

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

August 14, 2015

CLERK OF THE COURT
Form V000

JUDGE MARK H. BRAIN

T. Springston
Deputy

W1-103

FILED: August 31, 2015

In re Subflow Technical Report,
San Pedro River Watershed

W1-103

In re Status Conference

MINUTE ENTRY

Central Court Building - 1201

1:31 p.m. This is the time set for a Status Conference before Judge Mark H. Brain, to discuss the Evidentiary Hearing scheduled to commence August 31, 2015 in this division.

The following attorneys appear telephonically:

- Patrick F. Barry and Yosef M. Negose on behalf of the United States;
- J. Albert Brown and David Albert Brown on behalf of Gila Valley Irrigation District and Franklin Irrigation District;
- Stephen C. Cann on behalf of The Nature Conservancy;
- Susan B. Montgomery on behalf of the Yavapai-Apache Nation and Pascua Yaqui Tribe;
- Cynthia S. Campbell on behalf of City of Phoenix;
- Joe P. Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; and
- L. Anthony Fines on behalf of APS and Roosevelt Water Conservation District.

The following attorneys appear in-person:

- Sean T. Hood and Shilpa Hunter-Patel on behalf of Freeport Minerals Corporation;
- Thomas L. Murphy on behalf of Gila River Indian Community;
- Christopher W. Payne on behalf of BHP Copper, Inc.;
- Mark A. McGinnis and Ann Whitten on behalf of Salt River Project;
- Janet L. Miller and Nicole D. Klobas on behalf of the Arizona Department of Water Resources;
- Gregory L. Adams on behalf of ASARCO LLC;
- William P. Sullivan on behalf of Pueblo Del Sol Water Co., City of Sierra Vista, Liberty Utilities (Bella Vista Water Company) Corp.; and
- Carrie J. Brennan on behalf of State of Arizona.

Court Reporter, Christine Coaly, is present.

THE COURT DIRECTS the persons/attorneys joining via telephonic conference who wish to make an appearance to send their names and the names of the parties that they represent to the division's judicial assistant at ellisonr@superiorcourt.maricopa.gov.

Discussion is held regarding the order in which the experts will testify at the Evidentiary Hearing.

Discussion is held regarding the affidavit of Oliver Page, who will not be testifying at the Evidentiary Hearing.

IT IS ORDERED the declaration will not be admitted as evidence.

Discussion is held regarding a possible scheduling conflict between a conference with Special Master Susan Ward Harris and the Evidentiary Hearing, both scheduled on September 1, 2015.

THE COURT DIRECTS counsel to discuss issue with Special Master Susan Ward Harris.

Discussion is held regarding the necessity of a formal request for a court reporter to cover the Evidentiary Hearing scheduled for August 31, 2015 through September 3, 2015.

LET THE RECORD REFLECT counsel makes an oral motion for a Court Reporter to cover the Evidentiary Hearing.

IT IS ORDERED granting said oral motion.

Discussion continues regarding the order in which the experts will testify at the Evidentiary Hearing.

Discussion is held regarding Salt River Project's Motion in Limine to Preclude Certain Testimony by William Victor (dated August 14, 2015).

IT IS ORDERED responses to Salt River Project's Motion in Limine to Preclude Certain Testimony by William Victor shall be filed by **August 26, 2015**.

Discussion is held regarding exhibits. The Court clarifies that large foam boards are okay to submit and use during trial; and that exhibit numbering will be consecutive, without skipping numbers.

Discussion continues regarding the order in which the experts will testify at the Evidentiary Hearing. For reasons stated on the record,

IT IS ORDERED ADWR's witnesses shall testify first; next will be the witnesses who say the zone is too narrow and should be wider and deeper; lastly will be the witnesses who say the zone is too wide and should be narrower and shallower. Specifically, the witnesses will testify in this order:

- 1) Pearthree / Inwood
- 2) Mock / Ford
- 3) Burtell / Victor

LET THE RECORD REFLECT the telephone call is disconnected.

Discussion continues regarding exhibits.

IT IS ORDERED extending the exhibit delivery deadline to **4:30 p.m. August 24, 2015**.

THE COURT DIRECTS counsel to share the new exhibit delivery deadline with counsel that were on the phone.

2:02 p.m. Matter concludes.

LATER:

If the parties provide bench copies of the exhibits, they are directed to provide them in a format they deem most useful.

Judge Mark H. Brain
Maricopa County Superior Court
Central Court Building
201 West Jefferson Street
12th Floor, Courtroom 1201
Phoenix, AZ 85003
Tel: 602.372.1141

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case Number W1-103 dated July 20, 2015.