0530
1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF ARIZONA
3 ----------
) Case No. MC13-08002-PCT-DGC
4 In the Matter of)
Petition of)
5)
EL PASO NATURAL GAS)
6 COMPANY, LLC a Delaware)
Limited Liability)
7 Corporation,)
2 North Nevada Avenue)
8 Colorado Springs, Colorado)
80903)
9)
to Perpetuate Testimony of)
10 WILLIAM L. CHENOWETH)

11
DEPOSITION OF WILLIAM L. CHENOWETH VOLUME III
12
January 17, 2014
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2
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0533
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8
9
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12
13 ON PHONE: Jeffrey Sands, Marie Rongone,
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15
16
17 Video Deposition of WILLIAM L.
18 CHENOWETH, taken by El Paso Natural Gas, pursuant to
19 Notice and the Federal Rules of Civil Procedure, at the
20 Mesa Room, Fairfield Inn & Suites, 225 Main Street,
21 Grand Junction, Colorado, commencing at the hour of 8:37
22 a.m. on the 17th day of January, 2014, before Keith
23 Rusk, Court Reporter and Notary Public.

24
25
0534
1 JOHN DENNIS DUNN: We're on the
2 record.
3 Today is January the 17th. This is the
4 continuing deposition of Mr. William Chenoweth.
5 Will the Court Reporter please swear in the
6 deponent.
7 WILLIAM L. CHENOWETH
8 being produced, and being first duly sworn, was examined
9 and testified as follows:
10 EXAMINATION
11 BY DAVID A. TAYLOR:
12 Q. Good morning, Mr. Chenoweth.
13 A. Good morning.
14 Q. And I would like to welcome you back for
15 what I believe will be the last day --
16 A. I hope so.
17 Q. -- of your deposition. And on the record I
18 would like to take a, just a quick second to thank you
19 once again, sir, for being here, for your many
20 contributions to this process because of your documents
21 and your understanding memory.
22 And I would like to thank everyone in the
23 room, also, for the attorneys, the client
24 representatives, the technicians, the Reporter for their
25 cooperation, their consideration, their courtesy to the
0535
1 Navajo Nation and to myself in this deposition. And for
2 the general civility in which this process has been
3 operating. So thank you all very much.
4 At this point I would like to turn it over
5 to Kate Kane for a brief comment.
6 EXAMINATION
7 BY KATHERINE M. KANE:
8 Q. Bill, Kate Kane again for the Department of
9 Justice.
10 A. Yes.
11 Q. Yesterday we talked about Exhibits 125 and
12 126, which were the AEC ore production records, that I
13 think you referred to as the shoe box records.
14 A. Yes, I did.
15 Q. And you mentioned during your testimony
16 that you had relied on some big computer sheets.
17 A. Yeah. Yeah.
18 Q. And I think you have an example, if you
19 would hold them up and read the front of the book that
20 you --
21 A. Yeah --
22 Q. -- have in front --
23 A. -- I thought for the record I ought to show
24 what I was talking about. I talked about old sheets,
25 big old -- well, these are the sheets that I compiled
0536
1 all of my reports for them. There. This is only '48

2 through 1960 for New Mexico. It's an old sheet and it's
3 got all my old scribble notes on them, and all that.
4 And these are -- this is what I used for the, for most
5 of these reports, all these reports I've been talking
6 about, because I didn't know about the shoe box until
7 just a few years ago.
8 And anyway, I just wanted to put this
9 in the record so people would know what I talked about.
10 The old records. And there's no totals in here. The
11 only totals are by state and by county, there's no mine
12 totals on this, as there are in the shoe box.
13 And this has up at the top, it doesn't say
14 owner, shipper, or anything, it says controller. That's
15 the person that got paid by the ore buying station or
16 the mill for the ore, not the guy that actually did the
17 mining.
18 Another thing I want to clear up, that I
19 forgot to, is that in these records, as well as the shoe
20 box records, 1948 through 1953 is lumped as one number.
21 Why the AEC did this way back when, probably didn't
22 think the industry was going to grow or something. But
23 in research that I did down at the compound with the
24 records people, they found a big brown book, the same
25 size, that has ore production listed by mine, sorted by
0537
1 mining district, from July of 1947 through June of 1953.
2 So that sort of fills the gap.
3 And when Chris was over at my house, and it
4 was pretty hectic, and I forgot to mention that big
5 brown book we'd talk about, it's still down in the
6 records at DOE. The Labor Department had it scanned,
7 and they gave me a copy of it, and I was going to talk
8 to Chris about it because there's some, a lot -- there
9 are -- some of the Cameron mines are on that disk.
10 And so my daughter, who knows how to do
11 this, she made a copy and I wonder if it's okay to give
12 this to Chris now for these missing records.
13 Q. That's fine. We can get a copy from him.
14 A. What it is, it's a CD off this big brown
15 book I'm talking about and, yes, Pat knows what I'm
16 talking about, the big brown book. It sorts the mines
17 by mining district. And I think the code for Cameron
18 area is Mining District 12, Little Colorado, and then
19 underneath there are a lot of the Huskon mines that
20 produced in this early period. And that really fills
21 the record year by year what went on.
22 So here's a disk my -- I would have pointed
23 this out but it got too hectic at my house.
24 CHRISTOPHER J. NEUMANN: Thanks.
25 A. And if you need to know the mining district
0538
1 records, I can send -- it's all done by mining
2 districts. And there's no printout that says 12 is
3 Little Colorado, so I can -- if you have trouble, I can
4 send you a list of the mining districts. Because I know
5 Shiprock is 22 and Grants is something.

6 Anyway, it's a book about that thick and
7 it's got all kinds of scribbling in it, but it is the
8 only record I know of, and DOE agrees with me, that's
9 the only record of the year-by-year production for this
10 early period.
11 That's all I got to say about the records.
12 This will fill in the gap and make it clearer.
13 Q. Exactly. And just for the record, we are
14 not going to mark that because Mr. Chenoweth would like
15 to keep that, and so we're not going to mark that.
16 A. Chris has copies of these, El Paso has
17 copies of Arizona, New Mexico, and maybe Utah, do you
18 have -- whatever it was, they took them all. I can't
19 remember.
20 Anyway, I just wanted to clear up what I
21 was talking about yesterday so it's in the record and
22 people will know.
23 Q. Thanks, Bill. I'll turn it back over to
24 Mr. Taylor.
25 A. You are very welcome.
0539
1 EXAMINATION
2 BY DAVID A. TAYLOR:
3 Q. Thank you, Bill. Now we're going to
4 continue with the line of questioning that we were on
5 yesterday when I was questioning you about mines that
6 are listed in what has been marked as Navajo Nation's
7 Exhibit Number 1. And my recollection is that we left
8 off with the North Mountain mine.
9 A. Martin.
10 Q. North Martin mine, excuse me. Thank you
11 very much. Are you familiar with that mine?
12 A. Yes, I am.
13 Q. And where is that located?
14 A. It's in, it's in the northwest Carrizo
15 Mountains along Saytah Wash. Now, I have -- this is a
16 copy -- because we're going to have to talk about all
17 the mines in the Carrizos, I brought down this AEC open
18 file map of the Carrizos that I prepared in 1973. And I
19 don't how we're going to show this, but this big canyon
20 up here in the Carrizos is Saytah Wash, and here's a
21 blowup of it, and this is the North Martin mine here,
22 number 29.
23 Q. Do you have a marker that you can draw --
24 A. Well, you can keep this map, or who can --
25 I don't know who. So.
0540
1 Q. We will work that out.
2 A. Okay. 29 is North Martin, I'll mark it
3 over here. And I'll mark it here then. Is that where
4 you like it?
5 Q. That will be fine.
6 A. Okay.
7 Q. Thank you so much.
8 A. And I think we skipped one yesterday I can
9 mark on here. Tsosie. Did he go by Tsosie?

10 Q. Well, it was my recollection --
11 A. Yeah, we --
12 Q. -- we talked Tsosie.
13 A. Well, I'll mark it, too. It's right here.
14 Let's see, where -- it's 26. Yeah, here it is. 26 is
15 Tsosie. 26.
16 Q. Thank you very much. Now, on the North
17 Martin mine, have you visited that site?
18 A. Yes. Yes, I have.
19 Q. Approximately how many times have you
20 visited?
21 A. Once.
22 Q. When was that?
23 A. 1954.
24 Q. And do you recall anything about that
25 visit?
0541
1 A. It's just a little rim strip that Curran
2 Brothers and Wade, C-u-r-r-a-n, Brothers and Wade mined
3 vanadium there in 1944. It's just a little rim
4 stripped. I don't know why it's on your list, unless
5 there's a lot of debris that -- it's on a cliff, maybe
6 there's some waste rock over the hill. But it's only
7 rim strip about as long as this room here. And they
8 mined only about ten tons, from the records.
9 Q. And when you say "rim strip", you're not
10 suggesting that rim stripping occurred at that mine, or
11 are you?
12 A. Well, there's no underground workings, no
13 open pit, it's just a, it's just a bulldozed area on the
14 face of a cliff.
15 Q. So there was rim stripping that occurred on
16 that site?
17 A. Oh, yeah, that's how they got the ore out
18 behind the outcrop, apparently.
19 Q. Okay. And you testified yesterday, I
20 believe, that AEC had done rim strip, rim stripping in
21 other areas?
22 A. Yeah, but this was not done by them, this
23 was done by the mining company.
24 Q. And how do you know that?
25 A. Because it was mapped in 1945 by Union
0542
1 Mines, that we talked about yesterday, it's a government
2 contractor for the Manhattan Project. They went -- when
3 they were working in this area, they mapped every mine
4 at the time and tried to see if there was any uranium
5 possibilities in these old vanadium mines. And they
6 made a map of this mine. And it just shows this little
7 disturbed area on the rim, and I went and looked at it
8 and I didn't see much uranium there. And the records of
9 the Bureau of Indian Affairs showed that Curran Brothers
10 and Wade, that was a vanadium company, mined only a few
11 tons up there.
12 Q. And --
13 A. Because in this lawsuit, they, the, the

14 federal DOJ has gone to the BIA archives and got out all
15 these old vanadium royalty records for vanadium mining
16 in this area. And that's how I know about this, it's
17 not that I was around.
18 Q. All right. And I think you mentioned, and
19 you're going to have to help me with this a little bit
20 here, but I think you mentioned yesterday that one of
21 the actions of the Atomic Energy Commission was to
22 purchase vanadium directly; is that right?
23 A. It was a co-product with the uranium ores
24 in certain areas, mainly in Southwestern Colorado, and
25 Southeastern Utah and -- well, the Four Corners area.
0543
1 Not Wyoming, not Grants, or anyplace like that, but in
2 the, in the Four Corners area the uranium occurs in what
3 is called the Salt Wash member of the Morrison
4 formation, that's two words, Salt Wash, member of the
5 Morrison formation. And the AEC recognized this as a
6 valuable resource and they didn't want it to go in the
7 tailings. So there was revised, there was stated that
8 vanadium mills were to pay for the vanadium. And if
9 they couldn't sell to the steel industry, the AEC would
10 buy it. And the AEC had quite a stockpile of vanadium
11 down here at the site in drums. And they had an auction
12 one time, and I think the General Service Administration
13 took most of it. It's in the records, it's in the
14 Albrethsen McGinley report, all this about vanadium
15 purchasing. So that's metallurgical stuff I don't know
16 about.
17 Q. At the time that you visited this mine,
18 were you accompanied by anybody?
19 A. No. No. Well, when they were out there,
20 one of the, one of the early drilling projects AEC had
21 in the Saytah Wash there was to drill behind all these
22 mines, and they were thinking about drilling behind the
23 Martin mine. And I think they went up there and said I
24 don't think it's worthwhile, we've got better, the
25 better ore mines over here to drill than behind that.
0544
1 And we never drilled a hole up there. But that was one
2 of things, I went up there to look to see if we should
3 drill behind it.
4 Q. Now, is this an area, in the Carrizo
5 Mountains, is this an area where roads were built?
6 A. VCA probably built most of the roads in
7 this area around the mines. VCA, Vanadium Corporation
8 of American, they had, what they call, the West
9 Reservation Lease of, I forget how many acres, but they,
10 they had gone in here in the '40s, I think that lease
11 was granted in '42, they'd gone in here and had leased
12 up -- in their lease they acquired the best looking
13 outcrops that were in this area. And they mined most of
14 the best ones. And they were in there early, and they
15 were -- during the AEC program they were the biggest
16 operators here in, in this area of the, of the northwest
17 Carrizo Mountains. Well, also the eastern Carrizo

18 Mountains, too.
19 I think in a study I made for the New
20 Mexico Bureau of Mines, I think -- I forget. But the
21 AEC ore -- the ore in this, on this map that was
22 purchased by the AEC, it seemed like 70 some percent was
23 mined by Vanadium Corporation of America. That's just
24 the number I came up with. It's in one of my reports.
25 VCA was there first and they got the best stuff.
0545
1 Q. Thank you, sir. Let's go on to the next
2 two, if we can, mines on the list, Exhibit 1. And they
3 are marked NA-0904 and NA-0928. Are you familiar with
4 those mines?
5 A. No, but looking at the map, it looks like
6 they're, they're -- let's see here. It looks like to me
7 they are right here by, by Plot 6, the big VCA mine. So
8 I would imagine -- I've probably been by them, but
9 they're not a mine, apparently, because my work on the
10 Navajo Atlas, they came up with all these occurrences,
11 some of these Navajo, the Navajo field workers had found
12 that weren't mined, and they gave them numbers. And so
13 I imagine these are occurrences, outcrops of uranium
14 minerals that were never mined. But I don't know
15 anything about them.
16 Q. Let's discuss those two then in conjunction
17 with -- skip on down to --
18 A. But, yeah, they -- the Rattlesnake mines
19 are right, right in here. No, let's see. They're right
20 here, so it has to be in this area, according to your
21 map.
22 Q. Okay. Let's skip on down to Plot 6 on the
23 list, because you mentioned that these mines, or these
24 occurrences, are right in that area.
25 A. Well, that's according to your map, so.
0546
1 Q. All right,
2 A. That's in the, that's in the atlas.
3 Q. And have you visited Plot 6?
4 A. Many, many times.
5 Q. Okay. Tell me about Plot 6.
6 A. Well, it was the, it was, it was the
7 largest area -- well, it's not -- I forget how many
8 acres it is. It's well documented in one of my reports.
9 But it's -- let's see. Now I'm thinking here. It's a
10 big acre, plot on the West Reservation Lease, when the
11 BIA had these sales they said for so many square miles
12 here in the Carrizos, VCA was the high bidder on that.
13 And then they had so many months to reduce that down to
14 what they wanted to for mining. It went from an
15 exploration lease to mining lease. And they selected 15
16 tracts, 15 claims out of these two great, big areas to
17 keep and mine on. And they named these plots 1 through
18 15, if I remember right. And Plot 6 was the big
19 acreage, and it was right down, right in this area right
20 here.
21 Q. When you say "this area", is that --

22 A. I'm talking about the Saytah Wash area.
23 Q. All right, the Saytah Wash.
24 A. Right here. Number 17 is Plot 6, and it's
25 commonly called the Rattlesnake mines, as I --
0547
1 Rattlesnake, the Navajos told me, is not because of any
2 snakes around but because the ore is blotchy, black
3 vanadium, yellow uranium, like a rattlesnake's pattern.
4 Q. Now, I wonder if you would go ahead and
5 draw a circle on Plot 6.
6 A. And this, and this is a highlight -- the
7 first uranium mine I ever went in in my career was Plot
8 6. And we were, we were in there to make a map of the
9 mine workings, because they were getting ready to drill
10 behind it. And Plot 6 is -- and, let's see, do I
11 have -- oh, yeah. I belong to the Geological Society of
12 America, and they asked us old guys one time, write up
13 interesting things you remember your past and we'll
14 publish them.
15 Well, I wrote up about, about getting
16 scared by some Navajo miners in Plot 6. And I'll enter
17 that and give that to -- we went down, me and my partner
18 went down in the mine to make a map. The Navajo miners
19 were coming up, and as soon as we got -- and then one of
20 the miners said fire in the hole. And my partner says,
21 what does you mean. He says, get the hell out of here.
22 We got out of the property and the Navajo miners were
23 just laughing their heads off, because it scared two
24 white guys. This is according to this article. And
25 here, I'll give that to you.
0548
1 Q. All right.
2 A. And --
3 Q. Thank you, Bill, and I will make copies of
4 this.
5 A. You can have that, that's been published in
6 a little book.
7 Q. Thank you so much.
8 A. The miner there was Earl Saltwater, and he
9 was a VCA contract miner, and after he knew what we were
10 doing, we all got along. But he had a good time scaring
11 us.
12 Q. Excuse me, Bill, if you'll let me, just a
13 second --
14 A. Here, let me --
15 Q. -- make a quick record. I am going to have
16 marked as the Exhibit that he's drawing on, I'm going to
17 mark it as Navajo Nation Exhibit 3. And then it will be
18 distributed to everyone who wants a copy. So we're
19 referencing now what has been marked as Navajo Nation
20 Exhibit 3.
21 A. You asked me about --
22 (Navajo Nation Exhibit 3 marked for
23 identification.)
24 Q. All right, Bill, I'm going to go back to
25 asking you questions about your visit to Plot 6.

0549
1 A. Okay, Plot 6, this is on Plot 6?
2 Q. Right. And just Plot 6. And about how
3 many times were you there, if you can remember?
4 A. Well, I, like I say, I was there in '53
5 making a map. And I was back -- that was the old mine,
6 that was the old Rattlesnake mine. VCA's drilling found
7 another ore body, and they mine that as the new
8 Rattlesnake mine. I was in that, maybe, a couple times
9 in '54. Because these miners showed us, showed me a
10 slab of rock, it had beautiful -- it was a branch off of
11 an old tree and it was a well-carbonized preserve. And
12 took that and sent it off to the University of New
13 Mexico to their paleontologist. And, anyway, it was a
14 common tree found during the Jurassic time, it wasn't
15 anything seismic. The Navajos got excited because
16 here's a slab of rock with this great big black
17 carbonized leaves on it. And I've been in the
18 Rattlesnake mine, I would say, maybe six times total in
19 my lifetime.
20 Q. So on any of your visits did you ever visit
21 with or see a representative of the Navajo government?
22 A. No, only probably Earl Saltwater.
23 Q. And who is Earl Saltwater?
24 A. He was VAC's foreman.
25 Q. All right. So he wasn't a Navajo --
0550
1 A. No.
2 Q. -- representative?
3 A. I think -- no, I don't know anything about
4 him. He lived in that area and he had mined all his
5 life, and he was -- VAC knew -- let him run the mine.
6 Q. Did you see any other federal officials,
7 besides yourself?
8 A. Huh-uh. I'm sure the Navajo tribal mine
9 inspectors came there because it was the biggest, most
10 active mine in this, in this part of the Carrizos.
11 Q. And was this in an area where they built
12 roads, or roads were --
13 A. No, VAC had built all the mine roads around
14 there in the early days.
15 Q. And that goes for anything in the Carrizos?
16 A. Yeah. Now, this road here, this road here,
17 it goes from, yeah, from Shiprock to Beclabito to Teec
18 Nos Pos and out that way. That was approved by the AEC
19 to the ore in Monument Valley.
20 Q. And you talked --
21 A. Now it's a highway.
22 Q. And you talked about that yesterday --
23 A. Yeah.
24 Q. -- that road? All right. Thank you very
25 much.
0551
1 A. You need for me to spell this?
2 THE COURT REPORTER: If it's on the
3 map I can get it.

4 A. Okay. Beclabito is here and Teec Nos Pos
5 is right here. Oh, okay.
6 Q. What have you got?
7 A. Well, I've got something that's got in the
8 record, I don't know if it should have or not. But
9 there was confusion in John's group here about the West
10 Reservation Lease, because part of it was coded in Utah,
11 part of it was coded in Arizona. And, any way, and I
12 told his co-worker, Craig Goodnight, I've got some notes
13 at home on the West Reservation Lease, I'll, I'll get
14 them, I'll type them up and send you a little map of, of
15 the Rattlesnake area from Scarborrough's report on Plot
16 6. And this -- these notes, and things, that I gave
17 Craig of the DOE, eventually I thought maybe I put them
18 in a report for the Arizona, Arizona Geological Survey.
19 And then I got thinking, somehow they got copied when
20 Chris was at my house, I don't know -- but they were
21 really prepared for Arizona Geological Survey, and also
22 for you guys, so I -- they're here. I don't know if you
23 want to see -- this is a complete report of what you
24 guys need to know about Plot 6.
25 Q. Well, I think that we would like to have --
0552
1 A. It's in, it's in one of these books here,
2 too.
3 Q. Oh, it's already in one of the books?
4 A. Yeah. But you can have this copy, I've
5 got -- it's in my computer now.
6 Q. All right. Thank you very much.
7 A. But it's a very interesting mine. It's a
8 series of mines there that started being mined back in
9 1942 and it continue to 1968, I believe.
10 You found a brown envelope in my desk -- in
11 my files that had that in it. Because it says in the
12 record here, brown enveloped marked VC.
13 Q. All right, Bill let's --
14 A. Okay.
15 Q. -- let's back up now. We've talked about
16 Plot 6, and we were going to go on back to the Black
17 Rock Point Mines. Are you familiar with the Black Rock
18 Point Mines?
19 A. Very much so. I made a study of that for
20 AEC.
21 Q. Where are those located?
22 A. Right next to the Rattlesnake Mines.
23 Number 18, which is, I'll mark right here Number 18.
24 Q. Thank you very much. And have you visited
25 those?
0553
1 A. Oh, yeah.
2 Q. About how often have you been there?
3 A. Well, our -- the AEC drilling camp was only
4 about a half mile from Black Rock Point Mines. And the
5 mining permit on the Black Rock Point Mines were, were
6 controlled by a well-educated Navajo entrepenuer named
7 Thomas Clani, C-l-a-n-i. And he lived in Teec Nos Pos,

8 but his miners were working at the Black Rock Point.
9 But he always came around to get AEC to do something, to
10 do more drilling on his property, and all that. Because
11 we drilled on his property in 1953 and we found some ore
12 that he mined, and all that. But he -- so I got to know
13 Thomas Clani real well because he was always wanting us
14 to do something for him. But he was not a Navaho
15 official, he was just an entrepenuer. A well-educated
16 businessman.
17 Q. Did you ever visit with Navajo officials on
18 this site?
19 A. No, never saw anybody out in the Carrizos.
20 Q. So you never saw any, any other AEC
21 people --
22 A. Oh, AEC people came around.
23 Q. So the question was, I think you -- let's
24 just back up. Did you see AEC people at the Black Rock
25 Point Mines?
0554
1 A. Yeah, the -- before I was out there, before
2 I moved out in that area, it was certified, and then
3 Thomas Clani -- the Black Rock Point Number 1 was
4 certified, and then he asked to have Black Rock Number 3
5 added to his certification. And an engineer from Grand
6 Junction came down to exam it. And other than that,
7 that was the only Grand Junction people who I -- maybe
8 people from our field camp. My -- a couple of the
9 geologists I worked with went up to the Black Rock
10 Point, but no, no high-up AEC officials were there.
11 Q. The document that you handed me just a
12 second ago for identification, Bill, is entitled the
13 Rattlesnake Mines on Plot 6, which we were just talking
14 about, and for the record is Exhibit 82. Thank you,
15 Bill.
16 Now, I want to ask a quick follow-up
17 question about the certification. As I understand it,
18 certification is a term that references only work that
19 AEC did with reference to bonuses that were given to
20 mines; is that true?
21 A. It was a way to get a bonus, which
22 accumulated, which really doubled the price of uranium
23 the miners were paid. Miners were basically paid three
24 fifty a pound for uranium in the ore. The bonus
25 guaranteed that $35,000 on the first 10,000 pounds
0555
1 produced from a new discovery. None of these VAC mines
2 could qualify for it, Rattlesnake couldn't because it
3 was an old mine, it was not a new discovery. It had to
4 be discovered before 19 -- no, after 1950, or something
5 like that.
6 Q. So the bonuses that were paid were not
7 necessarily a one-time event, you could get --
8 A. Yeah, if you shipped ore, there was a form
9 to fill out to send to the AEC to get a check for that
10 ore. You didn't get just one big bonus check at the
11 end, you got a check every month from the AEC.

12 Q. So the program was a process?
13 A. Yeah, it was, it was an incentive to find
14 new discoveries, is what it was supposed to do. And in
15 the Orary Report they talk about how millions of dollars
16 were paid on the Circular Six Program.
17 Q. So from your testimony yesterday, too, it's
18 my understanding that most of the visits, inspections,
19 if you will, that were conducted at the mines by AEC,
20 were with reference to this certification program?
21 A. That is correct. I forgot about that, but
22 that was something -- but it was only the mines that
23 were certified.
24 But we went into the Rattlesnake Mine
25 mainly because that was the biggest mine, and they were
0556
1 always -- those VCA Indians, Navajo miners were always
2 good at finding ore with their eyeballs because VCA
3 never drilled.
4 Q. Did AEC conduct any other regular visits at
5 the mines that were not related to their certification
6 program?
7 A. Yes, they did. It was called the
8 Allocation Program, and that was, that was, that was,
9 part of the stretch out when the -- so much uranium had
10 been found they had to allocate certain quantities to
11 certain mines to keep everybody happy and still stay
12 within what Congress said they could buy. And I'm not
13 too familiar with it, except, except I know that under
14 the Allocation Program, and I've seen allocation files,
15 they were, Chris copied my allocation files. But this
16 mine -- they list all the mines and how much they were
17 to produce a year, or something. And people would --
18 and mining engineers from Grand Junction would go out
19 and visit allocated mines to see on a recurring visit on
20 their Allocation Program.
21 I never got involved in that, really don't
22 know much about it, except when I was doing research on
23 the Black Rock Point Mines, it was, it was, it had an
24 allocation, and there was some real good information in
25 there about what VCA did in the Black Rock Point Mines
0557
1 in the '60s. Because Thomas Clani stopped mining in
2 the, after he mined out the good ore, and then VCA came
3 in and drilled, and they wanted an allocation of that
4 ore they found, or something. Anyway, I'm getting
5 confused, because I don't know much about it. But,
6 but -- and in the Black Rock Point allocation file it
7 talks about recurring visits to the mine by some Grand
8 Junction mining engineers.
9 Q. All right. So we've talked about the
10 Certification Program, the Allocation Program.
11 A. That's it.
12 Q. There were no other regularly scheduled
13 visits by AEC at mines that you know about?
14 A. That is correct.
15 Q. And now that will limit that to the, I

16 assume that your answer limits that to the time the
17 mines were operating, correct?
18 A. Right.
19 Q. Because AEC would have been there, as we
20 talked yesterday, regularly doing exploring and things
21 like that, right?
22 A. Uh-huh. Right.
23 Q. Yes. Okay. All right.
24 A. While we're on Plot 6, let's go to the next
25 one, Hoskie Henry, because that is uranium on Hoskie
0558
1 Henry's mining permit that was mined from one of the
2 Rattlesnake Mines. And that map of Bob Scarborough in
3 that thing, that summary of Plot 6 I have, there's a map
4 in the back showing this.
5 Q. Where is Hoskie Henry located?
6 A. It's, it's -- Plot 6 is roughly a lopsided
7 triangle, a lopsided trapezoid, or something. Anyway,
8 it's -- get to my report on Plot 6 because there's a map
9 there that will show you better, in the very back.
10 Q. Scarborough's is Exhibit 82, is that right,
11 Chris?
12 A. Hoskie Henry is a bunch of, is a bunch
13 of -- he filed a mining permit, yeah, filed a mining
14 permit around Plot 6. And, and you can see the Hoskie
15 Henry Mines are basically mined from Rattlesnake Mines.
16 Q. So do you have any idea, you're saying that
17 the ore, the waste material came from a different site
18 that Hoskie Henry --
19 A. Yeah, they -- I would say the waste rock
20 from Hoskie Henry is piled on Plot 6, because it was all
21 done -- as you can see by his map -- this is a map that
22 Bob Scarborough got from VCA, and I never seen this map
23 until Bob showed it to me, and it shows, it shows the
24 new working VCA on Plot 6, and then it shows the Hoskie
25 Henry workings going off plot, but being mined from the
0559
1 Rattlesnake Mine. They just kept mining off the claim
2 there, off the mining permit. And I've never been in
3 the Hoskie Henry Mines. This was all the '60s after I
4 left the area.
5 Q. Okay, thank you very much. I'm going to go
6 back up now --
7 A. Okay.
8 Q. -- and talk about Black Rock Point Mine.
9 Let's go to the next one below that on the list, which
10 is Barton 3. Are you familiar with the Barton 3 Mine?
11 A. Yes. It was way out here, way out there
12 near, almost at Mexican Water Trading Post. And I
13 didn't -- there were a bunch of little dog holes out
14 here, little, small mines. Finally Mr. Barton came
15 around, I said show me your mines. The only time I was
16 out there I went with him and he pointed out where he
17 had mined a little bit of ore. And it's on the map,
18 it's map number 1.
19 Q. And we're referencing Navajo Nation Exhibit

20 3?
21 A. Yeah. It's way up here. See, here's the
22 main Carrizo area, it's way up here close to Mexican
23 Water.
24 Q. Okay. And you were just out there once?
25 A. Once, with Mr. Barton. He only mined a few
0560
1 tons, and that was it.
2 Q. Was, Bill, was there any ore buying station
3 in that area?
4 A. No. I think he shipped, he probably
5 shipped his ore to the Shiprock ore buying station. Let
6 me clarify something. All the ore for Plot 6 went to
7 the Durango Mill of VCA. But then when that mill closed
8 in 1963 it went to the Shiprock Mill that VCA bought
9 from Kerr-McGee. So all, all the VCA mines in this area
10 went to Durango. The independent miners all went to
11 Kerr -- the AEC ore buying station which became the
12 Kerr-McGee Mill. And I imagine his ore went to the AEC
13 ore buying station at Shiprock. But you need to know
14 the years. Early ore -- I forget when the ore buying
15 station closed and Kerr-McGee took it over, I think '56
16 or something like that. I suspect it was pre-'56. I
17 know it's pre-'56.
18 Q. Is there a document that lists, that you
19 know about, that lists all the ore buying stations?
20 A. Yes. It's the Albrethsen McGinley Report
21 that we've talked about, the A&M Report.
22 Q. Okay.
23 A. Yeah, the -- and -- yeah, that's, uh-huh.
24 It gives the AEC operated, how much they bought, and how
25 much they paid for the ore.
0561
1 Q. All right, I'm going to now move to the
2 next mine on Navajo Nation Exhibit 1, which is entitled
3 the Mesa II Northwest Mine. Are you familiar with that
4 mine?
5 A. No.
6 Q. And you've never been there?
7 A. No, I never have.
8 Q. This will be quick.
9 A. The reason is that mine was developed by
10 VCA in about 1965, after I left the area. And the only
11 reason I know where it is is that Bob Scarorough, of the
12 Arizona Geology, got some big maps from VCA of all their
13 mines in the Lukachukai. Here's big maps that they
14 were, VCA was very bright -- they dealt with the Arizona
15 survey very good. And we -- Kate has seen these maps,
16 too, because we used it in the Tronex work. Anyway,
17 there's, there was a bunch of drill holes up here, and
18 there was field notes from Bob saying that's the
19 Northwest Mine. So that's all I know is on this map is
20 there's not even a mine working showing, there's just a
21 bunch of drill holes. And his notes say Northwest Mine.
22 And so when I made my big index map of the Lukachukai, I
23 put that, a cross pick on that only because he said

24 that's where it was.
25 Q. So that, the Northwest Mine is in the
0562
1 Lukachukai --
2 A. Yeah, it's a small mine on Mesa III.
3 Q. All right. And that's the area where I
4 believe you testified yesterday that the AEC built
5 access roads in it?
6 A. Oh, yeah, they, they did, they -- you know
7 how the mountains come up, they, built lots of drill
8 hole roads, drill site roads all over the mountains that
9 Kerr-McGee used, they built their own roads, and --
10 Q. All right. Let's move on to what's marked
11 on Exhibit 1 as Oak 124 and Oak 125. Are you familiar
12 with that site?
13 A. Looking at your maps, apparently they look,
14 they look like they're in the Oak Springs area.
15 Q. But you're not personally familiar with --
16 A. I don't know where those numbers, I really
17 don't know what those numbers mean.
18 Q. Okay. Let's go on the next one, which I
19 think you're familiar with, the King Tutt Point.
20 A. King Tutt Point. That is a VCA mine in the
21 east Carrizos on the southwest point of King Tutt Mesa.
22 That would be, that would be map, line number 88, I
23 believe. No. King Tutt. Mine 94. Okay, that's down
24 here farther.
25 Q. Have you visited that site?
0563
1 A. Yeah. VCA, when they were closing their
2 Naturita, Colorado office, they told me, if you want to
3 copy any of the maps for New Mexico, bring your tracing
4 paper and come down and copy our mine maps. So I went
5 down and copied a map of the King Tutt Point Mine, and
6 it's in my report on the King Tutt Mine, and I've been
7 in the mine looking around only once, but I've been on
8 the property maybe two or three times.
9 Q. Were you ever on the property when they
10 were operating.
11 A. Only the VCA miners. Oh, yes, their white
12 superintendent, Woody Gripe, G-r-i-p-e.
13 Q. Did you see anyone else on the site besides
14 those people?
15 A. You don't get -- oh, yeah. When, when the
16 New Mexico Bureau of Mines was making a survey in the
17 abandoned uranium mines in the Carrizo, in the New
18 Mexico part of the Carrizos, Oren Anderson and I were
19 over there.
20 Q. And who is Oren Anderson?
21 A. He was the geologist with the New Mexico
22 Bureau of Mines that was in charge of inventorying
23 abandoned mines in San Juan County.
24 Q. Were other AEC officials on site at --
25 A. Not that I know of, because the early
0564
1 drilling was done behind that mine, and that was in '52,

2 or something.
3 Q. And that drilling would have been done by
4 AEC?
5 A. AEC. And I know for a fact the AEC -- the
6 road -- there's Red Rock down here, Red Rock down here.
7 Here is Oak Springs right here. This -- it doesn't show
8 on this map, but the road, the Old Navajo Road from Red
9 Rock up to Oak Springs was improved by AEC as part of
10 the access program in Arizona, that I mentioned. And I
11 know, since I worked on the drilling project here on
12 King Tutt in 1982, I know that AEC bulldozer built the
13 road, and improved road up on the King Tutt for the
14 drill rigs, because it was just a horse trail.
15 Q. Thank you.
16 DAVID A. TAYLOR: If it's okay with
17 everyone, we're going to take a very short break.
18 JOHN DENNIS DUNN: The time is
19 approximately 9:19 and we're off the record.
20 (A recess was taken from 9:19 a.m.
21 until 9:20 a.m.)
22 JOHN DENNIS DUNN: The time is now
23 9:20 and we're on the record.
24 Q. All right. Mr. Chenoweth, the next mine on
25 the list on Navajo Exhibit Number 1 is the Mesa II 1/2
0565
1 Mine 4. Are you familiar with that one?
2 A. Yeah, I know where it is on the map. On
3 these big maps Bob Scarborough got from VCA, who, who
4 really prepared -- drawn up, probably had been drawn by
5 Kerr-McGee and they inherited them, there's a little
6 mine on Mesa II called Mine 4. It's just a little mine,
7 I've never been in it, but I've been by that hole in the
8 ground, I mean that hole in the cliff, added in the
9 cliff.
10 Q. All right. Is this in the Lukachukai area?
11 A. Yeah, it's right -- if you look on my
12 mining index, the Lukachukai -- here's Mesa II, here's
13 Mesa II 1/2, it's right between the two. It's right at
14 the head of the canyon between III and II 1/2.
15 Q. So this is another area where the AEC --
16 A. Yeah, the AEC --
17 Q. You need to let me finish. I'm sorry.
18 You're going to get admonished by the Court Reporter, so
19 I'll do it.
20 A. Okay. He's bigger than you are.
21 Q. Is this an area, another area where the AEC
22 built roads?
23 A. Yeah. I'm sure they built drill hole roads
24 in this area. Because I know they drilled a lot on Mesa
25 III, and I'm sure they drilled around there.
0566
1 Q. And I apologize if I asked one about this.
2 But in the, this Lukachukai Mesa Mine area, was there an
3 ore buying station in that area?
4 A. No. Most of the mining there was done by
5 three major companies to begin with; Kerr-McGee, Climax

6 Uranium, and a company called, what was it, Walter
7 Duncan, he's an Oklahoma oilman that formed a mining
8 company. And all that, all the ore, except the Climax
9 ore, we'll talk about later, went to the AEC ore buying
10 station, or the, or the mill in Shiprock.
11 Q. Now, let's, let's move to, and you never
12 visited the Mesa II 1/2, right?
13 A. I've never been in the mine. I know where
14 it is, but if you look at, look at the VCA map, and it's
15 just a small mine. And I don't think it produced more
16 than just a few hundred ton.
17 Q. The next mine on the list that I have is
18 Mesa, the Mesa II Mine. Are you familiar with that
19 mine?
20 A. Yes, I am.
21 Q. Have you visited that mine?
22 A. Yes, I have.
23 Q. Tell me about those visits.
24 A. I believe -- now, in 1956 and '7, I think
25 it was, the AEC wanted my, my partner, Ron Nessler, and
0567
1 I to do the -- to map -- to make some geologic studies
2 of some of the big Kerr-McGee Mines. And if I remember
3 right, we made a study of the Mesa III Mine. And it's,
4 it's an open file report that Ron Nessler and myself
5 wrote, I think we did. We mapped some of the big
6 Kerr-McGee Mines and some of the big Walter Duncan Mines
7 and the one Climax Mine, and I should have brought that
8 report down, because if I could find it -- anyway, I
9 think we made a geologic study in the way the ore
10 occurred in the Mesa III Mine. It's a big mine, but
11 I --
12 Q. Excuse me just a second, Bill.
13 Someone joined on the phone, would please
14 identify yourself.
15 BETTINA MUMME: Yes, Bettina Mumme,
16 DOE.
17 DAVID A. TAYLOR: Hi, Bettina, Dave
18 Taylor. Thank you so much.
19 BETTINA MUMME DELI: All right.
20 Q. And this Mesa III Mine is also in the
21 Lukachukai?
22 A. Yeah, it's the largest mine on Mesa III.
23 Q. So the same area where roads were built
24 by --
25 A. Yeah, I know --
0568
1 Q. -- AEC -- let me finish. The same area
2 where roads were built by AEC?
3 A. They built a lot of drill roads out on --
4 Mesa III is a long, narrow Mesa, and they, I know they
5 drilled, I wasn't on the project but we seen the drill
6 maps, they drilled all over Mesa III. They might
7 even -- I don't know if they found it or not.
8 Q. Bill, I'm going to move along now. We've
9 talked about Plot 6, we've talked Hoskie Henry. And the

10 next mine on the list is Plot 3. Are you familiar with
11 Plot 3?
12 A. Well, I know there's a Plot 3 in the
13 Carrizos on the West Reservation Lease, but I can't find
14 it on my map. That's what bugs me.
15 Q. Okay.
16 A. The big, the big -- I wonder if this is
17 right. The biggest Plot 3 in the west -- in the eastern
18 Carrizo Mountains is, has some of the biggest mines over
19 here, on King Tutt Mesa. Plot 3, Plot 3 takes in a
20 great big area on King Mesa -- King Tutt Mesa, there's
21 about five big mines on Plot 3 on the East Reservation
22 land. But you show this in the Carrizo, and that kind
23 of bugs me. I mean, the northwest Carrizo.
24 Q. And so you're a little confused.
25 A. I am confused. And I will check into this
0569
1 by looking at my -- I've got a VCA map at home, oh, it's
2 a page-sized map showing where the plots are, and I
3 can't find Plot 3 on my map here. So that bugs me.
4 Q. I would -- we will wait for you to check on
5 that at home and I will --
6 A. I have plot 1, 2, 4, 5, 6, 12, 13. I, I,
7 I, I can't help you on it. When I saw it in Plot 3, I
8 said, oh, that's the big one over in the eastern
9 Carrizos. And then I see northern here, northern here,
10 and it's got to be in the Carrizos and not Oak Springs.
11 Q. We'll do some further investigation.
12 A. I'll research that.
13 Q. You are helping considerably, don't worry
14 about it.
15 A. I'm amazed at that.
16 Q. Let's move on to the Climax Transfer
17 Station. How are you familiar with the Climax Transfer
18 Station?
19 A. Yes, I'm familiar of what it is.
20 Q. Have you visited the site?
21 A. No, I -- let me -- Climax Uranium had a
22 mill here in Grand Junction, and uranium companies would
23 always, if they had a mine, they'd always try to ship
24 their own ore to their own mill so they didn't have to
25 fight with anybody about assays, or anything. And so
0570
1 Climax built a, a little, had a little area south of
2 Shiprock on Old Highway 666, about eight miles south of
3 Shiprock where they put up a little shed and a little
4 barbed wire fence around it. They would bring the ore
5 from the Lukachukai down and dump it in -- dump it on
6 the ground out there right along Highway 666 behind this
7 barbed wire fence.
8 And many times going into town from Cove
9 School and Cove Mesa on weekends you'd drive down
10 Highway 666 and there'd be an old tractor with a front
11 end loader out there and a pile of ore behind this
12 barbed wire fence. And that was the Climax Transfer
13 Station.

14 And then, then they, Climax sort of cleaned
15 it up, so I told Perry Charley about it, and he didn't
16 know anything about it. And he found a bunch of ore
17 that was still laying on the ground. And so he got it
18 documented exactly where it is in the Navajo Atlas. But
19 all I can say is I drove by going to town on weekends in
20 '53 and '54, and saw the area out there.
21 Q. Would you tell me what, if any, connection
22 AEC might have had to transfer stations?
23 A. Oh, it was basically economics for Climax.
24 They'd bring the ore off the Lukachukai in six-ton
25 trucks, dump it out here, and then send a 20-ton truck
0571
1 down to bring it to Grand Junction.
2 Q. So did the AEC have any role in setting up
3 transfer stations?
4 A. All --
5 Q. You're shaking your head no, right?
6 A. No. I think Climax must have gone to the
7 Tribe and said, hey, we want to use a little area, or
8 maybe it was the highway department. It was right on
9 the highway, you could see it. And --
10 Q. Would AEC have paid, I understand from your
11 testimony yesterday that AEC paid for hauling ore.
12 Would AEC have paid for the hauling to the transfer
13 station?
14 A. They only paid for the first one hundred
15 miles, and it was longer from Mesa, their mines on Mesa
16 IV 1/2 to Grand Junction is more than a hundred miles.
17 Q. I understand that. But it's less than a
18 hundred miles, is it not, from Mesa, the Mesa Mines
19 To Shiprock?
20 A. Oh, yeah, it's only --
21 Q. And Shiprock is just -- and the Climax
22 Transfer Station is just a few miles south of Shiprock,
23 right?
24 A. I think it's about eight.
25 Q. Right. Okay.
0572
1 A. And then when Craig and I worked with John,
2 was working on the Shiprock tailings, I told him about
3 it. He went out and just maybe three years ago still
4 found ore on the ground out there.
5 Q. All right. Let's move on. I don't think
6 we've spoken yet about the Hoskie, H-o-s-k-i-e, Tso,
7 T-s-o, No. 1 Mine. Are you familiar with that mine?
8 A. Yes, I am.
9 Q. Have you visited that mine?
10 A. Yes, I have.
11 Q. Tell me about those visits.
12 A. It's one that is down, it's on the road
13 right off the highway between Winslow, Arizona, or is it
14 Holbrook. It's on the highway that goes from -- right
15 up to the reservation to Keams Canyon. Through
16 Bitahochi and White Cone, and those -- we called the
17 Hopi Buttes area. And it's just a little pit out there,

18 it never shipped any ore. The AEC records show it never
19 shipped any ore. It's just a little prospect pit in
20 some radioactive sand out there along in -- and it's,
21 it's -- right north of there is the Morale Mine, which
22 shipped several hundred tons, and I mapped it and
23 studied it. And during that, somebody said, oh, there's
24 some uranium down at, south of here, and that was Hoskie
25 1, and they never, the records show they never shipped
0573
1 any ore.
2 Q. Would the AEC have been involved in the
3 exploring of that area?
4 A. They did an airborne survey of the Hopi
5 Buttes area, and they found a lot of these volcanic
6 plugs around there, and that set up a lot of excitement,
7 but the only ore that was mined was at the Morale Mine.
8 And there's a, I've written a report on the Morale Mine
9 and describe Hoskie Tso in that report.
10 Q. How many times did you visit that site?
11 A. One.
12 Q. By yourself?
13 A. By myself.
14 Q. All right. And just looking at the area --
15 well, I'll ask you: Were there any access roads, to
16 your knowledge, that were improved?
17 A. It's, it's just a stones throw off the
18 highway that goes -- is it from Winslow or Holbrook, I
19 think maybe Holbrook that goes north to Keams Canyon.
20 You know, the highway. But it's just a stones throw off
21 the highway there.
22 Q. Before we take a break to change the tape,
23 it's try to do at least one and maybe two more mines.
24 The next one on my list is the Boyd Tisi, T-i-s-i --
25 A. Boyd Tisi, yeah.
0574
1 Q. -- No. 2 Mine. Are you familiar with that
2 mine?
3 A. Yes. We skipped Huskon 12.
4 Q. Oh, excuse me. Thank you so much.
5 A. Okay.
6 Q. Charles, the Charles Huskon No. 12. Tell
7 me about Charles Huskon No. 12.
8 A. Well, it's in the Cameron area, it will be
9 on this map back here. I can't recall exactly where it
10 is, so I'll have to look at the legend. But probably
11 one of these circles here. Number 12.
12 Q. All right. You're pointing to Exhibit
13 Number 20 there. So you talked about that mine earlier,
14 right?
15 A. What number is it, Chris?
16 CHRISTOPHER J. NEUMANN: 20.
17 A. That's 20. Okay, that's 20. So we marked
18 it. The number, oh, No. 12 Mine. My memory is going
19 bad. Yeah it's right here just north of Cameron Trading
20 Post.
21 Q. All right. Thank you, Bill. I think we

22 need to take a break at this point to change the tape.
23 JOHN DENNIS DUNN: The time is
24 approximately 9:35. This is the end of tape number 13
25 in the deposition of William Chenoweth. We're going off
0575
1 the record to change tapes.
2 (A recess was taken from 9:35 a.m.
3 until 9:47 a.m.)
4 JOHN DENNIS DUNN: We're on the
5 record. This is the beginning of tape number 14 in the
6 deposition of William Chenoweth. We're on the record.
7 Oh, excuse me, the time is approximately 9:47.
8 Q. Bill, we are back on the record, and before
9 I ask you a question, I would like to point out that the
10 Court Reporter, while we were off the record, graciously
11 pointed out that I mislabeled the map behind you, or
12 mis-referenced the map behind you, and the correct
13 Exhibit and Exhibit Number is 127, and not whatever I
14 called it. I'm confident that's not the only mistake
15 I've made. But I appreciate you pointing that out to
16 me, sir.
17 Now, let's go on, I think we've just got
18 five mines left on the list, Bill --
19 A. Yeah.
20 Q. -- on Exhibit, Navajo Nation Exhibit Number
21 1. And in an attempt to move a little bit quicker, I'm
22 going to group all these together, because they're all
23 in the Western Agency. And I'm getting to a question,
24 so just hold off there, if you would, please. I am, and
25 we're talking about the Boyd Tisi No. 2 Mine, the Juan
0576
1 Horse No. 3, A & B No. 2, A & B No. 3 and Charles Huskon
2 No. 14. So with reference to those mines, have you
3 visited all of those?
4 A. Yes.
5 Q. Very good. And have you visited the mines
6 on multiple occasions?
7 A. The Charles Huskon 14 was kind of a mystery
8 mine, but I finally found it when I was looking, because
9 for the Nez Tsosie case, and it was nearly all filled up
10 with sand, blow sand at the time. That's the only time
11 I've been out there, but it was a low pit full of sand
12 and no way sheep could have drank water out of that. Do
13 you want me to point it out on the map?
14 Q. On the Exhibit behind you?
15 A. Yes
16 Q. Sure.
17 A. It's the last of the Huskon Mines. It's a
18 little pit out here west of Buck Rodgers Trading Post,
19 right here, number 49.
20 Q. All right. And that's Charles Huskon --
21 A. No. 14.
22 Q. -- No. 14. All right. And while you're
23 up, I don't want to get you up and down too much, so
24 while you're up, would you also point out A & B No. 2 &
25 3.

0577
1 A. 2 & 3, I have to go to -- I don't know
2 those. A & B is -- oh, let's see, they're in the 40s, I
3 think. A & B No. 3 is 46. I don't want to put green on
4 here because I'll confuse Chris' map, but it's No. 46.
5 If you have a different color, I could color it then.
6 Q. Well, that's fine.
7 A. 46 is right here south of Cameron Trading
8 Post.
9 Q. All right. And A & B No. 3.
10 A. That's No. 3.
11 Q. Then No. 2, please.
12 A. No. 2. Well, if we were here -- I found
13 Boyd Tisi No. 2, which is 41, which is right here.
14 Q. All right.
15 A. Just south of Huskon 2.
16 Q. And --
17 A. And then I found Juan Horse No. --
18 Q. 3.
19 A. -- 3, which is just right next door, I
20 believe. It's 42. So 41 is Boyd Tisi, and 42, right
21 next to it here, is Juan horse. That leaves us, I've
22 only got to find A & B No. 2. It should be over in
23 here. Oh, here it is. A & B No. 2 is 56. Right here.
24 That's No. 2. We're looking for No. 3, aren't we?
25 Q. No. 2.
0578
1 A. Here's No. 3, 46. Okay, we found them all.
2 Here's, here's 3, here's 2. Okay.
3 Q. Thank you. Now, with respect -- and I'll
4 give you a chance to take your seat there. With respect
5 to all those mines as a group, were -- was AEC involved
6 in any construction of access roads in that area?
7 A. No, I think the main road from Cameron that
8 goes down all the way down to Black Falls, that was an
9 Indian, that was a Navajo wagon road, or something.
10 Rare Metals might have fixed it up, or something, but
11 AEC had nothing to do with building roads in this area.
12 Q. And was there -- there wasn't any ore
13 buying station in that area, was there?
14 A. No, the early ore from Cameron, from the
15 early Huskon mine, was hauled to Flagstaff, put on the
16 railroad and hauled by the railroad over to Blue Water
17 to the AEC ore buying station in Blue Water. Now, when
18 the two -- and that really, mining at Cameron really did
19 not expand until AEC put in the ore buying station up
20 at, up where the mill was being built. As I said
21 yesterday, Rare Metals built the mill and leased --
22 built the ore buying station and leased it to the AEC.
23 And that's documented in the Albrethsen McGinley Report.
24 Q. And with respect to all of these mines, did
25 you ever have occasion to see any Navajo governmental
0579
1 officials on the site at any of these mines?
2 A. No.
3 Q. All right. But you did have occasion to

4 see AEC representatives?
5 A. Oh, yeah. Some of the guys from Grants
6 that were doing certification recurring visits came over
7 from Grants to make recurring visits, but that was it.
8 And --
9 Q. That's fine. Thank you, Bill. Now, if you
10 will give me just a second. I think I'm done with my
11 questions about the mines. And I am going to look
12 through my notes about your testimony for yesterday and
13 see if I have one or two concluding questions for you.
14 Here's my first one: You were testifying
15 about Exhibit 12, a speech by Quinton Brewer, and while
16 you were responding to that, you were talking about a
17 survey of mining vehicles and, and equipment.
18 A. Oh, yeah.
19 Q. That part. You testified that that survey
20 was, involved the Colorado Plateau. Would you explain
21 for the record, please, what your understanding of the
22 area of the Colorado Plateau is?
23 A. Well, I, I ought to correct my testimony.
24 That survey that we actually made in 1957 of all
25 operating mines was for the whole Western United States,
0580
1 not just the Four Corner states. People in our Spokane
2 office went out and made surveys of the mines in there.
3 The Casper office made big surveys of all, I mean,
4 that's in that report, AEC PED-1, if you're looking at
5 it, that's more than just the Four Corner states. It's
6 every -- even Texas might have got included. They
7 wanted us field people to go to each operating mine and
8 inventory their equipment on that, for some unknown
9 reason.
10 Q. All right.
11 A. But to go back to your question, but it was
12 not just the Colorado Plateau, it was the whole Western
13 United States and Texas.
14 Q. Okay. So your testimony about, and I wrote
15 down, 200 vehicles, that would have been surveyed for
16 the entire --
17 A. Oh, I'm -- you're talking about AEC
18 vehicles. No, no, oh, I'm sorry. I thought you were
19 talking about our big survey we made of industry
20 vehicles. No, go back to -- okay, yeah, my mind's
21 slipping here.
22 Q. No, you're doing great.
23 A. You're talking about Quinton Brewer's talk
24 about all the equipment that AEC owned?
25 Q. Right --
0581
1 A. Okay, I'm sorry.
2 Q. -- I am, that's what I'm talking about.
3 A. Now I'm back on track.
4 Q. Okay. Is that, is that over the Colorado
5 Plateau?
6 A. Yeah, that would be, that -- I don't know
7 if that would include the -- at one time in early days

8 there was a Grand Junction office here for the Colorado
9 Plateau. There was a Denver office for the, for the
10 Colorado mountains and West Texas. There was a Casper
11 office for Wyoming and South Dakota. And I believe he's
12 quoting only the, only the Grand Junction office
13 equipment, which would be the Colorado Plateau.
14 Q. All right.
15 A. Because Casper, the Casper office had
16 trailers and Jeeps and things like that. And I don't
17 know if he's counting them.
18 Q. Back to, back to my original question now
19 then.
20 A. Yeah.
21 Q. What is your -- when you say "Colorado
22 Plateau", what do you mean, what is that?
23 A. That's this area basically in Western
24 Colorado, Eastern Utah, Northern New Mexico, Northern
25 Arizona where the rocks are flat lined and basically
0582
1 there's not too much disturbance. Not much uplifting,
2 big uplifts in mountain ranges there. It's a flat line
3 making a plateau. It's kind of bounded on the north by
4 the Unita Mountains, on the east by -- from the Rocky
5 Mountains, on the south by Mogollon Plateau and on the
6 west by the Basin and Range. It's just, it's a big area
7 of basically flat lying rock of the plateau.
8 Q. And, and basically you're talking about
9 mostly the Navajo Nation?
10 A. Oh, all the Navajo Nation is on the, on
11 the, it's on the Colorado Plateau.
12 Q. That should have been the question I asked.
13 Thank you.
14 A. Even the -- wait a minute, I'll take that
15 back. I think the Alamo Reservation and the Canoncito
16 Reservation are not called -- Canoncito Reservation is
17 in the Rio Grande Cratch area, because -- well, I don't
18 believe they were technically on the Colorado Plateau,
19 Alamo and Canoncito.
20 Q. With the exception of those satellite
21 reservations --
22 A. Rama is, though. These are outlining
23 reservations, instead of the main one.
24 Q. I want to revisit for just a second the
25 issue of rim stripping. And my recollection is that you
0583
1 testified about rim stripping in the Western Agencies,
2 some of the Western Agencies yesterday. You talked
3 about rim stripping in the Sanostee area. Were there
4 any other areas of the Navajo Reservation where rim
5 stripping occurred, to your knowledge?
6 A. Done by the AEC, you mean?
7 Q. Yes. Done by AEC?
8 A. Yeah, I went to -- because rim stripping
9 came up before, talking to Chris, I looked through my
10 old records and I found there were four areas on the
11 Navajo Reservation, or Nation, where the AEC did rim

12 stripping. Basically it was at Cameron, in the Sanostee
13 area, and then in the Black Mountain area. That would
14 be north of Black Mountain Trading Post between Rough
15 Rock Trading Post and Black Mountain Trading Post. Do
16 we have a map that -- there -- we had -- AEC did flying
17 in that area, they got about a dozen airborne anomalies,
18 and I guess the geologists looked on the ground and
19 couldn't tell much, so he sent a bulldozer in there and
20 bulled -- and rim stripped them out, and some of them
21 became mines.
22 Q. There's three of them?
23 A. And then there's another area by Rough Rock
24 Trading Post, Tom Wilson and Tom Clani's mines were rim
25 stripped because there was reactivity anomalies there,
0584
1 but they, they couldn't see much so the AEC knocked,
2 knocked the faces down and the guys were able to mine.
3 Q. Thank you so much for --
4 A. There may be other areas, they might have
5 done it in Wyoming, but I don't think they did. But as
6 far as I can tell from what I could research, only those
7 four areas. But I'm sure they might have been -- there
8 might been some here in Colorado, but I can't find data.
9 Q. Did AEC at any time, to your knowledge,
10 ever engage in any, or facilitate any, what you would
11 call, reclamation practices?
12 A. Not on the Navajo land. They did on, they
13 did on their own land that they had withdrawn to drill
14 on and mined, there was -- and then the mine, then the
15 mine -- they did on their own mines -- I'm getting --
16 leased, what do you called them, leased block? The
17 lease blocks here in Colorado and in Utah, when the
18 leasing program, the second leasing program stopped,
19 they did their reclamation. Is that, is that right?
20 The second reclamation -- the second leasing program?
21 Or the first.
22 Q. Bill, what time frame was that?
23 A. I was gone.
24 Q. If you know.
25 A. Oh, it continued in the '80s, didn't it?
0585
1 Before the third leasing program?
2 Q. They can't testify for you, as much as they
3 would like to.
4 A. I'd say the second leasing program ended in
5 the '70s, maybe. And then they had the third leasing
6 program going that's right now. And sometime in there
7 the DOE was, the BLM reclaimed a lot of the mines on
8 their own lands. That's a fair statement, isn't it?
9 Q. I'm going to promise this is my last
10 question now. Yesterday when you were discussing the
11 map and you were talking about mills and how mills,
12 uranium mills operate, you said that mills could have
13 any number of acres they needed for mining.
14 A. A milling company.
15 Q. A milling company could.

16 A. That's in the Navajo regs.
17 Q. And -- but -- so, so it was the Navajo that
18 made that decision, that was the Navajo Bureau of Mines?
19 A. Navajo Mining Department or Tribal Council,
20 maybe. I remember that -- but the mill had to be on the
21 reservation. Kerr-McGee had this big, and Rare Metals
22 had the same thing, they had as many acres as they
23 wanted, but VCA could not, because their mill was in
24 Durango. And that's why VCA never became a big mining
25 company because they couldn't get the land.
0586
1 Q. Thank you.
2 A. There was much hearings about that.
3 DAVID A. TAYLOR: Thank you so much.
4 I have no further questions.
5 MAUREEN RUDOLPH: Can we go off the
6 record for a minute.
7 JOHN DENNIS DUNN: Sure. The time is
8 basically 10:04 and we're off the record.
9 (A recess was taken from 10:04 a.m.
10 until 10:09 a.m.)
11 JOHN DENNIS DUNN: The time is
12 approximately 10:09 and we're on the record.
13 EXAMINATION
14 BY CHRISTOPHER J. NEUMANN:
15 Q. Mr. Chenoweth.
16 A. Yes.
17 Q. Before I start with my few questions on
18 Section 9, I just want to have a brief conversation
19 about these questions and, and you've in the past few
20 days mentioned the word hearsay, and it sounds like
21 you understand that's things other people might have
22 told you over time.
23 A. Yeah.
24 Q. And for purposes of my questions, I just
25 want to focus on your personal knowledge.
0587
1 A. Okay, I understand.
2 Q. Okay. I'm not asking you, and I would ask
3 that you not include in your answers anything about what
4 people may have told you over time.
5 A. Okay.
6 Q. So first I would like to go back and look
7 at Exhibit 30.
8 A. Okay, number 30.
9 Q. Exhibit 30 is a Recurring Visit to
10 Certified Properties form for Section 9 that you looked
11 at previously. It's dated September 15, 1959. And you
12 were one of the examining engineers who prepared this
13 form, right?
14 A. Uh-huh.
15 Q. Was this your first visit to the Section 9
16 sites?
17 A. I, I don't believe so. I think I was there
18 when Mr. Rankin was -- Mrs. -- Mr. Rankin was mining.
19 And this is, it says taking over Rankin's. So I assume

20 this is later, this is not my first visit. But I was
21 out there when Mason Rankin was mining ore.
22 Q. And we've discussed that the Rankins came
23 on the site, I think your '93 report says in '58?
24 A. Yeah, something.
25 Q. Okay. In the report, under remarks, there
0588
1 is mention of a conversation with Mr. Benson. You said
2 the process, the upgrading process would take a thousand
3 to 1500 tons to make 2 to 300 tons of upgraded product.
4 Do you see that?
5 A. Uh-huh. That's what I was told there.
6 Q. Okay.
7 MICHAEL E. J. MONGINI: Objection,
8 hearsay.
9 Q. And in your 1993 report you summarized that
10 over time, 361 tons of ore came from Section 9 to the
11 Tuba City Mill. Do you remember that discussion
12 yesterday?
13 A. Yes.
14 Q. So assuming Mr. Benson was accurate, he
15 would have had to mine five times the 361 ton number in
16 order to generate 361 tons of upgraded material sent to
17 the mill?
18 A. Yeah, that sounds like the math is right.
19 Q. Okay. And also in the remarks section
20 there's mention that Murchison has started drilling on
21 Section 9 and reports 250,000 tons of mill feed blocked
22 out. What does that mean? When he says mill feed is
23 blocked out?
24 A. That means he, in his drilling he
25 apparently has outlined areas of low grade material that
0589
1 he, that he was, would put through his upgrader.
2 Q. And from your visit, did you have a sense
3 of what area that might have covered?
4 A. No, huh-uh, that was just what Mr. Benson
5 said. I -- my own opinion is highly exaggerated, but
6 that's my opinion.
7 Q. And the next sentence says, a Euclid
8 tractor and 15-yard scraper have started stripping mill
9 feed just east of Rankin's incline. The first question
10 is: Was Rankin incline that part of Section 9 close to
11 the river?
12 A. As I remember, it was not the disturbance
13 up farther north, and it wasn't, it wasn't right down on
14 the section line, it was sort of in between the two.
15 And the river -- east, it has to be, because Rankin was
16 not that close to the river, if I remember right. So it
17 has to be, right, it had to be down close to the river.
18 Q. Let's come back, there will be another
19 exhibit with some pictures --
20 A. Oh, yeah.
21 Q. -- and maybe it will be easier. What is a
22 Euclid tractor?
23 A. That is a brand of, Euclid is a brand like

24 Caterpillar, John Deere, and all that. It was just a
25 tractor with a scraper blade on the front of it. It
0590
1 wasn't, it wasn't a front end loader or a bulldozer, it
2 was, it was a --
3 Q. Is a 15-yard scraper blade --
4 A. A stripper, yeah.
5 Q. Is that fairly wide?
6 A. Yeah, that was -- he'd be breaking up the
7 rock and put it in his upgrader.
8 Q. Let's turn the page to page 2 of Exhibit
9 30.
10 A. What's this. September.
11 Q. This is a similar form for a visit on
12 December 8, 1959, correct? Is that what it is, Bill, is
13 from December of 1959?
14 A. Yeah, that would be -- now, like it says
15 here, that was the next visit after the previous one we
16 discussed.
17 Q. In the remarks section you note -- I should
18 mention, you were one of the examining engineers, right?
19 A. Yes.
20 Q. In the remarks section there's a sentence
21 that ore is coming from Section 16, not certified, and
22 Section 9, and is being blended as it is pushed into the
23 crusher hopper.
24 A. Uh-huh.
25 Q. Section 16 is the section immediately south
0591
1 of Section 9?
2 A. That's correct.
3 Q. Was there a separate mine there?
4 A. I did not go down there, that was just what
5 he had told me. But now looking back on maps, and
6 things, it must have been just, just across the section
7 line.
8 Q. And was the crusher part of the upgrading
9 operation?
10 A. Yeah, crusher, that was the front end of
11 his operation, they got to crush all this material and
12 put it in this thing and through a sand fine separation
13 and make these slimy pellets that are going to dry out
14 in the sun.
15 Q. Did it ever snow in December at the
16 Cameron?
17 A. It did in Flagstaff, but I can't remember.
18 Q. Do you remember on these visits in 1959,
19 could you observe where mining was taking place?
20 A. Yeah, I think they was stripping there.
21 They were down there south of the upgrader plant, south
22 of where Rankin was, but I didn't get down into Section
23 16.
24 Q. Let's turn to Exhibit 32.
25 A. 32?
0592
1 Q. Yes.

2 A. Ho, ho, another one. Next year.
3 Q. This is another Recurring Visit form dated
4 February 3, 1960.
5 A. Uh-huh.
6 Q. And you were not one of the --
7 A. No. Mr. Magleby worked with me in the
8 Grand Junction office. Mr. Gay was a chief AEC engineer
9 in the Grants office, and Paul Young was another mining
10 engineer in the Grants office. The Flagstaff office, my
11 Flagstaff office reported to the Grants office. And
12 they heard about this great Benson upgrader being built
13 and they wanted to come over and see it, being mining
14 engineers.
15 Q. And there's a note, there's no change since
16 your visit in December, correct?
17 A. Yeah. In collection of bonus money. The
18 change means bonus money.
19 Q. And in the remarks section there's mention,
20 ore is coming from Section 16, not certified, and
21 Section 9, and signs on the small stockpiles in front of
22 the crusher hopper are so labeled. Did you ever see
23 these stockpiles?
24 A. Yes. I honestly can't recall seeing signs,
25 though. They did, though, apparently.
0593
1 Q. How big were these stockpiles?
2 A. Probably as big as this room, maybe piled
3 up ten feet, maybe. It was all broken rock.
4 Q. The remarks also mention the plant shipped
5 11 tons to the mill. Were the stockpiles, you know,
6 that small, 11, like on the order of 11 tons?
7 A. Yeah, about -- well, I think so. Eleven
8 tons would be two truckloads, two six-ton truckloads.
9 Yeah. Maybe not as, maybe it was big as, maybe as big
10 as this area, or twice as big as this area here and
11 about -- but, any way.
12 Q. Let's turn to the next page, page 2 of
13 Exhibit 23.
14 A. Oh, now I'm back on the property.
15 Q. You're the examining engineer for a visit
16 dated April 27, 1960; is that right?
17 A. That's what it -- yes, uh-huh.
18 Q. In the remarks section there's mention,
19 plant shipped ten tons, source of ore was probably
20 Section 16. Why do, do you recall why you thought it
21 was ore from Section 16?
22 A. No, I can't recall. Someone must have told
23 me, or -- I can't honestly say where I got that.
24 Q. Now, I want to look at Exhibit 121.
25 A. 1 -- oh. Okay, 121. I'll trade ya here.
0594
1 121. 121. All right.
2 Q. This is a document prepared, prepared for
3 EPA, Region 9, entitled Preliminary Assessment of
4 Section 9 Lease. Do you see that? Is that what the
5 document looks like?

6 A. Uh-huh. Yep.
7 Q. Can we turn to page 229.
8 A. 2 -- oh, ho, ho.
9 Q. Do you recognize this as a page of Mr.
10 Scarborough's 1981 report?
11 A. I do.
12 Q. Can you look on the right side, there's an
13 entry for Grub No. 14.
14 A. Uh-huh.
15 Q. And it's described as in the Northeast
16 Quarter of Section 16, Township 27 North, Range 10 East.
17 Are you familiar with Grub No. 14?
18 A. Yes, I am.
19 Q. Is it possible this could be the mine in
20 Section 16 described in the recurring visit forms?
21 A. No. He is describing -- let's see. The
22 true Grub Mine, when we were making our map at Cameron,
23 this map does not show the Grub Mine. He just has
24 marked up there in that area saying the exact location
25 was unknown. And so -- because Mason Rankin was fooling
0595
1 around, was fooling around down in this area. I asked
2 him what he knew about the Grub Mine, and he says --
3 Q. Hold it, hold it. I'm sorry, Mr.
4 Chenoweth, remember we want to talk about just your
5 knowledge --
6 A. Okay.
7 Q. -- to these questions.
8 A. He showed where the real true Grub mine ore
9 came from, which was the center part of Section 16.
10 Q. And can you look back at page 229, the
11 entry for Grub No. 14. Do you see in the production
12 section there's mention that Section 16 produced some
13 ore for the upgrader?
14 A. Yeah, he's talking about two different --
15 this is very confusing, really. He's talking about two
16 different places. He's talking about the Grub
17 production that came from the west half of Section 16.
18 That's where the actual mine, that I think I saw, was.
19 Then he says the east half, just south of Section 9, is
20 where some of the upgrader material came from.
21 Q. Was it all part of the same mining lease or
22 claim?
23 A. Well, no, the Grub claims -- in the old
24 days these files, which I don't have any more, the EPA
25 has, the west half -- the Grub claims are in the west
0596
1 half of Section 16. The Barber claims are in the east
2 half of Section 16, and they were staked by Bay Shore
3 Mining Company of San Francisco. Now, that map, that
4 claim map that I got out of the AEC archives, shows the
5 Barber claims being staked in 1955 in the east half of
6 Section 9 by Bay Shore. And I don't have that map in my
7 possession, EPA Region 9 has that map.
8 Q. Do you know whether Bay Shore -- so the Bay
9 Shore claims were the ones just south of Section 9?

10 A. Yes.
11 Q. Do you know whether Bay Shore ever shipped
12 ore?
13 A. No. There's no record of any production
14 called the Barber claims by Bay Shore.
15 Q. Do you know who mined that ore and sent it
16 to the upgrader?
17 A. Probably Murchison.
18 Q. Okay.
19 A. Yeah, I can never -- I never was down in
20 the northeast corner of 16 where these little pits exist
21 today, or I've been told they exist today.
22 Q. Can we turn now to page 240 of Exhibit 121.
23 A. 240?
24 Q. 240, yes. Do you see in the top left an
25 entry for Section 9?
0597
1 A. Uh-huh.
2 Q. Can we take a step back and maybe you can
3 remind me, or confirm for me, this is Scarborough's 1981
4 report, and can you confirm, is he reflecting in these
5 entries what he saw the conditions looked like in 1981?
6 A. I know that he did -- I never was with him
7 in the field out on Cameron, and I can't say what he
8 did, or anything, but I'm sure he, he must have been out
9 there to put this entry down, I can't -- that is --
10 Q. Okay.
11 A. -- that's really hearsay, because I don't
12 know what he did in the Cameron area, because he took my
13 Cameron map and plotted all kinds of Uranium occurrences
14 through it, I don't know, and he must have got that data
15 from the AEC, or where, and, and his, his work in
16 Cameron is unknown to me, really.
17 Q. And you mentioned also that, well, you
18 brought with you a copy of the map that goes with this
19 report, right?
20 A. Yes.
21 Q. And does it show three small pits in
22 Section 9?
23 A. Yes. And I believe he must have got it off
24 of -- I don't know where he got the locations, I didn't
25 give them to him, he must have got them off this map
0598
1 here that the AEC had in their possession. And we're
2 talking about --
3 Q. Yes.
4 A. This is Scarborough's map that, that goes
5 with, it actually, I think it goes with this report, as
6 well as my report. I'm not sure.
7 Q. Can you tell me where the three pits or
8 mines are shown in Section 9?
9 A. They are called 71 A, B and C, from north
10 to south, A, B and C. And C is right down practically
11 on the section line.
12 Q. Is it above or below the section line?
13 A. Above the section line in 9.

14 Q. Okay.
15 A. He, he -- if I was going to draw this map
16 to what I know today, I would put cross picks down here
17 in Section 16. But he didn't. Because he should have
18 seen -- he saw the pits there, according to legend, but
19 it's not on his map. And I pointed this out in the
20 Arizona Geological Survey. They said okay. Sorry.
21 Q. Let's, let's look at page 10 of Exhibit
22 121.
23 A. Okay, go back to page 10. Okay.
24 Q. And this is entitled Figure 2, Site Layout.
25 And do you see there are three areas marked in red --
0599
1 A. Yes.
2 Q. -- labeled AUM ID No. 457, 458 and 459,
3 right?
4 A. Uh-huh.
5 Q. I just want to refresh your memory on the
6 three locations.
7 A. Yeah, it shows the road coming from Section
8 9, which is on, which is on this map over here behind
9 me.
10 Q. And can you tell me again which area you
11 think had the decline?
12 A. I would say it was 458. That's where Mr.
13 Rankin was mining. I remember -- yeah, it was in the
14 real south, central corner of the section, not the north
15 part where there's disturbance up there. I saw this
16 disturbance, but I don't know anything about it.
17 Q. The -- and 457 is close to the river, there
18 is -- do you recall there being quite a drop off down to
19 the river from 457?
20 A. I really can't remember.
21 Q. Okay. So which, which area do you recall
22 the upgrader being located?
23 A. In the north area, I'd say 457. That's
24 where, that's where the concrete foundations were
25 several years ago. Maybe they're still there.
0600
1 Q. Was -- during your visit in 1958 to 1960,
2 do you recall seeing any mining taking placed in the
3 north site?
4 A. No. The only place I saw Murchison, or
5 that group, Benson, was down here in the southern
6 corner, southeast corner of the section.
7 Q. Which is labeled 458?
8 A. Yeah. And Murchison -- yeah, and they were
9 down here pointed down -- they pointed south, which must
10 be 459. I was never down in 459.
11 Q. And that's where the mining was taking
12 place?
13 A. Huh?
14 Q. That's where the mining was taking place,
15 were those two sites?
16 A. Yeah, apparently, yes.
17 Q. In 457, the north site, what do you recall

18 seeing?
19 A. Well, we flew over that area, I remember
20 seeing concrete in a pond, and that. And that was the
21 last time I was even near Section 9, was when the El
22 Paso flew over the site.
23 Q. Do you remember seeing that part of the
24 site in 1958 and 1960?
25 A. Yeah, there was disturbance, yeah, 19 --
0601
1 see, that's where the plant was built. Yeah, that's --
2 you say '59 and '60, yes, that's where the plant was, up
3 there.
4 Q. And do you remember what the plant looked
5 like?
6 A. Oh, it was a bunch of concrete walls and
7 some equipment laying around and stockpiled by the
8 plant, and all that. That was when I'm recording that
9 one recurring visit.
10 Q. Can you turn to page 11.
11 A. Eleven, okay.
12 Q. And this is Figure 3 showing site 457,
13 where the upgrader is located. Do you remember seeing
14 in 1958 to 1960 the waste rock upgrader and pond
15 features that are labeled here?
16 A. No, I, I know there were a lot of rocks
17 around there, and there's a pond down there, and that's
18 where the upgrader was built, but I can't say that these
19 locations marked on the map I saw things there. I
20 wasn't that observant of where things were. I think
21 there was waste rock out here east -- west of that pond.
22 It seems that that's where their stockpiles were. But I
23 just -- that's speculation, because I can't remember.
24 Q. Were did you think the stockpiles were?
25 A. The waste rock west of the upgrader site.
0602
1 Q. Okay. So the --
2 A. I don't remember them being on the river
3 side of the upgrade, is what I'm saying. Waste rock
4 over here east of the upgrader site, I don't remember
5 seeing anything there. I don't recall waste rock being
6 on the river side of that plant.
7 Q. And when you say "waste rock", what do you
8 mean?
9 A. Oh, I mean just -- I wouldn't call it --
10 this is a low grade material they were going to crush
11 and put through the plant. It would be below, below .1,
12 probably below .1 percent uranium.
13 Q. And in one of the recurring visit forms we,
14 we observed that, or note that it looked like five tons
15 of waste rock generated one ton of upgraded material?
16 A. Yeah.
17 Q. What happened to the other four tons?
18 A. That was -- after it went through their
19 upgrader, all sandy stuff was left on the ground out
20 here.
21 Q. Do you remember seeing where that material

22 was left on the ground?
23 A. It seems like it was down over towards --
24 it seems like, it seems like it was on the river side.
25 I can't, I can't be sure.
0603
1 Q. In --
2 A. And there was a bunch of disturbance down
3 here by the pond, I remember that.
4 Q. In the period 1958 to 1960?
5 A. Yeah.
6 Q. Yes. And was that fresh disturbance, or
7 was it disturbance --
8 A. Yeah, it -- I think it was a result of the
9 upgrader.
10 Q. And there's, there's another waste rock
11 area shown in the northwest --
12 A. Yeah.
13 Q. -- part of 457. Did you observe that area
14 at all in 19 --
15 A. No.
16 Q. -- 1958 to 1960?
17 A. No, I can't say I did.
18 CHRISTOPHER J. NEUMANN: Who just
19 joined on the phone?
20 MARIE RONGONE: Hi, this is Marie
21 Rongone, Region 9.
22 Q. Let's turn to page 12. And this is figure
23 4 showing site 458. Do you see that?
24 A. Uh-huh.
25 Q. The first question I have is: The, do you
0604
1 recall the shape of the mining claim or the leased area
2 for Section 9? Was it the entire east half of the
3 section?
4 A. I believe Rankin's lease was only in the
5 south, south half of the east half. I could be wrong,
6 but --
7 Q. So --
8 A. This would be included in that area.
9 Q. That's my question: The red line here that
10 says mine site boundary, that's not something from the
11 mine lease or --
12 A. No.
13 Q. -- mine permit?
14 A. No. No, I think his lease, from what I
15 remember, the notes in the certification file, he only
16 leased the south half of the east half.
17 Q. And so this is the mill site. And, and
18 what do you recall seeing at this site, if anything?
19 A. Well, the way, the way this is drawn, that
20 pit there, that might have been one of Rankin's pits,
21 but I don't know. This is much later, Murchison got in
22 there and dug around. Because they were looking for any
23 place they could get some material to put through that
24 plant.
25 Q. And let's look at page 13.

0605
1 A. Uh-huh.
2 Q. This is figure 5 showing site 459. And did
3 you explain, you don't think you ever saw this --
4 A. I never saw that. According to this map,
5 it's south of the section line. I thought -- I don't
6 think they -- this is speculation, I don't think
7 Murchison knew where the section line was, because I
8 saw, I saw something down here in the corner of the
9 section, and they said it was in Section 9. It could
10 have been over here in 16, I don't know. That's
11 speculation.
12 Q. And did you have any personal knowledge
13 from what you saw in 19 --
14 A. '60.
15 Q. Yeah, '55 to '60, do you have any personal
16 knowledge, from your observation, of where Rare Metals
17 would have mined?
18 A. No, I don't.
19 Q. Okay. Let's take a break.
20 JOHN DENNIS DUNN: The time is
21 approximately 10:42 and we're off the record.
22 (A recess was taken from 10:42 a.m.
23 until 10:46 a.m.)
24 JOHN DENNIS DUNN: The time is
25 approximately 10:46 and we're on the record.
0606
1 Q. Mr. Chenoweth, on the break I went back and
2 looked at your 1993 report, it's Exhibit 57.
3 A. 57.
4 Q. I'll tell you what, let me just read a
5 sentence from it, that might be easier. You say on page
6 12 of Exhibit 57, C. L. Rankin acquired the former Rare
7 Metals Lease on Section 9 from CO Bar Livestock Company.
8 In the fall of 1958, Rankin shipped 87 tons from a short
9 decline in the northeast quarter of the section. And it
10 looks like page 10 had the site layout, and site 457 is
11 in the northeast quarter of the south --
12 A. I believe that's an error now. Now,
13 getting involved in these detail maps that Western made
14 that I've seen here for the first time, but heard about,
15 I believe that's in error. I don't think Rankin was
16 at -- I would say it would be the southwest quarter -- I
17 mean southeast quarter, not the northeast, because I
18 don't remember him -- the upgrader, the upgrader was
19 built farther north than where he was mining, and that
20 would be in the northeast. I think that's an error in
21 my earlier report. Because I saw that when he got into
22 this, I said I don't re --I think I may -- I should --
23 it's an error, it should be the southeast quarter and
24 not the northeast, because what I recall about Rankin is
25 mining south of the road, the main road that cuts across
0607
1 the section, he was down in that area, not, not up where
2 there was early disturbance where he told me that's
3 where Rare Metals was.

4 Q. How did you -- what information did you
5 review to write this section of your 1993 report, do you
6 remember?
7 A. Old field notes, and things like that. And
8 the certification reports, and things.
9 Q. And at the time you thought the short
10 decline might have been in the northeast?
11 A. Yeah. Somehow I got that, and now I
12 don't -- I think I was in error after, after reading all
13 this recent information, because Rankin was never up
14 there. In fact, the lease that I thought I saw in the
15 surveying report is he only leased the south half of the
16 east half, and that wouldn't put him up there. That's
17 why I think it's in error. After seeing the list and
18 the certification report and thinking about it.
19 Q. So --
20 A. I should say Mrs. Rankin. It's all done
21 under Mrs. Rankin's name, not Mason Rankin, because he
22 was in trouble with somebody.
23 Q. If he, if he only leased the south half,
24 was there no lease that gave right to have an upgrader
25 on the --
0608
1 A. Well, that was Rankin's lease, now I don't
2 know about Murchison, or Benson and that group, what
3 they called themselves. I never saw any of their
4 leasing, and all that. But I do remember seeing, I
5 think in the certification file that his lease was only
6 that south part, south half of the north -- of the east
7 half. He can clear it up for us over here.
8 Q. Have you recently reviewed a copy of that
9 lease?
10 A. Yes. No, not a copy, I reviewed the
11 certification report, recently, just -- and that's where
12 I recall Rankin, where Rankin's lease was, and not up
13 there where the upgrader was built. So that's why I
14 think I made a mistake in my report.
15 Q. Do you still have a copy of that
16 certification file?
17 A. No, I think I've loaned mine to be copied
18 by Region 9 and I haven't got it back. You guys
19 probably have it, it's a certification report.
20 Q. When you describe that mining happened on a
21 short decline, are you meaning like a hill?
22 A. Yeah. No, wait, he went in, instead of
23 being on the surface or sinking a vertical shaft, he
24 went down to the little, a little decline shaft to go
25 underground. Why he did that, I don't know. He didn't,
0609
1 he didn't, you know, bulldoze the surface of the earth
2 or, or dig a vertical hole, it was a de -- an incline
3 hole he dug. Or decline. Decline and incline are kind
4 of intermixed, but it was, it was little diggings, a dog
5 hole that went down at an angle.
6 Q. Can you look at page 33.
7 A. Of 121?

8 Q. Yes.
9 A. 33. Oh, yeah.
10 Q. And do you see there a total of 5 --
11 A. Yeah.
12 Q. -- it shows the vista foundation of the
13 upgrader?
14 A. Uh-huh.
15 Q. And you can see the site topography drops
16 off down to the left, it looks like, right?
17 A. Uh-huh.
18 Q. Do you recall there's an outcrop right here
19 along the river?
20 A. I don't recall it. I see it in the photo,
21 but I can't remember that.
22 Q. Is it possible, reflecting on the short
23 incline, that it could have been along the outcrop?
24 A. No, it was down in the flat, as I remember.
25 In these rolling hills down there, but it wasn't, it
0610
1 wasn't -- well, I can't really remember, but I know it
2 was just a little, just a little short digging that went
3 down at an angle and it had a little bit of overburden
4 over it. I don't think the mine inspector, state mine
5 inspector would like it, because it was hazardous.
6 Q. Okay, let's look at page 21, again, of
7 Exhibit 121.
8 A. 21, okay.
9 Q. And let's take a break to change the tape
10 before we get into this question.
11 JOHN DENNIS DUNN: The time is
12 approximately 10:54. This is the end of tape number 14
13 in the deposition of William Chenoweth. We're going off
14 the record to change tapes.
15 (A recess was taken from 10:54 a.m.
16 until 10:56 a.m.)
17 JOHN DENNIS DUNN: We're on the
18 record. This is the beginning of tape number 15 in the
19 deposition of William Chenoweth. The time is
20 approximately 10:56.
21 Q. Mr. Chenoweth, we were looking on page 21
22 of Exhibit 121.
23 A. Yeah.
24 Q. And do you see the last paragraph --
25 A. Yes.
0611
1 Q. -- on that page begins, in 1957 Rare Metals
2 Corporation leased the site from CO Bar and began an
3 open pit mining operation at three separate locations.
4 Do you know whether there is any reference --
5 MARIE RONGONE: Hello.
6 CHRISTOPHER J. NEUMANN: Hello.
7 MARIE RONGONE: Hi. I'm sorry to
8 interrupt, this Marie Rongone, but the line is cutting
9 in and cutting out so I'm going to hang up and try to
10 dial in again.
11 CHRISTOPHER J. NEUMANN: Okay.

12 MARIE RONGONE: Sorry to bother you.
13 Q. Do you know whether there is any document
14 that exists that might support this statement?
15 A. No, I don't.
16 Q. And we discussed earlier that the McGinley
17 report from 1981 mentioned in Section 9 three pits. But
18 that report, as you described, was just what could be
19 observed in 1981 when you did the report, right?
20 A. The Albrethsen McGinley Report?
21 Q. Is that the right name? The one from 1981
22 that we looked at.
23 A. I'm not --
24 Q. Sorry.
25 A. I'm not --
0612
1 Q. No, Scarborough.
2 A. Oh, okay. Now, what was your question,
3 again, sir.
4 Q. Scarborough's Report, we looked in the
5 summary at the Section 9 entry where it mentions --
6 A. That little, that little -- yes, I see it
7 Q. And it mentioned the three pits.
8 A. Yeah.
9 Q. Those are what he observed in 1981 when he
10 wrote the report?
11 A. I don't know where he got that. I think,
12 this is my opinion, I think they got those three pit
13 locations off of this map he borrowed from the AEC.
14 Q. Okay. When was the last time you visited
15 Section 9?
16 A. On the ground?
17 Q. Yes.
18 A. Let's see, we went back in, probably 19 --
19 we had a field trip in Arizona, and we were going to --
20 19, probably 60 -- '63, I'd say. Something like that.
21 Q. Okay. Let's -- I only have a few more
22 questions, and I want to turn to the very end of the
23 report to page 874.
24 A. 74?
25 Q. 874. Very end of the binder. Bill. Bill.
0613
1 874, it's at the very end of the binder.
2 A. Oh, it's --
3 Q. Yeah.
4 A. 800. Okay. Way back. 800. 74?
5 Q. Yes.
6 A. Okay, I'm on 75. Okay, I'm -- ho, ho, ho.
7 Ha, ha, ha, ha.
8 Q. Okay, we're three. What do you see on page
9 874?
10 A. It's what?
11 Q. What is this document?
12 A. It looks like somebody wrote to Region 9,
13 but I'm sure. Yeah, it has to be. Because --
14 Q. If you look at page 873 there's a title,
15 Chenoweth Section 9 Lease Analysis Document and Field

16 Notes.
17 A. Yeah, that -- 12? What?
18 Q. It's dated September 1, 2012.
19 A. Yeah, that seems a long time ago.
20 Q. Did you prepare this for EPA?
21 A. I would -- without being a hundred percent
22 sure, I'd say I think did, but I don't know who else I
23 would have written it for. Add these, add these number
24 up and I get that many tons.
25 KATHERINE M. KANE: I'm going to
0614
1 object. I'm not sure what this document is and I'm not
2 sure whether or not this is getting into privileged --
3 A. I would --
4 KATHERINE M. KANE: Hold on for a
5 minute. Getting into privileged information enforcement
6 confidential of the region, so I'm going to have to, if
7 we can hold off on this and let me talk to Region 9 and
8 find out exactly what this is.
9 CHRISTOPHER J. NEUMANN: Okay. Let
10 me ask -- I'm going to have him look at page 878 and see
11 if it refreshes his memory.
12 THE WITNESS: 78?
13 CHRISTOPHER J. NEUMANN: Yes. I'm
14 not going to ask him questions back and forth between
15 EPA --
16 THE WITNESS: Okay, I got it.
17 CHRISTOPHER J. NEUMANN: -- and see
18 if this can helps him explain what this is.
19 THE WITNESS: Oh, my goodness. You
20 say 878.
21 KATHERINE M. KANE: Again, I'm
22 sorry --
23 THE WITNESS: Page 78.
24 CHRISTOPHER J. NEUMANN: Page 878.
25 THE WITNESS: 878, yeah. Which
0615
1 isn't --
2 KATHERINE M. KANE: One second.
3 THE WITNESS: That's my --
4 KATHERINE M. KANE: Bill, hold on.
5 I'm going to have to object again, I see on the document
6 it says reports are confidential, so I'm not sure if --
7 CHRISTOPHER J. NEUMANN: If you look
8 at the -- can we go off the record.
9 JOHN DENNIS DUNN: Certainly. The
10 time is approximately 11:03 and we're off the record.
11 (A recess was taken from 11:03 a.m.
12 until 11:05 a.m.)
13 JOHN DENNIS DUNN: The time is
14 approximately 11:05 and we're on the record.
15 Q. Okay. Bill, we were looking at page 878.
16 A. Yes.
17 Q. And this appears to be an email from Kim
18 Merin at Toeroek, T-o-e-r-o-e-k, to you. Do you
19 remember this email?

20 A. Oh, yes.
21 Q. And who is Kim Merin?
22 A. She is a project manager for Toeroek, who
23 is Region 9's prime contractor on some project. I don't
24 know.
25 Q. And you have a contract with Toeroek?
0616
1 A. With Toeroek, yes.
2 Q. And can you describe for me, without
3 getting into any details, what is it that you do under
4 that contract?
5 A. Well, I think it's kind of a general
6 contract to provide research information, historic
7 information on uranium mines in New Mexico, Arizona.
8 And maybe, maybe it's Colorado Plat -- anyway, it's
9 basically historical information on uranium mining,
10 probably, I'd say, New Mexico, Arizona, and maybe even
11 Utah. Yeah, because the Navajo, the Navajo lands go
12 into Utah, so it would be Utah included.
13 Q. At the bottom of the email there are some
14 specific questions --
15 A. Yes.
16 Q. -- that are set forth. Did Ms. Merin, or
17 others at Toeroek, send you questions like this
18 periodically?
19 A. They come from, this Steve Arbaugh, a
20 carbon copy to Steve Arbaugh, he's an investigator for
21 Chanel 9, and he's the one I usually work with, and --
22 because in my contract I can't talk to him direct, I've
23 got to go through the contractor. So, so when he wants
24 anything, he gives it to Kim and she sends it to me, the
25 way it is. And this is something I got from him through
0617
1 Kim, and he wanted me to comment on, on the -- if I saw
2 anything historically wrong with this. And that's what
3 my red marks are. And then I emailed it back to Kim and
4 she gave it to Steve.
5 MARIE RONGONE: Okay, I'm sorry to
6 interrupt, this is Marie Rongone. And most of what Bill
7 does for us under the Toeroek subcontract is enforcement
8 support. Steve Arbaugh is our civil investigator. I
9 can't see the document that you have in front of you,
10 and I don't know where or how it was obtained, but I
11 have a concern that we're getting into confidential and
12 privileged attorney/client and attorney work product
13 areas.
14 CHRISTOPHER J. NEUMANN: Okay, Marie,
15 I heard you, and for the record, so I understand you
16 have a concern whether this may be privileged, and I
17 have a few more questions, and will not ask about the
18 details of any communications. I will represent to you,
19 and we can check on a break and get comfortable, but
20 this document was sent by EPA Region 9 directly to my
21 client, and that this attachment to the preliminary
22 assessment was among those documents. And to the extent
23 that, to the extent that EPA would assert a privilege

24 over this attachment, and I believe, and we can discuss,
25 there may be a waiver, at least as to these materials.
0618
1 MARIE RONGONE: Well, I'll just place
2 my objection on the record to discussion or questions
3 getting into any confidential and privileged areas.
4 Like I said, I can't see the document, and I can't be
5 sure what it is. So my objection stands on the record
6 and you can go ahead with your question.
7 Q. Mr. Chenoweth, do you know how many emails
8 you may have received from Ms. Merin or others at
9 Toeroek?
10 A. Regarding what?
11 Q. Regarding your work under this contract.
12 A. How many emails? Dozens.
13 Q. Are those emails -- do you have a copy of
14 those emails on your computer?
15 A. No, I, I may have printed a few of them
16 out, but most of them are just things, please order
17 certification report number so and so for us.
18 KATHERINE M. KANE: I'm going to
19 object to this.
20 A. A lot of it is just getting --
21 KATHERINE M. KANE: Just one second.
22 Sorry. I'm going to object to the whole line at this
23 point. I think we are getting into work that we said
24 before at this point is Enforcement Confidential. As
25 Miss Rongone said, you know, we'll talk about this
0619
1 particular document and whether or not this has already
2 been disclosed, but I think getting into what Mr.
3 Chenoweth is doing, or the way in which he is doing work
4 under this contract is objectionable and confidential,
5 and so we object.
6 CHRISTOPHER J. NEUMANN: Let's go off
7 the record for a minute.
8 JOHN DENNIS DUNN: The time is
9 approximately 11:11 and we're off the record.
10 (A recess was taken from 11:11 a.m.
11 until 11:15 a.m.)
12 JOHN DENNIS DUNN: The time is
13 approximately 11:15 and we're on the record.
14 CHRISTOPHER J. NEUMANN: So, Kate, I
15 just want to clarify, first of all, that it's my
16 understanding your presence here is to represent EPA.
17 Is that correct?
18 KATHERINE M. KANE: That's correct.
19 CHRISTOPHER J. NEUMANN: Okay. And
20 I'm attempting to ask Mr. Chenoweth questions about an
21 attachment to a preliminary assessment, Exhibit 121,
22 that was provided to my client, and do I understand you
23 telling me that you're instructing the witness not to
24 answer on grounds that this document is privileged?
25 KATHERINE M. KANE: As to Exhibit
0620
1 121, 878 and 879, this document is an email that has

2 words Enforcement Confidential on it, and while I
3 understand that the previous pages that appear to be
4 notes from Mr. Chenoweth are referenced in the Section 6
5 reference section, I don't see a reference to this
6 email. And with Enforcement Confidential on it, I
7 object to this document. And further, I am objecting to
8 any further questions with respect to what Mr. Chenoweth
9 is doing at this point, the details of his contract with
10 Toeroek and EPA as the prime contractor with Toeroek.
11 CHRISTOPHER J. NEUMANN: Can I ask
12 him questions about his answers to questions reflected
13 on page 874 and 875?
14 KATHERINE M. KANE: A minute, please.
15 I think the easiest way to do is for us to take a
16 five-minute break and let me call EPA Region 9 and ask
17 them what their view on it is. If we can do that.
18 CHRISTOPHER J. NEUMANN: One more
19 thing that might help. If you look in the top right of
20 the pages there are numbers, and there's a number 4 at
21 the top of page 877 and the number 5 at the top of 878.
22 Can we ask Mr. Chenoweth if those are his numbers?
23 KATHERINE M. KANE: I'm comfortable
24 with that question.
25 Q. Bill, I don't know if you followed that.
0621
1 A. No, I didn't.
2 Q. If you look at page 877.
3 A. Yes.
4 Q. In the top right there's a number 4 that is
5 circled.
6 A. Yes.
7 Q. Did you put that number?
8 A. Yes, that is a number -- this -- all these,
9 all these pages are numbered it probably is clear back
10 here to number 6, which is here. Those are probably all
11 one document that I, I forwarded to Toeroek to send to
12 Steve.
13 KATHERINE M. KANE: Bill, I am going
14 to ask you to stop right there. If we can take five
15 minutes off the record and let me talk to EPA.
16 CHRISTOPHER J. NEUMANN: Okay.
17 JOHN DENNIS DUNN: Excuse me, the
18 time is approximately 11:17 and we're off the record.
19 (A recess was taken from 11:17 a.m.
20 until 11:36 a.m.)
21 JOHN DENNIS DUNN: The time is
22 approximately 11:36 and we're on the record.
23 KATHERINE M. KANE: Okay. This is
24 Kate Kane on the record. We took a break and I spoke
25 with USEPA Region 9 with respect to Chenoweth Exhibit
0622
1 121, 874 to 881, and particularly 878 and 879. To the
2 extent that there are questions regarding the Exhibit
3 878, and Mr. Chenoweth's notes, or his opinions with
4 respect to substance, we understand that this document
5 has already been released as a part of what we

6 understand to be the public record, and so we don't
7 object to any questions regarding the substance or Mr.
8 Chenoweth's notes on it.
9 However, any questions with respect to Mr.
10 Chenoweth's work on the Toerdek contract or enforcement
11 matters for EPA, anything beyond the substance, I am
12 going to object and I'm going to direct Mr. Chenoweth
13 not to answer those questions. However, since we are
14 leaving this deposition open after today, we will
15 continue to have a dialogue and work out any further
16 parameters, but I don't want any answers to be regarded
17 as a subject matter waiver on this.
18 CHRISTOPHER J. NEUMANN: Okay. Fair
19 enough. With that, I am done with my questions. And I
20 just want to note for the record that I'm going to
21 distribute correct copies of Exhibit 68, which is one of
22 Mr. Chenoweth's affidavits, and 72, which was a
23 declaration of Mr. Chenoweth. 68 was missing a page or
24 two, and 72, there was an unsigned copy that we're
25 substituting for the signed copy. So with that, I'm
0623
1 done with my questions. Thank you, Mr. Chenoweth.
2 JOHN DENNIS DUNN: The time is
3 approximately 11:38 and we're off the record.
4 (A recess was taken from 11:38 a.m.
5 until 11:42 a.m.).
6 JOHN DENNIS DUNN: The time Is
7 approximately 11:42 and we're on the record.
8 EXAMINATION
9 BY MAUREEN RUDOLPH:
10 Q. Good morning, Mr. Chenoweth.
11 A. Good morning.
12 Q. My name is Maureen Rudolph and I am with
13 the US Department of Justice, and I wanted to ask you a
14 few questions --
15 A. Sure.
16 Q. -- today.
17 A. Yes.
18 Q. I'd like to turn to, part of what we're
19 trying to do here is take all of the information that
20 you have in your brain and put it down in a record. And
21 we're not going to accomplish that goal, but we're
22 trying to do part of that. So one of the questions that
23 I wanted to ask you, I wanted to pose a hypothetical
24 question to you.
25 A. Sure.
0624
1 Q. I wanted to talk about, if you were going
2 to investigate the history of a particular mine, could
3 you tell us where you would start; what documents would
4 you go look for, and that type of thing?
5 A. Well, it would depend on where, where the
6 mine was located. And if, if I'd ever been there
7 myself. If not, I would -- most of, most of the big
8 uranium states, like the Four Corner states plus Wyoming
9 and South Dakota, their state records, I'd go to their

10 state records, because they, they do, they have
11 accumulated information on, on uranium mining in their
12 state. We're talking about uranium mining, because
13 that's my specialty.
14 And another place I would go would be go to
15 the National Archives in Bloomfield, Colorado where,
16 where all of the, all the data from this DOE office here
17 has been -- not all the -- this is the data from this
18 AEC has all gone to the Rocky -- to that part of the
19 National Archives, College Park, but to the Rocky
20 Mountain region in Bloomfield, Colorado. Because those
21 certifications reports really give the early history of
22 1200 and so many, 1250 some uranium mines.
23 Q. Now, we touched on, and I think you also
24 mentioned over the past couple days, that there are
25 documents still located here in Grand Junction at the
0625
1 AEC, or what is now the DOE office in Grand Junction?
2 A. Yes, there are, yeah -- yes, there are.
3 That would be most of the AE -- most of the ore, ore
4 production records during -- all of the ore production
5 records during the AEC program. 1947 through 1970 are
6 still there awaiting to go to the National Archives, I'm
7 told.
8 Q. Now, some other document collections you've
9 mentioned include some documents are at the Museum of
10 Western Colorado?
11 A. Yeah, they, they've got copies of press
12 releases, and things like that. They've also got a
13 Union Mines collection, with Union Mines was a civilian
14 contractor in the Manhattan Engineering District, and
15 they have maps and reports of their investigations in,
16 in the Four Corner states.
17 Q. I think you also mentioned the Colorado
18 Mesa University.
19 A. Yes. When the DOE was downsizing here,
20 they had a very good technical library on uranium
21 publications. And USGS came over and took what they
22 needed to add to their collection at the Federal Center
23 in Denver, but all the rest of the collection went to,
24 at that time it was called Mesa State, Mesa State
25 College. In recent years it's been changed to Colorado
0626
1 Mesa University. And they finally had students and the
2 money to put, put little magnetic tapes in the report so
3 people can't rip them off. And it's all up on the third
4 floor there of the library, and it's all indexed, and
5 there's one, one librarian that can always help you find
6 things.
7 Q. Do you know what the librarian's name is?
8 A. Jamie Walker, J-a-m-i-e, Walker. He's sort
9 of in charge of the DOE collection.
10 Q. Now, I've seen reference throughout some of
11 the reports, and I think you've also mentioned that
12 there are also records that the Navajo have, potentially
13 at Window Rock.

14 A. During the uranium boom, the Navajo Tribal
15 Mining Department kept good track of mining permits, of
16 claims and then leases, and all that. And they said --
17 they gave the AEC a lot of this data, which I have, and
18 some of it's in the National Archives, but I don't know
19 what -- they have a lot on the reclamation, reclamation
20 projects, and all that. I, I don't have any of that. I
21 think it would be fair to say that cleaning up these
22 sites down there, the -- I got -- AML Group has all
23 kinds of records about the -- they went out, their
24 people went out in the field, made maps and sketches of
25 all these abandoned sites, radiation records, and all
0627
1 that. They have all that. In M, M -- AML, and it's a
2 group under Madeline Roanhorse in Window Rock.
3 Q. And just to clarify. The original mining
4 permits and leases, to your knowledge, the Navajo Nation
5 has given those records to AEC or DOE?
6 A. Well only on, only on, only on the ones
7 they asked for. And, and, and most of the certification
8 reports on mines on the, on the reservation have copies
9 of the mining permits in those certification reports.
10 But -- now, there's a mine out in Monument Valley,
11 somewhere in Monument Valley, and I can't think of the
12 name, Harry Sampson, I think it is, and they produced
13 several hundred tons of ore, and I've never been able to
14 locate it. And I've asked people at Window Rock to look
15 at that mining permit, and they can't, they can't find
16 it because the records have been stored. And David can
17 tell more about it. But the records are stored and
18 they've gotten old and waterlogged, and all that. And
19 it was hopeless to find any, any of those old mining
20 permit records, I've been told.
21 Q. Do you know if anyone still has copies of
22 the exploration permits?
23 A. No. No, some of, like I said, if you were
24 going to go out and drill, you could get an exploration
25 permit to drill, it's good for 120 days. But I -- in
0628
1 one of those certifications I've seen this report, but I
2 don't know where they are. They've probably all been
3 destroyed. Destroyed.
4 Q. You mentioned, I think it might have been
5 yesterday, that, or might have been the day before,
6 forgive me, that AEC requested, I think your word was
7 "permission" to set up the AEC camp from the Navajo
8 Nation. Do you know if any records exist of those
9 communications?
10 A. Yeah, like there was communication between
11 the Grand Junction office of the AEC and, and the Tribal
12 Council about, we wanted to go and drill in this area,
13 or we wanted to build a camp in this area. And I don't
14 know where that all -- a lot of that might -- I don't
15 know if that's in the in AEC archives or not. They gave
16 us a letter to carry around so that if the Navajo police
17 stopped ya, well, we said, no, we're legal out here.

18 And I still have an old, beat up copy of what I carried
19 around. It's pretty beat up now. And --
20 Q. Who signed that letter?
21 A. It was signed by, I think, Sam McKia, the
22 chairman at the time.
23 Q. In terms of documents, I've also noticed,
24 and I want to talk a little bit more about this, that,
25 in a little bit, about the 1980 litigation that you were
0629
1 involved with, concerning, I think it was the Navajo
2 Nation versus the United States.
3 A. Uh-huh.
4 Q. There were a couple reports that you
5 referenced fairly consistently throughout some of your
6 reports involving some expert reports that were done in
7 the course of that litigation.
8 A. Uh-huh.
9 Q. I think one was a GAS report.
10 A. Yeah, the GA -- the General Services
11 Administration, that was a big document where they had
12 gone back into the BIA records and compiled all this,
13 old vanadium leases, and the royalties. They had sheet
14 after sheet of the BIA, Bureau of Indian Affairs, is
15 what I'm talking about. Yes.
16 Q. Do you still have a copy of --
17 A. No.
18 Q. -- that report?
19 A. The GAO report is in the National Archives.
20 Q. And you also referenced an expert report
21 that was done as part of that report.
22 A. Yeah, that was done by a consulting firm in
23 Golden, Colorado, and that's also in the National
24 Archives. I had copies of most of those and -- I mean
25 the DOE down here had copies and they sent them to the
0630
1 National Archives. I said I don't want them any more.
2 Q. Let me ask you one more, or probably a
3 couple more questions, and I think we're getting pretty
4 close to lunch.
5 A. Okay.
6 Q. With regards to the GAS report, the one you
7 just referenced --
8 A. Yeah.
9 Q. -- the 1981 report. And you said that the,
10 the underlying data came from BIA records?
11 A. Yes.
12 Q. Were there any other sort of records, that
13 you are aware of, that 1981 report looked to?
14 A. No. The, the part -- basically that
15 lawsuit had to do with a 1940 through '46 time frame,
16 and they -- and the places they found -- and on the ore
17 produced during that time, it was all for vanadium and
18 the BIA, the BIA had kept all the records. I don't
19 think the BIA throws anything away.
20 Q. I'm going to ask you one more document
21 question. You also mentioned the yesterday that at the

22 conclusion of the termination of a lease, or of a mine,
23 that there would be a representative of the USGS and a
24 representative of the Tribe, and that they would look --
25 there would be this analysis done about whether or not
0631
1 royalties had been received. Do you know if there is
2 any documentation, and if so, where that would be
3 located at?
4 A. Well, I've, I've looked at some, I don't
5 have a copy, but a lot of the -- when USGS used to be
6 the BIA technical representative on mining on the
7 reservation, that was USGS Conservation Division in
8 Roswell, New Mexico, and at one time, point in time, all
9 those records were transferred to the state office and
10 the BLM in Phoenix. And the, and the -- at that time
11 when I went down there, mainly for the RETHA program to
12 see if those records contained any radiation reference
13 in the mines that, that they didn't have already. They
14 dug out the files, probably by property, of, on Navajo
15 properties that they had files on, and that was in the
16 BLM office in Phoenix. And that's where I saw this,
17 this is where I saw a document where they were -- VCA
18 was going to, maybe cancel a lease. Anyway, VCA was
19 involved. So they had a representative of VCA, a USGS
20 for the BIA, had a Tribal Mining Department guy and a
21 chapter representative. I saw a report, and it seemed
22 all they recommended was putting a barbed wire fence
23 round this pit. And that's a document that I saw in the
24 Phoenix B, BLM office.
25 Q. The BLM or BIA?
0632
1 A. BLM. BLM inherited all that from the USGS
2 people over in Roswell, is what I was told.
3 Q. And about what time did you see the
4 document at the BLM office in Phoenix?
5 A. I want to say it would be -- it was when,
6 when the Justice Department Radiation Unit was trying to
7 see where, if the state agencies had radiation readings
8 in the mines. So it would have been about 1995.
9 MAUREEN RUDOLPH: Okay, let's go
10 ahead and take a break for lunch.
11 JOHN DENNIS DUNN: The time is
12 approximately 11:55 and we're off the record.
13 (A recess was taken from 11:55 a.m.
14 until 12:53 p.m.)
15 JOHN DENNIS DUNN: The time is
16 approximately 12:53 and we're on the record.
17 Q. Good afternoon, Mr. Chenoweth.
18 A. Good afternoon.
19 Q. Welcome back. I have a couple housekeeping
20 items that I need to take care of, just for the record.
21 A. Okay.
22 Q. One of which is this document that you --
23 I'm sorry, this CD that you handed us this morning,
24 which is labeled AEC Uranium Ore Production, 1948 --
25 A. Fiscal year, FY.

0633
1 Q. Fiscal year, thank you. Fiscal year 1948
2 to 1953 listed by mines in district on the cover of the
3 CD. We're going to go ahead and put an exhibit number
4 on this. And I believe we're after this map.
5 (Deposition Exhibit 128 marked for
6 identification.)
7 Q. Okay that takes care of that. And one
8 other quick thing. We had talked but, you, actually,
9 and Chris, I think, and possibly John as well, had
10 talked about Exhibit 42, which is the --
11 A. Yes.
12 Q. -- Albrethsen --
13 A. Yeah, Albrethsen.
14 Q. -- A-l-b-r-e-t-h-s-e-n, and McGinley, M-c,
15 capital G-i-n-l-e-y, Report. The copy that is currently
16 in the record is missing page 7, and it's a bit out of
17 order, this is not for your -- just for the record,
18 we're going to substitute a clean -- a corrected one
19 later. I just want to state that.
20 A. Page 7.
21 CHRISTOPHER J. NEUMANN: I'm worried
22 about references we made, so maybe we'll make a new
23 exhibit.
24 MAUREEN RUDOLPH: Okay.
25 CHRISTOPHER J. NEUMANN: We'll figure
0634
1 it out when we reconvene.
2 MAUREEN RUDOLPH: Okay. Sorry.
3 Q. Okay. Back to questions we have for you.
4 So we talked a little bit this morning about where some
5 records are located. And one thing that came up during
6 that discussion was a letter that the Navajo Nation had
7 given to you to carry with you while you were on the
8 reservation in the early days.
9 A. Yeah.
10 Q. If you wouldn't mind, can you get us a copy
11 of that at some point, or share it with your colleagues?
12 A. Sure. It's hard to read because the paper
13 is yellow, and all that, but it kind of gives you a
14 permis -- I think that's what it gave us, permission for
15 us to -- it doesn't say my name on it, it's got my name
16 at the top, but it's a general letter we all were
17 supposed carry around.
18 Q. Great, that would be a wonderful example
19 for --
20 A. Do you have a piece of paper you can write
21 my note on there?
22 Q. Yes.
23 A. Because I, I might forget. But it's,
24 it's -- get it and copy it and then who, get it to who?
25 Q. Can you share that with John Elmer?
0635
1 A. I'll give it to John. And he'll send it to
2 the rest of you?
3 Q. Yes.

4 A. Good.
5 Q. Now, following up a little bit on various
6 document collection.
7 A. Uh-huh.
8 Q. I -- we've talked about, I think, are there
9 some records at the Arizona Bureau of Mines?
10 A. They collected data from VCA, and they've
11 shared that with me to write these reports. In fact,
12 that's, that was one of the things that got into this.
13 They says, here's a map of Cove Mesa, for example. You
14 probably know about it, because you worked on that
15 drilling project. Why don't you write a little text for
16 them on the history of it because it's a government
17 lease, and all that. And I said okay.
18 So this is kind of the data, it's really
19 data that they collected from companies that they shared
20 with me to write these reports. There's no reason
21 to -- and the same with the New Mexico Bureau of Mines,
22 same thing, they, they -- I collected these same data
23 for them. And then they said, well, you can text it
24 over this, we're going to put in, you know, it's going
25 to be worthwhile to anybody for history.
0636
1 Q. Would there be any information, did Utah
2 have a similar sort of entity? Does the State of Utah
3 have anything similar that you're aware of?
4 A. No, they -- there's, I think, 13 uranium
5 mines in San Juan County south of the river, and they
6 hardly ever knew about them. And so they came up with
7 some money one year and said, hey, we need to know about
8 those uranium mines down there. And I wrote a document
9 for them. And, and found out that two of the, two of
10 the largest, the two largest mines are within State
11 School Section within the reservation because of all
12 kinds of land politics that happened in the past.
13 Q. Would there be any other state entities,
14 state agencies that would have records?
15 A. Well, I don't -- Colorado Geological Survey
16 has been sort of dissolved and put out in the School of
17 Mines, you know, what's happened. But they, they did a
18 report similar to the one Bob Scarborough did on
19 Arizona. And -- but there's no, no Navajo information
20 in that at all.
21 Now, Soccoro, the New Mexico Bureau of
22 Mines -- oh, it's been changed now, they didn't like the
23 name "Mines" so it's New Mexico Bureau of Mineral
24 Resources. It got changed about five years ago. They
25 are actively, they actively went around to the mining
0637
1 companies, mainly around Ambrosia Lake, when people were
2 getting out of business or selling and collecting mine
3 maps and data, and that. And they have a lot of data on
4 Ambrosia Lake, since that came up earlier in discussion.
5 And I collected data from VCA, the principal mining
6 company up in the, in the -- on the reservation in San
7 Juan County, so. But there's a lot of -- they have a

8 lot of data on Ambrosia Lake they've collected over the
9 years.
10 Q. Now, your papers that you have at your
11 house, do you have a plan for where those papers will
12 go?
13 A. No. No, I've got all these reports, you
14 know, forty-some reports, I don't know what I'm going to
15 do with them. Fort Lewis, the Fort Lewis library in
16 Durango -- the Fort Lewis College in Durango, Colorado
17 is kind of interested. Well, we might want that, don't
18 throw them away. So I don't know what I'm going to do,
19 but, but I got to downsize some time, my room is getting
20 pretty full.
21 Q. Okay. There are a couple other documents
22 that are specifically referred to in some of your
23 reports that I would like to talk about.
24 A. Sure.
25 Q. And just find out if you have copies of
0638
1 them or you know where one could get a copy.
2 A. Uh-huh.
3 Q. The first one that I wanted to talk to you
4 about is, and this reoccurred in various reports that
5 you've written. In regard to an April 9, 1941 reference
6 to the Navajo Tribal Council requesting the Secretary of
7 the Interior to lease land for mining.
8 A. That, that, that was taken from this
9 document that these Golden, Colorado consultants made
10 for the Justice, for the US Justice Department as a
11 result of that lawsuit regarding payments for uranium.
12 And that -- they got those documents -- they some how
13 researched those documents and it's in their report and
14 they have a whole section on the status of mining,
15 prospecting and mining on the Navajo Reservation.
16 That's a chapter in the so-called DeVoto Report, that's
17 D-e, capital V-o-to, Report that his consulting firm did
18 for the Department of Justice, and it's in the National
19 Archives. It's a notebook about that thick and it's a
20 chapter in that book. I used to have a copy but I sent
21 that book off to the Archives.
22 Q. And that specific April 9, 1941
23 communication, have you ever seen that communication?
24 A. Have I seen it?
25 Q. Yes.
0639
1 A. It's in the --- and it's -- I haven't seen
2 the document, I've just seen it quoted in the report.
3 Q. Now, there are other references to
4 regulations, a 1949 set, a 1951 set. Do you, by any
5 chance, have any copies of those?
6 A. No. No. I, I -- they were all -- all that
7 data was summarized in the so-called DeVoto Report for
8 the Department of Justice about the beginning, in the
9 beginning, how things changed with the Bureau of Indian
10 Affairs -- the Office of Inidan Affairs, then it became
11 the Bureau of Indian Affairs, and this and that, and how

12 the Tribal Council requested things got changed around,
13 so.
14 Q. I'm turning now to the documents that you
15 talked about with my colleague, Kate, yesterday. And
16 I'm looking at part of the record, I'm looking at a
17 document with the number US Chen, C-h-e-n, Number 2107
18 on it.
19 A. What's the -- can you give me the title of
20 it?
21 Q. Sure.
22 A. And then I could refresh my memory.
23 Q. It's called the Geology Leasing and
24 Production History of the Oak Springs Uranium Vanadium
25 Mine, Apache County, Arizona --
0640
1 A. Okay.
2 Q. -- from September, 1995 --
3 A. Yes.
4 Q. -- for the Arizona Geological Survey. My
5 question is: In here you have, you have a reference, a
6 very specific reference to a Tribal Council Resolution.
7 Listed in here is Tribal Council Resolution CN351, with
8 a date March 22, 1951. Did you ever have a copy of that
9 Tribal Council Resolution?
10 A. I might have. I don't know if I still do,
11 but I, I, I know it's when they -- I believe that's the
12 resolution when they gave the -- let individual Navajos
13 go out and stake claims. I think that's what it is, or
14 something.
15 Q. Do you know who else might have a copy of
16 that Tribal Council Resolution?
17 A. I don't know. Somebody had it, because
18 I've read the thing, but I don't know where a copy is
19 any more.
20 Q. Okay.
21 A. I don't think I have a copy, but at one
22 time the Mining Department had copies of everything to
23 do with mining down there, but who knows,
24 Q. And whose mining?
25 A. The Navajo Tribal Mining Department. It's
0641
1 now called the Navajo Minerals Department or -- is that
2 right, Minerals Department?
3 Q. Okay.
4 A. When I looked for my Navajo papers, because
5 they're in an envelope filed away some place, I don't --
6 I'll look to see if I have that. I don't think do.
7 Q. You've also done a report entitled Navajo
8 Indians Were Hired to Assist the US Atomic Energy
9 Commission in Locating Uranium Deposits. Another report
10 you did for the Arizona Geological Survey, which is
11 currently labeled Exhibit 74. In this report there's a
12 reference to a National Geographic --
13 A. Yes.
14 Q. -- article? Do you still have that?
15 A. Yes, I do.

16 Q. Can we get a copy of that article?
17 A. Sure. I don't know how.
18 Q. We'll go through John Elmer.
19 A. I'll give it to John. But, see, as I said
20 in my testimony, one time when I was called back to the
21 DOE, they wanted to know what all the contractors did.
22 And they said, you worked for Walker Eibarter. Tell us
23 what you remember about Walker Eibarter. So I said,
24 well, they supplied the fuel camps, they did this and
25 this and this. They hired Navajos to prospect them. I
0642
1 forget who it was down at the compound, maybe Audrey
2 Bear said we did. I said yes, documented the National
3 Geographic. And she said, write something up for us.
4 And that's -- and I wrote that up, and then she sent it
5 out to the newspapers, or something, and Arizona said,
6 well, we want it in our files. And that's why they put
7 a number on it. But I do have a copy of the National
8 Geographic showing, showing these Navajo prospectors,
9 showing Dave Hinkley, in fact, he's one of the
10 geologists in the photo outcrop, but not even near a
11 uranium outcrop, it's a scenic view of the Little
12 Colorado River Canyon. Which is funny.
13 Q. You also made a reference, somewhere over
14 the course of the past two and a half days, to five maps
15 of the Navajo Reservation that became open file maps.
16 Does that ring a bell for you?
17 A. Oh, those, those were the open file maps,
18 of which we have one right here, the Carrizo Mountains.
19 Yeah. Yeah. As I said, the Mining Department said you
20 have all this information, can you help us out? And the
21 bosses in AEC or DOE, says, yeah, we don't have much for
22 you to do right now, you do it. So I did start doing
23 it -- and you have the knowledge to do it, so I did it,
24 and they all got open filed.
25 Q. What does it mean when you say "open
0643
1 filed"?
2 A. It means they put out a press release
3 saying, describe what it is, and you can come and look
4 at copies at the library, or even buy copies from the
5 DOE or AEC contractor down there. It means they're
6 available to the public, but no big, wide-spread
7 distribution like some of our reports got.
8 Q. There's also a communication in here --
9 hang on a second. Here it's currently called Exhibit
10 81, pages dash 28 and 29.
11 A. 28. Exhibit which?
12 Q. 81.
13 A. 81, okay.
14 Q. Dash 28 and 29.
15 A. 28. Okay. 28 and 29, okay.
16 Q. And this looks like a correspondence --
17 actually, could you tell us what these are, what these
18 two are?
19 A. This is apparently a letter I wrote to Mr.

20 Perry K. Hurlburt, H-u-r-l-b-u-t, Hurlbut, Mineral
21 Supervisor, Navajo Tribe Post Office Box 146, Window
22 Rock, Arizona, 86515. It talks about a report that what
23 we are going to do. Okay. It talks about a report
24 that -- okay. It talks about these USGS men that are
25 preparing a geologic map on Wupatki, W-u-p-a-t-k-i,
0644
1 northeast seven and a half minute topographic
2 quadrangle, Coconino County. And it's -- and it says in
3 1960 Mr. Magleby and myself prepared this map for dah,
4 dah, dah. Under separate cover we're sending you two
5 copies of this mine location map.
6 As the Navajo Tribe controls a major
7 portion of land covered by this map, we would like to
8 obtain your approval to include it in our report. We
9 request this in keeping with the AEC policy of obtaining
10 permission to publish and release material prior --
11 pertaining to Navajo land -- Indian land, excuse me.
12 And then Mr. Hurlbut's answer is: I, I
13 forward my approval on February 1, 1972 through
14 channels, as requested. This was lost in the shuffle.
15 Accordingly, please accept my apology for not getting a
16 reply to you. We approved the inclusion of maps in the
17 report.
18 That's typical of -- I'm surprised I wrote
19 the letter instead of sending it to somebody in Grand
20 Junction to write it, to write -- to contact the Tribe
21 to get permission to put something regarding
22 investigation on tribal land in a file, a report to go
23 to the public.
24 Q. So the five Navajo maps that you referenced
25 over the course of the past two days, would those be,
0645
1 would those be any of these maps you referred to
2 earlier?
3 A. Well, apparently that report by those two
4 men never got out of the USGS file, it never got out to
5 the public. So even if they were going to use our data,
6 or whatever, it never got out. Because I know that they
7 talk about the Wupatka quadrangle and they were mapping
8 that. I've never seen the results of that work.
9 Q. Okay. Do you remember Mr. Hurlbut?
10 A. I've met him.
11 Q. Did you have other opportunities to
12 correspond with him?
13 A. Probably verbally, maybe. See, when was
14 that dated?
15 Q. 1972.
16 A. '72. I was in Grand Junction, so probably
17 didn't have much, because, I didn't get down to the Four
18 Corners much in '72.
19 Q. Do you know if Mr. Hurlbut is still alive?
20 A. No, I do not know. Probably not, because
21 he was older than I was.
22 Q. Are you aware of -- what types of other
23 information would the AEC have shared with the Navajo

24 Tribe?
25 A. We were -- we -- any of these reports that
0646
1 the AEC released were supposed to be given to them down
2 there. Drill hole data was supposed to be -- drill hole
3 maps and drill logs were given to them. And my own
4 personal agreement that I had with the people down there
5 was these reports I wrote for New Mexico, New Mexico
6 should send you a copy. So I don't know if -- the same
7 with Arizona. We had do that to keep up the goodwill on
8 it, and we said we'll do it. But I have no idea what
9 happened.
10 Q. And it also referred to the Navajo Nation
11 sharing information with the AEC. I think you
12 specifically referred to mining permit information
13 and --
14 A. Oh, yeah.
15 Q. -- and lease information.
16 A. Yeah.
17 Q. What's your time frame when those
18 communication have happened?
19 A. That would have been from probably 1957
20 through 1970, '70. Because they were interested -- it
21 was kind of -- we were interested if anybody was staking
22 new claims and getting new drilling permits. And they
23 were interested in if we saw people out there working on
24 these permits, because they couldn't cover everything.
25 It was kind of sharing information. I used to go to
0647
1 Window Rock once a month and talk to those people about
2 sharing information.
3 Q. What time frame are you referring to in
4 this --
5 A. That's -- well, it would be '57 through --
6 see, I left Flagstaff in '61, but I used to go back to
7 Arizona, and I distinctly remember going, going up to,
8 going to Window Rock, and one day on one of these trips
9 to Arizona I said we're going to stop by Window Rock and
10 see the people there. Went to Window Rock. Everything
11 was closed. I saw a lady walking down the street and I
12 said what happened? She says the President's dead and
13 walked off. So it was the day President Kennedy was
14 shot was my last time I was in Window Rock.
15 Q. That's quite a memory.
16 A. She said, she said the President's dead and
17 walked off. And I didn't get to ask her anything. So I
18 had to drive back to Grants to ask my wife what
19 happened.
20 MAUREEN RUDOLPH: Okay. Let's go
21 ahead and take a break and change the videotape.
22 JOHN DENNIS DUNN: The time is
23 approximately 1:15. There is the end of tape number 15.
24 We're going off the record to change tapes.
25 (A recess was taken from 1:15 p.m.
0648
1 until 1:19 p.m.)

2 JOHN DENNIS DUNN: This is the
3 beginning of tape number 16 in the deposition of William
4 Chenoweth. The time is approximately 1:19.
5 Q. Can you tell us what you know about what
6 the Navajo Mining Department did, starting in -- do you
7 know when the Navajo Mining Department was establish?
8 A. What they're doing now?
9 Q. Do you when it was --
10 A. Oh, yeah, when I -- well, that was a group
11 that they, as I understand it, they -- people were not,
12 were -- thought BCA was cheating them on the assays from
13 the Monument II Mine at the Durango Mill. And they
14 hired this Ken Girard, a mining engineer, and the first
15 thing he did was ask for samples to come back when
16 they'd ship or drop -- put ore to the mill.
17 Anyway, the -- they'd grind the ore and
18 split it out in powder and then get them a sample split.
19 And he requested that a split be sent to the Tribe. And
20 then he had it assayed. And he always said, as soon as
21 I started doing that, we really got a fair grade from
22 the, at the mill.
23 But anyway, they were, they were the ones
24 that kept track of where all the mining was going on,
25 kept maps of all the mine permits like this. They had
0649
1 their own set of mine inspectors, mainly for safety
2 hazards.
3 And they reported on -- everything they did
4 had to be approved by the BIA. Like if they issue a
5 mining permit to Joe, Joe Yazzie, they'd issue it, but
6 then it would have to go to the BIA office to Tommy
7 Lynch, in realty, and he'd look it over and sign it and
8 then it would be legal. Everything they did had to be
9 signed off by the BIA. And, and they kept track of
10 that.
11 And then they'd -- I guess they kept -- I
12 guess all the royalty payments, they -- the USGS was
13 charged with checking grades and royalty checks and all
14 this. And they kind of kept track of that also, but,
15 but they were issuing these exploration permits and they
16 always wanted to get the data in on -- they said, if
17 you're drilling out here, we want to know what you found
18 when you're done. Well, they had a hard time enforcing
19 that. But they really just kept track of -- that's just
20 uranium. They actually kept track of coal mining and,
21 and eventually they split off and had the oil and gas in
22 a, in a separate -- they eventually got business in oil
23 and gas development.
24 Q. You said Tommy Lynch?
25 A. Tommy Lynch was a, was a BIA employee in
0650
1 the realty division. I got to know him because he, he
2 would sign off and sometimes he, he had more, had more
3 information about who, who was cancelling permits that
4 the mining people, the Tribal people had. But anyway,
5 he's long past away, I'm sure.

6 Q. Which office was he with?
7 A. He was in the BIA office in realty
8 management, or something like that.
9 Q. And what was the location of that?
10 A. Window Rock.
11 Q. Window Rock.
12 A. Arizona. Navajo Nation.
13 Q. Can you spell his last name?
14 A. Lynch?
15 Q. Yes.
16 A. L-y-n-c-h.
17 Q. Do you remember the names of any of the
18 people who worked at the Navajo Mining Department?
19 A. Oh, very well. There was the first, the
20 first man that started it was Ken Girard. And then he
21 retired and Claire Collins took over, who was Girard's
22 assistant. And then when he retired, Mr. Hurlbut took
23 over. And that's all I know.
24 Q. And do you remember any of the names, or
25 did you ever work with any of the mine inspectors?
0651
1 A. One of em's name was John Borkert,
2 B-o-r-k-e-r-t, because I know -- at the Rattlesnake AEC
3 camp we had a guest trailer, and John said, well, I've
4 got to be inspecting these mines up here, can I rent
5 your guest trailer for a night. No, you can use it.
6 And he used to stay in our guest trailer at the
7 Rattlesnake camp when he was making, inspecting the
8 mines in the Carrizo Mountains, and then going over to
9 Monument Valley and then back to Window Rock. And he
10 eventually quit the Tribe and he worked for the AEC.
11 Q. How would you describe the relationship
12 between AEC and the Navajo Mining Department?
13 A. Very, good. We got -- we was very well,
14 good. We helped them keep up with information they
15 didn't have and they kept us informed with new claims
16 and things going on like that.
17 Q. And I think we talked about this a little
18 bit, but could you maybe expand on some of the
19 information that AEC shared with the Navajo Mining
20 Department?
21 A. Oh, they would ask questions, you know,
22 what do you think, what do you think Page Blakemore is
23 doing in such and such an area? Well, it looks like
24 he's still mining there the last time we looked down.
25 Just things like that. Or have you seen any drill rigs
0652
1 down so and so. Well, I haven't been in that area,
2 or -- it was just -- it wasn't really anything
3 confidential, it was just our observations. And they'd
4 say, well, we're getting applications from so and so.
5 To get William George's permit renewed over here, and
6 all that, so.
7 Q. Just day-to-day --
8 A. Huh?
9 Q. Could you characterize them as day-to-day

10 communications?
11 A. No, once a month. Face to face once a
12 month. Or, when the mine inspectors would come around
13 we'd talk to them that way.
14 Q. About how often did you see a Tribal Mine
15 Inspector?
16 A. Well, in the Carrizo, maybe every other
17 month or so.
18 Q. And you said that you specifically went to,
19 you were one of the people who went to Window Rock to
20 talk to the Navajo Mining Department?
21 A. Yeah.
22 Q. Did anyone else go with you for those?
23 A. No.
24 Q. Did you --
25 A. Because, because our Flagstaff office
0653
1 covered -- called -- covered all of Arizona except
2 Monument Valley. I was sort of designated to gather
3 information so not everybody would be running over there
4 and getting data on the projects. But I would get data
5 on Monument Valley for the people in the Monticello
6 office. So that was my job that I did on a monthly
7 basis.
8 Q. Did you take notes at those meetings?
9 A. Some, I guess. I think I'd write down, you
10 know, this lease has been canceled, is going to be
11 canceled, and this and that. And I have some of that
12 some -- no, I guess I threw all that away years ago
13 because the -- in the Flagstaff office we used to have
14 little index cards like this and we would keep mining
15 permit number, date issued to so and so, number of
16 acres, date assigned to so and so, date canceled by so
17 and so, date converted to a lease, and all that. And I
18 still have those little cards. Because I'd use that a
19 lot in these reports I've written.
20 Q. And the information on the cards that you
21 still have would title back to specific mine permits?
22 A. Yeah, it would say, at the top the card
23 would say MP dash so and so, and then underneath -- and
24 the number of acres. And then it would say issued to so
25 and so, approved by BIA, and the date. And then
0654
1 assigned to Joe Blow Mining Company, approved a certain
2 date. And then it would say canceled a certain date.
3 Q. Do you know if those records are anywhere
4 else?
5 A. No, they're hand, they're handwritten
6 records. They're probably down at Window Rock in the --
7 these were handwritten records that I kept just for the
8 Carrizos, the Lukies, the whole reservation except
9 Monument Valley, that I passed on to Monticello, they
10 could do whatever they wanted with it.
11 Q. Would you mind sharing those records, also,
12 with us?
13 A. Sure. It's an index box about so big with

14 probably that many cards. Yeah, I'll give them to
15 somebody if you want to copy them. I'll give them to
16 John.
17 Q. John Elmer has indicated he will be our --
18 A. Okay, John.
19 Q. -- point person.
20 A. I don't think they exist anywhere else
21 today.
22 Q. Now, when you went for the meetings with
23 the Navajo Mining Department, did you meet with the head
24 of the Navajo Mining Department, or did you meet with
25 others there?
0655
1 A. His right-hand man, Mr. Collin's right-hand
2 man was a young man called Leo Detnetsone,
3 D-e-t-n-e-t-s-o-n-e, something like that. And he, he
4 was a well-educated man and he was a good draftsman. He
5 drafted up -- he would keep big maps showing the mining
6 permits. Just big maps like this. And he was always in
7 there adding to them, and all this. And, and he could
8 to the file and say which the -- where the new ones were
9 being granted, or which, who has been canceled. Because
10 Mr. Collins was having him over to testify to the
11 Council, or on something.
12 Q. Do you have any idea if he's still alive?
13 A. I don't know. That's a common name in
14 Window Rock, I don't know. He's younger than I am, so I
15 don't know.
16 Q. Let's try some of your colleagues at AEC
17 who you worked with. I think you mentioned that Mr.
18 Albertsen, A-l-b-r-e-t-h-s-e-n, is still alive?
19 A. Yes.
20 Q. Where's he living now?
21 A. He lives north part of town, sort of north
22 of the big golf course.
23 Q. Here in Grand Junction?
24 A. Yes.
25 Q. Do you recall if any of your other AEC
0656
1 colleagues from the Grand Junction office are still with
2 us?
3 A. Oh, yeah, we get together during the last
4 Friday of the month, but our members are getting smaller
5 every month. We used to have thirty-some, now we're
6 down to eight.
7 Q. And who are those people?
8 A. Geologist, an attorney, Mr. Albrethsen, a
9 personnel officer, Al Stein. And the rest of us are
10 geologist.
11 Q. If I'm keeping track correctly, there's
12 you, Mr. Albrethsen --
13 A. And Mr. Stein.
14 Q. Mr. Stein?
15 A. And then five geologists.
16 Q. Five geologists.
17 A Five or six of us.

18 Q. Is there any way you could name them for
19 us?
20 A. Oh, geez.
21 Q. Sorry.
22 A. Okay. Myself, G. I. Haynes, Roger Maylan,
23 Don Hetlin, Harry Ramspot, Merl Crew, C-r-e-w. Oh --
24 what have I got now? That's about it, yeah. Carl
25 Rhodes doesn't come any more. Yeah, that's it. That's
0657
1 about it, that I can remember. Is that eight? No,
2 probably seven.
3 Q. Close. Close enough. And of all those
4 individuals that you just named, they're geologists?
5 A. Yes.
6 Q. Are they people who would have -- what kind
7 of work would they have done for AEC?
8 A. We worked all over. Roger, Harry worked in
9 the front range. Roger worked in Wyoming. Don Hetlin
10 worked in Monticello. Herb Haynes worked in North
11 Dakota. Merle Crew, he worked in the Carrizos, and
12 Wyoming. And that's about it, yeah.
13 Q. And during what time frame did --
14 A. Most of these guys retired about the time
15 I, when I -- in '83 when we lost our jobs. They came to
16 work in the early '50s, like I did and -- no Merle Crew
17 came to work in '49, that's right. He's 91 or 92, now.
18 Anyway -- and when our jobs were transferred to DC, we
19 all took retirement. They knew we wouldn't want to move
20 so they retired us.
21 Q. That's unfortunate. I want to just ask
22 about -- we talked about, and you've mentioned some
23 involvement by the Bureau of Indian Affairs in the
24 uranium mining. Some involvement by the USGS. Are
25 there other federal agencies that's you can think of
0658
1 that were involved with uranium mining on the Navajo
2 Reservation?
3 A. Well, the US Bureau of Mines, they would go
4 out and make a study of a company, and they'd publish a
5 little booklet, IC -- I forget what they're called.
6 Anyway, a little booklet. And they, Kerr-McGee, and if
7 the company allowed them, Kerr-McGee allowed them to
8 make a complete study of all their mining in the
9 Lukachukai in, what was it, 1955. And Will Bear, he
10 wasn't William, he was Will Bear, he was a photographer,
11 as well as a mining engineer, and he would document
12 these things. And the only -- he did one on Kerr-McGee
13 in the Lukachukais, and he did one on Climax Uranium's
14 activities in the Lukachukais, and also in the Gateway,
15 Colorado, area. That's the only two reports I know that
16 Bureua of Mines ever did on uranium mining activities on
17 the Navajo land.
18 Q. And do you have copies of those reports?
19 A. Yes.
20 Q. I think I'm tagging John in collecting
21 those, too, if that's all right.

22 A. My copy of the Climax report is not very
23 good. It's a photocopy of a photocopy. I mean, he
24 could get that from the Mesa -- Colorado Mesa University
25 would be better copy, one to copy, but I'll make a note
0659
1 of it.
2 Q. And that's another place. Does Colorado
3 Mesa University have, you mentioned two --
4 A. Have what?
5 Q. Does Colorado Mesa have both those --
6 A. Oh, yeah.
7 Q. -- studies?
8 A. They should have, because they've got a
9 complete set of US Bureau of Mines Investigation Reports
10 up there, unless somebody ripped it off.
11 Q. And are there any other federal agencies
12 that you remember?
13 A. No. Not that -- we talked USGS and the
14 Bureau of Mines, that's about all I know.
15 Q. I'm going to ask just a couple questions --
16 A. All right.
17 Q. -- and then we're going to break. I do
18 have more questions for you, but I'm going to turn it
19 over to the lawyer for Babbitt Farms, and then I think
20 that we may need to come back and revisit with you --
21 A. Okay, sure.
22 Q. -- on a different day.
23 A. I'm having knee surgery on the 28th, so it
24 should be late in February before I'm up and around
25 again.
0660
1 Q. That sounds good. You had mentioned that
2 the AEC, and I think your words were, sought permission
3 from the Navajo Nation to put up the AEC camp.
4 A. Yes.
5 Q. Do you know anything about the process of
6 AEC contacting the Navajos?
7 A. I think our attorney, Mr. Albrethsen, here
8 in Grand Junction would write down to somebody in Window
9 Rock and request that, and then they would get a letter
10 back. I've seen the letters, but I don't have copies.
11 Q. Do you remember where you've seen that
12 correspondence at? What records location those might be
13 at?
14 A. No, I, I might have had a copy, I might
15 have had a copy of one of them, but I don't think I kept
16 it.
17 Q. So possibly in Broomfield, maybe?
18 A. Oh, no, no, that stuff never, that never --
19 I don't think -- well, I really don't -- it could have
20 been in some of the administrative stuff from AEC that
21 went to the National Archives, but I don't know.
22 Q. To your knowledge, do you know if the
23 Navajo Nation ever said no to such a request?
24 A. To my knowledge, I don't think so. I
25 don't -- lawyers would know, I wouldn't. I know they

0661
1 dealt with -- they built an airfield out near Sweet
2 Water Trading Post, and they didn't get permission, and
3 they got, they got chastised for doing that. I've heard
4 that by word of mouth, but I never saw any paper.
5 Q. What do you mean by "chastised"?
6 A. Got chewed out, got a nasty letter back
7 saying you should get permission when you, when you
8 destroy our land.
9 Q. Okay. With regard to exploration permits,
10 can you explain to me how one would get an exploration
11 permit?
12 A. Oh, there's a form, I even have a copy of
13 one, where a mining company would say I applied for this
14 area, and they would draw them a map, saying I apply for
15 that to do some drilling in it. And they'd send it to
16 Window Rock and get -- and Leo Detnetsone would probably
17 plot it on a map, and then they'd say yes or no. Or
18 it's going to overlap somebody else's, or something like
19 that. But it was a form, a mining company would apply
20 to the, to the Mining Department -- mining people to do
21 it.
22 Q. Do you know if the Navajo Nation ever said
23 no to such a request?
24 A. That would be their decision, not --
25 Q. Now, the report that you wrote regarding
0662
1 exploration by Navajos, individual Navajo members, and
2 Charley Huskon, does that ring --
3 A. You mean the one about prospecting, how he
4 became --
5 Q. Yes. And that's H-u-s-k-o-n?
6 A. Uh-huh.
7 Q. Do you know if he's still alive?
8 A. Who?
9 Q. Charley Huskon.
10 A. I doubt it.
11 Q. Okay. Or his brother?
12 A. Evans?
13 Q. Yes.
14 A. Evans was his son.
15 Q. Oh, sorry.
16 A. I don't know. I doubt it. He's older than
17 I was.
18 Q. Okay.
19 A. Or he looked older, I don't know.
20 Q. Now, we talked about how the Navajo Nation
21 is divided into different mining regions.
22 A. Different mining?
23 Q. The western and the northern --
24 A. That's a region, that's their
25 administrative regions.
0663
1 Q. Oh, okay. And we talked a little bit about
2 how the geological formations are different.
3 A. Uh-huh.

4 Q. Is there one place where exploration, like
5 by individual Navajos, was more successful than others?
6 A. You mean not by the mining companies, but
7 you mean by small companies?
8 Q. I mean by the individual Navajo members
9 that AEC worked with.
10 A. The AEC -- pardon?
11 Q. That AEC worked with.
12 A. No, I -- the one that we probably knew best
13 was Charley, because he used to work for you, and then
14 he, then he was very successful in Cameron in acquiring
15 mining permits. But that's -- I don't -- and then there
16 was Navajo, another Navajo who worked the Carrizo named
17 Cato Sells, C-a-t-o, S-e-l-l-s, that was a well-educated
18 Navajo, and he was, he was more educated than Charely,
19 and he, he acquired quite a few permits. And he was, at
20 one time he was a Navajo Chapter President. But that's
21 the only --
22 Q. Was there anything about the geology of the
23 Cameron area that made it easier or harder to prospect
24 in?
25 A It's an unusual area because most of --
0664
1 well, in the Carrizos you had the Morrison formation,
2 and Monument Valley you had the Shinarump, a member of
3 the Chinle. And Grant you have more Morrison formation.
4 And when Charley made that discovery out here in the
5 Painted Desert Badlands, that was a new discovery and it
6 set off prospecting all the way from Cameron down to
7 Leupp down to Holbrook and around. The whole west and
8 south side of the Black Mesa Basin was a hot spot after
9 Charley dis, after word got out of Charley's discovery,
10 because it was in a new geologic formation and never
11 known to have uranium in it before.
12 Q. Now, if one wanted to get a mining permit
13 after finding, after discovery of an area, how would you
14 do that?
15 A. How do you get a mining permit?
16 Q. On the Navajo Reservation.
17 A. Only a Navajo could get a mining permit,
18 that was part of the new regulations. And that would
19 be -- but they would usually be backed by a mining
20 company, or something like that, and then they would get
21 that mining permit assigned to an individual or company
22 to work on it. And, and, on the mining -- and I thought
23 it was kind of injustice because here's a, here's a
24 family living here growing, raising sheep in this area
25 and here's a Navajo, an educated Navajo from Window
0665
1 Rock, he says here's a good place we might drill, so he
2 stakes a mining permit out here right in this guy's
3 backyard. And if they find anything, that Navajo will
4 get his two percent, the Tribe will get their twelve
5 percent. The people living there don't get anything but
6 their land messed up.
7 Because somebody, like over here at Juan

8 Horse, he didn't live on it, I think he lived down in
9 Flagstaff, but he got -- he staked mining permits out --
10 he staked claims out there and got two percent royalty
11 on, on the ore that was mined, and it was even -- he
12 didn't live that way. That's just my idea. But I saw
13 it, and I didn't think it was right.
14 Q. I'm going to actually sort of move
15 relatively quickly here to the end of the process.
16 After AEC stopped purchasing uranium, did uranium mining
17 continue on the reservation?
18 A. Only two places. The, the Enos Johnson,
19 E-n-o-s, Johnson Mine at St. Nastee, N-a-s-t-e-e, that
20 mine continued from on 1970, to 19, maybe, '75 or '80.
21 Anyway, several years later that's the only mine up in
22 the Shiprock area that continued mining on an
23 intermittent basis. Then Kerr-McGee had too big, deep
24 mines down at Northeast Church Rock on the reservation.
25 And as I remember, they continued -- they started mining
0666
1 in about 1975 and continued on to 1986. And that map
2 that we showed here, those two Northeast Church Rock
3 Mines are shown down there on that map. They're way
4 down on the reservation, but sort of, they're near the
5 checkerboard area.
6 Q. When you say "checkerboard area", what do
7 you mean?
8 A. Oh. That's part of McKinley County.
9 Part -- the largest are around the reservation where
10 Navajo families were given a quarter section land, a
11 quarter section of land to get them off the reservation
12 and be farmers, or something. And these quarter
13 sections are interspersed with private land, railroad
14 land, BLM land and all kinds of land. And it's really a
15 checkerboard land ownership. You always hear in the
16 news today about people want to mine on private land,
17 but it's surrounded by a Navajo allotment.
18 Q. Was there any mining that occurred in that
19 area --
20 A. Oh, yeah.
21 Q. I'm sorry. -- during the time frame, was
22 there any uranium mining that occurred during the time
23 frame --
24 A. Oh, yeah. During the AEC program there was
25 quite a bit of uranium produced in the checkerboard area
0667
1 off allotments. As I recall, the biggest mine was the
2 Black Jack No. 1 Mine, it was a big mine. And there
3 were a lot of little mines over in the Haystack Butte
4 area. And, and over on the Galllup Hogback there's a
5 couple, a couple of allotments over there that were
6 mined on.
7 Q. Any mining that occurred, to your
8 knowledge, on non-Indian land?
9 A. Huh?
10 Q. Any mining in that area on non-Indian land?
11 A. Lots of mining. Because the checkerboard

12 area goes clear over to Ambrosia Lake. But none of the
13 big mines in Ambrosia Lake are on -- some of those
14 mines, I think Kerr-McGee Section 22 does border the
15 allotment, and the edge of the so-called Navajo Nation,
16 I think, is right near that section line. I'm kind
17 of -- Dave knows more about it than I do.
18 Q. I want to come back around to inspectors.
19 A. What?
20 Q. Inspectors, mine inspectors. Now, you had
21 talked over, you mentioned federal inspectors?
22 A. Yeah. From the US Bureau of Mines.
23 Q. Tribal inspectors?
24 A. They had their own.
25 Q. And you also mentioned, I think yesterday,
0668
1 state inspectors?
2 A. Yeah, both states had their own.
3 Q. How did that work between --
4 A. I don't know.
5 Q. -- the various people?
6 A. I know, as I said, I remember the people at
7 Window Rock told me they didn't want the state coming in
8 because they were already being inspected twice. And
9 they barred the state inspectors off the reservation for
10 several months, or a year or so, I don't know.
11 Q. Did the Tribe ever bar federal inspectors,
12 to your knowledge?
13 A. I don't think so. I don't think they
14 could, probably the way -- I don't know. They probably
15 had a permit like -- I really don't know how, how it
16 worked.
17 Q. Okay. All right.
18 A. Maybe it's on the floor there.
19 Q. It might be. In that binder that's in
20 front of you, can I get you to turn to 57, Exhibit 57.
21 A. 67?
22 Q. 57, please.
23 A. 6?
24 Q. 5 7, 57.
25 A. 57, oh. Okay.
0669
1 Q. And to what's labeled Chenoweth Exhibit 57
2 12.
3 A. Number 12. Okay.
4 Q. And the last paragraph on that page before
5 the section that starts the final years, that paragraph
6 talks about the AEC giving the Tribe an annual
7 allocation for production. And about the Tribe applying
8 to AEC for blanket allocation for the Cameron area. Can
9 you, can you explain first what a blanket allocation is
10 and then second what an annual allocation is?
11 A. Well, when the AEC program was winding
12 down, they had to limit how much ore could be produced
13 from different mines, and all that, but -- and they got
14 an allocation based on past production and based on all
15 kinds of things that the attorneys determined.

16 But Mr. Collins over there said, we're the
17 mineral owners of all these. We've had historical
18 production, we want -- they get an allocation in case
19 mining ever starts again on the res. And they said
20 what, what, what. And finally after a long negotiation,
21 people said, how much uranium to you think will be
22 produced there? Well, that's not already allocated.
23 And I think we all got into our agreement, not very
24 much, but we can give them an allocation in case it
25 happens.
0670
1 So that meant that if new discoveries had
2 been made on the res., other than those probably that
3 had allocations, they can, they would have an allocation
4 where they could sell the ore. It was, it was sort of
5 something that AEC bent over and gave the Tribe in case
6 there was any more uranium ever found. To my knowledge,
7 that allocation was never used.
8 Q. Were there other areas where the Tribe
9 received an allocation?
10 A. No. It was a blanket allocation based on
11 all of these abandoned mines out of Cameron and Black
12 Mountain and Monument Valley, maybe. Anyway, it was a
13 blanket allocation based on past production, and all
14 that. It was really, the AEC gave it to the Tribe, but
15 it never, it never -- nobody ever came up with any
16 uranium to be under the allocation, as I recall.
17 Q. And by allocation, is that --
18 A. That meant you were allocated so many
19 pounds a year you could sell.
20 Q. That the AEC would buy?
21 A. Yeah, AEC would buy.
22 Q. Oh, okay.
23 A. This allocation, I never got involved in
24 the allocation program, but it's well, as I understand
25 it, it's well explained in the Albrethsen McGinley
0671
1 Report.
2 Q. Okay. Well, I think I'm going to go ahead
3 and turn it over to the gentleman over here. Can I ask
4 you one quick question?
5 A. Sure.
6 Q. What did the Benson upgrader --
7 A. What?
8 Q. What did the Benson upgrader look like?
9 A. Oh, a bunch of buildings, a bunch of
10 rinky-dink material. It was a, it was -- VCA developed
11 a real good upgrade, upgrader for Monument No. 2 ore.
12 But that ore up there was a lot different than the
13 Shinarump ore down on Section 9. And the VCA upgrader
14 worked great. Well, Benson thought he could copy it.
15 And he, he copied it, I guess, as best he could, but it
16 just never did work because the ore was harder than
17 that. I don't know why it didn't work, but it was, it
18 was -- what I remember seeing, a bunch of concrete walls
19 and a great big crusher. And then a big trammel where

20 they would stir up the ore and add water to it and get a
21 slurry. And then they would separate the sand from the
22 slimes, and put the slimes out into the outside to dry
23 in the sunlight, and the sands would go out and down the
24 hill toward the river.
25 MAUREEN RUDOLPH: Okay. Thank you.
0672
1 JOHN DENNIS DUNN: The time is
2 approximately 1:55 and we're off the record.
3 (A recess was taken from 1:55 p.m.
4 until 2:00 p.m.)
5 JOHN DENNIS DUNN: The time is
6 approximately 2 o'clock and we're on the record.
7 EXAMINATION
8 BY MICHAEL E. J. MONGINI:
9 Q. Mr. Chenoweth, I'm Mike Mongini.
10 A. Can you -- my hearing's not very good with
11 my old age, so.
12 Q. Well, I'll speak up.
13 A. Please do.
14 Q. I'm Mike Mongini, I'm the attorney for CO
15 Bar Ranch and Babbitt Ranches. And I want to ask you
16 some questions about the CO Bar Ranch. You're familiar
17 with where it's located, south of the reservation?
18 A. Yeah.
19 Q. And I'm going to ask you with regard to
20 some names, and I want you to tell me what association
21 they had with the CO Bar Ranch, and where. Commercial
22 Uranium Corp?
23 A. I don't believe I've ever heard of that
24 one.
25 Q. Okay. So you don't know if they have any
0673
1 involvement at all with the CO Bar Ranch.
2 A. No, I don't. I don't think -- they didn't
3 mine any uranium on the CO Bar Ranch, I know that.
4 Q. How about John Milton Addison?
5 A. He was involved in that so-called Benson
6 upgrader. He was one of the promoters, I believe he got
7 put in jail later for building that upgrader on the
8 Section 9.
9 Q. Did you, did you ever meet with Mr.
10 Addison?
11 A. No. I knew Mr. Benson, the guy that
12 designed the plant, he was out there.
13 Q. Did you ever met him out there?
14 A. Oh, yeah. I talked to him, some of -- one
15 of these papers we saw this morning, one of these
16 recurring visits, I recorded that I, I had -- Mr. Benson
17 told me this, this and this.
18 Q. Did you actually see that upgrader operate?
19 Was it in operation ever?
20 A. I don't think I ever saw it running, but
21 I've seen the plant.
22 Q. Right. How about a Homer Rockwood?
23 A. Homer?

24 Q. Homer Rockwood?
25 A. No, sir.
0674
1 Q. Arrowhead Uranium Company?
2 A. What?
3 Q. Arrowhead Uranium --
4 A. Arrowhead, yes, that was George Morehouse
5 and Russ Cutters company. They're the ones that got
6 Charles Huskon involved on his mining permits.
7 Q. Do you recall them doing any mining on the
8 CO Bar Ranch?
9 A. No.
10 Q. I'm going to ask you a question about the
11 CO Bar Ranch. There's state and federal lands --
12 A. Yeah.
13 Q. -- within the CO Bar.
14 A. Checkerboard.
15 Q. Correct. I'm asking you with regarded to
16 the area of the ranch, that would be south of the
17 reservation.
18 A. Uh-huh.
19 Q. Do you recall Arrowhead doing any mining
20 within that area?
21 A. No, I don't. I think they were all tied up
22 with Charley all the time, Charley Huskon.
23 Q. How about A & B Mining Company?
24 A. They were up there on the reservation, and
25 in this area down here, all, all, CO Bar -- I don't
0675
1 believe -- they didn't do any mining, that I know of,
2 down there. I know two or three companies that did, but
3 I don't -- I know -- I'm almost positive they didn't do
4 anything, from my memory.
5 Q. How about Lauderale Mining --
6 A. Yes.
7 Q. -- and Thelma Enterprises?
8 A. They, they mined on one of these sections,
9 you'd have to go to my report to see which section it
10 was, but they did do some mining, was it, was it, was it
11 a CO Bar section? There was some state sections in
12 there and there was -- Lauderdale did mine on a section
13 down there.
14 Q. And we just looked at your report for that,
15 right?
16 A. Yeah. It will say the name of the mine and
17 you'd have to go to the map to see where it is. I'm
18 sorry, but I can't remember all of them.
19 Q. Do you recall visiting the Lauderdale Mine?
20 A. Yeah, I think I did. It was a few little,
21 open pits there, down there, because when we were --
22 when AEC was making their map, using this, we wanted to
23 check some of the locations down there.
24 Q. How about the name M. A. South?
25 A. What?
0676
1 Q. M. A. South?

2 A. No.
3 Q. Herb Hukreide, H-u-k-r-e-i-d-e?
4 A. No.
5 Q. A. C. Nordel?
6 A. Nordel.
7 Q. Nordel.
8 A. Yeah, he mined, he mined, I think, up in
9 this section right here. He mined right south of the --
10 he mined in that area, too, but I can't say what kind of
11 land he mined.
12 Q. Do you knonw what section it was?
13 A. I don't remember it. I was thinking it
14 might be Section -- let's see. I can't -- yeah, see,
15 there's even a mine over here off the reservation, and I
16 just can't tell you where. Here, I'll get my map out
17 because it's --
18 (Deposition Exhibit 129 marked for
19 identification.)
20 A. Yeah, that's -- uh-huh.
21 Q. Could you tell us what Exhibit 129 is?
22 A. This is the lower section of Bob
23 Scarborough's map that he put in his own report, and
24 then they put -- then they used that same map in my
25 report of the Cameron area.
0677
1 Q. Back to this question about Mr. Nordel.
2 Did he mine at all around Section 9 or Section 16?
3 A. No, I think he mined more to the west.
4 Q. C. L. Rankin.
5 A. Oh, yeah, that's Mrs. Rankin. Mason
6 Rankin's wife, and she had Section 9 leased from you
7 people, and I also think she had some claims up here on
8 Black Rock Point called the Navajo claim, if I remember
9 right.
10 Q. And from your record here we can kind of
11 see Section 1, also I can see she was in there with A.
12 C. Nordel.
13 A. Yeah, that's the only two properties I
14 think Mrs. -- the Rankins had.
15 Q. Murchison Ventures?
16 A. Only on 9, and apparently state Section 16
17 below it.
18 Q. Did you ever see the lease between
19 Murchison Ventures and --
20 A. No.
21 Q. -- CO Bar?
22 A. No.
23 Q. How --
24 A. No, wait. I saw, in the certification file
25 I think I saw the lease between CO Bar and, and the
0678
1 Rankins, but I never saw anything with Murchison, those
2 guys.
3 Q. Who is Murchison Ventures, who were they?
4 A. A bunch of promoters, I think, that got in
5 touch with Mr. Benson to build this upgrader that was

6 going to make them a lot of money. And I really don't
7 know anything about them. Probably the court records of
8 their trial would have more in it.
9 Q. Was Murchison Ventures part of that John
10 Milton Addison?
11 A. Somehow they were all connected somehow.
12 I, I -- because it was Murchison Ventures and then it
13 was Milestone Hawaii at the end somehow. I don't know
14 how it all wound out.
15 Q. I was going to ask you that. Milestone
16 Hawaii --
17 A. That was the last entity that was mining
18 down there on the 9 and 16.
19 Q. So it's your belief that Murchison
20 Ventures, Inc. and Milestone --
21 A. I have no idea what the legal connection
22 was.
23 Q. In your reports, you identified -- that's
24 Exhibit Number 57,
25 A. What number?
0679
1 Q. It's on Exhibit Number 57, it's page 26.
2 A. 57?
3 Q. Yes.
4 A. 26. Okay, we'll get there. I know they --
5 that was the name they shipped the last order from. The
6 last material, anyway. Yeah.
7 Q. I'm looking at item number 100.
8 A. One hundred, yeah.
9 Q. And it looks like there's --
10 A. Oh, yes. That's right, they did mine on
11 the reservation, I forgot that. They, they, they had a
12 mining permit, apparently, on the Emmett Lee No. 3. No,
13 wait, no, no, that's not -- I'm reading this wrong. I'm
14 sorry. They -- I didn't know where to put a number on
15 my map where, where they mined, so they have a blank
16 number down here, and it would be, now after seeing all
17 this legal stuff, I'm sure it was 9 and 16 combined.
18 Q. I see.
19 A. And that's -- it's not -- I thought it -- I
20 read this they were mining the Emmett Lee. No, that's
21 wrong. It just -- because I didn't have a number to put
22 on my map, so I left it blank here, which is confusing,
23 it looks like.
24 Q. So they just, I gather they just called, it
25 was --
0680
1 A. Yeah, they called it Milestone 1, and, and
2 as I told people, I'm sure that's a mixture of rock from
3 9 and 16.
4 Q. A couple of questions I have. When the
5 bonuses were paid --
6 A. Yes.
7 Q. -- for production, was that part of the
8 royalty, would that have been paid to a landowner, for
9 example?

10 A. Yeah. Yes, the -- any bonus money was
11 subject to -- on the Navajo land, all -- the Tribe got
12 something like 12 percent and the permittee got two
13 percent. And on private land like this, the owner would
14 have got whatever percentage he was going to have for
15 regular ore. It was the same percentage on the ore he
16 agreed to and that they got on the bonus ore. It was
17 10, 12 percent, or something like that. That should
18 have been applied to the bonus money.
19 Q. When we were asking you questions about the
20 Section 9, and the different mining site areas, you
21 didn't have a real good recollection of that area.
22 A. Well, it's a long time ago.
23 Q. That's correct. But in comparison to your
24 other testimony here today, I'm real impressed with your
25 memory.
0681
1 A. Thank you.
2 Q. But you didn't seem to remember that
3 Section 9 area. How many times did you go there?
4 A. Probably, oh, maybe eight, maybe. Maybe
5 that's maybe high. We know we got documentation of
6 three times there.
7 Q. Right.
8 A. And then I was down there with -- who
9 was -- oh, it was some AEC people after it all closed.
10 So it was DOE probably by then. Because we was looking
11 at the Cameron area, and we went out there and saw the
12 foundation and saw the big mess they left. That was
13 probably in the, maybe '65, something like that. No, it
14 couldn't be '65, that's the year I moved to Grand
15 Junction. It might have been '64, or something.
16 Anyway, I was out there after it had closed down. Oh,
17 let's say '64 -- '3 would have been a good answer. Just
18 after it closed.
19 Q. Was it in shambles?
20 A. Yeah. The upgrader wasn't working, it was
21 all rusted away, junk was around there, all around. As
22 I remember.
23 Q. Did you ever see anybody from CO Bar
24 Livestock out there?
25 A. No, not out there.
0682
1 Q. Did you ever meet with them to discuss --
2 A. Yeah.
3 Q. -- what was going on?
4 A. When we got in, or AEC got in, I said what
5 Babbitt was there -- not Babbitt, excuse. What
6 Murchi -- what Mason Rankin was doing. It sort of had a
7 bad reputation around the area. And I made an
8 appointment, and I've got in my field notes here he as
9 somebody for Paul Babbitt, he was telling me about what
10 was going on. And that's documented in some of my field
11 notes that you copied here. That's the only real
12 contact I had with CL Bar, was CO Bar was talking to Mr.
13 Babbitt.

14 Q. What was your understanding, did the
15 Babbitts only lease, I mean a royalty lease --
16 A. Yeah,
17 Q. -- as a landowner?
18 A. I know they said, I remember -- I can't
19 remember my notes exactly, it seems like it was Mr.
20 Babbitt. Well, they hadn't gotten any royalties from
21 Rare Metals. Well, they shouldn't because that ore was
22 below the AEC pay schedule. And I think he's the one
23 that told me that, that Rankin only had, only a part of
24 this east half of Section 9. And that was confirmed by
25 the certification reports. But he also was talking
0683
1 about Rankin was going to lease other some six sections
2 around, 17, and some other sections Rankin was
3 interested in leasing from CO Bar.
4 Q. Was CO Bar an active miner?
5 A. No. Huh-uh. Centenary, Ohio.
6 Q. Good memory. There was no ore that came
7 out with Rare Metals part?
8 A. Pardon?
9 Q. No ore came out of Section 9 by Rare
10 Metals?
11 A. Yeah, they made a small shipment that's
12 been documented around here, but it was, but it was
13 below the AEC pay schedule. But I bet they ran it
14 through the mill, because it was hauled up to the mill
15 and you could blend it with some high grade ore.
16 Q. Would you say that that upgrader was just
17 non-economical?
18 A. What's what?
19 Q. The upgrader, was it just non-economical to
20 operate?
21 A. Yeah, it, I don't think it was -- they, if
22 they were going to copy the old VCA upgrader that was
23 well-known about, it didn't, that had a different kind
24 of sandstone rock to process. It was very soft and
25 probably you could crush it in your hands. That was
0684
1 hard rock down there on Section 9. And the technology
2 probably wasn't designed for that type of rock or -- it
3 probably wasn't even copied -- it wasn't economic. If
4 you put in stuff at one end, you got the same stuff out
5 of -- the same grade, the same grade out of the other
6 end, you know it was economic. And, and that's what
7 they were doing, they put in -- what were those
8 shipments? Put in, I think they put in some rock and
9 got out ten hundredths of rock. The rock they put in
10 was probably the same grade. Yeah, I don't think, I
11 don't think they had the mechanically upgrading capacity
12 they thought they had.
13 Q. You were, you were discussing these cards
14 that you made for the royalties and stuff that were
15 being paid to different miners, and you had the box that
16 they're going to copy. Did you -- are those cards also
17 for land off the reservation?

18 A. No. Those cards are only for data on the,
19 on the reservation.
20 Q. When you were out there looking at the
21 Section 9 area, or any one of CO Bar, you worked for the
22 Atomic Energy Commission?
23 A. Yes. And later the Department of Energy.
24 We changed, oh, probably, I forget. AEC went to ERGA
25 for a couple of years and ERGA became the Department of
0685
1 Energy. And the last time I was out there we were still
2 AEC, you're right.
3 Q. 1963?
4 A. Uh-huh.
5 Q. Now, you refer to these open file maps.
6 A. Huh?
7 Q. You referred to some open file maps --
8 A. Yeah.
9 Q. -- with the Department of Energy. Would
10 those include this area?
11 A. Year. The one I drew on Cameron, it's
12 seventy something, went from up by the gap all the way
13 down to Black Point. And it was open filed -- it was
14 released to the public early in the game, and it just
15 had the names of mines, it didn't have any controllers,
16 or anything like that on them. And I can't find a copy
17 of my copy.
18 Q. I tried to tally all the different
19 shipments from your reports that, that describe the
20 quantities that came out --
21 A. Yeah.
22 Q. -- of Section 9. And some said it was
23 Section 9, but it came out of 16.
24 A. Yeah, they mixed it there. From what we
25 saw that has been reported, some guys who were out, some
0686
1 men that were out there before I was saw signs saying
2 this is Section 16 ore, this is Section 9 ore. I saw a
3 stockpile, but I don't personally remember seeing any
4 signs.
5 Q. But as far as what came out of Section 9,
6 it was either out of Section 16 or 9; correct?
7 A. Yeah, right. Or mixed.
8 Q. Now, when I look at the tally in your
9 notes, you reflect it's approximately 366 ton of ore
10 that came out of Section 9?
11 A. Yeah, most of it was mined by Murch -- by
12 Rankin.
13 Q. Okay, correct. The question is: Was that
14 a lot of ore from a mine in comparison to the 200 plus
15 thousand tons produced in Cameron?
16 A. That was -- there were a lot of small mines
17 like that all through the Cameron area because they were
18 shallow and they didn't have to spend much money to dig
19 them out. I'd say it would still be a small mine
20 compared to Jack Daniels, which was a hundred thousand
21 tons, or something like that, or -- I forget. There

22 were -- some of the Ran, some of Rankins were big and
23 some of the Huskons were big buys.
24 Q. In the scheme of what they shipped out of
25 there, the ore -- the percentage of uranium was very
0687
1 small; is that correct?
2 A. Yeah. They -- I think if you would average
3 all of the Huskon Mines and Rankin, it would be about
4 .22 or 3, .23, or something like that. And they were
5 only getting .1.
6 Q. But in Section 9 it was .1 stuff?
7 A. Uh-huh.
8 Q. How many upgraders were out there
9 performing at the mines, the different mines?
10 A. Well, the Mossy Kessle one was the one that
11 mined the two up in Apache County. Then there was one
12 up in Utah, which was over at a place called Notom,
13 N-o-t-o-m, Wayne County, I think it is. And people --
14 that wasn't too successful, I understand. I never got
15 there. And people were always thinking about putting up
16 upgraders here, and put low grade material in and get
17 high grader material out. But none worked as well as
18 the VCA one at Monument 2. And I don't think -- I never
19 heard of one really being successful.
20 Q. Do you know who ran, who ran the, the
21 physical person that ran the upgrader?
22 A. I don't know. I don't think Mr. Benson
23 did, he was building it, and it must have been some of
24 his, some of the employees of Murchison that did it. I
25 don't, I don't really know who ran it. Didn't know the
0688
1 names of anybody. The only person I ever met out there
2 was, was Mr. Benson, and, of course, Page Blakemore got
3 involved as a consultant, and I met him out there a
4 couple times. And then he got fired by somebody
5 because, I guess, he told them it wasn't going to work
6 and -- but there's all kinds of newspaper clippings, you
7 know, in the Flagstaff paper about that, and I've seen
8 them all but I can't remember all about them. But
9 it did go to court, it was fraud. He was -- Addison,
10 Mr. Addison, I think, was promising people a great
11 return on their money or something, and it never
12 happened. I don't remember.
13 Q. We're probably going to have to call you
14 back after your knee surgery --
15 A. Okay.
16 Q. -- and I'll have some more questions for --
17 A. Sure.
18 Q. -- you but I think the tape's up and our
19 time's up. Thank you.
20 JOHN DENNIS DUNN: The time is
21 approximately 2:21. This is the end of tape number 17,
22 and we're off the record.
23 (Witness excused.)
24 (The deposition was concluded at 2:21
25 p.m.)

0689

SIGNATURE OF WITNESS

STATE OF _____)
)
COUNTY OF _____)

I, WILLIAM L. CHENOWETH, being first duly sworn, do hereby certify that I have read the foregoing deposition, and it is a true and correct record of my testimony, except as follows:

_____
WILLIAM L. CHENOWETH

Subscribed and sworn to before me and in my presence this _____day of _____, 2014.
My commission expires:_____.

_____
Notary Public

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REPORTER'S CERTIFICATE

I, Keith Rusk, do hereby certify that previous to the commencement of the examination of the said WILLIAM L. CHENOWETH, he was duly sworn by me to testify to the truth in relation to the matters in controversy between the said parties so far as he should be interrogated concerning the same; that the said deposition was taken in shorthand by me at the time and place aforesaid and was reduced to typewritten form under my supervision; that the foregoing is a true transcript of the questions asked, the testimony given and the proceeding had.
My commission expires 3/3/17.

_____
Keith W. Rusk
Court Reporter
Notary Public

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