

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

02/07/2017

CLERK OF THE COURT
Form V000

HONORABLE MARK H. BRAIN

M. Askew
Deputy

W1-11-605

FILED: 02/13/2017

In re: Fort Huachuca

W1-11-605

In re: Trial to Court Day 14

MINUTE ENTRY

Courtroom - CCB 1201

10:31 a.m. Trial to the Court continues from February 7, 2017. The following attorneys appear in person; Gregory Adam on behalf of Arizona Water Company, Catalyst Paper (Snowflake) Inc. LCR Coalition; Bill Anger on behalf of Cities of Chandler, Glendale, Mesa and Scottsdale; Adam M. Bean on behalf of U.S. Department of Justice and Environment and Natural Resources Division; Carrie Brennan on behalf of Arizona Attorney General's Office and Natural Resources Section; Monique Coady on behalf of City of Phoenix; Michael Foy and Lisa Mcknight on behalf of Salt River Project; Cynthia Haglin on behalf of City of Chandler; Dan Haws and Mark Holycross on behalf of U.S. Army; Brian Heiserman, Sean Hood, and Shilpa Hunter-Patel on behalf of Freeport Minerals Corp.; Julia Kolsrud and Joe Sparks on behalf of San Carlos Apache Tribe and Tonto Apache Tribe; Lee Leininger on behalf of U.S. Department of Justice and Environment and Natural Resources Division; Janet Miller on behalf of Arizona Department of Water Resources; William Sullivan on behalf of Arlington Canal Co., Bella Vista Water Co. Inc., Pueblo Del Sol Water Co., Cortaro-Marana Irrigation District, Cortaro Water Users' Association, Doney Park Water, Town of Gilbert, Valencia Water Co. Inc., and City of Sierra Vista; Susan Montgomery on behalf of Pascua Yaqui Tribe and Yavapai-Apache Nation are also present.

Court Reporter, Christine Coaly, is present and a record of the proceedings is made digitally.

CL-1/United States' Exhibit 3022 is marked for identification.

Joel Degner resumes the stand and testifies further.

CL-1/United States' Exhibit 22 and CL-3/Freeport Minerals Corporation's Exhibits 1162, 1176, 1168, and 1177 are received in evidence.

CL-1/United States' Exhibit 26 is received in evidence.

The witness is excused.

Discussion is held.

11:43 a.m. The Court stands at recess.

1:33 p.m. The Court reconvenes with the parties and respective counsel present.

Court reporter, Christine Coaly is present, and a record of the proceedings is also made digitally.

CL-1/United States' Exhibit 3022 is received in evidence.

Claimant 1/United States rests.

Counsel for Claimant 3/Freeport Mineral's Corporation makes a Rule 50 Motion for Judgment as a Matter of law.

Discussion is held regarding the admission of exhibit 134.

A clerical error having occurred in that CL-1/United States' Exhibit 134 was received in evidence on October 4, 2016, but it was not reflected in either the minute entry or the exhibit worksheet,

IT IS ORDERED that CL-1/United States' Exhibit 134 is received in evidence.

CL-2/SRP's Exhibit 409 is received in evidence.

Motion is argued to the Court.

IT IS ORDERED denying Claimant 3/Freeport Mineral's Corporation's Rule 50 Motion for Judgment as a Matter of Law.

Rich Burtell is sworn and testifies.

The witness is excused.

2:46 p.m. The Court stands at recess.

3:02 p.m. The Court reconvenes with the parties and respective counsel present.

Court reporter, Christine Coaly is present, and a record of the proceedings is also made digitally.

Rich Burtell resumes the stand and testifies further.

The witness is excused.

4:07 p.m. Court stands in recess until 10:30 a.m. on February 8, 2017.

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.