

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

02/25/2019

CLERK OF THE COURT

HONORABLE MARK H. BRAIN

S. Yoder
Deputy

In Re: The General Adjudication Of All Rights To
Use Water In The Gila River System And Source
W-1, W-2, W-3, W-4 (Consolidated)

FILED: 02/26/2019

In Re: San Pedro Riparian National Conservation
Area Contested Case No. W1-11-232

In Re: Trial to the Court

**TRIAL MINUTE ENTRY
DAY 12**

Courtroom CCB 1201

FILED: Deposition of Richard Burtell dated January 10, 2017; Deposition of Richard Burtell, Volume II, dated June 22, 2017; Deposition of Richard Burtell, Volume III, dated July 12, 2017; Deposition of Richard Burtell, dated November 19, 2018.

10:42 a.m. Trial to the Court continues from February 13, 2019. Claimant United States (US) appears by Counsel Dave Gehlert and Lee Leininger.

The following attorneys are present on behalf of Objectors: Michael Foy and Jeff Heilman on behalf of Salt River Project (SRP); Joe P. Sparks on behalf of the San Carlos Apache Tribe; Brian Heiserman and Sean Hood on behalf of Freeport Minerals Corporation (FMC); Carrie Brennan and Kevin Crestin on behalf of the Arizona State Land Department; Sara Ransom on behalf of Cochise County (CC); William Sullivan on behalf of the City of Sierra Vista and Pueblo Del Sol Water Company (SVP); and Robert Anderson on behalf of Liberty Utilities (Bella Vista Water).

Counsel present for other parties: Bill Anger on behalf of the Cities of Scottsdale, Mesa, Glendale, Chandler and Avondale; and Kimberly Parks on behalf of the Arizona Department of Water Resources.

Court Reporter Barbara Stockford is present, and a record of the proceedings is also made digitally.

Argument is heard on the United States' Motion for Continuance of Government Hydrologist Testimony (filed on February 22, 2019).

The Court finds good cause for the unavailability of the government's expert. The Court further finds that the government has not complied with all of the provisions under Rule 38.1 of the Arizona Rules of Civil Procedure. Therefore, the motion is denied without prejudice for the government to re-urge the motion once it has complied with Rule 38.1.

The Court has reviewed the Stipulation Regarding the Amount of State Trust Land within the Purported Boundary of the San Pedro Riparian National Conservation Area (filed on February 14, 2019). Good cause appearing, the stipulation is accepted.

The Court has reviewed the United States' Motion to Supplement Exhibits. There being no objection, the motion is granted.

Further discussion is held regarding the United States' Motion for Continuance of Government Hydrologist Testimony.

11:13 a.m. Court stands at recess.

1:31 p.m. Court reconvenes with respective counsel present.

Court Reporter Luz Franco is present, and a record of the proceedings is also made digitally.

Mr. Leininger advises the Court that the United States wishes to re-urge its motion regarding the hydrologist's testimony in compliance with Rule 38.1. The renewed motion will be filed by noon on Friday, March 1st.

Scheduling is discussed.

1:37 p.m. Court stands at recess until February 27, 2019 at 10:30 a.m.

A copy of this minute entry is mailed to all persons listed in the Court-approved mailing list.