

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

01/26/2012

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN
Deputy

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

Contested Case No. W1-103

FILED: February 21, 2012

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

COPY

In Re: Evidentiary Hearing Day 3

MINUTE ENTRY

9:30 a.m. This is the time set for Evidentiary Hearing. Appearing are: Thomas L. Murphy on behalf of the Gila River Indian Community; Joe P. Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; Mark A. McGinnis and Byron Lewis on behalf of Salt River Project ("SRP"); Rhett A. Billingsly, Sean T. Hood, and John C. Lemaster on behalf of Freeport McMoRan Corporation; F. Patrick Barry on behalf of the U. S. Department of Justice; L. Anthony Fines on behalf of Arizona Public Service Company; Gregory L. Adams on behalf of ASARCO LLC; R. Lee Leininger and Guss Guarino on behalf of the United States Department of Justice; Janet L. Ronald on behalf of the Arizona Department of Water Resources ("ADWR"); and Stephen C. Cann on behalf of the Nature Conservancy.

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

Jeanmarie Haney is sworn and testifies.

ASARCO Exhibit 020 is received in evidence.

FMC Exhibit 024 is received in evidence.

The Witness is excused.

Oliver Page is sworn and testifies.

The Witness is excused.

11:30 a.m. The Court stands at recess.

1:02 p.m. Court reconvenes. Appearing are: Thomas L. Murphy on behalf of the Gila River Indian Community; Joe P. Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; Mark A. McGinnis and Byron Lewis on behalf of Salt River Project (“SRP”); Rhett A. Billingsly, Sean T. Hood, and John C. Lemaster on behalf of Freeport McMoRan Corporation; F. Patrick Barry on behalf of the U. S. Department of Justice; L. Anthony Fines on behalf of Arizona Public Service Company; Gregory L. Adams on behalf of ASARCO LLC; R. Lee Leininger and Guss Guarino on behalf of the United States Department of Justice; Janet L. Ronald on behalf of the Arizona Department of Water Resources (“ADWR”); and Stephen C. Cann on behalf of the Nature Conservancy.

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

Peter Mock is sworn and testifies.

SRP Exhibit 055 is marked for identification and received in evidence.

The Witness is excused.

LET THE RECORD REFLECT that exhibits were referred to but not specifically mentioned that were attached to witness affidavits and therefore not specifically received in evidence. The Court is willing to permit counsel to provide a stipulated list as to the actual exhibits referred to during these proceedings for consideration.

IT IS ORDERED directing counsel to submit a joint form of order regarding the exhibits received in evidence on or before March 23, 2012.

IT IS FURTHER ORDERED directing ADWR to submit a report detailing prospective work to be undertaken in an effort to delineate the subflow zone on or before April 2, 2012.

IT IS FURTHER ORDERED directing counsel to submit Findings of Fact and Conclusion of Law with comments regarding ADWR’s report on or before May 25, 2012.

2:04 p.m. Matter concludes.

A copy of this order is mailed to all parties on the Court approved mailing list (Court) for Contested Case No. W-1-103 dated January 31, 2012.