

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/03/2016

CLERK OF THE COURT
Form V000

JUDGE MARK BRAIN

M. Neves
Deputy

W1-11-605

In re Fort Huachuca

W1-11-605

In re: Trial to Court Day 1

MINUTE ENTRY

Courtroom 301 – CCB

Prior to the commencement of trial, claimant 1/The United States exhibits 1-370, claimant 2/Salt River Project's (SRP) exhibits 371-480, claimant 3/Freeport Minerals Corp.'s (Freeport) exhibits 481-3002 and claimant 4/the State of Arizona's (State) exhibits 3002-3018 were marked for identification on thumb drives 1-4.

10:38 a.m. This is the time set Trial to the Court before the Honorable Mark H. Brain. The following attorneys appear in person: Joe P. Sparks and Julia M.R. Kolsrud on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe. R. Lee Leininger, Sara C. Porsia and Adam M. Bean on behalf of the United States. Patrick Sigl, Michael Foy and Mark A. McGinnis on behalf of Salt River Project; Sean T. Hood, Brian J. Heiserman and Shilpa Hunter Patel on behalf of Freeport Minerals Corporation; Bill Anger on behalf of the cities of Avondale, Glendale, Chandler, Mesa and Scottsdale; Monica Coady on behalf of the City of Phoenix; Carrie J. Brennan, on behalf of the State of Arizona; Janet L. Miller on behalf of the Arizona Department of Water Resources. Mark Holycross and Daniel Haws, II appear on behalf of the United States Army. Susan Montgomery appears on behalf of the Pascua Yaqui Tribe and Yavapai Apache Nation. Rich Burtell, Robert Anderson, William Sullivan, Steve Titla and Scott Miltenberger are also present.

Court reporter Karen Bolton is present.

A record of the proceedings is also made digitally.

Trial issues are discussed.

Opening statements are presented.

11:58 a.m. The Court stands at recess.

1:30 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Karen Bolton, is present.

A record of the proceedings is also made digitally.

Opening statements continue.

2:57 p.m. The court stands at recess.

3:14 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Karen Bolton, is present.

A record of the proceedings is also made digitally.

Dr. Milton Berger is sworn and testifies.

Exhibit 229 is received in evidence.

Procedural issues discussed.

Court stands at recess until 10:30 a.m. on October 4, 2016.

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 27, 2016.