

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

9/18/2007

CLERK OF THE COURT  
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN  
DEPUTY

W-1, W-2, W-3, W-4 (Consolidated)

COPY

FILED: October 17, 2007

In Re the General Adjudication  
Of All Rights to Use Water in  
The Gila River System and Source

MINUTE ENTRY

Courtroom 112 – Northeast Regional Court Center

3:55 p.m. Court reconvenes. Telephonically present are: R. Lee Leininger, L. Rick Mabery, F. Patrick Berry, Steven G. Bartell on behalf of the United States; Joe P. Sparks [no comma] and Robyn L. Interpreter on behalf of San Carlos Apache Tribe, Yavapai-Apache Nation, and Tonto Apache Tribe (collectively “the Apache Tribes”). Present are: Jenny J. Pelton on behalf of NBJ Ranch; Lauren J. Caster and Gregory Adams on behalf of Abitibi Consolidated Sales Corp, Arizona Water Co., and ASARCO, LLC; Michael J. Pearce on behalf of City of Prescott; M. James Callahan on behalf of City of Phoenix; Steve Wene on behalf of Safford and Avatar; William Staudenmaier on behalf of APS, Phelps Dodge, and RWCD; Mark A. McGinnis on behalf of Salt River Project; Charlotte Benson on behalf of the City of Tempe; William P. Sullivan on behalf of the City of Gilbert; Cynthia J. Haglin on behalf of the City of Chandler; and David A. Brown on behalf of the NBJ Ranch, Ltd. Partnership. Special Master George A. Schade, Jr. and his assistant Regina M. Spurlock are present.

Court reporter, Lisa Vitoff is also present.

The Court and Mr. McGinnis, Ms. Pelton, Mr. Staudenmaier, and Mr. Mabery discuss NBJ Ranch Ltd. Partnership’s motion to dismiss or, in the alternative, stay Salt River Project’s application for injunctive relief.

Discussion was held concerning the length of the evidentiary hearings and the need for additional hearing days. The parties agreed that the evidentiary hearings set on October 11, 2007, and December 13, 2007, should be continued until a time when three days of hearing are available so that both the NBJ Ranch Ltd. Partnership and the Kovacovich and Wiertzema matters can be heard.

IT IS ORDERED denying NBJ Ranch Ltd. Partnership's motions to dismiss or, in the alternative, to stay Salt River Project's application for injunctive relief.

IT IS FURTHER ORDERED, denying Kovacovich Inv., Ltd. Partnership's and Wiertzema Family Trusts' Notice of Joinder of Pending Motions to Dismiss or Stay in the Order to Show Cause; Motion for Request of a Status Conference and Motion to Designate Issues of Broad Legal Importance.

IT IS FURTHER ORDERED that declarations shall be submitted for direct examination of expert witnesses at the evidentiary hearing. Any expert witnesses shall still be available for cross examination and re-direct.

IT IS FURTHER ORDERED the parties shall confer and provide a stipulated time for the continued three (3) day hearing on or before **October 12, 2007**.

IT IS FURTHER ORDERED signing this minute entry as an Order of the Court.

/s/ Eddward P. Ballinger, Jr.  
JUDICIAL OFFICER OF THE SUPERIOR COURT

A copy of this order is mailed to all parties on the Court approved mailing lists for the Gila River Adjudication, W-1, W-2, W-3, W-4 (Consolidated), and the Little Colorado River Adjudication, Civil No. 6417, both dated July 26, 2007.