

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

10/17/2016

CLERK OF THE COURT
Form V000

HONORABLE MARK H. BRAIN

T. Blachut
Deputy

W1-11-605

FILED: 10/20/2016

In re: Fort Huachuca

W1-11-605

In re: Trial to Court Day 9

MINUTE ENTRY

Courtroom - CCB 1201

10:36 a.m. Trial to the Court continues from October 13, 2016. 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; Robyn L. Interpreter and Susan B. Montgomery, on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation; Sara C. Porsia, R. Lee Leininger, and Adam M. Bean, on behalf of the U.S. Department of Justice; John B. Weldon, Jr., Michael Foy, Patrick B. Sigl, and Mark A. McGinnis on behalf of Salt River Project; Sean T. Hood, Brian J. Heiserman, William L. Staudenmaier, and Shilpa Hunter Patel on behalf of Freeport Minerals Corporation; Robert D. Anderson on behalf of Liberty Utilities; William P. Sullivan on behalf of Pueblo Del sol Water Company and City of Sierra Vista; William H. Anger on behalf of the Cities of Avondale, Chandler, Glendale, Mesa and Scottsdale; Carrie J. Brennan, on behalf of the State of Arizona; Nicole D. Klobus and Janet L. Miller, on behalf of the Arizona Department of Water Resources; Monique Coady on behalf of the City of Phoenix; Daniel D. Haws II and Mark A. Holycross on behalf of the U.S. Army. Rich Burtell, Angela Camara, Captain David Classen, Symone Hetzel, Major Michael Lipkin, Scott Miltenberger, Thomas Runyon, Edwin Slade, Steve Titla and Mitchell Tribbet are also present.

Court Reporter, Christine Coaly, is present and a record of the proceedings is made digitally.

Discussion is held with the Court as to the relevance of Freeport Mineral's witness, Elija Abina's, testimony.

Elijah Abina is sworn and testifies.

The witness is excused.

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

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

Court reporter, Christine Coaly is present, and a record of the proceedings is also made digitally.

CL-3/Freeport Mineral's Exhibit 880 is received in evidence.

Thomas Runyon resumes the stand and testifies further.

CL-1/United States' Exhibit 27 is received in evidence.

CL-1/United States' Exhibit 341 is received in evidence.

CL-3/Freeport Mineral's Exhibits 506 and 1019 are received in evidence.

The witness is excused.

Kimberlee K. Mulhern is sworn and testifies.

2:55 p.m. The Court stands at recess.

3:11 p.m. The Court reconvenes with the parties and respective counsel present.

Court reporter, Christine Coaly is present, and a record of the proceedings is also made digitally.

Kimberlee K. Mulhern resumes the stand and testifies further.

The record shall reflect that the Clerk of this Division shall retain all the exhibits marked for identification until the continued trial date.

4:33 p.m. Court stands in recess until 10:30 a.m. on October 18, 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 14, 2016.