

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

03/13/2014

CLERK OF THE COURT  
Form V000

HONORABLE MARK H. BRAIN

A. Melchert  
Deputy

Contested Case No. W1-11-605

FILED: 04/01/2014

Contested Case No. W1-11-605

In re Fort Huachuca

In Re Conference and Proposals to  
Transfer Contested Case to the Court

MINUTE ENTRY

9:10 a.m. This is the time set for a conference on the matters announced by the Special Master and the proposals to transfer this case to the Court set for March 13, 2014 at 9:00 a.m. (MST). Appearing telephonically are: Robyn L. Interpreter on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation; Laurel A. Herrmann and Julia M. R. Kolsrud on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe; David A. Brown on behalf of various Little Colorado River claimants. In the courtroom are: Janet L. Ronald on behalf of the Arizona Department of Water Resources; Gregory L. Adams on behalf of ASARCO LLC; William P. Sullivan on behalf of Bella Vista Water Company, Inc., Pueblo Del Sol Water Company, and the City of Sierra Vista; Theresa M. Craig on behalf of the Arizona Attorney General's Office; Joe P. Sparks on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe; L. William Staudenmaier; Sean T. Hood and Shilpa Hunter-Patel on behalf of Freeport McMoRan Corporation ("Freeport-McMoRan"); Lisa M. McKnight, John B. Weldon, Jr., and Patrick B. Sigl on behalf of Salt River Project; R. Lee Leininger on behalf of U.S. Department of Justice and Environment and Natural Resources Division; Mark A. Holycross and Daniel D. Haws II on behalf of the United States Army. Also present are Special Master, George A. Schade, Jr.

Court reporter, Marylynn LeMoine, is present, and a record of the proceedings is also being made by FTR.

Argument is heard regarding FreePort-McMoRan's Motion for Immediate Transfer of Contested Cases to the Trial Court and the status of the Fort Huachuca contested case.

9:44 a.m. Court stands at recess.

9:48 a.m. Court reconvenes respective counsel present.

Court reporter, Marylynn LeMoine, is present, and a record of the proceedings is also being made by FTR.

As noted in the February 24, 2014 Minute Entry, and particularly in light of FreePort-McMoRan's Motion for Immediate Transfer of Contested Cases to the Trial Court (filed November 6, 2013), the Court met with the parties to discuss the status of this matter. The Court had assumed that the parties had completed discovery, and it intended to provide the parties with the dates for evidentiary and other hearings to be held by the Court. At the hearing, it quickly became apparent that the Court's assumption regarding discovery was incorrect, and that significant additional work needs to be done. Likewise, it is clear that the Special Master is in the best position to supervise the discovery (and, indeed, the Special Master has substantially participated in setting the discovery schedule to date). Accordingly, the Court referred the matter back to the Special Master.

IT IS ORDERED denying Freeport-McMoRan's Motion for Immediate Transfer of Contested Cases to the Trial Court concerning this contested case because it is premature. The Court will consider the motion as pertinent to this case at a later time.

Special Master Schade now taking the bench, discussion is held regarding dates and deadlines concerning the pending discovery requests made to the United States. The Special Master will issue an order with the dates counsel have agreed upon as set forth on the record.

10:58 a.m. Matter concludes.

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 January 9, 2014.