

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

01/28/2019

CLERK OF THE COURT

HONORABLE MARK H. BRAIN

S. Yoder  
Deputy

In Re: The General Adjudication Of All Rights To  
Use Water In The Gila River System And Source  
W-1, W-2, W-3, W-4 (Consolidated)

**FILED: 01/29/2019**

In Re: San Pedro Riparian National Conservation  
Area Contested Case No. W1-11-232

In Re: Trial to the Court

**TRIAL MINUTE ENTRY  
DAY ONE**

Courtroom CCB 1201

The following exhibits have been identified and submitted in electronic format prior to trial: United States' (US) Exhibits 1-6780, 7052-7134, 7194-7762, 8192 and 8194; Salt River Project's (SRP) Exhibits 6782-6809; Freeport Minerals Corporation's (FMC) Exhibits 6810-7051, 7763-8189 and 8193; City of Sierra Vista and Pueblo Del Sol Water Company's (SVP) Exhibits 7135-7193; and Cochise County's (CC) Exhibits 8190 and 8191.

10:29 a.m. This is the time set for trial to the Court. Claimant United States (US) appears by Counsel Dave Gehlert and Lee Leininger.

The following attorneys are present on behalf of Objectors: Joe P. Sparks on behalf of the San Carlos Apache Tribe; Michael Foy, Jeff Heilman and Lisa McKnight on behalf of Salt River Project (SRP); Brian Heiserman and Sean Hood on behalf of Freeport Minerals Corporation (FMC); Carrie Brennan and Kevin Crestin on behalf of the Arizona State Land Department; Sara Ransom on behalf of Cochise County (CC); William Sullivan on behalf of the City of Sierra Vista and Pueblo Del Sol Water Company (SVP); and Robert Anderson on behalf of Liberty Utilities (Bella Vista Water).

Counsel present for other parties: Bill Anger (present for morning only) on behalf of the Cities of Scottsdale, Mesa, Glendale, Chandler and Avondale; David Negri on behalf of the

Justice Department; and Kimberly Parks on behalf of the Arizona Department of Water Resources.

Court Reporter Barbara Stockford is present, and a record of the proceedings is also made digitally.

The Court received a camera request for trial. No media representatives appear this morning. The Court should be advised if any party objects to the presence of a camera.

The Court has in its possession various electronic media containing exhibits submitted for the trial that was continued last year. The Court is of the understanding that the parties have submitted their combined exhibits electronically for this trial. Therefore, absent notification from any party that they are needed, the previous exhibits will be discarded.

Mr. Gehlert discusses the fact that certain witnesses will be taken out of order.

Mr. Gehlert advises the Court that the parties have reached an informal stipulation to waive all hearsay and authenticity objections to expert reports.

The Rule of Exclusion of Witnesses has not been invoked. Therefore, witnesses may remain in the courtroom when they are not testifying.

The United States, joined by Salt River Project, moves to strike Freeport Minerals Corporation's Notice of Filing (filed on January 25, 2019), as untimely.

Argument is presented.

The Court will consider Freeport's Notice of Filing as if it were an unadmitted exhibit at this time.

Opening statements are presented by Dave Gehlert on behalf of the United States; Mike Foy on behalf of SRP, and Joe Sparks on behalf of the San Carlos Apache Tribe.

11:50 a.m. Court stands at recess.

1:24 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter Barbara Stockford is present, and a record of the proceedings is also made digitally.

Opening statements are presented by Sean Hood on behalf of Freeport Minerals Corporation; Carrie Brennan on behalf of the Arizona State Land Department; Sara Ranson on behalf of Cochise County; William Sullivan on behalf of the City of Sierra Vista and Pueblo Del Sol Water Company; and Robert Anderson on behalf of Liberty Utilities.

2:40 p.m. Court stands at recess.

2:58 p.m. Court reconvenes with the parties and respective counsel present.

Court Reporter Barbara Stockford is present, and a record of the proceedings is also made digitally.

**Claimant's case:**

William Thomas Childress is sworn and testifies.

US Exhibit 79 is received in evidence upon motion of SRP.

US Exhibit 85 is received in evidence upon motion of SRP.

US Exhibit 83 is received in evidence upon motion of SRP.

US Exhibit 84 is received in evidence upon motion of SRP.

Mr. Leininger offers US Exhibits 1044, 45, 2200, 975, 513, 79, 1, 14, 8192, 2296, 8482, 8192, 4716 and 82. The Court will take up this issue in the morning to give the Objectors time to review the exhibits for possible objections.

4:30 p.m. Court stands at recess until January 29, 2019 at 10:30 a.m.

FILED: Deposition of William Miller, Ph.D. dated November 2, 2016; Deposition of Mark Dixon, Ph.D. dated November 3, 2016; Deposition of Steven W. Carothers dated September 6, 2018; Deposition of Elijah Abinah dated November 16, 2016; Deposition of Leslie Arriana Brand, Ph.D. dated February 28, 2017; Deposition of William T. Childress dated November 30, 2016; Deposition of Mathew Garlick dated December 13, 2016; Deposition of Edward Glenn, Ph.D. dated June 8, 2017; Deposition of David Charles Goodrich, Ph.D. dated March 1, 2017; Continued Deposition of David Goodrich, Ph.D., Volume II, dated June 20, 2017; Deposition of David M. Romero, P.H. dated March 7, 2017; Deposition of Dave Romero dated July 11, 2018; Deposition of Karen Simms; Deposition of Melissa Warren dated February 23, 2017; Deposition of Jeffrey Simms dated March 10, 2017.

A copy of this minute entry is mailed to all persons listed in the Court-approved mailing list.