

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

02/08/2017

CLERK OF THE COURT  
Form V000

HONORABLE MARK H. BRAIN

M. Askew  
Deputy

W1-11-605

FILED: 02/13/2017

In re: Fort Huachuca

W1-11-605

In re: Trial to Court Day 15

**MINUTE ENTRY**

Courtroom - CCB 1201

10:33 a.m. Trial to the Court continues from February 7, 2017. The following attorneys appear in person; Gregory Adam on behalf of Arizona Water Company, Catalyst Paper (Snowflake) Inc. LCR Coalition; Bill Anger on behalf of Cities of Chandler, Glendale, Mesa and Scottsdale; Adam M. Bean on behalf of U.S. Department of Justice and Environment and Natural Resources Division; Carrie Brennan on behalf of Arizona Attorney General's Office and Natural Resources Section; Monique Coady on behalf of City of Phoenix; Michael Foy and Lisa Mcknight on behalf of Salt River Project; Cynthia Haglin on behalf of City of Chandler; Dan Haws and Mark Holycross on behalf of U.S. Army; Brian Heiserman, Sean Hood, and Shilpa Hunter-Patel on behalf of Freeport Minerals Corp.; Julia Kolsrud and Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe; Lee Leininger on behalf of U.S. Department of Justice and Environment and Natural Resources Division; Janet Miller on behalf of Arizona Department of Water Resources; William Sullivan on behalf of Arlington Canal Co., Bella Vista Water Co. Inc., Pueblo Del Sol Water Co., Cortaro-Marana Irrigation District, Cortaro Water Users' Association, Doney Park Water, Town of Gilbert, Valencia Water Co. Inc., and City of Sierra Vista; Susan Montgomery on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation; Kimberly Parks on behalf of Arizona Department of Water Resources are also present.

Court Reporter, Shayna Montgomery, is present and a record of the proceedings is made digitally.

Rich Burtell resumes the stand and testifies further.

The witness is excused.

11:57 a.m. The Court stands at recess.

1:31 p.m. The Court reconvenes with the parties and respective counsel present.

Court reporter, Shayna Montgomery is present, and a record of the proceedings is also made digitally.

Rich Burtell resumes the stand and testifies further.

CL-1/United States' Exhibits 34 and 53 and CL-3/Freeport Minerals Corporation's Exhibits 1255 and 847 are received in evidence.

Discussion is held regarding the admission of various exhibits from previous trial days.

A clerical error having occurred in that CL-1/United States' Exhibit 49 and CL-3/Freeport Minerals Corporation's Exhibits 565 and 829 were received in evidence on October 4, 2016, but it was not reflected in either the minute entry or the exhibit worksheet,

IT IS ORDERED that CL-1/United States' Exhibit 49 and CL-3/Freeport Minerals Corporation's Exhibits 565 and 829 are received in evidence.

A clerical error having occurred in that CL-3/Freeport Minerals Corporation's Exhibit 1213 was received in evidence on October 13, 2016, but it was not reflected in either the minute entry or the exhibit worksheet and CL-3/Freeport Minerals Corporation's Exhibit 1281 was received in evidence on October 12, 2016, but it was also not reflected in either the minute entry or the exhibit worksheet

IT IS ORDERED that CL-3/Freeport Minerals Corporation's Exhibits 1213 and 1281 are received in evidence.

The witness is excused.

2:53 p.m. The Court stands at recess.

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

Court reporter, Shayna Montgomery is present, and a record of the proceedings is also made digitally.

Rich Burtell resumes the stand and testifies further.

The witness is excused.

FILED: Deposition of Richard T Burtell, dated March 23, 2016 and Deposition of Richard T. Burtell, dated April 14, 2016

4:24 p.m. Court stands in recess until 10:30 a.m. on February 9, 2017.

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.