

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

10/18/2016

CLERK OF THE COURT  
Form V000

HONORABLE MARK H. BRAIN

L. Stogsdill  
Deputy

W1-11-605

FILED: 10-26-16

In re: Fort Huachuca

W1-11-605

In re: Trial to Court Day 10

**MINUTE ENTRY**

Courtroom - CCB 1201

10:31 a.m. Trial to the Court continues from October 17, 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; Susan B. Montgomery, on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation; Sara C. Porsia, and R. Lee Leininger on behalf of the U.S. Department of Justice; John B. Weldon, Jr., Lisa McKnight, 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; William H. Anger on behalf of the Cities of Avondale, Chandler, Glendale, Mesa and Scottsdale; Carrie J. Brennan, on behalf of the State of Arizona; Laurel Herrmann on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe; 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 and Edwin Slade are also present.

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

Kimberlee K. Mulhern resumes the stand and continues to testify.

Cl-1 United States' exhibits 311, 317, 318, 322-332, 342, 346, 360-364, 359, 365 and 367 are received in evidence.

11:56 p.m. The Court stand at recess.

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

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

LET THE RECORD REFLECT that Janet Miller on behalf of Arizona Department of Water Resources is now present.

Kimberlee K. Mulhern continues to testify.

CL-3 Freeport Mineral's exhibits 2207 and 1165 are received in evidence.

Upon motion of counsel for CL-3 Freeport Minerals, CL-1 United States' exhibit 343 is received in evidence.

2:58 p.m. The Court stand at recess.

3:15 p.m. Court reconvenes with the parties and their respective counsel present.

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

LET THE RECORD REFLECT that R. Lee Leininger is no longer present.

Kimberlee K. Mulhern continues to testify

CL-3 Freeport Mineral's counsel makes an offer of proof regarding their exhibits 1183 and 1189.

For the reasons stated on the record,

**IT IS ORDERED** that the objections to CL-3 Freeport Mineral's exhibits 1183 and 1189 being received in evidence are sustained.

CL-3 Freeport Mineral's exhibits 1185, 1184, 1190, 1192 and 1193 are received in evidence.

The witness is excused.

Steven Spangle is sworn and testifies.

4:29 p.m. Court stands in recess until 10:30 a.m. on October 19, 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.