

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/12/2016

CLERK OF THE COURT
Form V000

HONORABLE MARK H. BRAIN

L. Stogsdill/T. Blachut
Deputy

W1-11-605

FILED: 10/13/2016

In re: Fort Huachuca

W1-11-605

In re: Trial to Court Day 7

MINUTE ENTRY

Courtroom - CCB 1201

10:31 a.m. Trial to the Court continues from October 11, 2016. 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; Sara C. Porsia and Adam M. Bean on behalf of the U.S. Department of Justice; John B. Weldon, Jr., Michael Foy, and Mark A. McGinnis on behalf of Salt River Project; Sean T. Hood, Brian J. Heiserman 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; Monica Coady on behalf of the City of Phoenix; Daniel D. Haws II and Mark A. Holycross on behalf of the U.S. Army. Captain David Classen, Major Michael Lipkin and Steve Titla are also present.

Court Reporter, Christine Coaly, is present and a record of the proceedings is made digitally.

Court and counsel for the United States (CL-1) agree that a witness for the United States will be called out of order, following the lunch break, and then Mr. Koch will resume the stand.

David Lloyd Koch resumes the stand and continues to testify.

United States' (CL-1) exhibits 189, 190, 191, 192, 193, 194, 196 and 203 are received in evidence.

Upon motion by counsel for the United States (CL-1) Freeport Minerals' (CL-3) exhibit 2211 is received in evidence.

12:00 p.m. The Court stands at recess.

1:32 p.m. The Court reconvenes with the parties and respective counsel present.

Court reporter, Christine Coaly is present, and a record of the proceedings is also made digitally.

LET THE RECORD REFLECT that R. Lee Leininger is now present on behalf of the United States.

Lieutenant General Robert Paul Ashley, Jr. is sworn and testifies.

United States' (CL-1) exhibit 3020 is marked for identification and received in evidence.

2:54 p.m. The Court stands at recess.

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

Court reporter, Christine Coaly is present, and a record of the proceedings is also made digitally.

Lieutenant General Robert Paul Ashley, Jr. resumes the stand and testifies further.

United States' (CL-1) exhibits 1, 4, 5, 6, and 8 are received in evidence.

Freeport Mineral's (CL-3) exhibit 1281 is received in evidence.

The witness is excused.

David Lloyd Koch resumes the stand and continues to testify.

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

4:29 p.m. Court stands in recess until 10:30 a.m. on October 13, 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.