

DIVISION OF WATER RIGHTS
PROSECUTION TEAM EXHIBIT 5

(PT-5)

Sworn Statement of Floyd Lawrence

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SWORN STATEMENT OF FLOYD LAWRENCE

By Christopher J. Neary
Attorney at Law

Wednesday, August 2, 2006
10:00 a.m.

3650 East Side Calpella Road
Ukiah, California

Reported by:

LOEL J. SIMSON, CSR No. 4720

SIMSON REPORTING
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2200 Range Avenue, Suite 102
Santa Rosa, California 95403
(707) 578-7580

1 MR. NEARY: My name is Christopher Neary, I'm
2 general counsel for Millview County Water District, and
3 also present are Floyd Lawrence and....

4 JOAN NELSON: Joan Nelson.

5 MR. NEARY: Joan Nelson. And it's about
6 10:00 a.m., and we're at Floyd Lawrence's home at
7 3650....

8 JOAN NELSON: East Side Calpella Road.

9 MR. NEARY: East Side Calpella Road.

10 Now, Floyd, what I'm going to do is I'm going
11 to -- would you swear him.

12

13

FLOYD LAWRENCE,

14

having been first duly sworn, was

15

examined and testified as follows:

16

17

EXAMINATION

18

BY MR. NEARY:

19

Q. Floyd, as I pointed out, I'm the attorney for

20

Millview, and we are -- we understand that you might --

21

that you've lived in this location for quite awhile.

22

A. All my life.

23

Q. And where were you born?

24

A. Here.

25

Q. In this house?

1 A. No. Down, just when you cross the bridge.
2 When you cross the bridge, there on the left. That's
3 where I was born and raised.

4 Q. And what year were you born?

5 A. 1914.

6 Q. What day?

7 A. November 30th.

8 Q. And you were born, actually, in the house --

9 A. That's right.

10 Q. Right there off of -- just past the bridge?

11 A. Correct.

12 Q. Who owns that property now?

13 A. My....

14 JOAN NELSON: Niece.

15 FLOYD LAWRENCE: I've got to think for a
16 second.

17 JOAN NELSON: She's your niece.

18 FLOYD LAWRENCE: The Hills own the property
19 right now, but she's my brother's daughter.

20 BY MR. NEARY:

21 Q. Okay. And that house is still standing, the
22 house that you were born in?

23 A. No, no. I tore it down and bought my mother a
24 mobile home.

25 Q. Okay. And how long had your mother and father

1 lived here prior to your birth?

2 A. Let me think a minute. My father came here in
3 1887.

4 Q. And he settled in this area --

5 A. Yeah; he settled in that area there, bought
6 that property.

7 Q. Right there off the Russian River. Do you
8 know who he bought it from?

9 A. I don't remember. It was 160 acres.

10 Q. And was he -- did he farm that property?

11 A. He farmed it, yes.

12 Q. And did he irrigate from the Russian River?

13 A. He didn't irrigate very much. I think the
14 first pump that was put in there to irrigate with I put
15 in, and that would have been about probably thirty --
16 1933, I think.

17 Q. So you were born in the house near the Russian
18 River.

19 A. Yes.

20 Q. And you've lived here all your life. Have you
21 ever left the area?

22 A. I worked in other areas, but this was always
23 home.

24 Q. Right. And what was the longest time you were
25 ever away?

1 A. Probably in World War II.

2 Q. About four years?

3 A. Three -- three years and three months.

4 Q. So this has always been your voting
5 address and --

6 A. Yes.

7 Q. And this property that we're located now, when
8 did you acquire that?

9 A. This property where I am now?

10 Q. Yes.

11 A. I acquired it from my father in 1947.

12 Q. Was that part of the 160 acres?

13 A. That was part of the 160 acres.

14 Q. Okay.

15 A. I, over a period of time, bought -- well, my
16 father sold 32 acres, I think it was, in 1931. And
17 then, over the years, I bought the rest of the
18 property, except the two and a half acres where the
19 house is.

20 Q. I see. So you own most of the original 160
21 acres now?

22 A. I did, over time, yes.

23 Q. And you still own it now?

24 A. No; I sold it off, and that's where all of
25 these houses are scattered.

1 Q. What profession were you engaged in?
2 A. I was a carpenter, construction man.
3 Q. Okay. So you're familiar with the property.
4 Did you ever know of a gentleman by the name of
5 Waldteufel, W-a-l-d-t-e-u-f-e-l?
6 A. "Waldteufel."
7 Q. "Waldteufel."
8 A. Waldteufel was his name, yeah.
9 Q. Okay.
10 A. I knew of him, but -- as a kid. I never knew
11 him as an adult, after I was an adult.
12 Q. Okay. And what do you remember about him, if
13 anything?
14 A. The only thing I can remember about him was
15 that he owned some property here in the area, in the
16 valley, and he owned the property that we're referring
17 to, and Mr. Dowling bought it from Mr. Waldteufel.
18 Q. Do you know when Mr. Dowling bought it?
19 A. No, I don't remember for sure.
20 Q. Can you take a guess? Just an approximate,
21 what decade?
22 A. Approximate would be probably 1900.
23 Q. Okay. 1900?
24 A. 1910.
25 Q. 1910?

1 A. Probably 1910.

2 Q. Let's see. I think have a copy of....

3 JOAN NELSON: There must be titles and stuff,

4 grant deeds.

5 MR. NEARY: Yeah, I've got the deed here.

6 Q. I'm looking at a deed that was recorded on

7 March 20th, 1998 [sic], from -- to a J.L. Dowling.

8 A. Okay. I first said 1900.

9 Q. And then we know that Mr. Waldteufel -- how do

10 you say it?

11 A. "Waldteufel."

12 Q. "Waldteufel." Owned it in 1914. But it

13 appears -- I also have a deed here that, in 1917, he

14 sold it to a gentleman by the name of T.G. Roberts.

15 Do you recognize that name?

16 A. Mr. Waldteufel sold it? Or Mr. Dowling?

17 Q. Mr. Waldteufel sold it to Mr. Roberts in 1917;

18 and then Mr. Roberts, the following year, sold it to

19 Mr. Dowling?

20 A. Oh, okay. It was in 1918, then when

21 Mr. Dowling bought it.

22 Q. Right. Do you remember Mr. Dowling?

23 A. Oh, yes. Yes. And his son Carl.

24 Q. Do you know what business Mr. Waldteufel was

25 engaged in?

1 A. Not for sure, I don't. Not for sure.

2 Q. Did you ever see him in the vicinity of your
3 home? Was he -- did he live on the property?

4 A. No.

5 Q. Okay.

6 A. I don't think so. No, I never did -- I don't
7 remember ever seeing him.

8 Q. Okay. Do you know where he lived?

9 A. I thought he lived in Ukiah.

10 Q. Okay. But you don't have any idea what
11 business he was engaged in or...?

12 A. I don't, at this point, no, not for sure. All
13 I knew about him, really, is what my father told me.

14 Q. Do you remember what your dad had told you
15 about him?

16 A. I don't remember what business he told me he
17 was in.

18 Q. Do you remember anything else about him?

19 A. Well, it seemed like he was -- it seemed like
20 I can remember that he was a businessman, and I'm not
21 sure whether he was a farmer or not. But I think he
22 was a businessman.

23 Q. Okay.

24 A. But I don't know what business.

25 Q. Okay. What about Mr. Dowling; you knew

1 Mr. Dowling?

2 A. I knew Mr. Dowling. He was the farmer on that
3 piece of property.

4 Q. We're talking -- I've brought some maps here,
5 or aerial photographs, also.

6 If we could mark this Exhibit A.

7 (Exhibit A was marked.)

8 BY MR. NEARY:

9 Q. I'm showing you Exhibit A, which is an aerial
10 photograph of the vicinity of where we are now. It was
11 taken in 1993, so it's probably a little bit out of
12 date.

13 But what I'm going to do is I'm going to show
14 it to you and see if you can orient yourself.

15 A. This is 1993?

16 Q. Right. For starters, do you see where your
17 house is on this, the approximate area?

18 JOAN NELSON: I'm looking for the five houses
19 in a row.

20 FLOYD LAWRENCE: I haven't located it very
21 well yet. I'm looking for the....

22 JOAN NELSON: Is this the bridge?

23 FLOYD LAWRENCE: For the Lake Mendocino Drive
24 road.

25 MR. NEARY: Right. I think that this is the

1 bridge across the river.

2 JOAN NELSON: Right there. Isn't that the
3 bridge right there, Dad?

4 FLOYD LAWRENCE: Well, I've been looking at
5 that but this looks too crooked.

6 JOAN NELSON: This looks like your old
7 vineyard right here. Because there's the river. So
8 your house would have to....

9 FLOYD LAWRENCE: I'm looking at the bridge
10 here.

11 MR. NEARY: Right.

12 JOAN NELSON: Wouldn't that be your old
13 vineyard?

14 FLOYD LAWRENCE: And this would be the river.

15 MR. NEARY: Right.

16 FLOYD LAWRENCE: Okay. Then that begins to
17 make a little bit of sense.

18 JOAN NELSON: Okay. Maybe over here, then.
19 Because that wouldn't be the vineyard.

20 FLOYD LAWRENCE: If this were the case, then
21 this would be the property, the Dowling property, then.
22 In here.

23 MR. NEARY: The Dowling property would be in
24 here?

25 JOAN NELSON: In here?

1 FLOYD LAWRENCE: No.

2 JOAN NELSON: If that's the bridge.

3 FLOYD LAWRENCE: If that's the bridge, it
4 would be like this. The river, over here to the west,
5 come down over here. And the Dowling property, then,
6 would be on this side of the river over here.

7 JOAN NELSON: Yeah, that looks right to me.

8 MR. NEARY: Okay.

9 FLOYD LAWRENCE: That would be the Dowling
10 property. That's where all of the houses are now, is
11 over here.

12 JOAN NELSON: Isn't that right? If you turn
13 it like this, facing you. If you turn it like this,
14 this is the bridge.

15 MR. NEARY: Right.

16 JOAN NELSON: You would be going on Lake
17 Mendocino Drive, this would be Lake Mendocino Drive.
18 This would be the Dowling property.

19 MR. NEARY: Isn't this where all of the houses
20 are?

21 JOAN NELSON: No. They're over here.

22 MR. NEARY: Okay.

23 JOAN NELSON: I'm sure it's right here. If
24 that's the bridge.

25 MR. NEARY: Okay.

1 JOAN NELSON: Do you have any other maps?
2 MR. NEARY: Well....
3 JOAN NELSON: You think it's this, you think
4 it's reversed? You think it's over here?
5 MR. NEARY: Yeah.
6 (Exhibit B was marked.)
7 MR. NEARY: This is Exhibit B. I'm showing
8 you Exhibit B, which has the property that was owned by
9 Mr. Waldteufel outlined. Of course, you've lived here
10 all your life. I....
11 JOAN NELSON: That looks more like this piece
12 here.
13 MR. NEARY: I've just driven by here.
14 FLOYD LAWRENCE: I'm just having a little bit
15 of trouble with this. The river is definitely on the
16 west of where we are.
17 JOAN NELSON: Okay, Dad. If you put the map
18 like this, upside down, and the river and the bridge is
19 there, then that would make this area Waldteufel's.
20 Which looks more like this. Because here's all of
21 the -- here's old Carter's property.
22 MR. NEARY: First of all, Mr. Dowling's
23 property, that was previously owned by Mr. Waldteufel,
24 is located on the west side of the Russian River.
25 JOAN NELSON: Right.

1 FLOYD LAWRENCE: It's on the west, right.

2 BY MR. NEARY:

3 Q. And you live on the east side.

4 A. Right.

5 Q. So the -- if you look at the bridge here,
6 this -- the bridge would show -- to the left would be
7 west.

8 A. Okay. Now, which way have you got it turned
9 now?

10 Q. Just like this. I think this would be the way
11 that makes the most sense, with this being north.

12 Here's Highway 101 over here, going
13 north/south. The railroad is -- excuse me. That's the
14 railroad and here's Highway 101.

15 A. This would be the river.

16 Q. Right.

17 A. It's north and south.

18 Q. Right. Generally.

19 A. Yeah, the river runs a most true north and
20 south.

21 Q. Okay. So --

22 A. Outside the little turns, you know.

23 Q. Okay. So the west side of -- if this is north
24 and south, the west side would be to the -- to your
25 left, and you live on the east side, up in here

1 someplace.

2 A. You're saying this is north?

3 Q. Yes.

4 A. That would be -- if that were the case, this
5 being the river north and south, this being the bridge,
6 then the Dowling property would have to be right in
7 here.

8 Q. Okay.

9 A. Which would be south of Lake Mendocino Drive
10 and west of the river.

11 Q. Okay.

12 A. If this was the bridge, then this would be
13 Lake Mendocino Drive.

14 Q. Right.

15 A. And south of the river would be -- I mean,
16 south of Lake Mendocino Drive would be over here and
17 west of the river would be...

18 JOAN NELSON: South of Lake Mendocino Drive?

19 FLOYD LAWRENCE: What?

20 MR. NEARY: Let's go off the record for a
21 moment.

22 (Off the record.)

23 MR. NEARY: Back on the record.

24 Q. Would you take -- with this pen, just draw an
25 arrow to where you were born.

1 A. I need to double-check again to make sure
2 because this is a permanent situation. This is north
3 and south, this is the river, this would be the bridge.
4 And, in that case, I would have been born right in
5 here.

6 Q. Why don't you put a big circle around it.

7 A. A circle?

8 Q. Yeah. A big circle so we....

9 A. Is that big enough?

10 Q. Let's see. It's got to be able to stand out.

11 Okay. That's good enough.

12 And the Dowling property was across the river,
13 on the other side of the bridge, from your property.

14 A. Right. And south of the road. Which, at that
15 time, was Highway 20.

16 Q. Okay. Now I'm showing you Exhibit B, which is
17 the same -- has the same orientation as Exhibit A. The
18 top of the -- where it says "Northwestern" shows where
19 the railroad goes, and it shows Highway 101 going down
20 from -- you know, from the top to the bottom.

21 A. So this is -- wait. Is this the forks of the
22 road? This is the forks. I was referring to the forks
23 over there.

24 Q. Right. Well, who knows what --

25 A. So I'm just wondering what they mean here by

1 "The Forks."

2 Q. That's probably just what somebody wrote on
3 the map. But here's the Russian River as it goes by the
4 Dowlings'?

5 A. So this is the forks of the river.

6 Q. Right.

7 A. Here's the east branch and this would be
8 the....

9 Q. West branch.

10 A. The west branch. Kind of lose it here.

11 Q. If you look on the aerial photograph, you'll
12 see where the two rivers come together?

13 A. Yeah. But when you look at it here, it
14 doesn't make sense if this is the....

15 Q. You're turning it again. You've got to keep
16 it north to south to keep the same orientation.

17 A. Okay. Then this right here would be the west
18 branch, then.

19 Q. Right. You can see it comes around here. And
20 that shows the general outline of the Waldteufel/Dowling
21 property.

22 A. Let's see now. This is not the same as --
23 this was north on that map.

24 Q. Right.

25 A. But it would be south on this map.

1 Q. Okay.

2 A. Correct?

3 Q. No. The freeway is always off to the west.

4 See, here's the freeway, and here's the railroad, and --

5 A. This is south.

6 Q. You're not seeing the entire photograph in

7 this map, but the river comes around like this.

8 A. Yeah. This goes up into -- it used to go

9 right through the middle of where the lake is now.

10 Q. Okay.

11 A. So it drains the lake out -- this is the east

12 fork. So then this would be west fork here.

13 Q. Right.

14 A. I don't know what that's supposed to be. That

15 looks -- they're showing that as being a part of this,

16 like a part of that river.

17 Q. Well, this is Lake Mendocino Drive.

18 A. Oh.

19 Q. And you'll see the bridge is there and the

20 bridge is there.

21 A. This is Lake Mendocino Drive?

22 JOAN NELSON: Here.

23 BY MR. NEARY:

24 Q. Okay. So all -- I'm just trying to orient you

25 to. --

1 A. This map is disorienting me.

2 Q. Oh, really?

3 A. Yeah. Because, if this is the highway....

4 Q. Right.

5 JOAN NELSON: 101.

6 FLOYD LAWRENCE: Yeah. 101. So then you have
7 to go this way to get over here to the east fork of the
8 river so you've got to have -- it this is what is now
9 Lake Mendocino Drive, if that's what this represents.

10 BY MR. NEARY:

11 Q. Right.

12 A. Is that what you think it is?

13 Q. Right.

14 A. Okay. Then you have to have a bridge that
15 crosses the river.

16 Q. Yeah, there's no bridge shown on there, but it
17 obviously crosses the river right there. The west fork.
18 When Lake Mendocino Drive crosses the Russian River, it
19 crosses the west fork of the Russian River.

20 A. That's right. That's right. It crosses the
21 west fork, but they don't show that here.

22 Q. Well, it's hard to see, but if you follow this
23 line here, this is the river, the west fork, and it's
24 going around like that. You almost can't see --

25 A. You can't see it.

1 Q. But the west fork follows the eastern boundary
2 of the Waldteufel property. So this is -- you know, the
3 "Lot 103" that is shown on that map, the eastern
4 boundary of that property is the contour of the river.

5 A. Right.

6 Q. As you can see from here.

7 A. This would....

8 MR. NEARY: Let's go off the record.

9 (Off the record.)

10 MR. NEARY: So back on the record.

11 Q. I've shown you Exhibit A and Exhibit B to --
12 Exhibit A being an aerial photograph of the vicinity
13 that we're in right now and Exhibit B is a map depicting
14 the same -- generally the same property that's covered
15 by the aerial photograph.

16 Now, we've identified the Waldteufel property.
17 Do you remember there being a pump on the
18 Waldteufel/Dowling property?

19 A. Oh, definitely.

20 Q. Okay.

21 A. Definitely.

22 Q. Can you draw a circle on --

23 A. Where the pump would have been?

24 Q. Yeah; I'm going to have you put it on
25 Exhibit C, which is a....

1 (Exhibit C was marked.)

2 FLOYD LAWRENCE: Let me get myself oriented
3 again.

4 MR. NEARY: North is at the top.

5 JOAN NELSON: Here's where you would have been
6 born.

7 FLOYD LAWRENCE: Okay. This is the river.
8 And this being the bridge here. I would say I'll be
9 close.

10 BY MR. NEARY:

11 Q. Okay. Just put a big circle in the general
12 area.

13 A. It would be right in here. Is that okay? Can
14 you see that all right?

15 Q. Why don't you just draw a line from the middle
16 of the circle out to the margin, just so we can call
17 attention to it.

18 A. Put "Pump" out there?

19 JOAN NELSON: Out to the margin.

20 FLOYD LAWRENCE: It wasn't a very good circle
21 because I can't even find it. Write "Pump" there?

22 BY MR. NEARY:

23 Q. Right.

24 A. Okay.

25 Q. When was the first time you saw that pump?

1 A. Probably when I was about three years old. We
2 used to swim down there right where the pump was.

3 Q. Was that the best place to swim along the
4 river?

5 A. Yeah. It was one of the few places where
6 there was a nice big hole. It was a big hole in there.

7 Q. And what do you --

8 A. The water was about eight feet deep.

9 Q. What do you remember about the pump?

10 A. It was -- I remember the pump was an old-style
11 pump with a gasoline engine. And, as I can recall, the
12 pipe that left that pump was -- it was either eight or
13 ten inches in diameter. And it went out into the west
14 side of his house and he irrigated that by flood
15 irrigation.

16 Q. So Mr. Dowling actually lived on the property?

17 A. Yes. Yes, he lived there.

18 Q. So, just for purposes of simplicity, we'll
19 refer to the property as "the Dowling property" from now
20 on.

21 A. Okay.

22 Q. Did you ever see the pump running?

23 A. Yes. I heard it running many, many times.

24 Q. Okay.

25 A. Because it was an old gasoline, noisy engine.

1 Q. How big was the pump?

2 A. I think it -- I think it was a six-inch
3 diameter pump.

4 Q. Okay.

5 A. Six-inch suction line. Either six or eight.

6 Q. Do you know the make of the pump, by any
7 chance?

8 A. No. No, I wouldn't know that.

9 Q. Do you know whether the -- how long the pump
10 was there? Or do you know when it was taken -- when the
11 pump was taken away?

12 A. There was a pump there. And when that one
13 left, there was another pump put right in its place.
14 There was a pump there for -- oh, at least 50 years in
15 that area.

16 Q. Okay. Now, did you know Chet Wood?

17 A. Yes.

18 Q. And did he use a pump to pump water?

19 A. He pumped water with that same pump.

20 Q. Okay. Now, did -- let's just talk a little
21 bit about the Russian River.

22 You've lived on this river essentially all of
23 your life. Did the east fork and the west fork always
24 come together at the place that's depicted on Exhibit A?

25 A. On the same place, yes. It always came

1 together at the same place. The same place that they
2 do now.

3 Q. Okay. And have you ever -- before the Coyote
4 Dam was put in, did the east fork ever go dry, to your
5 knowledge?

6 A. Not totally dry, but it got down real low.

7 Q. Do you remember what year that would have
8 been?

9 A. Well, the time I was a kid. I can't remember
10 for sure when they built the dam up in Potter Valley.
11 When they built the dam up there and brought the water
12 through the mountain, then they had more water that
13 came down that east branch. I can recall that, when --
14 the way they used to let the water in, it didn't flow
15 the same all of the -- every 24 hours.

16 Q. I see.

17 A. They let the water through to generate
18 electricity, and into the Potter Valley area. And then
19 the water would flow heavier when it came through.

20 But there was -- prior to that and even during
21 that part of the day, the water would get down quite
22 low on the east branch. The west branch at that time
23 actually had more water in it than the east branch.

24 Q. Really?

25 A. Yeah.

1 Q. Before the Potter Valley --

2 A. Before water came in from the Pillsbury Dam.

3 Q. Really? Do you ever recall the west fork

4 going dry?

5 A. No, but I saw it get pretty low.

6 Q. Do you remember when was the point when -- you

7 know, the year, the approximate year, of the lowest

8 point of the west fork?

9 A. No. I really don't. I don't have anything to

10 tie it to at this point.

11 Q. Okay. You don't remember when there was any

12 droughts in this area?

13 A. I don't remember the years. I can remember

14 when it got down real low, but I can't tell you --

15 Q. What do you recall about that? How low did it

16 get? Anything to peg it to?

17 A. It got down to where the water was in the

18 holes and running from hole to hole in the gravel.

19 Q. I see.

20 A. There would be spots where you could walk

21 across and have dry feet.

22 Q. I see. And in terms of -- can you --

23 sometimes it's hard to peg things in terms of time, but

24 would this point have been in the last 30 years or last

25 50 years? Was it back when you were a young man or was

1 it when you were middle aged?

2 A. When I was a kid. So it definitely was not in
3 the last 40 years.

4 Q. So after you were, you know, over 21, it
5 didn't ever run dry.

6 A. I don't think it ever got that dry after that,
7 after I was 21.

8 Q. So it was in your adolescence --

9 A. Right.

10 Q. -- that this occurred. So that would have
11 been back in the '30s. And I believe there was a
12 drought cycle in the '30s.

13 A. In the '30s, had to be in the '30s.

14 Q. Okay. And then in 1976 and 1977, there was
15 another substantial drought in this area. Do you
16 remember that?

17 A. I don't remember -- I really don't remember
18 anything about the river because, as we're sitting
19 here, I don't remember what I was doing at that
20 particular time.

21 Q. Okay. When did you retire?

22 A. 24 years ago.

23 Q. And so how old are you today? I could
24 probably do the math, but....

25 A. I'm -- I'll be 92 on the 30th of November.

1 Q. Wow! So you retired in your late 60s?

2 A. Yes. Late what?

3 Q. Late 60s.

4 A. No. It wouldn't be then, because I've been
5 retired 24 years. You take -- it would have to be in
6 the '80s.

7 Q. Well -- in the 1980's.

8 A. Yes.

9 Q. Yeah, that would be about 20 years ago, 23
10 years ago. So the --

11 A. I think it was '87, I think.

12 Q. Okay. When Mr. -- when was the first -- your
13 first memory of there being any agricultural activity on
14 the Waldteufel/Dowling property?

15 A. As far back as I can remember, that area west
16 of the house was in alfalfa. And he used to -- he
17 would cut the alfalfa -- you know, cut several crops,
18 three or four crops, of alfalfa. Of course, everything
19 was done with horses in those days.

20 Q. What was the earliest -- so the earliest that
21 you remember there being alfalfa was as far back as you
22 can remember?

23 A. As far back as I can remember, it was in
24 alfalfa.

25 Q. Okay. So if Mr. Dowling bought it in 1918,

1 you would have been about four years old, so do you --
2 but you think that you might have seen that pump on the
3 river as early as before Mr. Dowling bought it, when you
4 were about three?

5 A. No, probably -- I was probably five or six
6 years old when I saw that pump.

7 Q. Okay. All right.

8 A. That I can remember back.

9 Q. Do you think that, your first memories as a
10 child, that there was agricultural activity on the
11 Dowling property?

12 A. Yes, definitely.

13 Q. And does your memory go back prior to five or
14 six?

15 A. I can't -- I couldn't conscientiously tell you
16 that.

17 Q. Okay. So --

18 A. I don't have anything to tie it to.

19 Q. Sure. Have you ever been on the Dowling
20 property?

21 A. Yes.

22 Q. How did that come to be?

23 A. I even shocked hay on the Dowling property.

24 Q. So you worked for Mr. Dowling?

25 A. I worked for him as a kid. I can't tell you

1 at what age. Probably 12 or 14, or something like
2 that. A couple of times, I remember shocking hay for
3 him.

4 Q. And what does "shocking hay" mean?

5 A. Well, that means it's been raked in one row
6 and you go in with a pitchfork and put it in little
7 stacks where it cures. That's what they call shocking.

8 Q. I see.

9 A. It's like about what you could pick up with
10 one big forkful.

11 Q. I see. So did Mr. Dowling, to your
12 knowledge -- do you know how long Mr. Dowling owned the
13 property?

14 A. No, I don't. I really don't. I can't think
15 of who he sold it to for sure.

16 Q. Do you know whether Mr. Dowling is still
17 alive, or any of his children?

18 A. Oh, no. No, he's not alive.

19 Q. Any of his children still in the area?

20 A. No. Not to my knowledge.

21 Q. Okay.

22 A. None of his relations are still in the area.

23 Q. I see. Did there come a time where you ever
24 saw any agricultural crops other than alfalfa being
25 grown on the property?

1 A. Yes. On the -- there was a narrow strip east
2 of the house, between the house and the river, there
3 was a narrow strip in there that had pear trees in it.
4 There was a pear orchard in there. I can't -- I've
5 been trying to think whether that orchard was there
6 when I first remembered it, you know, when I first
7 remembered the Dowling property, but that part was not
8 in alfalfa. It was in a pear orchard.

9 Q. Okay. And can you give me an estimate of how
10 many trees? A hundred trees? 300 trees?

11 A. I would think, just estimating, it was
12 probably between three and four acres.

13 Q. Okay.

14 A. Was in pears.

15 Q. Now, there's obviously no pear trees there
16 now. Do you know when the pear trees were removed?

17 A. I can see -- I can see when they were removed,
18 but I don't have anything to tie it to as to the years.

19 Q. Okay. So you worked there when you were a
20 child --

21 A. Yeah.

22 Q. -- on the Dowling property. You worked
23 directly for Mr. Dowling?

24 A. Yes.

25 Q. And is there any other times you've been on

1 the property other than when you worked for Mr. Dowling
2 when you were a kid?

3 A. I picked pears on it, too.

4 Q. Again, for Mr. Dowling?

5 A. No, I think it was for the party that he sold
6 the property to.

7 Q. And you don't remember his name?

8 A. I don't remember the name, no.

9 Q. But we'll just refer to him as "Mr. Dowling's
10 buyer." Do you have a -- can you approximate when
11 Mr. Dowling sold the property?

12 A. I really and truly can't.

13 Q. Okay. Did Mr. Dowling ever have any crops
14 other than alfalfa, as far as you know? And pears on
15 the property.

16 A. Yes. There was a strip of land between the
17 pear orchard and the river, and he used to raise oat
18 hay in there.

19 Q. I see. About how many acres, would you say?

20 A. It was about the same area where the -- the
21 oat hay was about the same size as the pear orchard.

22 Q. Okay. Any other crops besides oat hay, pears
23 and alfalfa during --

24 A. Not that I remember.

25 Q. Okay. When Mr. Dowling's buyer bought the

1 property, did he change the use of the property in any
2 way?

3 A. It later got put into -- the area that was in
4 alfalfa got put into vineyard.

5 Q. Okay.

6 A. But I can't -- it was not Mr. Dowling that put
7 it in, it was somebody else. And I've been trying to
8 think of the name, and I haven't been able to think of
9 it.

10 Q. I might have it here.

11 JOAN NELSON: Roberts, didn't you say? Did
12 you say Roberts?

13 MR. NEARY: Roberts is the one who bought it
14 from Waldteufel.

15 JOAN NELSON: Oh.

16 FLOYD LAWRENCE: It wasn't Roberts.

17 JOAN NELSON: It wasn't Wood.

18 MR. NEARY: Let's just go off the record for a
19 minute.

20 (Off the record.)

21 MR. NEARY: Back on the record.

22 Q. Does the name Miller refresh your
23 recollection?

24 A. Miller had the property north of the highway.

25 Q. North of the highway.

1 A. Yeah.

2 Q. North of what highway?

3 A. North of Lake Mendocino Drive.

4 Q. Okay.

5 A. That hill property and the area next to the
6 river. That was the Miller property.

7 Q. Okay. Were you aware that Mr. Dowling had
8 sold some of his property to Mr. Miller?

9 A. No.

10 Q. Okay.

11 A. I don't remember that.

12 Q. Okay. And you know Robert Wood?

13 A. Yes.

14 Q. Do you know approximately when he bought this
15 property? Mr. Wood bought the property that we've been
16 referring to as "the Dowling property." Is that right?

17 A. He bought the Dowling property, yes. But I'm
18 trying to think who he bought it from. He bought it
19 from the party that used to raise string beans on it.

20 Q. Okay. What I'm trying to figure out is all of
21 the crops that you remember being grown on that
22 property, on the Dowling property.

23 A. It goes back to alfalfa, Bartlett pears, oat
24 hay, and then it was in vineyard, and --

25 She watches my weeping nose. Another thing

1 you have when you get older. They call it the golden
2 years, but that's the wrong name for it.

3 I mentioned the grapes.

4 Q. Right.

5 A. And the string beans. And they sold the
6 string beans to a cannery over in Upper Lake.

7 Q. Okay.

8 A. I remember that. The one that used the most
9 water, however, was the alfalfa, because he flood
10 irrigated it.

11 Q. And do you know where he sold the alfalfa?

12 A. Oh, he sold -- everything around here at that
13 time was -- if you had cattle, why they bought it for
14 hay for the cattle. Or it got -- the hay got baled and
15 sometimes shipped out. But when I say "shipped out,"
16 it would be trucked out, like, to Lake County or south
17 of Ukiah, various places.

18 Q. Okay.

19 A. But it never went very far.

20 Q. So the string beans, approximately how much of
21 the Dowling property was in string beans?

22 A. I'm just making a guess on that now, and I
23 would say between six and eight acres.

24 Q. And while string beans were being grown on the
25 property, were there any other agricultural products

1 being grown on the property?

2 A. Yes; they still were growing hay on the
3 property.

4 Q. And what about the vineyards? Were some of
5 the vineyards still there?

6 A. No, I think all of the vineyards was gone at
7 that time.

8 Q. I see. So it went to vineyards and then it
9 went back to alfalfa at some point.

10 A. Well, not necessarily alfalfa. It could have
11 been oat hay.

12 Q. I see.

13 A. Oat didn't take so much water.

14 Q. Okay. Do you -- when the vineyards were in,
15 do you know what kind of irrigation practices were used
16 on the Dowling property?

17 A. It was -- I didn't have -- they hadn't come
18 out with the sprinklers yet at that point, so they
19 watered it in a row, row watering.

20 Q. I see.

21 A. Surface watering.

22 Q. And so now, besides string beans, vineyards,
23 Bartlett pears, oat hay and alfalfa, any other
24 agricultural products?

25 A. None other that I can think of.

1 Q. Okay. And you, obviously, saw the housing
2 development being put in --

3 A. Oh, yeah.

4 Q. -- over there. At the time the housing
5 development was put in, was the property still in
6 agricultural production?

7 A. Prior to that, yes. It had been just prior to
8 that.

9 Q. So it was, until the houses -- you know, the
10 housing construction started, it was all agricultural.

11 A. Agriculture, yeah.

12 Q. You know, just a long shot, but do you have
13 any pictures of the area?

14 A. No. Didn't take many pictures in those days.

15 Q. Did you know Mr. Wood?

16 A. Yes.

17 Q. How well did you know him?

18 A. Oh, I knew him fairly well. Not real well.

19 Q. Do you have any recollection when he came into
20 the area?

21 A. When he came?

22 Q. Right. I mean bought the Dowling property.

23 A. I don't have any recollection of the time, no.
24 You know, that property, used to get pretty well
25 flooded.

1 Q. In the wintertime?

2 A. Yes.

3 Q. From --

4 A. From high water.

5 Q. From the high water.

6 A. Yeah.

7 Q. When was the last time that you've seen that
8 property flooded?

9 A. Well, let me think of the last name -- I'm
10 trying to think the year now. Since I lived here. But
11 the property just south, just borders that property to
12 the south -- I can't think of the man's name right now
13 that owned that. He had a dairy down there, and we'd
14 had real high water, and he had to get his cows out of
15 there.

16 JOAN NELSON: D.G. Thompson?

17 FLOYD LAWRENCE: No.

18 And he took his cows up to Thompson's property
19 up on the hill to get them out of the water. And about
20 two weeks later, we had another high water, and I went
21 down to see if I could help him get his cows out. And
22 he said, "No, Floyd." He said, "I can get the cows out
23 alone, but I sure would like somebody to" -- he said,
24 "I just got a big truckload of hay yesterday and they
25 just put it down on the floor of the barn, on the dirt

1 floor." And when the water got up high and it came up
2 through there, why it would get two feet or more deep
3 and go right into his barn.

4 And he said, "I'd appreciate it if you could
5 get that hay up in the loft of the barn." And I
6 remember him saying, "There's an older man there that
7 could help you."

8 So I went to work starting to get the hay up,
9 and I remember, when I drove down there, I decided I
10 don't want my car down here because it's going to get
11 under water, so I drove it back up to the railroad --
12 what is that bar up there?

13 JOAN NELSON: Pappy and Sid's Club?

14 FLOYD LAWRENCE: Yeah. I took my car up there
15 and parked and walked back down to get the hay up. And
16 by the time I got the hay up, the water was already
17 coming through the field. It was coming down through
18 the Dowling property. And there was kind of a little
19 slough that went through there, and that was the first
20 place the water run. And then, later, it covered the
21 whole thing.

22 BY MR. NEARY:

23 Q. Is it possible that the west fork could flood
24 again into where that housing development is?

25 A. They raised that. They raised the area where

1 the houses are.

2 Q. Uh-huh.

3 A. They raised that, I think, three feet.

4 Q. I see.

5 A. Somewhere between two and three feet. And, of

6 course, the river, over the years, has cut down deeper.

7 Q. I see.

8 A. And which helps. But then putting in the

9 dam --

10 Q. Right.

11 A. -- held the east fork back, so that gave the

12 west fork a lot more area to flood into.

13 Q. I see. I see.

14 A. Because where the two came together, it

15 started backing up.

16 Q. Right.

17 A. It backed up clear beyond -- right down below

18 here.

19 Q. Now, do you know of any -- have you ever seen

20 the gauging stations on the river, you know --

21 A. No.

22 Q. -- in the vicinity of the Dowling --

23 A. No, I haven't.

24 Q. The United States Geological Survey has had --

25 maintained several gauging stations.

1 A. I've not seen them on this river. I've seen
2 them in other creeks over the years, but I've never
3 seen any on this river. I was just going to tell you
4 one more little thing that --

5 Q. Sure.

6 A. -- I can remember. I'll never forget that.
7 By the time I got the hay all up and started to get out
8 of there, I started to walk back up the road, and I
9 only went a little ways until I was in water. And,
10 finally, when I hit the -- where this water was deeper,
11 it knocked me down, and I had to start swimming toward
12 the railroad tracks to get out of the water. And I
13 ended up getting out of the water on the adjoining
14 property to the south.

15 Q. Wow!

16 A. It took me downstream quite a ways. And I was
17 sure happy to get back on the railroad track.

18 Q. So the Dowling property would flood, also,
19 from time to time?

20 A. Yes. It flooded that time. It flooded both
21 of those times. And I'd seen it flooded several times
22 before.

23 Q. Now, I want to just go back a little bit to
24 the pump. Do you remember what color it was? The
25 original pump you saw?

1 A. The original -- the original pump was just a
2 metal collar, it was a big metal pump.

3 Q. Was it --

4 A. Belt-driven pump.

5 Q. Belt-driven pump.

6 A. The first one was. And, later on, then they
7 had electricity there and they had an electric motor
8 pump.

9 Q. Now, I'm trying to get an idea of the size of
10 this pump. You know, say this dining room table is
11 about four feet by two feet. Was it as big as this
12 table?

13 A. The pump could have been longer than this
14 width, which is four feet, but -- and it's set up about
15 that high.

16 Q. So you're indicating about 36, 40 inches.

17 A. Something like that.

18 Q. Okay.

19 A. And it -- the amount of water that it pumped
20 out where he had the irrigation on the west side, he
21 had eight-inch -- eight-inch, what you call, slip joint
22 pipe, which carried the water out into the field.

23 (Off the record due to interruption
24 by the court reporter.)

25 /////

1 BY MR. NEARY:

2 Q. So we're talking about the original pump on
3 the Dowling property.

4 A. The pipe that went into the river was a
5 six-inch cast-iron pipe, big heavy pipe that went down
6 into the river, with a foot valve on it.

7 Q. And do you know -- do you remember when that
8 pump was taken out and replaced with an electric pump?

9 A. No, I really don't. When we got electricity
10 in the area. Let me think a minute. Let's see if I
11 can remember my age when we got electricity. I imagine
12 it happened at the same time.

13 I must have been at least 12 years old when we
14 got electricity.

15 Q. Okay.

16 A. Up until then, our lights were kerosene lamps.
17 I had to be at least 12 years old at that point.

18 Q. Okay. And did you -- did your father irrigate
19 from the river at all at any time?

20 A. We had a -- irrigated the garden from the
21 river.

22 Q. I see.

23 A. But it was probably something you've never
24 seen, was a pump where you put a horse on it and they
25 went around in a circle and had a big wheel about so

1 big that it had cogs on it. And as it went around,
2 those cogs, the cog wheel drove a piston up and down.
3 And we used to hook a horse to that and they'd go
4 around and around. I can remember, I wasn't very big
5 when I first sat down there and drove that horse
6 around.

7 Q. Getting back to the pump. Is the electric --
8 the gasoline pump, you said, made a lot of noise and you
9 could hear it. Was the electric pump quieter?

10 A. Oh, yes. Yes. You didn't hear the electric
11 pump.

12 Q. Okay. So did you ever see anyone working on
13 the pump?

14 A. Not that I remember.

15 Q. I'm interested in -- anything you can remember
16 about that pump might give me a clue of other places to
17 look to find information about that pump.

18 A. I don't remember the name of it at all. I
19 have a -- somewhat of a picture of the pump. And as I
20 said, it had the cast-iron pipe that went into the
21 river.

22 Q. How was the gasoline stored at the site?

23 A. How was what?

24 Q. Gasoline stored at the pump site? Or was it?

25 A. That, I don't remember.

1 Q. Okay. Do you remember seeing a gas tank there
2 or...?

3 A. I don't recall.

4 Q. Now, is there anyone else in this vicinity
5 that is as old as you that's been around?

6 A. They're all gone.

7 Q. They're all gone, you outlived everybody.

8 A. Yeah.

9 Q. When did you build this house that we're in
10 right now?

11 A. '47.

12 Q. So that's when you came back from the War.

13 A. Yeah after I came back, yeah. I got married
14 in '48, lived here ever since.

15 I was -- the wife and I was -- knew we were
16 going to get married when I built the house because I
17 drew -- I remember drawing the plans and showing them
18 to her to see if she was happy with it. And I remember
19 one of the things she said, that she wanted lots of
20 windows. So this house has more windows than normal.

21 Q. Did you build it, yourself?

22 A. Oh, yeah, yeah.

23 Q. So the -- what about the development in the
24 area here. When you were born, were there many other
25 houses out in this area?

1 A. No, there wasn't.

2 Q. What was the closest house to your parents'
3 house?

4 A. Well, actually, in footage, probably the
5 Dowling house was about the closest one. The next one
6 would have been my grandfather, who lived on the --
7 when you came up my road there, there's a road to the
8 left.

9 Q. Right.

10 A. That went up to where my grandfather lived.
11 And -- no, the Dowling house would actually have been
12 closer than my grandfather's house.

13 Q. And it was your grandfather who came here in
14 1887?

15 A. Oh, he was here before that. Let's see. No.
16 He came after my father did. He came after my father.
17 He came out here in a covered wagon from Iowa.

18 Q. And where did he settle, what area of
19 California?

20 A. Right here.

21 Q. Oh, okay.

22 A. Right here. He owned this area in through
23 here, north of where my father's property was. And it
24 went back, he had -- I think he had 80 acres, I think.

25 Q. So there was -- was there any development at

1 all, commercial activity, at the forks when you were a
2 kid?

3 A. There was just a little store there.

4 Q. Okay. And do you remember when the Lake
5 Mendocino bridge was built? The Lake Mendocino Drive
6 bridge?

7 A. Oh, yes.

8 Q. And when was that built?

9 A. You asked me if I remembered when it was
10 built; but remembering the year that was is something
11 else.

12 I was about -- let's see. It was before --
13 quite a little while before the dam was built. The
14 dam, I think, is -- the lake is 40 years old, I think.
15 So....

16 Q. So it was built about the same time?

17 A. Prior.

18 Q. Was it replacing an earlier bridge that was
19 there?

20 A. Yeah. The earlier bridge was a wooden bridge.

21 Q. I just want to turn your attention -- I'm
22 almost done here.

23 I want to turn your attention back to
24 Exhibit B. If this -- if we establish that this is the
25 Dowling property, would this have been your house that

1 you were born in that's just across the river?
2 A. Let's see now. Again, this was south.
3 Q. Right.
4 A. This is the river.
5 Q. This is Lake Mendocino Drive.
6 A. Okay. And this -- the bridge would had to
7 have been....
8 Q. Probably right about here.
9 A. It doesn't show the river, but right in here.
10 So right about in here it would have been.
11 Q. Okay. Would you draw a circle around where
12 you think the house was that you were born in.
13 A. (Witness complies.)
14 Q. And so that's almost immediately across the
15 river from --
16 A. Right.
17 Q. -- where the pump was.
18 A. Right. Well, no. The pump was downstream.
19 Q. About how far?
20 A. Oh, three -- probably 400 yards down there.
21 Q. Okay.
22 A. It would be 1200 feet downstream.
23 Q. Okay.
24 A. Excuse me a minute. I've got to run to the
25 bathroom.

1 Q. Sure. Off the record.

2 (Off the record.)

3 BY MR. NEARY:

4 Q. Okay. Now, I'm just going to give you a
5 chance to -- I'm just going to ask sort of a global
6 question. Is there anything else that you remember
7 about the Dowling property that might be of use to us
8 that I haven't asked?

9 A. No.

10 Q. Okay.

11 A. I can't think of anything.

12 Q. The one thing that you've told me here today
13 that surprised me, and maybe I can ask you just a little
14 bit more about this, is that the west fork had more
15 water in it, typically, than the east fork when -- prior
16 to the construction of the Potter Valley Dam.

17 A. Prior to the construction of the --

18 Q. The Pillsbury Dam.

19 A. -- Potter Valley -- Pillsbury Dam, when the
20 water came through a tunnel and came down through
21 Potter Valley.

22 Q. So the -- is there a way you can quantify
23 that? I mean, is it just, you know a little bit more
24 or -- did the east fork ever go dry, for example?

25 A. I never saw it totally dry, but I saw it down

1 real low.

2 Q. Lower than the west fork?

3 A. At the time -- there were times when it would
4 be lower than the west fork.

5 Q. Do you remember when the worst flooding was in
6 this vicinity, approximately what year it would be?

7 A. I'm trying to think here. I used to have this
8 flat down there in permanent pasture, and a neighbor
9 across the river had cattle in there. One year, one
10 winter we had a lot of rain, and I remember asking
11 him -- calling him and asking him if he didn't think
12 maybe he should get his cattle out of there before that
13 day, because there was a big storm predicted ahead.

14 And he said that he -- the river is too high
15 to try to bring them across the river, they'll drown.
16 And so, the next morning, there was just a little
17 island, it was a slough that came closer to this bank,
18 so that the ground was higher in the middle of the
19 field and there was an island in there.

20 And it was probably -- it wasn't probably over
21 half an acre that wasn't flooded.

22 Q. Wow!

23 A. And so I remember borrowing a horse from the
24 neighbor, because I didn't have horses then, I borrowed
25 a horse from the neighbor to go in and go across this

1 slough, over to that island to see if I could get those
2 cattle out. Because I had a corral down there where
3 you first started up the hill, where the mailboxes are.

4 Q. Right.

5 A. Just over the bank, I had a corral in there.
6 And if I could get them in there, I could put them in
7 that corral. And I remember getting wet clear up to
8 here before the horse raised up and swam.

9 Q. You're indicating up to your breast?

10 A. Yeah, yeah. This horse just kept raising its
11 head up and wading. And, finally, when it decided to
12 swim, right then the water went back down clear down to
13 here. I was sitting on the horse, of course.

14 And -- let's see. That -- I can't tell you
15 the exact year, but that would have had to have been
16 about 40 years ago.

17 Q. Okay. Well, I really appreciate your taking
18 the time to talk to me today. I want to make sure we
19 get all of these exhibits.

20 A. I hope I helped you.

21 Q. You did. I've learned a lot.

22 (Sworn Statement of FLOYD
23 LAWRENCE concluded at 11:20 a.m.)

24

25

1 REPORTER'S CERTIFICATE

2

3 State of California)
4 County of Sonoma) SS.

5 I, LUEL J. SIMSON, CSR No. 4720, a Certified
6 Shorthand Reporter of the State of California, hereby
7 certify:

8 That I was present at the above-mentioned
9 proceedings; that I took down in shorthand notes all
10 proceedings had; that I thereafter transcribed said
11 shorthand notes into typewriting; that the foregoing is
12 a full, complete and accurate transcription of all
13 proceedings had.

14

15 Dated: August 24, 2006.

16

17

18

LUEL J. SIMSON
Certified Shorthand Reporter
State of California

19

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