and Real Estate Directives. Attached are additional
6 documents that may be responsive to the declaration of surplus by the War Assets
7 Administration. See USFH 1938-2020.

8
9 2. Produce any and all documents relating to the decisions to "deactivate" the Fort in 1947 and
10 1953. See USFH 0150, USFH 0195.

11 **RESPONSE:** The documents responsive to this request were included in the United
12 States' initial disclosures and supplemental disclosures. The Bates numbers of the relevant
13 documents are:

14 USFH-00000679-USFH-00000682
15 USFH-00000656 - USFH-00000658
16 USFH-000001636 - USFH-000001638
17 USFH-000001641
18 USFH-000001639 - USFH-000001640
19 USFH-000001642 - USFH-000001643
20 USFH-00000668 - USFH-00000671
21 USFH-000001514 - USFH-000001515
22 USFH-000001352
23 USFH-000001804 - USFH-000001805
24 USFH-000001803
25 USFH-000001516 - USFH-000001518
26 USFH-000001802
27 USFH-000001705 - USFH-000001706
28 USFH-000001520 - USFH-000001521
USFH-000001302
USFH-000001688 - USFH-000001690
USFH-000001807
USFH-000001806
USFH-000001522
USFH-000001347 - USFH-000001349
USFH-000001519
USFH-000001523 - USFH-000001524
USFH-000001525

1 USFH-000001527
USFH-000001526
2 USFH-000001528 - USFH-000001529
3 USFH-000001678
USFH-000001530 - USFH-000001531

4 Attached are additional documents that may be responsive to the decision to deactivate
5 the Fort. See USFH 2021-2166.

6
7
8 3. Produce any and all documents relating to the decisions to "reactivate" the Fort in 1951 and
9 1954. See USFH 0174, USFH 0196.

10 **RESPONSE:** The documents responsive to this request were included in the United
11 States' initial disclosures and supplemental disclosures. The Bates numbers of the relevant
12 documents are:

13
14 USFH-000001094 - USFH-000001095
15 USFH-000001324
16 USFH-000001810 - USFH-000001811
USFH-000001816 - USFH-000001817
17 USFH-000001818
USFH-000001325 - USFH-000001326
18 USFH-000001808 - USFH-000001809
USFH-000001794
19 USFH-000001815
USFH-000001710 - USFH-000001712
20 USFH-000001795 - USFH-000001796
USFH-000001799
21 USFH-000001328 - USFH-000001329
22 USFH-000001800
USFH-000001801
23 USFH-000001330 - USFH-000001332
USFH-000001333
24 USFH-000001334 - USFH-000001335
25 USFH-000001336 - USFH-000001337
USFH-000001338 - USFH-000001339
26 USFH-000001340 - USFH-000001341
USFH-000001759 - USFH-000001767
27 USFH-000001768 - USFH-000001770
28 USFH-000001771 - USFH-000001773

1 USFH-000001342 - USFH-000001343
2 USFH-000001244
3 USFH-000001375
4 USFH-000001344
5 USFH-000001345

6 Attached are additional documents that may be responsive to the decision to reactivate the
7 Fort. *See* USFH 2167-2440.

8 4. Produce any and all documents relating to any attempted appropriation of surface water under
9 Arizona state law, including any notice of intent to appropriate or similar legal document, filed
10 for the Fort.

11 **RESPONSE:** None. See explanation in the response to Interrogatory no. 21, above.

12
13 5. Produce, to the extent not previously disclosed, any and all documents referenced in or relied
14 on in Abstract Acquisition History, Fort Huachuca Military Reservation, USFH 0383-USFH
15 0390.

16
17 **RESPONSE:** Documents previously submitted (USFH 0462-1943) relate to the
18 acquisition history of the Fort. Attached are additional documents that may be responsive to the
19 acquisition history. *See* USFH 2441-2480.

20
21
22 6. Produce any and all communications between the United States or any representative thereof
23 and the authors of Fort Huachuca, AZ –A Century of Development and Changing Missions
24 1877-1977 or their representatives, including all draft reports.

25 **OBJECTION:** This request asks for material that may be privileged and confidential
26 attorney work product or attorney client communication.

27
28 **RESPONSE:** Without waiving this objection, the United States' produces the attached

1 drafts of the report, attached as USFH 2481-2780. The United States also produces the attached
2 privilege log of communications between counsel for the United States and JRP Historical,
3 authors of the report. Finally, a search of non-privileged communications between the United
4 States and authors of the report yielded only one document, attached as USFH 2781.
5

6
7 7. Produce any and all ground water models or similar information prepared to analyze water
8 supply at the Fort, including but not limited to any analysis of the impacts of the Fort's pumping
9 on the San Pedro River or the relationship between groundwater pumping on and off the Fort.
10

11 **RESPONSE:** By agreement with counsel for the Arizona Water Company and
12 ASARCO, LLC., the parties agree that the United States need not respond to this request for
13 production.
14

15 8. Produce all information and materials given to the Arizona Department of Water Resources
16 for preparation of the Hydrographic Survey Report for the San Pedro River Watershed.
17

18 **RESPONSE:** Information and material provided to ADWR for the San Pedro River
19 Watershed HSR relating to Statement of Claimant Nos. 39-010774 and 39-010775 filed in 1989
20 and amended in 1991 are attached as USFH 2782-2901.
21

22 9. For all wells to which Interrogatory 10 applies, produce any and all well logs available.
23

24 Provided copies of well logs for:

- 25 Post Well #1
- 26 Post Well #2
- 27 Post Well #4

28

- 1 Post Well #6
- 2 Test Well #5
- 3 Test Well #6
- 4 Test Well #7
- 5 Test Well #8
- 6 Obs Well #8
- 7 Test Well #9

Well log information is attached as USFH 2902-2925.

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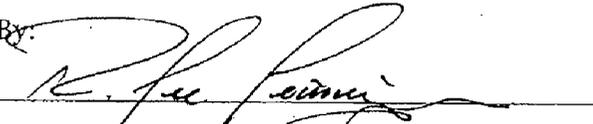
VERIFICATION

I, Michael M. Shaughnessey, Realty Specialist, U.S. Army Garrison at Fort Huachuca, declare under penalty of perjury that I have read the foregoing responses to the *Arizona Water Company's and ASARCO L.L.C.'s: (1) First Set of Requests for Admission; (2) First Set or Interrogatories; and (3) First Set of Requests for Production of Documents served upon the United States* and that the responses are true and correct based upon my information and belief, and the unprivileged information in my possession.

Executed on this 15th day of March, 2006.


MICHAEL M. SHAUGHNESSEY

AS TO OBJECTIONS:

By: 

R. Lee Leininger
U.S. Department of Justice
Environment and Natural Resources Division
General Litigation Section
999 18th Street, Suite 945 NT
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GILA ADJUDICATION*In re Ft. Huachuca*, Contested Case No. W1-11-605

United States Privilege Log 03/17/2006

Privilege Asserted	Document Date	No. of Pages	Document Description
Atty Work Product	10/21/2005	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	10/21/2005	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	10/31/2005	2	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	10/31/2005	3	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	11/21/2005	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/26/2005	2	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/27/2005	2	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/28/2005	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/28/2005	3	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/28/2005	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/28/2005	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/28/2005	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/29/2005	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/29/2005	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	12/29/2005	1	Communication between DOJ Attorney and Expert JRP Historical

Privilege Asserted	Document Date	No. of Pages	Document Description
Atty Work Product	01/03/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/03/2006	1	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/03/2006	1	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/03/2006	2	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/03/2006	2	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/04/2006	2	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/06/2006	6	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/06/2006	5	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/06/2006	6	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/08/2006	1	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/09/2006	2	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/09/2006	2	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/09/2006	1	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/10/2006	2	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/10/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/10/2006	2	Communication between DOJ Attorney and Expert JRP Historical

Privilege Asserted	Document Date	No. of Pages	Document Description
Atty Work Product	01/11/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/12/2006	9	Communication between DOJ Legal Secretary and Expert JRP Historical
Atty Work Product	01/12/2006	9	Communication between DOJ Legal Secretary and Expert JRP Historical
Atty Work Product	01/12/2006	9	Communication between DOJ Legal Secretary and Expert JRP Historical
Atty Work Product	01/12/2006	9	Communication between DOJ Legal Secretary and Expert JRP Historical
Atty Work Product	01/13/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/13/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/13/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/17/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/17/2006	1	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/17/2006	1	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/19/2006	2	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/19/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/19/2006	2	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	01/23/2006	1	Communication between DOJ Legal Secretary and Expert JRP Historical
Atty Work Product	01/24/2006	4	Communication between DOJ Legal Secretary and Expert JRP Historical

Privilege Asserted	Document Date	No. of Pages	Document Description
Atty Work Product	01/26/2006	2	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/26/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/26/2006	2	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	01/26/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	02/07/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	03/03/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	03/03/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	03/03/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	03/04/2006	1	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	03/06/2006	1	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	03/06/2006	2	Communication between DOJ Attorney and Expert JRP Historical
Atty Work Product	03/06/2006	2	Communication between DOJ Paralegal and Expert JRP Historical
Atty Work Product	03/06/2006	2	Communication between DOJ Paralegal and Expert JRP Historical