

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO EX REL.  
WAYNE T. DONER, ET AL.

Relators,

v.

SEAN D. LOGAN, DIRECTOR  
OHIO DEPARTMENT OF  
NATURAL RESOURCES, ET AL.

Respondents.

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: Case No.: 2009-1292  
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JOINT EXHIBITS – VOLUME EIGHT

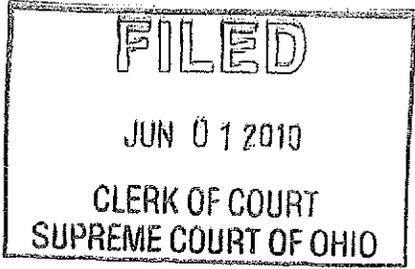
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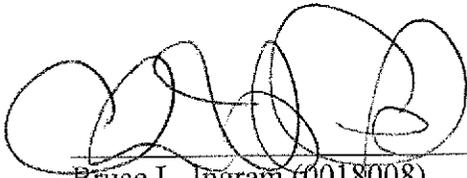


The parties to this action, by and through their respective attorneys, hereby jointly submit, for purposes of this action only, that each of the exhibits listed below are authentic for all purposes in this action:

<u>Tab</u>	<u>Description</u>
53	Deposition Transcript with Exhibits of Mark Siefring taken February 10, 2010
54	Deposition Transcript with Exhibits of Mary K. Siefring taken February 10, 2010
55	Deposition Transcript with Exhibits of Neil J. Siefring taken February 10, 2010
56	Deposition Transcript with Exhibits of Ronald Siefring taken February 10, 2010
57	Deposition Transcript with Exhibits of David J. Suhr taken February 12, 2010

Dated: June 1<sup>st</sup>, 2010

Joint Exhibits Approved and Respectfully Submitted By:



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# Tab 53

IN THE SUPREME COURT OF OHIO

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STATE OF OHIO  
EX REL., WAYNE T. DONER,  
ET AL.,

CASE NO. 09-1292

VS.  
SEAN D. LOGAN, DIRECTOR  
OHIO DEPARTMENT OF  
NATURAL RESOURCES  
2045 MORSE ROAD  
COLUMBUS, OHIO 43229-6693  
AND  
OHIO DEPARTMENT OF  
NATURAL RESOURCES  
2045 MORSE ROAD  
COLUMBUS, OHIO 43229-6693

Deposition of MARK SIEFRING,

Relator, was taken by the Respondents as on  
cross-examination, pursuant to the Ohio Civil  
Rules of Procedure at Central Service Building,  
220 West Livingston Street, Celina, Ohio 45822, on  
Wednesday, February 10, 2010, at 12:00 a.m.,  
before Terence M. Holmes, Professional Court  
Reporter, and Notary Public within and for the  
State of Ohio.

HOLMES REPORTING & VIDEO  
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C O N T E N T S

WITNESSES	CROSS	DIRECT	RE CROSS
Mark Siefring	W-4	F-169	W-187

E X H I B I T S

RESPONDENT'S	DESCRIPTION	MARKED
A	Map of Mercer County, Ohio	26
B	Copy of Photo	27
C	Photograph	28
D	Hand Drawn Map	39
E	Hand Drawn Map	42
F	Moser Crop Insurance	118
G	NAU County Insurance	123
H	USDA Letter	125
I	USDA Letter	127
J	USDA Letter	129
K	USDA Packet	132
L	Form 1099	132
M	Warranty Deed	134
N	Warranty Deed	136
O	Affidavit Mark Siefring	137
P	Affidavit Mark Siefring	148

1 MARK SIEFRING  
2 of lawful age, a witness herein, being first duly  
3 sworn, as hereinafter certified, was examined and  
4 deposed as follows:

5 CROSS-EXAMINATION

6 BY MS. WORLY:

7 Q. Mr. Siefring.

8 A. Yes.

9 Q. Could you state your name for the  
10 record, please?

11 A. Mark Siefring.

12 Q. Okay. Thank you. My name is Mindy  
13 Worly, and I'm an Assistant Attorney General for  
14 the State of Ohio. Have you ever been deposed  
15 before?

16 A. No, ma'am.

17 Q. So let me go through a few of the  
18 rules, just to take you through what we're gonna  
19 do so today. I'm gonna to ask you questions and  
20 the court reporter is going to take down your  
21 answers. You need to respond to the court  
22 reporter verbally because the court reporter  
23 cannot take down a nod of the head or an arm or  
24 head gesture. If you answer a question, I'll  
25 assume you heard what I asked and understood what

1 I asked. If you don't hear me, because I have a  
2 soft voice, please tell me to speak-up or repeat  
3 what I've said or asked, and if you don't  
4 understand what I've asked, ask me to repeat it or  
5 rephrase it, that's fine. I don't want you to  
6 guess, I only want you to give me answers from  
7 your own personal knowledge. You've taken an oath  
8 and that's an affirmation of what you tell me is  
9 the truth, and that you're telling me something  
10 that you've observed that you know personally, not  
11 something that someone else has told you or  
12 something you've read elsewhere. Okay.

13 A. Okay.

14 Q. You can take a break any time you  
15 need to. All you have to do is ask me or ask your  
16 attorney. We can go off the record if you want to  
17 consult with your attorney, but if you want to  
18 take a break or go off the record, I ask you -- if  
19 I've asked you a question, you answer the question  
20 first before we go off the record or if you want  
21 to take a break.

22 A. Okay.

23 Q. Okay. Fair enough?

24 A. Yes.

25 Q. Okay. Now you brought a complaint

1 | against ODNR. Can you tell me the basis of your  
2 | claim?

3 | A. Well, it's --

4 | MR. FUSONIE: Objection to the  
5 | extent that it calls for him to  
6 | disclose attorney-client communications  
7 | or attorney work product.

8 | MS. WORLY: Thank you.

9 | MR. FUSONIE: Any independent  
10 | knowledge that you have as to why you  
11 | brought the lawsuit and the basis for  
12 | your lawsuit, you can, you can answer,  
13 | but if it's disclosing anything that we  
14 | have provided to you or told you, then  
15 | you can't.

16 | Q. I don't want to know anything your  
17 | attorney told you, but anything that you know  
18 | about your complaint, please tell me?

19 | A. Well the reason for the complaint  
20 | is the constant flooding of our land and the crop  
21 | damage and the property damage we have had in the  
22 | past since the new spillway has been put in.

23 | Q. Okay. Now, tell me the dates of the  
24 | flooding?

25 | A. It's numerous times going back to

1 1998, 2003, 2005, 2008, 2009.

2 Q. Was your flooding in 1987?

3 A. 1987, I can't recall for sure in  
4 1987.

5 Q. Was there flooding in 1986?

6 A. No, not to my knowledge.

7 Q. Was there flooding in 1995?

8 A. If there was any flooding it was  
9 minimal.

10 Q. Okay. Was there flooding in 1994?

11 A. Not to my knowledge.

12 Q. Was there flooding in 1993?

13 A. No.

14 Q. Was there flooding in 1992?

15 A. Again, if it was it was minimal.

16 Q. Was there flooding in 1991?

17 A. Not to my knowledge.

18 Q. Was there flooding in 1990?

19 A. Please repeat that.

20 Q. Was there flooding in 1990?

21 A. Again, not that I can recall.

22 Q. Okay. How about 1989?

23 A. No.

24 Q. 1988?

25 A. Not to my knowledge.

1 Q. Other than 1992, what is the  
2 farthest back period of flooding you can recall?

3 A. I can go back to 1976, but at same  
4 time if we could -- the flooding prior to '97 was  
5 only minimal because we didn't have the problem  
6 prior to that.

7 Q. Tell me -- Let's go forward between  
8 1976 and 1990. Tell me what years you recall that  
9 there was flooding?

10 A. I cannot recall back that far,  
11 ma'am.

12 Q. Okay. All right. You recall there  
13 was minimal flooding in 1992?

14 A. Right.

15 Q. Do you recall any other flooding?

16 A. It was minimal, so it wasn't a big  
17 deal at that time. Unless you kept track of it  
18 you wouldn't know.

19 Q. Okay. But you can't tell me which  
20 years that flooding occurred?

21 A. No, no, I can't recall all them  
22 years.

23 Q. Now, what --

24 MR. FUSONIE: All still prior to  
25 1997 time frame?

1 MR. SIEFRING: Right, it goes back,  
2 but I can't remember.

3 Q. Tell me what "minimal flooding"  
4 is?

5 A. Well prior to that, whenever the  
6 beaver did flood it was just the land that was  
7 flooded was very small, but after 1997 it become a  
8 lot bigger issue because we had so much more land  
9 flooded, and so prior to the '97, the new  
10 spillway, it didn't really have a big negative  
11 affect on us, but since then that's where our  
12 problems began.

13 Q. Now. In '92 you say the flood on  
14 the land was small, is that correct?

15 A. Yes, it's just minimal.

16 Q. Okay. What do you mean the flood  
17 on the land was small?

18 A. Well the beaver itself when it did  
19 was full and flooded it would flood out in our  
20 fields but it was a very small area.

21 Q. And how large was the area?

22 A. There too, again, unless you would  
23 measure it or actually -- you know, I'd only be  
24 guessing, so it's, like I said, a small area.

25 Q. Rough estimate, can you give me a

1 rough estimate?

2 A. I'm saying maybe two or three  
3 acres.

4 Q. And what about in 1995 when there  
5 was minimal flooding, how large was that flooding?

6 A. Well, there, too, again it would be  
7 that, similar to that two to three acres.

8 Q. Now can you give me your address  
9 for the record, please?

10 A. 5819 Township Line Road, Coldwater,  
11 Ohio 45828.

12 Q. And can you give me your educational  
13 background?

14 A. High school.

15 Q. Where did you go to high school?

16 A. Coldwater.

17 Q. Did you graduate?

18 A. Yes.

19 Q. And were you a member of FFA?

20 A. FFA, yes.

21 Q. FFA?

22 A. Yes, ma'am.

23 Q. Did you have any agricultural  
24 education while either in high school or with the  
25 FFA?

1           A.    Just the classes I took at that  
2 school, and that was just minimal classes.

3           Q.    What glasses did you take regarding  
4 agriculture while you were at high school?

5           A.    Well, it was just a, it was a  
6 general agriculture class is all it was. You had  
7 modern classes and arts -- or industrial classes,  
8 wood working, things like that.

9           Q.    Okay. Any classes dealing with  
10 land drainage --

11           MR. FUSONIE: Objection. Vague.

12           Q.    -- while you were in high school?

13           A.    No, ma'am.

14           Q.    Okay. How about with the FFA, any  
15 seminars or discussions with regards to land  
16 drainage?

17           MR. FUSONIE: Objection.

18           A.    I can't recall everything that we  
19 did when we went back that far, but it was just  
20 general.

21           Q.    That's fair. Now, you tell me  
22 there's been flooding on your property. Tell me  
23 where your property is located?

24           A.    Okay. Which -- I have different  
25 properties?

1 Q. Well, let's lists the properties,  
2 first, if we can?

3 A. Okay.

4 Q. Which properties do you claim have  
5 been flooding since 1997 as a result of the  
6 spillway?

7 MR. FUSONIE: He owns now or  
8 farmed?

9 Q. That you have any interest at all  
10 and that you claim have been flooded as a result  
11 of the spillway?

12 A. Okay. Do you want the parcel  
13 numbers?

14 Q. Give me your best descriptor. So  
15 parcel number and if there's an address also that  
16 would be helpful?

17 A. I can't recall the parcel numbers  
18 off the top of my head.

19 Q. Okay.

20 A. I can only go by the farms that  
21 I --

22 Q. Okay.

23 A. I'll call 'em whatever farm that  
24 I'm --

25 Q. That's fine.

1 A. -- familiar with, is that all  
2 right?

3 Q. Absolutely.

4 A. Okay. The first farm would be the  
5 Farm on the Corner of 29.

6 Q. Does it have a name?

7 A. That's the name we use by.

8 Q. The Corner of 29 Farm.

9 A. Right, it's just the Corner of 29  
10 Farm.

11 Q. Okay. Good enough.

12 A. Okay.

13 Q. Next one.

14 A. McMillan Farm.

15 Q. And that's M-c-M-i-l-l-a-n?

16 A. Yes, ma'am.

17 Q. McMillan Farm. Okay. What  
18 else?

19 A. And then I rented a farm from my  
20 son-in-law which that would be the Meyer Farm.

21 Q. M-y?

22 A. M-e-y-e-r.

23 Q. M-e-y-e-r Farm. Okay. What else?

24 A. For that, that would be all for me.

25 Q. That's all. Okay. So the Corner

1 of 29 Farm. Do you own it?

2 A. Yes.

3 Q. Okay. And when did you become  
4 owner of that farm?

5 A. I bought it, we bought it in 1978,  
6 but you won't see a transfer in 1995. I went  
7 through a divorce and it was transferred from my  
8 X-wife to me, it was in her name.

9 Q. So you did not own it in 1978, your  
10 wife owned it?

11 MR. FUSONIE: Objection.

12 A. I did myself, but I --

13 Q. But the record, the court records  
14 would show that your wife owned it in 1978?

15 A. She owned it up until that point.  
16 It was in her name. I farmed it from 1978  
17 forward.

18 Q. Okay. But your wife -- the farm --  
19 The Corner of 29 Farm was in your wife's name  
20 until 1995?

21 A. Right, until we went through the  
22 divorce.

23 Q. Okay. And did you both live  
24 together on that farm property?

25 A. No, I lived south farther away from

1 that property.

2 Q. Did anyone live on the Corner of 29  
3 farm up until 1995?

4 A. No, ma'am.

5 Q. Okay. You wouldn't appear until  
6 then. Does anybody live there now?

7 A. There's no buildings on that farm.

8 Q. Okay. Do you currently own that  
9 farm?

10 A. Yes.

11 Q. The Corner of 29 Farm?

12 A. Yes, ma'am.

13 Q. Okay. Does anybody own it with  
14 you, the Corner of 29 Farm?

15 A. Ron's wife Carol.

16 Q. Ron's wife Carol owns how much of  
17 that farm?

18 A. Yeah, she -- it's half interest.

19 Q. So you own half --

20 A. Right.

21 Q. -- of the Corner of 29 Farm. Okay.  
22 Now when your wife owned the Corner of 29 Farm did  
23 she also have half interest --

24 A. Yes.

25 Q. -- ownership?

1           A.    Yes.  Yes.  She had half and Carol  
2 had half.

3           Q.    Okay.  All right.  But neither  
4 Carol nor your wife ever lived at that property,  
5 is that correct?

6           A.    No, ma'am.

7           Q.    Okay.  How many acres is the  
8 Corner of 29 Farm?

9           A.    Fifty-two and a half.

10          Q.    And do you only farm that property,  
11 is that correct?

12          A.    I farm that property, yes.

13          Q.    Okay.  You have no other use for  
14 that property?

15          A.    Just strictly agriculture.

16          Q.    Okay.  They're no buildings on that  
17 property, is that correct?

18          A.    No, ma'am.

19          Q.    All right.  Now, tell me what crops  
20 you farm on the Corner of 29 Farm?

21          A.    Mainly corn and soybeans.

22          Q.    And you've farmed corn and soybeans  
23 at the Corner of 29 Farm since 1978?

24          A.    Yes, since 1978, yes.

25          Q.    And only corn and soybeans, is that

1 correct?

2 A. Yes.

3 Q. And from since 1978 have you and  
4 Ron had both farmed that property?

5 A. Yes, ma'am.

6 Q. And again we're speaking right now  
7 of the Corner of 29 Farm?

8 A. Yes.

9 Q. Only the two of you have farmed  
10 that property?

11 A. Yes.

12 MR. FUSONIE: Just so the record is  
13 clear, when he's referring to Ron, it's  
14 Ron Sieftring.

15 MS. WORLY: I'm sorry.

16 MR. FUSONIE: And Carol as Carol  
17 Sieftring.

18 Q. What is your X-wife's name?

19 A. Fran.

20 Q. Fran Sieftring still?

21 A. Yes.

22 Q. And where does she live currently?

23 A. She lives down at New Weston, Ohio.

24 Q. Can I have her -- Do you know the  
25 rest of the address?

- 1 A. No, ma'am.
- 2 Q. That's Weston, New Weston, Ohio?
- 3 A. Yes. That's all the more I know.
- 4 Q. Do you have a phone number?
- 5 A. No, ma'am.
- 6 Q. Is her name still Fran Siefring?
- 7 A. Yes, ma'am.
- 8 Q. Okay. She didn't re-marry?
- 9 A. Yes, ma'am.
- 10 Q. She did re-marry?
- 11 A. Yes, ma'am.
- 12 Q. What's her new, her new name, may I
- 13 have it?
- 14 A. Fran Siefring.
- 15 Q. Who did she marry?
- 16 A. Another Siefring?
- 17 Q. Can I have that man's first name?
- 18 A. Jerry.
- 19 Q. She married Jerry Siefring? Is he
- 20 also a farmer?
- 21 A. Part time.
- 22 Q. Okay. Now McMillan Farm, do you
- 23 own McMillan Farm?
- 24 A. Yes, I do.
- 25 Q. And how long have you owned

1 | McMillan Farm?

2 |           A.    1988.

3 |           Q.    And do you have 100 percent  
4 | interest in that farm or do you co-own it with  
5 | someone?

6 |           A.    I co-own it with my brother  
7 | Ron.

8 |           Q.    And how much interest do you have  
9 | in McMillan Farm?

10 |           A.    Fifty percent.

11 |           Q.    And Ron has the other 50 percent?

12 |           A.    Yes.

13 |           Q.    Are there any buildings at McMillan  
14 | Farm?

15 |           A.    Yes, ma'am.

16 |           Q.    And what buildings are at McMillan  
17 | Farm?

18 |           A.    They're two small machine  
19 | sheds and one 5000 bushel grain bin.

20 |           Q.    5000 --

21 |           A.    Bushel grain bin.

22 |           Q.    Grain bin. Okay. And did you rent  
23 | McMillan Farm before you bought it?

24 |           A.    No, ma'am.

25 |           Q.    You had no interest in McMillan

1 Farm until you bought it in 1988?

2 A. Right.

3 Q. And you farmed it ever year since  
4 1988, is that correct?

5 A. Yes, ma'am.

6 Q. Did you farm the Corner of 29 Farm  
7 every year 1978?

8 A. Yes, ma'am.

9 Q. Now McMillan Farm, was that in your  
10 wife's name, as well?

11 A. No, ma'am.

12 Q. At any point in time?

13 A. That was in mine and Ron's name.

14 Q. Just yours and Ron?

15 A. Right.

16 Q. And what crops do you farm at  
17 McMillan Farm?

18 A. That would be corn and soybeans,  
19 also.

20 Q. No livestock?

21 A. Not on that farm, no, ma'am.

22 Q. Any livestock on the Corner of 29  
23 Farm?

24 A. No, ma'am.

25 Q. Okay. And how large is McMillan

1 Farm?

2 A. Please?

3 Q. How large is McMillan Farm?

4 A. Eighty acres.

5 Q. Does anybody live at McMillan

6 Farm?

7 A. No, ma'am.

8 Q. Has anyone ever lived at McMillan

9 Farm since 1988?

10 A. Yes, I lived there for a short

11 time, and then the house we took down.

12 Q. And when did you live at McMillan

13 Farm?

14 A. I lived there from 1995 -- 1994 to

15 1997.

16 Q. Why did you take down the house?

17 A. It was an older farmhouse and it

18 was beyond repair.

19 Q. Do you know why it was beyond

20 repair?

21 MR. FUSONIE: Objection.

22 Q. You can answer.

23 A. It was just an old house and it

24 wasn't worth remodeling.

25 Q. Did you have anybody come out and

1 take a look at it, any carpenter or construction  
2 or engineer?

3 MR. FUSONIE: Objection as to form.

4 Q. You can answer.

5 A. No, ma'am, we made the decision --  
6 I made the decision myself which is beyond repair.

7 Q. Okay. Do you own Meyer Farm?

8 A. No, ma'am.

9 Q. And you rent Meyer Farm?

10 A. Yes, ma'am.

11 Q. And you rent that to your  
12 brother-in-law, is that correct?

13 A. My son-in-law.

14 Q. Son-in-law. And who is your  
15 son-in-law?

16 A. Jerry Meyer.

17 Q. And Jerry Meyer is married to your  
18 daughter, is that correct?

19 A. My daughter, yes.

20 Q. And what is her name?

21 A. Amy Meyer.

22 Q. Now you've rented Meyer Farm since  
23 when?

24 A. Amy and Jerry has owned it since 19  
25 -- or, yes, 1997.

1 Q. You've rented it from them since  
2 1997?  
3 A. Yes.  
4 Q. Does anybody live on Meyer Farm?  
5 A. Please?  
6 Q. Does anybody live on Meyer Farm?  
7 A. Amy and Jerry.  
8 Q. So Amy and Jerry live there. And  
9 you farm Meyer Farm?  
10 A. I rent it from them, yes.  
11 Q. Do Amy and Jerry also farm?  
12 A. No.  
13 Q. So there's a house on Meyer Farm?  
14 A. Yes.  
15 Q. Any other buildings on Meyer Farm?  
16 A. A barn and a grain bin and a  
17 machine shed.  
18 Q. And how large is Meyer Farm?  
19 A. Sixty-seven and a half acres.  
20 Q. And what crops do you farm?  
21 A. Corn, Soybean rotation.  
22 Q. Any livestock on Meyer Farm?  
23 A. Yes.  
24 Q. What livestock?  
25 A. Small calves.

1 Q. And are those your calves are or  
2 Jerry's and Amy's?

3 A. They're my calves.

4 Q. Are the calves being raised for  
5 beef?

6 A. Yes.

7 Q. Beef cattle.

8 A. They're being raised for beef, yes.

9 Q. And how long have you been raising  
10 small calves at Meyer Farm?

11 A. Since 1997 when they purchased it.

12 Q. And how far calves do you have  
13 currently at Meyer?

14 A. About a hundred.

15 Q. And is that typically how many  
16 calves --

17 A. Yes.

18 Q. -- you have in any given year?

19 MR. FUSONIE: Objection. You can  
20 answer.

21 A. Yes, it varies somewhat but that's  
22 usually about the average number that's there.

23 Q. Okay. Can you tell me where  
24 Corner of 29 Farm is?

25 A. It would be west of Celina on State

1 | Route 29, six miles.

2 | Q. State Route 29?

3 | A. State Route 29.

4 | Q. Six mile west?

5 | A. West of Celina at the Township Line

6 | Road, and that farm is in the southwest corner of

7 | that intersection.

8 | Q. Now is the Corner of 29 Farm

9 | divided into different parcels?

10 | A. No, that is all one parcel.

11 | Q. So all 52 and a half acres are

12 | intact, is that correct?

13 | A. Yes.

14 | Q. Who did your wife Fran purchase

15 | Corner of 29 Farm from in 1978?

16 | MR. FUSONIE: Objection.

17 | Q. You can answer.

18 | A. It was Resthere Farm prior to that.

19 | Q. What's a Resthere -- Resthere.

20 | A. R-e-s-t-h-e-r-e. I think that's

21 | spelling of it, but I'm not sure.

22 | Q. That's the family?

23 | A. That was of the family that owned

24 | it prior to that.

25 | Q. Do you know what they farmed on

1 that farm or what they used it for?

2 A. It was agriculture so there was --  
3 raising probably corn and soybeans just the same.

4 Q. Fran bought it from the rest  
5 Resthere family?

6 A. Right.

7 Q. In 1978?

8 A. Right. When you talk about Fran  
9 that also includes me, we bought it as a couple.

10 Q. But it was in Fran's name?

11 A. Right, it was put in Fran's name  
12 from the beginning.

13 Q. Okay. I have some exhibits that  
14 appear to have been attached to Ron Siefiring's  
15 affidavit, but I think they refer to the same  
16 property we are currently talking about. So let  
17 me ask you about that, and let's just start with  
18 the first one, and this is conveniently already  
19 labeled as Exhibit 1. So if you can mark this  
20 again as Exhibit 1, please?

21 (Map, Mercer County, Ohio, marked for  
22 identification as Respondent's -  
Mark Siefiring - Exhibit A.)

23 Q. Mr. Siefiring, the court reporter  
24 has handed you what's been marked as Respondent's  
25 Exhibit A, do you recognize this map?

1           A.    Yes, this one here would be the  
2 farm where Ron lives.

3           Q.    Is this the Corner of 29 Farm?

4           A.    No, ma'am.

5           Q.    Is this the McMillan Farm?

6           A.    No, ma'am?

7           Q.    This is the Meyer Farm?

8           A.    No, ma'am?

9           Q.    So this is not any of the farms  
10 we've just talked about?

11          A.    No, ma'am.

12                   MS. WORLY:   Okay.   So let's have  
13 this marked as Respondent's B.

14                   (Copy of Photo, DON000656, marked for  
15 identification as Respondent's -  
Mark Sieftring - Exhibit B.)

16          Q.    Mr. Sieftring, the court reporter  
17 has handed you what's been marked as Respondent's  
18 Exhibit B, do you recognize that picture?

19          A.    I recognize the area.   I didn't  
20 take the picture.

21          Q.    Okay.   Can you tell me what the  
22 picture is of?

23          A.    That would be standing on Township  
24 Line Road looking south towards State Route 29 and  
25 the Beaver Creek is in the background between the

1 building and the water is what's flooding.

2 Q. I guess, let me ask you a more  
3 specific question. Is that a picture of county or  
4 I'm sorry, Corner of 29 Farm?

5 A. No, ma'am.

6 Q. Is that a picture of McMillan Farm?

7 A. No, ma'am.

8 Q. That a picture of Meyer Farm?

9 A. No, ma'am.

10 (Photograph, marked for identification  
11 as Respondent's - Mark Siefring -  
Exhibit C.)

12 Q. Okay. Thank you. Actually, let me  
13 have you hold onto that. Mr. Siefring, the court  
14 reporter has handed you what has been designated  
15 as Respondent's C exhibit. Does that exhibit --  
16 is that a picture of or a map of Corner of 29  
17 Farm?

18 A. No, ma'am.

19 Q. Or of McMillan Farm?

20 A. McMillan Farm.

21 Q. That's the McMillan Farm. Okay.

22 So can you tell me what Respondent's Exhibit C  
23 shows?

24 A. Could you repeat that question,  
25 please?

1 Q. Sure.

2 MR. FUSONIE: You're asking him  
3 about an exhibit to someone else's  
4 affidavit what it shows verse his own  
5 affidavit, the exhibits to his own  
6 affidavit.

7 MS. WORLY: Well, he's just  
8 testified this is what this is.

9 Q. This depicts, this depicts Meyer  
10 Farm, is that correct?

11 A. No, ma'am,

12 Q. This depicts McMillan Farm, is that  
13 correct?

14 A. Yes, ma'am, this is McMillan Farm.

15 MR. FUSONIE: So he answered that  
16 question. I'm just confused as to what  
17 the next question is.

18 Q. My question is: Can you tell me  
19 what this map depicts, if you know? If you don't  
20 know, that's okay.

21 A. That map or this map?

22 Q. Oh, this is the same. This is my  
23 copy of the same thing

24 A. Okay. That's McMillan Farm.

25 Q. Okay. And where is McMillan Farm?

1           A.    That is located on Township Line  
2 Road, it's 6031.

3           Q.    I'm asking what part on this map is  
4 McMillan Farm if you can tell me?

5           A.    It would be this whole area right  
6 here, it's 80 acres.

7           Q.    Is it the area inside the white  
8 boundaries?

9           A.    Inside the white lines.

10          Q.    And so McMillan Farm makes up the  
11 rectangle?

12          A.    Yes, ma'am.

13          Q.    Okay.  And can you tell me anything  
14 else about this map?

15          A.    No, ma'am.

16          Q.    Did you prepare this map?

17          A.    This area here was shaded in.

18          Q.    Did you shade it in?

19          A.    Yes, ma'am.

20                MR. FUSONIE:  Let's be clear.  The  
21 question is:  As to Ron Siefring's  
22 affidavit and exhibit to Ron Siefring's  
23 affidavit not your own affidavit.

24          Q.    But did you do the shading on this  
25 particular map, exhibit, Respondent's Exhibit C?

1 A. Is this my?

2 MR. FUSONIE: That's Ron Siefring's  
3 affidavit.

4 A. No, I didn't do this one.

5 MR. FUSONIE: Trying to trick 'em  
6 up --

7 MS. WORLY: No, I'm not.

8 MR. FUSONIE: Or he's confused at  
9 least.

10 Q. Did you put the white boundaries on  
11 this map?

12 A. No, ma'am.

13 Q. Okay. So you didn't drawn anything  
14 on this particular map?

15 A. No, ma'am.

16 Q. All right. Do you know what the  
17 shaded portion of this map represents?

18 A. That would be the flooded area.

19 Q. Okay. Now, I know you told me  
20 that McMillan Farm is -- Is McMillan Farm 67 and a  
21 half acres?

22 A. No, ma'am?

23 Q. How big is McMillan Farm?

24 A. Eighty acres.

25 Q. Eighty acres, okay. In a perfect

1 rectangle?

2 A. Yes, ma'am.

3 Q. Okay. Do you know approximately  
4 how large this shaded area is?

5 A. That would be approximately 17  
6 acres.

7 Q. Seventeen acres. Okay. And to  
8 your knowledge, you say the shaded area represents  
9 the area that was flooded, is that correct?

10 A. Yes.

11 Q. All right. Flooded in which year?

12 A. Well the 2003, 2005. It was two  
13 years that -- where we had the most flooding, and  
14 there was other years that we had minor flooding  
15 on that farm.

16 Q. Now none of the pictures that I've  
17 just shown you or the maps I've shown you are the  
18 picture of Corner of 29 Farm or of Meyer Farm, is  
19 that correct?

20 A. No, ma'am.

21 Q. Other than the three farms we've  
22 just discussed: Corner of 29 Farm, McMillan Farm  
23 and Meyer Farm, do you own or rent or have any  
24 other interest in any other property in Mercer  
25 County?

1 A. Yes, I own --

2 MR. FUSONIE: Objection.

3 Q. You can answer.

4 A. I own other land in Mercer County,  
5 but it's not involved in flooding.

6 Q. And where is the other land  
7 located?

8 A. I have one farm on State Route 219.

9 Q. And what's the name of that farm?

10 A. That is -- Well we use the name as  
11 Lynn's farm. That's my daughters live there?

12 Q. L-y-n-n's? And how large is that  
13 farm?

14 A. It's 118 acres.

15 Q. And what do you on that farm?

16 A. Corn and soybeans.

17 Q. And do you own that individually?

18 A. Yes, yes.

19 Q. Does anybody farm that farm with  
20 you?

21 A. My brother Ron.

22 Q. But Ron has no ownership in that  
23 farm, is that correct?

24 A. No, ma'am.

25 Q. I'm not sure I asked you this, if

1 | so I don't remember, does anybody other than Amy  
2 | and Jerry and, I'm sorry, Amy and Jerry Meyer and  
3 | you have any interest in Meyer Farm?

4 |           A.    I have no interest in Amy and  
5 | Jerry' farm, they own that farm.

6 |           Q.    But you rent it?

7 |           A.    I rent it, yes.

8 |           Q.    So that's a rental interest?

9 |           A.    Yes.

10 |           MR. FUSONIE:  Objection.

11 |           Q.    Other than -- Does anyone else rent  
12 | that farm, as well, or are you the sole renter of  
13 | Meyer Farm?

14 |           A.    No, I rent that directly from Amy  
15 | and Jerry.

16 |           Q.    Ron has --

17 |           A.    Oh, Ron does, he farms with me,  
18 | yes.

19 |           Q.    Does Ron have a rental interest in  
20 | that property, as well?

21 |           A.    Yes.

22 |           Q.    So you and Ron rent Meyer Farm?

23 |           A.    Right.

24 |           Q.    And other than you and Ron does  
25 | anybody else help farm that Meyer Farm?

1 A. No, ma'am.

2 Q. Okay. And other than you and Ron,  
3 does anybody else farm at McMillan Farm?

4 A. No, ma'am?

5 Q. Nobody else helps you?

6 A. No, ma'am.

7 Q. And other than Lynn's Farm, do you  
8 have any other interest in any other property in  
9 Mercer County?

10 MR. FUSONIE: Objection.

11 Q. You can answer.

12 MR. FUSONIE: If you know.

13 A. We own a house and one acres and  
14 that's down on Township Line Road, but that's my  
15 parent's house and we own that jointly.

16 Q. Who's we?

17 A. Ron, Greg, Neal, Mark they're three  
18 of my brothers.

19 Q. Ron, Greg?

20 A. Neal.

21 Q. And Mark?

22 A. And Mark, yes, we own it together.

23 Q. Okay. And you say you own a house  
24 and an acre, where is that?

25 A. It's located on and acre of land.

1 Q. Okay. And where is that at?

2 A. It's on Township Line Road.

3 Q. And is that land farmed at all?

4 A. No, ma'am.

5 Q. Okay. Now you told me where the

6 Corner of 29 Farm is. Can you tell me where

7 McMillan Farm is?

8 A. McMillan Farm would be south on 29

9 -- on Township Line Road off of State Route 29 two  
10 miles.

11 Q. I'm sorry. South on Township Line  
12 Road off of?

13 A. Two miles south of State Route 29.

14 Q. Okay. And is McMillan Farm  
15 divided into separate parcels or is it just one?

16 A. It's one parcel.

17 Q. And that's what we just looked at?

18 A. Yes.

19 Q. And with regards to McMillan Farm,  
20 you purchased it in 1988 from whom?

21 A. From Tom McMillan.

22 Q. And do you know what Tom McMillan  
23 used McMillan Farm for?

24 A. He farmed it just like we do.

25 Q. Do you know what crops he grew?

1 A. Corn and soybeans.

2 Q. Did you purchase McMillan Farm  
3 directly from Tom McMillan?

4 A. Yes.

5 Q. Did you have any discussions with  
6 Mr. McMillan about the farm prior to purchasing  
7 it?

8 A. Just minor discussion.

9 Q. Is Mr. McMillan still living?

10 A. Yes.

11 Q. Do you know where?

12 A. He lives west of Coldwater about  
13 five miles.

14 Q. You don't have his address by any  
15 chance, do you?

16 A. No, ma'am.

17 Q. Did you have any discussions with  
18 Mr. McMillan about flooding in 1988 when you  
19 purchased McMillan Farm?

20 A. No, because it wasn't a problem at  
21 that time.

22 Q. And did you have any discussions  
23 with the Resthere's in 1978 when Fran purchased --

24 A. No, ma'am.

25 Q. -- Resthere Farm about flooding?

1           A.    That lady passed away and there was  
2 no one to talk to at that time, it was just the  
3 estate.

4           Q.    Can you also tell me where Meyer  
5 Farm is located?

6           A.    That would be six and a half miles  
7 west of Celina on State Route 29 on the south side  
8 of the road.

9           Q.    Where is Corner of 29 Farm in  
10 relation to Beaver Creek?

11          A.    It would be south of Beaver Creek.

12          Q.    How far is that?

13          A.    Probably -- The farm lays along 29  
14 on the one end, it's probably only 300 feet away  
15 and on the other end it's probably 600 feet away  
16 from the beaver.

17          Q.    I don't have a picture of Corner of  
18 29 Farm in front of us right now, but does that  
19 mean that the Corner of 29 Farm is long and  
20 narrow; is that the way you're describing it?

21          A.    Yes.

22          Q.    Can you give me a physical  
23 description of it? We can see McMillan Farm, but  
24 what does Corner of 29 Farm look like?

25          A.    Well it's 52 half acres, it's all

1 tillable land.

2 Q. Can you remember it, can you just  
3 draw a picture of the shape of Corner the 29 Farm  
4 for me, please?

5 MR. FUSONIE: For the record,  
6 you're asking Mr. Sieftring to draw an  
7 approximation in the shape Corner of 29  
8 Farm --

9 MS. WORLY: That's correct.

10 MR. FUSONIE: -- the way we're  
11 referring to it.

12 MS. WORLY: That's correct.

13 Q. Is that pen working?

14 A. No, ma'am.

15 Q. So that's a picture of Corner of  
16 29 Farm?

17 A. Right. That would be looking at it  
18 from State Route 29.

19 Q. Can you show me where Beaver Creek  
20 is 300 feet away and Beaver Creek is 600 feet  
21 away?

22 A. Okay.

23 (Hand drawn map, marked for  
24 identification as Respondent's -  
25 Mark Sieftring - Exhibit D.)

MS. WORLY: Okay. Can we have that

1 marked, please, as Respondent's Exhibit  
2 D?

3 MR. FUSONIE: I'm gonna need a copy  
4 of these exhibits before we leave.

5 MS. WORLY: Okay. Make a copy.

6 Q. Okay. Let's talk about McMillan  
7 Farm. How far is McMillan Farm away from, away  
8 from Beaver Creek?

9 A. Approximately two miles.

10 Q. And let's look at Deposition  
11 Exhibit, Respondent's C that you've identified is  
12 a map of McMillan Farm. Can you show me on that  
13 map, please, where Beaver Creek falls?

14 A. Beaver Creek is not on this map.

15 Q. Well would it be to the north,  
16 south east or west of --

17 A. It would be to the north.

18 Q. Okay. Can you show me -- can you  
19 just puts an X where Beaver Creek would be? And I  
20 understand you're telling me it's two miles from  
21 the farm itself?

22 A. Okay. Beaver Creek is gonna be.

23 Q. It's gonna be along the upper edge  
24 of Exhibit C.

25 A. Right. So do you know me to draw a

1 line?

2 Q. Yeah, just put an X there. So  
3 Beaver Creek is in that direction?

4 A. Right.

5 Q. Okay. Good enough. Thank you.  
6 Two miles away. Okay. I'm gonna take the pen  
7 back again. Okay. And Meyer Farm, how far is  
8 Meyer Farm from Beaver Creek?

9 A. The Meyer Farm lays right south of  
10 the Beaver Creek.

11 Q. When you say it "lays right south  
12 of Beaver Creek" how far?

13 A. The Meyer Farm. I'm talking within  
14 a 100 feet on the northwest corner, and then the  
15 Beaver Creek angles back away from it, and it  
16 would be probably 300 feet away on the other  
17 corner.

18 MS. WORLY: Let's see, was this  
19 marked as Deposition Exhibit D?

20 COURT REPORTER: Respondent's D.

21 MS. WORLY: Respondent's D. Okay.

22 Q. Can you also draw me a picture of  
23 Meyer Farm, please?

24 MR. FUSONIE: So the recorder is  
25 clear, are you gonna draw an

1 approximation of the boundary line of  
2 the Meyer Farm?

3 MS. WORLY: Correct.

4 MR. FUSONIE: Okay.

5 Q. Thank you. And can you show me on  
6 Exhibit E, which we will mark shortly, where  
7 Beaver Creek would lie? I see the way you're  
8 drawing it. Part of Beaver Creek is directly  
9 adjacent to Meyer Farm?

10 A. See, on this corn here it does, but  
11 the Beaver Creek angles away from it. So this is  
12 facing, looking at it facing south.

13 Q. Okay. Can you just, so we're  
14 clear, can you put an X on the line that you've  
15 marked as Beaver Creek? And can you put an X on  
16 the line that you marked as Beaver Creek  
17 Respondent's Exhibit D? Great.

18 MS. WORLY: May I have this marked  
19 as Respondent's E, please?

20 (Hand drawn map, marked for  
21 identification as Respondent's -  
22 Mark Siefiring - Exhibit E.)

23 Q. How far is the McMillan Farm from  
24 the Wabash River?

25 A. You're asking the Wabash River,  
right?

1 Q. Yes, um-hum.

2 A. Okay. I would say approximately  
3 six miles.

4 Q. And how far is Meyers Farm from the  
5 Wabash River?

6 A. Approximately four miles.

7 Q. And how far is Corner of 29 Farm  
8 from the Wabash River?

9 A. Four and a half miles.

10 Q. Now, would you show me on  
11 Respondent's Deposition D, which we just  
12 discussed, is a representation of Corner of 29  
13 Farm?

14 A. Right.

15 Q. Correct?

16 A. Yes.

17 Q. Where the Wabash River would be?

18 And again I know it's not adjacent to the farm.  
19 You tell me that it is four and a half miles away,  
20 from which direction?

21 A. It would be four and a half miles  
22 to the northwest.

23 Q. All right. Rather than an X, can  
24 you put a Y? And I'll give you a pen. Where the  
25 Wabash River would lie with regards to the Corner

1 of 29 Farm on Deposition Exhibit D?

2 MR. FUSONIE: And so the record is  
3 clear, are you asking for an  
4 approximation?

5 MS. WORLY: Approximation,  
6 absolutely.

7 Q. And mark it with a Y. Great.

8 Okay. Same thing, with regards to Meyer Farm, can  
9 you -- How far away is the Wabash River?

10 A. From the Meyer Farm.

11 Q. Yes?

12 A. Four miles.

13 Q. Four miles. Okay. Can you show me  
14 where on that map approximately four miles away  
15 from the Meyer Farm the Wabash River would flow?

16 A. You want to know approximately  
17 where the Wabash River is from the Meyer Farm?

18 Q. Yes, and mark it with a Y. Great.  
19 Okay. And same thing, please, with the McMillan  
20 Farm, and this time we have picture that your  
21 counsel has provided in Mr. Siefring's affidavit.

22 MR. FUSONIE: Ron Siefring's  
23 affidavit.

24 Q. I'm sorry. I didn't misrepresent.

25 MR. FUSONIE: I know, I just wanted

1 to be clear.

2 Q. Can you mark a Y where the Wabash  
3 would flow, and it's my understanding that you're  
4 telling me that it's six miles?

5 A. Right.

6 Q. The McMillan Farm is approximately  
7 six miles from the Wabash?

8 A. Yes.

9 Q. And if you could mark that with a  
10 Y, as well. Thank you. Okay, now. Now what I'd  
11 like you to do so, please, let's go back for the  
12 picture of the approximation that you've drawn of  
13 the Corner of 29 Farm. Can you show me where  
14 approximately you claim that your land has been  
15 flooded on the Corner of 29 Farm? I'm not sure  
16 which pen. Yeah, you've got the one that's  
17 working. Is it not working?

18 A. No.

19 Q. Okay. So that's on the Corner of  
20 the 29 Farm?

21 A. This is, yes.

22 Q. You've designated as the portion  
23 that flooded?

24 A. That's approximately.

25 Q. And how large is that area

1 approximately?

2 A. That one there would be 13,  
3 approximately 13 acres.

4 Q. Okay. And which years do you  
5 claim that the flooding occurred Corner of 29 Farm  
6 that you just drew for us on the picture?

7 A. 1998, 2003, 2005, 2008 and 2009.

8 Q. Okay. And can you also show me on  
9 Deposition of Respondent's Exhibit E, which is a  
10 picture of Meyer Farm, the area that you claim  
11 flooded, can you draw that, as well, please?

12 And then so there's no confusion,  
13 can you put Z's inside of the areas that you drew  
14 as having flooded so we can distinguish them from  
15 the areas that did not?

16 A. A Z?

17 Q. A Z. Sure. 'Cause we already used  
18 Z and Y. And also on D on the Corner of 29  
19 diagram. Thank you. Now with regard to Meyer  
20 Farm, how large of the areas that you claim  
21 flooded, and that you've marked on Respondent's  
22 Exhibit E?

23 A. Combination of the two areas would  
24 be approximately 25 acres.

25 Q. Now, we looked at the picture of

1 | McMillan Farm, and -- I'm having trouble making  
2 | out the X on McMillan Farm, can you do it in red  
3 | ink so we can see it? Okay. And that's where you  
4 | say the Beaver Creek was?

5 |           A. No. That has nothing to do with  
6 | these farms.

7 |           Q. Okay. With regard to McMillan  
8 | Farm, where does the Beaver Creek lie? Why is  
9 | where you told me the Wabash River lies?  
10 | Where does the Beaver Creek?

11 |           A. It would be two miles north of the  
12 | McMillan Farm.

13 |           Q. All right. Can you put an X where  
14 | the Beaver Creek flows with regards to McMillan  
15 | Farm?

16 |           MR. FUSONIE: And just so the  
17 | recorder is clear, it's an  
18 | approximation.

19 |           A. This is the Wabash here, so.

20 |           Q. Um-hum.

21 |           A. The beaver would be somewhere in  
22 | this vicinity over here.

23 |           Q. And can you put an X on that so we  
24 | know where it is? And for the record, what is the  
25 | X in the center of that rectangle that you just

1 | made, what does that represent?

2 |           A.    That's the McMillan Farm.

3 |           Q.    That is the McMillan.    Okay.    So  
4 | the red X designates the McMillan Farm and blue X  
5 | designates where the Beaver Creek?

6 |           A.    This is the approximate distance  
7 | from where the beaver is.

8 |           Q.    Okay.    With regards to -- With  
9 | regards to the Corner of 29 Farm, can you describe  
10 | the typography of the land for me, and by that I  
11 | mean hilly or crevasses or just generally?

12 |                   MR. FUSONIE:    Objection as to form.

13 |                   Go ahead and answer if you understand.

14 |           A.    Just gently rolling piece of  
15 | ground.

16 |           Q.    Is there any drainage tile on that  
17 | property?

18 |           A.    Yes, ma'am.

19 |           Q.    Where is the drainage tile located?

20 |           A.    The whole farm is systematically  
21 | ditched.

22 |           Q.    When you say "systematically  
23 | ditched," --

24 |           A.    Yes.

25 |           Q.    -- what do you mean?

1 A. It is ditched every 50 feet?

2 Q. What does "ditched" mean?

3 A. That's -- we installed tile in it,  
4 we put 'em every 50 feet apart.

5 Q. And when did you do that?

6 A. Part of it was done in -- this is  
7 only approximate, 1985, and the last was done in  
8 2004.

9 Q. And did you do that yourself?

10 A. Yes, ma'am.

11 Q. And you've done it in year since  
12 2004 with regards to tilling or ditching, is that  
13 correct?

14 A. Please repeat that.

15 Q. You've nothing more since 2004 with  
16 regards to tilling or ditching, is that correct?

17 A. Right, ma'am.

18 Q. Okay. And what about McMillan  
19 Farm, can you describe that, the topography of  
20 that piece of land, also?

21 A. That would also be gently rolling.

22 Q. And is there drainage tile at  
23 McMillan Farm?

24 A. Just a small amount, about 20,000  
25 feet.

1 Q. And when was that drainage tile  
2 installed?

3 A. 1998.

4 Q. And do you know who installed that  
5 drainage tile?

6 A. Collige Farm Drainage.

7 Q. Did you hire them to do so that?

8 A. Yes, ma'am.

9 Q. Why did you not do it yourself?

10 A. I don't have the equipment  
11 qualified to do that.

12 Q. Who put the drainage tile onto the  
13 Corner of 29 Farm?

14 A. That would be Collige, also.

15 Q. Did you call them out to consult,  
16 and was it their recommendation that you put in  
17 drainage tile?

18 A. Yes.

19 Q. Did they tell you where to put the  
20 drainage tile in?

21 A. Yes. Well, when you systematically  
22 ditch it you put the tile in every 50 feet, and  
23 that's -- when you call it "systematically  
24 ditched" that's what that is.

25 Q. That's a standard?

1 A. Yes.

2 Q. Professional standard?

3 A. Yes.

4 Q. Why was the McMillan Farm not  
5 systematically ditched?

6 A. Because --

7 MR. FUSONIE: Objection.

8 Q. You can answer.

9 MR. FUSONIE: If you know.

10 A. Well we just never got to it.

11 Q. Did Collige Farm recommend that  
12 you, Collige Farm Drainage recommend that you  
13 systematically ditch McMillan Farm?

14 A. Well, as we had money available we  
15 systematically ditch all of our farms.

16 Q. But you haven't done any drainage  
17 work at McMillan Farm since 1998, is that correct?

18 A. Right.

19 Q. Okay. How about Meyer Farm, can  
20 you describe that farm to me, the topography?

21 A. That's slightly the gently rolling  
22 ground, also.

23 Q. And is there drainage tile at Meyer  
24 Farm?

25 A. Yes, ma'am.

1 Q. And where is that located?

2 A. The entire farm is ditched.

3 Q. Is it systematically ditch --

4 A. Yes, ma'am.

5 Q. -- the entire farm? And when was  
6 that done?

7 A. Approximately 1982.

8 Q. And do you know who ditched, who  
9 put the tile?

10 A. That was Collige, also.

11 Q. Right. Now has Collige Farms  
12 Drainage been out to Corner of 29 Farm since 2004?

13 A. No.

14 Q. Has Collige Farm drainage been out  
15 to McMillan Farm since 1998?

16 A. Yes, in 1998 when we ditched the  
17 farm.

18 Q. But since 1998 have they been out  
19 there?

20 A. No.

21 Q. And let me make sure I understand.  
22 Did you ditch McMillan Farm?

23 A. We installed some tile in it, yes,  
24 approximately 20,000 feet.

25 Q. When you installed 20,000 feet,

1 | does that mean you ditched it?

2 |           A.    Not entire farm, just a portion of  
3 | it.

4 |           Q.    Just so I have my terminology right.  
5 | If you systematically ditch, is that's the entire  
6 | farm, if you you ditch it --

7 |           A.    Well when you ditch it -- when I  
8 | say "systematically" when we go in there we do a  
9 | certain area and we ditch it and do it in a  
10 | systematically so you know where your tile are put  
11 | underground.  So that's the way you do it.  You  
12 | don't -- we don't put tile here and tile there, we  
13 | try to do it in an area.

14 |           Q.    So am I correct that McMillan Farm  
15 | was also systematically ditched but only over  
16 | 20,000 feet?

17 |           A.    Yes, which would cover  
18 | approximately 20 acres.

19 |           Q.    But Meyer Farm, the entire farm --

20 |           A.    The entire farm is ditched, yes.

21 |           Q.    And Corner of 29 Farm, the entire  
22 | farm?

23 |           A.    Entire farm is ditched.

24 |           Q.    And since 1992 has Collige Farm  
25 | Drainage been back to Meyer Farm?

1 A. No.

2 Q. Now, you showed me where the Wabash  
3 was and Beaver Creek was in regards to Meyer and  
4 McMillan and Corner of 29 Farm. So let's go back  
5 to each of them again individually for a minute.  
6 Does Corner of 29 Farm have any streams flowing on  
7 it?

8 A. Yes, it has the Baker Menchhofer  
9 Creek.

10 Q. Can you spell that for me?

11 A. B-a-k-e-r and Menchhofer would be  
12 M-e-n-c-h-h-o-f-e-r.

13 Q. Baker Menchhofer Creek, is that  
14 correct?

15 A. Yes.

16 Q. Now let's look at our diagram  
17 again, Corner of 29 Farm. Can you show me where  
18 the Baker Menchhofer Creek is, please?

19 A. This would be the west boundary of  
20 that 52 and a half acres.

21 Q. Okay.

22 A. So this is -- when I drew this  
23 line, this is the way that Baker Menchhofer Creek  
24 runs, floats. So this is the west boundary of  
25 this parcel.

1 Q. Okay. Can you, can you just put  
2 B/M for Baker Menchhofer?

3 A. Yes.

4 Q. Okay. Along that boundary. Great.  
5 And other than the Baker Menchhofer Creek, any  
6 other bodies of water, streams, creeks --

7 A. No.

8 Q. -- lakes, ponds on the Corner of 29  
9 Farm?

10 A. No, ma'am.

11 Q. Same question for McMillan Farm.  
12 Any body of water on McMillan Farm?

13 A. Not on McMillan Farm.

14 Q. Okay. None at all?

15 A. No.

16 Q. And how about Meyer Farm, any  
17 bodies of water on Meyer Farm?

18 A. That would be the Baker Menchhofer  
19 Creek?

20 Q. Can you show me where that lies?

21 A. That lies right here.

22 Q. Can you put a B/M along that  
23 boundary line? The Baker Menchhofer Creek --

24 A. Right.

25 Q. -- is one of the boundary line of

1 the Meyer Farm?

2 A. That would be the east boundary.

3 Q. Okay. So am I correct in  
4 understanding, and this is just pure guess, that  
5 the Corner of 29 Farm and the Meyer Farm are  
6 adjacent separated by the creek?

7 A. Yes, ma'am.

8 Q. So if I take these, if I take  
9 Deposition Exhibit D and Deposition Exhibit E  
10 together, that would show both farms on --

11 A. Both farms.

12 Q. -- side-by-side?

13 A. Yes, ma'am.

14 Q. Okay. With regards to Corner of  
15 29 Farm, any large hills or mountains on that  
16 property?

17 MR. FUSONIE: Objection.

18 Q. You can answer.

19 A. No, ma'am.

20 Q. With regards to McMillan Farm, any  
21 large hills or mountains on that property?

22 MR. FUSONIE: Objection.

23 A. No, ma'am.

24 Q. With regards to Meyer Farm, any  
25 large hills or mountains on that property?

1 MR. FUSONIE: Objection.

2 A. No, ma'am.

3 Q. Now you testified with regards to  
4 all three pieces of property that they are  
5 ditched. When you ditch them does that mean you  
6 dig ditches --

7 A. No.

8 Q. -- on the property?

9 A. When I, when I use that phrase we  
10 put tile underground approximately three feet, and  
11 it's put in every, installed every 50 feet, and  
12 there's an outlet that goes into the Baker  
13 Menchhofer Creek and we hook them. We put one )  
14 outlet into the creek, and then we hook all the  
15 tile into that one outlet.

16 Q. All drainage from Corner of 29  
17 Farm and -- well, actually tell me, am I correct,  
18 that the drainage from all of the farms flows  
19 into --

20 A. Yes, because the tile.

21 MR. FUSONIE: Let her ask her full  
22 question.

23 Q. -- Baker Menchhofer Creek?

24 A. Yes, ma'am.

25 Q. Well then show me where on the

1 McMillan Farm the Baker Menchhofer Creek --

2 A. I'm sorry, ma'am, I was talking  
3 about --

4 Q. Just the two?

5 A. These two, yes.

6 Q. That's what confused me.

7 MR. FUSONIE: The Meyer Farm and  
8 the --

9 MR. SIEFRING: Corner farm.

10 Q. And the Corner of 29 Farm. Okay.

11 A. I misunderstood.

12 Q. So with regards to Meyer and Corner  
13 of 29 Farm, water flows the drainage water flows  
14 into the Baker Menchhofer Creek?

15 A. Yes, ma'am.

16 Q. Where does the drainage water flow  
17 from McMillan Farm?

18 A. That will flow into the Kittle  
19 Ditch?

20 Q. And what is the Kittle Ditch?

21 A. That is another one of the small  
22 streams --

23 Q. So where does the water from the  
24 Kittle -- Does the water from McMillan -- I'm  
25 sorry. Water from McMillan Farm flows into Kittle

1 Ditch?

2 A. It flows into the Kittle Ditch, and  
3 that, the Kittle Ditch flows, it drains into the  
4 beaver.

5 Q. Can you show me where Kittle Ditch  
6 is with regards to McMillan farm?

7 A. That would be this stream right  
8 here.

9 Q. Let's do it in red so it slow up in  
10 black. Can you mark from where the Kittle Ditch  
11 is on McMillan Farm on deposition or Respondent's  
12 Exhibit C?

13 A. The Kittle Ditch is not on the  
14 McMillan Farm it's on the farm next to it.

15 Q. Can you mark where it would be on  
16 the farm next to it Kittle Ditch?

17 A. X, Y?

18 Q. How about K/D Kittle Ditch. Okay.  
19 So does the drainage from McMillan Farm cross into  
20 someone else's farm before it's Kittle ditched?

21 A. Yes, we have tile that enters into  
22 that creek.

23 Q. Do you have an easement across that  
24 farm?

25 MR. FUSONIE: Objection.

1           A.     Just -- You get permission from  
2 your neighborhood, your land -- to get to that we  
3 got to be able to go across their property and  
4 that's just an agreement we have, verbal  
5 agreement.

6           Q.     So who do you have that agreement  
7 with?

8           A.     That would be with Roger LaRue.

9           Q.     And do you know Mr. LaRue's  
10 address?

11          A.     No, I don't.

12          Q.     Does he live on the farm that's  
13 your drainage water crosses over?

14          A.     No, ma'am.

15          Q.     Do you know where Mr. LaRue lives?

16          A.     Fort Wayne, Indiana.

17          Q.     Do you know the name of the farm  
18 that your drainage water crosses over to reach the  
19 Kittle Ditch?

20          A.     LaRue Farm.

21          Q.     Am I correct that on all three of  
22 the properties: Meyer property, McMillan Farm,  
23 and Corner of 29 Farm there's no commercial  
24 enterprise?

25          A.     Right, there's no commercial

1 enterprise.

2 Q. With regards to Corner of 29 Farm,  
3 and again let's look at the diagram we drew which  
4 is Respondent's Exhibit D, how much of the farm is  
5 tillable?

6 A. Forty-seven and a half acres.

7 Q. And once again, how big is that  
8 farm, Corner of 29 Farm?

9 A. The total acreage is 52 and a half.

10 Q. And why is the other five acres not  
11 tillable?

12 A. Because of the roads. There's  
13 roads of two sides of it, Township Line, State  
14 Route 29.

15 Q. So with my red pen, this time, can  
16 you show me where the roads fall on the Corner of  
17 29 Farm?

18 A. This would be Township Line Road  
19 here.

20 Q. Can you mark that for me? And you  
21 say there's two roads?

22 A. This would be State Route 29.

23 Q. Can you also mark it for me? So if  
24 I'm looking at Township Line Road which boundaries  
25 your farm, is that correct?

1 A. That the east boundary.

2 Q. Boundaries Corner of 29 Farm.

3 Okay. Where does the tillable acreage begin as it  
4 butts up against Township Line Road?

5 A. It would start right next to the  
6 road. There's a road that's approximately 16 feet  
7 wide, and then from there on it's all tillable  
8 land.

9 Q. You own that road?

10 A. To the middle of the road we pay  
11 taxes to the middle of the road.

12 Q. So the reason that the area on the  
13 eastern borders of the farm is not tillable  
14 because it's roadway, is that correct?

15 A. Yes, ma'am.

16 Q. And the area along the southern  
17 area portion of the farm, Corner of 29 Farm, the  
18 reason it's not tillable is because roadway, is  
19 that correct?

20 A. That would be to the north.

21 Q. Oh, that's the north, I'm sorry?

22 A. Yes.

23 Q. Okay. All right. Well then if  
24 that's -- Okay, that's the north, okay. I'm  
25 sorry. So are you also claiming that -- And

1 that's State Route 29 that is north of the farm.  
2 So you're also claiming that State Route 29 also  
3 floods there?

4 A. I never said that, ma'am.

5 Q. Okay. Well I'm just curious  
6 because you have the portion that butts up against  
7 State Route 29 is flooding, is that correct?

8 A. Up against the 29, yes, that would  
9 be south of State Route 29.

10 Q. But 29 does not flood?

11 A. No, ma'am.

12 Q. Okay. Why would the land immediate  
13 adjacent 29 flood but 29 does not flood?

14 A. Because 29 is elevated up higher  
15 than the fields. It road was built up so it  
16 wouldn't flood.

17 Q. How much higher is it, do you know?

18 A. Well I'm guessing. In places four  
19 or five feet higher in the field.

20 MR. FUSONIE: We've been going for  
21 about hour 15 minutes. Whenever there  
22 is a good chance to take a break and  
23 there are a line of questions.

24 MS. WORLY: Okay.

25 MR. FUSONIE: Okay. I'd like a

1 break.

2 MS. WORLY: Okay. I would ask the  
3 same series of questions for Meyer and  
4 for McMillan or we can break now. I'm  
5 fine either way.

6 MR. FUSONIE: Depends I guess on how  
7 much longer after are you gonna go.

8 MS. WORLY: I'm about half way  
9 done.

10 MR. FUSONIE: All right. Well then  
11 let's take a break now then.

12 MS. WORLY: Okay.

13 (Off the record)

14 MS. WORLY: Back on the record.  
15 For the record I'd like to note that  
16 while we were on break the court  
17 reporter added Corner of 29 to the top  
18 of Respondent's D and Meyer to the top  
19 of Respondent's E. I wanted to make  
20 sure that's accurate.

21 A. Thank you.

22 Q. Is that accurate?

23 A. Yes, ma'am.

24 Q. Okay. Just for simplicity

25 purposes then when we're shuffling papers we know

1 | which is which. Okay.

2 |                   Now when we broke we were talking  
3 | about the portion of Corner of 29 Farm that  
4 | floods?

5 |                   A.    Yes, ma'am.

6 |                   Q.    Okay. And I'd like to ask the same  
7 | question now with regards to McMillan Farm, and we  
8 | have the map, and it's my understanding that the  
9 | shaded portions of Respondent's Exhibit C, the  
10 | shaded portion of Respondent's Exhibit C  
11 | represents your claim, the area you claim floods  
12 | on McMillan Farm, is that correct?

13 |                   MR. FUSONIE: Exhibit C is Exhibit  
14 |                   3 to Ronald Siefring's affidavit. It's  
15 |                   Aerial of property owned by Ronald and  
16 |                   Mark Siefring. We established that Mark  
17 |                   Siefring did not shade in the area on  
18 |                   this particular exhibit.

19 |                   Q.    But on this particular exhibit it's  
20 | my understanding your testimony is the shaded area  
21 | is approximately the area it floods on McMillan  
22 | Farm, is that correct?

23 |                   A.    That would be the approximate area.

24 |                   Q.    Okay. Can you tell me how large  
25 | that area is, please?

1 MR. FUSONIE: Asked and answered.

2 Q. Can you refresh my -- Can you just  
3 explain again because I don't remember what you  
4 told me?

5 A. I would say it's approximately 17  
6 acres.

7 Q. Okay. And how many acres of  
8 McMillan Farm are tillable?

9 A. 78.

10 Q. 78 acres are tillable?

11 A. Yes.

12 Q. And the total size of the farm of  
13 McMillan Farm 80 acres?

14 A. 80 acres.

15 Q. And why are they 78 acres tillable?

16 A. The road frontage, the road takes  
17 off, and then small side for the buildings.

18 Q. Now on Respondent's Exhibit C, can  
19 you show me where the buildings are, and maybe put  
20 a BLD for building?

21 A. Please, ma'am?

22 Q. BLD for building?

23 A. That's this building is right here.

24 Q. Okay. And am I correct that those  
25 are the machine shed -- is that where the machine

1 shed and then there is a \$5000.00 Bushel --

2 A. \$5000.00 Bushel --

3 Q. Bushel grain bin?

4 A. Yes, ma'am.

5 Q. And they're two small, two other  
6 small buildings there as well, is that correct?

7 A. There's two small machine sheds and  
8 one 5000 bushel grain bin.

9 Q. And they're all located where you  
10 just marked BLD --

11 A. Yes, ma'am.

12 Q. -- on Respondent's Deposition  
13 Exhibit C? And you say a portion of the farm is  
14 not tillable because of the roadway?

15 A. Yes.

16 Q. Which road are we talking about?

17 A. We're talking about Township Line  
18 Road which would be the front, the frontage of  
19 that farm.

20 Q. So is that the north parameter or  
21 parameter of the farm?

22 A. That would be to the east?

23 Q. To the east. So Township Line Road  
24 runs east?

25 A. It's the east boarder of the farm.

1 Q. Okay. Do any other roads broader  
2 McMillan Farm?

3 A. No, ma'am.

4 Q. Okay. What -- So Township Line  
5 Road is the eastern boarder. What is the northern  
6 broader of the farm?

7 A. That would be -- that would lay  
8 next to the Carl Rose Farm.

9 Q. Is there any natural boundary  
10 between the two farms, Carl Rose and McMillan?

11 A. No, it's just imaginary line.

12 Q. And what's the southern boarder of  
13 the farm?

14 A. That would be next to the Jerry  
15 Buller farm.

16 Q. And what's the western boarder of  
17 the farm?

18 A. That would be the Adams farm.

19 Q. Okay. And with regards to the  
20 Meyer Farm, how much of the acreage is tillable at  
21 the Meyer Farm?

22 A. 56 acres.

23 Q. And I believe you testified the  
24 Meyer Farm is 67 and a half acres, is that  
25 correct?

1 A. Total acres, yes, ma'am.

2 Q. Now, of the 67 and a half acres,  
3 why is only 56 acres tillable?

4 A. There again the State Route 29 is a  
5 road frontage. They have a building site and they  
6 have a small woods which would account for the  
7 difference in acreage.

8 Q. Okay. So let's look at the diagram  
9 you drew of Meyer Farm. Can you show me again  
10 where State Route 29 would lie on the diagram of  
11 Meyer Farm?

12 A. That would be the northern boarder.

13 Q. Can you write State Route 29 on  
14 that for me, please?

15 A. Sure.

16 Q. Now does State Route 29 flood?

17 A. No, ma'am.

18 Q. But it's adjacent to the area that  
19 you've marked as flooding on your farm land, is  
20 that correct?

21 A. Yes, ma'am.

22 Q. To your knowledge why does State  
23 Route 29 not flood now?

24 A. Because State Route 29 sits up  
25 higher than our fields.

1 Q. Do you know how far it's elevated?

2 A. On Jerry and Amy's farm

3 approximately 14, 15 feet.

4 Q. Now with regards to Meyer Farm,  
5 you've rented it since 1997, is that correct?

6 A. Yes, from Jerry and Amy.

7 Q. Do you know when Jerry and Amy  
8 bought it?

9 A. In 1997.

10 Q. They bought it in 1997. And do you  
11 know who they bought it from?

12 A. Paul Raffel.

13 Q. And is Mr. Raffel currently  
14 living?

15 A. No, ma'am.

16 Q. Do you know what Mr. Raffel used  
17 the farm for before Jerry and Amy purchased it?

18 A. No, I really don't know.

19 Q. With regards to Corner of 29 Farm,  
20 what kind of soil is on that farm land?

21 A. I would say --

22 MR. FUSONIE: Objection.

23 Q. You can answer.

24 A. Silt loan soil.

25 Q. I'm sorry.

1 A. Silt loan soil.

2 Q. Silt loan, l-o-a-n?

3 A. Yes, l-o-a-n.

4 Q. All of the 47 and a half tillable  
5 acres are silt loan soil?

6 A. Yes.

7 Q. With regards to McMillan Farm, what  
8 soil is there?

9 MR. FUSONIE: Objection.

10 A. That's Silt loan, also.

11 Q. And also 78 tillable acres is silt  
12 loan?

13 A. Yes.

14 Q. And with regards to Meyer Farm,  
15 what kind of soil is on that property?

16 A. That would be the same that silt  
17 loan, as well.

18 Q. And is that on all of the 56 acres  
19 that are tillable?

20 A. Yes.

21 Q. I think I forgot to ask you, with  
22 regards to this Corner of 29 Farm, how far -- what  
23 is it depth of the drainage tile, I know it's  
24 systematically ditched, but?

25 A. Approximately 36 inches.

1 Q. Thirty-six inches deep?

2 A. Deep, yes.

3 Q. And with regards to McMillan Farm,  
4 how deep is that?

5 A. That would be the same, 36 inches.

6 Q. And with regards to the Meyer Farm?

7 A. Be the same.

8 Q. Thirty-six inches deep. Okay. Do  
9 you know what industry standards are for tiles?

10 MR. FUSONIE: Objection.

11 Q. Drainage tiles?

12 MR. FUSONIE: Objection.

13 Q. If you know.

14 A. Could you repeat that question?

15 Q. Sure. Do you know what the  
16 industry standards are for drainage tiles?

17 MR. FUSONIE: Objection.

18 Q. It's a yes or no question?

19 A. No.

20 MR. FUSONIE: You have to  
21 understand what industry standards is,  
22 and you haven't defined it for 'em.

23 MS. WORLY: But I'm asking if he  
24 knows.

25 MR. FUSONIE: And is it here in

1 Ohio, is it here in Indiana, it is in  
2 the U.S., is it in Europe, is it in  
3 South America, I mean what are we  
4 talking about for industry standards?

5 Q. Okay. When when Collige Farm  
6 Drainage came to systematically ditch Corner of 29  
7 Farm, did you have any discussion with the people  
8 from Collige Farm Drainage about industry  
9 standards?

10 A. Yes.

11 MR. FUSONIE: Objection.

12 Q. You can answer.

13 A. Yes, and we've talked about it, but  
14 they're qualified to do it, that's -- I leave it  
15 up to them.

16 Q. Did they tell you anything about  
17 industry standards when they ditched, when they  
18 put in the tiles at Corner of 29 Farm?

19 MR. FUSONIE: Objection.

20 A. No.

21 Q. Tell me about the discussion you  
22 had with the people from Collige Farm Drainage  
23 about the drainage tiles with regards to the  
24 Corner of 29 Farm?

25 A. Basically we just hired them to

1 | come in and put the tile in, and they're qualified  
2 | to do it, they worked with the soil conservation,  
3 | so we left it up to them, this is why they did it.'

4 |           Q.    Did you ever call them back after  
5 | they installed the tile in 2004?

6 |           A.    I had no reason for call 'em back.

7 |           Q.    Did you ever have any other  
8 | discussions with them after 2004 when they  
9 | installed the tile?

10 |           A.    No, ma'am.

11 |           Q.    You testified they came out the  
12 | first time in 1985 to install the drainage tile at  
13 | Corner of 29 Farm, is that correct?

14 |           A.    Yes, we did part of it then.

15 |           Q.    And why did they come back in 2004?

16 |           A.    To finish it.

17 |           Q.    How much was remaining in 2004  
18 | when they came back?

19 |           A.    Approximately they put in 15,000  
20 | feet.

21 |           Q.    And how many feet were put in in  
22 | 1995, to your recollection?

23 |           A.    Approximately 35,000 feet.

24 |           Q.    On McMillan Farm, we have the  
25 | diagram here. Can you show me on the diagram the

1 area where the drainage tiles are located?

2 A. That would be --

3 MR. FUSONIE: Approximation is what  
4 she's asking for.

5 A. Approximately the part of the area  
6 back in this area right here.

7 Q. Okay. Can I have you with the red  
8 pen if it shows up a little bit better in black  
9 show me approximately where the drainage tiles are  
10 located, and you can just put D T for drainage  
11 tiles. Thank you. Other than installing drainage  
12 tiles or having Collige Farm's Drainage install  
13 drainage tiles, have you done any other, taken any  
14 other actions to try to ameliorate flooding --

15 MR. FUSONIE: Objection.

16 Q. -- on any of the three farms?

17 MR. FUSONIE: Outside filing this  
18 lawsuit, too?

19 MS. WORLY: Move to strike.

20 Q. You can answer the question.

21 A. No, because there's nothing you can  
22 do to stop it from flooding. When the creeks are  
23 full and they go out of the their banks, there's  
24 nothing to stop it.

25 Q. Does it Baker Menchhofer Creek

1 flood?

2 A. That don't lay adjacent do this  
3 farm. This is a Kittle Ditch.

4 Q. I understand. But it does lay  
5 adjacent or on the Corner of 29 Farm and the Meyer  
6 Farm?

7 A. Yes.

8 Q. Does it flood?

9 A. Yes, ma'am.

10 Q. Does it flood on both farms?

11 A. Yes, ma'am.

12 Q. Can you tell me what years the  
13 Baker Menchhofer Creek flooded?

14 A. 1998, 2003, 2005, 2008 and 2009.

15 Q. Do you know if it flooded prior to  
16 1998, and again we're talking about the Baker  
17 Menchhofer Creek?

18 A. It did prior to that, but it was  
19 minimal.

20 Q. And do you know how many times it  
21 flooded prior to 1998?

22 A. No, ma'am.

23 Q. Are there any easements for the  
24 Corner of 29 Farm?

25 MR. FUSONIE: Objection.

1 Q. You can answer.

2 A. There's a pipeline going through  
3 the farm.

4 Q. And who holds that easement?

5 A. Marathon Pipeline.

6 Q. And what is that pipeline used for?

7 A. To transfer petroleum products  
8 through it.

9 Q. Can you show me?

10 MR. FUSONIE: Can we take a quick  
11 break for one second?

12 MS. WORLY: Sure.

13 (Off the record)

14 MS. WORLY: Back on.

15 Q. Mr. Siefiring, when we took a break  
16 just now we are talking about the Marathon  
17 Pipeline that runs through the Corner of 29 Farm,  
18 is that correct?

19 A. That's right.

20 Q. Okay. And it transfers petroleum  
21 products, is that correct?

22 A. Yes, ma'am.

23 Q. Can you show me on the diagram you  
24 drew of the Corner of 29 Farm where the Marathon  
25 easement runs?

1 MR. FUSONIE: To the extent you  
2 know.

3 A. It's just an estimate.

4 Q. And can you just write Marathon  
5 along that line, please? Are there any easements  
6 on McMillan Farm?

7 A. There's a pipeline that goes  
8 through that farm, also?

9 Q. Is that also Marathon's pipeline?

10 A. I'm thinking it's Shell, I'm not  
11 gonna say for sure.

12 Q. Does it transfer petroleum  
13 products?

14 A. Yes.

15 Q. So let's look at -- If the diagram  
16 is McMillan Farm, can you show me where that  
17 diagram is?

18 MR. FUSONIE: To the extent you  
19 know.

20 Q. Now along that, since we don't know  
21 if it's Marathon or Shell, could you just write  
22 petroleum? Great. And with regards to Meyer  
23 Farm, are there any easements?

24 A. The pipeline continues through and  
25 goes through their farm.

1 Q. Can you also show me where on the  
2 diagram you've drawn where the petroleum pipeline  
3 runs on the Meyer Farm? Am I correct that this  
4 one is a Marathon easement --

5 A. Yes.

6 Q. -- that runs through the Meyer  
7 Farm?

8 A. Right.

9 Q. So this time you can just go ahead  
10 and put Marathon again. Now other than a  
11 petroleum easement we just discussed, are there  
12 any other easements on any of the three properties  
13 to your knowledge?

14 A. Telephone line.

15 Q. Okay. And on all three  
16 properties?

17 A. Just on the two, the corner farm  
18 and the McMillan Farm.

19 Q. Can you show me where those run,  
20 also, please?

21 MR. FUSONIE: To the best you can.

22 Q. So with regards to Corner of 29  
23 Farm, the telephone easement runs along State  
24 Route 29 and the route along on Township Line  
25 Road, is that correct?

1 A. Yes.

2 Q. Can you -- Where you marked those  
3 lines, also write telephone. And is there similar  
4 easement with regards to Meyer Farm?

5 A. There is no telephone lines running  
6 to them.

7 Q. So it's only with Corner of 29 Farm  
8 you got telephone lines?

9 A. Right.

10 Q. Okay. What year did Marathon take  
11 an easement through Meyer and Corner of 29 Farm?

12 MR. FUSONIE: Objection. Two  
13 questions at once.

14 Q. Let's break them down. What year  
15 did Marathon take an easement on Corner of 29  
16 Farm?

17 A. The easement was there prior to us  
18 purchasing the land.

19 Q. Okay. Same answer with regards to  
20 Meyer Farm, is that correct?

21 A. Yes.

22 Q. And how about with regards to  
23 McMillan Farm?

24 A. Also the McMillan Farm.

25 Q. Mr. Sieftring, do you participate in

1 the Conservation Reserve Program?

2 A. No, ma'am.

3 Q. Okay. Do you know what that is?

4 A. Yes, ma'am.

5 Q. Can you tell me what it is?

6 A. Well it's -- Trying to think the  
7 best way I can explain it to you. Well the  
8 program is along the creeks and ditch banks. You  
9 sets aside filter strips in order to keep the dirt  
10 and that silt out of the creeks.

11 Q. Now I believe you testified that  
12 there is a creek, the Baker Menchhofer Creek, that  
13 runs along the Corner of 29 Farm and the Meyer  
14 Farm, is that correct?

15 A. Yes, that's correct.

16 Q. Then why did you not join the  
17 Conservation Reserve Program with regards to those  
18 two farms?

19 A. We didn't feel it was necessary.

20 Q. Tell me why?

21 A. We felt as far as the silt and the  
22 soil out of our fields we don't have a problem  
23 with that flowing into the creek.

24 Q. Now, you also testified that a  
25 Conservation Reserve Program deals with ditch

1 | banks, is that correct?

2 |           A.    Yes.

3 |           Q.    Are there any ditch banks on any of  
4 | your farms?

5 |           A.    Yes, there is.

6 |           Q.    Which farms has ditch banks of the  
7 | three farms?

8 |           A.    Of the corner farm and Amy and  
9 | Jerry's farm both have ditch banks because the  
10 | Baker Menchhofer Creek flows through the farm.

11 |           Q.    But it's your testimony that you  
12 | believe that the Conservation Reserve Program  
13 | would not be helpful with regards to the ditch  
14 | banks on the Meyer Farm and the Corner of 29 Farm?

15 |           A.    No, there's a 3 feet grass area  
16 | there with the ditch bank, and then what you can  
17 | do you can put another 15 foot strip along the  
18 | side of it if you wanted to participate in that  
19 | program and we haven't done it.

20 |           Q.    What is that 15 foot strip designed  
21 | to do?

22 |           MR. FUSONIE:  Objection.

23 |           Q.    If you know, you can answer.

24 |           MR. FUSONIE:  Calls for  
25 | speculation.

1 Q. If you know, you can answer.

2 A. It would possibly help to filter  
3 the soil out when the water runs off, again, I  
4 don't think it's necessary.

5 Q. Did anyone tell you it wasn't  
6 necessary?

7 A. No.

8 Q. So you just decided it wasn't  
9 necessary?

10 A. Over the period of years and  
11 through our practice of farming, yes, we felt it's  
12 not necessary.

13 Q. Do you know whether Mr. McMillan  
14 was a member of the Conservation Reserve Program?

15 A. No, ma'am, I have no idea.

16 Q. Do you know whether Mr. Resthere  
17 was a member of the Conservation Reserve Program?

18 A. No, ma'am.

19 Q. And do you know whether Roger LaRue  
20 was a member of the Conservation Reserve Program?

21 A. I have no knowledge of that.

22 Q. Okay. Do you participate part in  
23 the Wetlands Reserve Program?

24 A. No, ma'am.

25 Q. Do you know what that is?

1           A.    That is areas of your farm that is  
2 declared wetlands.

3           Q.    Any areas of any of your three  
4 farms declared wetlands?

5           A.    No, ma'am.

6           Q.    Before you purchased or put Corner  
7 of 29 Farm in your wife's name, what did you know  
8 about the farm?

9           A.    It was any other ordinary farm in  
10 that area.

11          Q.    Did you live in the area prior to  
12 purchasing Corner of 29 Farm?

13          A.    Yes, ma'am.

14          Q.    How long did you live there, in the  
15 area?

16          A.    I lived in the area all my life.

17          Q.    And prior to, prior to purchasing  
18 McMillan Farm, what did you know about that farm?

19          A.    It's, again it's just a farm in the  
20 area and it come up for sale and we purchased it.

21          Q.    Did you have any part in the  
22 decision of Amy and Jerry Meyer to purchase Meyer  
23 Farm?

24          A.    No, that was something they decided  
25 to do on their own.

1 Q. The time you purchased the Corner  
2 of 29 Farm, were you aware that it flooded?

3 MR. FUSONIE: Objection.

4 Q. You can answer.

5 A. When we purchased this the flooding  
6 wasn't a problem because that's prior to 1997.

7 Q. Did you know that it flooded, was  
8 my question?

9 A. Minor flooding.

10 Q. Okay. When you purchased McMillan  
11 Farm, did you know that it flooded?

12 MR. FUSONIE: Objection.

13 Q. You can answer.

14 A. Minor flooding, again.

15 Q. When you rented Meyer Farm, did you  
16 know that it flooded?

17 A. Minor flooding.

18 Q. Same answer?

19 A. Yes.

20 MR. FUSONIE: Before he rented,  
21 that was the question.

22 Q. Before you rented it, do you know  
23 that it flooded?

24 A. Yes.

25 Q. Is there a distinction between

1 minimal flooding and minor flooding?

2 A. I guess that's all how each  
3 individual looks at it, minor or minimal flooding,  
4 but I will have to think they would both be the  
5 same, it would be very little.

6 Q. When you testified there was minor  
7 flooding or minimal flooding, you're not trying to  
8 draw a distinction, is that correct?

9 A. No, it's just -- Yes, I would say  
10 it's the same.

11 Q. And what does minor or minimal  
12 flooding mean to you?

13 MR. FUSONIE: Objection. Asked and  
14 answered.

15 Q. Can you describe depth and duration  
16 for me with regards to minor flooding or minimal  
17 flooding?

18 A. Minimal flooding to me would be a  
19 small area which would be less than a foot deep in  
20 water and that would drain off in a very short  
21 period of time.

22 Q. And what is a short period of time?

23 A. Day or two.

24 Q. How frequent would a minor flood  
25 occur and still be minor?

1 A. Prior to '97 or?

2 Q. At any time, in your mind, what is  
3 the frequency of a minor flood?

4 MR. FUSONIE: Objection.

5 A. I don't know, one or two times a  
6 year.

7 Q. Okay. Now you owned Corner of 29  
8 Farm prior to the construction of the spillway, is  
9 that correct?

10 A. Yes, ma'am.

11 Q. So prior to the construction of the  
12 spillway, how many inches of rainfall in a 48-hour  
13 period would need to fall for there to be flooding  
14 on your property?

15 MR. FUSONIE: Objection.

16 Q. You can answer.

17 A. It's varies depending on how full  
18 the lake is and how much the land is saturated and  
19 how much water is already in the Beaver Creek, so  
20 it's, it's a hard thing to answer directly.

21 Q. Okay. That's fair enough. Prior  
22 to the construction of the spillway, you testified  
23 your property flooded, both the Corner of 29 Farm,  
24 McMillan Farm and Meyer Farm, all three flooded  
25 prior to the construction of the spillway, right?

1 A. Yes, ma'am.

2 Q. When that properties flooded, why  
3 did it flood?

4 A. Because the beaver at that time  
5 overflowed.

6 Q. Did any of the three properties,  
7 the 29 corner farm, the McMillan Farm, and the  
8 Meyer Farm, did any of them prior to the  
9 construction of the spillway, ever flood or have  
10 standing water or have any water issues when the  
11 beaver did not overflow?

12 MR. FUSONIE: Objection.

13 A. No.

14 Q. Prior to the construction of the  
15 spillway, did any of the three farms flood more  
16 frequently than any of the others?

17 MR. FUSONIE: Objection.

18 Q. And again we're talking the Corner  
19 of 29 Farm, the Meyer Farm, and the McMillan Farm?

20 A. Probably the Meyer Farm and the  
21 McMillan Farm be more frequent.

22 Q. Do you know why?

23 A. It would be because of the beaver.

24 Q. Now prior to the construction of  
25 the spillway, did you have anyone come out to take

1 a look at the land or give you any opinion or  
2 advice with regards to flooding?

3 MR. FUSONIE: Objection.

4 A. No, ma'am.

5 Q. Prior to the construction of the  
6 spillway, was there a time of year when flooding  
7 occurred more often?

8 MR. FUSONIE: Objection.

9 A. It all depended on the amount of  
10 rain you get, so it would vary.

11 Q. With all three properties it  
12 varied, is that correct?

13 A. It's varied, yes.

14 Q. You grow soybeans and corn on all  
15 three properties, is that correct?

16 A. Yes, ma'am.

17 Q. Is there a time of year when  
18 flooding is more harmful to those two crops?

19 A. Yes.

20 MR. FUSONIE: Objection.

21 Q. You can answer.

22 A. Yes, in the spring, in the summer  
23 growing season.

24 Q. Okay. So are there specific months  
25 during the spring and summer when flooding is more

1 harmful to corn and to soybeans?

2 A. I would say any time between April  
3 and November.

4 Q. And that would stand true for the  
5 Corner of 29 Farm, Meyer Farm and McMillan Farm,  
6 is that correct?

7 A. Yes, ma'am.

8 Q. Prior to the construction of the  
9 spillway, what was the highest water level that  
10 was reached when the properties flooded, and let's  
11 take 'em one at a time, let's talk about Corner of  
12 29 Farm, first?

13 A. Estimating maybe a foot deep.

14 Q. Okay. How about McMillan?

15 A. That would be probably less than  
16 six inches deep.

17 Q. And how about Meyer?

18 A. I would say three feet or less.

19 Q. To your knowledge, why would Meyer  
20 have the most, the deepest flooding prior to the  
21 construction of the spillway?

22 A. Because of the elevation of the  
23 land.

24 Q. Are you telling me that the Meyer  
25 Farm is depressed rather than by comparison to

1 either Corner of 29 Farm or McMillan Farm?

2 A. Yes.

3 MR. FUSONIE: Objection.

4 A. It would be a little bit lower than  
5 the other one.

6 Q. And you knew that when you  
7 purchased or when you rented it, is that correct?

8 A. Yes, ma'am.

9 Q. Prior to the construction of the  
10 spillway, on Corner of 29 Farm that you testified  
11 that approximately the depth of the flood was one  
12 foot, did that vary across the average of Corner  
13 of 29 Farm or was it consistently one foot?

14 A. Well where it flooded it was just  
15 only in the area that flooded, the whole 47 acres  
16 didn't flood.

17 Q. Right, but in the area that  
18 flooded, was it consistent or did that vary?

19 A. It did vary.

20 Q. It did vary?

21 A. It did vary.

22 Q. And same question with regards to  
23 McMillan. You said that the depth of the flooding  
24 on McMillan is six, less than 6 inches deep?

25 A. Right.

1 Q. Did that depth vary over the area  
2 that flooded on McMillan?

3 A. I'm just giving you an approximate  
4 an average that it would be something in that area  
5 6 inches. You know I didn't go out and measure it  
6 to know for sure what it was, but I'm just giving  
7 you an approximate number.

8 Q. Would it be fair to expect that it  
9 would vary over that flooded area?

10 A. Yes.

11 Q. And with regards to Meyer you said  
12 it was three feet or less than the flooded area,  
13 the depth of the flooded area, would that also  
14 vary over the flooded area, the depth?

15 A. Yes, it would vary, yes.

16 Q. Okay. And when Corner of 29  
17 flooded before the construction of the spillway,  
18 how long would the water remain on the land?

19 MR. FUSONIE: Objection. Asked and  
20 answered?

21 Q. If you can answer again. If you  
22 answered it, I don't remember.

23 A. It was a short time, that's all,  
24 you know, I don't know exact time, it was a short  
25 time.

1 Q. And how long is a short time?

2 MR. FUSONIE: Objection, asked and  
3 answered?

4 Q. You can answer.

5 A. Day or so.

6 Q. Okay. And with regards to Meyer,  
7 would the answer be the same?

8 A. It would be the same, yes.

9 Q. And with regards to McMillan would  
10 the answer be the same?

11 A. Yes, ma'am.

12 Q. And again with the series of  
13 questions we're focusing on prior to the  
14 construction of the spillway?

15 A. Yes, ma'am.

16 Q. So prior to the construction of the  
17 spillway, what harm did you experience from these  
18 floodings?

19 MR. FUSONIE: Objection. Lack of  
20 foundation.

21 Q. You can answer.

22 A. It was -- We had very little damage  
23 prior to the spillway.

24 Q. Can you tell me what damage you did  
25 have?

1           A.    Well, the minor loss of crops, but  
2 we had very little trash or anything in our fields  
3 at that time.

4           Q.    Did you make any claims with  
5 regards to the minor loss of crops lost prior to  
6 the construction of the spillway?

7           A.    No, ma'am, because they were so  
8 minor we didn't feel it was necessary.

9           Q.    Did you report the flooding to any  
10 Federal or State agency prior to the construction  
11 of the spillway?

12          A.    No, ma'am.

13          Q.    Prior to the construction of the  
14 spillway, was there any portion of your land that  
15 couldn't be used?

16          A.    No, ma'am.

17          Q.    Do you have any records of the  
18 condition of your land prior to the construction  
19 of the spillway?

20                   MR. FUSONIE:  Objection.  Vague.

21          A.    No.

22          Q.    And by "records" I mean any  
23 pictures or diaries or calendars or anything that  
24 would give us a representation of the condition of  
25 the land prior to the construction of the

1 spillway?

2 MR. FUSONIE: Objection. Vague.

3 A. No, ma'am.

4 Q. Prior to the construction of the  
5 spillway, do you have any records of income or  
6 financial statements or financial records from the  
7 farming operations -- Let's take 'em one-by-one,  
8 Corner of 29 Farm?

9 A. No, ma'am?

10 Q. Meyer Farm?

11 A. No, ma'am?

12 Q. McMillan Farm?

13 A. No, ma'am.

14 Q. Prior to the construction of the  
15 spillway, did you have crop insurance for Corner  
16 of 29 Farm?

17 A. No, ma'am.

18 Q. Meyer Farm?

19 A. No, ma'am?

20 Q. McMillan Farm?

21 A. No, ma'am.

22 Q. Do you recall what the typical  
23 yield of the corn was prior to the construction of  
24 the spillway for Corner of 29 Farm?

25 MR. FUSONIE: Objection.

1 Q. You can answer.

2 A. That's -- There's no way to  
3 directly -- The weather dictates your yields, so  
4 it's hard to answer that. It varies depending on  
5 rainfall and the how the growing season was, so  
6 it's hard to put a number on it.

7 Q. Do you recall what the typical  
8 yield was for soybeans prior to the construction  
9 of the spillway?

10 MR. FUSONIE: Objection.

11 A. No, would hold the same corn, it's  
12 too many variables.

13 Q. And would that be the same answer  
14 for all three --

15 A. Yes.

16 Q. -- parcels of land: McMillan,  
17 Meyer, and Corner of 29 Farm?

18 A. Yes, ma'am.

19 MR. FUSONIE: Can we go off the  
20 record for one minute?

21 (Off the record)

22 Q. And I'm correct that prior to  
23 construction of the spillway your land was not  
24 used for any commercial purposes, none of the  
25 three farms, is that correct?

1 A. No, ma'am.

2 Q. Okay. How much did you pay for  
3 Corner of 29 Farm when you bought it?

4 A. \$2200.00 per acre.

5 Q. And how much did you pay for the  
6 McMillan Farm when you bought it?

7 A. That was \$2000.00 an acre.

8 Q. And how much do you rent Meyer Farm  
9 for?

10 A. I pay them \$9000.00 per year to  
11 include the buildings and a grain bin.

12 Q. And has that changed over time?

13 A. No, ma'am.

14 Q. Since you first began to leasing  
15 it?

16 A. No, ma'am, that's been the  
17 standard.

18 Q. Now when you say you pay \$9000.00 a  
19 year, does Ron Siefiring also pay \$9000.00 a year?

20 A. No, that's total.

21 Q. It's total.

22 A. Yes.

23 Q. Now what do you think is the  
24 current value of Corner of 29 Farm?

25 A. The current value?

1 Q. Current value?

2 A. I would say approximately 4500 to  
3 5000 an acre.

4 Q. How about McMillan Farm, what's the  
5 current value you have of McMillan Farm?

6 A. I would say approximately the same.

7 Q. Now you purchased Corner of 29  
8 Farm in 1995, is that correct?

9 A. That's when my wife and I went  
10 through a divorce?

11 Q. And that's when it was transferred?

12 A. It was transferred from her to me.

13 Q. Was there a value you put on the  
14 farm at that point and time?

15 A. No. That was quit claim deed.

16 Q. That was not pursuant to a court  
17 order based on the value?

18 A. No. It was strictly a quit claim  
19 deed from her to me.

20 Q. So you don't know what the value of  
21 Corner of 29 Farm was in 1985 when it was  
22 transferred from Fran to you?

23 A. No. I have no knowledge, I have no  
24 recollection of that.

25 Q. Okay. Other than the change in

1 the spillway, what other factors have contributed  
2 to an increase of water going through the beaver  
3 since the spillway was constructed?

4 MR. FUSONIE: Objection. Lack of  
5 foundation.

6 Q. You can answer if you know.

7 A. The change of the spillway is the  
8 only thing that has changed since 1997.

9 Q. Has there been more development  
10 along either -- Well, let's take one-by-one. Has  
11 there been more development on the surroundings of  
12 Corner of 29 Farm --

13 MR. FUSONIE: Objection.

14 Q. -- since the spillway was  
15 constructed?

16 MR. FUSONIE: Objection. Vague.

17 A. No, it's all agricultural land.

18 Q. Has there been more development  
19 around McMillan Farm since the construction of the  
20 spillway?

21 MR. FUSONIE: Objection.

22 A. No, the two would be the same, all  
23 bare land, so there is no buildings.

24 Q. And has there been more  
25 development around Meyer Farm since the

1 construction of the spillway?

2 MR. FUSONIE: Objection.

3 A. No, ma'am, same as the other two.

4 Q. Now, I'm not -- we're not talking  
5 just construction on the properties themselves,  
6 but in the surrounding area, has there been  
7 additional development in the -- I don't know the  
8 acre, the farms or the acres that surround Corner  
9 of 29 Farm?

10 MR. FUSONIE: Objection. Asked and  
11 answered. Vague.

12 Q. You can answer.

13 A. No, ma'am.

14 Q. Same question with regards  
15 McMillan, any construction around the surrounding  
16 farms?

17 MR. FUSONIE: Objection.

18 Q. You can answer.

19 A. No, ma'am.

20 Q. The same question with regards to  
21 Meyer Farm, has there been any additional  
22 construction or development in the farms  
23 surrounding Meyer Farm?

24 MR. FUSONIE: Objection.

25 A. No, ma'am.

1 Q. Any changes in the roadways along  
2 Corner of 29 Farm?

3 A. No, ma'am.

4 Q. Any changes in the roadway along  
5 McMillan Farm?

6 A. No, ma'am.

7 Q. Any changes in the roadway along  
8 Meyer Farm?

9 A. No, ma'am.

10 Q. Tell me what you hope to  
11 accomplish in this lawsuit?

12 A. First of all, we would like for  
13 someone to address the problem with the spill, the  
14 spillway itself. With the constant flooding of  
15 our land, and secondly we would like to be  
16 reimbursed for all the losses we have incurred  
17 since the spillway, the new spillway has been put  
18 in.

19 Q. I believe you testified the most  
20 recently flooding on your property occurred in  
21 2009, is that correct?

22 A. Yes.

23 Q. Which properties flooded in 2009?

24 A. All three of them?

25 Q. And how about in 2008, which

1 | properties flooded in 2008?

2 |           A.    It's the same, all three of them.

3 |           Q.    And 2005?

4 |           A.    All three.

5 |           Q.    2003?

6 |           A.    All three.

7 |           Q.    1998?

8 |           A.    All three of them.

9 |           Q.    1995?

10 |                   MR. FUSONIE:  I think we've covered  
11 |           this.

12 |           Q.    You can answer, how many  
13 | properties?

14 |           A.    It would be minor flooding prior to  
15 | to that going back to '95.

16 |           Q.    But how many properties flooded?

17 |           A.    It would be all three of them.

18 |           Q.    And 1992 how many properties  
19 | flooded?

20 |           A.    Again, it would be all three of  
21 | them.

22 |           Q.    Okay.  Do you know what the  
23 | rainfall was in 2009?

24 |                   MR. FUSONIE:  Objection.  Vague.

25 |           A.    I can't recall, ma'am.

1 Q. Okay. Do you know whether there  
2 was drought in 2009?

3 A. The summer of 2009 was -- I  
4 wouldn't call it a drought but it was below-normal  
5 rainfall.

6 Q. And what about rainfall for 2008?

7 MR. FUSONIE: Objection. Vague.

8 A. That was below-normal rainfall in  
9 2008, also.

10 Q. How about 2007?

11 MR. FUSONIE: Objection. Vague.

12 A. It was to the best of recollection  
13 normal.

14 Q. What about 2006?

15 MR. FUSONIE: Objection.

16 A. To my recollection normal.

17 Q. 2005?

18 MR. FUSONIE: Objection.

19 A. That was above average.

20 Q. 2004?

21 MR. FUSONIE: Objection.

22 A. No, it would have been a normal  
23 year.

24 Q. 2003?

25 MR. FUSONIE: Objection.

1 A. That was above normal.  
2 Q. 2002?  
3 MR. FUSONIE: Objection.  
4 A. That would have been below normal.  
5 Q. 2001?  
6 MR. FUSONIE: Objection.  
7 A. To the best of my knowledge be  
8 average.  
9 Q. 2000?  
10 MR. FUSONIE: Objection.  
11 A. Average rainfall.  
12 Q. 1999?  
13 MR. FUSONIE: Objection.  
14 A. That would be average rainfall.  
15 Q. 1998?  
16 MR. FUSONIE: Objection.  
17 A. Above normal.  
18 Q. 1997?  
19 MR. FUSONIE: Objection.  
20 A. I can't recall that one, ma'am.  
21 Q. How about 1996?  
22 MR. FUSONIE: Objection.  
23 A. You're getting back to the point  
24 where.  
25 Q. I know I am.

1           A.    I cannot remember back that  
2 far.

3           Q.    That's fine, that's fair.  Thank  
4 you.  That's certainly fair.  If you can't  
5 remember, all you need to do is tell me.

6           A.    I'm doing like you said, I'm just  
7 giving you best of my --

8           Q.    Best you can.  That's all I ever  
9 want you to do.

10          A.    Okay.

11          Q.    You lived I believe on McMillan  
12 Farm for a period of time 1994 to 1997, is that  
13 correct?

14          A.    Yes, ma'am.

15          Q.    Okay.  Did flooding ever affect  
16 your residence when you were living on McMillan  
17 Farm from 1994 to 1997?

18          A.    No, ma'am.

19          Q.    Now, I've heard you say today that  
20 you blame the spillway for the flooding on your  
21 properties, is that correct?

22          A.    Yes, ma'am.

23          Q.    Have there been more floods since  
24 the building of the spillway?

25                   MR. FUSONIE:  Objection.  Asked and

1 answered, he's already said "yes."

2 Q. You can answer.

3 A. Yes, ma'am.

4 Q. Have there been higher floods since  
5 the building of the spillway?

6 A. Yes, ma'am.

7 Q. Has the water remained on the land  
8 longer since the building of the spillway?

9 A. Yes, ma'am.

10 Q. Has the area that's been flooded  
11 been larger since --

12 MR. FUSONIE: Objection. Asked and  
13 answered.

14 Q. -- building of the spillway?

15 MR. FUSONIE: Objection. Asked and  
16 answered.

17 Q. You can answer.

18 A. Yes, ma'am.

19 Q. As a result of what we just  
20 discussed, you're claiming that there is more  
21 flooding, higher flooding, longer duration of  
22 flooding and a wider area that been flooded. Have  
23 you made any adjustments on these three properties  
24 as a result?

25 A. No, ma'am.

1 MR. FUSONIE: Objection as to  
2 vagueness.

3 Q. Since the construction of the  
4 spillway, have you made any records with regards  
5 to the flooding that's occurred?

6 A. No, ma'am.

7 Q. No diaries?

8 A. No, ma'am.

9 Q. No pictures?

10 A. No.

11 Q. No calendars?

12 A. I just didn't take no pictures. It  
13 become a normal thing, so you -- something I don't  
14 want to remember.

15 Q. And since the construction of the  
16 spillway, do you have any records with regards to  
17 income, any financial statements or financial  
18 records in regards to your farming operations on  
19 the Corner of 29 Farm?

20 A. My farms are all commingled so it's  
21 everything is gonna be -- the farms that are out  
22 of the flood zone is commingled with them, so it's  
23 hard to determine.

24 Q. Do you have financial records with  
25 regards to your farming operation since the

1 | spillway was constructed?

2 |           A.    Oh, yeah, I have income tax  
3 | records, yes.

4 |           Q.    Do we have those?

5 |           A.    No, I don't release them.

6 |           MS. WORLY:   Tom --

7 |           MR. FUSONIE:  I think we produced  
8 | the crop insurance documentation.

9 |           MS. WORLY:  That we do have.

10 |           MR. FUSONIE:  I think there are the  
11 | pages of the 1099 miscellaneous that he  
12 | has in his possession.  I know we  
13 | produced crop insurance records that  
14 | would include, I believe, also, some of  
15 | the tax information for the Siefring's.

16 |           MS. WORLY:  We'll go through those  
17 | in a little bit.

18 |           MR. FUSONIE:  And I had a feeling  
19 | you're gonna get there.

20 |           MS. WORLY:  Oh, we'll get there.

21 |           Q.    Do you currently have crop  
22 | insurance?

23 |           A.    Yes, ma'am.

24 |           Q.    When did you take it out?

25 |           A.    1997.

1 Q. And why did you take it out in  
2 1997?

3 A. Because I felt at that time for  
4 what was going on with the new spillway if you had  
5 problems on your residence and I hoped to be  
6 covered because I feared flooding problem with  
7 putting in that large spillway.

8 Q. What time of year did you take out  
9 the crop insurance in 1997?

10 A. What time of the year, be the  
11 Spring of 1997.

12 Q. Do you remember when the spillway  
13 was constructed?

14 A. It was started in '97 and completed  
15 in '98, if I recall right.

16 Q. And what made you think in 1997  
17 that there would be problems with the spillway to  
18 cause you to take out this crop insurance?

19 A. Because of how much bigger they  
20 made the spillway, the volume of water that was  
21 coming out of the spillway, there was no way the  
22 Beaver Creek was gonna be able to handle it,  
23 therefore, our fields were gonna become the lake,  
24 and that's what has happened since then.

25 Q. Since the construction of the

1 spillway, have you submitted claims for crop  
2 insurance due to flooding?

3 A. Yes, I have.

4 Q. Did you receive reimbursement for  
5 those claims?

6 A. Only minor claims because how the  
7 crop insurance works, you've got to be able to  
8 have a certain amount of a loss before it even  
9 kicks in. It's just like the policy you got with  
10 your car, you got a deductible and you got to  
11 reach that first. So in my situation, you take  
12 the 47 acres. If 9 acres flood, I don't qualify  
13 for a crop insurance because it's not 20 percent  
14 of that tillable acres, which 47, 20 percent is  
15 9.4., so if I lose 9 acres they don't give me  
16 nothing, I don't get nothing. And then the  
17 unfortunate part of that is, when I turn in my  
18 crop history in the fall of the year on that 47  
19 acres, my yield, like if I had 40 acres, and it  
20 made 150 bushel an acre, I get 6000 bushel, but  
21 for the acres that flooded I get a zero. So every  
22 year -- it would going back to 1998, every year  
23 there forward for 10 years, that number stays with  
24 me, and my yields are reduced because of the  
25 flooding that happened 10 years ago. It just not

1 a one-year thing, it continually hurts me down the  
2 road.

3 Q. Now, how is the yield relevant to  
4 determine your crop insurance reimbursement  
5 payment?

6 A. At the end of each year I got to  
7 turn in production from every farm, and in that  
8 situation, as I just said, when you only get 40  
9 acres of crops, and you got 47 acres, they divide  
10 that yield per acre, the total bushels divided by  
11 the tillable acres, and therefore that reduces my  
12 yield per acre. Well then every year I turn in a  
13 claim or have a loss, my yields keep getting less,  
14 and I don't get -- I can't get as much crop  
15 insurance coverage.

16 Q. I'm confused. I thought when you  
17 said that you had to have at least 20 percent of  
18 your acreage non-tillable to qualify?

19 A. Yes, that 47 acres. I had -- I  
20 either got to have 20 acres for 20 percent. So 47  
21 acres 20 percent would be 9.4 acres, but if I only  
22 had 7, 8, 9 acres that flooded, I don't qualify,  
23 because I didn't have the 20 percent.

24 Q. So it either 20 acres or 20  
25 percent?

1 A. Whichever, right.

2 Q. So then if you don't have either 20  
3 acres or 20 percent, why is the tillable acreage  
4 relevant?

5 A. Because that's the total unit of  
6 that farm. The total farm is 47 tillable acres.

7 Q. But -- Let me tell you why I'm  
8 confused and see if you can.

9 A. Okay.

10 Q. I thought you just testified if you  
11 don't have at least 20 percent of your property  
12 untillable, you're not eligible for crop  
13 insurance?

14 MR. FUSONIE: Untillable doesn't  
15 have a yield because of flooding. I'm  
16 sure that's what he said.

17 Q. Let me clarify what he said. Okay.  
18 Am I misunderstanding that if you don't have at  
19 least 20 percent that's untillable that you don't  
20 qualify for crop insurance?

21 A. You can't file a claim if you don't  
22 -- if I got 20 percent of it I can file a claim.

23 Q. Right.

24 A. But if I only got 9 acres, that's  
25 less than a 20 acres. See they won't do less than

1 20 acres for 20 percent of that 47 acres.

2 Q. So if you don't 20 percent you  
3 can't file a claim?

4 A. Right.

5 Q. If you don't have 20 percent, then  
6 you can't file a claim, why is the yield relevant?

7 A. Because the acreage that flooded I  
8 get a zero on.

9 Q. Ah-huh.

10 A. And the rest of the average I get  
11 my yield whatever it may be, but when they -- that  
12 farm, that's how many bushel of corn I harvested  
13 off that farm, that total 47 acres, but if I had  
14 got crops off of the seven acres that flooded,  
15 that would raise my average yield per acre, which  
16 by flooding and not qualifying for crop insurance  
17 but totally lost it, I lost it.

18 Q. So the yield is not relevant for  
19 crop insurance purposes?

20 A. Yes, it is.

21 Q. Why is it relevant for crop  
22 insurance purposes?

23 A. Because that's how they determine  
24 your payments if you have a loss. I can't just  
25 insure the acres that flood, I got to insure the

1 whole field, the whole farm.

2 Q. But you can't make any claim at all  
3 if you don't have 20 percent, right?

4 A. Right.

5 Q. So you're saying on some farms you  
6 have more than 20 percent?

7 A. I'm speaking of this individual  
8 farm for an example. So 20 percent of 47 is 9.4  
9 acres. If I got less than 9.4 acres, I don't  
10 qualify, I get nothing, but still whenever I turn  
11 in my production in the fall of the year, that  
12 production is figured over 47 acres and not just  
13 the 40 acres or whatever acres I harvest.

14 Q. So who do you turn your production  
15 into?

16 A. My crop insurance agent.

17 Q. And what does your crop insurance  
18 agent do with the production figures?

19 A. He keeps them production figures  
20 and they go into my file and they're kept for 10  
21 years.

22 Q. And how does he use those  
23 production figures, do you know?

24 A. How does he just them?

25 Q. Um-hum. What does he use them

1 for --

2 MR. FUSONIE: Objection.

3 Q. -- production figures, if you know?

4 A. That's how my -- If I have a loss  
5 is based on, but in this situation I can't claim  
6 it because it wasn't enough acreage.

7 Q. Okay. All right. Do you know what  
8 your crop yield was for last year?

9 MR. FUSONIE: Which property?

10 Q. You said they're all commingled,  
11 are they separated out per farm or are they all  
12 commingled?

13 A. Most of mine are commingled, so it  
14 all had to be -- it's gonna have to be figured out  
15 each individual farm.

16 Q. Do you know what your crop yield  
17 was for corn for Corner of 29 Farm last year?

18 A. That field was in beans this past  
19 year.

20 Q. So only beans?

21 A. Yeah, soybeans, that was in that  
22 field.

23 Q. And why did you use only or plant  
24 only soybeans for Corner of 29 Farm last year?

25 A. I had a crop rotation corn, beans,

1 | this year was the year we put soybeans in.

2 |           Q.    So that means this year it'll be  
3 | corn, is that correct?

4 |           A.    Yes, ma'am.

5 |           Q.    So can you tell me what the crop  
6 | yield for beans was for Corner of 29 Farm last  
7 | year?

8 |           A.    I'm gonna estimate about 37 bushel  
9 | an acre.

10 |           Q.    And that's for 19 -- I'm sorry,  
11 | 2009?

12 |           A.    2009.

13 |           Q.    Do you know what the crop yield  
14 | was 2008 for Corner of 29 Farm it's corn?

15 |           A.    I'm gonna guess approximately 135  
16 | bushel an acres.

17 |           Q.    Now for comparison purposes, do  
18 | you know what the crop yield for beans was in 2007  
19 | for the Corner of 29 Farm?

20 |           A.    Ma'am, at that point I'd only be  
21 | guessing, I can't recall all them numbers.

22 |           Q.    Okay. Then how about, just for  
23 | comparison purposes, do you recall what the crop  
24 | yield was for corn at Corner of 29 Farm in 2006?

25 |           A.    No, ma'am.

1 Q. Okay. Would you have records that  
2 would show that?

3 A. I -- Probably not at my fingertips,  
4 no. The crop insurance agent possibly would have  
5 it.

6 Q. This is a general matter. Do you  
7 remember whether in 2009 the yield, the crop yield  
8 was higher or lower for beans at the Corner of 29  
9 Farm than it was in 2007?

10 A. It was probably lower in 2009 than  
11 in 2007.

12 Q. And with regards to the same farm,  
13 Corner of 29 Farm, and the crop yield for corn in  
14 2008, do you know whether it was higher or lower  
15 in 2006?

16 A. I would say it would have been  
17 lower in 2008 than in 2006.

18 Q. Do you have any documentation  
19 regarding the value of your property, the two  
20 farms you own today?

21 A. No, ma'am.

22 Q. Do you think the value of your  
23 property would be different had the spillway not  
24 been constructed?

25 A. Yes.

1 Q. What do you think the difference  
2 would be?

3 A. It would be much higher.

4 Q. What do you think the value would  
5 be without the spillway for Corner of 29 Farm?

6 A. I would say anywhere \$7000.00 to  
7 \$8000.00 an acre.

8 Q. What about for McMillan Farm?

9 A. I will say \$7500.00 to \$8500.00 an  
10 acre.

11 MR. FUSONIE: I have a chance to  
12 take a five-minute break?

13 MS. WORLY: Just do it right now?

14 MR. FUSONIE: Sure.

15 (Off the record)

16 Q. Mr. Siefiring, you were talking about  
17 crop insurance.

18 MS. WORLY: And I'd like to have  
19 this marked as F.

20 (Moser Crop Insurance, marked for  
21 identification as Respondent's  
- Mark Siefiring - Exhibit F.)

22 Q. Mr. Siefiring, the court reporter  
23 has handed you what's been marked as Respondent's  
24 Exhibit F, do you recognize this?

25 A. Yes, I do.

1 Q. Okay. What year is it dated?

2 A. This would be 2008 crop year.

3 Q. Okay. And I see there's a notation  
4 leading "Mark's for crop loss. Thank's Alan?"

5 A. Yes.

6 Q. Do you know who is that?

7 A. That's my crop insurance agent.

8 Q. Now if I look at the gray box, it  
9 reads Mark and Ron Siefiring, do you see that?

10 A. Yes, ma'am.

11 Q. So is Siefiring insured also for  
12 this crop loss?

13 A. Yes.

14 Q. And I see the date, draft date  
15 12-29-08, do you see that?

16 A. Yes, ma'am.

17 Q. And the date of loss is 10-13-08,  
18 do you see that?

19 A. Yes.

20 Q. And the amount is \$84,974.00?

21 A. Yes, ma'am.

22 Q. And what were you paid that for?

23 A. That was for the crop insurance  
24 for the crop year 2008. In February of that year  
25 commodity prices, I got a, of the back I got a

1 risk assurances program, and what that is, in  
2 February of 2008, prices of corn and soybeans were  
3 at a record high, and we could take out insurance  
4 to protect our production per acre in dollars and  
5 cents. So what they did, you took the average  
6 price of the corn in December off the December  
7 futures off the Chicago Board of Trade, which was  
8 \$5.40 a bushel. You took the November futures of  
9 soybeans and you averaged that month from February  
10 with the month of November which was 1336. They  
11 took my production which because of the spillway  
12 was lower because it's a flooding, but they took  
13 the, my average yield per acre, times that number,  
14 and that give me, guaranteed me so many dollars  
15 per acre of revenue. Come fall, the price of corn  
16 in November off the December futures, of the  
17 Chicago Board of Trade was substantially lower.  
18 So that, my revenue per acre was a lot lower. So  
19 this it was strictly revenue policy, and that's  
20 how -- If you look on the second page you can see  
21 where my yields and the price of the corn -- In  
22 fact price of corn was only 374 average in the  
23 month of December on the Chicago Board of Trade,  
24 and that's how I received that check for 85,000 or  
25 \$84,974.00.

1 Q. Because the price of corn went  
2 from 5.40 a bushel to 3.74 a bushel.

3 A. -- 74. We had -- the commodity  
4 prices all collapsed though that summer, and that  
5 was a management decision I made in February. But  
6 had it not been for prior flooding, my yields at  
7 some of my farms which the corner farm, Amy and  
8 Jerry's and McMillan Farm would have been higher  
9 and I could have received more money.

10 Q. Now, if I look at this second page  
11 of Respondent's Exhibit F, I see that there are  
12 figures for corn and for S Bean, is that soybeans?

13 A. Yes, ma'am.

14 Q. I thought you rotated your crops  
15 each year. Why is there a claim for corn and  
16 soybeans each year?

17 A. I plant corn soybeans both every  
18 year. You only asked me about a certain field,  
19 and I rotated that field, but then other fields I  
20 rotate on opposite years corn. I plant  
21 approximately 50 percent corn, 50 percent beans.

22 Q. But each year you have corn and  
23 beans growing?

24 A. Yes.

25 Q. And what is the decline in yield

1 | for 2008, for the crop year 2008 that you're  
2 | claiming occurred and therefore reduced the income  
3 | that you received as a result of this crop  
4 | insurance payment?

5 |           A.    Well as we previously spoke, every  
6 | time the beaver floods --

7 |           Q.    I'm not asking for the reason of  
8 | the cost, I'm just asking what is the amount of  
9 | the decrease, if you know?

10 |           A.    It varies, it's varies from one  
11 | year to the year, depending on how extensive the  
12 | flooding was.

13 |           Q.    No, no. In 2008 you said that you  
14 | received less income from the crop insurance  
15 | because they paid you on a lesser yield amount, is  
16 | that correct?

17 |           A.    Because when my fields flood prior  
18 | to that, and I got -- like I told you before, that  
19 | seven acres that floods, I get no production  
20 | history out of that, I get a zero. Well that  
21 | follows me for 10 years. Had that not flooded,  
22 | that would have elevated my average yield per acre  
23 | which when they multiply the 374, that would erase  
24 | my revenue per acre, but because it's a flooding,  
25 | it went down because I didn't have a high enough

1 yield.

2 Q. So my question is: Do you know what  
3 the difference is between \$84,974.00 that you  
4 received for, from the crop insurance payment and  
5 what you claim you would have received had there  
6 not been flooding on your property?

7 A. I would have to go back through all  
8 of my prior records.

9 Q. So you don't know what that amount  
10 is?

11 A. The exact amount, no.

12 Q. Ball park, do you know ball park  
13 amount?

14 A. It varies from farm-to-farm.

15 Q. But farms are --

16 A. Right, but yet I still -- it  
17 depends on how much acres I lose total.

18 (NAU Country Insurance Company, marked  
19 for identification as Respondent's -  
Mark Siefring - Exhibit G.)

20 MS. WORLY: So let's have this  
21 marked as Respondent's Exhibit G,  
22 please?

23 Q. Mr. Siefring, the court reporter  
24 has just handed you what's been marked as  
25 Respondent's Exhibit G. Do you recognize this

1 document?

2 A. Yes, I do, ma'am.

3 Q. Can you tell me what it is?

4 A. That is crop insurance revenue from  
5 the year 2006, and I had to replant some of corn  
6 and beans.

7 Q. Now why did you have to replant  
8 some of your corn and beans?

9 A. We had an extremely cold and wet  
10 month of May and the crops didn't develop right,  
11 so we had to go in and replant 'em.

12 Q. Now I believe you testified in  
13 2006 there was normal rainfall, is that correct?

14 A. Yes, ma'am.

15 Q. Okay. What was the cause of the  
16 wet May, if you know?

17 A. The ground remained saturated, and  
18 we had unusually cold weather and therefore the  
19 corn and beans didn't germinate right and then  
20 they just eventually, part of the crop just died  
21 and it failed, and we had to go in and replant  
22 'em.

23 Q. On the second page it says MPC I  
24 Loss Payment Notice. Do you know what MPC I Loss  
25 Notice Payment refers to?

1 A. Multi Peril Crop Insurance.

2 Q. And was that the policy you held?

3 A. Yes, ma'am.

4 Q. And under Loss Amounts reads "Corn  
5 RA 75/100." Do you know what that refers to?

6 A. Yes. The percentage of coverage, I  
7 get 75 percent coverage from my crop.

8 Q. And would the same hold true for  
9 the SBEAN RA 65/100?

10 A. That would be 65 percent.

11 Q. Okay. Now on last page, although  
12 it's labeled Page 1, but it's last page of this  
13 stapled exhibit, Respondent's Exhibit G. It reads  
14 "Replanted (No C) Excess Moisture." Do you know  
15 what that refer to?

16 A. Excess moisture was that spring  
17 that was part of the problem with having to  
18 replant the crop.

19 Q. Do you know what "No C" refers to?

20 A. I can't recall at this time, ma'am.

21 Q. Okay.

22 (USDA, marked for identification as  
23 Respondent's Exhibit H - Mark Sieftring  
- Exhibit H.)

24 MS. WORLY: Let's have this one  
25 will marked for identification.

1 Q. Mr. Siefiring, the court reporter  
2 has just handed you what's been marked as  
3 Respondent's Exhibit H.

4 MS. WORLY: Now, I'll note for the  
5 record that it says Ronald Siefiring at  
6 the top.

7 Q. Do you see that?

8 A. Yes, ma'am.

9 Q. Do you know what this is?

10 A. This is United States Department of  
11 Agriculture payment, and Ron gets 50 percent and  
12 Mark gets 50 percent, so somewhere in that stack  
13 of papers there's one for Mark in there, too.

14 Q. Now, I see it says "2009 Direct  
15 Payment," do you know what that means?

16 A. Yes, that's a direct payment from  
17 the United States Department of Agriculture, they  
18 guaranteed that up-front regardless what happens.

19 Q. And what is it guaranty for?

20 A. It's a subsidy from Department of  
21 Agriculture is what it is.

22 Q. So it's not result of any damage or  
23 crop failure or flooding or loss?

24 A. Everyone in the United States is  
25 entitled to be in this program.

1 Q. All right. Is it a result of any  
2 yield, crop yield per acre?

3 A. Indirectly, yes, ma'am.

4 Q. Would it -- Does it change then  
5 based on the yield you have per acre?

6 A. The direct payment is a guaranteed  
7 payment, then at the end of the year, if the price  
8 for instance corn, the loan rate is a \$1.98 and  
9 Mercer County has got a posted county price. If  
10 that posted county price is less than 1.98, then  
11 maybe you get when they call a conner cyclical  
12 payment in the fall the year. If corn ends up  
13 averaging 1.75 then we get 23 cent per bushel.

14 Q. And what if corn is above a certain  
15 amount, do you still get the subsidy?

16 A. No. If it's above 1.89 we do not  
17 get it.

18 Q. And what's the -- if the rate is  
19 for corn is 1.98 what's the rate for soybeans?

20 A. I think it 5.44.

21 (USDA, marked for identification as  
22 Respondent's - Mark Siefring -  
Exhibit I.)

23 Q. Let's do this one. Mr. Siefring,  
24 the court reporter has handed you what's been  
25 marked as Respondent's Exhibit I. This is also a

1 | direct payment. Can you tell me how this differs  
2 | from the direct payment we just looked at. It's  
3 | different amount, same year, 2009?

4 |           A. Right. This here at the local FFA  
5 | office, Farm service agency, I should say. These  
6 | farms are separated here in the office at the Farm  
7 | Service Agency. My crop insurance, a lot of them  
8 | get thrown together, and this here is the same  
9 | way. This is a direct payment to 2009 which was  
10 | similar to the one we just previously discussed,  
11 | it's just a didn't farm number.

12 |           Q. Okay. Which farm is this, do you  
13 | know?

14 |           A. This would be Amy and Jerry Meyer.

15 |           Q. This is Meyer Farm?

16 |           A. Yes.

17 |           Q. Now why would you get the payment  
18 | if they own the farm?

19 |           A. Because I rent the farm from them  
20 | and the person farming the farm is entitled to the  
21 | payment.

22 |           Q. And we just looked at Respondent's  
23 | Exhibit H, which farm is that, if you know?

24 |           A. That is one of four farms that is  
25 | commingled. They use the Number 3385. There's

1 Ron's farm, the corner farm, McMillan Farm,  
2 another farm I rent, they are all commingled.  
3 They're under this same reference number.

4 Q. So Corner of 29, Meyer, and  
5 McMillan are all part of this along with one  
6 other?

7 A. Meyer Farm is not.

8 Q. Okay. I'm confused. Corner Farm,  
9 McMillan Farm, the farm you rent which is a  
10 different farm?

11 A. It's a different farm.

12 Q. Was there a fourth farm?

13 A. And Ron's farm is all underneath  
14 that same number.

15 Q. And Ron's farm you have no  
16 ownership interest in, is that correct?

17 A. No, that's Ron's.

18 (USDA, DON001947, marked for  
19 identification as Respondent's -  
Mark Siefring - Exhibit J.)

20 Q. Okay. Mr. Siefring, the court  
21 reporter has just handed you what was marked as  
22 Respondent's Exhibit J. Now, I'll note for the  
23 record again, this does say Ronald Siefring at the  
24 top?

25 A. Right.

1 Q. But are any of these from your  
2 farms?

3 A. This would be for farm Number 3385  
4 which we just discussed over here, and this is  
5 just a breakdown of some of the payments we got.

6 Q. I notice that this indicates this  
7 Exhibit J says you got a payment for wheat. Do  
8 you also grow wheat?

9 A. I don't anymore, I did at one time,  
10 but we still have base acreage on the farm and  
11 that carries forward.

12 Q. So you get a subsidy still?

13 A. You get a -- yes, well, it's a very  
14 small subsidy, but, yes, we do.

15 Q. So this Exhibit J is a subsidy  
16 payment, the same type of subsidy payment you just  
17 discussed?

18 A. It's just a direct payment, yes.  
19 The whole stack of papers is same thing, just  
20 different farm numbers.

21 Q. That might dispose of exhibits.

22 MS. WORLY: To make things go more  
23 quickly, Tom would you be willing to  
24 stipulate that all of the Farm Service  
25 Agency direct payments for wheat, corn

1 and soybeans are subsidies of the same  
2 type. I see them for 2007, 2008, we  
3 talked about 2009, and now I'm back to  
4 2006. Now I'm in 2005. I have them  
5 from 2005 to 2009 is what my documents  
6 indicate.

7 MR. FUSONIE: The last document as  
8 far as the bates number goes, the  
9 range is DON001981.

10 MS. WORLY: And the first one I'm  
11 starting with is 1948.

12 MR. FUSONIE: And the question is:  
13 Are all of these, are all of your  
14 documents regarding direct payment?

15 MR. SIEFRING: Yes, yes. That goes  
16 back from 2005 forward.

17 MR. FUSONIE: Your FFA documents  
18 regarding direct payment are dealing  
19 with this subsidy for?

20 MR. SIEFRING: Yeah, that's  
21 subsidy through the government.

22 MR. FUSONIE: Only indirectly  
23 concerns your crop yield?

24 MR. SIEFRING: Yes, yes, that's all  
25 indirectly.

1 MS. WORLY: Would you be willing  
2 to stipulate that there all same type of  
3 document, and they go from 2005 through  
4 2009?

5 MR. FUSONIE: Yeah, for purposes of  
6 Mark Siefiring's deposition.

7 MS. WORLY: Yes.

8 MR. FUSONIE: I have no ideal  
9 what's going on in Ron Siefiring's  
10 deposition.

11 MS. WORLY: I understand. Okay.  
12 Fine. May we mark these altogether as  
13 an exhibit then since we stipulated?

14 MR. FUSONIE: Yeah, that's fine  
15 with me.

16 MS. WORLY: So we're gonna mark  
17 this whole packet then as -- I believe  
18 it's K.

19 (USDA, Packet of documents, marked for  
20 identification as Respondent's - Mark  
21 Siefiring - Exhibit K.)  
(Form 1099, marked for identification as  
22 Respondent's - Mark Siefiring - Exhibit  
L.)

23 Q. Mr. Siefiring, the court reporter  
24 has handed you what been marked as Respondent's  
25 Deposition Exhibit L, and I see that it says Jeff  
Siefiring. Do you know who Jeff Siefiring is?

1 A. Well, that's my son.

2 Q. Does he farm the fourth farm that  
3 you just mentioned, you said there's a Corner of  
4 29 Farm, McMillan Farm, Ron's farm and the a  
5 fourth farm?

6 A. Right.

7 Q. Is this the fourth farm?

8 A. Yes, that would be who Jeff, he  
9 would be farming, yes.

10 Q. Okay. So tell me what your  
11 relationship is with Jeff Siefring's farm,  
12 if any?

13 A. Jeff begin farming in the year  
14 2000, and then in the year 2005 Ron and I sold one  
15 parcel of our land to Jeff?

16 Q. What year was this?

17 A. 2005.

18 Q. And was that parcel of land that  
19 you sold at one point part of either the Corner of  
20 19 Farm and McMillan Farm or the Meyer Farm?

21 A. No, ma'am.

22 Q. Okay. This is separate?

23 A. This is a separate farm.

24 Q. And it's not contiguous to any of  
25 those three properties?

1 A. No, ma'am.

2 Q. Do you claim a direct payments for  
3 Jeff's farm?

4 A. No, this is Jeff Siefring's, this  
5 is not mine.

6 Q. Okay. If I look at -- Could you  
7 pull out Exhibit H for me for just a minute? Did  
8 Exhibit H include any payments for the farm that  
9 Jeff now owns?

10 A. No, ma'am.

11 Q. Okay. Did you get a direct subsidy  
12 from the Farm Services Agencies for the farm that  
13 Jeff now owns in, prior to the time Jeff purchased  
14 it from you?

15 A. Prior to the time Jeff purchased  
16 it, yes.

17 Q. Same kind of subsidy that we were  
18 talking about in Exhibits K and J and the others  
19 we previously discussed?

20 A. Yes.

21 Q. But you have no current ownership  
22 or interest in that property, is that correct?

23 A. No, ma'am.

24 (Warranty Deed, marked for identification  
25 as Respondent's - Mark Siefring -  
Exhibit M.)

1 MS. WORLY: Let's have this one  
2 marked please as M?

3 Q. Mr. Siefiring, the court reporter  
4 has handed you what's been marked as Respondent's  
5 Exhibit M. It looks like a deed. I'm not asking  
6 for any legal opinion, but it reads at the top,  
7 Tom W. McMillan and Sharon A. McMillan, husband  
8 and wife, do you see that?

9 A. Yes, ma'am.

10 Q. Then it says "in consideration of  
11 \$1.00, another good and valuable consideration,"  
12 do you see that?

13 A. Yes, ma'am.

14 Q. And it's says to Mark -- to them  
15 in-hand paid by Mark Siefiring and Ronald Siefiring,  
16 did you see that?

17 A. Yes, ma'am.

18 Q. Did you pay a \$1.00 for McMillan  
19 Farm?

20 A. No, ma'am. That is way, the way  
21 it is stated in the deed. We re-paid \$1.00 in  
22 other goods and valuable consideration, and that's  
23 way so-stated in the deed.

24 Q. So you paid more than a \$1.00?

25 A. Yes, ma'am.

1 Q. Okay. And you purchased this in  
2 1989, is that correct?

3 A. Yes, ma'am.

4 (Warranty Deed, marked for identification  
5 as Respondent's - Mark Sieftring -  
6 Exhibit N.)

7 Q. Mr. Sieftring, the court reporter  
8 has handed you what's been marked as Respondent's  
9 Exhibit N, do you recognize this document?

10 A. Yes, ma'am.

11 Q. Can you tell me what it is?

12 MR. FUSONIE: Document speaks for  
13 itself.

14 Q. Can you tell me your understanding  
15 of what it is?

16 A. That was in 2005 where the farm  
17 that Ron owns now we jointly owned. I transferred  
18 my part of the interest to Ron, and he owns the  
19 entire 80 acres. It's no longer joint ownership.

20 Q. What is this farm called, is there  
21 a name?

22 A. Please?

23 Q. Is there a name for this farm?

24 A. Ron's farm.

25 Q. It's Ron's farm. Okay. Okay. So  
you sold your interest in 2005?

1 A. Yes.

2 Q. Okay. Let's do this.

3 Mr. Siefiring, do you recall filing an affidavit in  
4 this litigation?

5 A. Yes, I earlier did.

6 (Affidavit of Mark Siefiring, marked for  
7 identification as Respondent's - Mark  
Siefiring - Exhibit O.)

8 Q. Do you recall who prepared that  
9 affidavit?

10 MR. FUSONIE: Objection. Vague.

11 A. I'm not sure I understand.

12 Q. Did you write the affidavit?

13 MR. FUSONIE: Objection. Vague.

14 A. Yes.

15 Q. You hand-wrote it?

16 MR. FUSONIE: Objection.

17 A. I'm not sure I'm following you,  
18 ma'am.

19 Q. Okay. The words in the affidavit  
20 that you filed, that you recall filing, did you  
21 write those words?

22 MR. FUSONIE: Objection. Vague.

23 A. I'm not sure if I'm following you  
24 on that. I'm sorry.

25 Q. Well, that's okay. Do you recall

1 how the affidavit that you filed was put together?

2 MR. FUSONIE: Objection. To the  
3 extent you're asking for him to disclose  
4 attorney-client communications or  
5 attorney work product, I'm gonna  
6 instruct him not to answer.

7 MS. WORLY: Okay.

8 MR. FUSONIE: I think at this  
9 point, show him the affidavit, asked if  
10 he review it before he signed it, but to  
11 me this is along the lines of badgering  
12 the witness, and I would not do this to  
13 the person that verified the  
14 interrogatories for the state, but if we  
15 continue on with this type of  
16 questioning of every single relator in  
17 this action, then I'm gonna ask for the  
18 deposition of Charles Rowan who verified  
19 the interrogatories for the state and  
20 ask him the same type of questions.

21 MS. WORLY: I appreciate your  
22 objection.

23 MR. FUSONIE: All right.

24 Q. Let's go back to the affidavit.

25 Actually I believe there were two affidavits file

1 in this action that you filed; do you recall that?

2 A. Yes, we filed -- yes, I remember  
3 the affidavits.

4 Q. Do you remember why you filed two  
5 separate affidavits?

6 MR. FUSONIE: Objection. To the  
7 extent you're asking him to disclose  
8 attorney-client communications or  
9 attorney work product or mental thought  
10 process of attorneys, that are his  
11 attorneys.

12 MS. WORLY: I appreciate your  
13 objection.

14 Q. Do you know why there were two  
15 affidavits file?

16 MR. FUSONIE: If you can't answer  
17 that question because you have to  
18 disclose attorney-client communication  
19 or attorney, what's called "work  
20 product" then don't answer.

21 Q. And, Mr. Sieftring, I don't want  
22 anything that any of your attorneys told you. I  
23 just wondered if you knew why there were two  
24 affidavits, or are you aware there were two  
25 affidavits filed?

1 A. Yes, ma'am.

2 Q. Okay. All right. So let's look  
3 at the first one, and this one has been marked  
4 Respondent's Deposition Exhibit O. I'll give you  
5 a second to take a look, or a minute to take a  
6 look at it.

7 MR. FUSONIE: Take as long as you  
8 want to take a look at that document,  
9 Mr. Sieftring. Just want it stated for  
10 the record that this is approximately  
11 the 39th deposition of a relator in this  
12 action, and at this point, excluding  
13 breaks, this deposition has gone on more  
14 than twice as long as any other relator  
15 deposition so far taken in this action.

16 MS. WORLY: And I'll note for the  
17 record that this deposition did not  
18 begin until after 12:00, and it's right  
19 now 4:07. Thank you.

20 MR. FUSONIE: And every deposition  
21 of a relator taken before this one did  
22 not last any longer than an hour and a  
23 half of actual questioning. This one  
24 has gone on for at least two hours and  
25 45 minutes to three hours and 15 minutes

1 of questioning.

2 Q. Mr. Sieftring, do you recognize this  
3 affidavit?

4 A. Yes, ma'am.

5 Q. Did you prepare it?

6 MR. FUSONIE: Objection. Vague.

7 Q. Did you prepare it?

8 A. No, ma'am.

9 Q. Do you know who prepared it?

10 MR. FUSONIE: Objection. Vague.

11 A. My lawyers.

12 Q. Okay. Now, in it it says that you  
13 own -- You state that in Paragraph 7 that property  
14 "...have been subject to..." and I'll quote "...  
15 continuing, persistent, frequent, and inevitable,  
16 increased, severe, flooding from the western  
17 spillway of Grand Lake St. Mary's." Do you see  
18 that?

19 A. Number 7?

20 Q. Yes?

21 A. Yes, ma'am.

22 Q. Do you believe that to be true?

23 A. Yes.

24 MR. FUSONIE: You're badgering the  
25 witnesses at this point.

1 Q. Telling me on what basis you make  
2 that claim?

3 A. Well since the new spillway has  
4 been put in, we have continuously encountered  
5 severe flooding. At more times the water has been  
6 deeper. We have had more problems with flood  
7 trash. I mean we've have had anything from  
8 garbage cans to dead fish to 5 gallon buckets,  
9 trees, logs end up in our field, and because of  
10 the high water we're left to clean this all up,  
11 and it's happened on numerous occasions which it  
12 never did prior to 1997.

13 Q. How do you know it's the direct  
14 result of the construction of the western  
15 spillway --

16 MR. FUSONIE: Objection. Asked and  
17 answered.

18 Q. -- of Grand Lakes St. Mary's?

19 MR. FUSONIE: Objection. Asked and  
20 answered.

21 Q. You can answer.

22 A. Because of the construction of the  
23 spillway. When they put the new spillway in the  
24 area where the water can go over the spillway has  
25 increased to the point where the Beaver Creek

1 cannot take the flow of water, therefore our farms  
2 and our land becomes the lake.

3 Q. And you know water has increased  
4 because why?

5 A. Because of the spillway.

6 Q. I mean did you see it?

7 A. Yes, I mean you can driver up there  
8 and you can look it and you can see it come over  
9 the spillway. We had increased the size of the  
10 spillway, but never increased the size of where  
11 the water flows through. I mean, you know, if you  
12 pour a 10 gallon bucket of -- 10 gallon water, 5  
13 gallon bucket it's gonna overflow and that's  
14 basically what they did. And we have trusted the  
15 engineers when they develop this knew what they  
16 were doing, but obviously down the road they had  
17 no clue what was going on.

18 Q. In the Photograph 14 of your  
19 affidavit you claim that you suffered field  
20 erosion. What do you mean by "field erosion?"

21 A. When the water from the beaver goes  
22 out into our field and then it goes back into,  
23 whether it be the Beaver Creek or the tributaries,  
24 and the flow of that water will erode some of your  
25 soil, and it's a direct reason for the spillway

1 | because of all of the flooding.

2 |           Q.    And what happens, what damage do  
3 | you suffer as a result of field erosion?

4 |           MR. FUSONIE:  Objection.

5 |           A.    Well you -- like on your ditch  
6 | banks it's eroding your ditch banks, so we try to  
7 | go around and try to repair them as time goes on  
8 | whenever that happens, and again it's a direct  
9 | result of all the excessive excess water.

10 |           Q.    Now you also claim that as a direct  
11 | result of flooding you've suffered bank erosion,  
12 | what is "bank erosion," Paragraph 14?

13 |           A.    Bank erosion, that's just what I  
14 | was talking about, that the banks will erode  
15 | because the flow of water going back into the  
16 | stream of the beaver erode the banks away.

17 |           Q.    Now in this affidavit you only, I  
18 | believe, claim damage for two parcels, is that  
19 | correct?

20 |           A.    Yes, yes, ma'am.

21 |           Q.    And which farms or those, can you  
22 | tell me?

23 |           A.    That would be farm On the Corner 29  
24 | and the McMillan farm.

25 |           Q.    Now which farm is Parcel Number

1 42-001000.0100?

2 A. That would be the 52 and a half  
3 acres on the Corner of 29.

4 Q. Okay. So that's Corner of 29?

5 A. Corner of 29 Farm.

6 Q. Okay. And which parcel is

7 42-020000.0000?

8 A. That would be the McMillan Farm.

9 Q. Okay. Now, if I turn to the  
10 fourth page -- strike that, if I turn -- that was  
11 right. If I turn to the forth page, again, I see  
12 a map. It's has an Exhibit 1 label on it, and it  
13 reads Mark Siefring and Carol Siefring?

14 A. Yes.

15 Q. Is this a farm owned by you and  
16 Carol Siefring?

17 A. Yes, that was originally owned by  
18 my X-wife Fran and Carol. We divorced in 1995,  
19 her interest was quit claim deeded to me.

20 Q. So this the 1929 -- I mean, this is  
21 Corner of 29 Farm?

22 A. Corner of 29 Farm.

23 Q. Okay. And am I correct that you  
24 shaded in the portion you believe was flooded as a  
25 result of the spillway?

1 A. Yes, ma'am.

2 Q. Do you know who drew the boundary  
3 lines on the farm?

4 A. That was a map out of the Mercer  
5 County plat book.

6 Q. But you did the shading portion?

7 A. I did the shading.

8 MR. FUSONIE: Asked and answered.

9 Q. Now if I look at it, it appears to  
10 me that there's a double boundary of white along  
11 the top of?

12 A. Yes.

13 Q. Can you tell me what that is?

14 A. Okay. There is a very small narrow  
15 area of land on the north side of 29. When I drew  
16 that line previous I didn't think about that  
17 little bit of land that is across 29, so that  
18 black area is part of that parcel.

19 Q. And you claim that portion floods,  
20 as well?

21 A. Yes, ma'am.

22 Q. And that portion is not elevated?

23 A. No, ma'am.

24 MR. FUSONIE: Just so I'm clear,  
25 you say what you drew previously, you're

1 referring to Respondent's D or  
2 Respondent's --

3 MS. WORLY: We're talking -- it  
4 should be --

5 MR. FUSONIE: It's Respondent's D,  
6 Corner of 29?

7 MR. SIEFRING: Yes.

8 MR. FUSONIE: Just so I understood.

9 Q. And then if you can turn to the  
10 last page of N -- last page of O. Again there's a  
11 map. Am I correct that this is McMillan Farm?

12 A. Yes, ma'am.

13 Q. And did you shade in the portion  
14 that you believe is flooded as a result of the  
15 spillway?

16 A. Yes, ma'am.

17 Q. That's your shading?

18 A. Yes, ma'am.

19 Q. And is there shading around the  
20 buildings, also, or just shading?

21 A. No, that's just dark are there.

22 Q. That's not your shading?

23 A. No, no, ma'am.

24 Q. The only shading is what I see on  
25 the left-hand margin from the bottom the top?

1 A. Yes.

2 MS. WORLY: Okay. All right. So  
3 let's have this marked as Deposition  
4 Exhibit P, Respondent's P.

5 (Affidavit of Mark Siefring, marked for  
6 identification as Respondent's - Mark  
7 Siefring - Exhibit P.)

8 Q. Mr. Siefring, our court reporter  
9 has handed you what's marked as Respondent's  
10 Exhibit P. Do you want to take a few minutes and  
11 take a look at it? All set?

12 A. Yes, ma'am.

13 Q. Okay. This affidavit is, was filed  
14 in December of 2009, is that correct?

15 A. Yes, ma'am.

16 Q. And by "this" I mean Respondent's  
17 Exhibit P.

18 MR. FUSONIE: I just want -- I  
19 don't mean to interrupt, but I've  
20 noticed that Page 2 of the affidavit  
21 appears to be missing. It was bates  
22 labeled -- bates labeling on Page 1 is  
23 DON000642. Page 3 is DON000644.

24 MS. WORLY: For confusion  
25 Purposes --

MR. FUSONIE: I'm not sure what,

1 where Page 2 is, if there was a copy.  
2 It appears to be copying mistake that in  
3 the production that page has been  
4 inadvertently omitted.

5 MS. WORLY: With your permission,  
6 we'll take page that's omitted, go copy  
7 it, insert it the copies?

8 MR. FUSONIE: Problem is I don't  
9 have it either as I'm looking in my  
10 copy, which means that it was in the  
11 production set. It's missing. And if  
12 there is a Page 2 because it's bates  
13 labeled, DON000643.

14 MS. WORLY: But you don't have a  
15 copy.

16 MR. FUSONIE: But I don't have the  
17 originals here, unfortunately. I only  
18 have a production copy myself.

19 MS. WORLY: If -- Will you give us  
20 a copy of it when you get a copy?

21 MR. FUSONIE: Oh, absolutely,  
22 absolutely, yeah. I just noticed that  
23 -- I mean there's -- the aerials are  
24 still there. I believe Page 2 is what  
25 talks about the aerials and, but I

1 certainly will give you a copy of Page  
2 2. I have to apologize for the  
3 inadvertent copying error.

4 MS. WORLY: I would like to hold  
5 this deposition open, and once I get  
6 Page 2, if there are any additional  
7 questions with regards to that page.

8 MR. FUSONIE: I will agree to hold  
9 it open for the very, very limited  
10 purposes of Page 2, because we've  
11 already gone twice as long and --

12 MS. WORLY: That's all I'm asking.  
13 That's fair. Okay.

14 Q. Okay. Look at Paragraph 1 for me,  
15 please. Actually, I have some questions.  
16 Respondent's P was filed in December of 2009,  
17 right?

18 A. Yes, ma'am..

19 Q. Okay. Could you look at Paragraph  
20 1 for me, please? Reads, "From 1985 to 2008 I  
21 also rented and farmed Mercer County Parcel Number  
22 26-044100.0000. What farm is that?

23 A. Parcel Number I -- off the top of  
24 my head I don't what farm belong, that goes with.

25 Q. Is that Meyer Farm?

1           A.    That would be the farm that I sold  
2 to Jeff in 2005.  There was two parcels on that  
3 farm.

4           Q.    That's the farm you sold to Jeff in  
5 2005?

6           A.    Yes, ma'am.

7           Q.    And you continued to farm it after  
8 you sold it to Jeff?

9           A.    No, no, he farms it.

10          Q.    What did you farm from 1985 that  
11 2008?

12          A.    The farm that I sold Jeff in 2005 I  
13 farmed it previous, prior to that.

14          Q.    But it says from 1985 to 2008, I  
15 also rented and farmed Mercer County farmed...?

16          A.    Okay.  That was a -- that's a  
17 different parcel.

18          Q.    Okay.

19          A.    I was looking at other two parcels.

20          Q.    Okay.  What is the one that you  
21 rented and farmed from 1985 to 2008?

22          A.    That would probably be the --  
23 assuming that's the Howell farm.  Well, that one  
24 is not the same.

25               MR. FUSONIE:  I believe there's a

1 extra 4 in that parcel number, is a typo  
2 on Paragraph 1 of the affidavit. It's  
3 should read 26-04100.0000 versus  
4 26-044100.0000.

5 Q. So do we know what farm this  
6 relates to?

7 A. From 1985 to 2008 that would be the  
8 Howell Farm. I no longer farm it.

9 Q. Can you spell that for me?

10 A. H-o-w-e-l-l.

11 Q. Are you making claims with regards  
12 to the Howell Farm?

13 A. No, ma'am.

14 MR. FUSONIE: Objection. As to  
15 vagueness as to claims.

16 MS. WORLY: I completely  
17 understood.

18 MR. FUSONIE: Entitled to my  
19 objection.

20 MS. WORLY: You're entitled to your  
21 objection.

22 Q. Now if I look at Paragraph 4, it  
23 reads "On each occasion... and then there's one  
24 parcel and then another parcel and then there's  
25 26-044100.0000. Is that the Howell Farm?

1 MR. FUSONIE: Again for purposes of  
2 this affidavit, it appears that there's  
3 a typo which should read 26-04100 versus  
4 26-044100.

5 A. The Howell Farm would be included  
6 in this.

7 Q. Is there something else that parcel  
8 number that's included?

9 A. Yeah, that one there that's Howell  
10 Farm. Then two there are Jeff's farm, and this  
11 one is the Howell Farm.

12 Q. Okay. So are you making claims in  
13 Paragraph 4 with regards to the Howell Farm?

14 MR. FUSONIE: Objection. Vague as  
15 to what "claims" mean.

16 Q. You can answer.

17 A. I'm just signing, I'm just  
18 verifying that this land had flooded --

19 Q. Okay.

20 A. -- over the period of years. I am  
21 not filing a claim, I'm only verifying that it's  
22 flooded. I no longer farm the farm.

23 Q. Who owned the Howell Farm in 2008?

24 MR. FUSONIE: Objection. Vague.

25 A. The Howell's owned it at beginning

1 of the year, and then this farm sold, and Stanley  
2 Ebbing bought it, and that was in November, if I  
3 recall right, 2008.

4 Q. Is it E-b-l-i-n-g?

5 A. E-b-b-i-n-g.

6 Q. Do you know if Stanley Ebbing is a  
7 plaintiff in this lawsuit?

8 A. Yes, he is.

9 Q. Do you know whether the Howell's  
10 are plaintiff's in this lawsuit?

11 A. No, ma'am.

12 Q. You don't know or they are not?

13 A. They are not.

14 Q. Okay. And also in Paragraph 3  
15 there's a statement with regards to parcel  
16 26-044100.0000. Do you see that?

17 A. Yes, ma'am.

18 Q. Okay. Do you know why that parcel  
19 number is included in Paragraph 3?

20 A. That's the Howell Farm that I had  
21 prior knowledge of because I had farmed it through  
22 all them years, and then that was included in my  
23 affidavit.

24 Q. And again Paragraph 10, the same  
25 parcel number is included. Do you know why that

1 parcel number is included in Paragraph 10 of the  
2 affidavit?

3 A. Yes, because going back prior to  
4 that I said farmed the farm, and I was the one  
5 that suffered the damage but yet I had no claim  
6 in. I'm just verifying, signed the affidavit  
7 saying that's what had happened previous years.

8 Q. And again with regards to Paragraph  
9 11, same parcel is included. Do you know why it's  
10 included in Paragraph 11?

11 A. For the same reason, the flooding  
12 of the spillway has destroyed the value of the  
13 parcel and the value of it.

14 Q. Did you talk with Mr. Ebbing at all  
15 prior to his purchasing the Howell Farm?

16 A. No, ma'am.

17 Q. You were farming it at the time, is  
18 that correct?

19 A. Yes, ma'am.

20 Q. He asked you no questions about the  
21 conditions?

22 A. No, ma'am.

23 Q. Where is the Howell Farm located?

24 A. At the intersection of Bunker Hill  
25 Road and Gause Road.

1           Q.    I would like you to look at the  
2 various exhibits attached to Respondent's Exhibit  
3 P.  They are marked as Exhibits 1, and the second  
4 one appears not to have a mark on it, and then  
5 Exhibit 2.  Are any of these three pages the  
6 Howell Farm?

7           A.    Yes, ma'am, Exhibit 2.

8           Q.    So let's look at Exhibit 2 which is  
9 attached to Respondent's Exhibit P.  Is the farm  
10 outlined in the white line that I see on the map?

11          A.    Yes.

12          Q.    In Exhibit 2?

13          A.    Yes, the white lines to the east  
14 would be Gause Road, to the north would be Bunker  
15 Hill Road, and back south you see the white line,  
16 and then it stops.  Okay.  Then there's a, there's  
17 a dark line goes over and that goes towards the  
18 beaver, and then the white line along the Beaver  
19 Creek is the southern boundary of that parcel.

20          Q.    So the Beaver Creek is the southern  
21 boundary of that parcel?

22          A.    Parcel, yes, ma'am.

23          Q.    Now is the Howell farm immediately  
24 adjacent to any of the other farms that we've  
25 discussed today?

1 A. No, ma'am.

2 Q. And where would the Wabash be  
3 relative to the Howell Farm?

4 A. It would be approximately five  
5 miles west of there.

6 Q. Can you put an X mark for me where  
7 the Wabash would be in relation to the farm?  
8 Thank you.

9 Now where would the Baker  
10 Menchhofer Creek be in relation to the Howell  
11 Farm?

12 A. That would be southwest of it.

13 Q. How far?

14 A. Approximately one mile.

15 Q. Can you mark B/M where the Baker  
16 Menchhofer Creek would be, and that's one and a  
17 half miles away, right?

18 A. Yes, approximately.

19 Q. And that's on the west also, the  
20 northwest?

21 A. It would be to the southwest.

22 Q. Southwest. How many acres is the  
23 Howell Farm?

24 A. 58.

25 Q. 58?

1 A. Yes, ma'am.

2 Q. And how many of it was tillable?

3 A. My recollection 55.

4 Q. And why were the three acres not  
5 tillable?

6 A. The road frontage. Well you have  
7 road on two sides, and I'm sure they're paying  
8 taxes to the middle of the Beaver Creek.

9 Q. Are there any buildings on the  
10 Howell Farm property?

11 A. No, ma'am.

12 Q. Any drainage tile?

13 A. No, ma'am.

14 Q. Any Conservation Reserve Program  
15 membership for the Howell program?

16 MR. FUSONIE: Are we talking  
17 through his period of renting it?

18 Q. Through 2008?

19 A. No, ma'am.

20 Q. Now you farmed the entire 58 acres,  
21 is that correct, or 55 acres --

22 A. 55.

23 Q. -- is tillable?

24 A. Yes.

25 Q. And you did that from 1985 to 2008,

1 is that correct?

2 A. Yes, ma'am.

3 Q. Did you do that with Ron Siefring?

4 A. Yes, ma'am?

5 Q. Anybody else?

6 A. No, ma'am.

7 Q. And to your knowledge is it still

8 being farmed today?

9 A. Yes, ma'am.

10 Q. Okay. And it's currently being

11 farmed the Ebbing's, is that correct?

12 A. Yes, ma'am.

13 Q. When you farmed it, what crops do

14 you grow?

15 A. Corn and soybeans.

16 Q. Any wheat?

17 A. I might have a few years back, but

18 I don't recall when the last time it was I had

19 wheat on that farm.

20 Q. Okay. Now, we went through

21 several years and you told me that all three farms

22 flooded in those various years. Now I'm gonna ask

23 you the same questions with regards to the Howell

24 Farm. Okay. Did the Howell Farm floods in 2009?

25 A. Yes.

1 Q. Did the Howell Farm flood in 2008?

2 A. Yes.

3 Q. Did the Howell Farm flood in 2005?

4 A. Yes.

5 Q. Did the Howell Farm flood in 2003?

6 A. Yes.

7 Q. Did the Howell Farm flood in 1988?

8 A. Yes.

9 Q. Did the Howell Farm flood in 1985?

10 A. Yes.

11 Q. Did the Howell farm flood in 1982?

12 A. Yes.

13 Q. Between 1985 when you began renting  
14 and farming the Howell Farm in 1992, do you recall  
15 it flooding any years?

16 A. No, ma'am. I just can't remember  
17 back all them years.

18 Q. What is the topography of the  
19 Howell Farm?

20 A. Please?

21 Q. What is the topography of the  
22 Howell Farm, is it gently sloping?

23 A. Yes, gently sloping, yes.

24 Q. Any large hills or mountains on  
25 that property?

1 A. No, ma'am.

2 Q. Any creeks or any water bodies  
3 running through that property?

4 A. Only the Beaver Creek.

5 Q. And that's on the boundary --

6 A. Southern --

7 Q. -- that doesn't run through it, is  
8 that correct?

9 A. That's on the southern boarder,  
10 yes.

11 Q. How far away is the Howell Farm  
12 from the spillway?

13 A. Five miles.

14 Q. And how far is it away from the  
15 Wabash?

16 A. Approximately four miles.

17 Q. Did you ever consult with Collige  
18 Farm Drainage with regards to the Howell Farm?

19 A. No, ma'am, I didn't own the farm I  
20 only rented it.

21 Q. Do you know whether the Howell's  
22 did?

23 A. No, ma'am.

24 Q. Do you know whether Mr. Ebbing  
25 consult with?

1 A. I have no knowledge of it.

2 Q. Do you know where water drains from  
3 the Howell Farm into what body of water it drains  
4 into?

5 A. The water from the farm?

6 Q. Yes.

7 A. It drains into the Beaver Creek.

8 Q. Okay. Now you claim in 2009 the  
9 Howell Farm flooded. How high was the water in  
10 2009?

11 A. I'm saying approximately four or  
12 five feet deep.

13 Q. Is that in 2008?

14 A. Yes, it be -- It's gonna vary  
15 depending on where you're at on the farm. It'll  
16 vary anywhere four to five feet deep.

17 Q. Same thing for 2005?

18 A. 2005 it's probably 8 feet.

19 Q. What about 2003?

20 A. It probably, places was 10 feet  
21 deep.

22 Q. What about 1998?

23 A. Approximately 3 feet.

24 Q. And 1995?

25 A. I would say maybe one to two feet.

1 Q. What about 1992?

2 A. Probably the same, one to two feet.

3 Q. Are there any buildings located on  
4 the Howell Farm?

5 A. No, ma'am.

6 Q. Any construction around the Howell  
7 Farm?

8 A. No, ma'am.

9 Q. Any development around the Howell  
10 Farm, any roads or bridges or any other  
11 construction or development?

12 A. No, ma'am.

13 Q. Any easements on the Howell Farm?

14 MR. FUSONIE: Objection.

15 Q. To your knowledge?

16 A. There is a pipeline that goes  
17 through that farm, also.

18 Q. Do you know whether that was  
19 Marathon or another oil company?

20 A. I thinking it's Marathon.

21 Q. And was that for the transmission  
22 of petroleum?

23 A. Yes, ma'am.

24 Q. I believe you stated that there  
25 was -- you did not belong to the Conservation

1 Reserve Program from 1985 to 2008, the Howell  
2 Farm?

3 A. No.

4 Q. Do you know whether Mr. Howell did?

5 A. Not to my knowledge.

6 Q. Do you know whether Mr. Ebbing does  
7 today?

8 A. I have no idea.

9 Q. Okay. And with regards to the  
10 Howell Farm, when you were farming it, how large  
11 is the shaded area, how many acres did that  
12 contain?

13 A. Approximately 25 acres.

14 Q. And you farmed this area before the  
15 spillway was constructed, is that correct?

16 A. Yes, ma'am.

17 Q. And it flooded before the spillway  
18 was constructed?

19 A. Minor flooding. Yes.

20 Q. And how large was the area that  
21 flooded prior to the construction of the spillway?

22 A. I would say 5 to 8 acres.

23 Q. Mr. Sieftring, during the time  
24 period after the construction of the spillway, was  
25 there a time of the year when it was more likely

1 for the Howell Farm to flood?

2 MR. FUSONIE: Objection.

3 A. It varied, the level of the lake,  
4 the amount of rainfall we got, it's -- there was  
5 no pattern to it, it various.

6 Q. And was there a pattern prior to  
7 the construction of the spillway in regards to  
8 flooding of the Howell Farm?

9 A. No. No, it just never flooded near  
10 as much.

11 Q. Now, you testified earlier that the  
12 Meyer Farm was lower than the McMillan Farm or the  
13 Corner of 29 Farm, what about the Howell Farm, was  
14 it lower or higher than the others in terms  
15 elevation?

16 A. I can only, I'm only guessing, so  
17 it's --

18 MR. FUSONIE: Don't guess.

19 Q. You don't need to guess.

20 A. I don't know the exact elevation of  
21 it.

22 Q. Okay. That's fine. Now did you  
23 have crop insurance for the Howell Farm property?

24 A. Yes, ma'am.

25 Q: If we went back and looked through

1 the documents, the direct pay documents and the  
2 crop insurance documents, were some of those  
3 payments for the Howell Farm acreage?

4 A. It would have been in 2008, the  
5 year that I explained to you with the yield, the  
6 revenue insurance policy, yes.

7 Q. What about -- that would be the  
8 \$86,000.00 check?

9 A. Yes, that was that large check,  
10 that involved all the farms.

11 Q. Okay. You don't know what the  
12 Howell Farm sold for, do you? What it sold for,  
13 what the Ebbing's paid for it?

14 A. \$4200.00 per acre.

15 Q. And that was in 2008?

16 A. Yes, ma'am.

17 Q. You rotated crops on the Howell  
18 Farm?

19 A. Yes.

20 Q. But same rotation as Howell?

21 A. Yes, ma'am.

22 MR. FUSONIE: I just need one  
23 minute. Thank's.

24 (Off the record)

25 Q. So we were talking about the

1 Howell Farm. \$4200.00 and that was the last  
2 question that I asked. I notice, Mr. Sieftring,  
3 the affidavit, at least I don't think it makes any  
4 claim for the Meyer Farm. Is there anything in  
5 your affidavit relating to the Meyer Farm that I  
6 overlooked?

7 A. I am not the owner of that farm  
8 now.

9 Q. Okay.

10 A. Jerry Meyer --

11 Q. So you are not making any claim for  
12 the Meyer Farm?

13 A. No, he's the landowner.

14 MR. FUSONIE: Claims, as to you  
15 bringing a claim in this lawsuit on  
16 behalf of that property?

17 MR. SIEFRING: Right.

18 MR. FUSONIE: You have personal  
19 knowledge about the flooding --

20 MR. SIEFRING: I have personal  
21 knowledge, but I am not filing a claim.

22 Q. But you're not bringing --

23 A. No, not on that farm.

24 Q. Does the Kittle Ditch tributary  
25 lie near the Howell Farm?

1 A. No, ma'am.

2 Q. Is there any body of water that lie  
3 near the Howell Farm other than Beaver Creek?

4 A. No, ma'am.

5 Q. Now with regards to all four farms  
6 we've discussed today, the Meyer Farm, the Howell  
7 Farm, the Corner of 29 Farm, and the McMillan  
8 Farm, how do you know that there's no flooding as  
9 a result of the Wabash on any of those farms?

10 A. The Wabash is four miles away and  
11 the water travels the other way. The flow of the  
12 water goes to the west.

13 Q. Do you know which way the water  
14 flows from the spillway?

15 A. To the west.

16 Q. To the west. Now if I look at  
17 Exhibit 1 that's attached to the Deposition  
18 Exhibit, Respondent's Exhibit O. So we're talking  
19 right now the first affidavit that you filed, and  
20 I believe it's dated the 24th of August 2009. And  
21 if I look at Exhibit 1 which is the first map  
22 that's attached, do you see in the upper  
23 right-hand corner where it says "town?"

24 A. Yes, ma'am.

25 Q. Do you know what that refers to?

1           A.    I'm guessing that's probably the  
2 abbreviation for Township.

3           Q.    So that's for --

4           A.    That's what I'm assuming that's  
5 what that word would be.  It's not -- the whole  
6 word is not on the map.

7           Q.    Okay.  Fair enough.  So just give  
8 me a minutes, I think I've asked all the  
9 questions.

10           MR. FUSONIE:  'Cause I have some.

11           MS. WORLY:  But I need a minute.

12           MR. FUSONIE:  All right.

13           (Off the record.)

14           MS. WORLY:  Mr. Sieftring.  Thank  
15 you.  I have no further questions.

16           MR. SIEFRING:  Thank you, ma'am.

17           DIRECT EXAMINATION

18 BY MR. FUSONIE:

19           Q.    Mr. Sieftring, have questions for  
20 you, and I'm gonna apologize for bouncing around,  
21 but I'm asking questions after several hours of  
22 Direct Exam by the state, so mine are -- if I  
23 bounce around because --

24           MS. WORLY:  I don't believe mine  
25 was Direct Examine.

1 MR. FUSONIE: I'm sorry.

2 Q. However you want to characterize  
3 it, it was a cross-exam, exam of Mr. Sieftring.  
4 This is all gonna be after 1997 questions to start  
5 off with. As to the two properties that you own  
6 that are subject to, currently own that are  
7 subject to flooding, have you had any crop delay  
8 because of flooding?

9 A. Yes, I have.

10 Q. And has that -- Do you believe  
11 that's affected your yield?

12 A. Over the period of years since the  
13 new spillway put in, yes, every year it affects my  
14 yield one way or another.

15 Q. Does late planting affect yield?

16 A. Yes, it does.

17 Q. And has flooding caused late  
18 planting?

19 A. Yes. On several occasions.

20 Q. Okay. Since 1997?

21 A. Since 1997.

22 Q. As to Jerry and Amy Meyer's  
23 property, have you had since 1997 any late  
24 planting because of flooding?

25 A. Yes.

1 Q. And do you believe that's affected  
2 your yield?

3 A. Yes. The later you plant the less  
4 your yield is.

5 Q. As to the property, the 80 acres  
6 owned by Ron Siefring --

7 A. Okay.

8 MS. WORLY: Objection. Vague.

9 But which 80 acres are we talking about?

10 Q. Does Ron Siefring own more than one  
11 80 acre parcel in Mercer County?

12 A. No.

13 MS. WORLY: And can you tell me  
14 which farm we're talking about,  
15 please?

16 Q. Where is Ron Siefring's 80 acre  
17 parcel?

18 A. That's the one that would lay --  
19 That's the only farm Ron owns by himself, but he's  
20 got joining ownership of McMillan Farm with me.  
21 Ron's farm is the one north of the beaver.

22 MS. WORLY: That's the one you  
23 designated was Ron's farm?

24 MR. SIEFRING: Yes.

25 Q. So Ron's farm -- as to Ron's farm,

1 | since 1997, have you had -- has there been any  
2 | delay in the planting of crops because of  
3 | flooding?

4 | MS. WORLY: Objection. oundation.

5 | A. Yes, there has.

6 | Q. Because there's been flooding on  
7 | that property since 1997?

8 | A. Yes.

9 | Q. And do you believe that that  
10 | flooding has affected the yield from Ron's farm?

11 | MS. WORLY: Objection. Foundation.

12 | A. The yields have gone down every  
13 | year since then because of the flooding.

14 | Q. Okay. Now as to the Howell Farm  
15 | since 1997 and while you were farming that  
16 | property, was there any late planting of crops  
17 | because of flooding?

18 | A. Yes.

19 | Q. And did that affect your, do you  
20 | believe that affected your crop yield?

21 | A. Absolutely.

22 | Q. Did late planting occur on more  
23 | than one occasion on that property since 1997?

24 | A. Yes, that was various different  
25 | years.

1 Q. And then as to Jeff Siefiring's two  
2 parcels, you owned those up until 2005, is that  
3 correct?

4 MS. WORLY: Objection. I believe  
5 when he testified that there was one  
6 parcel with regard to Jeff Siefiring.

7 Q. There are two tax parcel I.D.'s  
8 for that property?

9 A. Yes.

10 Q. So for that two-tax parcel I.D.  
11 farm, while you owned it through 2005, did you  
12 ever have any late planting of crops because of  
13 flooding?

14 A. There might have been on one or two  
15 occasions.

16 MS. WORLY: Objection. Move to  
17 strike. Lack of foundation.

18 Q. Did Jeff Siefiring's property ever  
19 flood between 1997 and 2005?

20 A. Yes.

21 MS. WORLY: Objection. It wasn't  
22 Jeff Siefiring's property between 1997  
23 and 1995.

24 MR. FUSONIE: You can state your  
25 objection. Are you --

1 Q. Oh, I'm sorry. The property that  
2 you owned up until 2005, that is now owned by Jeff  
3 Siefring -- Is it okay if I refer to that as  
4 Jeff's farm?

5 A. Yes, that's Jeff's farm 2005.

6 Q. That farm, did that flood between  
7 1997 and 2005?

8 A. Yes.

9 Q. Okay. Did it flood in 2003?

10 A. Yes.

11 Q. Did it flood in 2005?

12 A. Yes.

13 Q. Did it flood in 1998?

14 A. Yes.

15 Q. How many years have you farmed,  
16 Mr. Siefring?

17 A. I started farming in 1972.

18 Q. So 38?

19 A. Be 38 years.

20 Q. Be 38 years continually?

21 A. Yes.

22 Q. Here in Mercer County continuously?

23 A. Yes.

24 Q. Yes. You talked about field  
25 erosion when Ms. Worly asked you questions. In

1 | your view is field erosion damage to the property?

2 |           A.    Yes, it is.

3 |           Q.    And is bank erosion damage to the  
4 | property?

5 |           A.    Yes, it is.

6 |           Q.    All right.  Let's talk about Ron's  
7 | farm first.  I'm gonna move on.  Before 1997 as to  
8 | Ron's farm, was there ever any heavy rain?

9 |           A.    Yes.

10 |           Q.    Did you ever, as to Ron's farm, am  
11 | I correct that that heavy rain never caused the  
12 | same amount of flooding that occurred on that  
13 | property in 2003?

14 |                   MS. WORLY: Objection.  Compound,  
15 |                   vague, lack of foundation.  We don't  
16 |                   know the length of time that Ron owned  
17 |                   Ron's farm.  That has not been  
18 |                   established.

19 |           Q.    When did Ron first own Ron's farm?

20 |           A.    1976.

21 |           Q.    From 1976 to 1997 was there heavy  
22 | rain on Ron's farm?

23 |           A.    Yes.

24 |           Q.    And I think you testified, and tell  
25 | me if I'm wrong, it's been along afternoon, but as

1 to Ron's farm in 2003, was it 17 acres that  
2 flooded?

3 A. Yes, there was approximately 17  
4 acres that flooded.

5 Q. And prior to 1997, did 17 acres of  
6 Ron's farm ever flood during the 21 years that Ron  
7 Siefring owned that property?

8 A. No, we never had that extensive  
9 flooding prior to 1997.

10 Q. Now, the Corner of 29 Farm, as  
11 it's been referred to in today's deposition,  
12 remind me again when you acquired that property?

13 A. 1978.

14 Q. Okay. And that was with your then  
15 wife Fran?

16 A. Well, it's '78 originally when it  
17 got transferred from her to me was 1995.

18 Q. Okay. And you farmed that property  
19 continually from 1978 to 1997?

20 A. Yes.

21 Q. All right. And did that property  
22 during that time frame did it ever receive heavy  
23 rain?

24 A. Yes, it did.

25 Q. Did it ever during that time frame

1 flood the same amount of acres as it flooded in  
2 2003?

3 MS. WORLY: Objection. I believe  
4 the testimony was the acreage varied in  
5 terms of flooding.

6 Q. Did it ever flood as much as it did  
7 in 2003 before 1997?

8 A. No.

9 Q. Did it ever even come close?

10 A. No.

11 MS. WORLY: Objection. Vague.

12 Q. Do you understand what I meant by  
13 "close" when I asked that question?

14 A. Yes, I do, it was only minor  
15 flooding prior to 1997.

16 Q. And in 2003 am I correct that the  
17 property flooded approximately 13 acres?

18 A. Yes.

19 Q. And I believe your testimony about  
20 that property prior to 1997 is that it never  
21 flooded more than an acre or two, correct?

22 A. Yeah, just a very small amount.

23 Q. Now, the McMillan Farm which is  
24 Respondent's Exhibit C, this is the property that  
25 you owned since the late '80's, I believe was your

1 testimony?

2 A. Yes.

3 Q. And from the late '80's to 1997,  
4 did that property ever experience heavy rain?

5 A. Yes, it did.

6 Q. And I believe your testimony today  
7 was that that property flooded, was approximately  
8 17 or so acres in 2003?

9 A. Yes.

10 Q. Did prior to 1997, while you owned  
11 that property, did it ever flood, 17 acres?

12 A. No, it --

13 MS. WORLY: Objection. Foundation.

14 A. At no time did it flood to that  
15 extent prior to 1997.

16 Q. And correct me if I'm wrong, I  
17 believe your prior testimony today was that that  
18 property prior 1997 never flooded more than an  
19 acre or two?

20 A. An acre, one or two acres.

21 Q. Okay. And in 2003 it flooded 17  
22 acres approximately?

23 A. Approximately 17 acres.

24 Q. And was that about the same amount  
25 of acres in 2005?

1 A. 2005, yes.

2 Q. And that property also flooded in  
3 2008?

4 A. 2008, yes, 2009.

5 Q. Was that more than one or two acres  
6 in 2008?

7 A. Yes, it was.

8 Q. How many acres was it in 2008,  
9 approximately?

10 A. I'd say probably 10 to 15.

11 Q. Okay. And did that property flood  
12 in 2009?

13 A. Yes, about the same amount.

14 Q. Okay. Now, as to the Howell Farm,  
15 you testified that you farmed that from 1985 to  
16 2008, I believe?

17 A. Yes.

18 Q. From 1985 to 1997, did that  
19 property ever have heavy rain?

20 A. Yes, it did.

21 Q. And I believe your testimony today  
22 was that in 2003 that property flooded  
23 approximately 25 acres, is that correct?

24 A. Yes, it did.

25 Q. Prior to 19 or up until 1997 did

1 that property ever flood 25 acres while you were  
2 farming it?

3 A. No, never.

4 Q. I believe your testimony that as to  
5 flooding prior to 1997 on the Howell Farm was at  
6 most it would flood 5 to 8 acres, am I correct?

7 A. Yes, that's correct.

8 Q. And that property flooded -- Did  
9 that property flood 25 acres approximately in  
10 2005?

11 A. 2005, also.

12 Q. How about 2008 how many acres  
13 flooded?

14 A. I would say approximately 15 to 18  
15 acres.

16 Q. And how about in 2009?

17 A. Approximately the same.

18 Q. Okay. And then I believe you  
19 testified today that as to the, what we're gonna  
20 call "Jeff's farm" that you owned Jeff's farm from  
21 about 1983 until, till 2005?

22 A. Yes.

23 Q. So for the period between 1983 and  
24 1997 did that, did Jeff's farm have heavy rain at  
25 any time?

1 A. Yes, it did.

2 Q. Okay. And how many acres  
3 approximately do you recall Jeff's farm flooding  
4 in 2003?

5 A. Approximately 20 to 25 acres.

6 Q. Okay. Prior to or up until and  
7 through 1997, did Jeff's farm ever flood while you  
8 were farming the 20 to 25 acres?

9 A. No, not prior 1997.

10 Q. Okay. Did it flood before 1997?

11 A. Minor flooding, two, three acres.

12 Q. Okay. Would you say that the  
13 flooding of Jeff's farm after 1997, has the  
14 flooding been longer in duration?

15 A. Yes.

16 Q. Has the depth of the flooding been  
17 greater?

18 A. Yes.

19 Q. How about as to Ron's farm since  
20 1997, has the flooding been, has it lasted longer?

21 A. It's lasted longer and it's been  
22 deeper.

23 Q. The farm on the Corner of 29, since  
24 1997 has the flooding lasted longer?

25 A. It has lasted longer, it was

1 deeper, also.

2 Q. And then as to the Howell Farm  
3 while you were farming it after 1997, was the  
4 flooding, did it last longer?

5 A. It lasted longer and it was deeper.

6 Q. As to the Howell Farm, has it,  
7 since 1997, has the Howell Farm flooded more often  
8 than during the time frame prior to 1997 while you  
9 farmed it?

10 A. Yes, it has.

11 Q. And how about Jeff's farm while you  
12 own that from 1997 to 2005, did it flood more  
13 often than it flooded pre-1997?

14 A. Yes, it did.

15 Q. How about Ron's Farm, has it  
16 flooded more often after 1997?

17 A. Yes, it did.

18 Q. And how about your farm on the  
19 Corner of 29, has it flooded more often since in  
20 1997?

21 A. Yes.

22 Q. And how about the McMillan Farm,  
23 has it flooded more often since 1997?

24 A. Yes, it has.

25 Q. Do you have any knowledge of any

1 flooding or Jerry and Amy Meyer's property prior  
2 to 1997?

3 A. No. Only that it flooded very  
4 little.

5 Q. Okay. And I believe your  
6 testimony was in 2003, Jerry and Amy Meyer, the  
7 Meyer Farm flooded approximately 26 acres?

8 A. Yes.

9 Q. To your knowledge did that Meyer  
10 Farm did it ever flood up to 26 acres prior to  
11 1997?

12 A. No, it didn't.

13 Q. Now you've been farming in the  
14 area for 38 years?

15 A. Yes, I have.

16 Q. I believe you were asked -- The  
17 Baker Menchhofer, when it has flooded, to your  
18 knowledge, after 1997, is the beaver out of its  
19 banks?

20 A. Yes, it is.

21 Q. Does the beaver -- As far as you  
22 have observed since 1997, has the beaver have to  
23 be out of its banks for the Baker Menchhofer to  
24 flood?

25 A. Yes, it does.

1 Q. And with the Kittle Ditch, does the  
2 Kittle Ditch, since 1997 as you have observed, has  
3 the beaver had to be out of its banks for the  
4 Kittle Ditch to flood?

5 A. Yes.

6 Q. Since 1997 have you ever observed  
7 the water from the Baker Menchhofer essentially  
8 bounce back as it's trying to get into the beaver  
9 because of the high flooding on the beaver?

10 A. Yes, because of the extreme  
11 pressure from the beaver when it's full of water  
12 it bushes the water back.

13 Q. Did you ever see that prior to  
14 1997?

15 A. No.

16 Q. Same questions with the Kittle  
17 Ditchh. Have you ever seen the Kittle Ditch, the  
18 water since 1997 essentially bounce back because  
19 of the high flooding along the beaver?

20 A. Right. The water actually flows  
21 backwards.

22 Q. Do you ever see that prior to 1997  
23 on the Kittle Ditch?

24 A. No, I didn't.

25 MR. FUSONIE: If I can have just

1 one minute to see if I have --

2 Q. Do you believe, Mr. Siefring, as to  
3 your farm on the Corner of 29 that the flooding  
4 that it suffered since 1997 has caused continued  
5 damage to the property?

6 A. Yes, it has.

7 Q. How about as to the McMillan Farm,  
8 flooding since 1997 has it caused continued damage  
9 to the property?

10 A. Yes, it has.

11 Q. And how about to the Meyer Farm  
12 since 1997, has the flooding caused continued  
13 damage to the property?

14 A. Yes.

15 Q. How about, same question as to  
16 Jeff's farm?

17 A. Yes.

18 Q. And the same question as to the  
19 Howell Farm?

20 A. Yes.

21 Q. And the same question as to Ron's  
22 farm?

23 A. Yes.

24 Q. Do you know of any recent sales  
25 within the last year of agricultural property in

1 Mercer County that is property located outside of  
2 the area flooded by the spillway?

3 MS. WORLY: Objection. Calls for a  
4 legal conclusion.

5 Q. Or what you believe is flooded by  
6 the spillway?

7 A. You want to know about property  
8 outside of the flood area?

9 Q. Correct.

10 A. Yes.

11 Q. What sales are you aware of?

12 A. There's a farm just sold two weeks  
13 ago that brought \$7400.00 an acre.

14 Q. And where is that property located?

15 A. That would be southwest from where  
16 we are at about five miles.

17 Q. Five miles southwest of which  
18 location?

19 A. Of the corner farm.

20 Q. Corner of 29 Farm?

21 A. Corner of 29 -- yes.

22 Q. Any other sales that you're  
23 familiar with?

24 A. There was one a little bit farther  
25 south and that one brought \$9900.00 an acre and

1 that was about two months ago.

2 Q. Okay. Is that property bare land  
3 land?

4 A. Yes, it was.

5 Q. Was it 7500 one bare land?

6 A. Yes, they were both bare land, to  
7 my knowledge.

8 Q. How many years have you lived in  
9 Mercer County?

10 A. My entire life.

11 Q. And how many years is that?

12 A. 59 years.

13 MR. FUSONIE: 59 years. Those are  
14 all the questions I have, Mr. Sieftring.  
15 Thank you.

16 MS. WORLY: I have one follow-up  
17 question.

18 RE-CROSS-EXAMINATION

19 BY MS. WORLY:

20 Q. Mr. Sieftring, Mr. Fusonie talked --  
21 asked you about Jeff's Farm, and he asked you  
22 whether Jeff's Farm flooded in 2003, 2005 and  
23 1998. He didn't ask you about 1995. Did Jeff's  
24 farm flood in 1995?

25 A. Minor flooding.

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Q. And did Jeff's farm in 1992?

A. Minor flooding, yes.

MS. WORLY: That's all I have.

Thank you.

MR. FUSONIE: This deposition started 12:20. I know we had some breaks. It's about 5:20, we probably had about an hour of breaks. So we've gone about approximately four hours in this deposition.

Mr. Siefiring, you have the right if the state attorneys order a written transcript of what has been taken down you have the right to review that to correct any errors in the transcript. I can't tell you to review it, I can only recommend and advise you that I typically tell my clients that they should review the transcript. You've got to tell the court reporter now whether you want to do that or not.

MR. SIEFRING: I would like to have the opportunity to review it.

*Mark Siefiring*  
\_\_\_\_\_  
Mark Siefiring

(At 5:20 p.m., the deposition concluded)

MARTHA C. BREWER, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

*Martha Brewer*  
\_\_\_\_\_  
Notary Public 3/15/10

①  
m.s.

# ERRATA SHEET

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I, MARK STEFRING, have read the transcript of my deposition taken in this pending matter or the same has been read to me. I have noted all changes in form or substance on this sheet this 15 day of MARCH, 2010.

PAGE	LINE	CORRECTION OR CHANGE AND REASON:
9	18	Change <del>wrong</del> beaver to Beaver Passim
13	7	Change Buse to go
25	18	Change Reshere to Rasawehr Passim
35	17	Change Neal to Neil Passim
35	25	Change and to on
40	25	Change know to want
42	10	Change corn to corner
49	1	Change question to period
50	6	Change Collige to Kahlig Passim
60	2	Change neighborhood to neighbor
61	13	Change of to on
63	15	Change it to <del>the</del> The
63	19	Insert than after higher
66	17	Change side to site
67	25	Change boarder to border Passim
68	15	Change Buller to Boley
70	24	Change loan to loom Passim

ERRATA SHEET

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I, MARK SIEFRING, have read the transcript of my deposition taken in this pending matter or the same has been read to me. I have noted all changes in form or substance on this sheet this 15 day of MARCH, 2010.

PAGE LINE CORRECTION OR CHANGE AND REASON:

75	22	Change shop to stop
81	9	Change sets to set
82	8	Change of to on
87	17	Change It's to It
88	21	Change McMillan to Corner 29
96	5	Delete "the" before "how"
96	11	Change answer to No, would be same as corn, there's too many variables.
98	15	Insert a before quit
102	15	Delete to before that
107	20, 22	Change commingled to co- <del>mingled</del> mingled Passim
110	25	Change It to It's
114	24	Change just to use
120	12	Change it's a to of it's
120	19	Delete it before was.
120	22	Change 374 to \$3.74 Passim
122	10	Change its to it

ERRATA SHEET

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5

I, MARK SIEFRID, have read the transcript of my deposition taken in this pending matter or the same has been read to me. I have noted all changes in form or substance on this sheet this 15 day of MARCH, 2010.

6

PAGE LINE CORRECTION OR CHANGE AND REASON:

7

8

122 23 Change erase to reduce

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122 24 Change it's a to of the

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127 11 Change when to what

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127 11 Change corner to counter Passim

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127 12 Insert "of" after fall

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128 11 Change didn't to different

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133 13 Change begin to began

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137 17 Change flowing to following

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142 7 Delete have before had

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143 7 Change driver to drive

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143 8 Insert at after look

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143 9 Change We to They

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144 16 Change erode to which erodes

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147 21 Change are to area

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152 2 Change It's to It

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162 16 Insert from before four

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162 20 Insert in before places

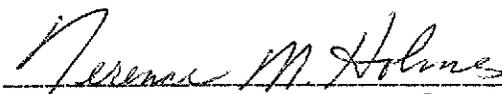


## C E R T I F I C A T E

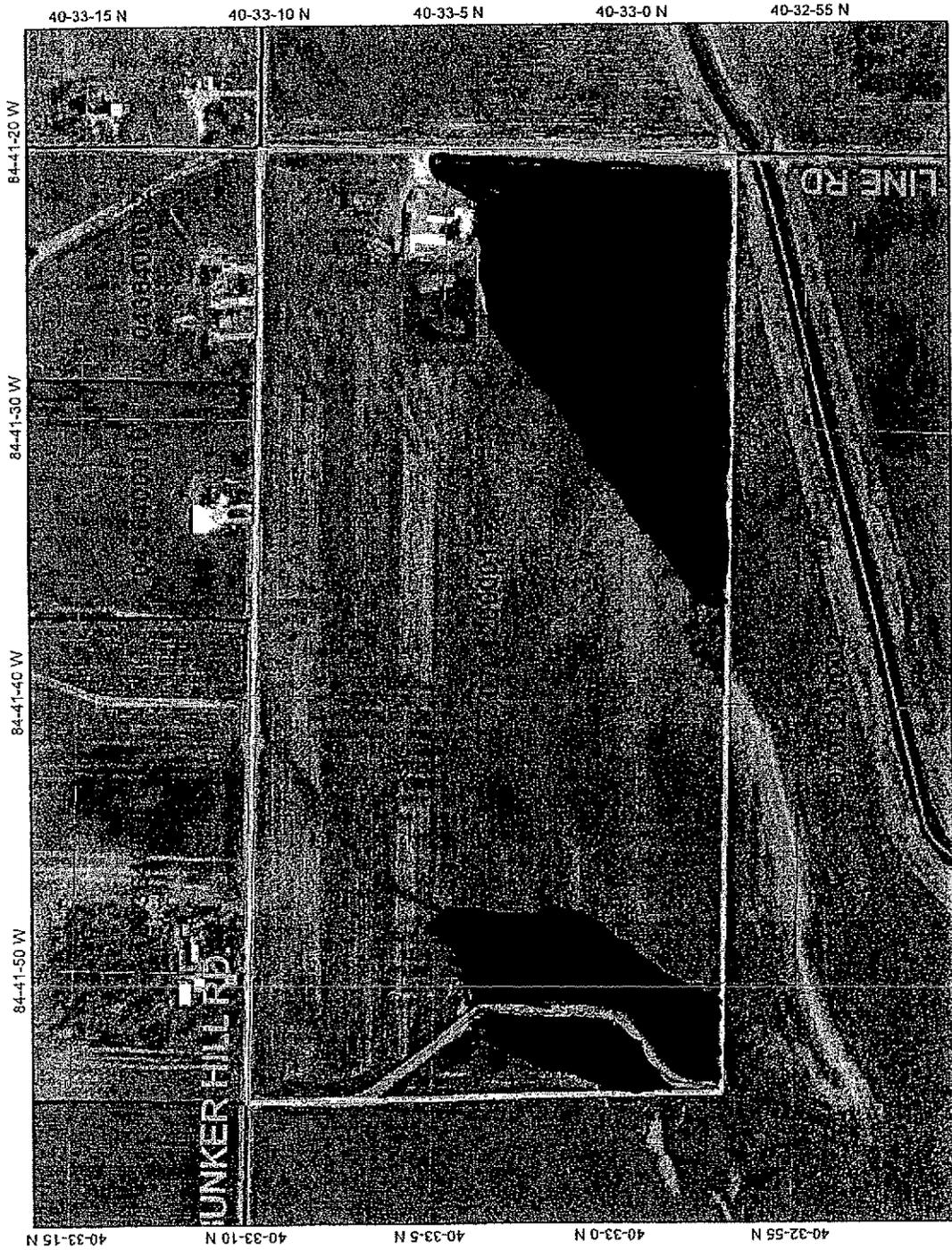
1  
 2 STATE OF OHIO            )  
                                           ) SS:  
 3 COUNTY OF MERCER        )

4                    I, Terence M. Holmes, the  
 5 undersigned, a duly qualified and commissioned  
 6 notary public within and for the State of Ohio, do  
 7 hereby certify that before the giving of his  
 8 aforesaid deposition, the said MARK SIEFRING was  
 9 by me first duly sworn to depose the truth, the  
 10 whole truth, and nothing but the truth, that the  
 11 foregoing is the deposition given at said time and  
 12 place by said MARK SIEFRING; that said deposition  
 13 was taken in all respects pursuant to agreement  
 14 and stipulations of counsel hereinbefore set  
 15 forth; that said deposition was taken by me in  
 16 stenotype and transcribed into typewriting by me;  
 17 that I am neither a relative of nor attorney for  
 18 any of the parties to this cause, nor relative of  
 19 nor employee or any of their counsel, and have no  
 20 interest whatever in the result of this action.

21                    IN WITNESS WHEREOF, I have hereunto  
 22 set my hand at Cincinnati, Ohio, this 7th day of  
 23 March, 2010.

24                      
 My Commission Expires:        Terence M. Holmes  
 25 July 28, 2012        Notary Public - State of Ohio

# Mercer County Ohio



## Legend

- Administrative**
  - Townships
  - Neighborhoods
- Parcels**
  - Parcels
- Transportation**
  - State Highways
  - US Highways
- Water**
  - Lake
  - Streams

tabbles  
**EXHIBIT**  
1

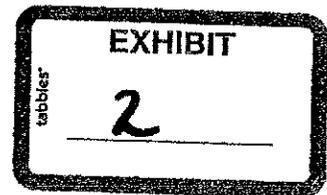
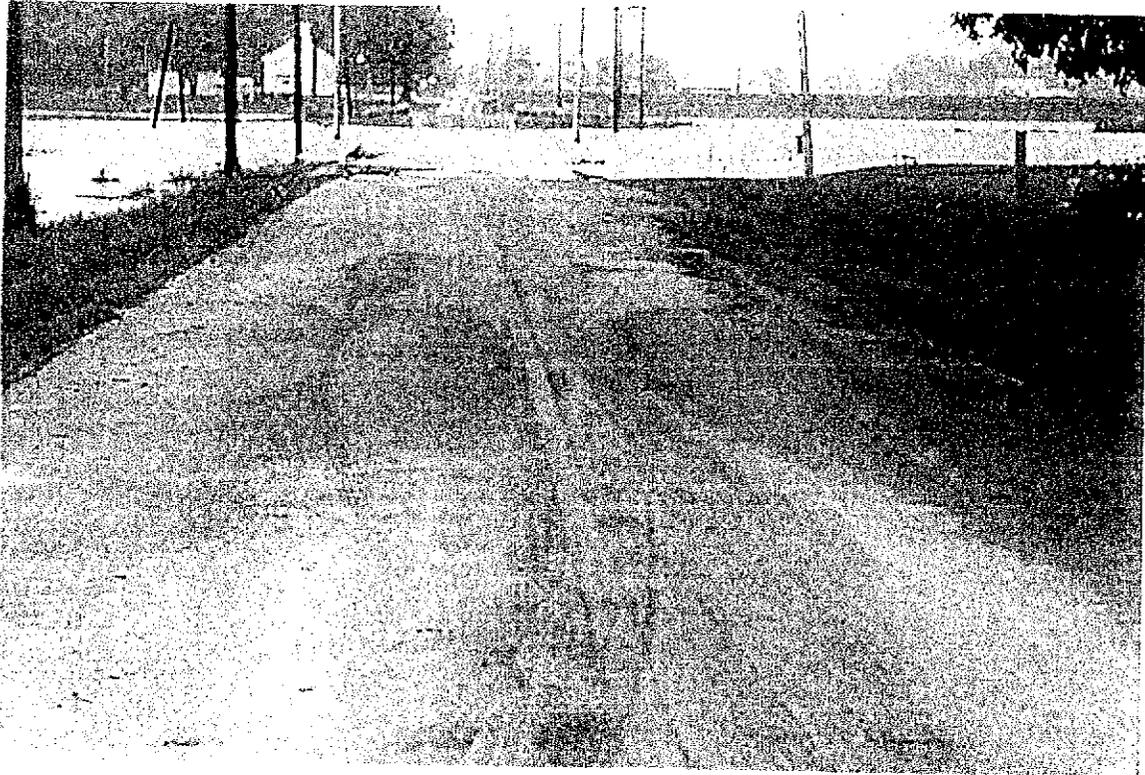
Scale: 1:5,500

Map center: 1358967, 329846

0 550 1100 1650 ft.

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Ronald J. Sieftring and Carol L. Sieftring  
6973 Township Line Rd.  
RESPONDENT'S A



RESPONDENT'S B  
MARK STEFRING

DON000656

**EXHIBIT 2**  
**TO**  
**AFFIDAVIT OF RONALD J. SIEFRING**

DON000655

# Mercer County Ohio



## Legend

### Administrative

- Townships
- Neighborhoods

### Parcels

- Parcels

### Transportation

- State Highways
- US Highways

### Water

- Lake
- Streams

tabbles  
**3**



Scale: 1:6,500

Map center: 1358706, 319201

1950 ft.

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This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

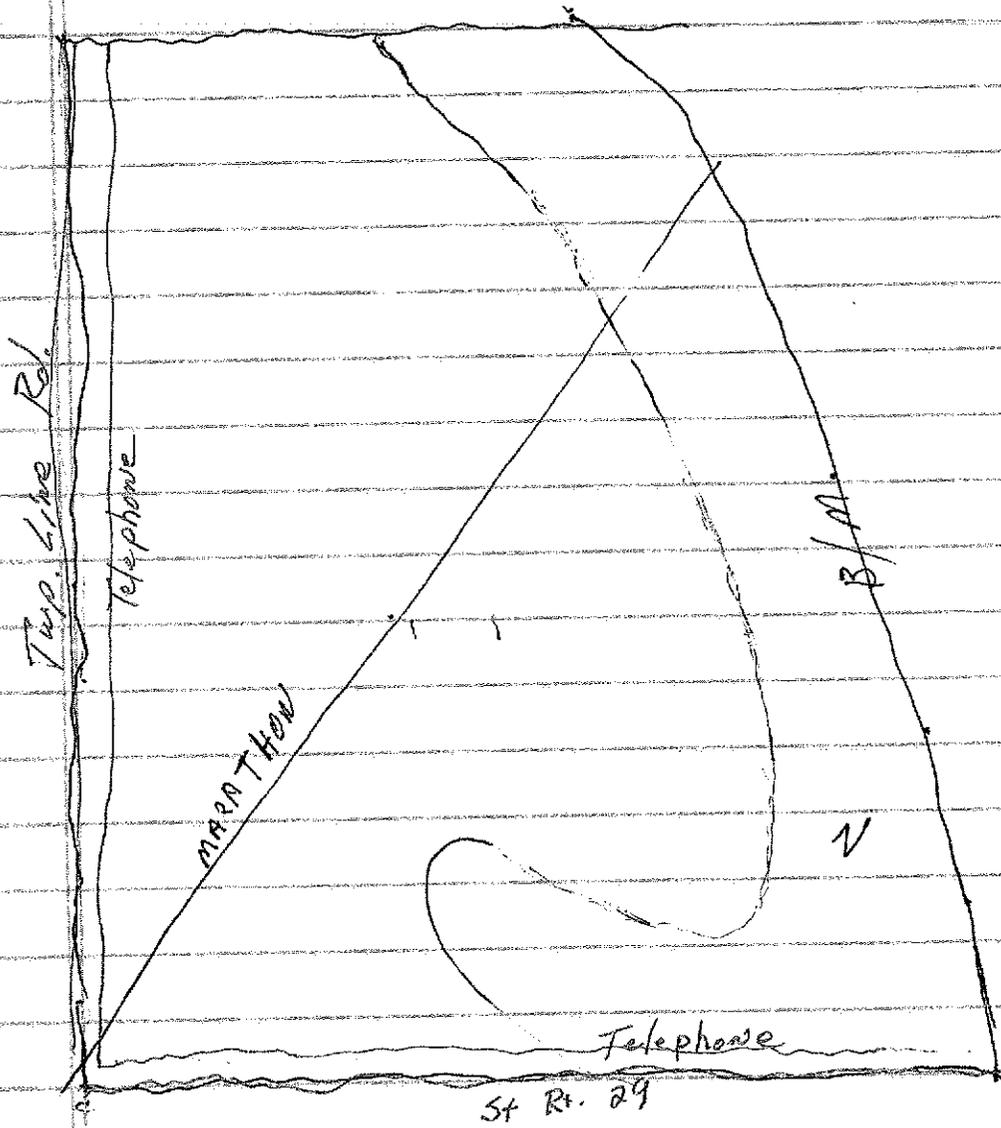
Mark Siefing and Ronald Siefing  
6031 Township Line Rd.  
Donal No. 42 020000 0000 80 acres

RESPONDENTS

DON000658

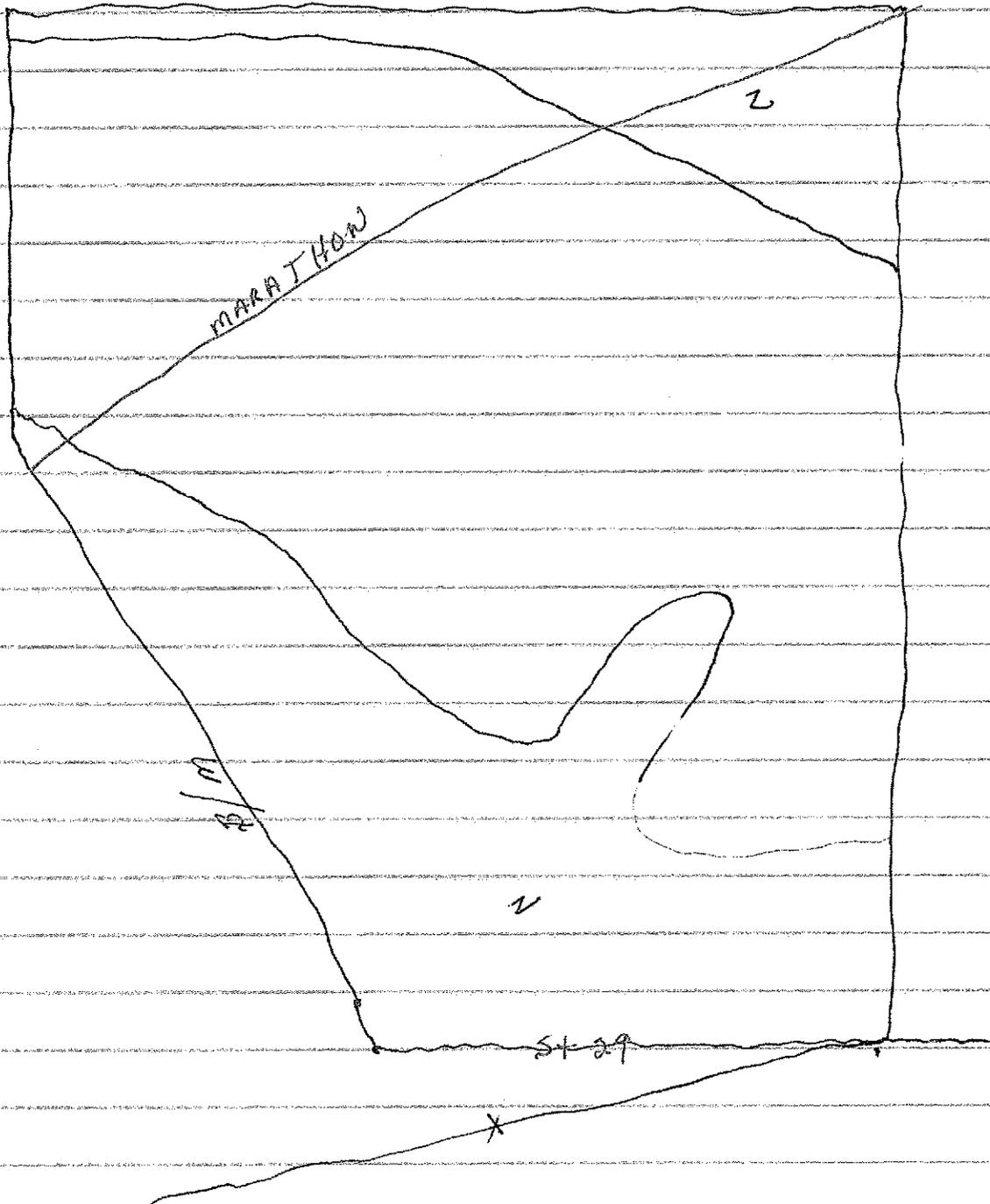
CORNER OF 29

RESPONDENT'S D  
MARK SLEEPING



Meyer

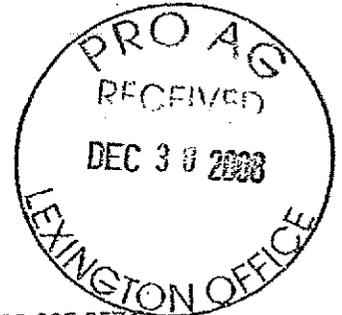
RESPONDENT'S E  
MARK SIEFRING



*Mark - for crop loss. Thanks, Allan*

82421

If you have any questions please contact your agent:



Phone: 330 895 2571

Moser Crop Insurance  
35 Bellflower Road NE  
Minerva, OH 44657

Processing Office	PRODUCERS AG INS Lexington		Claim Number	19299	Batch	123655
Insured	MARK & RON SIEFRING		Draft Date	12/29/08		
Date of Loss	Policy Number	Agency Code	Insured ID Number	Amount		
10/13/08	M-2008-39-967-74502	39271-00	178873	84,974.00		
MPC Premium Credit						
Loss #	19299	Dated	10/13/08			84,974.00
Loss This Draft						84,974.00
Less Premium Credit on Policy	74502				0.00	
Less Fee Credit						0.00
Less Interest						0.00
Amount of Payment						84,974.00
PLEASE DETACH BEFORE CASHING						

DON001938

*Respondent's F*

12/30/08

**PROOF OF LOSS**  
**PRODUCERS AGRICULTURE INS**

Policy No : M-2008-39-987-745022  
 Claim No : OH 19299  
 Crop Year : 2008

Insured's Name and Address		Agency (Agent) Name and Address	
MARK & RON SIEFRING		Moser Crop Insurance	
6973 TWP LINE RD CELINA, OH 45822		35 Bellflower Road NE Minerva, OH 44657	
Insured's Phone No: (419) 942-1426		Agent Phone No: 330 895 2571	Fax: 330 895 2573
Entity Type: Partnership		Agent Code No: 392571	Agent Sub-Code: 00
Loss Payable to me and :		State : 39 Ohio	
AOI: N		County : 107 MERCER	

Unit No.	ASCS#	Crop	Prac	Type	Risk	Stage Cause	Acres	Guarantee Per Acre	Total Guarantee	Prod To Count	Deficit	Price	Indemnity	% Int.	Amount Payable
0101	2380	CORN	NI	0160	CR	UH	82.1	106.50	47,216.00	41041	6,175	5.4000	6,175	1.000	6,175
			RA	GSG		DECLINE IN PRI		BU.	47216	10973.4	BU.	3.7400	MIF:		
0102	3385	CORN	NI	0160	CR	UH	148.0	110.25	88,112.00	69955	18,157	5.4000	18,157	1.000	18,157
			RA	GSG		DECLINE IN PRI		BU.	88112	18704.6	BU.	3.7400	MIF:		
0104	3293	CORN	NI	0160	CR	UH	57.6	98.25	30,560.00	20621	9,939	5.4000	9,939	1.000	9,939
			RA	GSG		DECLINE IN PRI		BU.	30560	5513.6	BU.	3.7400	MIF:		
0107	4711	CORN	NI	0160	CR	UH	48.0	107.25	27,799.00	25815	1,984	5.4000	1,984	1.000	1,984
			RA	GSG		DECLINE IN PRI		BU.	27799	6902.4	BU.	3.7400	MIF:		
0109	5099	CORN	NI	0160	CR	H	110.9	103.50	61,982.00	60554	1,428	5.4000	1,428	1.000	1,428
			RA	GSG		DECLINE IN PRI		BU.	61982	16191.0	BU.	3.7400	MIF:		
0110	204	CORN	NI	0160	CR	UH	34.5	114.75	21,378.00	18658	2,720	5.4000	2,720	1.000	2,720
			RA	GSG		DECLINE IN PRI		BU.	21378	4988.7	BU.	3.7400	MIF:		
0101	2380	SBEAN	IFAC-I	9970	CR	H	40.2	30.55	16,408.00	13222	3,186	13.3600	3,186	1.000	3,186
			RA	NTS		DECLINE IN PRI		BU.	16408	1434.1	BU.	9.2200	MIF:		
0103	3385	SBEAN	IFAC-I	9970	CR	H	51.6	28.60	19,716.00	22352	-2,636	13.3600	0	1.000	0
			RA	NTS		DECLINE IN PRI		BU.	19716	2424.3	BU.	9.2200	MIF:		
0104	3293	SBEAN	IFAC-I	9970	CR	H	72.4	28.60	27,664.00	19417	8,247	13.3600	8,247	1.000	8,247
			RA	NTS		DECLINE IN PRI		BU.	27664	2106.0	BU.	9.2200	MIF:		
0105	1596	SBEAN	IFAC-I	9970	CR	H	23.6	27.95	8,812.00	3636	5,176	13.3600	5,176	1.000	5,176
			RA	NTS		DECLINE IN PRI		BU.	8812	394.4	BU.	9.2200	MIF:		
0106	1629	SBEAN	IFAC-I	9970	CR	H	41.7	30.55	17,020.00	9568	7,452	13.3600	7,452	1.000	7,452
			RA	NTS		DECLINE IN PRI		BU.	17020	1037.7	BU.	9.2200	MIF:		
0108	2252	SBEAN	IFAC-I	9970	CR	H	114.4	31.20	47,685.00	30759	16,926	13.3600	16,926	1.000	16,926
			RA	NTS		DECLINE IN PRI		BU.	47685	3336.1	BU.	9.2200	MIF:		
0110	204	SBEAN	IFAC-I	9970	CR	H	31.0	31.85	13,191.00	9607	3,584	13.3600	3,584	1.000	3,584
			RA	NTS		DECLINE IN PRI		BU.	13191	1042.0	BU.	9.2200	MIF:		

Total	84,974.00
(-) Adm Fee	0.00
(-) Prem	0.00
(-) Int.	0.00
(-) Other Pol Credit	0.00
Draft	84,974.00

DON001939



**NAU COUNTRY INSURANCE COMPANY**

SERVICED BY: NAU COUNTRY INSURANCE COMPANY  
PO BOX 269  
EAU CLAIRE, WI 54702-0269

If you have any questions please contact your agent

34-1100  
MULTISTATE INSURANCE  
456 LAKE ROAD NE  
LANCASTER, OH 43130  
(740)536-7755

Policy #: OH 942-5004935-06  
Insured: MARK & RON SIEFRING  
Claim #: OH 00205

Check No: 00086185  
Check Date: 08/09/2006  
Amount: \$3,887.00

**Tax Information**  
34-1180899  
MARK & RON SIEFRING

The full amount of this check will be included  
on the 1099 for this entity

**MPCI Claim Summary**

Total Indemnity	\$3,887.00
Premium/Fee Credits	\$0.00
Other Payments	\$0.00
Amount of Payment	\$3,887.00

DON001940

RESPONDENT'S

6



**NAU COUNTRY INSURANCE COMPANY**

SERVICED BY: NAU COUNTRY INSURANCE COMPANY  
PO BOX 269  
EAU CLAIRE, WI 54702-0269

**MPCI Loss Payment Notice**

Check # 00086185  
Check Date 08/09/2006  
Amount \$3,887.00  
  
Policy # OH-942-5004935-06  
Insured MARK & RON SIEFRING  
Claim # OH-00205

If you have any questions please contact your agent:  
MULTISTATE INSURANCE  
45B LAKE ROAD NE  
LANCASTER, OH 43130  
(740)536-7755

**Loss Amounts**

Coverage	Amount	Net Loss	Check	Credits	Unpaid
CORN RA 75/100	\$2,168.00	\$2,168.00	\$2,168.00	-	-
SBEAN RA 65/100	\$1,719.00	\$1,719.00	\$1,719.00	-	-
<b>Totals</b>	<b>\$3,887.00</b>	<b>\$3,887.00</b>	<b>\$3,887.00</b>	-	-

**Loss Checks**

Number	Issue Date	Amount	Pay to	Note
00086185	08/09/2006	\$3,887.00	Mark & Ron Siefring 6973 Twp Line Rd Celina, OH 45822	

*Mark,*

*for replant payment.*

*Thanks for your business*

*Alan*

DON001941



**NAU COUNTRY INSURANCE COMPANY**

SERVICED BY: NAU COUNTRY INSURANCE COMPANY  
 PO BOX 269  
 EAU CLAIRE, WI 54702 0269

**MPCI Proof of Loss**

INSURED	AGENCY	POLICY
MARK & RON SIEFRING 6973 TWP LINE RD CELINA, OH 45822 Phone: (740) 536-1126 ID: <b>REDACTED</b>	MULTISTATE INSURANCE 458 LAKE ROAD NE LANCASTER, OH 43130 Phone: (740) 536-7755 Agency#: 34-1100	Policy OH-942-5004935-06 Claim OH-00205 Crop Year 2006 State 39-OH County 107-MERCER

**BEAN RA 100% 2006 107-MERCER**

Unit#	Prac/Type	Stage	Peril	Harvest	Acres	Guar	Adj Guar	Hrv Prc	Prod Cnt	Defic	Price	Interest	Payable
00104	NFAC-N/NTS 005SD02E-6 FSN 3293	Replanted (No C	Excess Moisture/	0.0	51.0	3.0	153.0	NA	0.0	153.0	6.18	1.000	\$948.00
						MIF: 1.000000							
00106	NFAC-N/NTS 006SD01E-6 FSN 1629	Replanted (No C	Excess Moisture/	0.0	41.7	3.0	125.0	NA	0.0	125.0	6.18	1.000	\$773.00
						MIF: 1.000000							

**CORN RA 65/100% 2006 107-MERCER**

Unit#	Prac/Type	Stage	Peril	Harvest	Acres	Guar	Adj Guar	Hrv Prc	Prod Cnt	Defic	Price	Interest	Payable
00101	NV/GSG 006S001E-1 FSN 2380	Replanted (No C	Excess Moisture/	0.0	44.9	8.0	359.0	NA	0.0	359.0	2.59	1.000	\$930.00
						MIF: 1.000000							
00102	NV/GSG 006S001E-13 FSN 3385	Replanted (No C	Excess Moisture/	0.0	44.8	8.0	358.0	NA	0.0	358.0	2.59	1.000	\$927.00
						MIF: 1.000000							
00107	NV/GSG 005S002E-32 FSN 4711	Replanted (No C	Excess Moisture/	0.0	15.0	8.0	120.0	NA	0.0	120.0	2.59	1.000	\$311.00
						MIF: 1.000000							

DON001942

COVERAGE INFORMATION	LOSS	ISSUED	CHECK#	CHECK AMT	POLICY	COVERAGE	CREDIT
CORN RA 75/100%	\$2,168.00	08/09/2006	00086185	\$3,887.00			
SBEAN RA 65/100%	\$1,719.00						
<b>Total Loss</b>	<b>\$3,887.00</b>	<b>Total Checks</b>		<b>\$3,887.00</b>	<b>Total Credits</b>		<b>\$0.00</b>



U.S. DEPARTMENT OF AGRICULTURE  
 MERCER FSA OFFICE  
 220 W LIVINGSTON ST SUITE 2  
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 (419)586-3149



DISBURSEMENT STATEMENT  
RETAIN FOR TAX PURPOSES  
 STATEMENT DATE: 10/14/2009  
 PAGE 1 OF 12

1574 2 AV 0.550 Flots Seq: 1574 Sac: 22 74140

RONALD SIEFRING  
 6973 TOWNSHIP LINE RD  
 CELINA OH 45822-9207



PROGRAM PAYMENT DETAIL FOR THIS PAYMENT:

2009 DIRECT PAYMENTS  
  
 2009  
 DCP  
 DIRECT

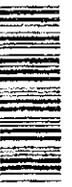
REFERENCE#	AMOUNT
0003385	\$2,642.00

THIS IS HOW YOUR PROGRAM PAYMENT WAS APPLIED:

REFERENCE#	AMOUNT	WITHHOLDING/OFFSET/ASSIGNMENT/PAYEE	DATE
695764	\$1,878.00	COMMODITY CREDIT CORPORATION MERCER FSA OFFICE 220 W LIVINGSTON ST SUITE 2 CELINA, OH 45822-1632 (419)586-3149	10/13/2009
		TOTAL PAYMENT REDUCTIONS	\$1,878.00
	\$764.00	PAYEE: RONALD SIEFRING FUNDS TO BE DEPOSITED IN PEOPLES BANK CO. ACCOUNT ENDING IN 4364 ON/ABOUT	10/16/2009

DON001943

USDA CUSTOMER STATEMENTS AND FINANCIAL INQUIRIES INFORMATION CAN BE ACCESSED ONLINE FROM THE FARM SERVICE AGENCY WEBSITE AT: [HTTP://WWW.FSA.USDA.GOV/](http://www.fsa.usda.gov/). SELECT ON-LINE SERVICES IN THE TOP BANNER, THEN SELECT FINANCIAL INQUIRIES FOR PRODUCERS. FOR INFORMATION ON OBTAINING A USDA USER ID AND PASSWORD, PLEASE VISIT THE FSA WEBSITE, SELECT ON-LINE SERVICES IN THE TOP BANNER TO REGISTER OR CONTACT YOUR LOCAL FSA SERVICE CENTER. TO OBTAIN THE CONTACT INFORMATION FOR ANY COUNTY OFFICE FROM THE FSA WEBSITE, SELECT STATE OFFICES IN THE TOP BANNER AND THEN SELECT THE STATE, SELECT THE COUNTY OFFICE LINK AND THEN THE COUNTY YOU WISH TO CONTACT. THE DEBT COLLECTION IMPROVEMENT ACT OF 1996 (DCIA) (31 USC 3716) REQUIRES THE FEDERAL GOVERNMENT TO PROCESS ALL RECIPIENT PAYMENTS THROUGH THE TREASURY OFFSET PROGRAM (TOP). THE PAYMENT MAY BE OFFSET FOR ANY DELINQUENT FEDERAL DEBT.



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*RESPONDENT'S H*

1676 3 AY 0.882 Flats Seq: 1676 Sac: 23 74140

MARK SIEFRING  
 5819 TOWNSHIP LINE RD  
 COLDWATER OH 45828-8755



PROGRAM PAYMENT DETAIL FOR THIS PAYMENT:

	<u>REFERENCE#</u>	<u>AMOUNT</u>
2009 DIRECT PAYMENTS	0002380	\$642.00
2009 DCP DIRECT		

THIS IS HOW YOUR PROGRAM PAYMENT WAS APPLIED:

<u>REFERENCE#</u>	<u>AMOUNT</u>	<u>WITHHOLDING/OFFSET/ASSIGNMENT/PAYEE</u>	<u>DATE</u>
698173	\$642.00	COMMODITY CREDIT CORPORATION MERCER FSA OFFICE 220 W LIVINGSTON ST SUITE 2 CELINA, OH 45822-1632 (419)586-3149	10/13/2009
		TOTAL PAYMENT REDUCTIONS	\$642.00

DON001945



USDA CUSTOMER STATEMENTS AND FINANCIAL INQUIRIES INFORMATION CAN BE ACCESSED ONLINE FROM THE FARM SERVICE AGENCY WEBSITE AT: [HTTP://WWW.FSA.USDA.GOV/](http://www.fsa.usda.gov/). SELECT ON-LINE SERVICES IN THE TOP BANNER, THEN SELECT FINANCIAL INQUIRIES FOR PRODUCERS. FOR INFORMATION ON OBTAINING A USDA USER ID AND PASSWORD, PLEASE VISIT THE FSA WEBSITE, SELECT ON-LINE SERVICES IN THE TOP BANNER TO REGISTER OR CONTACT YOUR LOCAL FSA SERVICE CENTER. TO OBTAIN THE CONTACT INFORMATION FOR ANY COUNTY OFFICE FROM THE FSA WEBSITE, SELECT STATE OFFICES IN THE TOP BANNER AND THEN SELECT THE STATE, SELECT THE COUNTY OFFICE LINK AND THEN THE COUNTY YOU WISH TO CONTACT. THE DEBT COLLECTION IMPROVEMENT ACT OF 1996 (DCIA) (31 USC 3716) REQUIRES THE FEDERAL GOVERNMENT TO PROCESS ALL RECIPIENT PAYMENTS THROUGH THE TREASURY OFFSET PROGRAM (TOP). THE PAYMENT MAY BE OFFSET FOR ANY DELINQUENT FEDERAL DEBT.



*RESPONDENT'S I*



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Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 09-11-2008  
Time 11:31  
Statement Type B Original

Program 2008 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

Producer ID **REDACTED**

Disbursement Statement

RETAIN FOR TAX PURPOSES

Transaction Information

Reference Number(s)	Amount	STAT	Payment Description
Farm 3385 Transaction WE25500646	87.00		DIRECT PAYMENT - WHEAT
Farm 3385 Transaction WE25500648	409.00		DIRECT PAYMENT - CORN
Farm 3385 Transaction WE25500650	98.00		DIRECT PAYMENT - SOYBEANS
	594.00		Total Payments (Transactions)

Disbursement Information

Issue Date	ACH/Check	ASGN/JPYMT	RECVBL/Claim	Amount	Payee Name/CCC Debt Repaid
09-11-2008	D0141157			594.00	RONALD SIEFRING Funds to be deposited in: FIRST FINANCIAL BANK, NA
				594.00	Total Disbursements
				594.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Doris Marie Wil  
(Authorized Representative of CCC)

DON001947

RESPONDENT'S J

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Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 09-11-2008  
Time 11:22  
Statement Type B Original

Program 2008 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

RETAIN FOR TAX PURPOSES

Producer **REDACTED**

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380	Transaction	WE25500525	28.00		DIRECT PAYMENT - WHEAT
Farm 2380	Transaction	WE25500527	102.00		DIRECT PAYMENT - CORN
Farm 2380	Transaction	WE25500529	14.00		DIRECT PAYMENT - SOYBEANS
			144.00		Total Payments (Transactions)

Disbursement Information

<u>Issue Date</u>	<u>ACH/Check</u>	<u>ASGN/JPYMT</u>	<u>RECVBL/Claim</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
09-11-2008	D0141121			144.00	MARK SIEFRING
				144.00	Funds to be deposited in: FIRST FINANCIAL BANK, NA
				144.00	Total Disbursements
				144.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Doris Marie Will  
(Authorized Representative of CCC)

DON001948

RESPONDENT'S

12

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 09-11-2008

Program 2008 Direct/Counter Program  
Application Direct/Counter Program

Time 11:31

Statement Type B Original

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

Producer: **REDACTED**

Disbursement Statement

RETAIN FOR TAX PURPOSES

Transaction Information

Reference Number(s)	Amount	STAT	Payment Description
Farm 3385 Transaction WE25500645	87.00		DIRECT PAYMENT - WHEAT
Farm 3385 Transaction WE25500647	409.00		DIRECT PAYMENT - CORN
Farm 3385 Transaction WE25500649	98.00		DIRECT PAYMENT - SOYBEANS
	594.00		Total Payments (Transactions)

Disbursement Information

Issue	ACH/	ASGN/	RECVBL/	Amount	Payee Name/CCC Debt Repaid
Date	Check	JPYMT	Claim		
09-11-2008	D0141156			594.00	MARK SIEFRING Funds to be deposited in: FIRST FINANCIAL BANK, NA
				594.00	Total Disbursements
				594.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Doris Marie Will*  
(Authorized Representative of CCC)

DON001949

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

United States  
Department of  
Agriculture

Date 10-07-2008  
Time 08:05  
Statement Type B Original

Program 2008 Direct/Counter Program  
Application Direct/Counter Program

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

Producer **REDACTED**

Disbursement Statement

RETAIN FOR TAX PURPOSES

Transaction Information				Amount	STAT	Payment Description
Reference Number(s)						
Farm 2380	Transaction	WB28100520		99.00		DIRECT PAYMENT - WHEAT
Farm 2380	Transaction	WB28100522		363.00		DIRECT PAYMENT - CORN
Farm 2380	Transaction	WB28100524		49.00		DIRECT PAYMENT - SOYBEANS
				511.00		Total Payments (Transactions)

Disbursement Information				Amount	Payee Name/CCC Debt Repaid
Issue	ACH/	ASGN/	RECVBL/		
Date	Check	JPYMT	Claim		
10-07-2008	D0143060			511.00	MARK SIEFRING
				511.00	Funds to be deposited in: FIRST FINANCIAL BANK, NA
				511.00	Total Disbursements
					Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Donna Marie White  
(Authorized Representative of CCC)

DON001950

United States  
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Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-07-2008  
Time 09:14  
Statement Type B Original

Program 2008 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

RETAIN FOR TAX PURPOSES

Producer # **REDACTED**

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 3385	Transaction	WB28101230	308.00		DIRECT PAYMENT - WHEAT
Farm 3385	Transaction	WB28101232	1,448.00		DIRECT PAYMENT - CORN
Farm 3385	Transaction	WB28101234	346.00		DIRECT PAYMENT - SOYBEANS
			2,102.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JEYMT</u>	<u>Claim</u>		
10-07-2008	D0143429			2,102.00	MARK SIEFRING
					Funds to be deposited in: FIRST FINANCIAL BANK, NA
				2,102.00	Total Disbursements
				2,102.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Doris Marie Will*  
(Authorized Representative of CCC)

DON001951

United States  
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Date 10-07-2008  
Time 08:05  
Statement Type B Original

Program 2008 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer **REDACTED**

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380	Transaction	WB28100521	99.00		DIRECT PAYMENT - WHEAT
Farm 2380	Transaction	WB28100523	363.00		DIRECT PAYMENT - CORN
Farm 2380	Transaction	WB28100525	49.00		DIRECT PAYMENT - SOYBEANS
			511.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
10-07-2008	D0143061			511.00	RONALD SIEFRING
				511.00	Funds to be deposited in: FIRST FINANCIAL BANK, NA
				511.00	Total Disbursements
				511.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Doris Marie Will  
(Authorized Representative of CCC)

DON001952

Date 10-07-2008  
Time 09:14  
Statement Type B Original

Program 2008 Direct/Counter Program  
Application Direct/Counter Program

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

Producer ID: **REDACTED**

Disbursement Statement

RETAIN FOR TAX PURPOSES

Transaction Information

Reference Number(s)	Amount	STAT	Payment Description
Farm 3385 Transaction WB28101231	308.00		DIRECT PAYMENT - WHEAT
Farm 3385 Transaction WB28101233	1,448.00		DIRECT PAYMENT - CORN
Farm 3385 Transaction WB28101235	346.00		DIRECT PAYMENT - SOYBEANS
	2,102.00		Total Payments (Transactions)

Disbursement Information

Issue	ACH/	ASGN/	RECVBL/	Amount	Payee Name/CCC Debt Repaid
Date	Check	JPYMT	Claim		
10-07-2008	D0143430			2,102.00	RONALD SIEFRING Funds to be deposited in: FIRST FINANCIAL BANK, NA
				2,102.00	Total Disbursements
				2,102.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Doris Marie Wild*  
(Authorized Representative of CCC)

United States  
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MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
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Date 10-10-2007

Program 2007 Direct/Counter Program

Time 12:15

Application Direct/Counter Program

Statement Type B Original

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

RETAIN FOR TAX PURPOSES

Producer ID

REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 3385	Transaction	WF28302775	308.00		DIRECT PAYMENT - WHEAT
Farm 3385	Transaction	WF28302777	1,448.00		DIRECT PAYMENT - CORN
Farm 3385	Transaction	WF28302779	346.00		DIRECT PAYMENT - SOYBEANS
			2,102.00		Total Payments (Transactions)

Disbursement Information

<u>Issue Date</u>	<u>ACH/Check</u>	<u>ASGN/JPYMT</u>	<u>RECVBL/Claim</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
10-10-2007	D0137206			2,102.00	MARK SIEFRING Funds to be deposited in: FIRST FINANCIAL BANK, NA
				2,102.00	Total Disbursements
				2,102.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed

*Dan Maris Will*

(Authorized Representative of CCC)

DON001954

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Agriculture

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Date 10-10-2007  
Time 12:15  
Statement Type B Original

Program 2007 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

REDACTED

RETAIN FOR TAX PURPOSES

Producer ID

Disbursement Statement

Transaction Information

Reference Number(s)	Amount	STAF	Payment Description
Farm 3385 Transaction WF28302776	308.00		DIRECT PAYMENT - WHEAT
Farm 3385 Transaction WF28302778	1,448.00		DIRECT PAYMENT - CORN
Farm 3385 Transaction WF28302780	346.00		DIRECT PAYMENT - SOYBEANS
	2,102.00		Total Payments (Transactions)

Disbursement Information

Issue Date	ACH/Check	ASGN/JPYMT	RECVL/Claim	Amount	Payee Name/CCC Debt Repaid
10-10-2007	D0137207			2,102.00	RONALD SIEFRING
				2,102.00	Funds to be deposited in: FIRST FINANCIAL BANK, NA
				2,102.00	Total Disbursements
				2,102.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Doris Marie Will  
(Authorized Representative of CCC)

. DON001955

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
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Phone 419-586-3149

Date 10-10-2007  
Time 10:02  
Statement Type B Original

Program 2007 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

RETAIN FOR TAX PURPOSES

Producer ID: **REDACTED**

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>	<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380 Transaction WF28301986	99.00		DIRECT PAYMENT - WHEAT
Farm 2380 Transaction WF28301988	363.00		DIRECT PAYMENT - CORN
Farm 2380 Transaction WF28301990	49.00		DIRECT PAYMENT - SOYBEANS
	511.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
10-10-2007	D0135941			511.00	MARK SIEFRING
					Funds to be deposited in: FIRST FINANCIAL BANK, NA
				511.00	Total Disbursements
				511.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed

*Donna Marie Wild*  
(Authorized Representative of CCC)

DON001956

United States  
Department of  
Agriculture

Farm Service Agency

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SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-10-2007

Program 2007 Direct/Counter Program

Time 10:02

Application Direct/Counter Program

Statement Type B Original

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

REDACTED

RETAIN FOR TAX PURPOSES

Producer ID

Disbursement Statement

Transaction Information

Reference Number(s)	Amount	STAT	Payment Description
Farm 2380 Transaction WF28301987	99.00		DIRECT PAYMENT - WHEAT
Farm 2380 Transaction WF28301989	363.00		DIRECT PAYMENT - CORN
Farm 2380 Transaction WF28301991	49.00		DIRECT PAYMENT - SOYBEANS
	511.00		Total Payments (Transactions)

Disbursement Information

Issue Date	ACH/Check	ASGN/JPYMT	RECVBL/Claim	Amount	Payee Name/CCC Debt Repaid
10-10-2007	DD136942			511.00	RONALD SIEFRING
					Funds to be deposited in:
					FIRST FINANCIAL BANK, NA
				511.00	Total Disbursements
				511.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Doris Marie Will  
(Authorized Representative of CCC)

DON001957

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 02-20-2007  
Time 09:43  
Statement Type B Original

Program 2007 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

REDACTED

Producer ID

Disbursement Statement

RETAIN FOR TAX PURPOSES

<u>Transaction Information</u>				<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
<u>Reference Number(s)</u>						
Farm	3385	Transaction	WC05100261	87.00		DIRECT PAYMENT - WHEAT
Farm	3385	Transaction	WC05100263	409.00		DIRECT PAYMENT - CORN
Farm	3385	Transaction	WC05100265	98.00		DIRECT PAYMENT - SOYBEANS
				594.00		Total Payments (Transactions)

<u>Disbursement Information</u>				<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>		
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
02-20-2007	D0132765			594.00	RONALD SIEFRING
				594.00	Funds to be deposited in: FIRST FINANCIAL BANK, NA
				594.00	Total Disbursements
				594.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Shay A. Sanders*  
(Authorized Representative of CCC)

DON001958

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 02-20-2007  
Time 09:43  
Statement Type B Original

Program 2007 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

RETAIN FOR TAX PURPOSES

Producer ID REDACTED

Disbursement Statement

<u>Transaction Information</u>				<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
<u>Reference Number(s)</u>						
Farm	3385	Transaction	WC05100260	87.00		DIRECT PAYMENT - WHEAT
Farm	3385	Transaction	WC05100262	409.00		DIRECT PAYMENT - CORN
Farm	3385	Transaction	WC05100264	98.00		DIRECT PAYMENT - SOYBEANS
				594.00		Total Payments (Transactions)

<u>Disbursement Information</u>				<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>		
<u>Date</u>	<u>Check</u>	<u>JFYMT</u>	<u>Claim</u>		
02-20-2007	00132764			594.00	MARK SIEFRING
				594.00	Funds to be deposited in: FIRST FINANCIAL BANK, NA
				594.00	Total Disbursements
				594.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed

*Steph A. Sanders*

(Authorized Representative of CCC)

DON001959

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 02-20-2007  
Time 09:43

Program 2007 Direct/Counter Program  
Application Direct/Counter Program

Statement Type B Original

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

**REDACTED**

RETAIN FOR TAX PURPOSES

Producer ID

Disbursement Statement

Transaction Information

Reference Number(s)	Amount	STAT	Payment Description
Farm 2380 Transaction WC05100203	28.00		DIRECT PAYMENT - WHEAT
Farm 2380 Transaction WC05100205	102.00		DIRECT PAYMENT - CORN
Farm 2380 Transaction WC05100207	<u>14.00</u>		DIRECT PAYMENT - SOYBEANS
	144.00		Total Payments (Transactions)

Disbursement Information

Issue Date	ACH/Check	ASGN/JPYMT	RECVBL/Claim	Amount	Payee Name/CCC Debt Repaid
02-20-2007	D0132745			144.00	MARK SIEFRING Funds to be deposited in: FIRST FINANCIAL BANK, NA
				144.00	Total Disbursements
				144.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Kay A Sanders  
Authorized Representative of CCC)

DON001960

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 02-20-2007  
Time 09:43  
Statement Type B Original

Program 2007 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

Producer II **REDACTED**

Disbursement Statement

RETAIN FOR TAX PURPOSES

<u>Transaction Information</u>				<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
<u>Reference Number(s)</u>						
Farm	2380	Transaction	WC05100204	28.00		DIRECT PAYMENT - WHEAT
Farm	2380	Transaction	WC05100206	102.00		DIRECT PAYMENT - CORN
Farm	2380	Transaction	WC05100208	<u>14.00</u>		DIRECT PAYMENT - SOYBEANS
				144.00		Total Payments (Transactions)

<u>Disbursement Information</u>				<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>		
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
02-20-2007	D0132746			144.00	RONALD SIEFRING
				144.00	Funds to be deposited in: FIRST FINANCIAL BANK, NA
				144.00	Total Disbursements
				144.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Kay A. Sanders  
(Authorized Representative of CCC)

DON001961

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-04-2006

Program 2006 Direct/Counter Program

Time 08:43

Application Direct/Counter Program

Statement Type B Original

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer II

REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 3385	Transaction	WC27701360	197.00		DIRECT PAYMENT - WHEAT
Farm 3385	Transaction	WC27701362	928.00		DIRECT PAYMENT - CORN
Farm 3385	Transaction	WC27701364	222.00		DIRECT PAYMENT - SOYBEANS
			1,347.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
10-04-2006	D0127093			1,347.00	RONALD SIEFRING
					Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				1,347.00	Total Disbursements
				1,347.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed

*Doris Marie Will*  
(Authorized Representative of CCC)

DON001962

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-04-2006  
Time 08:02  
Statement Type B Original

Program 2006 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID **REDACTED**

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>	<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380 Transaction WC27700557	63.00		DIRECT PAYMENT - WHEAT
Farm 2380 Transaction WC27700559	233.00		DIRECT PAYMENT - CORN
Farm 2380 Transaction WC27700561	32.00		DIRECT PAYMENT - SOYBEANS
	328.00		Total Payments (Transactions)

Disbursement Information

<u>Issue Date</u>	<u>ACH/Check</u>	<u>ASGN/JPYMT</u>	<u>RECVBL/Claim</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
10-04-2006	D0126793			328.00	RONALD SIEFRING Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				328.00	Total Disbursements
				328.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Don Mainwile*  
(Authorized Representative of CCC)

DON001963

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-04-2006  
Time 08:43

Program 2006 Direct/Counter Program  
Application Direct/Counter Program

Statement Type B Original

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

RETAIN FOR TAX PURPOSES

Producer ID **REDACTED**

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>		<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 3385	Transaction WC27701359	197.00		DIRECT PAYMENT - WHEAT
Farm 3385	Transaction WC27701361	928.00		DIRECT PAYMENT - CORN
Farm 3385	Transaction WC27701363	222.00		DIRECT PAYMENT - SOYBEANS
		1,347.00		Total Payments (Transactions)

Disbursement Information

<u>Issue Date</u>	<u>ACH/Check</u>	<u>ASGN/JPYMT</u>	<u>RECVBL/Claim</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
10-04-2006	D0127092			1,347.00	MARK SIEFRING Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				1,347.00	Total Disbursements
				1,347.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Doris Marie Weil*  
(Authorized Representative of CCC)

DON001964

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-04-2006  
Time 08:02  
Statement Type B Original

Program 2006 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

RETAIL FOR TAX PURPOSES

Producer ID

REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380	Transaction	WC27700556	63.00		DIRECT PAYMENT - WHEAT
Farm 2380	Transaction	WC27700558	233.00		DIRECT PAYMENT - CORN
Farm 2380	Transaction	WC27700560	32.00		DIRECT PAYMENT - SOYBEANS
			328.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
10-04-2006	D0126792			328.00	MARK SIEFRING
					Funds to be deposited in:
					COMMUNITY FIRST BANK & TRUST
				328.00	Total Disbursements
				328.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Debra Marie Will  
(Authorized Representative of CCC)

DON001965

United States  
Department of  
Agriculture

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MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 01-31-2006

Time 09:51

Statement Type B Original

Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-9712

RETAIN FOR TAX PURPOSES

Producer ID

REDACTED

Disbursement Statement

Transaction Information

Reference Number(s)	Amount	STAT	Payment Description
Farm 3385 Transaction WB03100338	198.00		DIRECT PAYMENT - WHEAT
Farm 3385 Transaction WB03100340	929.00		DIRECT PAYMENT - CORN
Farm 3385 Transaction WB03100342	222.00		DIRECT PAYMENT - SOYBEANS
	1,349.00		Total Payments (Transactions)

Disbursement Information

Issue Date	ACH/Check	ASGN/JPYMT	RECVBL/Claim	Amount	Payee Name/CCC Debt Repaid
01-31-2006	D0122397			1,349.00	MARK SIEFRING
					Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				1,349.00	Total Disbursements
				1,349.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Doris Marie Witt*  
(Authorized Representative of CCC)

DON001966

United States  
Department of  
Agriculture

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220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 01-31-2006

Time 09:51

Statement Type B Original

Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-9712

RETAIN FOR TAX PURPOSES

Producer ID

REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380	Transaction	WB03100273	64.00		DIRECT PAYMENT - WHEAT
Farm 2380	Transaction	WB03100275	232.00		DIRECT PAYMENT - CORN
Farm 2380	Transaction	WB03100277	31.00		DIRECT PAYMENT - SOYBEANS
			327.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
01-31-2006	D0122377			327.00	MARK SIEFRING
					Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				327.00	Total Disbursements
				327.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed

*Donna Marie Will*  
(Authorized Representative of CCC)

DON001967

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 01-31-2006  
Time 09:51  
Statement Type B Original

Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID REDACTED

Disbursement Statement

Transaction Information

Reference Number(s)	Amount	STAT	Payment Description
Farm 2380 Transaction WB03100274	54.00		DIRECT PAYMENT - WHEAT
Farm 2380 Transaction WB03100276	232.00		DIRECT PAYMENT - CORN
Farm 2380 Transaction WB03100278	31.00		DIRECT PAYMENT - SOYBEANS
	327.00		Total Payments (Transactions)

Disbursement Information

Issue Date	ACH/Check	ASGN/JPYMT	RECVBL/Claim	Amount	Payee Name/CCC Debt Repaid
01-31-2006	DD122378			327.00	RONALD SIEFRING Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				327.00	Total Disbursements
				327.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Donis Marie Will  
(Authorized Representative of CCC)

DON001968

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 01-31-2006  
Time 09:51  
Statement Type B Original

Program 2006 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID REDACTED

Disbursement Statement

Transaction Information				Amount	STAT	Payment Description
Reference Number(s)						
Farm 3385	Transaction	WB03100339		198.00		DIRECT PAYMENT - WHEAT
Farm 3385	Transaction	WB03100341		929.00		DIRECT PAYMENT - CORN
Farm 3385	Transaction	WB03100343		222.00		DIRECT PAYMENT - SOYBEANS
				1,349.00		Total Payments (Transactions)

Disbursement Information				Amount	Payee Name/CCC Debt Repaid
Issue	ACH/	ASGN/	RECVBL/		
Date	Check	JPYMT	Claim		
01-31-2006	D0122398			1,349.00	RONALD SIEFRING
				1,349.00	Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				1,349.00	Total Disbursements
				1,349.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Dois Marie Will  
(Authorized Representative of CCC)

DON001969

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-06-2006  
Time 10:10  
Statement Type B Original

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID **REDACTED**

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 3385	Transaction	Y827901309	2,322.00		COUNTER CYCLICAL PAYMENT - CORN
			2,322.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JFYMT</u>	<u>Claim</u>		
10-06-2006	D0129974			2,322.00	RONALD SIEFRING
					Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				2,322.00	Total Disbursements
				2,322.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed

*Doris M. ...*  
(Authorized Representative of CCC)

DON001970

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-06-2006  
Time 08:52  
Statement Type B Original

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380	Transaction	Y827901024	581.00		COUNTER CYCLICAL PAYMENT - CORN
			581.00		Total Payments (Transactions)

Disbursement Information

<u>Issue Date</u>	<u>ACH/Check</u>	<u>ASGN/JPYMT</u>	<u>RECVBL/Claim</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
10-06-2006	D0129698			581.00	RONALD SIEFRING
					Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				581.00	Total Disbursements
				581.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed

*Doni Marie Wilf*  
(Authorized Representative of CCC)

DON001971

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-06-2006  
Time 08:52  
Statement Type B Original

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

RETAIN FOR TAX PURPOSES

Producer ID **REDACTED**

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm	2380	Transaction	Y827901023	581.00	COUNTER CYCLICAL PAYMENT - CORN
				581.00	Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
10-06-2006	D0129697			581.00	MARK SIEFRING
					Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				581.00	Total Disbursements
				581.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Donis Marie Will  
(Authorized Representative of CCC)

DON001972

United States  
Department of  
Agriculture

Farm Service Agency

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220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-06-2006  
Time 10:10  
Statement Type B Original

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-8755

RETAIN FOR TAX PURPOSES

Producer ID . REDACTED

Disbursement Statement

Transaction Information

Reference Number(s)	Transaction	Amount	STAT	Payment Description
Farm 3385	Y827901308	2,322.00		COUNTER CYCLICAL PAYMENT - CORN
		2,322.00		Total Payments (Transactions)

Disbursement Information

Issue Date	ACH/Check	ASGN/JPYMT	RECVBL/Claim	Amount	Payee Name/CCC Debt Repaid
10-06-2006	D0129973			2,322.00	MARK SIEFRING Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				2,322.00	Total Disbursements
				2,322.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Doris Marie Will*  
(Authorized Representative of CCC)

DON001973

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 02-24-2005  
Time 08:26

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

Statement Type B Original

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID

REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380	Transaction	WB05500416	64.00		DIRECT PAYMENT - WHEAT
Farm 2380	Transaction	WB05500418	232.00		DIRECT PAYMENT - CORN
Farm 2380	Transaction	WB05500420	31.00		DIRECT PAYMENT - SOYBEANS
			327.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>	
02-24-2005	D0112620			327.00
				327.00
				327.00

Payee Name/CCC Debt Repaid  
RONALD SIEFRING  
Funds to be deposited in:  
COMMUNITY FIRST BANK & TRUST

Total Disbursements

Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Doris Marie Will  
(Authorized Representative of CCC)

\*\*\* End of Report \*\*\*

DON001974

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 02-24-2005

Program 2005 Direct/Counter Program

Time 08:35

Application Direct/Counter Program

Statement Type B Original

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID : REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 3385	Transaction	WB05500535	198.00		DIRECT PAYMENT - WHEAT
Farm 3385	Transaction	WB05500537	929.00		DIRECT PAYMENT - CORN
Farm 3385	Transaction	WB05500539	222.00		DIRECT PAYMENT - SOYBEANS
			1,349.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
02-24-2005	D0112658			1,349.00	RONALD SIEFRING
					Funds to be deposited in:
					COMMUNITY FIRST BANK & TRUST
				1,349.00	Total Disbursements
				1,349.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Donna Marie Will  
(Authorized Representative of CCC)

DON001975

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 02-24-2005  
Time 08:26  
Statement Type B Original

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-9712

RETAIN FOR TAX PURPOSES

Producer ID .

REDACTED

Disbursement Statement

Transaction Information

Reference Number(s)	Amount	STAT	Payment Description
Farm 2380 Transaction WB05500415	64.00		DIRECT PAYMENT - WHEAT
Farm 2380 Transaction WB05500417	232.00		DIRECT PAYMENT - CORN
Farm 2380 Transaction WB05500419	31.00		DIRECT PAYMENT - SOYBEANS
	327.00		Total Payments (Transactions)

Disbursement Information

Issue Date	ACH/Check	ASGN/JPYMT	RECVBL/Claim	Amount	Payee Name/CCC Debt Repaid
02-24-2005	D0112619			327.00	MARK SIEFRING Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				327.00	Total Disbursements
				327.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Donna Marie Will  
(Authorized Representative of CCC)

DON001976

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 02-24-2005  
Time 08:35

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Statement Type B Original

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-9712

RETAIN FOR TAX PURPOSES

Producer II

REDACTED

Disbursement Statement

<u>Transaction Information</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
<u>Reference Number(s)</u>					
Farm 3385	Transaction	WB05500534	198.00		DIRECT PAYMENT - WHEAT
Farm 3385	Transaction	WB05500536	929.00		DIRECT PAYMENT - CORN
Farm 3385	Transaction	WB05500538	222.00		DIRECT PAYMENT - SOYBEANS
			1,349.00		Total Payments (Transactions)

<u>Disbursement Information</u>				<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>		
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
02-24-2005	D0112657			1,349.00	MARK SIEFRING
				1,349.00	Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
					Total Disbursements
				1,349.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed Doris Marie Will  
(Authorized Representative of CCC)

DON001977

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-13-2005  
Time 09:11  
Statement Type B Original

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380	Transaction	WF28600565	63.00		DIRECT PAYMENT - WHEAT
Farm 2380	Transaction	WF28600567	233.00		DIRECT PAYMENT - CORN
Farm 2380	Transaction	WF28600569	32.00		DIRECT PAYMENT - SOYBEANS
			328.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
10-13-2005	00118844			328.00	RONALD SIEFRING Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				328.00	Total Disbursements
				328.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Doris Meriali*  
(Authorized Representative of CCC)

DON001978

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-13-2005  
Time 10:50  
Statement Type B Original

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID

REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAI</u>	<u>Payment Description</u>
Farm 3385	Transaction	WF28601383	197.00		DIRECT PAYMENT - WHEAT
Farm 3385	Transaction	WF28601385	928.00		DIRECT PAYMENT - CORN
Farm 3385	Transaction	WF28601387	222.00		DIRECT PAYMENT - SOYBEANS
			1,347.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>		
10-13-2005	00119073			1,347.00	RONALD SIEFRING
					Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				1,347.00	Total Disbursements
				1,347.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Doris Marie Wells*  
(Authorized Representative of CCC)

DON001979

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-13-2005  
Time 10:50  
Statement Type B Original

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-9712

RETAIN FOR TAX PURPOSES

Producer ID

REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>		<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 3385	Transaction WF28601382	197.00		DIRECT PAYMENT - WHEAT
Farm 3385	Transaction WF28601384	928.00		DIRECT PAYMENT - CORN
Farm 3385	Transaction WF28601386	222.00		DIRECT PAYMENT - SOYBEANS
		1,347.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>	<u>Amount</u>	<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPKT</u>	<u>Claim</u>		
10-13-2005	00119072			1,347.00	MARK SIEFRING
					Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				1,347.00	Total Disbursements
				1,347.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed *Doris Maurer*  
(Authorized Representative of CCC)

DON001980

United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 10-13-2005  
Time 09:11  
Statement Type B Original

Program 2005 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: MARK SIEFRING  
5819 TOWNSHIP LINE RD  
COLDWATER, OH 45828-9712

RETAIN FOR TAX PURPOSES

Producer ID

REDACTED

Disbursement Statement

Transaction Information

<u>Reference Number(s)</u>			<u>Amount</u>	<u>STAT</u>	<u>Payment Description</u>
Farm 2380	Transaction	WF28600564	63.00		DIRECT PAYMENT - WHEAT
Farm 2380	Transaction	WF28600566	233.00		DIRECT PAYMENT - CORN
Farm 2380	Transaction	WF28600568	32.00		DIRECT PAYMENT - SOYBEANS
			328.00		Total Payments (Transactions)

Disbursement Information

<u>Issue</u>	<u>ACH/</u>	<u>ASGN/</u>	<u>RECVBL/</u>		<u>Payee Name/CCC Debt Repaid</u>
<u>Date</u>	<u>Check</u>	<u>JPYMT</u>	<u>Claim</u>	<u>Amount</u>	
10-13-2005	00118843			328.00	MARK SIEFRING
					Funds to be deposited in: COMMUNITY FIRST BANK & TRUST
				328.00	Total Disbursements
				328.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed

*Donna Mavis Hill*  
(Authorized Representative of CCC)

DON001981

RESPONDENT'S L

PAYER'S Name, Street address, City, State, ZIP code, and Telephone No. PRODUCERS AGRICULTURE INS P.O. BOX 229 AMARILLO TX 79105 888-570-7067		1 Rents \$	OMB No. 1545-0115  2008 Form 1099-MISC		Miscellaneous Income
PAYER'S Federal Identification Number 810368291		2 Royalties \$	4 Federal income tax withheld \$		Copy B For Recipient
RECIPIENT'S Federal Identification Number REDACTED		3 Other Income \$	6 Medical and health care payments \$		
RECIPIENT'S Name and Address  JEFF SIEFRING  5819 TWP LINE COLDWATER OH 45828		5 Fishing boat proceeds \$	8 Substitute payment in lieu of dividends or interest \$		This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
Account Number (see instructions) FARMER M2008399877450233701		7 Nonemployee compensation \$	10 Crop insurance proceeds \$ 34,409.00		
15a Section 409A deferrals \$		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale -> <input type="checkbox"/>	11 12		
15b Section 409A income \$		13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$		
16 State tax withheld \$		17 State/Payer's state no.		18 State income \$	

Form 1099-MISC

(Keep for your records)

Department of the Treasury - Internal Revenue Service

DON001982

**Instructions to Recipients**

Account number. May show an account or other unique number the payer assigned to distinguish your account.

Amounts shown may be subject to self-employment (SE) tax. If your net income from self-employment is \$400 or more, you must file a return and compute your SE tax on Schedule SE (Form 1040). See Pub.334, Tax Guide for Small Business, for more information. If no income or social security and Medicare taxes were withheld and you are still receiving these payments; see Form 1040-ES, Estimated Tax for Individuals. Individuals must report as explained for Box 7 below. Corporations, fiduciaries, or partnerships report the amounts on the proper line of your tax return.

Boxes 1 and 2. Report rents from real estate on Schedule E (Form 1040). If you provided significant services to the tenant, sold real estate as a business, or rented personal property as a business, report on Schedule C or C-EZ (Form 1040). For royalties on timber, coal, and iron ore, see Pub.544, Sales and Other Dispositions of Assets.

Box 3. Generally, report this amount on the "Other income" line of Form 1040 and identify the payment. The amount shown may be payments received as the beneficiary of a deceased employee, prizes, awards, taxable damages, Indian gaming profits, payments made by employers to former employees who are serving in the Armed Forces or the National Guard, or other taxable income. See Pub 525, Taxable and Nontaxable Income. If it is trade or business income, report this amount on Schedule C, C-EZ, or F (Form 1040).

Box 4. Shows backup withholding or withholding on Indian gaming profits. Generally, a payer must backup withhold at a 28% rate if you did not furnish your taxpayer identification number. See Form W-9, Request for Taxpayer Identification Number and Certification, for more information. Report this amount on your income tax return as tax withheld.

Box 5. An amount in this box means the fishing boat operator considers you self-employed. Report this amount on Schedule C or C-EZ (Form 1040). See Pub. 334.

Box 6. For individuals, report on Schedule C or C-EZ (Form 1040).

Box 7. Shows nonemployee compensation. If you are in the trade or business of catching fish, box 7 may show cash you received for the sale of fish. If payments in this box are SE income, report this amount on Schedule C, C-EZ, or F (Form 1040), and complete Schedule SE (Form 1040). You received this form instead of Form W-2 because the payer did not consider you an employee and did not withhold income tax of social security and Medicare taxes. Contact the payer if you believe this form is incorrect or has been issued in error. If you believe you are an employee, call the IRS for information on how to any social security and Medicare taxes see form 8919, Uncollected Social Security and Medicare Taxes on Wages.

Box 8. Shows substitute payments in lieu of dividends or tax-exempt interest received by your broker on your behalf as a result of a loan of your securities. Report on the "Other income" line of Form 1040.

Box 9. If checked, \$5,000 or more of sales of consumer products was paid to you on a buy-sell, deposit-commission, or other basis. A dollar amount does not have to be shown. Generally, report any income from your sale of these products on Schedule C or C-EZ (Form 1040).

Box 10. Report this amount on line 8 of Schedule F (Form 1040).

Box 13. Shows your total compensation of excess golden parachute payments subject to a 20% excise tax. See the Form 1040 instructions for where to report.

Box 14. Shows gross proceeds paid to an attorney in connection with legal services. Report only the taxable part as income on your return.

Box 15a. Shows current year deferrals as a nonemployee under a nonqualified deferred compensation (NQDC) plan that is subject to the requirements of section 409. Any earnings on current and prior year deferrals are also be reported.

Box 15b. Shows income as a nonemployee under a NQDC plan that does not meet the requirements of section 409A. This amount is also included in box 7 as nonemployee compensation. Any amount included in box 15a that is currently taxable is also included in this box. This income is also subject to a substantial additional tax to be reported on Form 1040. See "Total Tax" in the Form 1040 instructions.

Boxes 16-18. Shows state or local income tax withheld from the payments.

CORRECTED (if checked)

PAYER'S name, street address, city, state, ZIP code, and telephone no.  NAU COUNTRY INSURANCE 7333 SUNWOOD DRIVE RAMSEY, MN 55303		1 Rents \$	OMB No. 1545-0115  <b>2006</b> Form 1099-MISC		Miscellaneous Income  Copy B For Recipient
PAYER'S federal identification number 42-1265237		2 Royalties \$	3 Other income \$	4 Federal income tax withheld \$	
RECIPIENT'S identification number REDACTED	5 Fishing boat proceeds \$	6 Medical and health care payments \$	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.		
RECIPIENT'S name  Jeff Sieftring 5819 Township Line Rd Coldwater OH 45828-8755  [Barcode]	7 Nonemployee compensation \$	8 Substitute payments in lieu of dividends or interest \$			
Account number (see instructions)	11 [Redacted]	12 [Redacted]			13 Excess golden parachute payments \$
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	14 Gross proceeds paid to an attorney \$	17 State/Payer's state no.	18 State income \$

Form 1099-MISC

(keep for your records)

Department of the Treasury - Internal Revenue Service

**Instructions to Recipients**

**Account number.** May show an account or other unique number the payer assigned to distinguish your account.

**Amounts shown may be subject to self-employment (SE) tax.** If your net income from self-employment is \$400 or more, you must file a return and compute your SE tax on Schedule SE (Form 1040). See Pub. 533, Self-Employment Tax, for more information. If no income or social security and Medicare taxes were withheld and you are still receiving these payments, see Form 1040-ES, Estimated Tax for Individuals. Individuals must report as explained below. Corporations, fiduciaries, or partnerships report the amounts on the proper line of your tax return.

**Boxes 1 and 2.** Report rents from real estate on Schedule E (Form 1040). If you provided significant services to the tenant, sold real estate as a business, or rented personal property as a business, report on Schedule C or C-EZ (Form 1040). For royalties on timber, coal, and iron ore, see Pub. 544, Sales and Other Dispositions of Assets.

**Box 3.** Generally, report this amount on the "Other income" line of Form 1040 and identify the payment. The amount shown may be payments received as the beneficiary of a deceased employee, prizes, awards, taxable damages, Indian gaming profits, or other taxable income. See Pub. 525, Taxable and Nontaxable Income. If it is trade or business income, report this amount on Schedule C, C-EZ, or F (Form 1040).

**Box 4.** Shows backup withholding or withholding on Indian gaming profits. Generally, a payer must backup withhold at a 28% rate if you did not furnish your taxpayer identification number. See Form W-9, Request for Taxpayer Identification Number and Certification, for more information. Report this amount on your income tax return as tax withheld.

**Box 5.** An amount in this box means the fishing boat operator considers you self-employed. Report this amount on Schedule C or C-EZ (Form 1040). See Pub. 595, Tax Highlights for Commercial Fishermen.

**Box 6.** Report on Schedule C or C-EZ (Form 1040).

**Box 7.** Shows nonemployee compensation. If you are in the trade or business of catching fish, box 7 may show cash you received for the sale of fish. If payments in this box are SE income, report this amount on Schedule C, C-EZ, or F (Form 1040), and complete Schedule SE (Form 1040). You received this form instead of Form W-2 because the payer did not consider you an employee and did not withhold income tax or social security and Medicare taxes. Contact the payer if you believe this form is incorrect or has been issued in error. If you believe you are an employee, report this amount on line 7 of Form 1040 and call the IRS for information on how to report any social security and Medicare taxes.

**Box 8.** Shows substitute payments in lieu of dividends or tax-exempt interest received by your broker on your behalf as a result of a loan of your securities. Report on the "Other income" line of Form 1040.

**Box 9.** If checked, \$5,000 or more of sales of consumer products was paid to you on a buy-sell, deposit-commission, or other basis. A dollar amount does not have to be shown. Generally, report any income from your sale of these products on Schedule C or C-EZ (Form 1040).

**Box 10.** Report this amount on line 8 of Schedule F (Form 1040).

**Box 13.** Shows your total compensation of excess golden parachute payments subject to a 20% excise tax. See the Form 1040 instructions for where to report.

**Box 14.** Shows gross proceeds paid to an attorney in connection with legal services. Report only the taxable part as income on your return.

**Box 15a.** Shows current year deferrals as a nonemployee under a section 409A nonqualified deferred compensation (NQDC) plan. Any earnings on current and prior year deferrals must also be reported.

**Box 15b.** Shows income as a nonemployee under a NQDC plan that does not meet the requirements of section 409A. This amount is also included in box 7 as nonemployee compensation. Any amount included in box 15a that is currently taxable is also included in this box. This income is also subject to a substantial additional tax to be reported on Form 1040. See "Total Tax" in the Form 1040 instructions.

**Boxes 16-18.** Shows state or local income tax withheld from the payments.

DON001983

RESPONDENTS M

# Know all Men by these Presents

That **TOM W. MCMILLAN and SHARON A. MCMILLAN, Husband and wife,**  
of **Mercer** County, Ohio,

in consideration of **One dollar (\$1.00) and other good and valuable considerations**

to them in hand paid by **MARK SIEFRING and RONALD SIEFRING,**  
whose address is **2789 State Route 219, Coldwater, Ohio 45828**  
do hereby Grant, Bargain, Sell and Convey

to the said **MARK SIEFRING and RONALD SIEFRING, their**

**heirs and assigns forever, the following described Real Estate, situate in the Township of Washington in the County of Mercer and the State of Ohio**, and bounded and described as follows, to-wit:

Being the North one-half (1/2) of the Northeast Quarter (1/4) of Section Thirteen (13), Town Six (6) South, Range One (1) East, Washington Township, Mercer County, Ohio, containing Eighty (80) acres of land, more or less, subject to all easements, restrictions, limitations and conditions imposed thereon and all legal highways.

The Grantor and Grantee of this deed have complied with the provisions of Sec 19.701 Roger A. Schickelmann, Mercer County Auditor

APR 14 1989  
MERCER COUNTY  
TAX DEPARTMENT  
by ERE

Grantees herein assume and agree to pay the June (July), 1989, installment of taxes and assessments hereon and thereafter as part of the consideration herein.

Last Transfer Deed Record Volume 245, Page 275.

and all the Estate, Right, Title and Interest of the said grantor's in and to said premises. We have and to hold the same, with all the privileges and appurtenances thereunto belonging, to said grantee's, their heirs and assigns forever.

And the said **TOM W. MCMILLAN and SHARON A. MCMILLAN, Husband and wife,**

do hereby Covenant and Warrant that the title so conveyed is Clear, Free and Unincumbered, and that they will defend the same against all lawful claims of all persons whomsoever, except for taxes and assessments beginning with the July, 1989, installment hereon and thereafter.

DON001086

In Witness Whereof, the said TOM W. McMILLAN and SHARON A. McMILLAN, Husband and Wife.

...who hereby release their right and expectancy of dower in said premises, have hereunto set their hands, this BTH day of April, in the year A. D. nineteen hundred and Eighty-nine (1989). Signed and acknowledged in presence of us.

Witness EARNEST J. DICERHATE

TOM W. McMILLAN

Witness JOHN W. SACHER

SHARON A. McMILLAN

State of Ohio, Mercer County, ss. On this BTH day of April, A. D. 19 89, before me, a NOTARY PUBLIC TOM W. McMILLAN and SHARON A. McMILLAN, Husband and Wife,

acknowledged the signing thereof to be their voluntary act and deed. Witness my official signature and seal on the day last above mentioned.



JOHN W. SACHER NOTARY PUBLIC, STATE OF OHIO.

State of County, ss. On this day of A. D. 19 before me, a the grantor in the foregoing deed, and voluntary act and deed. Witness my official signature and seal on the day last above mentioned.

This instrument prepared by JOHN W. SACHER, ATTORNEY AT LAW, CELINA, OHIO 45822.

21076 Warranty Deed

TOM W. McMILLAN and SHARON A. McMILLAN, Husband and Wife, Mercer County, Ohio

TO MARK SIEFFERT and RONALD SIEFFERT 2789 State Route 219, Colabwater, Ohio 45823

TRANSFERRED APR 14 1989 COUNTY AUDITOR ROGER A. SCHWIETZMAN COUNTY AUDITOR MERCER COUNTY, OHIO

PRESENTED FOR RECORD On the 14 day of April, 1989 at 3:01 o'clock P.M. recorded Book 1719 89 In Mercer Co, Ohio, Record of Deeds Patricia E. Goolsby Recorder - Mercer Co., OHIO Jan 10, 02 Vol. 309 pg. 660-61

LAW OFFICES JOHN W. SACHER 110 WEST MARKET STREET CELINA, OHIO 45822

DON001087

**WARRANTY DEED**  
**KNOW ALL MEN BY THESE PRESENTS:**

THAT MARK A. SIEFRING, an unmarried man, GRANTOR, of Mercer County, Ohio, for valuable consideration does hereby GRANT, BARGAIN, SELL, AND CONVEY to the said RONALD J. SIEFRING and CAROL L. SIEFRING, 6973 Township Line Rd., Celina, Ohio, 45822, GRANTEES, their heirs and assigns forever, the following described REAL ESTATE, in the Township of Washington, County of Mercer, State of Ohio, and being more particularly described as follows:

Being the North One-Half (1/2) of the Northeast Quarter (1/4) of Section One (1), Town Six (6) South, Range One (1) East, Washington Township, Mercer County, Ohio, containing Eighty (80) acres of land, more or less, subject to all legal highways.

Deed Reference: Volume 261, Page 907, Mercer County Official Records.

Tax ID # 92-000100-0000 7-1-200-001

Grantor shall pay the real estate tax installment due in July 2005 and Grantees shall pay all taxes thereafter.

and all the ESTATE, RIGHT, TITLE AND INTEREST of the said Grantor in and to the said premises; TO HAVE AND TO HOLD the same, with all the privileges and appurtenances thereunto belonging, to said Grantees, their heirs and assigns forever.

And the said MARK A. SIEFRING does hereby COVENANT AND WARRANT that the title so conveyed is CLEAR, FREE AND UNENCUMBERED, and that he will DEFEND the same against all lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said MARK A. SIEFRING, unmarried, hereby sets his hands, this 14th day of February, 2005.

Signed and acknowledged before:

Paul E. Howell  
Witness - Paul E. Howell

Mark A. Siefring  
MARK A. SIEFRING

Lisa M. Severt  
Witness - Lisa M. Severt

DESCRIPTION  
SUFFICIENT  
FOR TAX MAPPING PURPOSES

FEB 17 2005

MERCER COUNTY  
TAX MAP DEPARTMENT

DON001084

RESPONDENT'S N

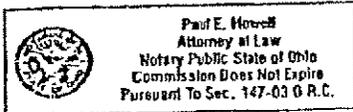
Instrument Book Page  
200500001035 OR 195 2682

STATE OF OHIO

COUNTY OF MERCER SS.

BE IT REMEMBERED, THAT on the 16th day of February, 2005, before me, the subscriber, a notary public in and for said state, personally came MARK A. SIEFRING, the grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act, for the uses and purposes therein mentioned.

SEAL



Paul E. Howell  
Notary Public

Instrument Prepared By: Paul E. Howell & Co., L.P.A.  
Attorney at Law  
420 South First St  
Coldwater, OH 45828  
(419) 678-7111

200500001035  
Filed for Record in  
MERCER COUNTY, OHIO  
TAMARA K BARGER  
02-17-2005 at 10:25 am.  
WARRANTY DEED 28.00  
OR Book 195 Page 2681 - 2682

AUDITOR'S STAMPS

200500001035  
HOWELL  
FILE

TRANSFERRED

FEB 17 2005

MARK GIESIGO  
COUNTY AUDITOR  
MERCER COUNTY, OHIO

Exemption paragraph, non-lyonance-fee EM  
The Grantor and Grantee of this deed have  
accepted the provisions of R. C. Sec.  
519, 202 Mark Giesigo Mercer  
County Auditor.

KP 2-17-05  
Deputy Aud. Date

DON001085

Respondents' 0

AFFIDAVIT OF MARK SIEFRING

STATE OF OHIO )  
 ) ss:  
COUNTY OF MERCER )

My name is Mark Siefring. I am over the age of 21, and I am competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct. I state as follows:

1. I am a Relator in this mandamus action seeking compensation for the property taken by Respondents Ohio Department of Natural Resources and Sean D. Logan, Director (collectively "ODNR").

2. Specifically, I am an owner of real estate described as Mercer County Parcel Numbers 42-001000.0100 and 42-020000.0000.

3. I have owned since 1995 Mercer County Parcel Number 42-001000.0100.

4. I have owned since 1989 Mercer County Parcel Number 42-020000.0000.

5. Mercer County Parcel Number 42-020000.0000 lies on the Kittle Ditch tributary to the Beaver Creek.

6. Mercer County Parcel Number 42-001000.0100 lies on Baker Menchofer Creek tributary to the Beaver Creek.

7. Since ODNR replaced the western spillway of Grand Lake St. Mary's in 1997 and undertook its current lake level management practices, which include maintaining increased lake levels and use of the western spillway for virtually all water flow out of Grand Lake St. Mary's, Mercer County Parcel Numbers 42-001000.0100 and 42-020000.0000 have been subject to continuing, persistent, frequent, and inevitable increased severe flooding from the western spillway of Grand Lake St. Mary's.

DON000636

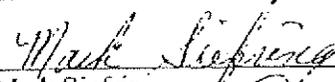
aerial from the Mercer County Auditor's website of Mercer County Parcel Number 42-020000.0000 is attached hereto as Exhibit 2. I have shaded in the area of the parcel that was flooded in 2003.

13. Mercer County Parcel Numbers 42-001000.0100 and 42-020000.0000 also experienced severe flooding in 2005.

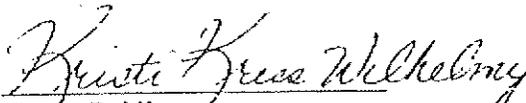
14. As a direct result of the flooding, Mercer County Parcel Numbers 42-001000.0100 and 42-020000.0000 have suffered damage in the form of crop losses, field erosion, bank erosion (only Parcel Number 42-001000.0100), the deposit of debris and soil compaction.

15. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Number 42-001000.0100 and 42-020000.0000.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
Mark Siefring

Sworn in my presence and subscribed before me this 24<sup>th</sup> day of August, 2009.

  
\_\_\_\_\_  
Notary Public

KRISTIKRESS WELHELMY  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 O.R.C.

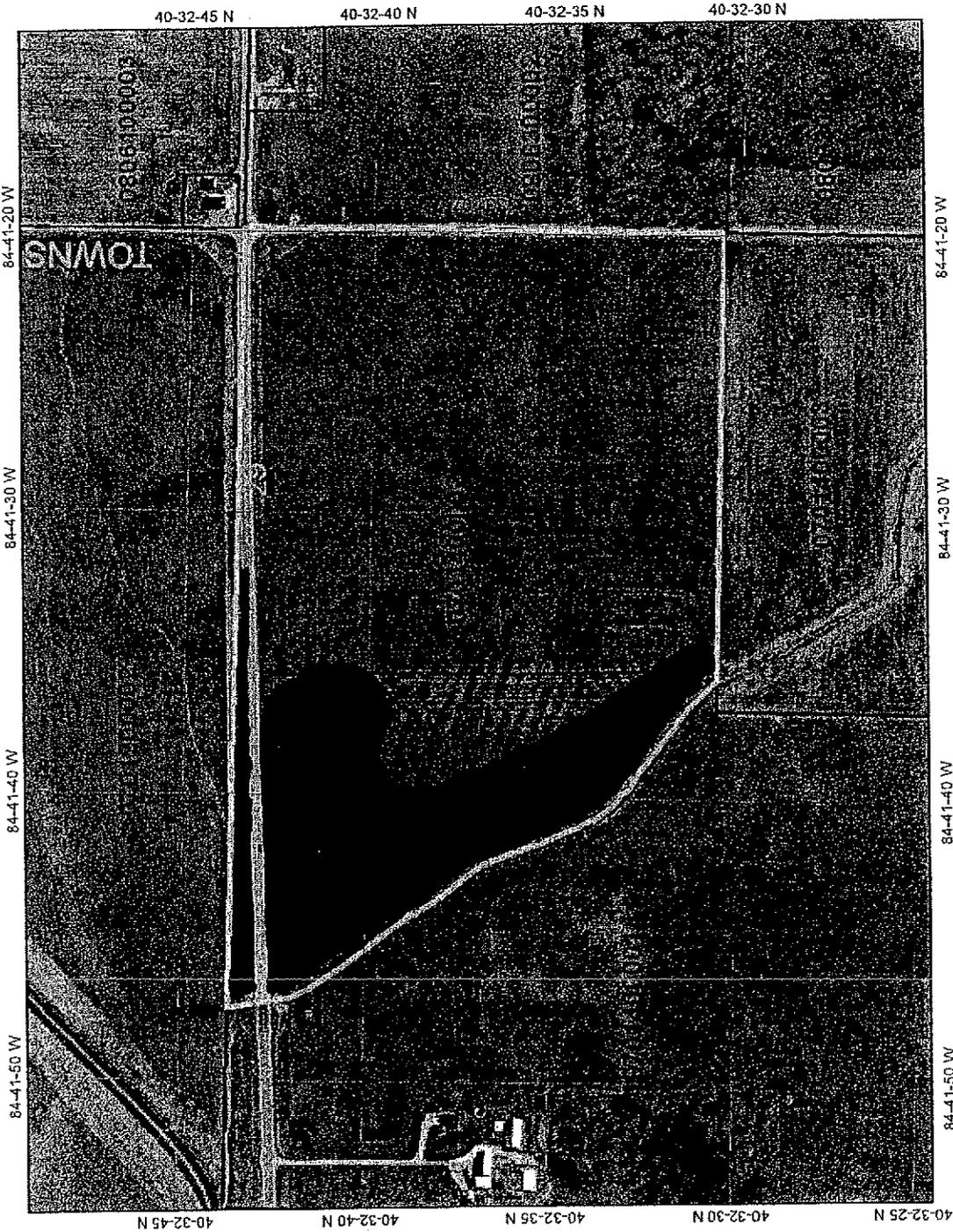


DON000638

**EXHIBIT 1**  
**TO**  
**AFFIDAVIT OF MARK SIEFRING**

| DON000639

# Mercer County Ohio



## Legend

### Administrative

- Townships
- Neighborhoods

### Parcels

- Parcels

### Transportation

- State Highways
- US Highways

### Water

- Lake
- Streams

tabbles  
**EXHIBIT**  
**1**



Scale: 1:5,300

Map center: 1359181, 327167

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Mark Siefiring and Carol L. Siefiring  
-0- St. Rt. 29  
Parcel No.: 42-001000.0100 -- 52.5 acres



Legend

Administrative

- Townships
- Neighborhoods

Parcels

- Parcels

Transportation

- State Highways
- US Highways

Water

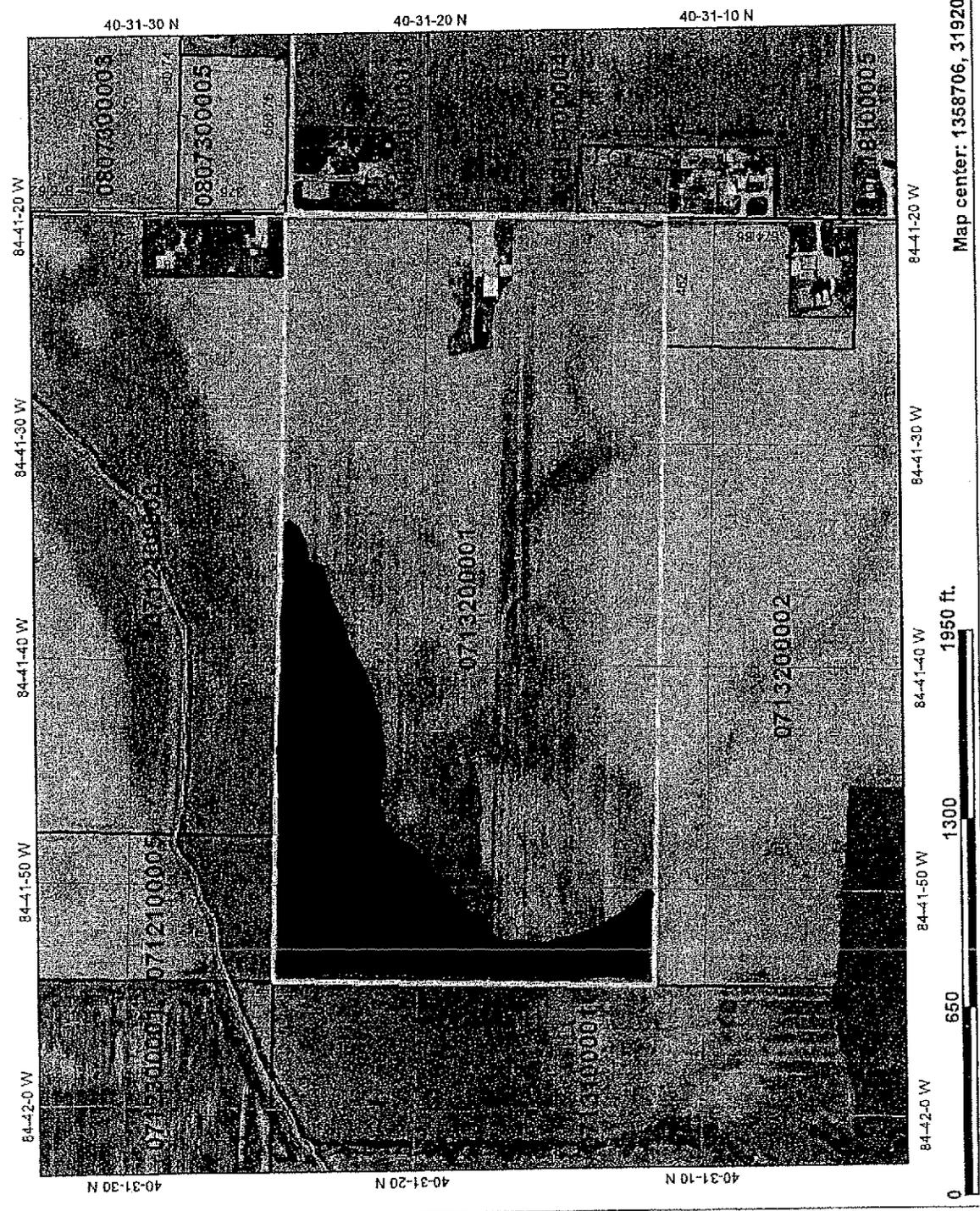
- Lake
- Streams



Scale: 1:6,500

Map center: 1358706, 319201

Mercer County Ohio



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Mark Siefiring and Ronald Siefiring  
 6031 Township Line Rd.  
 Parcel No.: 42-020000.0000 - 80 acres

2 0/2

RESPONDENT'S P

AFFIDAVIT OF MARK SHEFRING

STATE OF OHIO )  
 ) ss:  
COUNTY OF MERCER )

My name is Mark Siefring. I am over the age of 21, and I am competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct. I state as follows:

1. From 1983 to February, 2005, I owned real estate described as Mercer County Parcel Numbers 26-044100.0100 and 26-044100.0200. From 1985 to 2008, I also rented and farmed Mercer County Parcel Number 26-044100.0000.
2. Mercer County Parcel Numbers 26-044100.0100 and 26-044100.0200 lie near the Beaver Creek and along tributaries to the Beaver Creek. Mercer County Parcel Number 26-044100.0000 lies adjacent to Beaver Creek
3. Since ODNR replaced the western spillway of Grand Lake St. Mary's in 1997 and undertook its current lake level management practices, which include maintaining increased lake levels and use of the western spillway for virtually all water flow out of Grand Lake St. Mary's, Mercer County Parcel Numbers 26-044100.0100, 26-044100.0200 and 26-044100.0000 have been subject to continuing, persistent, frequent, and inevitable increased severe flooding from the western spillway of Grand Lake St. Mary's.
4. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-044100.0100, 26-044100.0200 and 26-044100.0000 have flooded almost every year, and some years they have flooded several times. On each occasion, 26-044100.0100, 26-044100.0200 and 26-044100.0000 were inundated with water at depths varying from approximately up two to four feet for 26-044100.0100 and 26-044100.0200 and up to ten feet for 26-044100.0000.

DO#000642

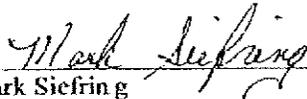
11/11/11

10. As a direct result of the flooding, Mercer County Parcel Numbers 26-044100.0100, 26-044100.0200, and 26-044100.0000 have suffered damage in the form of crop losses, field erosion, the deposit of silt, sand, stones, and other debris and soil compaction.

11. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 26-044100.0100, 26-044100.0200 and 26-044100.0000.

12. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
Mark Sicfring

Sworn in my presence and subscribed before me this 15<sup>th</sup> day of December, 2009.

  
Notary Public

BITA K SUHR  
Notary Public • State of Ohio  
My Commission Expires May 13, 2011  
Recorded in Mercer County



---

**EXHIBIT 1**  
**TO**  
**AFFIDAVIT OF MARK SIEFRING**

DON000645

# Mercer County Ohio



## Legend

### Administrative



Townships



Neighborhoods

### Parcels



Parcels

### Transportation



State Highways



US Highways

### Water



Lake

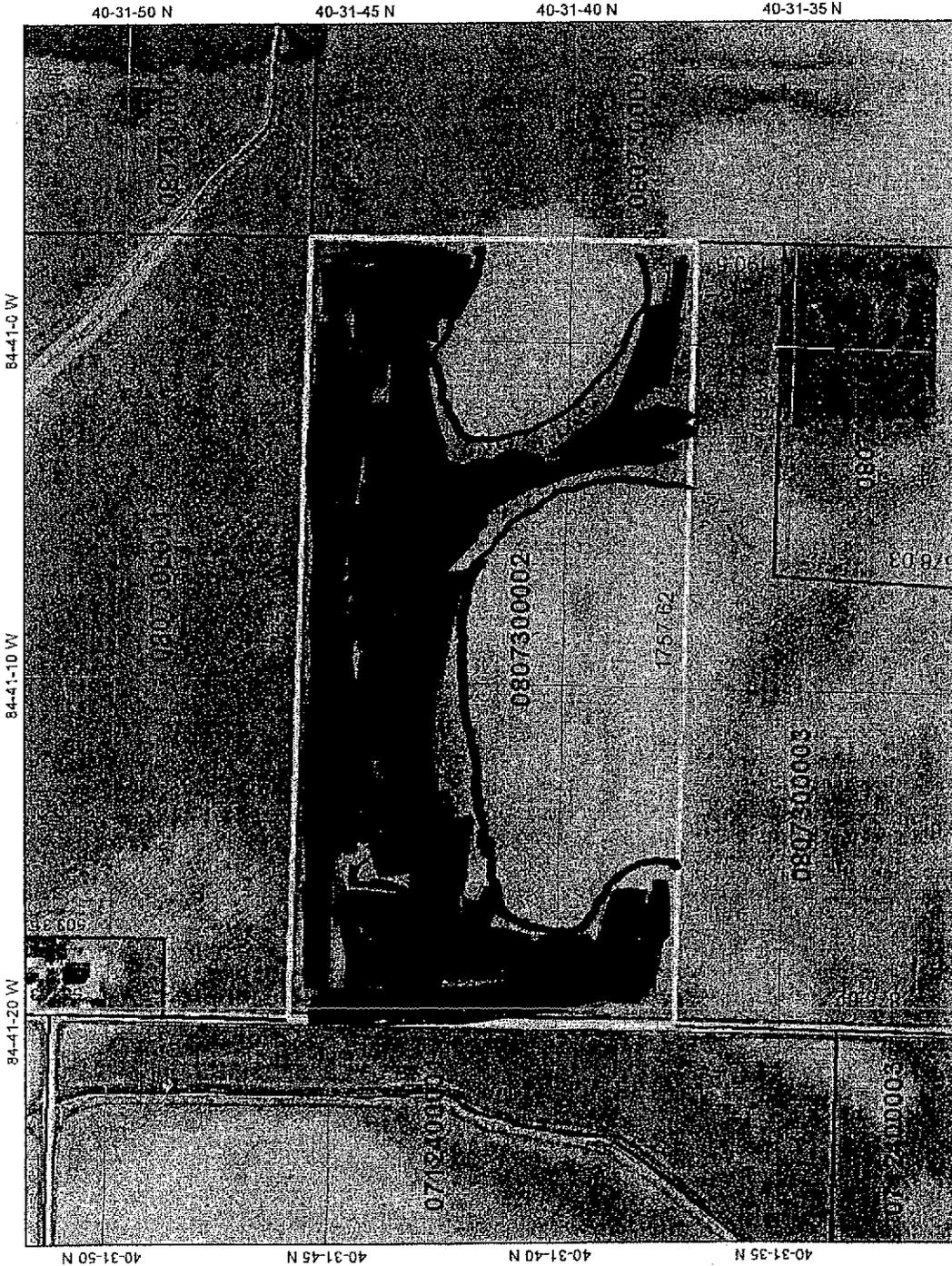


Streams

tabbles

EXHIBIT

1



Map center: 1360976, 321500

Scale: 1:4,500



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Jeff Sieftring  
-0- Township Line Rd.  
Parcel No.: 26-044100.0200 - 35.201 acres

DON000646



**EXHIBIT 2**  
**TO**  
**AFFIDAVIT OF MARK SIEFRING**

DON000648

# Mercer County Ohio

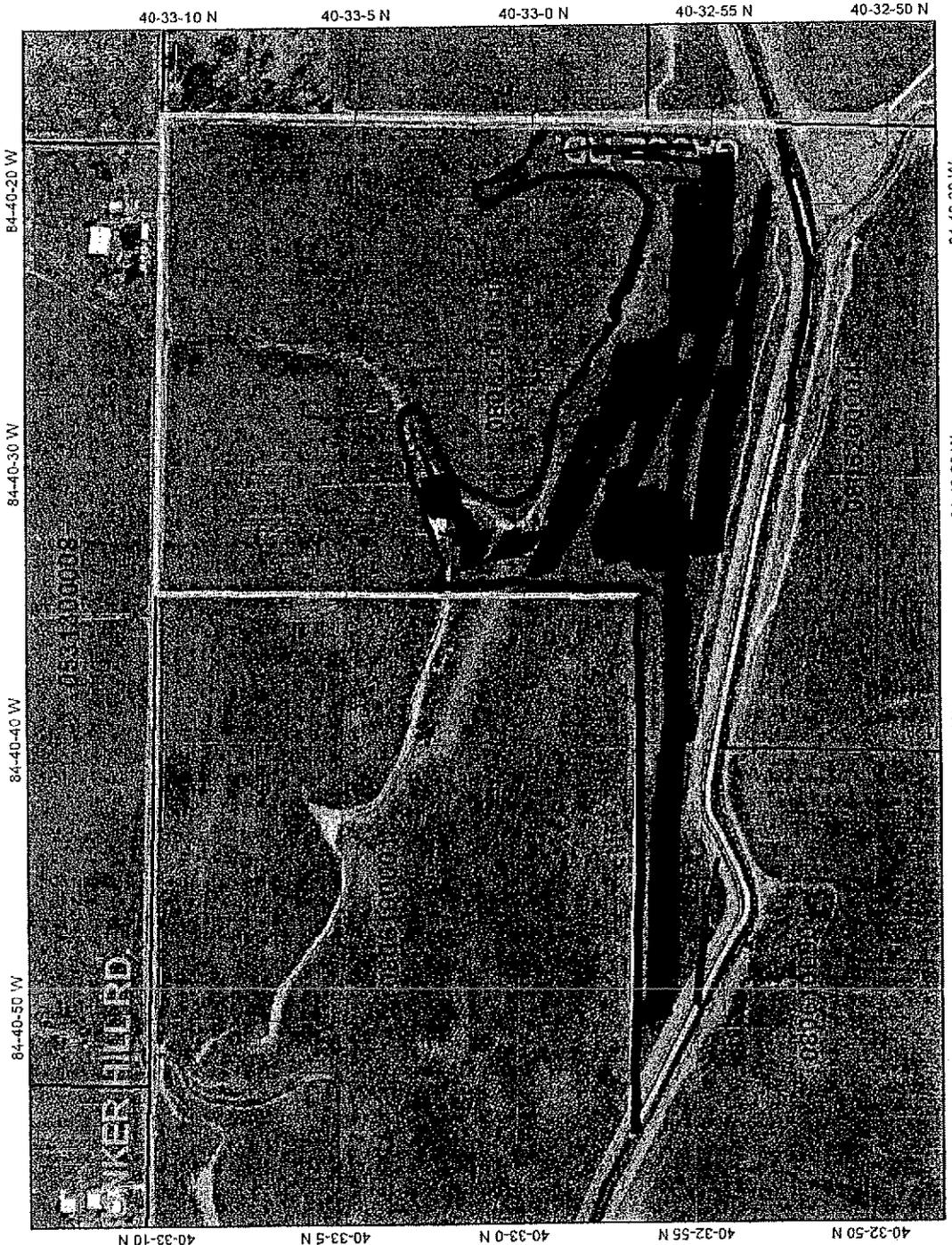


## Legend

- Administrative**
  - Townships
  - Neighborhoods
- Parcels**
- Transportation**
  - State Highways
  - US Highways
- Water**
  - Lake
  - Streams

EXHIBIT  
2

Scale: 1:5,518



0 550 1100 1650 ft.

Map center: 1363719, 329478

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Stanley M. Ebbing and Vicki L. Ebbing  
-0- Bunker Hill Rd.  
Parcel No.: 26-041000.0000 - 58 acres

DON000649

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1/28

# Tab 54

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IN THE SUPREME COURT OF OHIO

STATE OF OHIO  
EX REL., WAYNE T. DONER, et al.

vs. CASE NO. 09-1292

SEAN D. LOGAN, DIRECTOR  
OHIO DEPARTMENT OF NATURAL RESOURCES  
2045 MORSE ROAD  
COLUMBUS, OHIO 43229-6693

and

OHIO DEPARTMENT OF NATURAL RESOURCES  
2045 MORSE ROAD  
COLUMBUS, OHIO 43229-6693

DEPOSITION of MARY K. SIEFRING, was  
taken by the Respondents as on cross-examination,  
pursuant to the Ohio Rules of Civil Procedure, and  
pursuant to agreement of counsel, at the Central  
Service Building, 220 West Livingston Street, Celina,  
Ohio 45822, on Wednesday, February 10, 2010, at 2:00  
p.m., before Edna M. Hawkins, Professional Court  
Reporter and a Notary Public within and for the State  
of Ohio.

HOLMES REPORTING & VIDEO  
982 Havensport Drive  
Cincinnati, Ohio 45240  
(513) 342-2088  
(513) 342-1820  
www.ohiodeposition.com

1 APPEARANCES:

2

3

On Behalf of Ohio Department of Natural  
Resources:

4

5

Dale T. Vitale, Esq.  
Environmental Enforcement  
30 East Broad Street, Floor 25  
Columbus, Ohio 43215-3400

6

7

On Behalf of the Respondent:

8

Thomas H. Fusonie, Esq.  
and

9

Martha C. Brewer,  
Attorney at Law

10

Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street

11

Columbus Ohio 43216-1008

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I N D E X

WITNESS:	MARY K. SIEFRING		
	Examinations	DIRECT	CROSS
	By Mr. Vitale		4, 15
	By Ms. Brewer	15	

E X H I B I T S

RESPONDENT'S	DESCRIPTION	MARKED
A	Affidavit of Mary K. Sieftring	12

1 MARY K. SIEFRING  
2 of lawful age, a Relator herein, called as on  
3 cross-examination, being first duly sworn, as  
4 hereinafter certified, was examined and testified as  
5 follows:

6 CROSS-EXAMINATION

7 BY MR. VITALE:

8 Q. Could you state your name for the  
9 record, please.

10 A. Mary K. Sieftring.

11 Q. Spell your last name.

12 A. S-I-E-F-R-I-N-G.

13 Q. And what's your current residence?

14 A. 4945 Township Line Road, Coldwater,  
15 Ohio.

16 Q. Ms. Sieftring, have you ever had your  
17 deposition taken before?

18 A. No.

19 Q. Okay. Well, I'm sure your counsel has  
20 told you that it's really just questions and answers  
21 and you provide the answers as truthfully s you can

22 --

23 A. Um-hum.

24 Q. -- and if you have any questions you  
25 don't understand what I've asked, please ask me to

1 clarify. You should never answer a question you  
2 don't understand, so --

3 A. Okay.

4 Q. Ms. Siefiring, do you own property in  
5 Mercer County?

6 A. Yes.

7 Q. How much or what parcels?

8 A. Multiple parcels.

9 Q. Do you know the addresses?

10 A. Not all of them.

11 Q. I'm sorry?

12 A. Not all of the addresses.

13 Q. Well, could you state the ones that  
14 you do.

15 A. Oh, we own the parcel we live on. We  
16 own a parcel on the corner of 29 and Township Line  
17 Road. We own another parcel further south, on  
18 Township Line Road. We own another parcel on Slavik  
19 Road and we --

20 Q. Can you spell that. I'm sorry.

21 A. S-L-A-V-I-K, Slavik Road, and we also  
22 own a parcel at the corner of State Route 219 and  
23 Township Line Road. And we own half of a parcel --  
24 other corner of State Route 219 and Township Line  
25 Road.

1 Q. Okay. And do you farm any of those  
2 parcels?

3 A. Yes, we do.

4 Q. How many of them; all of them?

5 A: All of them. The only parcel we do  
6 not farm is a parcel in which my father-in-law  
7 resides.

8 Q. Okay. Is that one that you mentioned  
9 in the list that you did or is that a, you know,  
10 another one?

11 A. That's another one.

12 Q. Okay. And how long have you owned  
13 these parcels?

14 A. There's varying dates. We've been  
15 married 22 years and we bought `em all along the way.  
16 The first one we bought in 1988. Our last one was  
17 bought in 2008.

18 Q. Okay. And you said, "we." Who is  
19 your spouse?

20 A. My husband, Neil (spelling) N-E-I-L.

21 Q. Okay. Do you actually do some of the  
22 farming with your husband?

23 A. We're in business together, but I have  
24 my own profession.

25 Q. And what is that?

1 A. I'm an X-ray technologist.

2 Q. Is that a full-time position?

3 A. I work part time.

4 Q. Okay. How many of the parcels that you  
5 own are subject to flooding?

6 A. One.

7 Q. And which one is that one.

8 A. It is the parcel at the corner of  
9 State Route 29 and Township Line Road.

10 Q. And do you know, roughly, how many  
11 acres that parcel is?

12 A. I'm not sure.

13 Q. How long have you owned that one?

14 A. We bought that in November of 2008.

15 Q. And who owned it before you?

16 A. Martha and George Howell. George had  
17 passed away; we purchased it from Martha.

18 Q. Had you farmed that parcel prior to  
19 owning it?

20 A. No.

21 Q. Do you know if somebody did?

22 A. They were renting it out prior to  
23 that.

24 Q. But it was used as farmland?

25 A. Correct.

1 Q. Okay. What made you want to purchase  
2 that parcel in 2008?

3 A. Well, as I've stated, we own several  
4 properties along Township Line Road. The only  
5 property that we do not own on Township Line Road is  
6 on Slavik Road. His family all farms together. That  
7 includes Mark, Ron, Neil and Greg. It was in a great  
8 location for us.

9 Q. How often has that parcel flooded  
10 since you've owned it?

11 A. Once that I know of.

12 Q. When was that?

13 A. In the spring of 2009.

14 Q. And do you remember approximately how  
15 long it stayed flooded in the spring of 2009?

16 A. I do not know.

17 Q. What portion of the parcel was  
18 flooded?

19 MS. BREWER: Objection.

20 Q. How much of it if you could estimate.  
21 How much of the parcel was flooded if you can  
22 estimate?

23 MS. BREWER: Objection.

24 THE WITNESS: Does that mean I don't  
25 answer at all?

1 MS. BREWER: I sorry. I feel like I  
2 should have explained this before. An  
3 objection is just my legal disagreement  
4 with a question that he's asked. To the  
5 extent you know what he's asking, you can  
6 answer and you can just ignore me. The  
7 objections are just to preserve my  
8 disagreement for the Judge somewhere down  
9 along the line.

10 THE WITNESS: Okay.

11 MS. BREWER: So unless he's asking for  
12 information that you and I have discussed,  
13 that's attorney-client, you should go ahead  
14 and answer if you can.

15 THE WITNESS: Okay.

16 A. I'm not good at judging acres. That's  
17 my husband's thing, but I'm going to have to say --

18 MS. BREWER: You don't need to guess.

19 A. I would rather not answer that  
20 question.

21 Q. Let's do it in something less  
22 complicated than acres. Is it half?

23 A. No, less than half.

24 Q. Okay. Less than a third?

25 A. I would say less than a third, yes.

1 Q. Okay. The parcel that floods, what  
2 body of water is it nearest to?

3 A. The Beaver.

4 Q. Beaver Creek?

5 A. Um-hum.

6 Q. And where is Beaver Creek in relation  
7 to that parcel?

8 A. It's to the north of this property.  
9 It runs along the north edge.

10 Q. Okay. You knew exactly what I was  
11 going to ask.

12 A. Um-hum.

13 Q. And I'm assuming that the part that  
14 flooded is toward Beaver Creek.

15 A. Yes, definitely.

16 Q. Okay. What's on the south edge?

17 A. State Route 219.

18 Q. So that's --

19 A. Or I mean State Route 29.

20 Q. Twenty-nine is the south --

21 A. Yes, sorry `bout that.

22 Q. -- south boundary? Okay. Who is to  
23 the -- Who owns the property to your east?

24 A. To the east?

25 Q. If you know.

1 A. I think it's Larry Dwanger.

2 Q. And how about to the west?

3 A. To the west is Township Line Road.

4 Q. Um-hum.

5 A. And then Ron Siefring, Ron and Mark  
6 Siefring.

7 Q. Okay. In 2009, when your property  
8 flooded, did Township Line Road flood?

9 MS. BREWER: Objection.

10 A. I do not recall.

11 Q. Do you know who owns the property on  
12 the other side of Beaver Creek from yours?

13 A. That was sold at the same time we  
14 purchased in November of 2008 and I think Stanley  
15 Ebbing bought it.

16 Q. I'm sorry. Could you spell his name,  
17 if you can.

18 A. Last name?

19 Q. Yes.

20 A. E-B-B-I-N-G.

21 Q. Thank you. When you bought the  
22 property, were you aware of the fact that it flooded  
23 occasionally?

24 A. Yes.

25 Q. How did you know that?

1           A.    Just from living in the area, a family  
2 farming in the area. I travel that way when I come  
3 to town. It's no -- I mean it's been highly  
4 publicized, the floods that happened in prior years.

5           Q.    Did you talk about it from the owner,  
6 previous owner?

7           A.    I did not.

8           Q.    Do you know if you had title insurance  
9 when you purchased the property?

10           MS. BREWER:  Objection.

11           A.    I do not know.

12           Q.    Have you ever heard that this property  
13 was in the flood plain of the Beaver Creek?

14           MS. BREWER:  Objection.

15           A.    I do not know.

16           Q.    In 2009, when it did flood, did you  
17 have any crops that you lost during that flood?

18           A.    It was prior to planting season, so  
19 no; we did not.

20                   (Xerographic Document, Affidavit of  
21 Mary K. Siefiring, was marked for  
identification Exhibit A.)

22           Q.    I'm showing you a copy of something  
23 that has been marked as Exhibit A. Ms. Siefiring, do  
24 you recognize that?

25           A.    Yes.

1 Q. Is that your Affidavit?

2 A. Yes, it is.

3 Q. And is that your signature on the  
4 second page?

5 A. Yes, it is.

6 Q. Okay. I'm sorry; I'm working off of  
7 only one copy, so I occasionally have to -- In  
8 paragraph 4, it indicates that you own properties  
9 that are subject to persistent flooding since 1997.

10 A. Um-hum.

11 Q. Do you know how often your property  
12 has flooded since 1997?

13 A. Since we did not purchase it until  
14 2008, I can't say that we chronicled that. I do know  
15 there was flooding in 2003 and there was flooding in  
16 2008.

17 Q. Any other years you remember in  
18 particular?

19 A. No, I do not.

20 Q. And the next paragraph you do mention  
21 the flooding in 2003.

22 A. Um-hum.

23 Q. But 2003 and 2008 are the two years  
24 you remember?

25 A. Um-hum.

1 MR. VITALE: I don't think I have any  
2 other questions of Ms. Siefring at this  
3 time.

4 MS. BREWER: Okay. I have just a  
5 couple.

6 DIRECT EXAMINATION

7 BY MS. BREWER:

8 Q. How do you think the flooding affects  
9 the value of your property?

10 A. I'm sure it affects the value of the  
11 property because, of course, it's been highly  
12 publicized that there is flooding. Most people are  
13 aware of it in this county, so it's going to decrease  
14 the value of it.

15 Q. Okay.

16 MS. BREWER: I think that's all.

17 RECROSS-EXAMINATION

18 BY MR. VITALE:

19 Q. You said that it affects the value of  
20 the property, but you knew that there was flooding  
21 when you purchased it in 2008; didn't you?

22 A. Um-hum.

23 Q. Well, then, has it devalued since  
24 2008?

25 A. I would say, you know, in that short

1 amount of time, no, although we -- the prior case  
2 with ODNR about the spillway had already been won and  
3 we figured it would be fixed. This was a prime  
4 property for us, so we bought it.

5 Q. So you just bought the property,  
6 hoping that somebody would fix the problem for you?

7 MS. BREWER: Objection.

8 A. We bought the property to farm it and  
9 make a living.

10 MR. VITALE: I have no other  
11 questions.

12 MS. BREWER: Okay. You have the  
13 opportunity and the right to read your  
14 transcript and make sure everything you  
15 said was accurate and correct. You can  
16 waive that right, but I would recommend to  
17 all of my clients that they do take the  
18 opportunity to read it over and make sure  
19 it's correct. Would you like to do that?

20 THE WITNESS: Sure.

21 MS. BREWER: Okay. All right, thank  
22 you.

23 - - -  
24 (At 2:16 o'clock, PM, the deposition concluded.)

Martha Brewer 3/14/16  
Notary Date

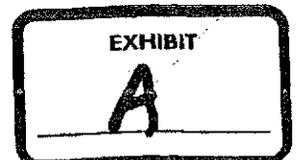
Mary K. Siefring  
Mary K. Siefring

**AFFIDAVIT OF MARY K. SIEFRING**

STATE OF OHIO )  
 ) ss:  
COUNTY OF MERCER )

My name is Mary K. Siefring, I am over the age of 21, and I am competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct. I state as follows:

1. I am a Relator in this mandamus action against Respondent Sean D. Logan, Director, Ohio Department of Natural Resources ("ODNR").
2. Specifically, I am an owner of real estate described as Mercer County Parcel Numbers 03-027600.0000, 02-004900.0200, 26-041500.0000, 44-015000.0000, and 43-012400.0000.
3. I own lands that lie adjacent to or near Beaver Creek and/or adjacent to or near the Wabash River near its confluence with Beaver Creek.
4. I own lands which, since ODNR replaced the western spillway of Grand Lake St. Mary's in 1997, are subject to continuing, persistent, frequent, and inevitable increased severe flooding from the western spillway of Grand Lake St. Marys.



C E R T I F I C A T E

1  
2 STATE OF OHIO )  
3 ) SS:  
4 COUNTY OF MERCER)

5 I, Edna M. Hawkins, the undersigned, a duly  
6 qualified and commissioned Notary Public within and  
7 for the State of Ohio, do hereby certify that before  
8 the giving of her aforesaid deposition the said MARY  
9 K. SIEFRING was sworn to depose the truth, the whole  
10 truth and nothing but the truth; that the foregoing  
11 is the deposition given at said time and place by the  
12 said MARY K. SIEFRING; that said deposition was taken  
13 in all respects pursuant to agreement and  
14 stipulations of counsel hereinbefore set forth; that  
15 said deposition was taken by me; that the transcribed  
16 deposition was submitted to the witness for her  
17 examination and signature; that I am neither a  
18 relative of nor attorney for any of the parties to  
19 this cause, nor relative of nor employee of any of  
20 their counsel and have no interest whatever in the  
21 result of the action.

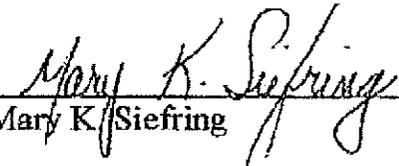
22 IN WITNESS WHEREOF, I have hereunto set my hand  
23 at Cincinnati, Ohio, this 26th day of February, 2010.

24 My Commission Expires: \_\_\_\_\_ Edna M. Hawkins  
25 September 17, 2012 Notary Public - State of Ohio

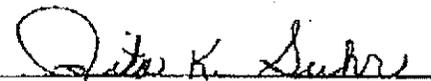
5. To date, the most invasive flood occurred in 2003, but my property has been subject to continuing, persistent, frequent, and inevitable increased severe flooding since 1997.

6. I have reviewed the Complaint and the facts relating to my real estate and the flooding of my lands caused by ODNR from the western spillway of Grand Lake St. Marys and swear that those facts are true and accurate, based on personal knowledge.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
Mary K. Siefring

Sworn in my presence and subscribed before me this 19th day of June, 2009.

  
\_\_\_\_\_  
Notary Public

**RITA K SUHR**  
Notary Public • State of Ohio  
My Commission Expires May 13, 2011  
Recorded in Mercer County

1 Q. Okay. When, in 2003, did that  
2 flooding occur during the year, if you can recall?

3 A. It was in July.

4 Q. In paragraph 4, again, look at your  
5 Affidavit, you reference the spillway at Grand Lake  
6 St. Marys.

7 A. Um-hum.

8 Q. You attributed the flooding to the  
9 change of that spillway. Can you tell me why?

10 A. The flooding's been much worse since  
11 they replaced it.

12 Q. The flooding where?

13 A. Definitely all along the Beaver.  
14 There has been more flooding, even at the Medical  
15 Center, right close to the lake, all along the  
16 Beaver, all the way. I mean the flooding is just --  
17 It's like it's getting saturated, so it's got to go  
18 somewhere. It seems like it's more far-reaching than  
19 it used to be, more areas are getting flooded.

20 Q. And how long have you lived in Mercer  
21 County?

22 A. Since I was born in 1964.

23 Q. You know, you're not supposed to give  
24 that up.

25 A. Sorry. All of my life.

# Tab 55

IN THE SUPREME COURT OF OHIO

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STATE OF OHIO  
EX REL., WAYNE T. DONER, et al.

vs. CASE NO. 09-1292

SEAN D. LOGAN, DIRECTOR  
OHIO DEPARTMENT OF NATURAL RESOURCES  
2045 MORSE ROAD  
COLUMBUS, OHIO 43229-6693

and

OHIO DEPARTMENT OF NATURAL RESOURCES  
2045 MORSE ROAD  
COLUMBUS, OHIO 43229-6693

DEPOSITION of NEIL J. SIEFRING, was  
taken by the Respondents as on cross-examination,  
pursuant to the Ohio Rules of Civil Procedure, and  
pursuant to agreement of counsel, at the Central  
Service Building, 220 West Livingston Street, Celina,  
Ohio 45822, on Wednesday, February 10, 2010, at, 1:50  
p.m., before Edna M. Hawkins, Professional Court  
Reporter and a Notary Public within and for the State  
of Ohio.

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APPEARANCES:

On Behalf of Ohio Department of Natural Resources:

Dale T. Vitale, Esq.  
Environmental Enforcement  
30 East Broad Street, Floor 25  
Columbus, Ohio 43215-3400

On Behalf of the Respondent:

Thomas H. Fusonie, Esq.  
and  
Martha C. Brewer,  
Attorney at Law  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
Columbus Ohio 43216-1008

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WITNESS:

Examinations	DIRECT	CROSS
By Mr. Vitale		4, 19
By Ms. Brewer	18	

E X H I B I T S

RESPONDENT'S	DESCRIPTION	MARKED
A	Affidavit of Neil J. Siefiring	11

1 NEIL J. SIEFRING

2 of lawful age, a Relator herein, called as on  
3 cross-examination, being first duly sworn, as  
4 hereinafter certified, was examined and testified as  
5 follows:

6 EXAMINATION

7 BY MR. VITALE:

8 Good morning.

9 THE WITNESS: Good morning.

10 MR. VITALE: I'm Dale Vitale. I'm one  
11 of the attorneys for the State of Ohio in the  
12 lawsuit.

13 THE WITNESS: Okay.

14 MR. VITALE: And I was wondering, have  
15 you ever had your deposition taken before?

16 THE WITNESS: No.

17 MR. VITALE: Okay. So it will be a  
18 little strange for you --

19 THE WITNESS: Um-hum.

20 MR. VITALE: -- but it's really  
21 simple. I just ask questions. Your counsel has the  
22 right to object to the questions and then you'll  
23 provide answers as best you can and the only thing  
24 is, is Ms. Holmes has to hear your answer.

25 THE WITNESS: Okay.

1 MR. VITALE: So shouldn't be too hard  
2 in our current setup.

3 Q. If you would, would you please state  
4 your name for the record.

5 A. Neil Siefiring.

6 Q. And spell the last name, please.

7 A. S-I-E-F-R-I-N-G.

8 Q. And where do you live?

9 A. 4945 Township Line Road, Coldwater.

10 Q. I'm sorry, 4 --

11 A. 4945 Township Line Road --

12 Q. Gotcha.

13 A. -- Coldwater.

14 Q. Okay. And do you farm the property at  
15 that location?

16 A. Yes, I do.

17 Q. How long have you owned that property?

18 A. Ten years.

19 Q. From whom did you purchase it?

20 A. Parents.

21 Q. Is that the only property that you own  
22 in Mercer County?

23 A. No.

24 Q. What other property do you own in  
25 Mercer County?

1                   A.    There's some on Slavik Road, Township  
2 Line Road at the intersection of Kuhn Road and State  
3 Route 219 and Township Line Road. That's it.

4                   Q.    Do you know how many parcels you  
5 actually own?

6                   A.    Six, seven, somethin' like that.

7                   Q.    And what is your current occupation?

8                   A.    Farmer.

9                   Q.    Which of the parcels do you farm that  
10 you own? Of the parcels that you own, do you farm?

11                   A.    All of `em.

12                   Q.    All of `em are farm property?

13                   A.    Yes.

14                   Q.    Including the one on which you live?

15                   A.    Yes.

16                   Q.    And how long have you farmed these  
17 properties?

18                   A.    I been farming since I graduated from  
19 high school, so I been in the farming ever since  
20 then, so --

21                   Q.    Okay.

22                   A.    And I have rented before I purchased  
23 ground, so --

24                   Q.    In addition to the ones that you've  
25 mentioned?

1 A. Yes. I rent some other ground, too.

2 Q. Okay. How many parcels do you rent  
3 and farm?

4 A. I'm guessing probably somewhere in a  
5 dozen.

6 Q. Okay. Do you farm the same crop on  
7 all of these parcels?

8 A. No.

9 Q. What crop do you farm?

10 A. Corn, soybeans and wheat.

11 Q. Now, I guess I should be a little bit  
12 more precise in what I'm asking. When I say, "the  
13 same," do you -- is it only those three crops on all  
14 of the parcels or is there any other crop that you  
15 farm?

16 A. That's usually the only crop we ever  
17 had. They rotate on each farm.

18 Q. On each farm?

19 A. Correct.

20 Q. And in any one year you might be  
21 farming all three of them on different parcels; is  
22 that --

23 A. Yes, yes. That's always different  
24 parcels from one year to the next it's always -- it  
25 rotates.

1 Q. I guess what I was getting at and I  
2 think you've answered clearly is you don't have one  
3 year where you're doing all corn on all of the  
4 parcels --

5 A. No.

6 Q. -- and all soybeans on the other?

7 A. No.

8 Q. Okay. And you said you've been  
9 farming in Mercer County since what year?

10 A. 1983.

11 Q. Okay. Do you know what the total  
12 acreage of farmland is that you own in Mercer County?

13 A. About 350, somewhere around there.

14 Q. How many of the parcels that you farm  
15 have been subject to flooding?

16 A. One.

17 Q. Which one is that; do you know, parcel  
18 number-wise?

19 A. I don't know the parcel number.

20 Q. How about the address; do you know  
21 what it's generally referred to as, as an address?

22 A. I don't know the address, but it's at  
23 the intersection of State Route 29 and Township Line  
24 Road.

25 Q. Is it near the Wabash?

1 A. Beaver.

2 Q. It's near Beaver Creek?

3 A. Lays right alongside of it.

4 Q. Okay. Beaver Creek is on what border  
5 of it, north, south, east, west?

6 A. It's on the north side.

7 Q. Beaver Creek is on the north side of  
8 it?

9 A. Yes.

10 Q. And do you know how many acres that  
11 particular parcel is?

12 A. Fifty-four.

13 Q. When did you first start farming that  
14 parcel?

15 A. 2009?

16 Q. When did you first own it? Or do you  
17 own that one?

18 A. Yes.

19 Q. You do own that --

20 A. I purchased it in 2008.

21 Q. Okay. Is this the one on -- that you  
22 live? This isn't the one you live on; is it?

23 A. No, it's not.

24 Q. Okay. Who did you purchase this one  
25 from?

1 A. Martha Howell, the State.

2 Q. Is that H-O-W-E?

3 A. H-O-W-E-L-L.

4 Q. Okay. Do you know if she farmed it or  
5 somebody farmed it for her before that?

6 A. Someone else rented it from her.

7 Q. Okay. You don't know who?

8 A. Jim Colley was the name.

9 Q. Okay. So in the two years that you've  
10 owned it now, how often has that parcel flooded?

11 A. It did last spring, in the spring of  
12 2009.

13 Q. How long did it stay flooded; do you  
14 remember?

15 A. Probably a week.

16 Q. Any other time in 2009 that it  
17 flooded?

18 A. No.

19 Q. Did you lose crop for that?

20 A. No, I did not because it was before --

21 Q. Before you got --

22 A. -- before planting.

23 Q. Great. About how much of that parcel  
24 got flooded at that time?

25 A. In 2009?

1 Q. Yes, sir.

2 A. Probably six-to-seven acres, somewhere  
3 in there.

4 (Xerographic Document, Affidavit of  
5 Neil J. Siefiring, was marked  
6 identification Exhibit A.)

6 Q. And I'll show that to counsel.

7 MS. BREWER: Okay.

8 Q. You've had a chance to look at what  
9 has been marked as Exhibit A. Do you recognize that  
10 document, Mr. Siefiring?

11 A. Yes.

12 Q. And is that, indeed, your Affidavit?

13 A. Yes.

14 Q. Is your signature on the second page  
15 then?

16 A. Yes.

17 Q. Okay. Looking at the parcels that are  
18 identified there in paragraphs 2 and 3, do you know  
19 which one is the parcel that you own that is subject  
20 to flooding?

21 MS. BREWER: Objection.

22 A. No.

23 Q. That Affidavit mentions, in -- I'm  
24 sorry, it's the only copy I have, so I have to reach  
25 for it; I'm sorry. In paragraph 6, that Affidavit

1 talks about flooding in 2003. Were parcels that you  
2 own flooded in 2003?

3 A. No, because I did not own anything  
4 else along the Beaver.

5 Q. Okay. Paragraph 5 says that you own  
6 lands that are subject to flooding because of the  
7 placement of the spillway. Is that your belief as to  
8 what happened in 2009 on your parcel?

9 MS. BREWER: Objection. If you  
10 understand the question, you may answer.

11 A. I'm not sure what you're asking.

12 Q. Okay. Well, paragraph 5 indicates  
13 that flooding was caused by replacement of the  
14 spillway; is that correct?

15 A. Correct.

16 Q. And you stated previously that your  
17 one parcel that was flooded, which was in 2009 -- I'm  
18 sorry. I guess I'm saying you indicated that you  
19 have one parcel that was flooded and that was in  
20 2009. So what I was asking you is, is it your belief  
21 that it was flooded, that parcel that was flooded was  
22 flooded because of the replacement of the spillway?

23 A. Yes.

24 Q. And why do you think that?

25 A. Well, because before the spillway was

1 in, I didn't remember any -- We'd been farming in  
2 that area, so I was familiar with the territory and  
3 the ground in that area and I did not remember that  
4 ever flooding like that prior to 1997, when the  
5 spillway was replaced.

6 Q. Um-hum. In paragraph 6, you indicate  
7 that your property has been subject to continuing,  
8 persistent and frequent flooding since 1997, but you  
9 told me that you only had flooding in 2009.

10 MS. BREWER: Objection.

11 Q. Can you tell me what you meant by  
12 paragraph 6?

13 MS. BREWER: Go ahead.

14 A. I did not own the property prior to  
15 2008.

16 Q. Okay. So do you know anything about  
17 flooding on that particular parcel since 1997?

18 A. I know it has flooded, yeah, because  
19 we -- I farm with brothers that live right there,  
20 along the river and I know that it's been flooded.

21 Q. Okay.

22 A. So I did not own it, but I do know  
23 that it was flooded.

24 Q. And when you bought it, then you knew  
25 it was subject to flooding?

1           A.    Yes, I did, but I also thought that  
2 the State was going to take care of the problem after  
3 the other lawsuit that had taken place; that they  
4 were going to start controlling the level of the  
5 lake?

6           Q.    When you bought the property, did you  
7 do any research into whether it was in the flood  
8 plain of the Beaver Creek?

9           MS. BREWER:  Objection.  I'm sorry.  
10           When I make an objection, it's just a legal  
11 disagreement with the question that he's  
12 asked.  It will further remain for the  
13 Court to deal with it at a different time  
14 since there is not a Court here today.  So  
15 if you understand the question, you can  
16 answer or you can just ignore me, unless  
17 he's asking for something about  
18 attorney-client information --

19           THE WITNESS:  Yes.

20           MS. BREWER:  -- you can go on and  
21 answer.

22           THE WITNESS:  Okay.

23           A.    Repeat the question.

24           Q.    Sure.  When you purchased the  
25 property, did you do any research to find out whether

1 it was in the flood plain of the Beaver Creek?

2 MS. BREWER: Objection.

3 A. No, I did not.

4 Q. Did you assume that it was because of  
5 your prior knowledge?

6 MS. BREWER: Objection.

7 A. No.

8 Q. Did you -- Were you -- I'm sorry; let  
9 me ask it this way. When you purchased the property,  
10 did you have to get a loan from any financial source  
11 to make the purchase?

12 A. Yes.

13 Q. And did that money come from a bank?

14 A. Yes.

15 Q. Do you know if the bank did a title  
16 search?

17 A. Yes.

18 Q. And do you know if the bank provided  
19 any paperwork regarding the flood plain --

20 A. They did not.

21 Q. -- prior to the closing?

22 A. They did not.

23 Q. Do you use crop insurance where you  
24 farm?

25 A. Yes.

1 Q. Did you make claim in 2009 on the  
2 basis of the flooding of this particular parcel?

3 A. No.

4 Q. Have you ever discussed -- No. Let me  
5 use a different word. Did you ever report flooding  
6 conditions to any governmental entities at any time?

7 A. No.

8 Q. In the spring of 2009, when the  
9 property flooded, do you recall how many rainfalls  
10 occurred prior to flooding?

11 A. No, I do not.

12 Q. Was this precipitation prior to  
13 flooding?

14 A. Yes.

15 Q. You mentioned in your Affidavit that  
16 2003 was the worst flooding that you recall. Do you  
17 remember any other years that were bad for flooding?

18 A. 2005.

19 Q. When, in 2005, do you remember it  
20 being bad, if you can recall?

21 A. I think it was in the early spring.

22 Q. And in 2003, when was that, when was  
23 the bad flooding then?

24 A. July.

25 Q. You've indicated earlier that you

1 | thought that the State was going to do something  
2 | about the spillway after a lawsuit. What gave you --  
3 | How did you come to that conclusion?

4 |           A. Well, I would have thought that if  
5 | they lost the case once, that they would have  
6 | corrected the problem so it wouldn't happen again.

7 |           Q. And did you know anything about which  
8 | properties were involved in that previous lawsuit?

9 |           A. I did not know the specific  
10 | properties, but I know the guys that was involved  
11 | with it.

12 |           Q. So do you have any idea of how close  
13 | those properties were to yours?

14 |           A. Yes.

15 |           Q. How close was the closest one?

16 |           A. Half mile.

17 |           Q. And a half mile toward --

18 |           A. East.

19 |           Q. -- Grand Lake St. Marys or away from  
20 | it?

21 |           A. The closest one is one half mile east  
22 | of this property.

23 |           Q. Okay. Did you discuss that lawsuit  
24 | with any of the people who were in that original  
25 | lawsuit?

1 MS. BREWER: Objection.

2 A. No.

3 Q. When did you learn of the result in  
4 that lawsuit?

5 A. I'm not sure when it was.

6 Q. Was it before you purchased the  
7 property?

8 A. Yes.

9 MR. VITALE: I don't think I have any  
10 other questions for Mr. Siefring at this  
11 time.

12 MS. BREWER: Okay. I have a couple  
13 follow-up questions.

14 DIRECT EXAMINATIONS

15 BY MS. BREWER:

16 Q. How long have you lived in Mercer  
17 County?

18 A. All my life.

19 Q. Okay. And you mentioned that your  
20 family owns farmland also?

21 A. Yes.

22 Q. Okay. Where are those properties in  
23 relationship to the properties we're talking about  
24 today?

25 A. My brother, Ron, lives on the north.

1 side of the river, on the west side of Township Line  
2 Road from this property.

3 Q. Can you see one property from the  
4 other?

5 A. Yes, yes.

6 Q. Okay. And were you involved in  
7 farming property that you mentioned that your brother  
8 owned?

9 A. Yes.

10 Q. Okay. How long were you involved in  
11 farming that property that your brother owned?

12 A. Ever since they've owned that, since  
13 1976 that they've owned that.

14 Q. Okay. How do you think that the  
15 flooding affected the value of the property that you  
16 own?

17 A. Oh, I think it definitely decreased  
18 the value of it.

19 Q. And why do you think that?

20 A. Well, if you get farther away from the  
21 river, other ground will bring higher -- more money.

22 Q. Okay.

23 MS. BREWER: I think that's all I  
24 have.

25 RE-CROSS-EXAMINATION

1 BY MR. VITALE:

2 Q. You said that Ron lives on the north  
3 side of the river. Does Beaver Creek literally  
4 intersect your property and Ron's property? Is it  
5 directly north of your property?

6 A. No. My property is on the east side  
7 of Township Line Road, on the south side of the  
8 river.

9 Q. Okay.

10 A. Ron's is on the north side of the  
11 river, on the west side of Township Line Road --

12 Q. Okay.

13 A. -- so we lay diagonal from each other.

14 Q. Diagonal from one another?

15 A. Yeah.

16 Q. I understand. And you've farmed that  
17 property since 1976 you said?

18 A. I helped with it.

19 Q. How often has that property flooded?

20 MS. BREWER: And just to clarify, when  
21 are you talking about?

22 MR. VITALE: Well, since '76, since  
23 he's been farming it.

24 A. I can't really recall how many times,  
25 but it's been more since the spillway has been put

1 in.

2 Q. But it did flood prior to the spillway  
3 going in?

4 A. I can recall that there had been water  
5 sitting on the property.

6 Q. You said that you believe that the  
7 flooding has decreased the value of your property. .  
8 If the property has been flooding since 1997, how  
9 could the value have decreased?

10 A. Would you repeat that?

11 Q. Well, you indicated in response to Ms.  
12 Brewer that you believe that the flooding had  
13 decreased the value of your property and yet, you  
14 said that the property has been flooding sine 1970--  
15 1997 -- Excuse me. So I'm trying to find out how you  
16 think that your property value has been decreased  
17 since you purchased when it's been flooding all that  
18 time.

19 MS. BREWER: I'm going to objection to  
20 this. Go ahead.

21 A. Well, I say the farther you get away  
22 from the river, the more money the ground seems to  
23 bring; I mean, to a certain extent, but I think my  
24 property, if it would not flood, would be worth the  
25 money that it brings when you get two or three miles

1 from the river.

2 Q. Okay. So when you say the money that  
3 it brings, are you talking about property value or  
4 are you talking about crop yield?

5 A. Property value.

6 Q. And have you looked at property values  
7 yourself?

8 A. In regards to --

9 Q. Other parts of the Mercer County?

10 A. Yes.

11 Q. So you're saying that your property  
12 could be worth more if it didn't flood?

13 A. Correct.

14 Q. But you haven't lost any value in your  
15 property because it's been flooding ever since you've  
16 owned it?

17 MS. BREWER: Objection.

18 Q. Isn't that right?

19 A. Well, when I purchased it, I purchased  
20 it for the price that I thought -- I guess it would  
21 have brought more money if I would not have been  
22 right along the river, but then again, I assumed that  
23 the State would have corrected the problem and bein'  
24 that we farmed in that area, that's why I purchased  
25 that property.

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Q. So you purchased the property, hoping that the State was going to fix your problem.

MS. BREWER: Objection.

A. I assumed that they would.

MR. VITALE: I don't think I have any other questions.

MS. BREWER: Okay. You have the right to read the transcript over and make sure that there's no errors or things that need to be corrected or you can waive that right and not read it. I can't tell you which one that you should pick, but I can say that I recommend, and I recommend to all of my clients that they should take the opportunity to read it.

THE WITNESS: Okay.

MS. BREWER: Okay. Is that what you'd like to do?

THE WITNESS: Yes.

MS. BREWER: Okay. Thank you.

- - -

(At 12:50 o'clock, PM, the deposition concluded.)

- - -

Martha Brewer  
Notary date: 3/14/10

Neil Siefring  
NEIL SIEFRING

MARTHA C. BREWER, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.





**AFFIDAVIT OF NEIL J. SIEFRING**

STATE OF OHIO            )  
                                          ) ss:  
COUNTY OF MERCER )

My name is Neil J. Siefring, I am over the age of 21, and I am competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct. I state as follows:

1. I am a Relator in this mandamus action against Respondent Sean D. Logan, Director, Ohio Department of Natural Resources ("ODNR").

2. Specifically, I am an owner of real estate described as Mercer County Parcel Numbers 02-005000.0000, 03-027600.0000, 02-004900.0200, 03-030800.0000, 03-032500.0000, 26-041500.0000, 44-015000.0000, and 43-012400.0000.

3. I also own an interest in real estate described as Mercer County Parcel Number 43-012400.0100.

4. I own lands that lie adjacent to or near Beaver Creek and/or adjacent to or near the Wabash River near its confluence with Beaver Creek.

5. I own lands which, since ODNR replaced the western spillway of Grand Lake St. Mary's in 1997, are subject to continuing, persistent, frequent, and



inevitable increased severe flooding from the western spillway of Grand Lake St. Marys.

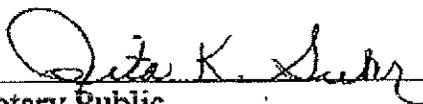
6. To date, the most invasive flood occurred in 2003, but my property has been subject to continuing, persistent, frequent, and inevitable increased severe flooding since 1997.

7. I have reviewed the Complaint and the facts relating to my real estate and the flooding of my lands caused by ODNR from the western spillway of Grand Lake St. Marys and swear that those facts are true and accurate, based on personal knowledge.

**FURTHER AFFLIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
Neil J. Stefring

Sworn in my presence and subscribed before me this 19 day of June, 2009.

  
\_\_\_\_\_  
Notary Public

**RITA K SUHR**  
Notary Public - State of Ohio  
My Commission Expires May 13, 2011  
Recorded in Mercer County

# Tab 56

IN THE SUPREME COURT OF OHIO

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COLUMBUS, OHIO 43229-6693

DEPOSITION of RONALD J. SIEFRING, was  
taken by the Respondents as on cross-examination,  
pursuant to the Ohio Rules of Civil Procedure, and  
pursuant to agreement of counsel, at the Central  
Service Building, 220 West Livingston Street, Celina,  
Ohio 45822, on Wednesday, February 10, 2010, at, 3:00  
p.m., before Edna M. Hawkins, Professional Court  
Reporter and a Notary Public within and for the State  
of Ohio.

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I N D E X

WITNESS: RONALD J. SIEFRING

Examinations	DIRECT	CROSS
By Mr. Vitale		4, 45
By Ms. Brewer	42, 45	

E X H I B I T S

RESPONDENT'S	DESCRIPTION	MARKED
A	A Warranty Deed	9
B	A USDA Disbursement Statement	14
C	A USDA Disbursement Statement	16
D	2008 Direct/Counter Program	17
E	Moser Crop Insurance Statem't.	20
F	NAU Country Ins. Statement	23
G	A Deed	25
H	Affidavit of Ronald J. Siefring	28

1                                   RONALD J. SIEFRING  
2 of lawful age, a Relator herein, called as on  
3 cross-examination, being first duly sworn, as  
4 hereinafter certified, was examined and testified as  
5 follows:

6                                   CROSS-EXAMINATION

7 BY MR. VITALE:

8                                   Good afternoon, Mr. Sieftring.

9                                   THE WITNESS: Good afternoon.

10                                  Q. Could you please state your name for  
11 the record.

12                                  A. Ronald Sieftring.

13                                  Q. And your address.

14                                  A. 6973 Township Line Road, Celina, Ohio  
15 45822.

16                                  Q. How long have you lived in Mercer  
17 County?

18                                  A. All my life.

19                                  Q. And do you own the property on  
20 Township Line Road?

21                                  A. Yes, I do.

22                                  Q. What properties do you own in Mercer  
23 County?

24                                  A. I own a property where my residence is  
25 and I own another property on Township Line Road and

1 another property on State Route 219 that is not  
2 involved in the lawsuit.

3 Q. So you own three parcels, basically?

4 A. Yes.

5 Q. And you said one that's not involved  
6 in the lawsuit. What do you mean by that

7 A. It is five-to-six miles from the area  
8 of the Beaver River.

9 Q. And it's not subject to any flooding?

10 A. No.

11 Q. Do you farm that parcel?

12 A. Yes.

13 Q. Do you farm the other two parcels, as  
14 well?

15 A. Yes.

16 Q. How many acres, total, of the areas  
17 that are subject to flooding do you own?

18 MS. BREWER: Objection.

19 Q. Do you know how many acres it is that  
20 you own that are subject to flooding?

21 A. Total acres or on each parcel?

22 Q. Whichever way you can express it best.

23 A. The parcel where my residence is, is  
24 approximately 20 acres and the second parcel is  
25 approximately 17 acres.

1 Q. Where is Beaver Creek in relationship  
2 to the parcel on which you live?

3 A. Within 100 feet of my southeast  
4 property boundary.

5 Q. Okay. So your property lies to the  
6 north of it?

7 A. Yes.

8 Q. And how about in relation to the other  
9 parcel that you have a problem with?

10 A. That is -- lies adjacent to the Kittle  
11 Ditch.

12 Q. And what is Kittle Ditch.

13 A. That flows into the Beaver.

14 Q. Is that ditch, does that have water in  
15 it year round?

16 A. Very little at times.

17 Q. And when you say it runs adjacent --  
18 it's adjacent to Kittle Ditch, where is Kittle Ditch?  
19 Which side of the property is that?

20 A. It would be to the north side of the  
21 property.

22 Q. And Kittle Ditch which runs east-west  
23 on the north boundary?

24 A. It runs in a northeasterly direction  
25 and then turns and goes north.

1 Q. Before it hits Beaver Creek?

2 A. Before it hits Beaver Creek; it winds

3 around.

4 Q. How far from Beaver Creek is that  
5 particular parcel?

6 A. Approximately two miles?

7 Q. How far are -- Let's stick with that  
8 parcel. How far is that parcel from the Wabash  
9 River?

10 A. Approximately five-to-six miles.

11 Q. And five-to-six miles which direction?

12 A. The Wabash would be west.

13 Q. And the parcel on which you live, how  
14 far is that one from the Wabash

15 A. Three-and-a-half-to-four miles,  
16 approximate.

17 Q. And --

18 A. To the west.

19 Q. Wabash is to the west again?

20 A. Yes.

21 Q. The parcel on which you live, who is  
22 the property owner to your immediate east?

23 A. That would be Roadway which would be  
24 Township Line Road.

25 Q. Okay. And then on the other side of

1 | the road?

2 |           A.    Robert Highley.

3 |           Q.    Could you spell that if you know.

4 |           A.    H-I-G-H-L-E-Y.

5 |           Q.    And, again, on the parcel on which you  
6 | live, who is the property owner to your immediate  
7 | west?

8 |           A.    Kuhn Farms (spelling) K-U-H-N.  I  
9 | would assume that's how it --

10 |           Q.    And going to the other parcel that's  
11 | near Kittle Ditch, who's the -- who are the  
12 | neighboring property owners if you know?

13 |           A.    Which direction do you want to start?

14 |           Q.    East-west.

15 |           A.    Township Line Road is on the east.  
16 | Neil Siefiring would own the property east of Township  
17 | Line.  To the south would be Jerry Boley.  To the  
18 | north would be Carl Rose and to the west would be  
19 | Adams Farm.

20 |           Q.    Let's start with the parcel on which  
21 | you live.  If you could, again, tell me what year you  
22 | purchased that?

23 |           A.    My brother and I purchased that in  
24 | 1976.

25 |           Q.    Your brother, which brother?

1           A.    Mark.  We traded some properties in  
2 2005.  He took one parcel and I took this one and put  
3 my wife's name on with me.

4           Q.    I'm sorry.  And this trade occurred?

5           A.    In 2005.  It was an even valuation.

6           Q.    Did you have them appraised when you  
7 did that?

8           A.    We agreed on it between us.

9           Q.    What parcel did you give Mark?

10          A.    He has one on State Route 219.  It  
11 wasn't a give; it was a trade, equal value.

12                   (Xerographic Document, a Warranty  
13 Deed, was marked for identification  
Exhibit A.)

14          Q.    Showing you what has been marked as  
15 Exhibit A, do you recognize that document?

16          A.    Yes.  That would be the deed for the  
17 property for where I live, the residence at 6973  
18 Township Line Road.

19          Q.    And was this part of the trade that  
20 occurred with your brother?

21          A.    Yes.

22          Q.    But you already had an ownership  
23 interest yourself in this property?

24                   MS. BREWER:  Objection.

25          A.    Yes, I do.

1 Q. I meant prior to 2005?

2 A. Yes.

3 Q. And how did you and your brother come  
4 to own this property again.

5 A. We purchased it on an auction.

6 Q. Do you know why it was being auctioned  
7 at that time?

8 MS. BREWER: Objection.

9 A. The person selling was moving to town.

10 Q. Do you know who the prior owner was?

11 A. Yes.

12 Q. Who was that?

13 A. Robert Gardner.

14 Q. Did you begin living there in 1975 --  
15 or '76; excuse me?

16 A. No, 1977.

17 Q. When did you begin farming it?

18 A. In 1976.

19 Q. How often is that particular property  
20 subject to flooding?

21 MS. BREWER: Objection to the time  
22 period.

23 MR. VITALE: Since he's -- Since 1976  
24 in which he purchased it.

25 A. To the present?

1 Q. Yes, sir.

2 MS. BREWER: You're asking him how  
3 often it has flooded since 1976?

4 MR. VITALE: Yes.

5 A. Number of times?

6 Q. Yes.

7 A. I could not give you a definite  
8 answer. Less before 1997, very little; numerous  
9 times since 1997, when the spillway -- new spillway  
10 was built.

11 Q. So since 1997, how often does it  
12 flood?

13 A. You want the years that it does?

14 Q. If you know, yes, sir.

15 A. 1998, 2003, 2005, 2008, 2009.

16 Q. Has it been at the same time of the  
17 year, every year?

18 A. No.

19 Q. Has there been a year when the flood  
20 was not in the spring?

21 A. Yes, 2009 it was in the winter -- or  
22 late winter.

23 Q. Um-hum. And what years, if you can  
24 recall, did the property flood before 1997?

25 MS. BREWER: Objection.

1           A.    I can't recall because it was so  
2 little and so few times.

3           Q.    When this parcel floods, approximately  
4 how much of it is flooded?

5           MS. BREWER:  Objection.  Are you  
6 talking about since 1997 now?

7           MR. VITALE:  Let's talk post-1997,  
8 yes.

9           A.    And this is the --

10          Q.    The one on which you live.

11          A.    Approximately 20 acres.

12          Q.    And how long does it stay flooded?

13          A.    Anywhere from a week-to-three weeks.

14          Q.    Have the floods occurring on this  
15 parcel since 1997 caused you to lose crops?

16          A.    Yes.

17          Q.    In what years?

18          A.    I don't recall all of `em, but 2003.

19          Q.    Are there others or --

20          A.    I'm sure there were others.  I don't  
21 recall `em.

22          Q.    What crops do you farm on that  
23 particular parcel?

24          A.    Corn and soybeans.

25          Q.    Do you remember which crop you lost in

1 2003?

2 A. I think that was corn that year.

3 Q. Do you use crop insurance when you  
4 farm this parcel?

5 A. Yes.

6 Q. And did you make a claim in 2003?

7 A. Yes.

8 Q. Any other years that you made claims?

9 A. Yes.

10 Q. Do you know what years those were?

11 A. I don't recall for sure. Mark takes  
12 care of the paperwork as far as the crop insurance.

13 Q. Do you know through whom you have the  
14 crop insurance?

15 A. Excuse me?

16 Q. Do you know through whom you have the  
17 crop insurance?

18 A. Allen Moser.

19 Q. He's been the agent --

20 A. He's the agent, yes.

21 Q. You don't know the company that he  
22 works for?

23 A. I can't think of the name of the  
24 company right now.

25 Q. Have you ever made a claim on crop

1 insurance for a reason other than flooding?

2 A. Yes.

3 Q. For this parcel? Sorry.

4 A. Yes, for drought.

5 Q. And what year was that -- year or  
6 years was that?

7 A. I'm not sure. I couldn't give you a  
8 definite year.

9 (Xerographic Document, a USDA  
10 Disbursement Statement, was marked for  
identification Exhibit B.)

11 Q. Showing you what's been marked as  
12 Exhibit B. Do you recognize this piece of paper?

13 A. I probably seen it.

14 Q. What makes you say you probably have  
15 seen it?

16 A. I would have been sent a copy of this  
17 through the mail.

18 Q. You don't know what it represents?

19 MS. BREWER: Objection.

20 Q. You don't know why you would have  
21 gotten this piece of paper?

22 MS. BREWER: Objection.

23 A. It's a direct payment to us from the  
24 Department of Agriculture.

25 Q. Do you know why the Department of

1 | Agriculture would have paid you?

2 |           A.    Like I said, Mark takes care of the  
3 | paperwork for our farming operation.

4 |           Q.    At the top, left, that is your name  
5 | and address; right?

6 |           A.    Yes.

7 |           MS. BREWER:  Objection.

8 |           Q.    And looking at the center, there is a  
9 | reference number that reads 0003385; do you know what  
10 | that stands for?

11 |           A.    That would be a farm number.

12 |           Q.    Do you know which farm of yours that  
13 | might be?

14 |           A.    That is our farm number that we have  
15 | with our partnership.

16 |           Q.    Is that the parcel on which you live?

17 |           MS. BREWER:  Objection.

18 |           A.    It would be more than one parcel.

19 |           Q.    Okay.  If you could help me, you've  
20 | identified three parcels that you own that you farm.

21 |           A.    Yes.

22 |           Q.    And this reference number pertains to  
23 | one, two or three of those; do you know?

24 |           A.    It would be all three.

25 |           Q.    Do you know who the Commodity Credit

1 Corporation is?

2 MS. BREWER: Objection.

3 A. It's the U.S. Government.

4 Q. Do you have any knowledge of why the  
5 U.S. Government paid you the amount of money here?

6 MS. BREWER: Objection.

7 A. It's -- We participate in the farm  
8 programs. We were signed up.

9 Q. Now, what programs, if you know?

10 A. I don't know for sure what it's  
11 referencing to.

12 (Xerographic Document, a USDA  
13 Disbursement Statement, was marked for  
identification Exhibit C.)

14 Q. Showing you what's been marked as  
15 Exhibit C. Can you tell me what that piece of paper  
16 is?

17 A. That would be the same program as  
18 Exhibit B and it would be a different parcel

19 Q. And the reason you conclude it's a  
20 different parcel is what?

21 A. Because of the reference number.

22 Q. But you don't know exactly which  
23 parcels based on the reference number?

24 A. It would be a rental property.

25 Q. And what do you mean by, "rental

1 | property?"

2 |           A.    Land that we rent.

3 |           Q.    Can you farm it?

4 |           A.    To farm it, yes.

5 |           Q.    And do you know where that particular  
6 | parcel or parcels is located?

7 |                    MS. BREWER:  Objection.

8 |           A.    I couldn't tell you exactly for sure.  
9 | I don't have that list with me or in front of me.

10 |           Q.    Do you, physically, farm it or does  
11 | your brother?

12 |           A.    We farm it 50/50.

13 |           Q.    And, again, do you know what program  
14 | for which you were paid this amount of money?

15 |                    MS. BREWER:  Objection.

16 |           A.    I can't answer that for sure.

17 |           Q.    Are either of these related to loss of  
18 | crops through flooding, either of these payments?

19 |                    MS. BREWER:  Objection.  And I'm going  
20 | to instruct you not to guess.  If you know

21 |                    --

22 |           A.    I don't know.

23 |                    (Xerographic Document, headed, Program  
24 | 2008 Direct/Counter Program, was  
25 | marked for identification Exhibit D.)

25 |           Q.    Showing you what's been marked as

1 Exhibit D, can you tell me what that piece of paper  
2 is?

3 A. It's from the Farm Service Agency.  
4 It's for their 2008 program, Direct Counter Program.

5 Q. What is the Direct Counter Program?

6 A. It's farm programs that we signed up  
7 for with the Farm Service Agency.

8 Q. In the center of Exhibit D, there are  
9 three transactions listed and they indicate direct  
10 payment: wheat, direct payment; corn, direct  
11 payment; soybeans; do you see those?

12 A. Yes.

13 Q. Do you know for what you have been  
14 paid those amounts of money?

15 A. The participation in the farm  
16 programs.

17 Q. Do you know why they pay you the  
18 amount of money they do for those particular crops?

19 MS. BREWER: Objection.

20 A. They have different formulas and  
21 programs that you're (sic) sign up for with the Farm  
22 Service.

23 Q. Did you sign up for these programs?

24 A. Like I told you, Mark takes care of  
25 the paperwork. He has Power of Attorney for me to

1 sign up for the farm programs. He takes care of the  
2 crop insurance and the paperwork end of our farming  
3 operation.

4 Q. Do you know if these payments for the  
5 three crops that are listed on Exhibit D, is that  
6 because of loss of crops?

7 A. I can't answer that.

8 Q. But you are listed as the payee; is  
9 that correct?

10 MS. BREWER: Objection.

11 A. Yes.

12 Q. Do you have an agreement with your  
13 brother about how to share the proceeds of this  
14 program?

15 A. Yes.

16 Q. And what is that agreement?

17 A. It's 50/50.

18 Q. Do you know how long you've been in  
19 the Direct Counter Program?

20 MS. BREWER: Objection.

21 A. I can't give you a definite answer.

22 Q. Have you been in the Direct Counter  
23 Program since you began farming?

24 MS. BREWER: Objection.

25 A. I can't give you a definite answer.

1 Q. I wanted to go back to you mentioned  
2 the farm number 3385 which is on Exhibit D. I  
3 believe that's also the number that's on Exhibit B.  
4 You said that that's an identification number for  
5 your farm, but it's more than one parcel and I can't  
6 remember if you told me or not, so I'll ask it again.  
7 Is it all three of the parcels that you own or is it  
8 less than the three parcels that you own?

9 MS. BREWER: Objection.

10 A. The parcels we own are under one farm  
11 number.

12 Q. And the "we" in that case is you and  
13 Mark or you and your spouse?

14 A. My spouse and I and Mark.

15 Q. So this could be even more than the  
16 three parcels that you own, this number 3385?

17 A. Yes.

18 Q. Could it refer to more than just what  
19 you own?

20 A. Yes.

21 Q. What you own, personally? I think you  
22 were anticipating.

23 A. Yes.

24 Q. Thank you.

25 (Xerographic Document, an insurance  
payment statement to Mark & Ron

1 Siefring, dated 12/29/08, was marked  
2 for identification Exhibit E.)

3 Q. Showing you what's been marked as  
4 Exhibit E, can you tell me if you know what that  
5 piece of paper is?

6 A. It is our statement from Allen Moser,  
7 our crop insurance agent.

8 Q. And why was that statement issued to  
9 him?

10 MS. BREWER: Objection.

11 A. Because we had claimed crop insurance.

12 Q. And for what year was that claim?

13 MS. BREWER: Objection.

14 A. 2008.

15 MS. BREWER: I'm sorry. Can we go off  
16 the record for a second.

17 (Brief pause.)

18 Q. That claim was for 2008 I believe you  
19 said? That claim being Exhibit E.

20 A. Yes.

21 Q. Do you know what caused your crop loss  
22 in 2008?

23 A. And like I said, my brother, Mark,  
24 takes care of all the crop insurance and paperwork  
25 for our partnership and I let him handle that.

26 Q. You don't remember in 2008 what caused

1 | you to lose crop?

2 |           A.    I can't recall.

3 |           MS. BREWER:  And to be clear as to  
4 | your last question, what caused the crop  
5 | insurance, you were just asking generally  
6 | and apart from that document what caused  
7 | the crop insurance?

8 |           MR. VITALE:  I actually asked crop  
9 | loss.

10 |          MS. BREWER:  I'm sorry, crop loss?

11 |          MR. VITALE:  Yes.

12 |          MS. BREWER:  Do you know what caused  
13 | the crop loss in 2008.  I just wanted to  
14 | make sure it wasn't confusing, talking  
15 | about the document and then talking about a  
16 | year.

17 |          THE WITNESS:  Yeah.  I'm a little bit  
18 | confused.  That's why I can't say for sure.

19 |          MS. BREWER:  Okay.

20 |          THE WITNESS:  Mark would have the  
21 | definite answers for that.

22 |          Q.    Looking at the second page of Exhibit  
23 | E, if you look at the top of the column, the top of  
24 | the columns, there's a column that indicates, I  
25 | believe, "Stage Cause," and entries underneath it

1 that say, "Declined." Do you see the entries on that  
2 document that I'm referring to?

3 A. Yes.

4 Q. Does that help you recall what might  
5 have been the cause for your crop loss in 2008?

6 MS. BREWER: Objection.

7 A. To say for sure, no, but I'm thinking  
8 it has to do with low yield.

9 MS. BREWER: And I'm going to instruct  
10 you not to guess.

11 THE WITNESS: Okay.

12 MS. BREWER: To the extent that you  
13 remember, you can give an answer. If you  
14 don't know, you don't know.

15 THE WITNESS: I don't know for sure.

16 (Xerographic Documents, headed, Nau  
17 Country Insurance Company, was marked  
for identification Exhibit F.)

18 Q. Showing you what's been marked as  
19 Exhibit F can you tell me what that is?

20 A. That was a loss payment notice from  
21 NAU Country Insurance Company.

22 Q. Is that also a crop insurance loss?

23 A. Yes. It's for a replant payment.

24 Q. And what is a replant payment.

25 A. It's for when a crop has to be

1 replanted.

2 Q. And what year was that claim paid?

3 A. 2006.

4 Q. Do you know why you had to replant in  
5 2006?

6 A. I can't give a definite answer.

7 Q. When you get a replant payment, is  
8 that because of the additional seed cost and planting  
9 cost?

10 A. Yes.

11 Q. Does it have anything to do with crop  
12 yield?

13 MS. BREWER: Objection.

14 A. I can't answer that.

15 Q. Looking at Exhibit F, can you tell me  
16 for which of your parcels that you farm you were  
17 reimbursed in 2006?

18 A. No.

19 Q. How about looking at Exhibit E. Can  
20 you tell me for which parcels in Exhibit E you were  
21 reimbursed in 2008?

22 MS. BREWER: Objection.

23 A. You want me to read the parcels off or

24 -- There is a list of them.

25 Q. And do you know if that is all of the

1 parcels that you farm?

2 MS. BREWER: Objection.

3 A. No.

4 Q. No, you don't know or no, that's not  
5 all the parcels?

6 A. I don't know for sure if that's all  
7 the parcels.

8 Q. I wanted to -- We talked about the  
9 parcel on which you live and farm. I wanted to talk  
10 about the parcel near Kittle Ditch if I could for a  
11 little while. What year did you acquire that parcel?

12 A. It was either 1988 or 1989.

13 Q. And from whom did you purchase that?

14 A. Tom McMillan.

15 (Xerographic Document, a Deed, was  
16 marked for identification Exhibit G.)  
17 Q. Showing you what's been marked as

18 Exhibit G, can you tell me what that is?

19 A. That is a description of the McMillan  
20 farm that was sold to Mark and I.

21 Q. So that is the deed for the parcel  
22 that we're talking about?

23 A. I would assume that is the correct  
24 deed.

25 Q. Do you know if the McMillans farmed  
that property prior to your purchasing it?

1 A. Yes.

2 Q. Did your brother and you get a loan in  
3 order to purchase this property?

4 A. No.

5 Q. Did you conduct a -- or have a survey  
6 of the property conducted prior to purchase?

7 MS. BREWER: Objection.

8 A. No.

9 Q. Approximately how many acres is this  
10 particular property?

11 A. Eighty acres. You're speaking of the  
12 McMillan?

13 Q. The McMillan, the former McMillan  
14 property --

15 A. Yes.

16 Q. -- yes, sir.

17 A. Yes, 80 acres.

18 Q. And you paid cash for this?

19 A. No.

20 Q. If you didn't pay cash, didn't get a  
21 loan, how did you purchase the property?

22 A. Land contract with the McMillans.

23 Q. For how many years was that contract?

24 A. I don't recall for sure how many years  
25 that was.

1 Q. And during the term of that land --  
2 Did the term of that land contract begin or end in  
3 1989?

4 A. It would have began in 1989.

5 Q. And you don't recall when it finally  
6 ended?

7 A. I don't recall when it finally ended.

8 Q. As a part of that land contract, you  
9 also obtained the opportunity to farm the land,  
10 beginning in 1989?

11 A. Yes.

12 Q. How often did this property flood  
13 since 1989?

14 A. Since 1989?

15 Q. Yes, sir.

16 A. Is that including to the present?

17 Q. Yes, sir.

18 A. Very little to none before 1997;  
19 several times, if not more, since the spillway was  
20 built in 1997.

21 Q. Since 1997, how many of the 80 acres  
22 -- how much of the 80 acres floods when it floods?

23 MS. BREWER: Objection. To the extent  
24 that you can generalize --

25 THE WITNESS: It'd be a approximate

1 number, yes.

2 A. Seventeen acres.

3 Q. Prior to the purchase of this  
4 property, what investigation about it did you and  
5 your brother do?

6 MS. BREWER: Objection.

7 A. We knew Tom McMillan, had been past  
8 the farm many times. He raised descent crops.

9 Q. Did you do any investigation into  
10 where the flood plain for the Beaver Creek was prior  
11 to purchasing this property?

12 MS. BREWER: Objection.

13 A. No.

14 (Xerographic Document, Affidavit of  
15 Ronald J. Sieftring, with attachments,  
was marked for identification Exhibit  
H.)

16 Q. Showing you what's been marked as  
17 Exhibit H. Do you recognize that document?

18 A. Yes.

19 Q. Can you tell me what that is?

20 A. That would be my Affidavit.

21 Q. And on page 3 of that Affidavit, is  
22 that your signature?

23 A. Yes, it is.

24 Q. Could you look at paragraph 4 and  
25 paragraph 6, please. That seems to indicate that the

1 same parcel is located in two different locations.

2 Can you Explain what you meant by that?

3 MS. BREWER: Objection.

4 A. I can't explain that. I can't explain  
5 number 6, but number 4 explains the parcel number.

6 Q. So which of those two paragraphs do  
7 you think is accurate, number 4 or number 6?

8 MS. BREWER: Objection.

9 A. Number 4.

10 Q. In paragraph number 7, you talk about  
11 the spillway at Grand Lake St. Marys and you talk  
12 about the lake level management practices.

13 A. Um-hum.

14 Q. What are those?

15 A. There is no lake level management  
16 practice at the present time.

17 Q. What do you mean there isn't any?

18 A. Whatever water goes over the spillway  
19 is what leaves the lake and meaning the spillway, the  
20 west spillway.

21 Q. When you say, "current," when do you  
22 mean current?

23 A. Since 1997. Since the new spillway  
24 was built. They do not lower the lake level.

25 Q. And prior to 1997, do you have

1 | knowledge for what the lake level management  
2 | practices were?

3 |           A.    They used -- The Department of Natural  
4 | Resources lowered the pool level of the lake in  
5 | springtime so there would be room for water when it  
6 | did rain.

7 |           Q.    And how would they do that?

8 |           A.    They opened gates on the old, what  
9 | they replaced the new spillway with.  There were four  
10 | gates on the old and two were operable when it was  
11 | replaced.

12 |           Q.    On the western edge of the spillway?

13 |           A.    Yes, on the pre-1997 structure.

14 |           Q.    And how did you become aware of these  
15 | lake management practices?

16 |           A.    I've lived here all my life.

17 |           Q.    When they lowered those gates prior to  
18 | -- in the years prior to 1997, when they lowered  
19 | those gates, did it cause flooding?

20 |           A.    No, not to the extent it does now.

21 |           Q.    So you're saying it did cause  
22 | flooding, but not to the extent that it does now?

23 |           MS. BREWER:  Objection.

24 |           A.    It didn't do it in the summer or in  
25 | the fall like it can now.  There is no control now.

1 It's just natural flow, whatever goes over the top.

2 Q. Prior to 1997, if they opened the  
3 gates to reduce the level of the lake, did it cause  
4 flooding?

5 MS. BREWER: Objection.

6 A. Very little.

7 Q. Do you know the height of the current  
8 spillway?

9 A. I do not know the exact height.

10 Q. Do you know the height of the spillway  
11 prior to 1997?

12 A. No.

13 Q. Do you know if post-1997, the spillway  
14 is now higher than it used to be?

15 A. You're asking me if I know --

16 Q. If it's higher now than it was in  
17 1997; yes, sir?

18 A. I do not know.

19 Q. If you would please take a look at  
20 what is marked as Exhibit 1 to your Affidavit.  
21 Exhibit 1 of what we have now marked as Exhibit H and  
22 can you tell me what Exhibit 1 is?

23 A. That is my residence farm at 6973  
24 Township Line Road.

25 Q. And when you say your residence, how

1 is the area that you own depicted on Exhibit 1?

2 MS. BREWER: Objection.

3 A. It is outlined in white boarder.

4 Q. The large rectangular square --

5 A. The large rectangular and the white  
6 boarder.

7 Q. With Bunker Hill Road to the --

8 A. North.

9 Q. -- north, where is Beaver Creek in  
10 relation to the outlined white boarder?

11 A. Looking at the map, it would be the  
12 upper right-hand corner.

13 Q. Is it the diagonal line in the upper  
14 right-hand corner?

15 A. Yes.

16 Q. And then where does it run? Does it  
17 run along the eastern edge of the property?

18 A. Southern.

19 Q. I'm sorry. What are the dark areas on  
20 Exhibit 1?

21 A. That is the flooded areas from the  
22 2003 flood.

23 Q. And did you make that darkened area on  
24 this particular Exhibit?

25 A. Yes, I did.

1 Q. Is that just based on your best  
2 recollection at the time or do you --

3 MS. BREWER: Objection.

4 A. That is based on where flood trash was  
5 left lay at the highest point of the water.

6 Q. Now, you've indicated the dark area  
7 which stops at your property line. Did it, in fact,  
8 extend over your property line to the south?

9 A. Yes, to the adjacent farms.

10 Q. So you only marked where it was on  
11 your particular property?

12 A. Yes.

13 Q. What about to the east? Did it cross  
14 over the Township Line Road?

15 A. Yes.

16 Q. And where is your residence in  
17 relation to this flooding?

18 MS. BREWER: Objection.

19 Q. Is your residence depicted anywhere on  
20 Exhibit 1?

21 A. It would be where the building site is  
22 to the edge of the darkened area.

23 Q. Just on the edge of the area?

24 A. Yes. That's where the barn is and the  
25 house is just on the north side of the barn.

1 Q. Did you have flooding in the house?

2 A. No.

3 Q. There's a darkened area on the west  
4 side of your property, as well. Was there flooding  
5 at that particular part?

6 A. Yes.

7 Q. And what is the white line that is a  
8 --

9 A. That is a grass waterway.

10 Q. Is that a man-made waterway or  
11 natural?

12 A. Yes, man-made.

13 Q. Did you construct it?

14 A. Yes.

15 Q. Why did you put it in?

16 A. Because it was a low area or not  
17 necessarily low. It's just where the land came  
18 together and we put a grass waterway in.

19 Q. What value does that give you when you  
20 do that?

21 MS. BREWER: Objection.

22 A. That prevents erosion of the land in  
23 the low area.

24 Q. Approximately how long did this parcel  
25 stay flooded in 2003?

1 A. In 2003?

2 Q. Yes, sir.

3 A. 'Til it was completely drained off,  
4 probably three weeks.

5 Q. Could you tell me what Exhibit 2 to  
6 your Affidavit is?

7 A. That is a picture of Township Line  
8 Road in front of our house. It's looking south,  
9 toward the Beaver River.

10 Q. Did you take this picture?

11 A. No.

12 Q. Do you know who did?

13 A. Yes.

14 Q. Who took it?

15 A. A neighbor.

16 Q. When was this picture taken?

17 A. 2003 flood.

18 Q. Do you remember when, in relationship  
19 to the period of flood, this was? Was it at the  
20 beginning; was it toward the end?

21 A. I don't recall. I don't know for sure  
22 what day it was.

23 Q. Were you there when he took it or she  
24 took it?

25 A. No.

1 Q. And could you tell me what Exhibit 3  
2 is?

3 A. That is the McMillan property.

4 Q. And, again, when you say, "that is the  
5 McMillan property, are you referring to the  
6 rectangular square in white in the middle --

7 A. In the white, yes.

8 Q. And where is Kittle Ditch on this  
9 property?

10 A. It would be the line to the left of  
11 the picture, right along the property border, by the  
12 north side of the property.

13 Q. Oh, I'm sorry, on the north side of  
14 the property.

15 A. Looking at your map, it would be on  
16 the left side here. Yes.

17 Q. Here?

18 A. No, there.

19 Q. Up here. So it's the not-straight  
20 line on the northern end of the picture?

21 A. Right.

22 Q. I understand.

23 A. That's one I said it weaves, weaves  
24 around.

25 Q. You did. And again, what is the

1 darkened area depicted on this particular Exhibit 3  
2 of your Affidavit?

3 A. That is the approximate area that was  
4 under water?

5 Q. And this was also in 2003?

6 A. Yes.

7 Q. And again, I take it that the  
8 flooding, actually, extended all the way up to Kittle  
9 Ditch and you just cut it off --

10 A. Cut it off on our property line.

11 Q. -- the part that you knew? Okay. And  
12 how long did this particular area stay flooded in  
13 2003?

14 A. That probably was off in five-to-seven  
15 days.

16 Q. But it was long enough that you had a  
17 crop loss there, as well?

18 A. Yes. Any crop that's under water more  
19 than 24 hours is in trouble.

20 Q. Unless it's rice and I don't think you  
21 were growing rice.

22 A. No.

23 Q. Are you familiar with the program  
24 called the Conservation Reserve Program?

25 A. I've heard of it. I don't know all

1 the details.

2 Q. Do you know if you participate in it?

3 A. No.

4 Q. Again, that's probably my fault. You  
5 don't participate in it or you're not sure --

6 A. We do not participate in it.

7 Q. Are you familiar with a program called  
8 the Wetlands Reserve Program?

9 A. Yes.

10 Q. Do you participate in that program?

11 A. No.

12 Q. Since 1997, your properties have  
13 flooded a number of times. Have you made any  
14 complaint to any governmental agency about this  
15 flooding?

16 A. No formal complaint.

17 Q. What informal complaint have you made?

18 A. Discussed it with Soil Conservation  
19 Office and County Engineer's Office.

20 Q. Who, at the Soil Conservation Office  
21 have you talked to about the flooding?

22 A. I think it was Matt Heckler.

23 Q. Do you know when you did that?

24 A. No, I do not.

25 Q. Did you do it more than once?

1 A. It was discussed more than once.

2 Q. What did Mr. Heckler tell you about  
3 the flooding?

4 A. He didn't know for sure what they  
5 could do to help us.

6 Q. Did a number of you complain to Mr.  
7 Heckler?

8 MS. BREWER: Objection.

9 A. I'm sure other people talked to him.  
10 I don't know that for sure who did or who didn't.

11 Q. At the time that you were talking to  
12 him, it was just you though?

13 A. Yes.

14 Q. Do you remember when that occurred?

15 A. No, I do not.

16 Q. Is it within the last year?

17 A. No. We've had the flooding since '97  
18 or problems since the new spillway.

19 Q. Was it close to 1997 then?

20 MS. BREWER: Objection.

21 A. I can't recall.

22 Q. And what other informal complaints did  
23 you raise?

24 A. No other informal. We discussed it at  
25 the County Engineer's Office

1 Q. And who was the County Engineer to  
2 whom you spoke?

3 A. It would have been Jim Wiechart is the  
4 County Engineer now and it was just informal  
5 discussion.

6 Q. Can you spell his last name, if you  
7 know.

8 A. W-I-E-C-H-A-R-T.

9 Q. And what did Mr. Wiechart tell you  
10 about the flooding, if anything?

11 A. That it was in the hands of the  
12 Department of Natural Resource.

13 Q. At any time, did you ask him about  
14 maintenance of Beaver Creek?

15 MS. BREWER: Objection.

16 A. The maintenance of Beaver Creek?  
17 Explain -- Can you --

18 Q. Did you ever talk to anybody about  
19 widening or deepening Beaver Creek so as to allow  
20 more flow?

21 A. No, but Beaver Creek is layed on a  
22 stone base.

23 Q. By, "stone base," are you saying  
24 there's conduit underneath Beaver Creek?

25 A. No, there's limestone.

1 Q. So it's a natural limestone base?

2 A. Yes.

3 Q. That wouldn't prevent it being  
4 widened; would it?

5 MS. BREWER: Objection.

6 A. I don't know.

7 Q. How about clearing Beaver Creek, would  
8 that have helped?

9 MS. BREWER: Objection.

10 A. Clearing, meaning what?

11 Q. Debris, rocks, things that obstruct  
12 the flow, any of that?

13 MS. BREWER: Objection.

14 A. There is very, very little of anything  
15 in there. When the Beaver goes out, it's in our  
16 fields.

17 Q. So you didn't discuss any of this with  
18 Mr. Weichart?

19 MS. BREWER: Objection.

20 A. Discuss?

21 Q. Any of these ideas with Mr. Weichart  
22 about the maintenance of Beaver Creek?

23 A. Beaver Creek is maintained.

24 Q. Who does that?

25 A. The county. Land owners, we pay an

1 assessment.

2 Q. What do you think the county does to  
3 maintain Beaver Creek?

4 MS. BREWER: Objection.

5 A. They mow the high weeds and grass  
6 along it, spray for brush when required.

7 Q. So according to your Affidavit, your  
8 testimony is there has been increased flooding since  
9 1997; is that right?

10 A. Yes.

11 Q. And why did you wait until 2008 to do  
12 anything about it?

13 MS. BREWER: Objection.

14 A. We thought maybe at some point they  
15 would, meaning they, Department of Natural Resources,  
16 would see what kind of problem they're creating for  
17 the land owns and do something to correct it.

18 Q. But you never raised any of this to  
19 the Department of Natural Resources; did you?

20 MS. BREWER: Objection.

21 A. Personally, no, I did not.

22 MR. VITALE: I don't have any other  
23 questions for Mr. Siefiring at this time.

24 MS. BREWER: I have some.

25 DIRECT EXAMINATION

1 BY MS. BREWER:

2 Q. Mr. Sieftring, you mentioned that when  
3 the Beaver went out, it was in your fields. When you  
4 say it was in your fields, what were you referring  
5 to?

6 A. The overflow of water from the Beaver  
7 River and trash that washed up with it.

8 Q. What kind of trash?

9 A. Tree limbs, tires, bottles, cans, lawn  
10 chairs.

11 Q. Was that something that had to be  
12 cleaned up?

13 A. Yes, multiple times.

14 Q. How long does it take to clean that  
15 up?

16 A. Well, first, you have to have the  
17 water go down. It has to get dry enough to be able  
18 to walk out there, so sometimes, it -- you might have  
19 to wait weeks or a month even because where it washes  
20 together, it stays wet underneath the trash all, and  
21 it just -- Dead fish float out there or and if --  
22 they aren't dead, but they float out there and then  
23 they can't get back to the river. The water goes  
24 down and they die off. It's gotta be a rotten smell  
25 when it's hot out.

1 Q. In 2003, when you looked out your  
2 window of your house, could you see the flooding?

3 A. Yes.

4 Q. And what did you see?

5 A. Everything under water. We'd have  
6 water on our driveway. We have two driveways,  
7 circular drive. The drive to the south had water on  
8 the driveway. The water in the field, probably at  
9 that time was as deep or deeper in the lake.

10 Q. It was deeper than the lake?

11 A. This is a shallow lake. I'd say in  
12 the low places, there might have been 10 feet or more  
13 of water 'cause the water was crossing Township Line  
14 at the deepest point, at least two foot deep. The  
15 county has been known to use snow plows to push trash  
16 off the roads.

17 Q. If it was as deep as the lake, could  
18 you see waves on it?

19 A. A windy day, like today, it actually  
20 would have white caps with foam.

21 Q. Do you know how the flooding has  
22 affected the value of your property?

23 A. It hasn't increased our value,  
24 compared to other properties in the area that are  
25 farther away from the river.

1 Q. And how do you know that?

2 A. Well, the Sutters had theirs on public  
3 auction not too long ago and that did not sell. The  
4 Howell estate sold and one parcel, I thought, brought  
5 4500 and the other one brought 4100 and land in the  
6 county, a lot of it sells anywhere from \$7-to-9,000  
7 an acre.

8 Q. And do you think that your land would  
9 fetch \$7-to-9,000 an acre if you tried to sell it?

10 A. No.

11 Q. Okay.

12 MS. BREWER: I think those are all the  
13 questions i have.

14 RE-CROSS-EXAMINATION

15 BY MR. VITALE:

16 Q. And in 2003, as bad as it was, you  
17 never called the Department of Natural Resources to  
18 complain?

19 MS. BREWER: Objection.

20 A. No.

21 MR. VITALE: I have no other  
22 questions.

23 MS. BREWER: I have one last question.

24 REDIRECT EXAMINATION

25 BY MS. BREWER:

1 Q. Would you say that people in the area  
2 were generally aware of the flooding in 2003?

3 A. What are you meaning? As --

4 Q. People in Mercer County. People in  
5 Mercer County, did they know that the Beaver Creek  
6 flooded in 2003; do you think?

7 A. Yes.

8 Q. And why do you think that?

9 A. Because of the media coverage.

10 Q. Okay.

11 MS. BREWER: That's all I have.

12 MR. VITALE: No.

13 MS. BREWER: You have the opportunity,  
14 the right, actually, to read and review  
15 your transcript to ensure that it's  
16 accurate and correct and then you sign it  
17 at the end or you can waive that right. I  
18 recommend to all of my clients that they do  
19 take the opportunity to read over their  
20 transcript and sign it to ensure it's  
21 accuracy. Would you like to do that?

22 THE WITNESS: Yes.

23 MS. BREWER: Okay. Thank you.

24 - - -

25 (At 4:30 o'clock, PM, the deposition concluded.)

*Ronald Steerling*  
RONALD STEERLING

MARTHA C. BREWER, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date,  
Sec. 147.03 F.L.C.

*Maestra Prensaw* 3/14/10  
Notary





**WARRANTY DEED  
KNOW ALL MEN BY THESE PRESENTS:**

THAT MARK A. SIEFRING, an unmarried man, GRANTOR, of Mercer County, Ohio, for valuable consideration does hereby **GRANT, BARGAIN, SELL, AND CONVEY** to the said RONALD J. SIEFRING and CAROL L. SIEFRING, 6973 Township Line Rd., Celina, Ohio, 45822, GRANTEES, their heirs and assigns forever, the following described **REAL ESTATE**, in the Township of Washington, County of Mercer, State of Ohio, and being more particularly described as follows:

Being the North One-Half (1/2) of the Northeast Quarter (1/4) of Section One (1), Town Six (6) South, Range One (1) East, Washington Township, Mercer County, Ohio, containing Eighty (80) acres of land, more or less, subject to all legal highways.

Deed Reference: Volume 261, Page 907, Mercer County Official Records.

Tax ID # 92-000100-0000 7-1-200-001

Grantor shall pay the real estate tax installment due in July 2005 and Grantees shall pay all taxes thereafter.

and all the **ESTATE, RIGHT, TITLE AND INTEREST** of the said Grantor in and to the said premises; **TO HAVE AND TO HOLD** the same, with all the privileges and appurtenances thereunto belonging, to said Grantees, their heirs and assigns forever.

And the said MARK A. SIEFRING does hereby **COVENANT AND WARRANT** that the title so conveyed is **CLEAR, FREE AND UNENCUMBERED**, and that he will **DEFEND** the same against all lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said MARK A. SIEFRING, unmarried, hereby sets his hands, this 14th day of February, 2005.

Signed and acknowledged before:

Paul E. Howell  
Witness - Paul E. Howell

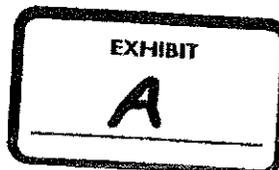
Mark A. Siefring  
MARK A. SIEFRING

Lisa M. Severt  
Witness - Lisa M. Severt

DESCRIPTION  
SUFFICIENT  
FOR TAX MAPPING PURPOSES

FEB 17 2005

MERCER COUNTY  
TAX MAP DEPARTMENT



DON001084

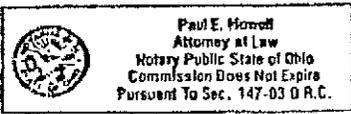
Instrument Book Page  
200500001035 OR 195 2682

STATE OF OHIO

COUNTY OF MERCER SS.

BE IT REMEMBERED, THAT on the 16th day of February, 2005, before me, the subscriber, a notary public in and for said state, personally came MARK A. SIEFRING, the grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act, for the uses and purposes therein mentioned.

YES



Paul E. Howell  
Notary Public

Instrument Prepared By: Paul E. Howell & Co., L.P.A.  
Attorney at Law  
420 South First St  
Coldwater, OH 45828  
(419) 678-7111

200500001035  
Filed for Record in  
MERCER COUNTY, OHIO  
TAMARA K BARGER  
02-17-2005 at 10:25 am.  
WARNY DEED 28.00  
OR Book 195 Page 2681 - 2682

AUDITOR'S STAMPS

200500001035  
HOWELL  
FILE

**TRANSFERRED**

FEB 17 2005

MARK A. SIEFRING  
COUNTY AUDITOR  
MERCER COUNTY, OHIO

Exemption paragraph, non-advance Fee EM  
The Grantor and Grantee of this deed have  
consented with the provisions of R. C. Sec.  
319, 202 Mark Giesige Mercer  
County Auditor.

KP 2-17-05  
Deputy Aud. Date

DON001085



U.S. DEPARTMENT OF AGRICULTURE  
 MERCER FSA OFFICE  
 220 W LIVINGSTON ST SUITE 2  
 CELINA, OH 45822-1632  
 (419)586-3149

DISBURSEMENT STATEMENT  
RETAIN FOR TAX PURPOSES  
 STATEMENT DATE: 10/14/2009  
 PAGE 1 OF 12

1574 2 AV 0.550 Flats Seq: 1574 Sac: 22 74140

RONALD SIEFRING  
 6973 TOWNSHIP LINE RD  
 CELINA OH 45822-9207



PROGRAM PAYMENT DETAIL FOR THIS PAYMENT:

	<u>REFERENCE#</u>	<u>AMOUNT</u>
2009 DIRECT PAYMENTS	0003385	\$2,642.00
2009		
DCP		
DIRECT		

THIS IS HOW YOUR PROGRAM PAYMENT WAS APPLIED:

<u>REFERENCE#</u>	<u>AMOUNT</u>	<u>WITHHOLDING/OFFSET/ASSIGNMENT/PAYEE</u>	<u>DATE</u>
695764	\$1,878.00	COMMODITY CREDIT CORPORATION MERCER FSA OFFICE 220 W LIVINGSTON ST SUITE 2 CELINA, OH 45822-1632 (419)586-3149	10/13/2009
		TOTAL PAYMENT REDUCTIONS	\$1,878.00
	\$764.00	PAYEE: RONALD SIEFRING FUNDS TO BE DEPOSITED IN PEOPLES BANK CO. ACCOUNT ENDING IN 4364 ON/ABOUT	10/16/2009

DON001943

USDA CUSTOMER STATEMENTS AND FINANCIAL INQUIRIES INFORMATION CAN BE ACCESSED ONLINE FROM THE FARM SERVICE AGENCY WEBSITE AT: [HTTP://WWW.FSA.USDA.GOV/](http://www.fsa.usda.gov/). SELECT ON-LINE SERVICES IN THE TOP BANNER, THEN SELECT FINANCIAL INQUIRIES FOR PRODUCERS. FOR INFORMATION ON OBTAINING A USDA USER ID AND PASSWORD, PLEASE VISIT THE FSA WEBSITE, SELECT ON-LINE SERVICES IN THE TOP BANNER TO REGISTER OR CONTACT YOUR LOCAL FSA SERVICE CENTER. TO OBTAIN THE CONTACT INFORMATION FOR ANY COUNTY OFFICE FROM THE FSA WEBSITE, SELECT STATE OFFICES IN THE TOP BANNER AND THEN SELECT THE STATE, SELECT THE COUNTY OFFICE LINK AND THEN THE COUNTY YOU WISH TO CONTACT. THE DEBT COLLECTION IMPROVEMENT ACT OF 1996 (DCIA) (31 USC 3716) REQUIRES THE FEDERAL GOVERNMENT TO PROCESS ALL RECIPIENT PAYMENTS THROUGH THE TREASURY OFFSET PROGRAM (TOP). THE PAYMENT MAY BE OFFSET FOR ANY DELINQUENT FEDERAL DEBT.



USDA is an Equal Opportunity Employer





U.S. DEPARTMENT OF AGRICULTURE  
 MERCER FSA OFFICE  
 220 W LIVINGSTON ST SUITE 2  
 CELINA, OH 45822-1632  
 (419)586-3149



DISBURSEMENT STATEMENT  
RETAIN FOR TAX PURPOSES  
 STATEMENT DATE: 10/14/2009  
 PAGE 3 OF 12

1574 2 AV 0.550 Flats Seq: 1574 Sac: 22 74140

RONALD SIEFRING  
 6973 TOWNSHIP LINE RD  
 CELINA OH 45822-9207



PROGRAM PAYMENT DETAIL FOR THIS PAYMENT:

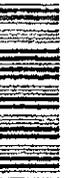
	<u>REFERENCE#</u>	<u>AMOUNT</u>
2009 DIRECT PAYMENTS	0002380	\$642.00
2009		
DCP		
DIRECT		

THIS IS HOW YOUR PROGRAM PAYMENT WAS APPLIED:

<u>REFERENCE#</u>	<u>AMOUNT</u>	<u>WITHHOLDING/OFFSET/ASSIGNMENT/PAYEE</u>	<u>DATE</u>
	\$642.00	PAYEE: RONALD SIEFRING FUNDS TO BE DEPOSITED IN PEOPLES BANK CO. ACCOUNT ENDING IN 4364 ON/ABOUT	10/16/2009

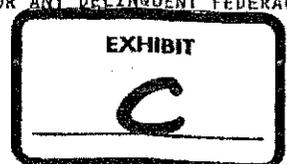
DON001946

USDA CUSTOMER STATEMENTS AND FINANCIAL INQUIRIES INFORMATION CAN BE ACCESSED ONLINE FROM THE FARM SERVICE AGENCY WEBSITE AT: [HTTP://WWW.FSA.USDA.GOV/](http://www.fsa.usda.gov/). SELECT ON-LINE SERVICES IN THE TOP BANNER, THEN SELECT FINANCIAL INQUIRIES FOR PRODUCERS. FOR INFORMATION ON OBTAINING A USDA USER ID AND PASSWORD, PLEASE VISIT THE FSA WEBSITE, SELECT ON-LINE SERVICES IN THE TOP BANNER TO REGISTER OR CONTACT YOUR LOCAL FSA SERVICE CENTER. TO OBTAIN THE CONTACT INFORMATION FOR ANY COUNTY OFFICE FROM THE FSA WEBSITE, SELECT STATE OFFICES IN THE TOP BANNER AND THEN SELECT THE STATE, SELECT THE COUNTY OFFICE LINK AND THEN THE COUNTY YOU WISH TO CONTACT. THE DEBT COLLECTION IMPROVEMENT ACT OF 1996 (DCIA) (31 USC 3716) REQUIRES THE FEDERAL GOVERNMENT TO PROCESS ALL RECIPIENT PAYMENTS THROUGH THE TREASURY OFFSET PROGRAM (TOP). THE PAYMENT MAY BE OFFSET FOR ANY DELINQUENT FEDERAL DEBT.



Recycled Paper

USDA is an Equal Opportunity Employer



United States  
Department of  
Agriculture

Farm Service Agency

MERCER COUNTY FSA OFFICE  
220 W LIVINGSTON ST  
SUITE 2  
CELINA, OH 45822-1632  
Phone 419-586-3149

Date 09-11-2008  
Time 11:31  
Statement Type B Original

Program 2008 Direct/Counter Program  
Application Direct/Counter Program

PAGE 1

Name: RONALD SIEFRING  
6973 TOWNSHIP LINE RD  
CELINA, OH 45822-9207

RETAIN FOR TAX PURPOSES

Producer ID **REDACTED**

Disbursement Statement

Transaction Information

Reference Number(s)	Amount	STAT	Payment Description
Farm 3385 Transaction WE25500646	87.00		DIRECT PAYMENT - WHEAT
Farm 3385 Transaction WE25500648	409.00		DIRECT PAYMENT - CORN
Farm 3385 Transaction WE25500650	98.00		DIRECT PAYMENT - SOYBEANS
	594.00		Total Payments (Transactions)

Disbursement Information

Issue Date	ACH/Check	ASGN/JPYMT	RECVBL/Claim	Amount	Payee Name/CCC Debt Repaid
09-11-2008	D0141157			594.00	RONALD SIEFRING
				594.00	Funds to be deposited in: FIRST FINANCIAL BANK, NA
					Total Disbursements
				594.00	Total Program Payment Earned

Funds should be available within three working days of issue date.

Approved: Signed

*Doris Marie Ward*  
(Authorized Representative of CCC)

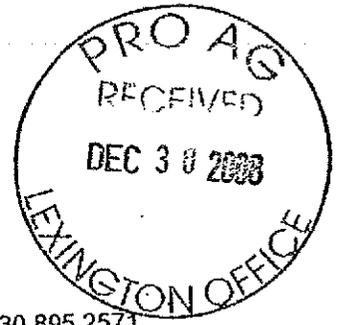
DON001947



*Mark - low crop loss. Thanks, Allan*

82421

If you have any questions please contact your agent:



Phone: 330 895 2571

Moser Crop Insurance  
35 Bellflower Road NE  
Minerva, OH 44657

Processing Office	PRODUCERS AG INS- Lexington			Claim Number	19299	Batch	123655
Insured	MARK & RON SIEFRINE			Draft Date	12/29/08		
Date of Loss	Policy Number	Agency Code	Insured ID Number	Amount			
10/13/08	M-2008-39-987-745022	392571-00	178873	84,974.00			
MPCI Premium Credit							
Loss #	10299	Dated	10/13/08	84,974.00			
Loss This Draft				84,974.00			
Loss Premium Credit on Policy	745022			0.00			
Loss Fee Credit				0.00			
Loss Interest				0.00			
Amount of Payment				84,974.00			

PLEASE DETACH BEFORE CASHING

DON001938



12/30/08

**PROOF OF LOSS**  
**PRODUCERS AGRICULTURE INS**

Policy No : M-2008-39-987-745022  
 Claim No : OH 19299  
 Crop Year : 2008

Insured's Name and Address		Agency (Agent) Name and Address	
MARK & RON SIEFRING  6973 TWP LINE RD CELINA, OH 45822		Moser Crop Insurance  35 Bellflower Road NE Minerva, OH 44657	
Insured's Phone No: (419) 942-1426		Agent Phone No: 330 895 2571	Fax: 330 895 2573
Entity Type: Partnership		Agent Code No: 392571	Agent Sub-Code: 00
Loss Payable to me and :		State : 39 Ohio	
AOI: N		County : 107 MERCER	

Unit No.	ASCS#	Crop	Prac	Type	Risk	Stage Cause	Acres	Guarantee Per Acre	Total Guarantee	Prod To Count	Deficit	Price	Indemnity	% Int.	Amount Payable
0101	2380	CORN	NI	0160	CR	UH	82.1	106.50	47,216.00	41041	6,175	5.4000	6,175	1.000	6,175
			RA	GSG		DECLINE IN PRI		BU.	47216	10973.4 BU.		3.7400	MIF:		
0102	3385	CORN	NI	0160	CR	UH	148.0	110.25	88,112.00	69955	18,157	5.4000	18,157	1.000	18,157
			RA	GSG		DECLINE IN PRI		BU.	88112	18704.6 BU.		3.7400	MIF:		
0104	3293	CORN	NI	0160	CR	UH	57.6	98.25	30,560.00	20621	9,939	5.4000	9,939	1.000	9,939
			RA	GSG		DECLINE IN PRI		BU.	30560	5513.6 BU.		3.7400	MIF:		
0107	4711	CORN	NI	0160	CR	UH	48.0	107.25	27,799.00	25815	1,984	5.4000	1,984	1.000	1,984
			RA	GSG		DECLINE IN PRI		BU.	27799	6902.4 BU.		3.7400	MIF:		
0109	5099	CORN	NI	0160	CR	H	110.9	103.50	61,982.00	60554	1,428	5.4000	1,428	1.000	1,428
			RA	GSG		DECLINE IN PRI		BU.	61982	16191.0 BU.		3.7400	MIF:		
0110	204	CORN	NI	0160	CR	UH	34.5	114.75	21,378.00	18658	2,720	5.4000	2,720	1.000	2,720
			RA	GSG		DECLINE IN PRI		BU.	21378	4988.7 BU.		3.7400	MIF:		
0101	2380	SBEAN	IFAC-I	9970	CR	H	40.2	30.55	16,408.00	13222	3,186	13.3600	3,186	1.000	3,186
			RA	NTS		DECLINE IN PRI		BU.	16408	1434.1 BU.		9.2200	MIF:		
0103	3385	SBEAN	IFAC-I	9970	CR	H	51.6	28.60	19,716.00	22352	-2,636	13.3600	0	1.000	0
			RA	NTS		DECLINE IN PRI		BU.	19716	2424.3 BU.		9.2200	MIF:		
0104	3293	SBEAN	IFAC-I	9970	CR	H	72.4	28.60	27,664.00	19417	8,247	13.3600	8,247	1.000	8,247
			RA	NTS		DECLINE IN PRI		BU.	27664	2106.0 BU.		9.2200	MIF:		
0105	1596	SBEAN	IFAC-I	9970	CR	H	23.6	27.95	8,812.00	3636	5,176	13.3600	5,176	1.000	5,176
			RA	NTS		DECLINE IN PRI		BU.	8812	394.4 BU.		9.2200	MIF:		
0106	1629	SBEAN	IFAC-I	9970	CR	H	41.7	30.55	17,020.00	9568	7,452	13.3600	7,452	1.000	7,452
			RA	NTS		DECLINE IN PRI		BU.	17020	1037.7 BU.		9.2200	MIF:		
0108	2252	SBEAN	IFAC-I	9970	CR	H	114.4	31.20	47,685.00	30759	16,926	13.3600	16,926	1.000	16,926
			RA	NTS		DECLINE IN PRI		BU.	47685	3336.1 BU.		9.2200	MIF:		
0110	204	SBEAN	IFAC-I	9970	CR	H	31.0	31.85	13,191.00	9607	3,584	13.3600	3,584	1.000	3,584
			RA	NTS		DECLINE IN PRI		BU.	13191	1042.0 BU.		9.2200	MIF:		

	Total	84,974.00
(-)	Adm Fee	0.00
(-)	Prem	0.00
(-)	Int.	0.00
(-)	Other Pol Credit	0.00

Draft 84,974.00

DON001939



**NAU COUNTRY INSURANCE COMPANY**

SERVICED BY: NAU COUNTRY INSURANCE COMPANY  
PO BOX 269  
EAU CLAIRE, WI 54702-0269

If you have any questions please contact your agent

34-1100  
MULTISTATE INSURANCE  
458 LAKE ROAD NE  
LANCASTER, OH 43130  
(740)536-7755

Policy #: OH 942-5004935-06  
Insured: MARK & RON SIEFRING  
Claim #: OH-00705

Check No: 00086185  
Check Date: 08/09/2006  
Amount: \$3,887.00

Tax Information:

34-1180899  
MARK & RON SIEFRING

\*The full amount of this check will be included  
on the 1099 for this entity

*MPCI Claim Summary*

Total Indemnity	\$3,887.00
Premium/Fee Credits	\$0.00
Other Payments	\$0.00
Amount of Payment	\$3,887.00

DON001940





**NAU COUNTRY INSURANCE COMPANY**

SERVICED BY: NAU COUNTRY INSURANCE COMPANY  
PO BOX 269  
EAU CLAIRE, WI 54702-0269

**MPCI Loss Payment Notice**

Check # 00086185  
Check Date 08/09/2006  
Amount \$3,887.00  
  
Policy # OH-942-5004935-06  
Insured MARK & RON SIEFRING  
Claim # OH-00205

If you have any questions please contact your agent:

MULTISTATE INSURANCE  
458 LAKE ROAD NE  
LANCASTER, OH 43130  
(740)536-7755

**Loss Amounts**

Description	Claim	Net Loss	Credits	Credits	Unpaid
CORN RA 75/100	\$2,168.00	\$2,168.00	\$2,168.00	-	-
SBEAN RA 65/100	\$1,719.00	\$1,719.00	\$1,719.00	-	-
<b>Totals</b>	<b>\$3,887.00</b>	<b>\$3,887.00</b>	<b>\$3,887.00</b>	-	-

**Loss Checks**

Number	Issued	Amount	Pay To	Note
00086185	08/09/2006	\$3,887.00	Mark & Ron Siefring 6973 Twp Line Rd Celina, OH 45822	

*Mark,*

*for replant payment.*

*Thanks for your business*

*Alan*

DON001941



**NAU COUNTRY INSURANCE COMPANY**

SERVICED BY: NAU COUNTRY INSURANCE COMPANY  
 PO BOX 269  
 EAU CLAIRE, WI 54702 0269

**MPCI Proof of Loss**

MARK & RON SIEFRING  
 6973 TWP LINE RD  
 CELINA, OH 45822  
 Phone: (740) 536-1126  
 ID: **REDACTED**

MULTISTATE INSURANCE  
 458 LAKE ROAD NE  
 LANCASTER, OH 43130  
 Phone: (740) 536-7755  
 Agency#: 34-1100

Policy OH-942-5004935-06  
 Claim OH-00205  
 Crop Year 2006  
 State 39-OH  
 County 107-MERCER

**SBEAN RA 75/100% COV 107-MERCER**

Unit#	Prac/Type	Stage	Peril	Harvest	Acres	Guar	Adj Guar	Hrv Prc	Prod Cnt	Defic	Price	Interest	Payable
00104	NFAC-N/NTS	Replanted (No C	Excess Moisture/	0.0	51.0	3.0	153.0	NA	0.0	153.0	6.18	1.000	\$946.00
	005S002E-6 FSN 3293					MIF: 1.000000							
00106	NFAC-N/NTS	Replanted (No C	Excess Moisture/	0.0	41.7	3.0	125.0	NA	0.0	125.0	6.18	1.000	\$773.00
	006S001E-6 FSN 1629					MIF: 1.000000							

**CORN RA 75/100% COV 107-MERCER**

Unit#	Prac/Type	Stage	Peril	Harvest	Acres	Guar	Adj Guar	Hrv Prc	Prod Cnt	Defic	Price	Interest	Payable
00101	NI/GSG	Replanted (No C	Excess Moisture/	0.0	44.9	8.0	359.0	NA	0.0	359.0	2.59	1.000	\$930.00
	006S001E-1 FSN 2380					MIF: 1.000000							
00102	NI/GSG	Replanted (No C	Excess Moisture/	0.0	44.8	8.0	358.0	NA	0.0	358.0	2.59	1.000	\$927.00
	006S001E-13 FSN 3385					MIF: 1.000000							
00107	NI/GSG	Replanted (No C	Excess Moisture/	0.0	15.0	8.0	120.0	NA	0.0	120.0	2.59	1.000	\$311.00
	005S002E-32 FSN 4711					MIF: 1.000000							

DON001942

COVERAGE LOSS TOTALS		LOSS CHECKS			PREMIUMS/FEES/CREDITS		
Coverage	Loss	Issued	Check#	Check Amt	Policy	Coverage	Credit
CORN RA 75/100%	\$2,168.00	08/09/2006	00096185	\$3,887.00			
SBEAN RA 65/100%	\$1,719.00						
<b>Total Loss</b>	<b>\$3,887.00</b>	<b>Total Checks</b>		<b>\$3,887.00</b>	<b>Total Credits</b>		<b>\$0.00</b>

# Know all Men by these Presents

That TOM W. McMILLAN and SHARON A. McMILLAN, Husband and Wife,

of Mercer County, Ohio,

in consideration of One Dollar (\$1.00) and other good and valuable considerations

to them in hand paid by MARK SIEFRING and RONALD SIEFRING,

whose address is 2789 State Route 219, Coldwater, Ohio 45828  
do hereby Grant, Bargain, Sell and Convey

to the said MARK SIEFRING and RONALD SIEFRING, their

heirs and assigns forever, the following described Real Estate, situate in the Township of Washington in the County of Mercer and the State of Ohio, and bounded and described as follows, to-wit:

Being the North one-half (1/2) of the Northeast Quarter (1/4) of Section Thirteen (13), Town Six (6) South, Range One (1) East, Washington Township, Mercer County, Ohio, containing Eighty (80) acres of land, more or less, subject to all easements, restrictions, limitations and conditions imposed thereon and all legal highways

Exemption paragraph, conveyance fee  
The Grantor and Grantee of this deed have complied with the provisions of S. Sec. 15,261 Roger A. Schweitzerman, Mercer County Auditor.

APR 14 1989

MERCER COUNTY  
TAX DEPARTMENT  
BY ABE

Grantees herein assume and agree to pay the June (July), 1989, installment of taxes and assessments hereon and thereafter as part of the consideration herein.

Last Transfer Deed Record Volume 245, Page 275.

and all the Estate, Right, Title and Interest of the said grantor in and to said premises; To have and to hold the same, with all the privileges and appurtenances thereunto belonging, to said grantee, their heirs and assigns forever.

And the said TOM W. McMILLAN and SHARON A. McMILLAN, Husband and Wife,

do hereby Covenant and Warrant that the title so conveyed is Clear, Free and Unincumbered, and that they will defend the same against all lawful claims of all persons whomsoever, except for taxes and assessments beginning with the July, 1989, installment hereon and thereafter.

DON001080

EXHIBIT

G

In Witness Whereof, the said TOM W. McMILLAN and SHARON A. McMILLAN, Husband and Wife,

hereby release their right and expectancy of dower in said premises, he ve hereunto set their hand s. this 13th day of April, in the year A. D. nineteen hundred and Eighty-nine (1989). Signed and acknowledged in presence of us

Witness ERNEST J. UHLERHART

TOM W. McMILLAN

Witness JOHN W. SACHER

SHARON A. McMILLAN

State of Ohio, Mercer County, ss. On this 13th day of April, A. D. 19 89, before me, a Notary Public in and for said County, personally came TOM W. McMILLAN and SHARON A. McMILLAN, Husband and Wife,

acknowledged the signing thereof to be their voluntary act and deed the grantors in the foregoing deed, and as my official signature and seal on the day last above mentioned

Notary Public, State of Ohio



State of \_\_\_\_\_ County, ss. On this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19 \_\_\_\_\_, before me, a \_\_\_\_\_ the grantor in the foregoing deed, and acknowledged the signing thereof to be \_\_\_\_\_ voluntary act and deed as my official signature and seal on the day last above mentioned.

This instrument prepared by JOHN W. SACHER, ATTORNEY AT LAW, CELINA, OHIO 45822.

21076 Warrant Deed

TOM W. McMILLAN and SHARON A. McMILLAN, Husband and Wife, Mercer County, Ohio

TO MARK SIEFFING and RONALD SIEFFING 2789 State Route 219, Coláwater, Ohio 45828

TRANSFERRED APR 14 1989 COUNTY AUDITOR

ROGER A. SCHWIETZMAN COUNTY AUDITOR MERCER COUNTY, OHIO

PRESENTED FOR RECORD On the 14 day of April 1989 at 3:01 o'clock P.M. recorded April 27 1989 in Mercer Co, Ohio Record of Deeds

Patricia E. Gools Recorder - Mercer Co., Ohio Fee \$10.00 vol. 309 pg. 660-61

LAW OFFICES JOHN W. SACHER 110 WEST MARKET STREET CELINA, OHIO 45822

DON001081

AFFIDAVIT OF RONALD J. SIEFRING

STATE OF OHIO )  
 ) ss:  
COUNTY OF MERCER )

My name is Ronald J. Siefring. I am over the age of 21, and I am competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct.

I state as follows:

1. I am a Relator in this mandamus action seeking compensation for the property taken by Respondents Ohio Department of Natural Resources and Sean D. Logan, Director (collectively "ODNR").
2. Specifically, I am an owner of real estate described as Mercer County Parcel Numbers 42-020000.0000 and 42-000100.000.
3. I have owned since 1989 Mercer County Parcel Number 42-020000.0000.
4. Mercer County Parcel Number 42-020000.0000 lies adjacent to the Kittle Ditch, a tributary to the Beaver Creek.
5. I have owned since 1976 Mercer County Parcel Number 42-000100.0000.
6. Mercer County Parcel Number 42-020000.0000 lies adjacent to the Beaver Creek.
7. Since ODNR replaced the western spillway of Grand Lake St. Mary's in 1997 and undertook its current lake level management practices, which include maintaining increased lake levels and use of the western spillway for virtually all water flow out of Grand Lake St. Mary's, Mercer County Parcel Numbers 42-020000.0000 and 42-000100.0000 have been subject to continuing, persistent, frequent, and inevitable increased severe flooding from the western spillway of Grand Lake St. Mary's.
8. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Number 42-020000.0000 and 42-

DON000650



000100.000 have flooded every year and some years, they have flooded several times. On each occasion, 42-020000.0000 and 42-000100.000 were inundated with water at depths varying from approximately one to six feet.

9. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 42-020000.0000 and 42-000100.000 flood more rapidly and remains flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 42-020000.0000 and 42-000100.000 remained inundated with water for a period of up to two weeks.

10. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 42-020000.0000 and 42-000100.000 had less frequent flooding, never flooded as much, never flooded over as large an area, never flooded for as long.

11. To date, the most invasive flood occurred in 2003 with approximately 19.5 acres of Mercer County Parcel Number 42-000100.000 being flooded with approximately one to six feet of water for approximately up to two weeks. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Numbers 42-000100.000 is attached hereto as Exhibit 1. I have shaded in the area of the parcel that was flooded in 2003.

12. Attached hereto as Exhibit 2 is photograph that truly and accurately depicts the flooding of Mercer County Parcel Number 42-000100.000 in 2003.

13. To date, the most invasive flood occurred in 2003 with approximately 17 acres of Mercer County Parcel Number 42-020000.0000 being flooded with approximately two to three feet of water for approximately up to two weeks. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Numbers 42-

020000.0000 is attached hereto as Exhibit 3. I have shaded in the area of the parcel that was flooded in 2003.

14. Mercer County Parcel Numbers 42-020000.0000 and 42-000100.000 also experienced severe flooding in 2005.

15. Mercer County Parcel Numbers 42-020000.0000 and 42-000100.000 also experienced severe flooding in 2008.

16. Mercer County Parcel Numbers 42-020000.0000 and 42-000100.000 were again flooded as recently as spring 2009.

17. As a direct result of the flooding, Mercer County Parcel Numbers 42-020000.0000 and 42-000100.000 have suffered damage in the form of crop losses, field and bank erosion, the deposit of silt, sand, and stone and other debris, soil compaction and drainage tile failure.

18. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 42-020000.0000 and 42-000100.000.

18. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

DON000652

**FURTHER AFFIANT SAYETH NAUGHT.**

*Ronald J. Siefring*  
Ronald J. Siefring

Sworn in my presence and subscribed before me this 24<sup>th</sup> day of August, 2009.

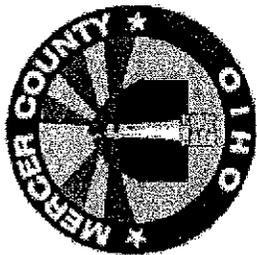
*Joseph R. Miller*  
Notary Public  


JOSEPH R. MILLER  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

**EXHIBIT 1**  
**TO**  
**AFFIDAVIT OF RONALD J. SIEFRING**

DON000653

Mercer County Ohio



Legend

Administrative



Townships



Neighborhoods

Parcels



Parcels

Transportation



State Highways



US Highways

Water



Lake

Streams

tabbles  
**1**

EXHIBIT



Scale: 1:5,500



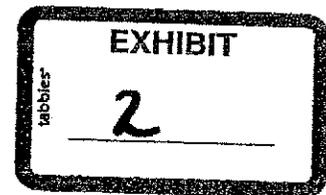
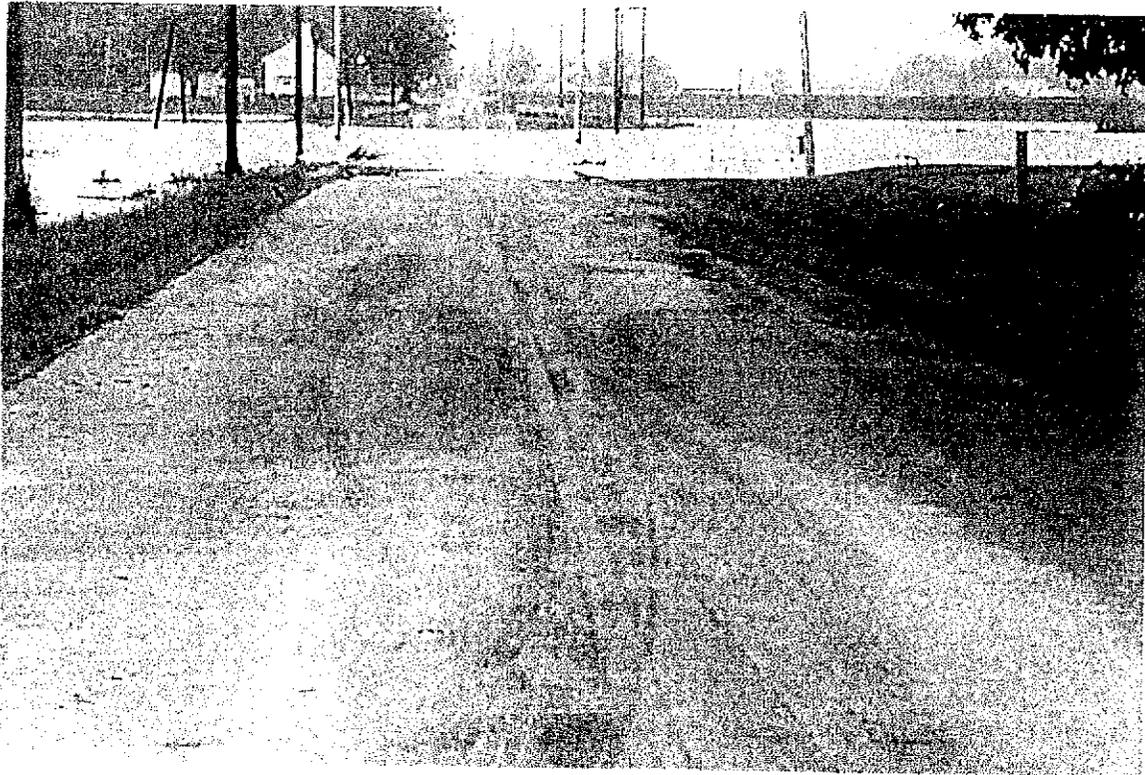
Map center: 1358967, 329846

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Ronald J. Siefiring and Carol L. Siefiring  
6973 Township Line Rd.  
Parcel No.: 42-000100.0000 - 80 acres

**EXHIBIT 2**  
**TO**  
**AFFIDAVIT OF RONALD J. SIEFRING**

{ DON000655 }



DON000656

**EXHIBIT 3**  
**TO**  
**AFFIDAVIT OF RONALD J. SIEFRING**

DON000657

# Mercer County Ohio



## Legend

### Administrative

-  Townships
-  Neighborhoods

### Parcels

-  Parcels

### Transportation

-  State Highways
-  US Highways

### Water

-  Lake
-  Streams

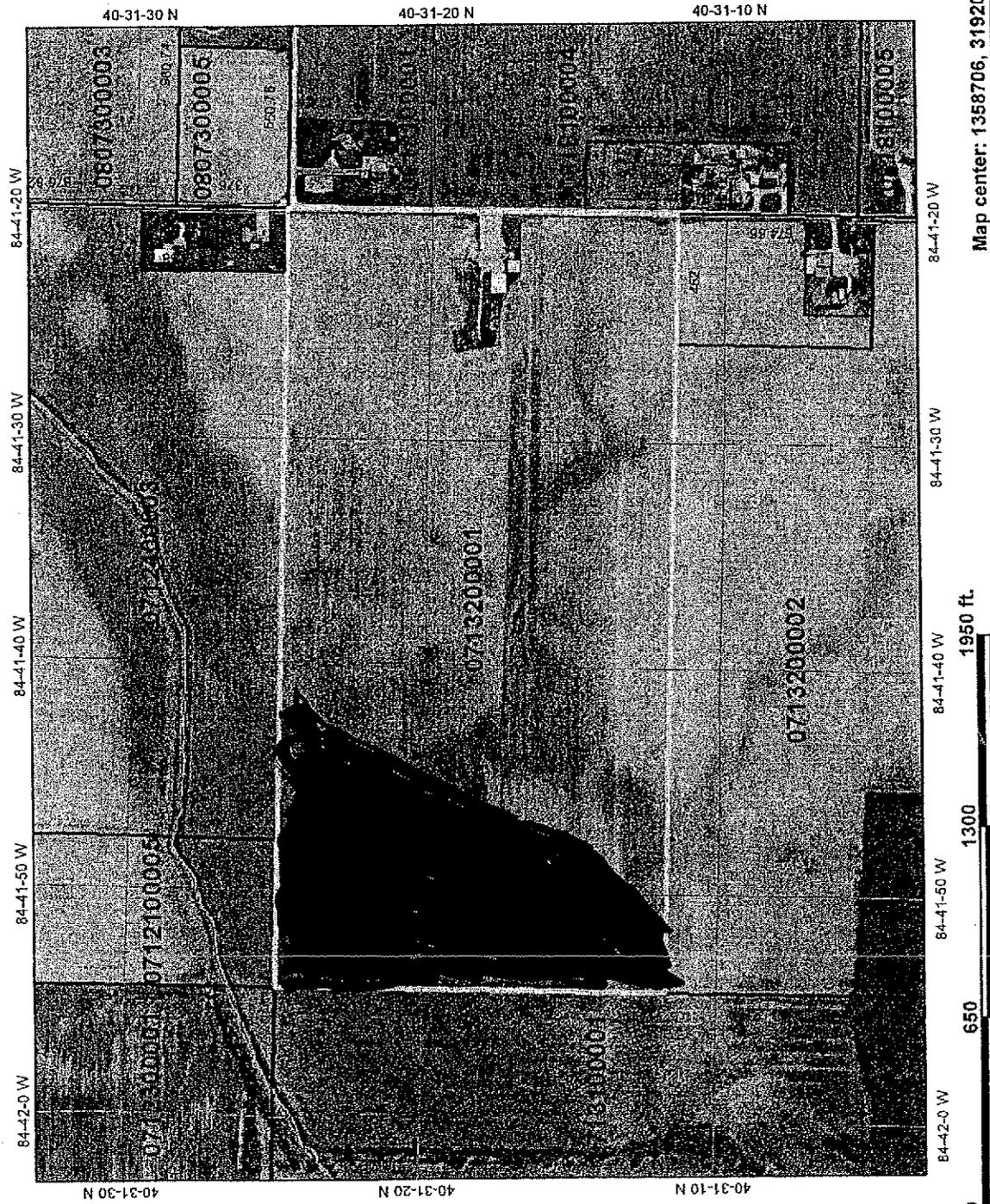
tabbles

3

EXHIBIT



Scale: 1:6,500



This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Mark Siefiring and Ronald Siefiring  
 6031 Township Line Rd.  
 Parcel No.: 42-020000.0000 - 80 acres

DON000658

# Tab 57

IN THE SUPREME COURT OF OHIO

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2  
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STATE OF OHIO  
EX REL., WAYNE T. DONER, et al.

CASE NO. 09-1292

vs.  
SEAN D. LOGAN, DIRECTOR  
OHIO DEPARTMENT OF NATURAL RESOURCES  
2045 MORSE ROAD  
COLUMBUS, OHIO 43229-6693

and

OHIO DEPARTMENT OF NATURAL RESOURCES  
2045 MORSE ROAD  
COLUMBUS, OHIO 43229-6693

DEPOSITION of DAVID J. SUHR, was  
taken by the Respondents as on cross-examination,  
pursuant to the Ohio Rules of Civil Procedure, and  
pursuant to agreement of counsel, at the Central  
Service Building, 220 West Livingston Street,  
Celina, Ohio 45822, on Tuesday, February 12, 2010,  
at, 3:00 p.m., before Edna M. Hawkins, Professional  
Court Reporter and a Notary Public within and for  
the State of Ohio.

HOLMES REPORTING & VIDEO  
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I N D E X

WITNESS: DAVID J. SUHR		
Examinations	DIRECT	CROSS
By Mr. Martin		4, 25
By Mr. Fusonie		22. 28

E X H I B I T S

RESPONDENT'S	DESCRIPTION	MARKED
A	Affidavit of David J. Suhr	11

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DAVID J. SUHR

of lawful age, a Relator herein, called on behalf  
of the Appellee, being first duly sworn, as  
hereinafter certified, was examined and testified  
as follows:

CROSS-EXAMINATION

BY MR. MARTIN:

Good afternoon, sir.

THE WITNESS: Good afternoon.

Q. If you could just say your name and  
spell it for the court reporter.

A. David J. Suhr, S-U-H-R is how you  
spell my last name.

MR. MARTIN: My name is Dan Martin.  
I'm attorney for the State of Ohio,  
representing the Department of Natural  
Resources in this matter and we'll be  
asking you some questions today and you  
got to observe your wife's deposition, so  
I'll try not to be repetitive, but I do  
have some questions for you.

The first thing I usually ask is  
whether you've had your deposition taken  
before?

THE WITNESS: No, I have not.

1 MR. MARTIN: And I'll just give you  
2 some instructions just to help you  
3 through the process. As you notice, the  
4 court reporter swore you when we began,  
5 so just like you would in a courtroom  
6 situation, with a judge, where you maybe  
7 have been sworn in, I just ask you to  
8 tell the truth to the best of your  
9 ability.

10 When the court reporter is trying to  
11 transcribe the record, she's trying to  
12 record a conversation, so it's important  
13 that if I ask you a question and you  
14 answer that you give a verbal response  
15 because if you shrug your shoulders or  
16 shake your head, that's hard for her to  
17 transcribe that, so just ask that you  
18 give a verbal response to the questions.

19 I'll do my best to try not to talk  
20 over you or interrupt you when you're  
21 answering a question and would just ask  
22 you to try to do the same with me when  
23 I'm asking a question, that you let me  
24 get my question out and then begin your  
25 answer.



1 years old. I've been here the whole time.

2 Q. And where do you reside?

3 A. I reside at -- on Township Line  
4 Road, 7241.

5 Q. And how long have you been at that  
6 address?

7 A. We built a house there in 1976.

8 That's been my residence since then, but when I got  
9 married in 1968, I lived there for two years and  
10 then we lived at a couple differfent places because  
11 we bought and sold real estate and used them and  
12 then went back in '76 and built a house there.

13 Q. Okay. And how far along in school  
14 did you go?

15 A. I went 12 years through the  
16 elementary and high school then I went one year of  
17 college.

18 Q. And where did you graduate from high  
19 school?

20 A. Celina High School.

21 Q. And where did you attend college?

22 A. At a Wright State University, here  
23 in town.

24 Q. And did you take some courses there?

25 A. I took, like, history, accounting,

1 | those kind of courses.

2 |           Q.    And after you got out of college,  
3 | did you enter the work force?

4 |           A.    Yes.  I worked even while I was  
5 | going to college.

6 |           Q.    While you were in college, what type  
7 | of work did you do?

8 |           A.    Well, I helped my dad on the farm at  
9 | that time.

10 |           Q.    And after, you know, you took those  
11 | courses at Wright State, did you continue that  
12 | work?

13 |           A.    No.  Well, continue to work on the  
14 | farm?

15 |           Q.    Right.

16 |           A.    I helped my dad some on the farm,  
17 | but I also helped a contractor and we laid asphalt  
18 | highways.

19 |           Q.    Which contractor did you work for?

20 |           A.    I worked for a man by the name of  
21 | Vint Walls.  He's dead and that company is out of  
22 | business.

23 |           Q.    And how long did you work for them?

24 |           A.    I worked for them approximately  
25 | three years.

1 Q. And then after that, what did you  
2 do?

3 A. I went and I worked for Reynolds and  
4 Reynolds Company, here in town, for a little over a  
5 year.

6 Q. What type of work did you do for  
7 them?

8 A. I ran a carbon machine, puts carbon  
9 on paper.

10 Q. And then after that year of Reynolds  
11 and Reynolds, what was your next job after that?

12 A. Well, I always was interested in  
13 motorcycles and the guy that sold Honda motorcycles  
14 was very interested in me, so I went to work for  
15 him because I enjoyed that, and I went through the  
16 school because I had the ability to bore cylinders  
17 and rebuild engines and stuff, went to Honda  
18 schools.

19 Q. And how long did you hold that  
20 position?

21 A. Altogether, about 17 years.

22 Q. And you said you took some Honda  
23 courses. Where were those offered?

24 A. They offered them at their training  
25 centers. Sometimes -- Glendale, Wisconsin is where

1 I went most of the time which is Milwaukee.

2 Q. And, basically, were those courses  
3 mechanical training and --

4 A. Yes, carburation, the tools and  
5 things you use to bore cylinders and do valves and  
6 stuff in the engine.

7 Q. And then did you do anything work  
8 related after the experience there at Honda?

9 A. Well, I got the stuff at home and I  
10 can still do that which, with our farm operation, I  
11 just take that experience of that and use it on our  
12 farm equipment.

13 Q. So right now, what do you do for  
14 earn an in come?

15 A. Right now, I drive a semi.

16 Q. Okay.

17 A. And what I haul mostly is Crown  
18 equipment; they make forklifts. That is used in  
19 anything from the Smithsonian Institute, in  
20 Washington, D.C., to Walmart, Target and those kind  
21 of places that move a lot of product around in  
22 their warehouses.

23 Q. And crown is a business located  
24 here, in Celina; right?

25 A. They are in New Bremen, Ohio; that

1 is the main location. They have different  
2 locations in the world, but mainly, in the United  
3 States, they got Celina, New Bremen, Green Castle,  
4 Indiana and Kinston, North Carolina.

5 Q. And do you still do some farm work?

6 A. My son does and I help him.

7 Q. What type of work do you do with  
8 your son?

9 A. Oh, I drive the tractor. I change  
10 the oil in the tractors, just any kind of  
11 maintenance work; maintenance work on the combine.

12 Q. Do you do any work as far as  
13 planting or harvesting?

14 A. Yes. I drive the combine. I can  
15 drive the tractors and plant.

16 Q. Um-hum. What I'd like to do is I'm  
17 going to mark an Affidavit that you had signed, and  
18 much as we did with your wife, is ask you some  
19 questions on that document.

20 MR. MARTIN: We'll mark this as

21 Exhibit A.

22 (Xerographic Document, Affidavit of  
23 David J. Suhr, was marked for  
24 identification Exhibit A.)

24 Somehow I ended up with just two  
25 copies of this. Do you have one, Tom?

1 MR. FUSONIE: Yeah. Just to make  
2 sure each page is there.

3 MR. MARTIN: Sorry about that.

4 MR. FUSONIE: That's all right.

5 MR. MARTIN: Go off the record.

6 (Brief pause.)

7 Q. Just handing you what's been marked  
8 as Exhibit A and just want to direct your attention  
9 to paragraph numbered 2 and it identifies two  
10 parcels of land that you own; do you see that, Mr.  
11 Suhr?

12 A. Yes, I see that.

13 Q. And do you still own those parcels?

14 A. I own that, along with my wife.

15 Q. And other than those two parcels, is  
16 there any other parcel that you have ownership  
17 interest in that you are making a claim in this  
18 case for?

19 A. I have no other parcel that I'm  
20 making a claim for.

21 Q. And for both these parcels, you've  
22 owned them since 1997?

23 A. That is correct.

24 Q. And were these parcels purchased at  
25 auction?

1 A. Yes, they were.

2 Q. And it indicates on your fourth  
3 paragraph here that they border the south side of  
4 Beaver Creek; is that correct?

5 A. That is correct.

6 Q. And do you recall what you paid per  
7 acre when these two parcels were purchased?

8 A. It was in the \$2900-an-acre area.

9 Q. And what do you use these parcels  
10 for?

11 A. They're rented, but it's green  
12 farmed, corn, beans.

13 Q. And let's turn your attention to  
14 paragraph 6. It's at the top of page 2 and in that  
15 paragraph you indicate that the two parcels have  
16 flooded approximately 15 times. How do you know  
17 that?

18 A. In 2003, we had a very bad flood;  
19 2005 was almost the same thing. Every year, they  
20 flood once-to-twice, just not as severe as that.

21 Q. Um-hum.

22 A. And it was put in around '98 I  
23 guess, the spillway was, so --

24 Q. And your statement here, the 15  
25 times, would that be from the time that you and

1 your wife became owners of the property?

2 A. Yes, and that's about the same time  
3 the spillway was put in because we bought it in  
4 '97.

5 Q. Did you have any familiarity with  
6 this property before you and your wife purchased  
7 it?

8 A. Yes, I did.

9 Q. How did you know about the property  
10 or familiar with it?

11 A. Well, it was advertised for public  
12 auction in our local paper.

13 Q. Did you do any research into the  
14 property before you showed up for the sale?

15 A. Yes, I did. I walked the property.

16 Q. Did you talk to the people who were  
17 offering it for sale?

18 A. No.

19 Q. What about the auctioneer?

20 A. No.

21 Q. At the time you purchased it, do you  
22 recall anyone, as part of the transaction, giving  
23 you any information about prior flooding?

24 A. Nobody gave me any information.

25 Q. And in the Affidavit, you'd said

1 that it was bordering the south side of Beaver  
2 Creek. Before you and your wife bought the  
3 property, do you recall if you did any research to  
4 see if there was a flood plain on this property?

5 A. I did not.

6 Q. So you don't know one way or the  
7 other whether there was any flooding on the site,  
8 on the property prior to your purchase?

9 A. I'm very familiar with the property.  
10 I would want to say that after the spillway was put  
11 in, which dumps water at a very accelerated rate,  
12 in the right conditions, it floods much worse.

13 Q. Other than when you walked the  
14 property prior to the auction, what other times did  
15 you visit the property prior to '97 -- Strike that.  
16 You had stated that before the auction, you had  
17 walked the property; right?

18 A. That was a week or two before the  
19 auction, yes.

20 Q. Okay. Other than that time that you  
21 walked the property a week or two before the  
22 auction, prior to that time, had you walked the  
23 property?

24 A. Did not walk on the ground.

25 Q. Did you visually observe the

1 property?

A. Yes.

2 Q. And how many times?

3 A. Numerous times, 'cause we own ground  
4 right on the other side of the Beaver from it.

5 Q. And during that time, prior to your  
6 purchase, is it your position that there was not  
7 flooding on that parcel that were -- Actually, the  
8 two parcels we're taling about in your Affidavit.

9 A. The flooding on them two parcels  
10 would be considered very minimal to what it is now.

11 Q. And can you tell me what the  
12 difference is between the flooding before the  
13 landfill was built -- before the spillway was built  
14 and after the spillway was built?

15 A. The difference would be having no  
16 water in certain areas of your field which now, we  
17 might have a couple inches, in other areas. Now  
18 you might have a foot-to-three foot, where before,  
19 maybe you only had 8-to-10 inches.

20 Q. Does the flooding after 1997, the  
21 spillway change, does it last for longer periods of  
22 time?

23 A. Yes.

24 Q. How much longer would you say it  
25 lasts, compared to before the spillway was

1 modified?

2 A. Depending on the severeness of the  
3 flooding, but I could say it would last anywhere  
4 from 3-to-5 days longer.

5 Q. Is there a particular time of year  
6 when you've observed the floods?

7 MS. BREWER: Objection.

8 Q. I'll ask the question a little  
9 differently. Paragraph 6, of your Affidavit, it  
10 says -- it gives the two parcel numbers and it  
11 says, have flooded approximately 15 times or at  
12 least once per year. If it's flooded at least once  
13 per year, can you tell me whether or not the flood  
14 that you see every year happens at the same time?

15 MS. BREWER: Objection.

16 A. Well, generally, you get a lot of  
17 rain in the spring. The ground is saturated with  
18 water from the winter's thaw and all, so you're  
19 generally going to get some flooding in the spring.  
20 Like in 2003 and a little later on in the season,  
21 but the spillway just holds it up there and then  
22 all of a sudden, it just dumps it.

23 Q. In 2003, was the flooding in July?

24 A. I believe it was in July.

25 Q. In that particular year?

1           A.    Yes.  We got it on our pictures.  I  
2 think it was July.

3           Q.    Okay.  Did you look into whether  
4 there were any causes other than the spillway of  
5 the flooding?

6           A.    No.

7           Q.    Is it fair to say that based on your  
8 experience with the property, the 2003 flood was  
9 the worst flood you noticed?

10          A.    Yes.

11          Q.    Do you recall what the weather was  
12 like during that event?

13          A.    I know it rained.

14          Q.    It was a lot of rain; wasn't there?

15          A.    That's correct.

16          Q.    Do you know, just based on your  
17 knowledge of the area at that time, did other  
18 water, water bodies besides the Beaver flood during  
19 that event in '03?

20          A.    Creeks were full of water, but not  
21 flooding out, you know.  Quarter, half mile on each  
22 side.

23          Q.    Did the Wabash flood that year?

24          A.    Yes.

25          Q.    Now, let's take a look at a couple

1 of exhibits you have attached to your Affidavit.  
2 Actually, let's go ahead to Exhibit C that's in  
3 Exhibit A there and Exhibit D -- and you had  
4 mentioned, I thought something about photos and I  
5 recognize these are photocopies. They may be a  
6 little difficult to interpret, but did you take  
7 this photograph?

8 A. My wife took the photograph.

9 Q. Okay. Do you know where it was  
10 taken?

11 A. She was on Bunker Hill Road.

12 Q. And what's this show?

13 A. Well, the first here, this would be  
14 on property other than what we're talking about  
15 right now, but it is property that my wife owns.  
16 That was beans and as you look right in the center  
17 of the picture, going towards the top of the page,  
18 you're going to see some stuff over there that  
19 looks a little taller; that is corn, but before you  
20 get to the corn is Beaver, but we really can't tell  
21 where Beaver is at 'cause it's so high, it's just  
22 all water, including the field.

23 Q. Okay. So this is the flooded area  
24 of Beaver Creek?

25 A. That is correct.

1 Q. Okay.

2 A. And then the corn, you know, at that  
3 time of the year, July corn is, they talk about  
4 knee high, but it's generally that high  
5 (indicating), so you can see we could have a couple  
6 feet of water in there and you're still going to  
7 see the corn, but it does hurt the corn.

8 Q. And then Exhibit D after that,  
9 that's a hard one to --

10 A. That's kind of the same picture,  
11 really.

12 Q. Yeah. If you can, do you know what  
13 that's depicting?

14 A. That really looks almost like the  
15 same picture. It's just another shot of a little  
16 different angle, but that is Bunker Hill Road here;  
17 that's the beans; Beaver, which is covered and then  
18 the corn, but the corn now, is on the ground we're  
19 talking about.

20 Q. Um-hum.

21 A. And then, of course, there's a  
22 little bit of woods back behind that corn. Some of  
23 that was ours; some of it is another individual's.

24 Q. Mr. Suhr, on the map that's marked  
25 as Exhibit B in your Affidavit, it's deposition

1 Exhibit A, there is a parcel that's 51.489 acres.

2 Do you know how much of that land, in terms of  
3 acres, is tillable?

4 A. Approximately 46 acres, 45 acres.

5 Q. And what areas would you consider  
6 not tillable?

7 A. You want to know what is not  
8 tillable?

9 Q. Yeah. Is there a certain area of  
10 the property that would be not tillable?

11 A. `Bout right here (indicating).  
12 There's some trees there. This is all woods over  
13 here, but that's not ours, but there's some trees  
14 right here and they kind of angle --

15 Q. Okay. I'll just give you a little  
16 marker. If you don't mind -- and I know this is  
17 approximation -- if you could outline the area we  
18 referenced.

19 (Witness complying.)

20 A. Okay.

21 Q. Thank you.

22 A. You're welcome.

23 Q. And on that piece of property, do  
24 you have any portion of that that's in a  
25 Conservation Program?

1 A. No.

2 Q. Do you maintain filter strips on  
3 that property?

4 A. There is no filter strip on that  
5 property.

6 Q. Any of that property in any type of  
7 farmland preservation easement?

8 A. No.

9 Q. Do you farm any of that land  
10 yourself

11 A. No.

12 Q. Is it rented out?

13 A. Yes.

14 Q. Okay.

15 MR. MARTIN: I don't have any  
16 further questions for you.

17 MR. FUSONIE: Just got a couple.

18 DIRECT EXAMINATION

19 BY MR. FUSONIE:

20 Q. Exhibit A to Exhibit A and Exhibit B  
21 to Exhibit A, that's a continuous tract of land  
22 when you combine those two?

23 A. Yes. This here, that's this right  
24 here.

25 Q. Yeah. Exhibit A is just to the west

1 | of Exhibit B?

2 |           A.    There's a line right at this road  
3 | here.   This is Highway 29, this road here, but when  
4 | you look at it the way land is sectioned off, this  
5 | goes right through here and this is in a different  
6 | section.

7 |           Q.    Okay.  This is all one continuous  
8 | tract of land though; correct?

9 |           A.    That is correct.

10 |           Q.    Okay.  If you were to try to sell  
11 | that continuous tract of land do you think the  
12 | sales price would be impacted by the fact it's  
13 | subject to frequent and severe flooding?

14 |           A.    Yes, it would.

15 |           Q.    And why do you believe that?

16 |           A.    That particlar land, here, is gonna  
17 | be used to produce grain and since the spillway was  
18 | installed and the flooding has increased some,  
19 | that's gonna -- you're gonna have a greater chance  
20 | of crop failure which means you won't make as much  
21 | money, 'cause then ain't gonna give as much.

22 |           Q.    Okay.  Are you aware of any sales of  
23 | agricultural land away from the Beaver and the  
24 | Wabash, recent sales?

25 |           A.    Oh, yes!

1 Q. And do you know what price per acre  
2 those sales are going for?

3 A. Well, about six miles away, south  
4 and west of there, a family by the name of Rau,  
5 probably about a month, six weeks ago sold some  
6 property and I think it brought right around \$71 or  
7 7200 an acre. It had some woods on it and some  
8 farm ground, so it's similar kind of ground.

9 Q. And now that's away from the Beaver  
10 and the Wabash?

11 A. That was away from the Beaver. It  
12 wasn't flooded -- It doesn't flood.

13 Q. Any other recent sales that you're  
14 aware of.

15 A. To the west of this, across the  
16 river, right here, is where Stan Ebbing bought. I  
17 think he gave around 4100 for that and Neil  
18 Seafring on west of there. He gave right around  
19 4,000 for his. Both of them sold withint he last  
20 year and they both border the Beaver.

21 Q. And are both of those subject to  
22 frequent and severe flooding?

23 A. Same situation as our property.

24 Q. The flooding has now, since the  
25 spillway, new spillway was put in in 1997, is

1 | subject to continuous, severe and frequent  
2 | flooding?

3 |           A.    That is correct.

4 |           Q.    All right.

5 |           MR. FUSONIE:   That might be it.  Let  
6 |           me make sure.

7 |           Q.    And just to wrap up, so based upon  
8 |           the difference in the sales outside of the areas  
9 |           that are flooded verse recent sales within the area  
10 |           that is flooded by the new spillway, do you believe  
11 |           that the value of your property has been  
12 |           substantially impacted?

13 |           A.    I feel it has, yes.

14 |           Q.    Okay.

15 |           MR. FUSONIE:   I don't have any other  
16 |           questions.

17 |           MR. MARTIN:   Just a couple  
18 |           follow-ups                   to that.

19 |                            REXCROSS-EXAMINATION

20 |           BY MR. MARTIN:

21 |           Q.    Just so I understand things  
22 |           correctly, the basis for concluding that your  
23 |           property has been impacted in terms of its value is  
24 |           based on what other farms have sold for in the  
25 |           area; is that a fair statement?

1           A.    Would you please just run that by me  
2 once more?

3           Q.    Sure.  In answering a couple of the  
4 questions from your attorney, he asked about the  
5 value of your property and your opinion as to  
6 whether your property value has been damaged by the  
7 State spillway and you referenced sales of other  
8 properties in other locations, you know, down the  
9 road or away from your property.  Is that the  
10 source of your information for concluding that your  
11 property has been damaged in terms of value?

12           A.    Yeah.  Comparing it --

13           Q.    Right.

14           A.    -- and recent sales at public  
15 auctions which I feel sets a accurate basis for the  
16 value.

17           Q.    Do you know what the soil types were  
18 at the other properties?

19           A.    I do not know that.

20           Q.    Okay.  Do you know if they were  
21 different than the soil type that would maybe be on  
22 the property that you own?

23           A.    In general speaking, I'd say they  
24 were very similar.

25           Q.    Do you know if the other properties

1 | had, for example, a residence located on them?

2 |           A.    The Raus that I mentioned.  I think  
3 | that was two different properties.  I did not  
4 | attend the sale, but I think my son drove by it and  
5 | one was plain ground and the other one had  
6 | buildings that we refer to as bulldozer material.  
7 | A lot of properties have buildings there and if,  
8 | really, they wasn't there, it would be worth more  
9 | because you gotta get rid of `em.

10 |           Q.    Um-hum.  And again, I know you just  
11 | said you weren't at the auction, but do you know  
12 | the Rau sale that we were talking about?  Do you  
13 | know what auction method was used to sell that  
14 | property?

15 |           A.    Public auction.

16 |           Q.    Do you know if it was sold by  
17 | individual parcels or was there a -- `cause  
18 | there's, as I understand it, various methods of  
19 | selling agricultural land at auction and do you  
20 | know if a particular type of sale method was used  
21 | to sell the properties?

22 |           MS. BREWER:  Objection.

23 |           A.    Just public auction.  You just bid  
24 | on it and that's it.

25 |           Q.    Do you know if they were sold as --

1 the properties were sold as one package or  
2 parcel-by-parcel?

3 A. I don't know that for sure.

4 Q. So do you think it's accurate to say  
5 that in the sale of any property there's a lot of  
6 different factors that go into the value?

7 MS. BREWER: Objection.

8 A. There is, such as a fine home and  
9 fine farm buildings. This had neither, so it would  
10 be very similar to ours.

11 Q. Okay.

12 MR. MARTIN: Well, that's all I have  
13 for follow-up.

14 MR. FUSONIE:

15 REDIRECT EXAMINATION

16 BY MR. FUSONIE:

17 Q. Yeah. One follow-up, Mr. Suhr. If  
18 bottom land property is not subject to frequent and  
19 severe flooding, is it generally the best land for  
20 growing crops?

21 A. It's equal to or better 'cause lower  
22 ground is usually black dirt and black dirt is  
23 considered to be richer and you raise more bushels  
24 per acre.

25 MR. FUSONIE: I don't have anything.

1 Do you have any Dan?

2 MR. MARTIN: No.

3 MR. FUSONIE: If the State orders a  
4 copy, a written copy of the deposition  
5 today, you have the right to review it to  
6 correct any errors in the transcript. I  
7 can't tell you to do that; I can only  
8 recommend that you do take the  
9 opportunity to read it, and you do have  
10 to let the court reporter know now  
11 whether you would like to do so.

12 THE WITNESS: I'd like to have a  
13 copy, please.

14 MR. MARTIN: Okay. Well, thanks for  
15 your time today.

16 THE WITNESS: Thank you.

17 MR. MARTIN: We're all done.

18 - - -

19 (At 3:35 o'clock, PM, the deposition concluded.)

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David J. Suhr

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C E R T I F I C A T E

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STATE OF OHIO )  
                  ) SS:  
COUNTY OF MERCER)

I, Edna M. Hawkins, the undersigned, a duly qualified and commissioned Notary Public within and for the State of Ohio, do hereby certify that before the giving of his aforesaid deposition the said DAVID J. SUHR was sworn to depose the truth, the whole truth and nothing but the truth; that the foregoing is the deposition given at said time and place by the said DAVID J. SUHR; that said deposition was taken in all respects pursuant to agreement and stipulations of counsel hereinbefore set forth; that said deposition was taken by me; that the transcribed deposition was submitted to the witness for his examination and signature; that I am neither a relative of nor attorney for any of the parties to this cause, nor relative of nor employee of any of their counsel and have no interest whatever in the result of the action.

IN WITNESS WHEREOF, I have hereunto set my hand at Cincinnati, Ohio, this 5th day of March, 2010.

My Commission Expires:  
September 17, 2012

  
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Edna M. Hawkins  
Notary Public - State of Ohio

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Do you have any Dan?

MR. MARTIN: No.

MR. FUSONIE: If the State orders a copy, a written copy of the deposition today, you have the right to review it to correct any errors in the transcript. I can't tell you to do that; I can only recommend that you do take the opportunity to read it, and you do have to let the court reporter know now whether you would like to do so.

THE WITNESS: I'd like to have a copy, please.

MR. MARTIN: Okay. Well, thanks for your time today.

THE WITNESS: Thank you.

MR. MARTIN: We're all done.

- - -

(At 3:35 o'clock, PM, the deposition concluded.)

- - -

*David J. Suhr*

David J. Suhr

MARTHA C. BREWER, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

*Marleen Bowen*

Notary 3/14/10

ERRATA SHEET

I, David J. Suhr, have read the transcript of my deposition taken in this pending matter or the same has been read to me. I have noted all changes in form or substance on this sheet this 14 day of March, 2010.

PAGE LINE      CORRECTION OR CHANGE AND REASON:

10   18      Capitalize Equipment

13   11      Green should be Grain

23   21      then should be They

24, PASSIM      Rau should be Rauch

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17,27   7, 15,22      Ms Brewer should be Mr Fusonie

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AFFIDAVIT OF DAVID J. SUHR

STATE OF OHIO )  
 ) ss:  
COUNTY OF MERCER )

My name is David J. Suhr, I am over the age of 21, and I am competent to make this affidavit. The facts stated herein are within my personal knowledge and are true and correct. I state as follows:

1. I am a Relator in this mandamus action seeking compensation for the property taken by Respondents Ohio Department of Natural Resources and Sean D. Logan, Director, Director (collectively "ODNR").
2. Specifically, I am an owner of real estate described as Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200.
3. I have been an owner of Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 since 1997.
4. Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 border the south side of Beaver Creek.
5. Since ODNR replaced the western spillway of Grand Lake St. Mary's in 1997 and undertook its current lake level management practices, which include maintaining increased lake levels and use of the western spillway for virtually all water flow out of Grand Lake St. Mary's, Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 have been subject to continuing, persistent, frequent, and inevitable increased severe flooding from the western spillway of Grand Lake St. Mary's.

{ DON000659 }

6. Specifically, as a result of ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 have flooded approximately fifteen times, or at least once per year. On each occasion, Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 were inundated with water at depths varying from two inches to two feet.

7. Since ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 flood more rapidly and remain flooded for longer periods of time. On each occasion of flooding, Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 remained inundated with water for a period of one to five days.

8. Prior to ODNR's replacement of the western spillway and its current management practices, Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 never flooded as much, never flooded over as large an area, and never flooded for as long.

9. To date, the most invasive flood occurred in 2003 with approximately 1.5 acres of Mercer County Parcel Number 26-040900.0000 and 21 acres of Mercer County Parcel Number 26-039200.0200 being flooded with approximately two feet of water for approximately five days. A true and accurate copy of a black and white aerial from the Mercer County Auditor's website of Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 are attached hereto as Exhibits A and B respectively. I have shaded in the area of each parcel that was flooded in 2003.

10. Attached hereto as Exhibits C and D are photographs that truly and accurately depict the flooding of Mercer County Parcel Number 26-039200.0200 in 2003.

DON000660

11. Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 also experienced severe flooding in 2005.
12. Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 were again flooded as recently as Spring 2009.
13. As a direct result of the flooding, Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200 have suffered damage in the form of loss of crops, field and bank erosion, the deposit of silt and other debris, and soil compaction.
14. The flooding caused by ODNR has substantially destroyed the value of Mercer County Parcel Numbers 26-040900.0000 and 26-039200.0200.
15. I believe that the intermittent, continuing, persistent, frequent, and increased severe flooding from the western spillway of Grand Lake St. Marys will inevitably recur as a result of ODNR's replacement of the western spillway and ODNR's current management practices.

**FURTHER AFFIANT SAYETH NAUGHT.**

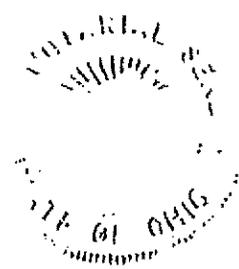
David J. Suhr  
David J. Suhr

Sworn in my presence and subscribed before me this 24<sup>th</sup> day of August, 2009.

Kristi Kress Wilhelmy  
Notary Public

DON000661

KRISTIKRESS WILHELMY  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 O.R.C.



**EXHIBIT A**  
**TO**  
**AFFIDAVIT OF DAVID J. SUHR**

DON000662

# Mercer County Ohio



## Legend

Administrative

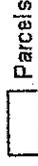


Townships



Neighborhoods

Parcels



Transportation



State Highways

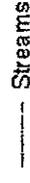


US Highways

Water



Lake



Streams



Scale: 1:3,000



This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

EXHIBIT

feet

David J. Suhr and Rita K. Suhr

-0- Gause Rd.

Parcel No.: 26-040900.0000 - 1.50 acres

399000063

**EXHIBIT B**  
**TO**  
**AFFIDAVIT OF DAVID J. SUHR**

DON000664

Mercer County Ohio



Legend

- Administrative**
  - Townships
  - Neighborhoods
- Parcels**
  - Parcels
- Transportation**
  - State Highways
  - US Highways
- Water**
  - Lake
  - Streams

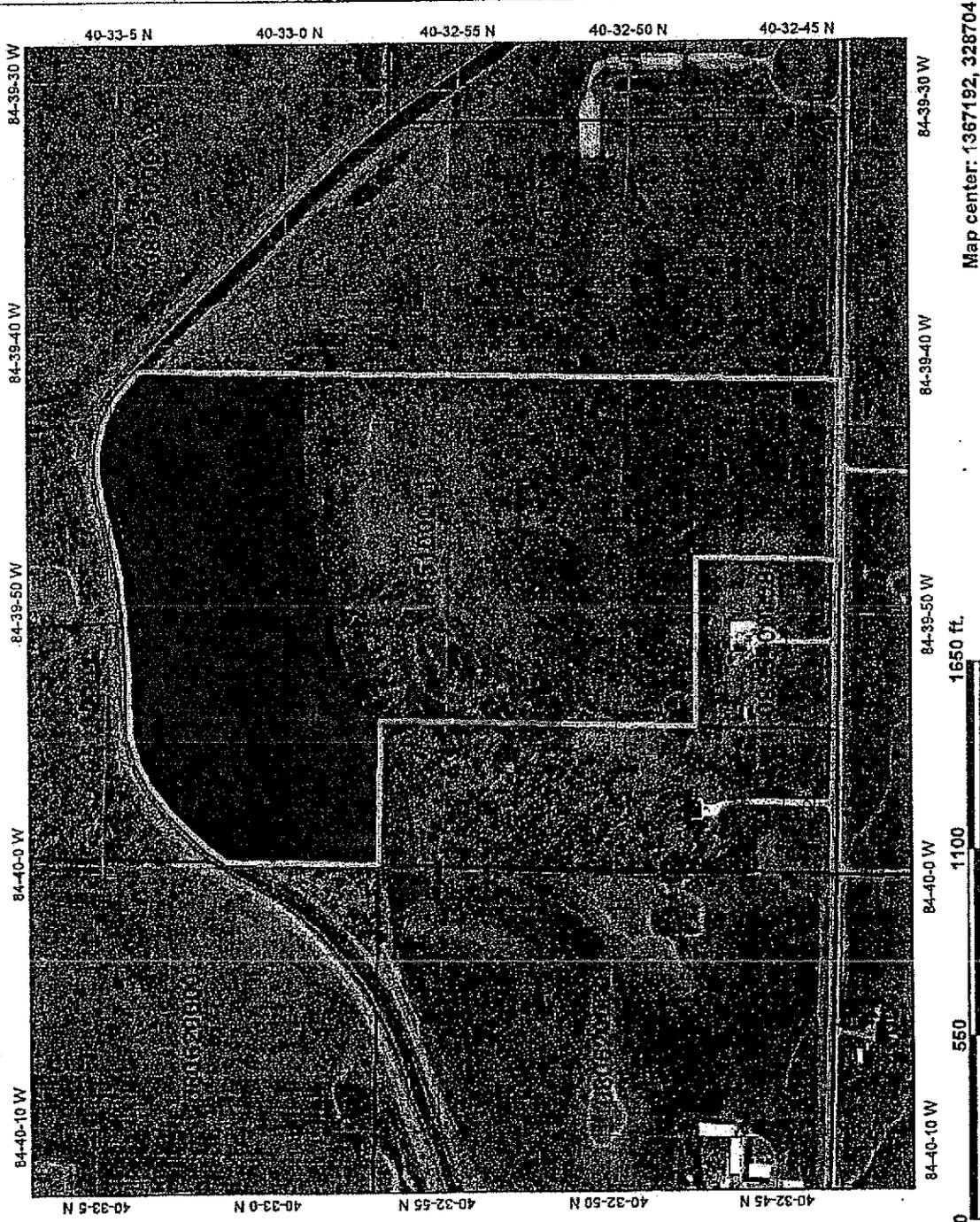
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EXHIBIT

B

lbbkcs

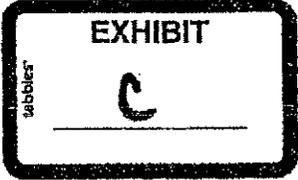


This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

David J. Suhr and Rita K. Suhr  
 -0- St. Rt. 29  
 Parcel No.: 26-039200.0200 - 51.489 acres

**EXHIBIT C**  
**TO**  
**AFFIDAVIT OF DAVID J. SUHR**

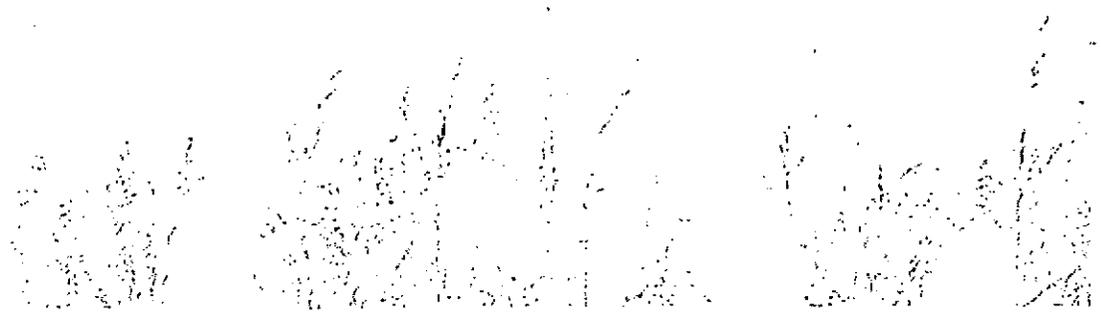
DON000666



DON000667

**EXHIBIT D**  
**TO**  
**AFFIDAVIT OF DAVID J. SUHR**

DON000668



DON000669