

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

11/12/2015

CLERK OF THE COURT
Form V000

JUDGE MARK H. BRAIN

L. Stogsdill
Deputy

W-1, W-2, W-3, W-4(Consolidated)

FILED: 12/7/2015

In re the General Adjudication
of All Rights to Use Water in
The Gila River System and Source

W-1, W-2, W-3, W-4(Consolidated)

In re Fort Huachuca
Contested Case No. W1-11-605

In re Redfield Canyon Wilderness Area
Case No. W1-11-2664

In re San Pedro Riparian National Conservation Area
Case No. W1-11-232

In re Conference and Proposal to Transfer Contested Cases to the Court

Central Court Building – Courtroom 1201

1:30 p.m. This is the time set for a Scheduling Conference before Judge Mark H. Brain to discuss the status of the cases and scheduling. Special Master Susan Ward Harris is also present.

Court reporter, Christine Coaly is present.

The following attorneys appear telephonically: William Anger for the Cities of Avondale, Chandler, Glendale, Mesa and Scottsdale. Gregory Adams for ASARCO, L.L.C. Robin Interpreter for the Pascua Yaqui Tribe and Yavapai-Apache Nation. Laurel Hermann for San Carlos Apache Tribe and Tonto Apache Tribe. Cynthia Haglin for the City of Chandler.

The following attorneys appear in person: Carrie Brennan for the State of Arizona. Sean Hood and Shilpa Hunter-Patel for Freeport Minerals Corporation. Karlene Martorana for the Arizona Public Service Company and Roosevelt Water Conservation

District. Scott Deeny and John Weldon, Jr. for the Salt River Project. Jan Miller and Nicole Klobas for the Arizona Department of Water Resources. R. Lee Leininger for the United States. Mark Holycross and Daniel Haws, II for the United States Army. William Sullivan for Pueblo Del Sol Water Co., City of Sierra Vista, Liberty Utilities (Bella Vista Water Company) Corp. David A. Brown for St. David Irrigation District and Babocomari Ranch.

Discussion is held regarding pending motions.

Discussion is also held regarding a potential trial date for the Fort Huachuca W1-11-605 matter. Accordingly,

IT IS ORDERED setting the Fort Huachuca matter Case No. W1-11-605 for a 3 week trial before:

Honorable Mark H. Brian
Maricopa County Superior Court
West Court Building – 201 West Jefferson
12th Floor, Courtroom 1201
Phoenix, AZ 85003
(602) 372-1411

on **October 3, 2016 at 10:30 a.m.** Scheduled trial days are: **October 3 - 6, 2016, October 10 – 13, 2016, and October 17-20, 2016 at 10:30 a.m.**

IT IS FURTHER ORDERED the parties shall coordinate and create a trial schedule.

Exhibits shall be delivered to the division by **12:00 p.m. September 5, 2016.**

EXHIBIT GUIDELINES:

- Exhibits shall be marked serially by number, plaintiff's first; defendant's exhibit numbers will begin where plaintiff's numbers end.
- Confer with the other party to eliminate duplicate exhibits before presenting to the clerk.
- Submit a written list or inventory describing each exhibit; descriptions should be concise and can be as simple as "letter," "e-mail," or "photo".
- Do **not** skip numbers, or describe exhibits as "blank" or "withdrawn"; do not "reserve" numbers for items not submitted to the clerk.
- Do not submit exhibits with subparts (e.g. exhibit 1a, 1b, 1c).

- Staple or otherwise secure each individual exhibit so that pages do not become separated.
- Separate exhibits by a colored sheet of paper with the exhibit number written on front.
- If an exhibit is too heavy or large for a hanging file folder, place it in a binder.
- Do not mark depositions as exhibits; original depositions may be submitted to the division clerk to be filed and will be available for use during the trial.
- Blow-up charts and large items may only be used for demonstrative purposes. Counsel may bring blow-up charts and large items to court to use during trial; however, if counsel would like any blow-up charts or large items marked as an exhibit, they must provide the clerk with an 8-1/2 x 11 photograph of the item.
- Provide a separate copy of exhibits, in a binder with numbered tabs, to the court to be referenced by the Judge during trial; Alternatively, if counsel intends to submit more than 50 exhibits, please provide a courtesy copy of the exhibits in a thumb drive (flash drive) for the Judge to access on his computer (instead of in a binder); If any exhibits are spreadsheets, please provide an additional hard copy.
- Contact the clerk at 602-372-3189 if you have questions regarding exhibits.

Discussion is held regarding Special Master, Susan Ward Harris assisting the Court with pending motions and rulings in the Fort Huachuca matter. Counsel agrees with the Court's proposal in that regard.

Discussion is held regarding a site visit by the Court re: Fort Huachuca. Court and counsel agree that the site visit will take place on **March 3, 2016**. Counsel will agree on and prepare an itinerary regarding the visit and will provide the same to all parties and the Court.

Discussion is held regarding further scheduling and discovery for the Redfield Canyon Wilderness Area Case No. W1-11-2664 and the San Pedro Riparian National Conservation Area Case No. W1-11-232.

2:11 p.m. Brief discussion is held off the record with the Court and Special Master Susan Ward Harris.

2:14 p.m. Court reconvenes with the parties and counsel present.

Court reporter, Christine Coaly is present.

The parties needing additional time for discovery,

IT IS ORDERED extending the deadlines as outlines by the proposed Scheduling Order provided to the Court by counsel for the United States.

IT IS FURTHER ORDERED setting oral argument re: Freeport Mineral Corporation's Motion for Summary Judgment re: Redfield Canyon Wilderness Area Case No. W1-11-232 on **January 7, 2016 at 1:30 p.m.** (time allotted: 90 minutes) before:

Honorable Mark H. Brian

Maricopa County Superior Court

West Court Building – 201 West Jefferson

12th Floor, Courtroom 1201

Phoenix, AZ 85003

(602) 372-1411

IT IS FURTHER ORDERED vacating the Status Conference set for **November 12, 2015 at 3:00 p.m.** before Special Master Susan Ward Harris.

2:20 p.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court approved mailing lists for Contested Case Nos. W1-11-605, W1-11-2664 and W1-11-232.