

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

01/24/2012

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN
Deputy

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

Contested Case No. W1-103

FILED: FEBRUARY 21, 2012

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

COPY

In Re: Evidentiary Hearing Day 1

MINUTE ENTRY

Prior to the commencement of these proceedings ADWR Exhibits 001 and 002; ASARCO Exhibits 1 through 28; FMC Exhibits 001 through 036; GRIC Exhibits 001 through 063; TNC Exhibits 001 through 017; SRP Exhibits 001 through 054; and US Exhibits 1 through 10 are marked for identification.

9:50 a.m. This is the time set for Evidentiary Hearing. Appearing are: Thomas L. Murphy on behalf of the Gila River Indian Community; Joe P. Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; Mark A. McGinnis and Byron Lewis on behalf of Salt River Project ("SRP"); Rhett A. Billingsly, Sean T. Hood, and John C. Lemaster on behalf of Freeport McMoRan Corporation; F. Patrick Barry on behalf of the U. S. Department of Justice; L. Anthony Fines on behalf of Arizona Public Service Company; Gregory L. Adams on behalf of ASARCO LLC; R. Lee Leininger and Guss Guarino on behalf of the United States Department of Justice; Janet L. Ronald on behalf of the Arizona Department of Water Resources ("ADWR"); and Stephen C. Cann on behalf of the Nature Conservancy.

Court reporter, Kim Hannan, is present, as well as a record of the proceedings being made by CD/videotape.

Philip Peartree is sworn and testifies.

SRP Exhibit 042 is received in evidence.

ADWR Exhibit 001 is received in evidence.

The Witness is excused.

11:51 a.m. Court stands at recess.

1:30 p.m. Court reconvenes. Appearing are: Thomas L. Murphy on behalf of the Gila River Indian Community; Joe P. Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; Mark A. McGinnis and Byron Lewis on behalf of Salt River Project (“SRP”); Rhett A. Billingsly, Sean T. Hood, and John C. Lemaster on behalf of Freeport McMoRan Corporation; F. Patrick Barry on behalf of the U. S. Department of Justice; L. Anthony Fines on behalf of Arizona Public Service Company; Gregory L. Adams on behalf of ASARCO LLC; R. Lee Leininger and Guss Guarino on behalf of the United States Department of Justice; Janet L. Ronald on behalf of the Arizona Department of Water Resources (“ADWR”); and Stephen C. Cann on behalf of the Nature Conservancy.

Court reporter, Kim Hannan, is present, as well as a record of the proceedings being made by CD/videotape.

Michael Johnson is sworn and testifies.

ADWR Exhibit 002 is received in evidence.

SRP Exhibit 006 is received in evidence.

TNC Exhibit 017 is received in evidence.

ASARCO Exhibit 24 is received in evidence.

SRP Exhibit 008 is received in evidence.

3:15 p.m. Court stands at recess.

3:30 p.m. Court reconvenes. Appearing are: Thomas L. Murphy on behalf of the Gila River Indian Community; Joe P. Sparks on behalf of the San Carlos Apache Tribe and the Tonto Apache Tribe; Mark A. McGinnis and Byron Lewis on behalf of Salt River Project (“SRP”); Rhett A. Billingsly, Sean T. Hood, and John C. Lemaster on behalf of Freeport McMoRan Corporation; F. Patrick Barry on behalf of the U. S. Department of Justice; L. Anthony Fines on behalf of Arizona Public Service Company; Gregory L. Adams on behalf of ASARCO LLC; R. Lee Leininger and Guss Guarino on behalf of the United States Department of Justice; Janet L. Ronald on behalf of the Arizona Department of Water Resources (“ADWR”); and Stephen C. Cann on behalf of the Nature Conservancy.

Court reporter, Kim Hannan, is present, as well as a record of the proceedings being made by CD/videotape.

Michael Johnson resumes the stand and testifies further.

4:42 p.m. Court stands at recess until January 25, 2012, at 9:30 a.m.

A copy of this order is mailed to all parties on the Court approved mailing list (Court) for Contested Case No. W-1-103 dated January 31, 2012.