

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

04/15/2009

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

R. Tomlinson
Deputy

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

FILED: 04/23/2009

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

In Re Salt River Project's
Applications for Orders to Show
Cause and Requests for Injunctions
Against Kovacovich Investment
Limited Partnership, Wiertzema
Family Trust, and NBJ Ranch
Limited Partnership

In Re Final Pretrial Management
Conference

MINUTE ENTRY

Courtroom 112 – Northeast Regional Court Center

11:35 a.m. This is the time set for a Final Pretrial Management Conference with respect to the Evidentiary Hearing regarding Salt River Project's Applications for Orders to Show Cause and Requests for Injunctions Against Kovacovich Investment Limited Partnership, Wiertzema Family Trust, and NBJ Ranch Limited Partnership. Present are: Jenny J. Winkler, L. William Staudenmaier, and Cynthia M Chandley on behalf of Freeport-McMoRan Corporation, Roosevelt Water Conservation District, and Arizona Public Service; M. Byron Lewis and Jeffrey Ehlers on behalf on behalf of the Salt River Project ("SRP"); L. Richard Mabery on behalf of Kovacovich Investment Limited Partnership and Wiertzema Family Trust; Douglas E. Brown and David A. Brown on behalf of NBJ Ranch Limited Partnership; Richard T. Burtell on behalf of the Arizona Department of Water Resources; Charlotte Benson on behalf of the City of Tempe; Douglas C. Nelson on behalf of the Lower Gila Water Users; Joe P. Sparks and Laurel A. McElhaney on behalf of the Tonto Apache Tribe, San Carlos Apache Tribe, and Pascua Yaqui Tribe; Robyn L. Interpreter on behalf of the Yavapai Apache Nation; and M. James Callahan on behalf of the City of Phoenix. Special Master George A. Schade, Jr. and his assistant Barbara K. Brown are present.

Court reporter, Hilda Lopez, is present as well as a record of the proceedings being made by CD/videotape.

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Pursuant to NBJ Ranch Limited Partnership's request, there being no objection, and good cause appearing,

IT IS ORDERED vacating the evidentiary hearing previously set for April, 2009 and resetting as a six-day evidentiary hearing to be held on **October 5, 6, 7, 8, 13, and 14, 2009 at 9:30 a.m.** No additional joint pretrial statement is required by the Court; however should the parties deem it necessary, a revised statement shall be permitted.

Counsel having agreed with the Court that a final pretrial management conference should be set prior to the evidentiary hearing,

IT IS FURTHER ORDERED setting a further Final Pretrial Management Conference for **September 22, 2009 at 8:30 a.m. (1 hour allotted)** before:

**HONORABLE EDDWARD P. BALLINGER JR.
SUPERIOR COURT OF ARIZONA
NORTHEAST REGIONAL COURT CENTER
18380 NORTH 40TH STREET
COURTROOM 112
PHOENIX, ARIZONA 85032
602.506.8551**

Counsel, Douglas E. Brown, having requested to appear telephonically for the above-set conference,

IT IS ORDERED granting Mr. Brown's request.

Mr. Lewis states that SRP's motion in limine concerning Mr. Chris Garret has likely been resolved. Discussion is held with Mr. Lewis, Mr. Mabery, and Mr. Douglas E. Brown with respect to the pending motions in limine. Pursuant to the agreement of counsel,

IT IS ORDERED deeming the motions withdrawn without prejudice to reassertion by reference.

IT IS FURTHER ORDERED that the parties shall be permitted to submit an agreed upon briefing schedule with regards to motions in limine.

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Mr. Douglas E. Brown states that parties may wish to brief the issue of the scope of the evidentiary hearing.

The Court clarifies that the meeting of the Court with the Arizona Department of Water Resources scheduled for April 16, 2009 is not a public hearing.

12:00 p.m. Matter concludes.

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 January 23, 2009.