IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

W.A. DREW EDMONDSON, in his capacity as ATTORNEY GENERAL OF THE STATE OF OKLAHOMA and OKLAHOMA SECRETARY OF THE ENVIRONMENT C. MILES TOLBERT, in his capacity as the TRUSTEE FOR NATURAL RESOURCES FOR THE STATE OF OKLAHOMA	)	
Plaintiffs,	)	
vs.	)	4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al.,	)	
Defendants.	)	

VIDEOTAPED DEPOSITION OF KIRK HOUTCHENS

Taken at the law offices of Mitchell, Williams, Selig, Gates & Wooyard, 5414 Pinnacle Point Drive, Suite 500, Rogers, Arkansas 72758, on July 26, 2007, at 11:36 a.m.

Exhibit 28

41099be5-725c-4fee-90cb-8ca305536b06

1 be a good grower versus a not so good grower?
2 A. Correct. I mean, obviously, we wouldn't contract
3 with a grower in New York City.
4 Q. Right. How -- what is about the greatest distance a
5 grower -- Peterson grower could be from a feed mill --
6 from a Peterson feed mill?
7 A. I was going -- I'm pretty sure that's 50 miles
8 radius.
9 Q. Is there, like, a company policy? Since you said it
10 that way, it makes me think maybe there's sort of an
11 unwritten policy, 50 miles would be about the maximum
12 distance that a grower could be from a feed mill?
13 A. Are you asking me if there's a company policy?
14 Q. Yeah. Not necessarily a written policy, but is
15 there sort of an understanding within the company, That's
16 about as far away from our feed mills as any of our
17 growers should be?
18 A. About 50 miles is as far we'd like to.
19 Q. Okay. Do you know where the Buffalo River is in
20 Northwest Arkansas?
21 A. Fairly certain. In the general direction.
22 Q. Okay. Uh, the upper reaches of the Buffalo River,
23 say from Boxley to Ponca, Ponca to Prewitt, that area of
24 the Buffalo River?
25 A. I'm not really familiar with it, sir.

1 soil test levels, such as these?
2 A. Well, I would -- if Peterson Farms received soil
3 test levels like these, we would be hoping that he's
4 taking this out of the watershed.
5 Q. You would just hope it, you wouldn't do anything
6 about it?
7 A. Well, we wouldn't have to go out to the farm and
8 look. We -- we don't enforce the state laws. But as far
9 as a grower that -- if we have evidence or we're contacted
10 that a grower is violating the laws, then we would stop
11 taking birds on that grower.
12 Q. Has Peterson ever stopped supplying chickens to any
13 growers who have continued to spread poultry waste from
14 their grower houses on fields which contained excessive
15 phosphorus levels?
16 MR. McDANIEL: Objection. It's compound.
17 A. Not that I'm aware of.
18 Q. (Mr. Riggs continued.) Let's talk now about
19 something entirely different, the feed formulas and the
20 ingredients in the feed. That is an area you're prepared
21 to talk about?
22 A. Yes. That's correct.
23 Q. First of all, does Peterson provide all of the feed
24 to its contract growers which they use in raising
25 Peterson's chickens?

A. Yes.
Q. Does Peterson determine the formulas for all the feed and the types of feed which are provided to its contract growers?
A. Yes.
Q. Where are the feed mills where the Peterson feed is actually produced?
A. We have one feed mill --
Q. One feed mill in Decatur?
A. -- in Decatur, Arkansas.
Q. Do any of the ingredients in the Peterson feed that's provided to its growers come from within the Illinois River Watershed?
A. Not that I'm aware of, no.
Q. How much feed is fed annually to all of Peterson's chickens, anywhere they're grown? Do you have a number for that?
A. No, I don't have an exact number. We -- we manufacture approximately 8,000 tons a week in our feeders.
Q. And you only manufacture feed for your own chickens. Correct?
A. We do sell some to George's.
Q. All right. How much of that 8,000 tons a week?
A. No, that'd be -- about 8,000 is about what we