

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

10/07/2009

CLERK OF THE COURT  
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Tomlinson  
Deputy

W-1, W-2, W-3, W-4 (Consolidated)

**COPY**

FILED: 10/19/2009

In Re the General Adjudication  
of All Rights to Use Water in  
The Gila River System and Source

In Re: Salt River Project's Application  
for Order to Show Cause and Request  
for Injunction Against NBJ Ranch Limited  
Partnership

In Re: Evidentiary Hearing

EVIDENTIARY HEARING MINUTE ENTRY  
DAY THREE

9:33 a.m. This is the time set for an Evidentiary Hearing regarding Salt River Project's Application for Order to Show Cause and Request for Injunction Against NBJ Ranch Limited Partnership. Present on behalf of Salt River Project are M. Byron Lewis, Maxine M. Becker and Mark A. McGinnis. Present on behalf of NBJ Ranch Limited Partnership are Douglas E. Brown and David A. Brown. Present on behalf of Intervenor Arizona Public Service, Freeport-McMoRan Copper and Gold, Inc., and Roosevelt Water Conservation District is Jenny J. Winkler. Special Master, George A. Schade, Jr. is present.

Court reporter, Kim Hannan, is present as well as a record of the proceedings being made by audio and/or videotape.

The parties having reached an agreement with respect to duplicative expert testimony, Mr. McGinnis recites the agreement for the record.

R. Douglas Bartlett, R. G. is sworn and testifies.

Plaintiff's exhibit 102 is received in evidence.

Plaintiff's exhibit 105 is received in evidence.

Defendant rests.

Both sides rest.

Discussion is held regarding the parties' respective positions on an appropriate bond amount in the event SRP prevails in this matter.

10:13 a.m. Court stands at recess.

10:31 a.m. Court reconvenes with respective counsel present.

Court reporter, Kim Hannan, is present as well as a record of the proceedings being made by audio and/or videotape.

Closing arguments are presented.

**IT IS ORDERED** that SRP shall file and serve their post hearing memoranda setting forth their position with respect to the issue of a security bond not later than **November 6, 2009**. NBJ shall file and serve its response thereto not later than **December 7, 2009**, with SRP's reply due not later than **December 21, 2009**. Thereafter this matter shall be deemed taken under advisement.

11:21 a.m. Matter concludes.

There being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of Court,

**IT IS ORDERED** that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked or their written designee. Counsel/party or written designee shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibit Department of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

**IT IS FURTHER ORDERED** that counsel/party or written designee take immediate possession of all exhibits referenced above.

ISSUED: Exhibit Release Form (2)

A copy of this order is mailed to all parties on the Court approved mailing list for the Gila River Adjudication, W-1, W-2, W-3, W-4 (Consolidated) dated July 27, 2009.