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107-14 CIVIL LAW DEPOSITION
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East Poplar Oil Field

DEPOSITION - HELEN F

Region 8
13609

COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

****

CARY G. YOUPEE, et al.,

Plaintiffs,

vs.

MURPHY OIL USA, INC., et al.,

Defendants.

Cause No. CV 98-108-BLG-JDS

Judge Jack D. Shanstrom

MESA PETROLEUM and PIONEER NATURAL RESOURCES, USA, INC.,

Defendants/
Third Party Plaintiffs &
Cross Plaintiffs,

vs.

AMARCO RESOURCES CORP. BESTWAY INC.; WESTDALE PETROLEUM INC.; and THE PRUDENTIAL GROUP,

Third Party Defendants,

vs.

JOHN DOES 4-50,

Cross-Defendants.

DEPOSITION

OF

HELEN RICKER

****

TIME: Monday, June 11, 2001 at 8:12 a.m.

PLACE: Sherman Motor Inn, 200 East Main, Wolf Point, MT

Joann D. Heser
Official Court Reporter
Fifteenth Judicial District
Roosevelt County Courthouse
Wolf Point, Montana 59201
Ph. (406) 653-6272
Home: (406) 525-3712

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OTHERS PRESENT:

George Ricker

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1 BE IT REMEMBERED: That the oral deposition of **HELEN**
2 **RICKER** was taken at 8:12 a.m. on the 11th day of June, 2001
3 at the Sherman Motor Inn, 200 East Main, Wolf Point,
4 Montana, with the appearances of counsel hereinbefore
5 noted, before Joann D. Heser, Official Court Reporter and
6 Notary Public for the State of Montana.
7 Diane Faye, of Attorney's Video Service of Montana,
8 present to videotape the proceedings, placed an
9 introduction onto the videotaped record. The following
10 proceedings were then had:
11 ----------
12 **Whereupon,**
13 **HELEN RICKER,**
14 **called for examination, and being first duly sworn upon her**
15 **oath, testified as follows:**
16 **EXAMINATION BY MR. WEBSTER:**
17 Q Mrs. Ricker, for the record, once again, would you
18 give us your name and your address?
19 A Yes, my name is Helen Frances Youpee Ricker, P.O.
20 [redacted]
21 Q What's your telephone number?
22 A [redacted]
23 Q And what's your age?
24 A Fifty-nine.
25 Q Can we call you Helen or would you like us to-----
26 A Yes, please do.
27 Q Helen, have you had a chance to discuss the
28 deposition process with your lawyer?

A Yes, I have.

Q And so you understand the information that you give today is under oath and is intended to be as true and correct as possible?

A Yes.

Q You understand that not only will there be this video taking place, but also there's the standard recording that's being made, so it's important for you to give answers out loud so that they're picked up on the recording devices. Do you understand that?

A Yes.

Q Okay, thank you. I'll try--and if you're nervous, trust me I'm more nervous than you are. I will try to ask these questions in a way that make sense to you. But if I ask you a question and you're confused by it, will you let me know and give me a chance to ask it again?

A Yes.

Q Also, Helen, as we go through this, if you remember something for a prior question, something pops into your mind that you had forgotten at the time I first asked a question or anyone else here did, will you let us know and we'll go back and we'll fill in whatever gaps there were in your answer?

A Okay.

Q Okay. Thank you. Also, Helen, if you need a break, to go to the bathroom or to get a drink or whatever, let us know and we'll let you do that, okay?

A Okay.

1 Q Helen, are you taking any medications today or on
2 any kind of drugs that might cause you to be unable to
3 answer these questions or to remember properly or anything
4 like that?
5 A No.
6 Q Are there any other medical matters, anything else
7 relative to your health today, that would keep you from
8 being able to recall answers and to answer truthfully
9 today?
10 A No.
11 Q Helen, can you tell me a little bit about you.
12 Where did you go to school?
13 A I went to school off and on between the west coast
14 in Vancouver, Washington and Portland, Oregon and Poplar.
15 Q Did you graduate from high school?
16 A Yes.
17 Q Did you go on after high school?
18 A Yes, I did.
19 Q And what education was that?
20 A I went one year at Portland State College in
21 Portland, Oregon, and two years in Bozeman at Montana State
22 University.
23 Q And what were your courses of study there? What
24 were you going to be?
25 A I was majoring in education and minoring in
26 business administration.
27 Q Have you worked, Helen?
28 A Yes.

1 Q And what occupations have you worked at?
2 A Most of the jobs I have done have been clerical
3 with the Bureau of Indian Affairs, the Fort Peck Tribes,
4 and I worked for 18-1/2 years for the Poplar schools as an
5 administrator.
6 Q In the last five years or so, what--have you
7 worked?
8 A Yes.
9 Q And what job has that been?
10 A I worked part-time with the Tribes Oversight
11 Commission. We deal with the gaming, the cigarette tax,
12 the alcohol tax and the gasoline tax.
13 Q The other members of your family who are
14 identified as plaintiffs in this case, one is George
15 Ricker, Sr., and that's your husband?
16 A Correct.
17 Q Since you're the one that we're deposing here,
18 Helen, I'm going to ask you some information about George
19 and your other family members.
20 A Okay.
21 Q How old is George?
22 A He's 65.
23 Q And did George graduate from high school?
24 A No, he did not.
25 Q What was the--do you know the highest level that
26 he completed in school?
27 A Eleventh grade.
28 Q Eleventh grade? And has George been employed?

1 A Yes.
2 Q And what has George done?
3 A He worked in his early years, after serving in the
4 Air Force, for the Fort Peck Tribes. In 1995, he retired
5 from the Bureau of Indian Affairs after 36 years.
6 Q What was his job with the Bureau of Indian
7 Affairs?
8 A He was the soil conservationist technician.
9 Q Did that involve looking at soils and water
10 information then around the reservation?
11 A Um, I think what it did involve was checking land,
12 making sure that people used the land correctly for farming
13 or grazing.
14 Q Another plaintiff out of your family group is
15 George, Jr.?
16 A Yes.
17 Q And that's your son?
18 A Yes, my oldest son.
19 Q And how old is he?
20 A He's 31.
21 Q And where does he live?
22 A He lives in Poplar.
23 Q Does he live with you and George?
24 A No, he does not.
25 Q He lives in the town of Poplar itself?
26 A Yes.
27 Q How long has he lived there?
28 A Let's see. I'm trying to think. He hasn't lived

1 with us since about '89.
2 Q And then another--let me back up. George, Jr., is
3 he employed?
4 A Not right now.
5 Q Did he go to--did he graduate from high school?
6 A Yes, he did.
7 Q Did he go on to college at all?
8 A Yes, he did, one year.
9 Q One year. And what was his course of study when
10 he was there?
11 A I think he just took general studies the first
12 year.
13 Q Then another plaintiff is Erin?
14 A Correct.
15 Q And that's a grandson?
16 A No, she's a granddaughter.
17 Q Granddaughter, I'm sorry. And whose child is she?
18 A George, Jr.
19 Q And does she--where does she reside?
20 A She resides with us.
21 Q With you?
22 A Yes.
23 Q And how long has she lived with you?
24 A Since she was nine months old.
25 Q And how old is she now?
26 A Twelve.
27 Q And does she go to school?
28 A Yes.

1 Q And what school?
2 A She will--Poplar school. Poplar middle school.
3 Q And what grade is she in?
4 A She will be an eighth grader this fall.
5 Q And then also there is William T. Ricker?
6 A Correct.
7 Q And who is he?
8 A He is my second son.
9 Q And how old is he?
10 A Willie is 29--I think.
11 Q And does he live with you?
12 A No, he does not.
13 Q When did he last live with you?
14 A See, he was in the Persian Gulf war and that ended
15 in '91, I think. So he lived with us for about a year
16 after the war and then he now has his own place.
17 Q And is he employed?
18 A Yes, he is.
19 Q And who does he work for?
20 A He works for B & P Construction.
21 Q And what does he do for them?
22 A They build homes, they pour cement, construction
23 work.
24 Q On--primarily around the Poplar area?
25 A No, all over the reservation.
26 Q All over the reservation?
27 A Yes.
28 Q Do you own the property that you live on?

1 A The property we live on we will own once the deed
2 is signed.
3 Q Who now holds the proper title to the property?
4 A The Fort Peck Tribes through the Fort Peck Housing
5 Authority.
6 Q And you have completed making payments or whatever
7 and so you're entitled to a deed to that property, is that
8 correct?
9 A Correct. They--about a year ago, they wrote us
10 and told us that we now owned the home. However, there are
11 some repairs that have to be done, so we have not signed
12 the deed until those are done. Once they're done, we'll
13 sign the deed and then we will own the home and the land
14 that it sets on.
15 Q How much land do you end up getting with the home
16 itself?
17 A Five acres.
18 Q Five acres. And how long have you lived out on
19 this property?
20 A Since August of 1971.
21 Q And when you moved onto this property, was this a
22 new home or?
23 A Yes.
24 Q And who built the home?
25 A Fort Peck Housing Authority.
26 Q And you entered into a standard long-term lease
27 or?
28 A Lease agreement.

Q Lease agreement?

A Correct.

Q Did you make improvements to the property since you've lived there?

A How do you mean, improvements?

Q Have you added on to the home? Have you done any of those sorts of things to the-----

A No, part of the lease agreement with the Housing is you can't do that in case they have to remove a tenant and move somebody else into it.

Q Okay.

A So we could not do that.

Q Okay. How many wells are on the property? water wells?

A Just one.

Q And do you know when that was drilled?

A I think the last water well that we had drilled was in--I want to say around--must be the early '80's, I think.

Q There was--was--I should say, was there a water well there at the time that you moved onto the property for that home?

A Yes, there was.

Q But you drilled another well, say, ten years later or something like that?

A Yes.

Q And why did you drill a new well?

A The other one quit working because of being

1 clogged up and whatever was happening with the water.
2 Q Okay.
3 A So our water quit working, and we reported it to
4 Housing, and they came in; and then they had another well
5 driller come in and re-drill the well.
6 Q When that second well driller came--or when the
7 second well was drilled, were there water tests that were
8 taken of the water at that time?
9 A I don't know.
10 Q Okay, they didn't give you any information about
11 the quality of the water that you recall, anyway?
12 A No, that I recall.
13 Q When did your water--when did you first begin to
14 notice problems with your water?
15 A I think around '76, '77, somewhere in there.
16 Q What were those problems?
17 A When we moved into the house in '71, I could wash
18 my clothes with the water----
19 Q Unhunh.
20 A ---and there was no discoloration. But in the
21 late '70s, rust spots became obvious. My kitchen towels,
22 where the rust spots were, were either being like rotted
23 out or would tear real easy. And there's always been like
24 a rainbow film on our water when I wash dishes or when you
25 take a bath or--and then it leaves rust in the tub and in
26 the sinks.
27 Q Did you notify anybody of these water problems
28 that you were having?

1 A Yes, we went to the Housing Authority, and they
2 referred us to the Tribe.
3 Q Okay.
4 A And the Tribe referred us to I.H.S., but everybody
5 was just passing the buck.
6 Q Did anybody at any of those junctions along the
7 way, did any of those people suggest to you what the
8 problem was with the water?
9 A No, I can't recall.
10 Q Did anyone say you've got too much iron in your
11 water, and that's-----
12 A Oh, yes. Yes. We were told that it was the iron,
13 the minerals in the water.
14 Q Okay. The water that's at your home, what all is
15 it used for today?
16 A We use it to--I wash my dishes. We use it to--I
17 wash some clothes. All my linens, like my bathtowels,
18 they're all dark colors now, black, blue, navy blue,
19 maroon, all the dark colors, because I can wash them--I
20 wash them in cold water in my washing machine so it doesn't
21 show the stains. But all my light colored clothes and our
22 good clothes, I have to haul to town.
23 Q Do you have a lawn that you irrigate?
24 A Yes, we do. Yes, we do.
25 Q And you use sprinklers from your well?
26 A Yes, we use the water for the lawn; but we have
27 planted trees and the water that we get from Nemont, we
28 water the trees with that water.

1 Q Do you have any livestock or pets or anything?
2 A Yes, we have pets.
3 Q And how do you water them?
4 A With the water we get from Nemont.
5 Q Is that a personal choice or do your pets not like
6 to drink the tap water?
7 A Well, the water's no good. I don't want the pets
8 to be damaged from the water.
9 Q Do you have a septic system at your home?
10 A Yes, we do.
11 Q And is it in good repair?
12 A Right now it is.
13 Q Has it--have you had problems with your septic
14 system?
15 A Yes. Throughout the time we've lived there, we've
16 had problems with our septic system.
17 Q And what have those problems been?
18 A The pipes from the house to the septic rusting
19 out. They've had to replace the drain where the tank is
20 outside, and then the tank; the pipe going out to the
21 drainfield also got clogged and rusted so they had to re-do
22 the drainfield.
23 Q When--do you recall when they--when you first
24 started having problems with your septic system?
25 A I think it was probably the early '80's.
26 Q And since that time, has it been a recurring issue
27 then or was the fix that was done, has it fixed the
28 problem?

A No, we've had our septic system fixed three times.

Q Three times?

A Yes.

Q Who has done that for you? Can you recall the contractor's names?

A The Fort Peck Tribes, the Enterprise--the Tribal Enterprise group.

Q And did they do it all times that you recall?

A Yes.

Q Are they the ones that do Fort Peck Housing Authority work generally or did you contact them or how did it come about that they were the ones used?

A We probably contacted the Housing Authority first for the first time, and they contacted Enterprise. But the last couple of times, we just called them when we had a problem. We just called them.

Q In relation to your house, Helen, can you generally tell me where your well is located?

A About--I don't know how many feet, but it's behind our house.

Q Do you know what direction that would be?

A North.

Q North. And which direction does your septic system run?

A The septic tank is running south.

Q Okay. So it's on the opposite side of your home?

A Yes, it comes out on the east side of the house and then down to the drainfield south.

1 Q Okay. Do you have a cistern that you use?
2 A A what?
3 Q A cistern. A place where you would put fresh
4 water to use. Evidently, you don't, but that-----
5 A No.
6 Q Okay.
7 A We just keep the water that we use in the jugs
8 that it's delivered in.
9 Q Do you have a water conditioner at your home?
10 A No, we did at one time.
11 Q And why did you get it to begin with?
12 A Because we thought that it would help the problem
13 in the early years, and I bought it from Don Osgood, who
14 was the--at that time he was a police officer, but he had
15 the business of selling and installing water conditioners.
16 Q And did you talk to him about the problems you
17 were having with your water?
18 A Yes.
19 Q And do you remember about when that would have
20 been?
21 A That was early on when we moved there, so I'd say
22 '74, '75, somewhere in there.
23 Q Okay. Do you recall what he may have told you?
24 A He just told us that we had real hard water,
25 because we told him about the rust and the discoloration.
26 And he said it would take more salt for our conditioner to
27 keep the water clear.
28 Q Does the water have a--when you run the water from

1 your faucets, does it have an odor?

2 A Yes.

3 Q And what does that odor smell like? Can you

4 describe it?

5 A You know, I can't describe it. It's kind of a--

6 it's a strong--it's just a strong-smelling--I wouldn't say

7 stink, but it's a powerful odor that comes from it, and I

8 can't think of anything in terms of what it smells like.

9 Q It's not, though, like a sulphur smell or a rotten

10 egg smell that you'd get at the water at Yellowstone Park

11 or something like that?

12 A It used to smell like rotten eggs early, but it

13 doesn't smell like that. It has a different smell now.

14 Q Do you remember when the last time you drank the

15 water would have been?

16 A Probably in around '76, '77.

17 Q And since that time, have you used bottled water

18 then?

19 A No. What we did was my in-laws lived directly

20 across the river from us where my son now lives, and they

21 have--they had really good water. They have really good

22 water. So we would go over there and take water jugs over

23 there and get water from them.

24 Q Okay. So they are on the west side of the Poplar

25 river, is that right?

26 A Yes. Yes.

27 Q Have you discussed your water problem with USGS,

28 with Joanna Thamke or others who may have been out when

1 they were doing their studies?

2 A No.

3 Q So you don't recall visiting with Joanna Thamke or

4 other USGS people when they came and sampled water?

5 A Oh, people came and sampled water often from our

6 house.

7 Q Did they?

8 A But they never--they just asked me if they could

9 take it or my husband, and we said sure; and they'd just

10 take it, and then they'd tell us they had to test it.

11 There was one other comment I'd like to make about where we

12 got water.

13 Q Sure. Please do.

14 A There used to be a natural spring, they called it

15 Sims Spring on the Scobey road, going north up towards

16 Canada, and we used to go out to Sims Spring also and haul

17 water from there. A lot of the people on our road did that

18 on a regular basis.

19 Q When did you probably start hauling water?

20 A I want to say '76, '77, somewhere in there.

21 Q Okay. So you didn't--getting back, I guess, to

22 the USGS. You don't remember spending any time visiting

23 with any of the people when they were out in the field

24 doing their studies at any time?

25 A No. Often when they came to get water, we were at

26 work.

27 Q Unhunh.

28 A So we just allowed--we knew when they were coming,

1 and we allowed them to go in and get water. They had to---
2 --
3 Q And you would leave the house open?
4 A Unlocked, yes.
5 Q Did you discuss your water problems--allow me to
6 back up. I know you said you discussed your water problems
7 with the Fort Peck Housing Authority.
8 A Yes.
9 Q Who there would have been the person you probably
10 talked the most to? Do you recall?
11 A Probably the Director of the Housing, Executive
12 Director.
13 Q And who was that?
14 A Well, in past years, it would have been Frances
15 Linner. I think there was a Joe Culbertson that was a
16 director. The Housing has had several directors, but
17 that's usually who we go--we just go right to the director.
18 Q And you said Frances Linner?
19 A Linner. L-I-N-N-E-R. She's no longer alive.
20 Most of them are no longer alive.
21 Q Did you talk about your water problems with any
22 other representatives or employees of the Fort Peck Tribes?
23 A No, we went right to the Tribal Council Committee.
24 They have an HEW Committee. It's Health, Welfare and
25 Education Committee. And we went directly to them to
26 report the problems with our water, and they in turn
27 referred us to Public Health.
28 Q Do you remember when, probably, your first meeting

1 with that group would have taken place?
2 A Probably early on in around '76, '77, when we
3 first started noticing the discoloration and what was
4 happening with our water.
5 Q And did they tell you anything when you went and
6 complained, other than to refer you off? Did they tell you
7 anything?
8 A No.
9 Q They didn't suggest what the source of the problem
10 was or any of that?
11 A No.
12 Q Have you ever talked to Deb Madison about your
13 water?
14 A No.
15 Q Have you ever talked to--and I can't say his name,
16 I'm sorry, Tom-----
17 A Escarcega.
18 Q Yeah, that's the name I can't say.
19 A Yeah.
20 Q Have you talked to him about your water?
21 A Tom knows about our water, and he's also a
22 relative; and I'm sure George has talked with him about it,
23 yeah.
24 Q Do you know when those conversations might have
25 taken place?
26 A Those probably have been recent conversations,
27 late '80's, early '90's.
28 Q When the EPA was out and did its studies, did you

1 talk to any of the EPA personnel when they were out?
2 A We just recently talked to an EPA man.
3 Q Is that the first time that you know or recall
4 that you've talked to anyone?
5 A The only other time we talked to them was when
6 they had a public hearing at Poplar.
7 Q And do you remember when that was?
8 A That was in '99.
9 Q In your recent discussions, do you remember who it
10 was that you talked to?
11 A Wise or-----
12 Q Would it be Nathan Wiser? Is that-----
13 A I think that's his name, yes.
14 Q And can you tell me a little bit about what you
15 and he talked about?
16 A He just asked us about our water and what it was
17 like today.
18 Q How is the bottled water situation working out?
19 I know that you have been now provided with bottled water,
20 and I understand that Nemont makes periodic trips up that
21 road to deliver water. Is that-----
22 A Yes, we get water every Friday.
23 Q Is that working out fairly well?
24 A Yes.
25 Q And what all do you use that water for?
26 A We use it for cooking and drinking.
27 Q And you water your trees with it? Is that right?
28 A And our trees, yes, and our animals.

1 Q And your animals, okay. Helen, have you or, to
2 your knowledge, any of the members of your family, ever
3 visited with any of the Murphy employees out there about
4 your water situation?
5 A No.
6 Q You've not discussed this with Ray Reede or anyone
7 like that?
8 A No.
9 Q That you know of. Okay. Have you ever discussed
10 your water problems with any other oil company people out
11 there?
12 A No.
13 Q Do you remember when the quality of your water
14 would have first been checked?
15 A The quality of the water?
16 Q Yes.
17 A No, I don't know when it was first checked.
18 Q Okay. The Indian Health-----
19 A Well, it probably would have been checked when we
20 moved--when they dug the well.
21 Q Okay.
22 A The first well. They probably would have checked
23 it then. I'm sure they did. I think we, in our search, we
24 know there was a test in '71--that's when we moved there--
25 and again in '75; and we've approached Housing for those
26 records, but they can't locate them.
27 Q Okay. No one at the '71 test or after the '75
28 test came to you and told you anything about the results of

1 those tests that you recall, though, or did they?
2 A Not to me. They may have my husband.
3 Q He never conveyed any message to you, though,
4 about your water?
5 A I don't recall. It's been so long ago.
6 Q Do you know if there are any oil wells located
7 near your home?
8 A Yes.
9 Q Do you know about how far away those wells might
10 be?
11 A Gee, I don't know in distance, but I can see them
12 from the house.
13 Q You can?
14 A Yes.
15 Q So you've been able to see them really since the--
16 since you moved there or are these wells that were drilled
17 after you moved onto the property?
18 Q Was that question a little confusing?
19 A I don't know if any of them were drilled after we
20 moved there.
21 Q Okay.
22 A But I lived out on that road when I was a little
23 girl before I lived where I live now; and going home, I
24 remember seeing the derricks, oil derricks, all lit up
25 along the road.
26 Q Where did you live as a little girl, Helen?
27 A I lived just--I want to say, just east of where my
28 sister Josi lives now. That's our old homestead there.

1 Q Okay.
2 A Unhunh.
3 Q So you grew up out in that country?
4 A Yes.
5 Q And you were there sort of from the beginning of
6 the oil development time out in that country?
7 A Yes, off and on we were. Yes.
8 Q How was the water quality at your home when you
9 were growing up?
10 A We had an outside well that we would pump, and we
11 had such good water people from town would bring jugs and
12 come and get it.
13 Q Do you remember was it like that at the time that
14 you left also?
15 A Yes.
16 Q Are you aware, Helen, that there's a water system
17 that's planned for your area, a new pipeline system that's
18 planned?
19 A Oh, the webbing system, yes.
20 Q And what is your understanding of that system?
21 A Just that it's going to be piped across the
22 reservation so that everybody on the reservation, whether
23 they live in town or out in the country, will have good
24 water.
25 Q Has anybody talked to you, Helen, about the timing
26 of when it's likely that you might be connected to that
27 system or when that system might be constructed to your
28 home?

A Well, we heard about it five, six years ago, and it was supposed to happen five years then; and we still haven't seen anything, so, yeah.

Q Did you have any discussions, Helen, with Tom Osborne? Do you recall him?

A I don't recall the name. What is he? Who is he?

Q Tom Osborne took some water samples for Murphy Exploration.

A Oh, I remem--he came out with a pickup with a----

Q Probably.

A ---trailer or something. I remember him being there, but I never had any discussion with him.

Q Okay.

A No, he just came and took the water tests, what he had to do, and left.

Q Have you had any discussions with the expert that you have in this case? the water expert that you guys have retained?

Have you had any discussions with him?

A No. No.

Q Helen, you're represented by an attorney in this matter, is that right?

A Yes.

Q And that attorney is Dick Dolan and his firm, is that right?

A Yes.

Q Is there any other lawyers that you've contacted to represent you in this matter?

1 A No.
2 Q So they're it?
3 A Correct.
4 Q Helen, have you had discussions about this case
5 with Rene Martell?
6 A Yes.
7 Q And what have you discussed in those discussions?
8 A The discussions are only like when we have
9 meetings with our attorney. He would let me know when they
10 were going to be and, um, if we missed one, he would let me
11 know what happened.
12 Q And I'm not interested in the discussions, any of
13 them that took place with your attorney, but there were no
14 private discussions that you and Rene Martell may have had?
15 A Oh, no.
16 Q Okay. Helen, are there any gas tanks or fuel
17 tanks located on your property?
18 A Gas tanks or fuel tanks? Just our propane tank---
19 -
20 Q Okay.
21 A ---for our heating system.
22 Q You don't have a separate gasoline tank that you
23 fill up your cars from?
24 A No. No.
25 Q Has there ever been any fuel tank on your
26 property?
27 A No.
28 Q Is the condition of your plumbing in your home in

1 fairly good order?

2 A That's one of the things that Housing has to

3 correct before we'll sign our deed.

4 Q And what do they want you to do?

5 A Well, the pipes are all corroded. After they

6 replaced them, they're all corroded again; and we want them

7 to replace them before we sign the deed because we don't

8 want to sign the deed and own the home and have the pipes

9 all fall apart on us, and then that's going to cause a lot

10 of expense for us when it's Housing's responsibility.

11 Q And who at Housing have you talked about in

12 connection with that problem?

13 A Don Granboise, who is the inspector--one of the

14 inspectors for Housing.

15 Q Do you know how to spell his name?

16 A Yes. D-O-N G-R-A-N-B-O-I-S-E.

17 Q And what has he told you about your plumbing?

18 A Well, he brought a plumber. A plumber came and

19 took a look at it, and they're supposed to be making the

20 corrections, but they haven't yet.

21 Q Okay. Helen, in a fairly recent answer to some

22 discovery that was filed in this case, there was a

23 reference in that discovery that George Ricker has had

24 recent by-pass surgery?

25 A Correct.

26 Q And when was that?

27 A This October will be a year.

28 Q And where was that surgery done?

1 A At Deaconess Hospital in Billings, Montana.
2 Q And who was the doctor that performed that
3 surgery, do you recall?
4 A One of them, I think, was Dr. Brennen.
5 Q In connection with that, there is--there was a
6 reference that there may have been a note regarding the
7 water's role in George's heart matters. Do you know
8 anything more about that?
9 A I know that his doctor at IHS, Dr. Hendricks, told
10 him that the water--the water situation could have added to
11 his problems.
12 Q And did he say how that might have come about----
13 A No.
14 Q ---or what-----
15 A Just that the water was really bad, really
16 terrible, and that could have caused some of the problems.
17 Q At the time that the doctor made that statement,
18 do you think the doctor knew that you have been using
19 bottled water for the last twenty-five years or so?
20 A No.
21 Q Would it be reasonable to assume that he may have
22 thought you were still drinking the water that was just out
23 there?
24 A Yes. But we do bathe in that water.
25 Q Helen, in the complaint that's been filed and the
26 discovery that has been answered and pleadings that have
27 been filed by you or by the plaintiffs here, there have
28 been a number of claims presented, and I guess I'd like to

1 get a little better understanding of some of that from you.
2 A Okay.
3 Q One of the claims that is presented is a claim for
4 loss of use and enjoyment of property.
5 A Yes.
6 Q Can you tell me a little bit about how you view
7 that claim?
8 A Well, I can't have flowers. I can't--my mother--
9 my mother, down at our old place, even raised strawberries.
10 We had a huge garden; she had trees. I can't have any of
11 that. When we water or try to plant it, it dies. It
12 doesn't grow. So I can't have any flowers. Consequently,
13 my granddaughter wants to plant flowers; we can't. They
14 won't grow.
15 Q Have you talked, Helen, to any soil conservation
16 people or the soil conservation service, any of those
17 folks, about what you might be able to do with your
18 property to make it able to grow flowers?
19 A No. I think we just assume that we would be able
20 to grow flowers and grow trees and grow grass, you know,
21 moving out there. But it didn't happen.
22 Q Do you have trees at all on your property?
23 A No. We've been trying every year. We've twice
24 planted 4400 windbreak trees. Not one of them grew. Not
25 one of them. And then we have--there's one tree behind our
26 house. That's the only one in all the years that we've
27 planted trees and bought trees and planted them that has
28 grown.

1 Q Is that a different type of tree, a different
2 variety of tree than the others?
3 A No. No, it was--it was left from when we planted
4 the windbreak, a few trees that were left of one kind we
5 planted, and it grew.
6 Q There also is a claim for mental anguish and
7 emotional distress.
8 A Unhunh. **(Indicates yes.)**
9 Q Can you describe for me what that entails?
10 A Well, to me, it's frustrating to have to load up
11 your clothes two or three times a week and take them to
12 town, wash them; and we can't only wash in Poplar, we have
13 to come to Wolf Point to wash our rugs and our bedding
14 because the laundromat in Poplar just has small washers.
15 So when we wash--when I wash my bedding and my rugs, I have
16 to bring them up here to Poplar to do that. And, you know,
17 when we moved out there, we had good water; and we moved
18 out there with a plan to make our life there and raise our
19 children there and our grandchildren could come there, and
20 we're traditional people. When we plan for anything,
21 traditionally, we plan for seven generations. I can't--we
22 don't even have one generation that lived there. You know,
23 it's our responsibility to plan for seven generations, and,
24 now, I can't--I wouldn't wish that house and the water sys-
25 -the way the water is, on anybody. And that's because of
26 what the oil companies did to the water. We can't pass
27 that on as something of value to our children. We're
28 taught to take care of the land, we're taught to take care

1 of the water and the animals; and we can't do that with
2 that water. It's gone, and there's no way that it's going
3 to be made right. And the anguish, the mental anguish, is
4 having to haul water if we do anything, having to carry our
5 clothes someplace else to have them washed. My children--
6 my grandchildren now, Grandma, how come we can't run in
7 your sprinkler? I don't want their skin on the water.
8 They can come and stay overnight. They can't bathe. I
9 take my granddaughter to her dad's house now every other
10 night to bathe or to her mother's house in town because I
11 don't want her to bathe in that water. My husband and I
12 have been there for years; and we bathe in it, but my
13 grandchildren don't. I won't allow them to.
14 Q When you bathe in it, is there any--do you have
15 any problems with the water?
16 A There's an odor to it, and there's a film on your
17 skin that you can't get off.
18 Q Has it caused any problems with your skin, though,
19 otherwise?
20 A It causes irritation and dryness.
21 Q Do you have an idea, Helen-----
22 A Can I just say something else? I'm sorry.
23 Q Yes, please.
24 A It's even more so for George because George is
25 diabetic, and he has sensitive skin; so the irritations,
26 the rash, the dry skin, is even more predominant with him
27 than it is with me because of his diabetes.
28 Q Helen, do you have an idea of the value of your

1 home?

2 A Ah, when we moved in there and signed the lease

3 agreement, they told us that the house was a $48,000 home.

4 Q Okay.

5 A Okay, now-a-days, they're telling us that house is

6 worth three times that amount because of what the market or

7 the way homes sell for now.

8 Q Okay. And the value of that home then today would

9 be around a hundred and twenty or a hundred and thirty

10 thousand?

11 A Yes.

12 Q Is that right?

13 A Yes.

14 Q Do you know, has that value been impacted by--I

15 mean, by the water?

16 A I don't know but I would assume it would be. You

17 know, I mean, I don't think anybody would want to move out

18 there with the water the way it is.

19 Q Who's told you that the value of it now would be

20 where it is?

21 A Housing.

22 Q Housing?

23 A Yes.

24 Q The property that you will obtain a deed to, how

25 much land is that?

26 A It's the house and five acres.

27 Q Five acres?

28 A Unhunh. **(Indicates yes.)**

1 Q What is--what is done on that five acres? Is it
2 just grass?
3 A It's just grass, yes.
4 Q Do you have any animals that graze out there?
5 A No.
6 Q Does anyone come and cut hay off that property or
7 do anything with it?
8 A No. See, that's one thing we wanted to do when we
9 first moved out there was raise chickens, you know, and
10 have a--have a little farm in that respect; and my
11 grandchildren now ask us to do that, but we can't because
12 of the water. It's just too difficult to do that now with
13 the water the way it is. And the original site when we
14 moved there, my father, Bill Youpee, had that land leased
15 'cause it's close to his; and so they modified his lease
16 for our homesite, and that's how we got it. So when we own
17 the home, we'll own the house and five acres, but we lease
18 like ten acres around it just to have the space.
19 Q Okay. Who are your closest neighbors?
20 A Charlie Four Bear.
21 Q And how far away is he?
22 A Quarter of a mile.
23 Q And he's to the east?
24 A He's to the north.
25 Q To the north, I'm sorry. Okay. Helen, are you
26 claiming any personal injury damages, you or your husband
27 or your family?
28 **MR. DOLAN:** I'll object to the form of the question. Vague

as to what personal injury means.

Q (By Mr. Webster) Helen, are you claiming any damages for illnesses, you or any members of your family?

A (By Deponent) At this point, I'm not, but I have some concerns of health issues both for myself and my husband.

Q And what are those concerns?

A Do you mean--do you want me to tell you what it is, the health condition?

Q Yes.

A I had a radical mastectomy on my left breast in 1983.

Q Unhunh.

A And I don't know whether it was connected to the water or not. And then my husband's conditions.

Q Are your children or grandchildren--any health issues for those folks that are named as parties in this case?

A No, the only thing with my sons is they both have real dry skin and kind of a rash-like. And if it gets cold like in the winter months, it really acts up on them.

Q But they don't live and use the water out at your home any longer?

A No, they don't. No, they don't.

Q Helen, who is your primary physician?

A I don't have one. I have arthritis in my hip, and Dr. Abawi from Culbertson is the physician for that. But whenever I get sick, I just go to IHS; and then we have to

1 see the doctors that are available there.
2 Q So the Indian Health Service would be the primary
3 place that you seek medical care?
4 A Yes.
5 Q Helen, I want to go through just very quickly and
6 try not to get too bogged down here in the damage
7 information that you gave in response to some
8 interrogatories that were issued by Samson. There was a
9 listing of a number of different itemized damages. There
10 is a note here that--or an indication that you have gone
11 through, is it four water pressure tanks at your home?
12 A Yes.
13 Q Do you know what the normal life expectancy of
14 those water pressure tanks is?
15 A Um, they told me fifteen to eighteen years.
16 Q And you've gone through two hot water heaters?
17 A Yes.
18 Q And did anyone tell you what the--or do you have
19 an understanding of what the normal life expectancy of a
20 hot water heater might be?
21 A Twenty-five years.
22 Q There is a $2200 item here for bathroom repairs.
23 A Yes.
24 Q Can you tell me what was done there?
25 A All the pipes underneath rusted out; and it leaked
26 and it flooded the area. So it caused the tile and all the
27 flooring to come up. So Housing had to get some plumbers
28 in there, and they had to re-do the whole bathroom.

1 Q There's also then a damage item here for carpet.
2 Is that the same instance?
3 A Yes. Yes.
4 Q Do you incur any longer any expenses, Helen, for
5 water costs? I mean, the bottled water is now provided
6 free of charge to you, is that correct?
7 A Yes.
8 Q So you no longer are out having to get bottled
9 water or pay for bottled water?
10 A No.
11 Q Helen, at the time when you began to experience
12 the problems with your water while you were still using it
13 and still drinking it, do you recall what it tasted like?
14 A Real salty.
15 Q Did you have an idea at that time where the salty
16 taste could be coming from?
17 A No, but I think we suspected all along that it had
18 something to do with the wells around--the oil wells
19 around.
20 Q Okay.
21 A Yeah.
22 Q So from the late 70's or early 80's on, you
23 guessed at least that it was problems caused by the oil
24 production?
25 A Yes.
26 Q Do you know, did you tell anybody that? Did you
27 suggest to anybody that you were talking to that, you know,
28 the oil companies have ruined our water?

1 A I didn't specifically say that because I didn't
2 have that knowledge, but, um, we asked when we asked IHS,
3 could the oil company--could the oil activity have anything
4 to do with the way our water is, you know; and they, at
5 that time, didn't know either, I mean.
6 Q Do you remember when those conversations took
7 place?
8 A Late 70's, early 80's.
9 Q Okay.
10 A And then they got worse in the 80's, early 80's,
11 when they started to seismograph.
12 Q The water got worse?
13 A The water got worse.
14 Q When they started to do that?
15 A Yes.
16 Q Helen, I've asked you a number of questions to try
17 to get a better understanding of your situation out there
18 and your claims. Is there anything that you think I ought
19 to know that I haven't asked?
20 A I think--I think the thing that you people need to
21 know is that you've really changed our lives by damaging
22 the water. We don't have the quality of life that most
23 people expect and have a right to have on a daily basis
24 because of the water, and not only because we can't drink
25 it and can't use it and can't do every day activities at my
26 home. I'm not a real homemaker. I can't--I can't do
27 things in my home that most women can to provide and take
28 care of their families. And I can't entertain or take care

of my grandchildren to the extent that they can stay there a few days with me and be able to bathe, be able to play in the water, those kinds of things. Those are, you know--those are happy times--should be happy times in a home with your family and friends. But because of the water situation, we can't do that. We don't have--we can't experience that.

Q Helen, do you know generally across the reservation, is the water quality good?

A I know some areas are having problems, like in Fort Kipp they have problems with their wells. But, um, as far as I know, you know I've never sought it out, but as far as I know, I think people generally have good water.

MR. WEBSTER: I don't think I have anything else.

(AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION EXHIBIT 1 FOR IDENTIFICATION PURPOSES.)

EXAMINATION BY MR. ROSS:

Q Helen, I'm John Ross. I'm the attorney for Pioneer Natural Resources. I've marked this map as Plaintiff's Exhibit 1, and I would like for you, if you would, please, to take this pen and write on there where your residence is located.

A Isn't our well in 25? Yeah, it's right here.

Q Okay, would you just write Ricker.

A Right acrossed it?

Q Yeah, right about where you think your house is located.

A Does that little dot mean it's our well?

1 MR. DOLAN: It's close.

2 A (By Deponent) Okay. (Deponent marks map with

3 "Ricker".)

4 Q (By Mr. Ross) Now, M25, you indicated, is your

5 well. Is that correct?

6 A Yes. That's the number on our well.

7 Q And where is your septic system located in

8 relationship to your water well M25?

9 A It's south and then a little east.

10 Q About how distant is it?

11 A From the well?

12 Q Yes.

13 A Ah-h, gee, I don't know how many feet. Maybe from

14 here to that wall over there from our house.

15 Q About thirty, forty, fifty feet.

16 A If that's what that is.

17 Q You also mentioned in your response to Mr. Webster

18 that you got water from a relative or neighbor on the west

19 side. Where is that in relation to your house?

20 A It's almost directly across the river from our

21 house.

22 Q And what are their names?

23 A My son owns the house now. His name is William

24 Ricker, but it previously was owned by Ted and Mildred

25 Ricker, my in-laws.

26 Q Approximately how far is that from your residence?

27 A Let's see, we have to go around. I don't know how

28 far it would be if you went right--if you could go right

across from our house through the river and across, but we have to go to town four miles, six miles into town, and another four miles out, so ten miles.

Q Ten miles by road.

A Yes.

Q Could you identify on Plaintiff's Exhibit 1 where your son's water supply is, where he lives?

A I don't know. It doesn't show on here, but this is the river, okay? Yeah, so he lives right close to the river.

Q Would you write his name on Plaintiff's Exhibit 1 as well, please.

A **(Deponent peruses the map.)** Do you want me to put his first name?

Q Yes, please.

A **(Deponent marks map.)**

Q How close are you located to the nearest oil well?

A I don't know how far it is distance-wise. I can see it from my house, but I don't know how far it is.

Q Do you know which--is it a producing well at this time?

A I think there is one that is producing, and they're out there now working on to open the others that they've shut down.

Q Do you know who owns that well that's closest to your residence?

A No, I don't.

Q Do you know where the Biere 1-22 well is located?

A Is that the one over by Curly Lockman's? I think that's it.

Q Yes.

A Yeah.

Q Do you know anything about the Biere 1-22 well?

A Like what?

Q Either anything about its history or its production or anything--just anything about it?

A I know what my husband's told me.

Q And what is that?

A That there's seepage and that waste water that was out there was in a wooden container and it broke and it leaked all over and just sets there leaking into the ground.

Q And what's your understanding of when that occurred?

A Several years ago.

Q You say several. Can you put any more precise date on it?

A I'd say probably--he probably commented to me about that in the 80's.

Q When you say commented on that, what are you referring to?

A About how it was leaking and that water--that waste water and stuff just sitting there leaking into the ground. The comment he made was--to me was that the oil companies are not taking care of the wells the way they're supposed to be doing. They're taking the oil out and

1 producing it, but they're not taking care of the land.
2 That was the comment he made to me about it.
3 Q Was that a general comment or about all wells or
4 any specific well?
5 A That was about that well because it's close to
6 where we live. But I guess you could say it was a general
7 comment as far as the oil companies neglecting the wells
8 the way they care for them.
9 Q Did you ever see any oil seeping to the surface
10 near the Biere well?
11 A Not myself, not--no.
12 Q Did you ever see any waste water at the surface
13 near the Biere well?
14 A Yes, water setting out there. And I've seen water
15 on other sites, too.
16 Q And when did you see water at the Biere well site?
17 A Must have been in the 80's.
18 Q Do you remember if it was in the early 80's, late
19 80's or mid-80's?
20 A It probably was the early 80's.
21 Q Had you ever been to the Biere well site yourself?
22 A Drove by it.
23 Q And when you say drove by it, how close did you
24 get to it?
25 A So I could see it.
26 Q When did you do that?
27 A In the early 80's.
28 Q Was there anything at the Biere well site at that

1 time, any structures, oil facilities?
2 A I don't recall. I can't recall. I remember
3 seeing a bunch of what looked like--I thought it was like
4 limestone or something white around it. The ground was
5 white, cracked. I remember that, but that's about all I
6 can remember about it.
7 Q And you think that was in the mid-80's?
8 A Early 80's, I would say.
9 Q Do you know the cause of the problem with your
10 water?
11 A The problem is caused because the oil companies
12 didn't take care of their well sites properly.
13 Q Again, is that just a general statement or is that
14 specific as to a particular well or particular oil company?
15 A Well, the wells around where I live, they were not
16 cared for properly; and that waste water and stuff seeped
17 into the ground and has moved to our--where our homes are
18 and have gotten our water underground--the water.
19 Q What wells are located near your home?
20 A There's that well you were talking about over by
21 Curly Lockman's, and there's two up--up, I want to say,
22 across--would be east from us; and then there's a well,
23 older well, down by Abbotts. But there is probably more
24 wells there, because there were a lot of wells around that-
25 -our area in the 80's--70's and 80's.
26 Q Could you identify the approximate location of
27 those wells on Plaintiff's Exhibit 1?
28 A No, I don't think I could 'cause I don't know, you

1 know, exactly where they're at according to like section
2 and stuff like that. I don't think I could. There's--I
3 know that there's one east of our house, maybe east,
4 northeast a little bit; then there's one farther north
5 almost like straight up from there. And then there's one
6 by Abbotts, and then the one by Curly Lockman's. But I
7 couldn't tell you on here where they're at. And I don't
8 know--I could take you out there and show you, but I can't-
9 ----
10 **MR. ROSS:** Okay. I have no further questions. Thank you.
11 **EXAMINATION BY MR. STERUP:**
12 Q Helen, my name is Rob Sterup. I'm representing
13 Samson Hydrocarbons, which used to be known as Grace
14 Petroleum. Do you recall ever having any discussions with
15 anyone from Grace Petroleum?
16 A No.
17 Q How about Samson Hydrocarbons? Have you ever had
18 any discussions with anyone from Samson Hydrocarbons?
19 A No.
20 Q You mentioned that for a number of years you
21 obtained water from your in-laws across the river?
22 A Yes. Yes.
23 Q Describe physically, mechanically, how you went
24 about getting the water from their place to your place?
25 A We had water cans. They're about this tall. I
26 don't know how many gallons they hold. And then we
27 eventually bought five gallon cans, plastic cans, from Big
28 Bears. And what we do is just load them up, go around and

1 go to their house and take a pitcher and put it into the
2 containers, and then take it home. In the wintertime, we
3 used to put hot water in it so by the time we got it home
4 in the back of the pickup, it wouldn't be froze. Yeah.
5 Q About how often would you do that?
6 A Well, when I had my babies, when they were little,
7 we did it--probably every other day, we would do it. We
8 had four or five water cans, and we'd do it probably every
9 other day 'cause--for bathing--for bathing them. But, um,
10 it probably got less as they grew, and then we eventually--
11 when my boys could drive, they would go out to Sims Spring,
12 make the trip out to Sims Spring and take the water cans
13 out there, and I'd put--you know, get water from the
14 Spring, too.
15 Q How far is it from your place to Sims Spring?
16 A Well, it's 22 miles from Poplar to the crossroads
17 and then it's 6 miles into town, so that's 28; and it's
18 probably another 20 miles to Sims Spring, so that's 48
19 miles one way.
20 Q Would the boys fill up the jugs and-----
21 A Yes. Yes.
22 Q When you were getting water from the in-laws as
23 the boys were getting older, about how often would you go
24 over to get water? once a week? once a-----
25 A No, we probably went two, three times a week then.
26 Previously, when they were young, we were going every other
27 day, but we probably went two or three times a week after
28 that.

1 Q How long did that continue? How many years were
2 you getting water from the in-laws across the river?
3 A Until we could buy bottled water, we were
4 continuing to go to the in-laws and to Sims Spring. They
5 started selling bottled water, what, mid-80's. I think the
6 mid-80's.
7 Q At that point, did you start buying bottled water
8 rather than getting water from the in-laws?
9 A We had to still get water from the in-laws for
10 bathing, if we wanted to bathe the kids or--but for
11 drinking and stuff, we started buying it.
12 Q How long did you continue then to buy bottled
13 water?
14 A Right up until we were given the free water.
15 Q So for ten years or longer?
16 A Yes.
17 Q Did you purchase the bottled water in the Town of
18 Poplar?
19 A Yes, at Wally's or Tribal Express. Sometimes if
20 we came to Wolf Point to grocery shop, we'd go in Nemont
21 and get our water there.
22 Q You mentioned that there's some issues with the
23 Housing Authority regarding the deed?
24 A Yes.
25 Q What are the issues?
26 A It's the piping, the piping underneath, the
27 plumbing, the pipes need to be replaced because they're all
28 corroded and rusted, and we won't sign the deed until they

1 do that; because, you know, if we sign the deed and that
2 all falls apart, then it's going to be at our expense when
3 it's Housing's responsibility to take care of that while
4 we're paying the rent.
5 Q How long has that been an issue?
6 A They renovated our house in '95-'96, and that's
7 when they found it then; and they were going to send a
8 plumber out. Plumber came out and looked at it, had to
9 order some stuff we were told, never happened; and last
10 year they came in and did some more renovation, and same
11 problem there. The plumber came out and they said, well,
12 after we get all the parts and stuff, we'll be back,
13 probably in a month or so. Still hasn't happened.
14 Q Who renovated the house in '95-'96?
15 A The Housing Authority did, yes.
16 Q What renovations did they do at that time?
17 A They went in because they got grant money to make
18 the houses more energy efficient. They took out some
19 windows, they did more insulation, things like that.
20 Q What renovations were done more recently?
21 A Ah, they had to come back in and--the people who
22 laid the carpet and the flooring, like the linoleum, they
23 cut it right at the mopboard instead of cutting it to the
24 wall, so it was curling up. The carpet wasn't laid right
25 so it was being rippled--when you walk on it, it would
26 ripple. And then there was some leakage in the corner from
27 the snow and stuff that got onto the roof would come down
28 the corner of the house, and the corner started to mold.

1 So those are the things that they renovated a year ago.
2 Q Aside from the problem with the pipes, are there
3 any other issues that you have with the Housing Authority
4 that are holding up the deed?
5 A No.
6 Q Do you have any idea when those issues may be
7 resolved, any sort of time table?
8 A Well, we've been on them the last month or two to
9 get out and see when they could come out and compl--see,
10 they want--they want--they want to do it, too, because they
11 want to sign the deed so they can get rid of that matter
12 with their authority; you know, turn it over to us.
13 Q You mentioned at one point you apparently had a
14 water conditioning system?
15 A Yes.
16 Q During what period of time did you have a water
17 conditioning system?
18 A We got that in the late 70's or early 80's because
19 of the water, the rust on the clothes and stuff. We
20 thought that would take care of it.
21 Q How long did you have that water conditioning
22 system?
23 A It was about two years before it clogged up and
24 the pipes where it was connected rusted, and the salt just
25 sat there and it clogged it all up; and it's setting out at
26 our house in our yard now.
27 Q And the reason you wanted the water conditioning
28 system was because you were noticing problems with the

1 water?

2 A Yes, the rust spots particularly.

3 Q And what did the man who sold you the system tell

4 you, that the water was hard and it needed more salt?

5 A Well, he told us that the water was hard and it

6 had a lot of minerals in it, and that's what was causing

7 the rust. And he said because our water is so hard, we

8 would have to use more salt in--more frequent in our

9 conditioner.

10 Q And then the system broke down two or three years

11 later?

12 A Yes, a year and a half, two years later, and we

13 just--there was another system. Nemont couldn't come and

14 provide one. They said that, you know, the water was too

15 hard. The same thing would happen. It was like throwing

16 money away.

17 Q Didn't the system improve the water quality at all

18 before it broke down?

19 A I thought it did. I thought I could see some

20 improvement. I was still getting rust spots on some of my

21 clothes, but I thought it improved it a little bit.

22 Q You also mentioned that the water got worse when

23 the oil company started to seismograph.

24 A Yes.

25 Q Can you explain that?

26 A Um, the odor became more apparent, and the film in

27 the water, like when I washed dishes, it would appear once

28 in a while; but after they seismographed, every time we run

1 the water and I washed dishes, there's an oily film with a
2 rainbow in it in our water. And also if you run the bath
3 water--at least when our water would come out of the
4 faucet, it would be clear, and it would set for a while and
5 then it would start turning orange. Now, it comes--or rust
6 colored. Now, it just comes out orange.
7 Q About when did you notice it had gotten worse
8 because of the seismographing?
9 A Um, I don't know how soon it was, but we just
10 assumed it was the seismographing because those are
11 explosions in the ground; so we figured it was doing
12 something to the flow of our water.
13 Q How did you know that the seismograph had been
14 conducted?
15 A Because they came and asked us to sign permits to
16 allow them to do it.
17 Q Who did that?
18 A People that the oil companies hired to go out and
19 get these permits signed.
20 Q Did you sign the permits?
21 A Yes.
22 Q Do you have copies of those somewhere?
23 A I probably do.
24 Q Do you recall about when that was?
25 A All I know is it was in the 80's and Erline Jones
26 is the girl that came out and asked us to sign them.
27 Q Who was that?
28 A I think her name was Erline Jones, a Tribal member

1 that worked for the oil companies.
2 Q Did you receive any pay for signing that permit?
3 A I think we did. I think so much per hole that
4 they wanted to dig or do, you know, I think. I don't know
5 how many holes they did near us or what compensation we
6 got.
7 Q Did you have any discussion with the oil companies
8 or their representatives about water quality problems at
9 that time?
10 A No.
11 Q Didn't never come up?
12 A No.
13 Q Do you recall the EPA conducting a hearing in
14 Poplar sometime in the mid 80's--1985, 1986?
15 A No, I don't.
16 Q How long was it after the seismographing that you
17 noticed the water was getting worse?
18 A Fairly soon. Fairly soon. It was pretty obvious
19 that it was affecting it.
20 **MR. STERUP:** That's all that I have.
21 **EXAMINATION BY MR. FAGAN:**
22 Q My name's Gerry Fagan representing Marathon Oil.
23 Have you ever heard of any wells that were operated by
24 Marathon Oil?
25 A No.
26 Q Have you heard of any wells that were operated by
27 Texas Oil and Gas or TXO?
28 A No.

1 Q Just so I understand your testimony, is it your
2 belief that all the oil companies that operated in your
3 area didn't operate their wells properly?
4 A Well, I know that--I don't know who operated which
5 well, but I know the wells around our home and in that area
6 were not taken care of properly, the waste water, because
7 you can see it; and some of the wells had oil setting there
8 that was kind of bubbling, you know, if you drive by the
9 well sites. You could see it. But I don't know who owned
10 which well or anything at the time.
11 Q Are you saying every single well that was operated
12 out there was not operated properly? or just the ones that
13 you drove by?
14 A Just the ones that I'm aware of, yeah. There were
15 some wells out there farther up that we went by that I
16 don't think I seen anything, you know, water setting or
17 white or whatever. I don't know.
18 Q Did you drive by particular wells on purpose? Did
19 you want to go see particular wells?
20 A No, the reason we drove by them is because we dig
21 turnips, wild turnips, to dry for our traditional foods,
22 and so we'd go around those areas where the wells were and
23 look for turnips. And that's how I seen them.
24 Q So since you've never heard of the Marathon oil
25 wells or Texas Oil and Gas wells, I assume you've never
26 talked to any employee of either company?
27 A No. No oil company or any personnel have ever
28 talked to us about our water or the wells or any of this

condition at all.

Q Has there ever been any finding or report of benzene in any of your wells?

A In any of our wells? I think they found benzene in that--by Curly Lockman's.

Q But not in any of your wells?

A What do you mean, my wells? They're not my wells.

Q Well, the well on your property.

A Oh, you mean the water well. You're not talking oil well?

Q No, not oil well. Yes, the water well, I'm--excuse me.

A Oh, okay. No. Not that I know of, no.

Q Were you aware of any lawsuits against any oil companies prior to this one for damage to the water?

A No.

Q Never heard talk about it around town or?

A No. I haven't.

Q Did you ever talk with any neighbors or any friends or gossip with people about the oil companies and the responsibility for the wells?

A No. No. That was our own personal view of what we seen around the wells and, you know, our own feelings.

Q But you never discussed it with anybody else other than family?

A No. No.

Q Did you ever talk about filing a lawsuit against oil companies for the damage to the water prior to this

1 lawsuit?

2 A No.

3 Q In one of the pleadings that you guys have filed,
4 one of the damages you allege are called stigma damages.
5 Do you know what that would be? Do you understand what
6 that might-----

7 A No.

8 Q Do you think that there's any damage that's been
9 caused to your property because of the reputation of having
10 poor water?

11 A Damage that's been caused to our property because
12 of the reputation of having poor--well, I know Housing and
13 I know people won't build out on that road anymore. Is
14 that what you mean, because of the water?

15 Q Well, if there's any--if you've ever had--has
16 anyone ever talked to you about saying that they know that
17 the water out there is bad?

18 A Oh, yeah, a lot of people around town say that.

19 Q And they'd never want to live on your property,
20 for instance?

21 A Yeah, how can you guys stand to live out there
22 with that water? That's the kind of remarks we get.

23 Q But, still, you've been told that the property's
24 increased in value two or three times?

25 A Well, the house. The house has.

26 Q Is that just the house or including the five
27 acres?

28 A That's just the house. Housing is--they're only

1 concerned about the house, and that's just the house.
2 Q And that started at about $48,000?
3 A $48,000 is what they told us it was valued at
4 then, but they said that's increased--the house value's
5 increased three times since then, the value of the house
6 itself.
7 **MR. FAGAN:** I guess I have no further questions. Thank
8 you.
9 **EXAMINATION BY MR. DOLAN:**
10 Q Helen, I have a few follow-up questions. When you
11 were asked by Mr. Webster--is this coming in okay or do you
12 want me to move? **(Directed to Ms. Faye. Adjustments were**
13 **made with the video equipment.)** And, Helen, I'm just going
14 to identify myself because I'm not on the camera with you
15 and so it'll just appear as voices to the people watching.
16 This is Dick Dolan, attorney for the plaintiffs, including
17 Helen Ricker. I just want to clarify a few things to make
18 sure what you testified about is clear. You were asked
19 some questions by Mr. Webster about who lived on the
20 property with you and when they lived on the property with
21 you. You mentioned your son Willie, right?
22 A Yes.
23 Q He grew up there, right?
24 A Yes.
25 Q When was he born?
26 A He was born in '71.
27 Q And the reason I asked that is you said he went to
28 the Persian Gulf war and then came back to live with you a

1 year after that. From '71 until when did Willie live in
2 the house with you?
3 A Until he went to the war.
4 Q So for 19 years or so?
5 A Yes. You know, there's something that I was--I
6 thought of, and I don't know who was asking me, but I
7 wanted to relay with the medical thing, I think, my son was
8 born with a cleft palate, Willie, so.
9 Q Um, when did you first--what was the water quality
10 like when you first moved in in 1971?
11 A It was good, ice cold clear water.
12 Q And how long did it stay that way?
13 A I think until '76, '75-'76, just a few years after
14 we moved in I could tell there was a difference in the
15 water.
16 Q Then that difference showed up originally as what
17 kind of characteristics?
18 A Rust spots on our clothing, a sheen in the water.
19 Q That was the rainbow you talked about?
20 A Yes.
21 Q And the odor?
22 A Yes. The odor was like rotten eggs.
23 Q And then did it--but you said it didn't stay that
24 way. Doesn't smell like rotten eggs now?
25 A No, but it has a different smell all its own now.
26 And it tasted like salt.
27 Q So you didn't begin having to haul water until
28 when?

1 A Ah, about '76.
2 Q You asked for the water analysis that was done
3 when your original well was drilled and then when the new
4 well was drilled a few years later.
5 A Yes.
6 Q And the Housing Authority couldn't find it?
7 A Yes. They couldn't find those two documents, '71
8 and '75. They have record of it, the well being tested,
9 but they couldn't find the records, the documents.
10 Q At the time, do you recall if you and George were
11 given a copy? I know usually now they give you a copy of
12 the lab analysis when they do it.
13 A Unhunh. **(Indicates yes.)**
14 Q Do you remember getting a copy of that--of the
15 original well analysis?
16 A No. Housing would have kept that. They would
17 have kept all the papers associated with that house.
18 Q You said that the value of the--you've been told
19 that the value of the home has tripled or so from $48,000.
20 Were you talking about the value of the home if it had good
21 water?
22 A I don't know. That's just what Housing told us.
23 Q Because you also testified that you feel that no
24 one would want to live there with the water.
25 A Well, we know that people tell us, you know, how
26 come you guys don't move out of there. Well, we had good
27 faith that we knew the water was good, we wanted to build
28 out in the country and raise our family out there, because

1 I was raised not far from there. And so we had good faith
2 in the system and when we made the agreement that we would
3 live our lifetime and my grandchildren would live there, we
4 could pass this house on to them and that there would be
5 good water. But now people make joke about it in town, I
6 mean. And I go to the laundry and all my dark towels, oh,
7 you're the ones that's got the bad water. You know, they
8 could tell by our clothes.
9 Q What--when did your--who first--let me re-state
10 that. You said that you were raised out there. What was
11 the--and your maiden name is Youpee, right?
12 A Correct.
13 Q Your father was Bill Youpee?
14 A Yes.
15 Q Was he the first one of the Youpees to live out
16 there on this road on this property?
17 A No. The house that's out there that we were
18 raised in belonged to my grandparents, Joe and Helen
19 Brushorn.
20 Q And when did they end up on the land? When did
21 they first arrive and live there?
22 A Oh, gee, years ago. You know, it was just a
23 little valley. They used to call it Paradise Valley 'cause
24 all those families would congregate there and they had
25 their own little community. But, gee, they lived out there
26 in the twenties, I want to say.
27 Q And then your father was raised there?
28 A Yes.

1 Q And you were raised there?
2 A Yes.
3 Q Was there any discussion of water problems in your
4 family history that you know about?
5 A No. No. People used to come out there and get
6 water from our well because it was so--such good water
7 tasting, good drinking water, and it was cold when it came
8 out of the well when you pump it.
9 Q And this is on your--the well where you were
10 raised--on the homestead you were raised on?
11 A Yes.
12 Q How far away from your place now was the place
13 that you were raised?
14 A Half mile.
15 Q Which direction?
16 A North.
17 Q Towards the Abbotts?
18 A Yes.
19 Q Towards Josi and Rene's place?
20 A Yeah, Charlie Four Bear, and then Josi and Rene
21 live closer to the creek now, but our old place is up there
22 on--farther up on the land, and then next is Kirns and then
23 another Kirn family and then Abbotts.
24 **MR. DOLAN:** That's all I have.
25 **MR. WEBSTER:** I don't think I have anything more.
26 **RE-EXAMINATION BY MR. ROSS:**
27 Q I have just a couple follow up questions. Do you
28 have any basis to relate to your son's cleft palate to any

of the water problems? Do you have any medical-----

A No, I don't.

Q When was your well at M25 sampled? Do you know what years it was sampled?

A According to this form we have here, it was sampled in '95.

Q And prior to '95, do you know what year it was sampled?

A No. I don't even know if it was sampled.

Q If I understood your testimony, though, was it-- you think the samples or the water turned worse in the mid 80's after the seismic activity?

A Yes.

Q Do you know what companies conducted that seismic activity or for whom they were conducting it?

A No. We were just told it was for oil exploration.

MR. ROSS: I have no further questions. Thank you.

MR. STERUP: Nothing further.

MR. FAGAN: We have nothing further.

(THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS THEN CONCLUDED AT 9:38 A.M.)

1 CERTIFICATE

2 STATE OF MONTANA)
: ss.
3 COUNTY OF ROOSEVELT)

4 I, JOANN D. HESER, Official Court Reporter, Fifteenth
5 Judicial District, and a Notary Public duly qualified in and for
6 the State of Montana, hereby certify there came before me the
7 deponent herein, namely **HELEN RICKER**, who was by me duly sworn
8 to testify to the truth and nothing but the truth concerning the
9 matters in this cause.

10 I further certify that I was the Official Court Reporter
11 who reported, by means of LANIER recorder, this deposition. The
12 testimony therein and other proceedings herein contained are a
13 true and correct transcription of the original tapes and my
14 notes, TO THE BEST OF MY ABILITY.

15 I further certify that I am not related in any manner to
16 any party, witness, or counsel and have no financial or other
17 interest in the outcome of the above entitled cause.

18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
19 my Notarial Seal this 15th day of June, 2001.

20 Joann D. Heser

21 Joann D. Heser
NOTARY PUBLIC

22 My Comm. exp. 7/2/2004

23

24

25

26

27

28

1 **DEPONENT'S CERTIFICATE**

2 I, **HELEN RICKER**, do hereby certify that I have read the
3 foregoing transcript of my testimony and that the same is a
4 full, true and correct record of my deposition except as to any
5 corrections I have listed on the Corrections to Deposition form.
6 _____ Changes and corrections made.
7 _____ No changes or corrections made.
8
9
10 _____
11 **HELEN RICKER**
12 Subscribed and sworn to before me this _____ day of
_____, 2001.
13
14 _____
15 NOTARY PUBLIC for the State of Montana
Residing at _____, Montana
16 My Commission expires _____
17
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CORRECTIONS TO DEPOSITION

The Deponent, **HELEN RICKER**, states she wishes to make the following changes in testimony as originally sworn:

PAGE	LINE	SHOULD READ	REASON

HELEN RICKER

Minuscript

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

.....

CARY G. YOUPEE, et al.,

Plaintiffs,

vs.

MURPHY OIL USA, INC., et al.,

Defendants.

Cause No. CV 98-108-BLG-JDS

Judge Jack D. Shanstrom

MESA PETROLEUM and PIONEER NATURAL RESOURCES, USA, INC.,

Defendants/
Third Party Plaintiffs &
Cross Plaintiffs,

vs.

AMARCO RESOURCES CORP. BESTWAY INC.; WESTDALE PETROLEUM INC.; and THE PRUDENTIAL GROUP,

Third Party Defendants,

vs.

JOHN DOES 1-50,

Cross-Defendants.

.....

DEPOSITION
OF
HELEN RICKER

TIME: Monday, June 11, 2001 at 8:12 a.m.

PLACE: Sherman Motor Inn, 200 East Main, Wolf Point, MT

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OTHERS PRESENT:

George Ricker

BE IT REMEMBERED: That the oral deposition of HELEN RICKER was taken at 8:12 a.m. on the 11th day of June, 2001 at the Sherman Motor Inn, 200 East Main, Wolf Point, Montana, with the appearances of counsel hereinbefore noted, before Joann D. Heser, Official Court Reporter and Notary Public for the State of Montana.

Diane Faye, of Attorney's Video Service of Montana, present to videotape the proceedings, placed an introduction onto the videotaped record. The following proceedings were then had:

Whereupon,

HELEN RICKER,

called for examination, and being first duly sworn upon her oath, testified as follows:

EXAMINATION BY MR. WEBSTER:

Q Mrs. Ricker, for the record, once again, would you give us your name and your address?

A Yes, my name is Helen Frances Youpee Ricker, P.O. [redacted].

Q What's your telephone number?

A [redacted].

Q And what's your age?

A Fifty-nine.

Q Can we call you Helen or would you like us to-----

A Yes, please do.

Q Helen, have you had a chance to discuss the deposition process with your lawyer?

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1 A Yes, I have.
2 Q And so you understand the information that you
3 give today is under oath and is intended to be as true and
4 correct as possible?
5 A Yes.
6 Q You understand that not only will there be this
7 video taking place, but also there's the standard recording
8 that's being made, so it's important for you to give
9 answers out loud so that they're picked up on the recording
10 devices. Do you understand that?
11 A Yes.
12 Q Okay, thank you. I'll try--and if you're nervous,
13 trust me I'm more nervous than you are. I will try to ask
14 these questions in a way that make sense to you. But if I
15 ask you a question and you're confused by it, will you let
16 me know and give me a chance to ask it again?
17 A Yes.
18 Q Also, Helen, as we go through this, if you
19 remember something for a prior question, something pops
20 into your mind that you had forgotten at the time I first
21 asked a question or anyone else here did, will you let us
22 know and we'll go back and we'll fill in whatever gaps
23 there were in your answer?
24 A Okay.
25 Q Okay. Thank you. Also, Helen, if you need a
26 break, to go to the bathroom or to get a drink or whatever,
27 let us know and we'll let you do that, okay?
28 A Okay.

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1 Q Helen, are you taking any medications today or on
2 any kind of drugs that might cause you to be unable to
3 answer these questions or to remember properly or anything
4 like that?
5 A No.
6 Q Are there any other medical matters, anything else
7 relative to your health today, that would keep you from
8 being able to recall answers and to answer truthfully
9 today?
10 A No.
11 Q Helen, can you tell me a little bit about you.
12 Where did you go to school?
13 A I went to school off and on between the west coast
14 in Vancouver, Washington and Portland, Oregon and Poplar.
15 Q Did you graduate from high school?
16 A Yes.
17 Q Did you go on after high school?
18 A Yes, I did.
19 Q And what education was that?
20 A I went one year at Portland State College in
21 Portland, Oregon, and two years in Bozeman at Montana State
22 University.
23 Q And what were your courses of study there? What
24 were you going to be?
25 A I was majoring in education and minoring in
26 business administration.
27 Q Have you worked, Helen?
28 A Yes.

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1 Q And what occupations have you worked at?
2 A Most of the jobs I have done have been clerical
3 with the Bureau of Indian Affairs, the Fort Peck Tribes,
4 and I worked for 18-1/2 years for the Poplar schools as an
5 administrator.
6 Q In the last five years or so, what--have you
7 worked?
8 A Yes.
9 Q And what job has that been?
10 A I worked part-time with the Tribes Oversight
11 Commission. We deal with the gaming, the cigarette tax,
12 the alcohol tax and the gasoline tax.
13 Q The other members of your family who are
14 identified as plaintiffs in this case, one is George
15 Ricker, Sr., and that's your husband?
16 A Correct.
17 Q Since you're the one that we're deposing here,
18 Helen, I'm going to ask you some information about George
19 and your other family members.
20 A Okay.
21 Q How old is George?
22 A He's 65.
23 Q And did George graduate from high school?
24 A No, he did not.
25 Q What was the--do you know the highest level that
26 he completed in school?
27 A Eleventh grade.
28 Q Eleventh grade? And has George been employed?

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1 A Yes.
2 Q And what has George done?
3 A He worked in his early years, after serving in the
4 Air Force, for the Fort Peck Tribes. In 1995, he retired
5 from the Bureau of Indian Affairs after 36 years.
6 Q What was his job with the Bureau of Indian
7 Affairs?
8 A He was the soil conservationist technician.
9 Q Did that involve looking at soils and water
10 information then around the reservation?
11 A Um, I think what it did involve was checking land,
12 making sure that people used the land correctly for farming
13 or grazing.
14 Q Another plaintiff out of your family group is
15 George, Jr.?
16 A Yes.
17 Q And that's your son?
18 A Yes, my oldest son.
19 Q And how old is he?
20 A He's 31.
21 Q And where does he live?
22 A He lives in Poplar.
23 Q Does he live with you and George?
24 A No, he does not.
25 Q He lives in the town of Poplar itself?
26 A Yes.
27 Q How long has he lived there?
28 A Let's see. I'm trying to think. He hasn't lived

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1 with us since about '89.
2 Q And then another--let me back up. George, Jr., is
3 he employed?
4 A Not right now.
5 Q Did he go to--did he graduate from high school?
6 A Yes, he did.
7 Q Did he go on to college at all?
8 A Yes, he did, one year.
9 Q One year. And what was his course of study when
10 he was there?
11 A I think he just took general studies the first
12 year.
13 Q Then another plaintiff is Erin?
14 A Correct.
15 Q And that's a grandson?
16 A No, she's a granddaughter.
17 Q Granddaughter, I'm sorry. And whose child is she?
18 A George, Jr.
19 Q And does she--where does she reside?
20 A She resides with us.
21 Q With you?
22 A Yes.
23 Q And how long has she lived with you?
24 A Since she was nine months old.
25 Q And how old is she now?
26 A Twelve.
27 Q And does she go to school?
28 A Yes.

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1 Q And what school?
2 A She will--Poplar school. Poplar middle school.
3 Q And what grade is she in?
4 A She will be an eighth grader this fall.
5 Q And then also there is William T. Ricker?
6 A Correct.
7 Q And who is he?
8 A He is my second son.
9 Q And how old is he?
10 A Willie is 29--I think.
11 Q And does he live with you?
12 A No, he does not.
13 Q When did he last live with you?
14 A See, he was in the Persian Gulf war and that ended
15 in '91, I think. So he lived with us for about a year
16 after the war and then he now has his own place.
17 Q And is he employed?
18 A Yes, he is.
19 Q And who does he work for?
20 A He works for B & P Construction.
21 Q And what does he do for them?
22 A They build homes, they pour cement, construction
23 work.
24 Q On--primarily around the Poplar area?
25 A No, all over the reservation.
26 Q All over the reservation?
27 A Yes.
28 Q Do you own the property that you live on?

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1 A The property we live on we will own once the deed
2 is signed.
3 Q Who now holds the proper title to the property?
4 A The Fort Peck Tribes through the Fort Peck Housing
5 Authority.
6 Q And you have completed making payments or whatever
7 and so you're entitled to a deed to that property, is that
8 correct?
9 A Correct. They--about a year ago, they wrote us
10 and told us that we now owned the home. However, there are
11 some repairs that have to be done, so we have not signed
12 the deed until those are done. Once they're done, we'll
13 sign the deed and then we will own the home and the land
14 that it sets on.
15 Q How much land do you end up getting with the home
16 itself?
17 A Five acres.
18 Q Five acres. And how long have you lived out on
19 this property?
20 A Since August of 1971.
21 Q And when you moved onto this property, was this a
22 new home or?
23 A Yes.
24 Q And who built the home?
25 A Fort Peck Housing Authority.
26 Q And you entered into a standard long-term lease
27 or?
28 A Lease agreement.

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1 Q Lease agreement?
2 A Correct.
3 Q Did you make improvements to the property since
4 you've lived there?
5 A How do you mean, improvements?
6 Q Have you added on to the home? Have you done any
7 of those sorts of things to the-----
8 A No, part of the lease agreement with the Housing
9 is you can't do that in case they have to remove a tenant
10 and move somebody else into it.
11 Q Okay.
12 A So we could not do that.
13 Q Okay. How many wells are on the property? water
14 wells?
15 A Just one.
16 Q And do you know when that was drilled?
17 A I think the last water well that we had drilled
18 was in--I want to say around--must be the early '80's, I
19 think.
20 Q There was--was--I should say, was there a water
21 well there at the time that you moved onto the property for
22 that home?
23 A Yes, there was.
24 Q But you drilled another well, say, ten years later
25 or something like that?
26 A Yes.
27 Q And why did you drill a new well?
28 A The other one quit working because of being

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1 clogged up and whatever was happening with the water.
2 Q Okay.
3 A So our water quit working, and we reported it to
4 Housing, and they came in; and then they had another well
5 driller come in and re-drill the well.
6 Q When that second well driller came--or when the
7 second well was drilled, were there water tests that were
8 taken of the water at that time?
9 A I don't know.
10 Q Okay, they didn't give you any information about
11 the quality of the water that you recall, anyway?
12 A No, that I recall.
13 Q When did your water--when did you first begin to
14 notice problems with your water?
15 A I think around '76, '77, somewhere in there.
16 Q What were those problems?
17 A When we moved into the house in '71, I could wash
18 my clothes with the water----
19 Q Unhunh.
20 A ---and there was no discoloration. But in the
21 late '70s, rust spots became obvious. My kitchen towels,
22 where the rust spots were, were either being like rotted
23 out or would tear real easy. And there's always been like
24 a rainbow film on our water when I wash dishes or when you
25 take a bath or--and then it leaves rust in the tub and in
26 the sinks.
27 Q Did you notify anybody of these water problems
28 that you were having?

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1 A Yes, we went to the Housing Authority, and they
2 referred us to the Tribe.
3 Q Okay.
4 A And the Tribe referred us to I.H.S., but everybody
5 was just passing the buck.
6 Q Did anybody at any of those junctions along the
7 way, did any of those people suggest to you what the
8 problem was with the water?
9 A No, I can't recall.
10 Q Did anyone say you've got too much iron in your
11 water, and that's-----
12 A Oh, yes. Yes. We were told that it was the iron,
13 the minerals in the water.
14 Q Okay. The water that's at your home, what all is
15 it used for today?
16 A We use it to--I wash my dishes. We use it to--I
17 wash some clothes. All my linens, like my bathtowels,
18 they're all dark colors now, black, blue, navy blue,
19 maroon, all the dark colors, because I can wash them--I
20 wash them in cold water in my washing machine so it doesn't
21 show the stains. But all my light colored clothes and our
22 good clothes, I have to haul to town.
23 Q Do you have a lawn that you irrigate?
24 A Yes, we do. Yes, we do.
25 Q And you use sprinklers from your well?
26 A Yes, we use the water for the lawn; but we have
27 planted trees and the water that we get from Nemont, we
28 water the trees with that water.

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1 Q Do you have any livestock or pets or anything?
2 A Yes, we have pets.
3 Q And how do you water them?
4 A With the water we get from Nemont.
5 Q Is that a personal choice or do your pets not like
6 to drink the tap water?
7 A Well, the water's no good. I don't want the pets
8 to be damaged from the water.
9 Q Do you have a septic system at your home?
10 A Yes, we do.
11 Q And is it in good repair?
12 A Right now it is.
13 Q Has it--have you had problems with your septic
14 system?
15 A Yes. Throughout the time we've lived there, we've
16 had problems with our septic system.
17 Q And what have those problems been?
18 A The pipes from the house to the septic rusting
19 out. They've had to replace the drain where the tank is
20 outside, and then the tank; the pipe going out to the
21 drainfield also got clogged and rusted so they had to re-do
22 the drainfield.
23 Q When--do you recall when they--when you first
24 started having problems with your septic system?
25 A I think it was probably the early '80's.
26 Q And since that time, has it been a recurring issue
27 then or was the fix that was done, has it fixed the
28 problem?

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1 A No, we've had our septic system fixed three times.
2 Q Three times?
3 A Yes.
4 Q Who has done that for you? Can you recall the
5 contractor's names?
6 A The Fort Peck Tribes, the Enterprise--the Tribal
7 Enterprise group.
8 Q And did they do it all times that you recall?
9 A Yes.
10 Q Are they the ones that do Fort Peck Housing
11 Authority work generally or did you contact them or how did
12 it come about that they were the ones used?
13 A We probably contacted the Housing Authority first
14 for the first time, and they contacted Enterprise. But the
15 last couple of times, we just called them when we had a
16 problem. We just called them.
17 Q In relation to your house, Helen, can you
18 generally tell me where your well is located?
19 A About--I don't know how many feet, but it's behind
20 our house.
21 Q Do you know what direction that would be?
22 A North.
23 Q North. And which direction does your septic
24 system run?
25 A The septic tank is running south.
26 Q Okay. So it's on the opposite side of your home?
27 A Yes, it comes out on the east side of the house
28 and then down to the drainfield south.

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1 Q Okay. Do you have a cistern that you use?
2 A A what?
3 Q. A cistern. A place where you would put fresh
4 water to use. Evidently, you don't, but that-----
5 A No.
6 Q Okay.
7 A We just keep the water that we use in the jugs
8 that it's delivered in.
9 Q Do you have a water conditioner at your home?
10 A No, we did at one time.
11 Q And why did you get it to begin with?
12 A Because we thought that it would help the problem
13 in the early years, and I bought it from Don Osgood, who
14 was the--at that time he was a police officer, but he had
15 the business of selling and installing water conditioners.
16 Q And did you talk to him about the problems you
17 were having with your water?
18 A Yes.
19 Q And do you remember about when that would have
20 been?
21 A That was early on when we moved there, so I'd say
22 '74, '75, somewhere in there.
23 Q Okay. Do you recall what he may have told you?
24 A He just told us that we had real hard water,
25 because we told him about the rust and the discoloration.
26 And he said it would take more salt for our conditioner to
27 keep the water clear.
28 Q Does the water have a--when you run the water from

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1 your faucets, does it have an odor?
2 A Yes.
3 Q And what does that odor smell like? Can you
4 describe it?
5 A You know, I can't describe it. It's kind of a--
6 it's a strong--it's just a strong-smelling--I wouldn't say
7 stink, but it's a powerful odor that comes from it, and I
8 can't think of anything in terms of what it smells like.
9 Q It's not, though, like a sulphur smell or a rotten
10 egg smell that you'd get at the water at Yellowstone Park
11 or something like that?
12 A It used to smell like rotten eggs early, but it
13 doesn't smell like that. It has a different smell now.
14 Q Do you remember when the last time you drank the
15 water would have been?
16 A Probably in around '76, '77.
17 Q And since that time, have you used bottled water
18 then?
19 A No. What we did was my in-laws lived directly
20 across the river from us where my son now lives, and they
21 have--they had really good water. They have really good
22 water. So we would go over there and take water jugs over
23 there and get water from them.
24 Q Okay. So they are on the west side of the Poplar
25 river, is that right?
26 A Yes. Yes.
27 Q Have you discussed your water problem with USGS,
28 with Joanna Thamke or others who may have been out when

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1 they were doing their studies?
2 A No.
3 Q So you don't recall visiting with Joanna Thamke or
4 other USGS people when they came and sampled water?
5 A Oh, people came and sampled water often from our
6 house.
7 Q Did they?
8 A But they never--they just asked me if they could
9 take it or my husband, and we said sure; and they'd just
10 take it, and then they'd tell us they had to test it.
11 There was one other comment I'd like to make about where we
12 got water.
13 Q Sure. Please do.
14 A There used to be a natural spring, they called it
15 Sims Spring on the Scobey road, going north up towards
16 Canada, and we used to go out to Sims Spring also and haul
17 water from there. A lot of the people on our road did that
18 on a regular basis.
19 Q When did you probably start hauling water?
20 A I want to say '76, '77, somewhere in there.
21 Q Okay. So you didn't--getting back, I guess, to
22 the USGS. You don't remember spending any time visiting
23 with any of the people when they were out in the field
24 doing their studies at any time?
25 A No. Often when they came to get water, we were at
26 work.
27 Q Unhunh.
28 A So we just allowed--we knew when they were coming,

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1 and we allowed them to go in and get water. They had to---
2 --
3 Q And you would leave the house open?
4 A Unlocked, yes.
5 Q Did you discuss your water problems--allow me to
6 back up. I know you said you discussed your water problems
7 with the Fort Peck Housing Authority.
8 A Yes.
9 Q Who there would have been the person you probably
10 talked the most to? Do you recall?
11 A Probably the Director of the Housing, Executive
12 Director.
13 Q And who was that?
14 A Well, in past years, it would have been Frances
15 Linner. I think there was a Joe Culbertson that was a
16 director. The Housing has had several directors, but
17 that's usually who we go--we just go right to the director.
18 Q And you said Frances Linner?
19 A Linner. L-I-N-N-E-R. She's no longer alive.
20 Most of them are no longer alive.
21 Q Did you talk about your water problems with any
22 other representatives or employees of the Fort Peck Tribes?
23 A No, we went right to the Tribal Council Committee.
24 They have an HEW Committee. It's Health, Welfare and
25 Education Committee. And we went directly to them to
26 report the problems with our water, and they in turn
27 referred us to Public Health.
28 Q Do you remember when, probably, your first meeting

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1 with that group would have taken place?
2 A Probably early on in around '76, '77, when we
3 first started noticing the discoloration and what was
4 happening with our water.
5 Q And did they tell you anything when you went and
6 complained, other than to refer you off? Did they tell you
7 anything?
8 A No.
9 Q They didn't suggest what the source of the problem
10 was or any of that?
11 A No.
12 Q Have you ever talked to Deb Madison about your
13 water?
14 A No.
15 Q Have you ever talked to--and I can't say his name,
16 I'm sorry, Tom-----
17 A Escarcega.
18 Q Yeah, that's the name I can't say.
19 A Yeah.
20 Q Have you talked to him about your water?
21 A Tom knows about our water, and he's also a
22 relative; and I'm sure George has talked with him about it,
23 yeah.
24 Q Do you know when those conversations might have
25 taken place?
26 A Those probably have been recent conversations,
27 late '80's, early '90's.
28 Q When the EPA was out and did its studies, did you

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1 talk to any of the EPA personnel when they were out?
2 A We just recently talked to an EPA man.
3 Q Is that the first time that you know or recall
4 that you've talked to anyone?
5 A The only other time we talked to them was when
6 they had a public hearing at Poplar.
7 Q And do you remember when that was?
8 A That was in '99.
9 Q In your recent discussions, do you remember who it
10 was that you talked to?
11 A Wise or-----
12 Q Would it be Nathan Wiser? Is that-----
13 A I think that's his name, yes.
14 Q And can you tell me a little bit about what you
15 and he talked about?
16 A He just asked us about our water and what it was
17 like today.
18 Q How is the bottled water situation working out?
19 I know that you have been now provided with bottled water,
20 and I understand that Nemont makes periodic trips up that
21 road to deliver water. Is that-----
22 A Yes, we get water every Friday.
23 Q Is that working out fairly well?
24 A Yes.
25 Q And what all do you use that water for?
26 A We use it for cooking and drinking.
27 Q And you water your trees with it? Is that right?
28 A And our trees, yes, and our animals.

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1 Q And your animals, okay. Helen, have you or, to
2 your knowledge, any of the members of your family, ever
3 visited with any of the Murphy employees out there about
4 your water situation?
5 A No.
6 Q You've not discussed this with Ray Reede or anyone
7 like that?
8 A No.
9 Q That you know of. Okay. Have you ever discussed
10 your water problems with any other oil company people out
11 there?
12 A No.
13 Q Do you remember when the quality of your water
14 would have first been checked?
15 A The quality of the water?
16 Q Yes.
17 A No, I don't know when it was first checked.
18 Q Okay. The Indian Health-----
19 A Well, it probably would have been checked when we
20 moved--when they dug the well.
21 Q Okay.
22 A The first well. They probably would have checked
23 it then. I'm sure they did. I think we, in our search, we
24 know there was a test in '71--that's when we moved there--
25 and again in '75; and we've approached Housing for those
26 records, but they can't locate them.
27 Q Okay. No one at the '71 test or after the '75
28 test came to you and told you anything about the results of

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1 those tests that you recall, though, or did they?
2 A Not to me. They may have my husband.
3 Q He never conveyed any message to you, though,
4 about your water?
5 A I don't recall. It's been so long ago.
6 Q Do you know if there are any oil wells located
7 near your home?
8 A Yes.
9 Q Do you know about how far away those wells might
10 be?
11 A Gee, I don't know in distance, but I can see them
12 from the house.
13 Q You can?
14 A Yes.
15 Q So you've been able to see them really since the--
16 since you moved there or are these wells that were drilled
17 after you moved onto the property?
18 Q Was that question a little confusing?
19 A I don't know if any of them were drilled after we
20 moved there.
21 Q Okay.
22 A But I lived out on that road when I was a little
23 girl before I lived where I live now; and going home, I
24 remember seeing the derricks, oil derricks, all lit up
25 along the road.
26 Q Where did you live as a little girl, Helen?
27 A I lived just--I want to say, just east of where my
28 sister Josi lives now. That's our old homestead there.

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1 Q Okay.
2 A Unhunh.
3 Q So you grew up out in that country?
4 A Yes.
5 Q And you were there sort of from the beginning of
6 the oil development time out in that country?
7 A Yes, off and on we were. Yes.
8 Q How was the water quality at your home when you
9 were growing up?
10 A We had an outside well that we would pump, and we
11 had such good water people from town would bring jugs and
12 come and get it.
13 Q Do you remember was it like that at the time that
14 you left also?
15 A Yes.
16 Q Are you aware, Helen, that there's a water system
17 that's planned for your area, a new pipeline system that's
18 planned?
19 A Oh, the webbing system, yes.
20 Q And what is your understanding of that system?
21 A Just that it's going to be piped across the
22 reservation so that everybody on the reservation, whether
23 they live in town or out in the country, will have good
24 water.
25 Q Has anybody talked to you, Helen, about the timing
26 of when it's likely that you might be connected to that
27 system or when that system might be constructed to your
28 home?

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1 A Well, we heard about it five, six years ago, and
2 it was supposed to happen five years then; and we still
3 haven't seen anything, so, yeah.
4 Q Did you have any discussions, Helen, with Tom
5 Osborne? Do you recall him?
6 A I don't recall the name. What is he? Who is he?
7 Q Tom Osborne took some water samples for Murphy
8 Exploration.
9 A Oh, I remem--he came out with a pickup with a----
10 Q Probably.
11 A ---trailer or something. I remember him being
12 there, but I never had any discussion with him.
13 Q Okay.
14 A No, he just came and took the water tests, what he
15 had to do, and left.
16 Q Have you had any discussions with the expert that
17 you have in this case? the water expert that you guys have
18 retained?
19 Have you had any discussions with him?
20 A No. No.
21 Q Helen, you're represented by an attorney in this
22 matter, is that right?
23 A Yes.
24 Q And that attorney is Dick Dolan and his firm, is
25 that right?
26 A Yes.
27 Q Is there any other lawyers that you've contacted
28 to represent you in this matter?

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1 A No.
2 Q So they're it?
3 A Correct.
4 Q Helen, have you had discussions about this case
5 with Rene Martell?
6 A Yes.
7 Q And what have you discussed in those discussions?
8 A The discussions are only like when we have
9 meetings with our attorney. He would let me know when they
10 were going to be and, um, if we missed one, he would let me
11 know what happened.
12 Q And I'm not interested in the discussions, any of
13 them that took place with your attorney, but there were no
14 private discussions that you and Rene Martell may have had?
15 A Oh, no.
16 Q Okay. Helen, are there any gas tanks or fuel
17 tanks located on your property?
18 A Gas tanks or fuel tanks? Just our propane tank---
19 -
20 Q Okay.
21 A ---for our heating system.
22 Q You don't have a separate gasoline tank that you
23 fill up your cars from?
24 A No. No.
25 Q Has there ever been any fuel tank on your
26 property?
27 A No.
28 Q Is the condition of your plumbing in your home in

Page 28

1 fairly good order?
2 A That's one of the things that Housing has to
3 correct before we'll sign our deed.
4 Q And what do they want you to do?
5 A Well, the pipes are all corroded. After they
6 replaced them, they're all corroded again; and we want them
7 to replace them before we sign the deed because we don't
8 want to sign the deed and own the home and have the pipes
9 all fall apart on us, and then that's going to cause a lot
10 of expense for us when it's Housing's responsibility.
11 Q And who at Housing have you talked about in
12 connection with that problem?
13 A Don Granboise, who is the inspector--one of the
14 inspectors for Housing.
15 Q Do you know how to spell his name?
16 A Yes. D-0-N G-R-A-N-B-O-I-S-E.
17 Q And what has he told you about your plumbing?
18 A Well, he brought a plumber. A plumber came and
19 took a look at it, and they're supposed to be making the
20 corrections, but they haven't yet.
21 Q Okay. Helen, in a fairly recent answer to some
22 discovery that was filed in this case, there was a
23 reference in that discovery that George Ricker has had
24 recent by-pass surgery?
25 A Correct.
26 Q And when was that?
27 A This October will be a year.
28 Q And where was that surgery done?

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1 A At Deaconess Hospital in Billings, Montana.
2 Q And who was the doctor that performed that
3 surgery, do you recall?
4 A One of them, I think, was Dr. Brennen.
5 Q In connection with that, there is--there was a
6 reference that there may have been a note regarding the
7 water's role in George's heart matters. Do you know
8 anything more about that?
9 A I know that his doctor at IHS, Dr. Hendricks, told
10 him that the water--the water situation could have added to
11 his problems.
12 Q And did he say how that might have come about----
13 A No.
14 Q ---or what-----
15 A Just that the water was really bad, really
16 terrible, and that could have caused some of the problems.
17 Q At the time that the doctor made that statement,
18 do you think the doctor knew that you have been using
19 bottled water for the last twenty-five years or so?
20 A No.
21 Q Would it be reasonable to assume that he may have
22 thought you were still drinking the water that was just out
23 there?
24 A Yes. But we do bathe in that water.
25 Q Helen, in the complaint that's been filed and the
26 discovery that has been answered and pleadings that have
27 been filed by you or by the plaintiffs here, there have
28 been a number of claims presented, and I guess I'd like to

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1 get a little better understanding of some of that from you.
2 A Okay.
3 Q One of the claims that is presented is a claim for
4 loss of use and enjoyment of property.
5 A Yes.
6 Q Can you tell me a little bit about how you view
7 that claim?
8 A Well, I can't have flowers. I can't--my mother--
9 my mother, down at our old place, even raised strawberries.
10 We had a huge garden; she had trees. I can't have any of
11 that. When we water or try to plant it, it dies. It
12 doesn't grow. So I can't have any flowers. Consequently,
13 my granddaughter wants to plant flowers; we can't. They
14 won't grow.
15 Q Have you talked, Helen, to any soil conservation
16 people or the soil conservation service, any of those
17 folks, about what you might be able to do with your
18 property to make it able to grow flowers?
19 A No. I think we just assume that we would be able
20 to grow flowers and grow trees and grow grass, you know,
21 moving out there. But it didn't happen.
22 Q Do you have trees at all on your property?
23 A No. We've been trying every year. We've twice
24 planted 4400 windbreak trees. Not one of them grew. Not
25 one of them. And then we have--there's one tree behind our
26 house. That's the only one in all the years that we've
27 planted trees and bought trees and planted them that has
28 grown.

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1 Q Is that a different type of tree, a different
2 variety of tree than the others?
3 A No. No, it was--it was left from when we planted
4 the windbreak, a few trees that were left of one kind we
5 planted, and it grew.
6 Q There also is a claim for mental anguish and
7 emotional distress.
8 A Unhunh. (Indicates yes.)
9 Q Can you describe for me what that entails?
10 A Well, to me, it's frustrating to have to load up
11 your clothes two or three times a week and take them to
12 town, wash them; and we can't only wash in Poplar, we have
13 to come to Wolf Point to wash our rugs and our bedding
14 because the laundromat in Poplar just has small washers.
15 So when we wash--when I wash my bedding and my rugs, I have
16 to bring them up here to Poplar to do that. And, you know,
17 when we moved out there, we had good water; and we moved
18 out there with a plan to make our life there and raise our
19 children there and our grandchildren could come there, and
20 we're traditional people. When we plan for anything,
21 traditionally, we plan for seven generations. I can't--we
22 don't even have one generation that lived there. You know,
23 it's our responsibility to plan for seven generations, and,
24 now, I can't--I wouldn't wish that house and the water sys-
25 -the way the water is, on anybody. And that's because of
26 what the oil companies did to the water. We can't pass
27 that on as something of value to our children. We're
28 taught to take care of the land, we're taught to take care

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1 of the water and the animals; and we can't do that with
2 that water. It's gone, and there's no way that it's going
3 to be made right. And the anguish, the mental anguish, is
4 having to haul water if we do anything, having to carry our
5 clothes someplace else to have them washed. My children--
6 my grandchildren now, Grandma, how come we can't run in
7 your sprinkler? I don't want their skin on the water.
8 They can come and stay overnight. They can't bathe. I
9 take my granddaughter to her dad's house now every other
10 night to bathe or to her mother's house in town because I
11 don't want her to bathe in that water. My husband and I
12 have been there for years; and we bathe in it, but my
13 grandchildren don't. I won't allow them to.
14 Q When you bathe in it, is there any--do you have
15 any problems with the water?
16 A There's an odor to it, and there's a film on your
17 skin that you can't get off.
18 Q Has it caused any problems with your skin, though,
19 otherwise?
20 A It causes irritation and dryness.
21 Q Do you have an idea, Helen-----
22 A Can I just say something else? I'm sorry.
23 Q Yes, please.
24 A It's even more so for George because George is
25 diabetic, and he has sensitive skin; so the irritations,
26 the rash, the dry skin, is even more predominant with him
27 than it is with me because of his diabetes.
28 Q Helen, do you have an idea of the value of your

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1 home?
2 A Ah, when we moved in there and signed the lease
3 agreement, they told us that the house was a $48,000 home.
4 Q Okay.
5 A Okay, now-a-days, they're telling us that house is
6 worth three times that amount because of what the market or
7 the way homes sell for now.
8 Q Okay. And the value of that home then today would
9 be around a hundred and twenty or a hundred and thirty
10 thousand?
11 A Yes.
12 Q Is that right?
13 A Yes.
14 Q Do you know, has that value been impacted by--I
15 mean, by the water?
16 A I don't know but I would assume it would be. You
17 know, I mean, I don't think anybody would want to move out
18 there with the water the way it is.
19 Q Who's told you that the value of it now would be
20 where it is?
21 A Housing.
22 Q Housing?
23 A Yes.
24 Q The property that you will obtain a deed to, how
25 much land is that?
26 A It's the house and five acres.
27 Q Five acres?
28 A Unhunh. (Indicates yes.)

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1 Q What is--what is done on that five acres? Is it
2 just grass?
3 A It's just grass, yes.
4 Q Do you have any animals that graze out there?
5 A No.
6 Q Does anyone come and cut hay off that property or
7 do anything with it?
8 A No. See, that's one thing we wanted to do when we
9 first moved out there was raise chickens, you know, and
10 have a--have a little farm in that respect; and my
11 grandchildren now ask us to do that, but we can't because
12 of the water. It's just too difficult to do that now with
13 the water the way it is. And the original site when we
14 moved there, my father, Bill Youpee, had that land leased
15 'cause it's close to his; and so they modified his lease
16 for our homesite, and that's how we got it. So when we own
17 the home, we'll own the house and five acres, but we lease
18 like ten acres around it just to have the space.
19 Q Okay. Who are your closest neighbors?
20 A Charlie Four Bear.
21 Q And how far away is he?
22 A Quarter of a mile.
23 Q And he's to the east?
24 A He's to the north.
25 Q To the north, I'm sorry. Okay. Helen, are you
26 claiming any personal injury damages, you or your husband
27 or your family?
28 MR. DOLAN: I'll object to the form of the question. Vague

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1 as to what personal injury means.
2 Q (By Mr. Webster) Helen, are you claiming any
3 damages for illnesses, you or any members of your family?
4 A (By Deponent) At this point, I'm not, but I have
5 some concerns of health issues both for myself and my
6 husband.
7 Q And what are those concerns?
8 A Do you mean--do you want me to tell you what it
9 is, the health condition?
10 Q Yes.
11 A I had a radical mastectomy on my left breast in
12 1983.
13 Q Unhunh.
14 A And I don't know whether it was connected to the
15 water or not. And then my husband's conditions.
16 Q Are your children or grandchildren--any health
17 issues for those folks that are named as parties in this
18 case?
19 A No, the only thing with my sons is they both have
20 real dry skin and kind of a rash-like. And if it gets cold
21 like in the winter months, it really acts up on them.
22 Q But they don't live and use the water out at your
23 home any longer?
24 A No, they don't. No, they don't.
25 Q Helen, who is your primary physician?
26 A I don't have one. I have arthritis in my hip, and
27 Dr. Abawi from Culbertson is the physician for that. But
28 whenever I get sick, I just go to IHS; and then we have to

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1 see the doctors that are available there.
2 Q So the Indian Health Service would be the primary
3 place that you seek medical care?
4 A Yes.
5 Q Helen, I want to go through just very quickly and
6 try not to get too bogged down here in the damage
7 information that you gave in response to some
8 interrogatories that were issued by Samson. There was a
9 listing of a number of different itemized damages. There
10 is a note here that--or an indication that you have gone
11 through, is it four water pressure tanks at your home?
12 A Yes.
13 Q Do you know what the normal life expectancy of
14 those water pressure tanks is?
15 A Um, they told me fifteen to eighteen years.
16 Q And you've gone through two hot water heaters?
17 A Yes.
18 Q And did anyone tell you what the--or do you have
19 an understanding of what the normal life expectancy of a
20 hot water heater might be?
21 A Twenty-five years.
22 Q There is a $2200 item here for bathroom repairs.
23 A Yes.
24 Q Can you tell me what was done there?
25 A All the pipes underneath rusted out; and it leaked
26 and it flooded the area. So it caused the tile and all the
27 flooring to come up. So Housing had to get some plumbers
28 in there, and they had to re-do the whole bathroom.

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1 Q There's also then a damage item here for carpet.
2 Is that the same instance?
3 A Yes. Yes.
4 Q Do you incur any longer any expenses, Helen, for
5 water costs? I mean, the bottled water is now provided
6 free of charge to you, is that correct?
7 A Yes.
8 Q So you no longer are out having to get bottled
9 water or pay for bottled water?
10 A No.
11 Q Helen, at the time when you began to experience
12 the problems with your water while you were still using it
13 and still drinking it, do you recall what it tasted like?
14 A Real salty.
15 Q Did you have an idea at that time where the salty
16 taste could be coming from?
17 A No, but I think we suspected all along that it had
18 something to do with the wells around--the oil wells
19 around.
20 Q Okay.
21 A Yeah.
22 Q So from the late 70's or early 80's on, you
23 guessed at least that it was problems caused by the oil
24 production?
25 A Yes.
26 Q Do you know, did you tell anybody that? Did you
27 suggest to anybody that you were talking to that, you know,
28 the oil companies have ruined our water?

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1 A I didn't specifically say that because I didn't
2 have that knowledge, but, um, we asked when we asked IHS,
3 could the oil company--could the oil activity have anything
4 to do with the way our water is, you know; and they, at
5 that time, didn't know either, I mean.
6 Q Do you remember when those conversations took
7 place?
8 A Late 70's, early 80's.
9 Q Okay.
10 A And then they got worse in the 80's, early 80's,
11 when they started to seismograph.
12 Q The water got worse?
13 A The water got worse.
14 Q When they started to do that?
15 A Yes.
16 Q Helen, I've asked you a number of questions to try
17 to get a better understanding of your situation out there
18 and your claims. Is there anything that you think I ought
19 to know that I haven't asked?
20 A I think--I think the thing that you people need to
21 know is that you've really changed our lives by damaging
22 the water. We don't have the quality of life that most
23 people expect and have a right to have on a daily basis
24 because of the water, and not only because we can't drink
25 it and can't use it and can't do every day activities at my
26 home. I'm not a real homemaker. I can't--I can't do
27 things in my home that most women can to provide and take
28 care of their families. And I can't entertain or take care

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1 of my grandchildren to the extent that they can stay there
2 a few days with me and be able to bathe, be able to play in
3 the water, those kinds of things. Those are, you know--
4 those are happy times--should be happy times in a home with
5 your family and friends. But because of the water
6 situation, we can't do that. We don't have--we can't
7 experience that.
8 Q Helen, do you know generally across the
9 reservation, is the water quality good?
10 A I know some areas are having problems, like in
11 Fort Kipp they have problems with their wells. But, um, as
12 far as I know, you know I've never sought it out, but as
13 far as I know, I think people generally have good water.
14 MR. WEBSTER: I don't think I have anything else.
15 (AT THIS TIME, THE COURT REPORTER MARKS DEPOSITION EXHIBIT
16 1 FOR IDENTIFICATION PURPOSES.)
17 EXAMINATION BY MR. ROSS:
18 Q Helen, I'm John Ross. I'm the attorney for
19 Pioneer Natural Resources. I've marked this map as
20 Plaintiff's Exhibit 1, and I would like for you, if you
21 would, please, to take this pen and write on there where
22 your residence is located.
23 A Isn't our well in 25? Yeah, it's right here.
24 Q Okay, would you just write Ricker.
25 A Right acrossed it?
26 Q Yeah, right about where you think your house is
27 located.
28 A Does that little dot mean it's our well?

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1 MR. DOLAN: It's close.
2 A (By Deponent) Okay. (Deponent marks map with
3 "Ricker".)
4 Q (By Mr. Ross) Now, M25, you indicated, is your
5 well. Is that correct?
6 A Yes. That's the number on our well.
7 Q And where is your septic system located in
8 relationship to your water well M25?
9 A It's south and then a little east.
10 Q About how distant is it?
11 A From the well?
12 Q Yes.
13 A Ah-h, gee, I don't know how many feet. Maybe from
14 here to that wall over there from our house.
15 Q About thirty, forty, fifty feet.
16 A If that's what that is.
17 Q You also mentioned in your response to Mr. Webster
18 that you got water from a relative or neighbor on the west
19 side. Where is that in relation to your house?
20 A It's almost directly across the river from our
21 house.
22 Q And what are their names?
23 A My son owns the house now. His name is William
24 Ricker, but it previously was owned by Ted and Mildred
25 Ricker, my in-laws.
26 Q Approximately how far is that from your residence?
27 A Let's see, we have to go around. I don't know how
28 far it would be if you went right--if you could go right

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1 across from our house through the river and across, but we
2 have to go to town four miles, six miles into town, and
3 another four miles out, so ten miles.
4 Q Ten miles by road.
5 A Yes.
6 Q Could you identify on Plaintiff's Exhibit 1 where
7 your son's water supply is, where he lives?
8 A I don't know. It doesn't show on here, but this
9 is the river, okay? Yeah, so he lives right close to the
10 river.
11 Q Would you write his name on Plaintiff's Exhibit 1
12 as well, please.
13 A (Deponent peruses the map.) Do you want me to put
14 his first name?
15 Q Yes, please.
16 A (Deponent marks map.)
17 Q How close are you located to the nearest oil well?
18 A I don't know how far it is distance-wise. I can
19 see it from my house, but I don't know how far it is.
20 Q Do you know which--is it a producing well at this
21 time?
22 A I think there is one that is producing, and
23 they're out there now working on to open the others that
24 they've shut down.
25 Q Do you know who owns that well that's closest to
26 your residence?
27 A No, I don't.
28 Q Do you know where the Biere 1-22 well is located?

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1 A Is that the one over by Curly Lockman's? I think
2 that's it.
3 Q Yes.
4 A Yeah.
5 Q Do you know anything about the Biere 1-22 well?
6 A Like what?
7 Q Either anything about its history or its
8 production or anything--just anything about it?
9 A I know what my husband's told me.
10 Q And what is that?
11 A That there's seepage and that waste water that was
12 out there was in a wooden container and it broke and it
13 leaked all over and just sets there leaking into the
14 ground.
15 Q And what's your understanding of when that
16 occurred?
17 A Several years ago.
18 Q You say several. Can you put any more precise
19 date on it?
20 A I'd say probably--he probably commented to me
21 about that in the 80's.
22 Q When you say commented on that, what are you
23 referring to?
24 A About how it was leaking and that water--that
25 waste water and stuff just sitting there leaking into the
26 ground. The comment he made was--to me was that the oil
27 companies are not taking care of the wells the way they're
28 supposed to be doing. They're taking the oil out and

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1 producing it, but they're not taking care of the land.
2 That was the comment he made to me about it.
3 Q Was that a general comment or about all wells or
4 any specific well?
5 A That was about that well because it's close to
6 where we live. But I guess you could say it was a general
7 comment as far as the oil companies neglecting the wells
8 the way they care for them.
9 Q Did you ever see any oil seeping to the surface
10 near the Biere well?
11 A Not myself, not--no.
12 Q Did you ever see any waste water at the surface
13 near the Biere well?
14 A Yes, water setting out there. And I've seen water
15 on other sites, too.
16 Q And when did you see water at the Biere well site?
17 A Must have been in the 80's.
18 Q Do you remember if it was in the early 80's, late
19 80's or mid-80's?
20 A It probably was the early 80's.
21 Q Had you ever been to the Biere well site yourself?
22 A Drove by it.
23 Q And when you say drove by it, how close did you
24 get to it?
25 A So I could see it.
26 Q When did you do that?
27 A In the early 80's.
28 Q Was there anything at the Biere well site at that

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1 time, any structures, oil facilities?
2 A I don't recall. I can't recall. I remember
3 seeing a bunch of what looked like--I thought it was like
4 limestone or something white around it. The ground was
5 white, cracked. I remember that, but that's about all I
6 can remember about it.
7 Q And you think that was in the mid-80's?
8 A Early 80's, I would say.
9 Q Do you know the cause of the problem with your
10 water?
11 A The problem is caused because the oil companies
12 didn't take care of their well sites properly.
13 Q Again, is that just a general statement or is that
14 specific as to a particular well or particular oil company?
15 A Well, the wells around where I live, they were not
16 cared for properly; and that waste water and stuff seeped
17 into the ground and has moved to our--where our homes are
18 and have gotten our water underground--the water.
19 Q What wells are located near your home?
20 A There's that well you were talking about over by
21 Curly Lockman's, and there's two up--up, I want to say,
22 across--would be east from us; and then there's a well,
23 older well, down by Abbotts. But there is probably more
24 wells there, because there were a lot of wells around that-
25 -our area in the 80's--70's and 80's.
26 Q Could you identify the approximate location of
27 those wells on Plaintiff's Exhibit 1?
28 A No, I don't think I could 'cause I don't know, you

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1 know, exactly where they're at according to like section
2 and stuff like that. I don't think I could. There's--I
3 know that there's one east of our house, maybe east,
4 northeast a little bit; then there's one farther north
5 almost like straight up from there. And then there's one
6 by Abbotts, and then the one by Curly Lockman's. But I
7 couldn't tell you on here where they're at. And I don't
8 know--I could take you out there and show you, but I can't-
9 ----
10 MR. ROSS: Okay. I have no further questions. Thank you.
11 EXAMINATION BY MR. STERUP:
12 Q Helen, my name is Rob Sterup. I'm representing
13 Samson Hydrocarbons, which used to be known as Grace
14 Petroleum. Do you recall ever having any discussions with
15 anyone from Grace Petroleum?
16 A No.
17 Q How about Samson Hydrocarbons? Have you ever had
18 any discussions with anyone from Samson Hydrocarbons?
19 A No.
20 Q You mentioned that for a number of years you
21 obtained water from your in-laws across the river?
22 A Yes. Yes.
23 Q Describe physically, mechanically, how you went
24 about getting the water from their place to your place?
25 A We had water cans. They're about this tall. I
26 don't know how many gallons they hold. And then we
27 eventually bought five gallon cans, plastic cans, from Big
28 Bears. And what we do is just load them up, go around and

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1 go to their house and take a pitcher and put it into the
2 containers, and then take it home. In the wintertime, we
3 used to put hot water in it so by the time we got it home
4 in the back of the pickup, it wouldn't be froze. Yeah.
5 Q About how often would you do that?
6 A Well, when I had my babies, when they were little,
7 we did it--probably every other day, we would do it. We
8 had four or five water cans, and we'd do it probably every
9 other day 'cause--for bathing--for bathing them. But, um,
10 it probably got less as they grew, and then we eventually--
11 when my boys could drive, they would go out to Sims Spring,
12 make the trip out to Sims Spring and take the water cans
13 out there, and I'd put--you know, get water from the
14 Spring, too.
15 Q How far is it from your place to Sims Spring?
16 A Well, it's 22 miles from Poplar to the crossroads
17 and then it's 6 miles into town, so that's 28; and it's
18 probably another 20 miles to Sims Spring, so that's 48
19 miles one way.
20 Q Would the boys fill up the jugs and-----
21 A Yes. Yes.
22 Q When you were getting water from the in-laws as
23 the boys were getting older, about how often would you go
24 over to get water? once a week? once a-----
25 A No, we probably went two, three times a week then.
26 Previously, when they were young, we were going every other
27 day, but we probably went two or three times a week after
28 that.

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1 Q How long did that continue? How many years were
2 you getting water from the in-laws across the river?
3 A Until we could buy bottled water, we were
4 continuing to go to the in-laws and to Sims Spring. They
5 started selling bottled water, what, mid-80's. I think the
6 mid-80's.
7 Q At that point, did you start buying bottled water
8 rather than getting water from the in-laws?
9 A We had to still get water from the in-laws for
10 bathing, if we wanted to bathe the kids or--but for
11 drinking and stuff, we started buying it.
12 Q How long did you continue then to buy bottled
13 water?
14 A Right up until we were given the free water.
15 Q So for ten years or longer?
16 A Yes.
17 Q Did you purchase the bottled water in the Town of
18 Poplar?
19 A Yes, at Wally's or Tribal Express. Sometimes if
20 we came to Wolf Point to grocery shop, we'd go in Nemont
21 and get our water there.
22 Q You mentioned that there's some issues with the
23 Housing Authority regarding the deed?
24 A Yes.
25 Q What are the issues?
26 A It's the piping, the piping underneath, the
27 plumbing, the pipes need to be replaced because they're all
28 corroded and rusted, and we won't sign the deed until they

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1 do that; because, you know, if we sign the deed and that
2 all falls apart, then it's going to be at our expense when
3 it's Housing's responsibility to take care of that while
4 we're paying the rent.
5 Q How long has that been an issue?
6 A They renovated our house in '95-'96, and that's
7 when they found it then; and they were going to send a
8 plumber out. Plumber came out and looked at it, had to
9 order some stuff we were told, never happened; and last
10 year they came in and did some more renovation, and same
11 problem there. The plumber came out and they said, well,
12 after we get all the parts and stuff, we'll be back,
13 probably in a month or so. Still hasn't happened.
14 Q Who renovated the house in '95-'96?
15 A The Housing Authority did, yes.
16 Q What renovations did they do at that time?
17 A They went in because they got grant money to make
18 the houses more energy efficient. They took out some
19 windows, they did more insulation, things like that.
20 Q What renovations were done more recently?
21 A Ah, they had to come back in and--the people who
22 laid the carpet and the flooring, like the linoleum, they
23 cut it right at the mopboard instead of cutting it to the
24 wall, so it was curling up. The carpet wasn't laid right
25 so it was being rippled--when you walk on it, it would
26 ripple. And then there was some leakage in the corner from
27 the snow and stuff that got onto the roof would come down
28 the corner of the house, and the corner started to mold.

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1 So those are the things that they renovated a year ago.
2 Q Aside from the problem with the pipes, are there
3 any other issues that you have with the Housing Authority
4 that are holding up the deed?
5 A No.
6 Q Do you have any idea when those issues may be
7 resolved, any sort of time table?
8 A Well, we've been on them the last month or two to
9 get out and see when they could come out and compl--see,
10 they want--they want--they want to do it, too, because they
11 want to sign the deed so they can get rid of that matter
12 with their authority; you know, turn it over to us.
13 Q You mentioned at one point you apparently had a
14 water conditioning system?
15 A Yes.
16 Q During what period of time did you have a water
17 conditioning system?
18 A We got that in the late 70's or early 80's because
19 of the water, the rust on the clothes and stuff. We
20 thought that would take care of it.
21 Q How long did you have that water conditioning
22 system?
23 A It was about two years before it clogged up and
24 the pipes where it was connected rusted, and the salt just
25 sat there and it clogged it all up; and it's setting out at
26 our house in our yard now.
27 Q And the reason you wanted the water conditioning
28 system was because you were noticing problems with the

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1 water?
2 A Yes, the rust spots particularly.
3 Q And what did the man who sold you the system tell
4 you, that the water was hard and it needed more salt?
5 A Well, he told us that the water was hard and it
6 had a lot of minerals in it, and that's what was causing
7 the rust. And he said because our water is so hard, we
8 would have to use more salt in--more frequent in our
9 conditioner.
10 Q And then the system broke down two or three years
11 later?
12 A Yes, a year and a half, two years later, and we
13 just--there was another system. Nemont couldn't come and
14 provide one. They said that, you know, the water was too
15 hard. The same thing would happen. It was like throwing
16 money away.
17 Q Didn't the system improve the water quality at all
18 before it broke down?
19 A I thought it did. I thought I could see some
20 improvement. I was still getting rust spots on some of my
21 clothes, but I thought it improved it a little bit.
22 Q You also mentioned that the water got worse when
23 the oil company started to seismograph.
24 A Yes.
25 Q Can you explain that?
26 A Um, the odor became more apparent, and the film in
27 the water, like when I washed dishes, it would appear once
28 in a while; but after they seismographed, every time we run

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1 the water and I washed dishes, there's an oily film with a
2 rainbow in it in our water. And also if you run the bath
3 water--at least when our water would come out of the
4 faucet, it would be clear, and it would set for a while and
5 then it would start turning orange. Now, it comes--or rust
6 colored. Now, it just comes out orange.
7 Q About when did you notice it had gotten worse
8 because of the seismographing?
9 A Um, I don't know how soon it was, but we just
10 assumed it was the seismographing because those are
11 explosions in the ground; so we figured it was doing
12 something to the flow of our water.
13 Q How did you know that the seismograph had been
14 conducted?
15 A Because they came and asked us to sign permits to
16 allow them to do it.
17 Q Who did that?
18 A People that the oil companies hired to go out and
19 get these permits signed.
20 Q Did you sign the permits?
21 A Yes.
22 Q Do you have copies of those somewhere?
23 A I probably do.
24 Q Do you recall about when that was?
25 A All I know is it was in the 80's and Erline Jones
26 is the girl that came out and asked us to sign them.
27 Q Who was that?
28 A I think her name was Erline Jones, a Tribal member

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1 that worked for the oil companies.
2 Q Did you receive any pay for signing that permit?
3 A I think we did. I think so much per hole that
4 they wanted to dig or do, you know, I think. I don't know
5 how many holes they did near us or what compensation we
6 got.
7 Q Did you have any discussion with the oil companies
8 or their representatives about water quality problems at
9 that time?
10 A No.
11 Q Didn't never come up?
12 A No.
13 Q Do you recall the EPA conducting a hearing in
14 Poplar sometime in the mid 80's--1985, 1986?
15 A No, I don't.
16 Q How long was it after the seismographing that you
17 noticed the water was getting worse?
18 A Fairly soon. Fairly soon. It was pretty obvious
19 that it was affecting it.
20 MR. STERUP: That's all that I have.
21 EXAMINATION BY MR. FAGAN:
22 Q My name's Gerry Fagan representing Marathon Oil.
23 Have you ever heard of any wells that were operated by
24 Marathon Oil?
25 A No.
26 Q Have you heard of any wells that were operated by
27 Texas Oil and Gas or TXO?
28 A No.

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1 Q Just so I understand your testimony, is it your
2 belief that all the oil companies that operated in your
3 area didn't operate their wells properly?
4 A Well, I know that--I don't know who operated which
5 well, but I know the wells around our home and in that area
6 were not taken care of properly, the waste water, because
7 you can see it; and some of the wells had oil setting there
8 that was kind of bubbling, you know, if you drive by the
9 well sites. You could see it. But I don't know who owned
10 which well or anything at the time.
11 Q Are you saying every single well that was operated
12 out there was not operated properly? or just the ones that
13 you drove by?
14 A Just the ones that I'm aware of, yeah. There were
15 some wells out there farther up that we went by that I
16 don't think I seen anything, you know, water setting or
17 white or whatever. I don't know.
18 Q Did you drive by particular wells on purpose? Did
19 you want to go see particular wells?
20 A No, the reason we drove by them is because we dig
21 turnips, wild turnips, to dry for our traditional foods,
22 and so we'd go around those areas where the wells were and
23 look for turnips. And that's how I seen them.
24 Q So since you've never heard of the Marathon oil
25 wells or Texas Oil and Gas wells, I assume you've never
26 talked to any employee of either company?
27 A No. No oil company or any personnel have ever
28 talked to us about our water or the wells or any of this

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1 condition at all.
2 Q Has there ever been any finding or report of
3 benzene in any of your wells?
4 A In any of our wells? I think they found benzene
5 in that--by Curly Lockman's.
6 Q But not in any of your wells?
7 A What do you mean, my wells? They're not my wells.
8 Q Well, the well on your property.
9 A Oh, you mean the water well. You're not talking
10 oil well?
11 Q No, not oil well. Yes, the water well, I'm--
12 excuse me.
13 A Oh, okay. No. Not that I know of, no.
14 Q Were you aware of any lawsuits against any oil
15 companies prior to this one for damage to the water?
16 A No.
17 Q Never heard talk about it around town or?
18 A No. I haven't.
19 Q Did you ever talk with any neighbors or any
20 friends or gossip with people about the oil companies and
21 the responsibility for the wells?
22 A No. No. That was our own personal view of what
23 we seen around the wells and, you know, our own feelings.
24 Q But you never discussed it with anybody else
25 other than family?
26 A No. No.
27 Q Did you ever talk about filing a lawsuit against
28 oil companies for the damage to the water prior to this

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1 lawsuit?
2 A No.
3 Q In one of the pleadings that you guys have filed,
4 one of the damages you allege are called stigma damages.
5 Do you know what that would be? Do you understand what
6 that might-----
7 A No.
8 Q Do you think that there's any damage that's been
9 caused to your property because of the reputation of having
10 poor water?
11 A Damage that's been caused to our property because
12 of the reputation of having poor--well, I know Housing and
13 I know people won't build out on that road anymore. Is
14 that what you mean, because of the water?
15 Q Well, if there's any--if you've ever had--has
16 anyone ever talked to you about saying that they know that
17 the water out there is bad?
18 A Oh, yeah, a lot of people around town say that.
19 Q And they'd never want to live on your property,
20 for instance?
21 A Yeah, how can you guys stand to live out there
22 with that water? That's the kind of remarks we get.
23 Q But, still, you've been told that the property's
24 increased in value two or three times?
25 A Well, the house. The house has.
26 Q Is that just the house or including the five
27 acres?
28 A That's just the house. Housing is--they're only

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1 concerned about the house, and that's just the house.
2 Q And that started at about $48,000?
3 A $48,000 is what they told us it was valued at
4 then, but they said that's increased--the house value's
5 increased three times since then, the value of the house
6 itself.
7 MR. FAGAN: I guess I have no further questions. Thank
8 you.
9 EXAMINATION BY MR. DOLAN:
10 Q Helen, I have a few follow-up questions. When you
11 were asked by Mr. Webster--is this coming in okay or do you
12 want me to move? (Directed to Ms. Faye. Adjustments were
13 made with the video equipment.) And, Helen, I'm just going
14 to identify myself because I'm not on the camera with you
15 and so it'll just appear as voices to the people watching.
16 This is Dick Dolan, attorney for the plaintiffs, including
17 Helen Ricker. I just want to clarify a few things to make
18 sure what you testified about is clear. You were asked
19 some questions by Mr. Webster about who lived on the
20 property with you and when they lived on the property with
21 you. You mentioned your son Willie, right?
22 A Yes.
23 Q He grew up there, right?
24 A Yes.
25 Q When was he born?
26 A He was born in '71.
27 Q And the reason I asked that is you said he went to
28 the Persian Gulf war and then came back to live with you a

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1 year after that. From '71 until when did Willie live in
2 the house with you?
3 A Until he went to the war.
4 Q So for 19 years or so?
5 A Yes. You know, there's something that I was--I
6 thought of, and I don't know who was asking me, but I
7 wanted to relay with the medical thing, I think, my son was
8 born with a cleft palate, Willie, so.
9 Q Um, when did you first--what was the water quality
10 like when you first moved in in 1971?
11 A It was good, ice cold clear water.
12 Q And how long did it stay that way?
13 A I think until '76, '75-'76, just a few years after
14 we moved in I could tell there was a difference in the
15 water.
16 Q Then that difference showed up originally as what
17 kind of characteristics?
18 A Rust spots on our clothing, a sheen in the water.
19 Q That was the rainbow you talked about?
20 A Yes.
21 Q And the odor?
22 A Yes. The odor was like rotten eggs.
23 Q And then did it--but you said it didn't stay that
24 way. Doesn't smell like rotten eggs now?
25 A No, but it has a different smell all its own now.
26 And it tasted like salt.
27 Q So you didn't begin having to haul water until
28 when?

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1 A Ah, about '76.
2 Q You asked for the water analysis that was done
3 when your original well was drilled and then when the new
4 well was drilled a few years later.
5 A Yes.
6 Q And the Housing Authority couldn't find it?
7 A Yes. They couldn't find those two documents, '71
8 and '75. They have record of it, the well being tested,
9 but they couldn't find the records, the documents.
10 Q At the time, do you recall if you and George were
11 given a copy? I know usually now they give you a copy of
12 the lab analysis when they do it.
13 A Unhunh. (Indicates yes.)
14 Q Do you remember getting a copy of that--of the
15 original well analysis?
16 A No. Housing would have kept that. They would
17 have kept all the papers associated with that house.
18 Q You said that the value of the--you've been told
19 that the value of the home has tripled or so from $48,000.
20 Were you talking about the value of the home if it had good
21 water?
22 A I don't know. That's just what Housing told us.
23 Q Because you also testified that you feel that no
24 one would want to live there with the water.
25 A Well, we know that people tell us, you know, how
26 come you guys don't move out of there. Well, we had good
27 faith that we knew the water was good, we wanted to build
28 out in the country and raise our family out there, because

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1 I was raised not far from there. And so we had good faith
2 in the system and when we made the agreement that we would
3 live our lifetime and my grandchildren would live there, we
4 could pass this house on to them and that there would be
5 good water. But now people make joke about it in town, I
6 mean. And I go to the laundry and all my dark towels, oh,
7 you're the ones that's got the bad water. You know, they
8 could tell by our clothes.
9 Q What--when did your--who first--let me re-state
10 that. You said that you were raised out there. What was
11 the--and your maiden name is Youpee, right?
12 A Correct.
13 Q Your father was Bill Youpee?
14 A Yes.
15 Q Was he the first one of the Youpees to live out
16 there on this road on this property?
17 A No. The house that's out there that we were
18 raised in belonged to my grandparents, Joe and Helen
19 Brushorn.
20 Q And when did they end up on the land? When did
21 they first arrive and live there?
22 A Oh, gee, years ago. You know, it was just a
23 little valley. They used to call it Paradise Valley 'cause
24 all those families would congregate there and they had
25 their own little community. But, gee, they lived out there
26 in the twenties, I want to say.
27 Q And then your father was raised there?
28 A Yes.

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1 Q And you were raised there?
2 A Yes.
3 Q Was there any discussion of water problems in your
4 family history that you know about?
5 A No. No. People used to come out there and get
6 water from our well because it was so--such good water
7 tasting, good drinking water, and it was cold when it came
8 out of the well when you pump it.
9 Q And this is on your--the well where you were
10 raised--on the homestead you were raised on?
11 A Yes.
12 Q How far away from your place now was the place
13 that you were raised?
14 A Half mile.
15 Q Which direction?
16 A North.
17 Q Towards the Abbotts?
18 A Yes.
19 Q Towards Josi and Rene's place?
20 A Yeah, Charlie Four Bear, and then Josi and Rene
21 live closer to the creek now, but our old place is up there
22 on--farther up on the land, and then next is Kirns and then
23 another Kirn family and then Abbotts.
24 MR. DOLAN: That's all I have.
25 MR. WEBSTER: I don't think I have anything more.
26 RE-EXAMINATION BY MR. ROSS:
27 Q I have just a couple follow up questions. Do you
28 have any basis to relate to your son's cleft palate to any

of the water problems? Do you have any medical-----
A No. I don't.
Q When was your well at M25 sampled? Do you know what years it was sampled?
A According to this form we have here, it was sampled in '95.
Q And prior to '95, do you know what year it was sampled?
A No. I don't even know if it was sampled.
Q If I understood your testimony, though, was it-- you think the samples or the water turned worse in the mid 80's after the seismic activity?
A Yes.
Q Do you know what companies conducted that seismic activity or for whom they were conducting it?
A No. We were just told it was for oil exploration.
MR. ROSS: I have no further questions. Thank you.
MR. STERUP: Nothing further.
MR. FAGAN: We have nothing further.
(THERE BEING NO FURTHER QUESTIONS, THIS DEPOSITION WAS THEN CONCLUDED AT 9:38 A.M.)

CERTIFICATE

STATE OF MONTANA)
: ss.
COUNTY OF ROOSEVELT)

I, JOANN D. HESER, Official Court Reporter, Fifteenth Judicial District, and a Notary Public duly qualified in and for the State of Montana, hereby certify there came before me the deponent herein, namely HELEN RICKER, who was by me duly sworn to testify to the truth and nothing but the truth concerning the matters in this cause.

I further certify that I was the Official Court Reporter who reported, by means of LANIER recorder, this deposition. The testimony therein and other proceedings herein contained are a true and correct transcription of the original tapes and my notes, TO THE BEST OF MY ABILITY.

I further certify that I am not related in any manner to any party, witness, or counsel and have no financial or other interest in the outcome of the above entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 15th day of June, 2001.

Joann D. Heser
NOTARY PUBLIC
My Comm. exp. 7/2/2004

DEPONENT'S CERTIFICATE

I, HELEN RICKER, do hereby certify that I have read the foregoing transcript of my testimony and that the same is a full, true and correct record of my deposition except as to any corrections I have listed on the Corrections to Deposition form.

_____ Changes and corrections made.
_____ No changes or corrections made.

_____
HELEN RICKER

Subscribed and sworn to before me this _____ day of _____, 2001.

_____
NOTARY PUBLIC for the State of Montana
Residing at _____, Montana
My Commission expires _____

CORRECTIONS TO DEPOSITION

The Deponent, HELEN RICKER, states she wishes to make the following changes in testimony as originally sworn:

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