

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

02/14/2017

CLERK OF THE COURT
Form V000

HONORABLE MARK H. BRAIN

M. Askew
Deputy

W1-11-605

FILED: 02/17/2017

In re: Fort Huachuca

W1-11-605

In re: Trial to Court Day 18

MINUTE ENTRY

Courtroom - CCB 1201

10:33 a.m. Trial to the Court continues from February 13, 2017. The following attorneys appear in person; 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; 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; Kimberly Parks on behalf of Arizona Department of Water Resources; Monique Coady on behalf of City of Phoenix; 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.

Discussion is held regarding exhibits.

A clerical error having occurred in that CL-2/Salt River Project's Exhibits 371, 377, 381, and 389 were 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-2/Salt River Project's Exhibits 371, 377, 381, and 389 are received in evidence.

A clerical error having occurred in that CL-3/Freeport Minerals Corporation's Exhibit 552 was received in evidence on October 5, 2016, but it was not reflected in either the minute entry or the exhibit worksheet,

IT IS ORDERED that CL-3/Freeport Minerals Corporation's Exhibit 552 is received in evidence.

A clerical error having occurred in that CL-2/Salt River Project's Exhibits 392 and 398 were received in evidence on October 4, 2016, but they were not intended to be offered or received in evidence by any of the parties that date,

IT IS ORDERED removing CL-2/Salt River Project's Exhibits 392 and 398 from evidence.

CL-3/Freeport Minerals Corporation's exhibits 1181, 1280, 1267, and 1282 are received in evidence.

CL-2/Salt River Project, CL-3/Freeport Mineral's Corporation, and CL-4/State of Arizona rest.

CL-1/United States' rebuttal.

Joel Degner resumes the stand and testifies further.

The witness is excused.

Colonel Thomas Boone resumes the stand and testifies further.

The witness is excused.

CL-1/United States' rests.

Presentation of evidence is completed and the parties will submit a briefing schedule.

11:41 a.m. The Court stands at recess.

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 December 8, 2016.