

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/06/2016

CLERK OF THE COURT
Form V000

HONORABLE MARK H. BRAIN

T. Blachut
Deputy

W1-11-605

FILED: 10/13/2016

In re Fort Huachuca

W1-11-605

In re: Trial to Court Day 4

MINUTE ENTRY

Courtroom - CCB 1201

10:30 a.m. This is the time set for Trial to the Court before the Honorable Mark H. Brain. The following attorneys appear in person: Joe P. Sparks and Julia M.R. Kolsrud on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe; R. Lee Leininger, Sara C. Porsia and Adam M. Bean on behalf of the U.S. Department of Justice; John B. Weldon, Jr. and Michael Foy on behalf of Salt River Project; Sean T. Hood, Brian J. Heiserman and Shilpa Hunter Patel on behalf of Freeport Minerals Corporation; Robert D. Anderson on behalf of Liberty Utilities; William P. Sullivan on behalf of Pueblo Del sol Water Company and City of Sierra Vista; Carrie J. Brennan, on behalf of the State of Arizona; Susan B. Montgomery on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation; Monique Coady on behalf of the City of Phoenix; Daniel D. Haws II and Mark A. Holycross on behalf of the U.S. Army. Rich Burtell, Captain David Classen, Major Mike Lipkin, Steve Titla, and Michell Tribbet are also present.

Court Reporter, Christine Coaly, is present. A record of the proceedings is also made digitally.

LET THE RECORD REFLECT the clerk of this division retained the exhibits from the October 5, 2016 hearing for use at today's proceedings.

Thomas Borer resumes the stand and testifies further.

CL1/US Exhibit 128 is received in evidence.

11:59 a.m. The Court stands in recess.

1:30 p.m. Court reconvenes with respective counsel and parties present.

Court Reporter, Christine Coaly, is present. A record of the proceedings is also made digitally.

Nichole D. Klobas on behalf of the Arizona Department of Water Resources is now present.

Thomas Borer resumes the stand and testifies further.

The witness is excused.

Colonel Thomas Anthony Boone is sworn and testifies.

2:57 p.m. The Court stands in recess.

3:11 p.m. Court reconvenes with respective counsel and parties present.

Court Reporter, Christine Coaly, is present. A record of the proceedings is also made digitally.

Colonel Thomas Anthony Boone resumes the stand and testifies further.

The record shall reflect that the Clerk of this Division shall retain all the exhibits marked for identification until the continued trial date.

4:24 p.m. Court stands in recess until 10:30 a.m. on October 10, 2016.

A copy of this order is mailed to all persons listed on the court approved mailing list for Contested Case No. W1-11-605 dated September 14, 2016.