

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

01/25/2012

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 2

MINUTE ENTRY

9:29 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.

Richard Burtell is sworn and testifies.

11:07 a.m. Court stands at recess.

11:23 a.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.

Richard Burtell resumes the stand and testifies further.

11:53 a.m. Court stands at recess.

1:33 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.

Richard Burtell resumes the stand and testifies further.

SRP Exhibit 010 is received in evidence.

SRP Exhibit 004 is received in evidence.

The Witness is excused.

Stuart Bengson is sworn.

Counsel chooses not to examine the witness.

The Witness is excused.

**IT IS ORDERED** overruling the objection as to what testimony Henry Ziff would provide.

Kristina Uhlman is sworn and begins to testify.

**IT IS ORDERED** sustaining the objection to the testimony.

The Witness is excused.

John Ford is sworn and testifies.

FMC Exhibit 034 is received in evidence.

FMC Exhibit 010 is received in evidence.

SRP Exhibit 010 is received in evidence.

SRP Exhibit 046 is received in evidence.

SRP Exhibit 051 is received in evidence.

SRP Exhibit 042 is received in evidence.

3:44 p.m. Court stands at recess.

4:07 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.

John Ford resumes the stand and testifies further.

FMC Exhibit 004 is received in evidence.

FMC Exhibit 007 is received in evidence.

SRP Exhibit 041 is received in evidence.

SRP Exhibit 031 is received in evidence.

SRP Exhibit 025 is received in evidence.

SRP Exhibit 039 is received in evidence.

SRP Exhibit 022 is received in evidence.

SRP Exhibit 050 is received in evidence.

The Witness is excused.

5:07 p.m. Court stands at recess until January 26, 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.