

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

07/19/2011

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

COPY

FILED: 08/1/2011

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

In Re Salt River Project's Joint Motion to
Continue Evidentiary Hearing and
Set Scheduling Conference

W1-103

In Re Freeport McMoRan Corporation's
Motion for Clarification of Court's
May 17, 2011 Minute Entry

MINUTE ENTRY

Courtroom 4 – Southeast Juvenile Facility

11:02 a.m. This is the time set for Telephonic Hearing re Salt River Project's Joint Motion to Continue Evidentiary Hearing and Set Scheduling Conference and Freeport McMoRan Corporation's Motion for Clarification of Court's May 17, 2011 Minute Entry. Present are: Mark A. McGinnis and Patrick B. Sigl on behalf of Salt River Project ("SRP"); and Special Master George A. Schade, Jr. Appearing telephonically are: John C. Lemaster, Rhett A. Billingsley, Shilpa Hunter-Patel and Alex Richards on behalf of Freeport McMoRan Corporation; Lauren J. Caster and Gregory L. Adams on behalf of ASARCO LLC; Michael R. Shaffert and Gary Gin on behalf of the City of Phoenix; William P. Sullivan on behalf of Sierra Vista Parties; Theresa M. Craig on behalf of the State of Arizona; Jon R. Ford on behalf of Leonard Rice Engineers; Steve Wene on behalf of the City of Safford; Charles L. Cahoy on behalf of the City of Tempe; L. William Staudenmaier and Karlene E. Martorana on behalf of Arizona Public Service Company and Roosevelt Water Conservation District; Thomas L. Murphy on behalf of the Gila River

Indian Community; R. Lee Leininger on behalf of the U.S. Department of Justice; Joe Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; L. Richard Mabery on behalf of the Verde Valley Water Users; and Stephen C. Cann (sp) on behalf of the Nature Conservancies.

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

The Court addresses the Motion for Clarification of the Court's May 17, 2011, Minute Entry.

LET THE RECORD REFLECT that the Court's intention was to make clear that those who complied with previous court orders by filing timely objections and affidavits were to have the opportunity to supplement previously filed declarations.

There are now parties that did not comply with this procedure that want to present evidence at the evidentiary hearing.

Mr. Lemaster addresses the Court regarding the submission of an affidavit.

Having no objections,

IT IS ORDERED allowing the participation of additional input.

Discussion is held regarding expert witnesses.

IT IS FURTHER ORDERED that there shall be no more than one (1) sworn declaration from each expert.

IT IS FURTHER ORDERED vacating the three-day Evidentiary Hearing to address the objections to ADWR's report of June 30, 2009, commencing **August 24, 2011, at 10:00 a.m.**, and resetting same to commence on **January 24, 2012, at 9:30 a.m.** at the Southeast Juvenile Court Center, 1810 S. Lewis, Mesa, Arizona 85210, Courtroom 9.

IT IS FURTHER ORDERED permitting any interested party that intends to participate in the evidentiary hearing to file revised (not supplemental) witness declarations to address any issues first raised by ADWR in its January 31, 2011 responsive report on or before **September 30, 2011**. Any interested party may also file an initial declaration addressing these limited issues.

IT IS FURTHER ORDERED directing the parties to file an updated Joint Pre-Trial Statement on or before **November 30, 2011**.

IT IS FURTHER ORDERED setting a Pre-Trial Conference for the purposes of considering pre-trial matters and marking exhibits on **January 12, 2012, at 2:00 p.m.** at the Southeast Juvenile Court Center, 1810 S. Lewis, Mesa, Arizona 85210, Courtroom 9.

If no pre-trial matters are raised and exhibits are submitted prior to January 12, 2012, the Pre-Trial Conference will be vacated.

LET THE RECORD REFLECT that Janet L. Ronald on behalf of ADWR is now telephonically present.

11:20 a.m. Matter concludes.

A copy of this order is mailed to all parties on the Court approved mailing list (Court) for Contested Case No. W1-103 dated July 25, 2011.