

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN CHAMBERS (X) IN OPEN COURT ()

SPECIAL MASTER GEORGE A. SCHADE, JR.
Presiding

IN RE THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN THE
GILA RIVER SYSTEM AND SOURCE

DATE: March 19, 2014

CIVIL NO. W1-11-605

ORDER CONCERNING PENDING
DISCOVERY REQUESTS MADE
TO THE UNITED STATES

CONTESTED CASE NAME: *In re Fort Huachuca.*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: The Special Master issues an order setting timelines for completion of the pending discovery requests made to the United States.

NUMBER OF PAGES: 3.

DATE OF FILING: March 19, 2014.

On March 13, 2014, the Court and the Special Master held a conference which primarily addressed discovery matters. The Court requested the Special Master to consider these matters.

Based upon the positions expressed by the parties, the Special Master set timelines for the completion of discovery requests made to the United States. ASARCO LLC and Freeport-McMoRan Corporation have pending discovery requests. The parties were advised of the timelines set forth in this order. In the interest of judicial efficiency, the Special Master will not set any other timelines at this time.

The parties who are engaged in discovery and those who have deferred have been

exemplary in meeting, conferring, and resolving difficult discovery issues. This case cannot reach its end unless these high levels of communication and cooperation continue. The Court and Special Master appreciate and encourage these efforts to continue.

IT IS ORDERED:

1. Modifying the pertinent sections of the Scheduling Order dated December 19, 2011, by vacating all the previously announced future timelines.

2. Discovery Timelines. The following timelines are set concerning the pending discovery requests made to the United States:

A. **Wednesday, April 16, 2014**: The United States will complete the first interim production of the electronically stored information it has compiled pursuant to the requests of Freeport-McMoRan and other parties.

B. **Thirty (30) days after the issuance of the next Biological Opinion**: The United States will produce the deliberative documents associated with programmatic biological assessments of the Fort Huachuca military installation. The United States does not waive the right to withhold or redact these documents.

C. **Friday, August 1, 2014**: The United States will complete the second interim production of the electronically stored information it has compiled pursuant to the requests of Freeport-McMoRan and other parties.

D. **Tuesday, September 30, 2014**: The United States will complete the production of all electronically stored information it has compiled and all other documents pursuant to the requests of Freeport-McMoRan and other parties. And,

E. **Tuesday, October 21, 2014**: The United States will serve a privilege log of all documents involved in this discovery schedule that have been withheld from discovery or redacted under a claim of privilege or subject to protection.

3. Request for Conference. A party who between now and October 21, 2014, deems a conference to be helpful, may request a telephonic or courtroom conference.

4. Conference. A conference is set for **Friday, November 21, 2014, at 9:00 a.m. (MST)** (the location will be announced later) to review the status of this case, set appropriate timelines, and consider any matter relevant to the evidentiary hearing.

DATED: March 19, 2014.

/s/ George A. Schade, Jr. _____
GEORGE A. SCHADE, JR.
Special Master

Note: The Hon. Mark H. Brain is not yet included in the Court approved mailing list for this case.

On March 19, 2014, the original of the foregoing was delivered to the Clerk of the Maricopa County Superior Court for filing and distributing a copy to all persons listed on the Court approved mailing list for Contested Case No. W1-11-605 dated January 9, 2014.

/s/ Barbara K. Brown

Barbara K. Brown