

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

10/11/2016

CLERK OF THE COURT  
Form V000

HONORABLE MARK H. BRAIN

T. Blachut  
Deputy

W1-11-605

FILED: 10/13/2016

In re Fort Huachuca

W1-11-605

In re: Trial to Court Day 6

**MINUTE ENTRY**

**FILED:** Deposition of Joel S. Degner, dated January 21, 2016  
Deposition of Kimberlee Mulhern, dated February 2, 2016  
Deposition of Chris Higgins – Volume I, dated February 2, 2016  
Deposition of Carl Aufdenkampe, dated February 3, 2016  
Deposition of Chris Higgins, dated February 3, 2016  
Deposition of Scott Miltenberger – Volume I, dated February 7, 2016  
Deposition of David L. Koch – Volume I, dated February 9, 2016  
Deposition of David L. Koch – Volume II , dated February 10, 2016  
Deposition of Donald Stadelman, dated February 18, 2016  
Deposition of Matthew Garlick, dated March 22, 2016  
Deposition of Thomas Runyon, dated March 22, 2016  
Deposition of Elijah Abinah, dated March 24, 2016  
Deposition of James L. Heidle, dated March 24, 2016  
Deposition of Richard JI. Fafara, dated April 7, 2016  
Deposition of Major General Robert Paul Ashley, Jr., dated April 8, 2016

Courtroom - CCB 1201

10:30 a.m. This is the time set for Trial to the Court before the Honorable Mark H. Brain. The following attorneys appear in person: Joe P. Sparks and Julia M.R. Kolsrud on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe; R. Lee Leininger, Sara C. Porsia and Adam M. Bean on behalf of the U.S. Department of Justice; John B. Weldon, Jr., Michael Foy, Patrick B. Sigl, and Mark A. McGinnis on behalf of Salt River Project; Sean T. Hood, Brian J. Heiserman, L. William Staudenmaier, and Shilpa Hunter Patel on behalf of

Freeport Minerals Corporation; Robert D. Anderson on behalf of Liberty Utilities; William P. Sullivan on behalf of Pueblo Del sol Water Company and City of Sierra Vista; Carrie J. Brennan, on behalf of the State of Arizona; Nichole D. Klobas and Janet L. Miller on behalf of the Arizona Department of Water Resources; Susan B. Montgomery on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation; Monique Coady on behalf of the City of Phoenix; William H. Hanger on behalf of the Cities of Avondale, Chandler, Glendale, Mesa and Scottsdale; Daniel D. Haws II and Mark A. Holycross on behalf of the U.S. Army. Rich Burtell, Angela Camara, Captain David Classen, Symone Hetzel, Major Mike Lipkin, Scott Miltenberger, Steve Titla, and Mitchell Tribbet are also present.

Court Reporter, Luz Franco, is present. A record of the proceedings is also made digitally.

**LET THE RECORD REFLECT** the clerk of this division retained the exhibits from the October 10, 2016 hearing for use at today's proceedings.

Richard Fafara resumes the stand and testifies further.

11:58 a.m. The Court stands in recess.

1:29 p.m. Court reconvenes with respective counsel and parties present.

Court Reporter, Luz Franco, is present. A record of the proceedings is also made digitally.

Richard Fafara resumes the stand and testifies further.

CL1/US Exhibits 55, 56, and 59 through 78 are received in evidence.

CL2/SRP's Exhibit 415 is received in evidence.

CL3/Freeport's Exhibit 1173 is received in evidence.

2:56 p.m. The Court stands in recess.

3:10 p.m. Court reconvenes with respective counsel and parties present.

Court Reporter, Luz Franco, is present. A record of the proceedings is also made digitally.

Richard Fafara resumes the stand and testifies further.

CL3/Freeport's Exhibit 1268 is received in evidence.

The witness is excused.

David Lloyd Koch is sworn and now testifies.

The record shall reflect that the Clerk of this Division shall retain all the exhibits marked for identification until the continued trial date.

4:24 p.m. Court stands in recess until 10:30 a.m. on October 12, 2016.

A copy of this order is mailed to all persons listed on the court approved mailing list for Contested Case No. W1-11-605 dated September 14, 2016.