

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

01/12/2012

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN
Deputy

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

COPY

Contested Case No. W1-103

FILED: January 19, 2012

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

In Re: Pretrial Conference

MINUTE ENTRY

2:05 p.m. This is the time set for a Pre-Trial Conference. Present 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; John C. Lemaster on behalf of Freeport-McMoRan Corporation; Mark A. McGinnis and Byron Lewis on behalf of Salt River Project ("SRP"); Gregory L. Adams on behalf of ASARCO LLC; L. Anthony Fines on behalf of Arizona Public Service Company; L. William Staudenmaier on behalf of Arizona Public Service Company and Roosevelt Water Conservation District; Patrick B. Sigl on behalf of SRP; William P. Sullivan on behalf of Bella Vista Water Company, Inc., Pueblo Del Sol Water Company, and the City of Sierra Vista; Cynthia Haglin on behalf of the City of Chandler; Charles L. Cahoy on behalf of the City of Tempe; R. Lee Leininger on behalf of the United States Department of Justice; Steve Wene on behalf of the City of Safford; Jan C. Ronald and Ayesha Vohra on behalf of the Arizona Department of Water Resources ("ADWR"); William Anger on behalf of the Cities of Avondale, Chandler, Avondale, Mesa, and Scottsdale; Appearing telephonically are Robyn L. Interpreter and Susan B. Montgomery on behalf of the Yavapai-Apache Nation; F. Patrick Barry on behalf of the U. S. Department of Justice; and Stephen C. Cann on behalf of the Nature Conservancies . No other telephonic appearances were announced.

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

The Court has received and considered the Pre-Trial Statement.

Mark A. McGinnis, Joe P. Sparks, Gregory L. Adams and Thomas L. Murphy address the Court.

There is an agreement as to the order of witnesses and cross examination. A decision will be made regarding a post-hearing briefing at the end of the trial as to how they will be handled. Each party shall be permitted to file a short (10 pages) pre-hearing memo on or before January 17, 2012.

With regard to the objections to exhibits and witnesses,

LET THE RECORD REFLECT that exhibits prepared by experts to explain their testimony will be demonstrative only. All relevance objections will be determined at the time of trial.

IT IS ORDERED overruling the objection to Henry Ziff's testimony regarding hearsay subject to reconsideration at the time of trial.

LET THE RECORD REFLECT that the Court will determine the permission of the declaration with respect to the testimony of Kristine Uhlman at the time of the trial.

LET THE RECORD FURTHER REFLECT that the objection to the exhibits that are published works will be determined individually at the time of trial.

LET THE RECORD FURTHER REFLECT that the objection to the animated exhibit will be determined at the time of the trial with regard to foundation.

2:41 p.m. Matter concludes.

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 July 25, 2011.