

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/05/2016

CLERK OF THE COURT
Form V000

JUDGE MARK BRAIN

M. Neves
Deputy

W1-11-605

FILED: 10/12/2016

In re Fort Huachuca

W1-11-605

In re: Trial to Court Day 3

MINUTE ENTRY

Courtroom 1201 – CCB

10:38 a.m. Trial to the court continues from October 4, 2016 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; 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. Robyn Interpreter appears on behalf of the Pascua Yaqui Tribe and Yavapai Apache Nation. Robert Anderson, Scott Miltenberger, John Weldon, Steve Titla and Michelle Tribbet are also present.

Court reporter Marylynn LeMeoine is present.

A record of the proceedings is also made digitally.

Dr. Milton Berger resumes the stand and testifies further.

CL-3 (Freeport) Exhibits 1064 and 550 are revived in evidence.

CL-3 (Freeport) Exhibit 3019 is marked for identification and received evidence

12:02 p.m. The court stands at recess.

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

Court Reporter, Marylynn LeMeoine, is present.

A record of the proceedings is also made digitally.

Dr. Milton Berger resumes the stand and testifies further.

The Witness is excused.

Thomas Borer is sworn and testifies.

2:54 p.m. The court stands at recess.

3:13 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Marylynn LeMeoine, is present.

A record of the proceedings is also made digitally.

Thomas Borer resumes the stand and testifies further.

CL-1 (United States) Exhibits 16, 345 and 130 are received in evidence.

4:30 p.m. Court stand in recess until October 6, 2016 at 10:30 a.m., in this division.

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.