

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

7/30/07

CLERK OF THE COURT
FORM V000

HONORABLE EDDWARD BALLINGER, JR.

L. NEVENHOVEN
Deputy

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

Contested Case No. W1-207

FILED: August 1, 2007

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

In Re Proposed Gila River Indian
Community Settlement Proceedings

COPY

MINUTE ENTRY

3:15 p.m. This is the time set for a Telephonic Oral Argument regarding Lower Gila Water Users ("LGWUs") request for an expedited consideration of their July 9, 2007 "Motion Regarding the Arizona Department of Water Resources". Present are: Douglas C. Nelson on behalf of several claimants who have designated themselves the Lower Gila Water Users; Mark A. McGinnis on behalf of Central Arizona Water Conservation District, Central Arizona Irrigation and Drainage District, and Maricopa-Stanfield Irrigation and Drainage District; M. James Callahan on behalf of the City of Phoenix; John T. Hestand and Rodney B. Lewis on behalf of the Gila River Indian Community; Riney B. Salmon on behalf of the San Carlos Irrigation and Drainage; John B. Weldon, Jr. and Lisa McKnight on behalf of Salt River Project; Michael J. Pearce on behalf of ASARCO LLC ("ASARCO"); Cynthia J. Haglin on behalf of the City of Chandler; Telephonically present are: Donald R. Pongrace, Ann Marie Chischilly, and Vanessa L. Ray-Hodge on behalf of the Gila River Indian Community; F. Patrick Barry on behalf of the United States; Joe Sparks and Susan B. Montgomery on behalf of San Carlos Apache Tribe, Yavapai-Apache Nation, and Tonto Apache Tribe (collectively "the Apache Tribes"); L. Anthony Fines on behalf of Gila Valley Irrigation District; David a. Brown on behalf of Franklin Irrigation District; Janet L. Ronald and Scott Deeny, on behalf of the Arizona Department of Water Resources; Steve Wene on behalf of the City of Safford; Kenneth C. Slowinski and Gregg Houtz on behalf of the State of Arizona; Patrick B. Sigl on behalf of the Arizona Attorney General's Office; Cynthia M. Chandley on behalf of Phelps Dodge Corporation; and Sean Thomas Hood on behalf of Phelps Dodge Corporation and Roosevelt Water Conservation District. Special Water Master, George A. Schade, Jr. is telephonically present.

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Court reporter, Patty Connelly, is also present.

A recording of this proceeding is being made by CD (FTR) in addition to the court reporter.

Mr. McGinnis and Mr. Pearce advise the Court that the Settling Parties have reached an agreement on which will cause ASARCO to withdraw all of ASARCO's objections to the proposed settlement.

The Court, Mr. Slowinski, Mr. Nelson, Ms. Ronald, and Mr. Barry discuss document discovery and deposition issues.

IT IS ORDERED granting Motion to Compel Disclosure of Documents in part. Ms. Ronald shall provide a privilege log to Mr. Nelson on or before **August 6, 2007**. A copy of this document shall be sent to Mr. Patrick Barry, who shall disseminate it to the Settling Parties.

IT IS FURTHER ORDERED granting the Motion to Depose Richard Burtell regarding matters related to the quantity of water to be received by the Gila River Indian Community under the proposed settlement. Mr. Burtell shall submit to this deposition on or before **August 10, 2007**.

IT IS FURTHER ORDERED that all exhibits shall be submitted to the clerk on or before **August 15, 2007**.

IT IS FURTHER ORDERED denying all remaining requests for relief.

IT IS FURTHER ORDERED signing this minute entry as an order of the Court.

/s/ Eddward P. Ballinger, Jr.
JUDICIAL OFFICER OF THE SUPERIOR COURT

A copy of this order is mailed to all parties on the Court-approved mailing list for Contested Case No. W1-207 dated July 26, 2007.