

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

03/04/2019

CLERK OF THE COURT

HONORABLE MARK H. BRAIN

S. Yoder
Deputy

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)

FILED: 03/05/2019

In Re: San Pedro Riparian National Conservation
Area Contested Case No. W1-11-232

In Re: Trial to the Court

**TRIAL MINUTE ENTRY
DAY 15**

Courtroom CCB 1201

10:32 a.m. Trial to the Court continues from February 28, 2019. Claimant United States (US) appears by Counsel Dave Gehlert (morning only) and Lee Leininger.

The following attorneys are present on behalf of Objectors: Michael Foy (morning only), and Jeff Heilman on behalf of Salt River Project (SRP); Joe P. Sparks on behalf of the San Carlos Apache Tribe; Brian Heiserman and Sean Hood on behalf of Freeport Minerals Corporation (FMC); Carrie Brennan and Kevin Crestin on behalf of the Arizona State Land Department; Sara Ransom on behalf of Cochise County (CC); William Sullivan on behalf of the City of Sierra Vista and Pueblo Del Sol Water Company (SVP); and Robert Anderson on behalf of Liberty Utilities (Bella Vista Water).

Other counsel present: Bill Anger on behalf of the Cities of Scottsdale, Mesa, Glendale, Chandler and Avondale; and Kimberly Parks on behalf of the Arizona Department of Water Resources.

Court Reporter Barbara Stockford is present, and a record of the proceedings is also made digitally.

Discussion is held regarding the United States' Supplemental Motion for Continuance of Government Hydrologist Testimony.

10:33 a.m. Court stands at recess.

10:46 a.m. Court reconvenes with respective counsel present.

Court Reporter Barbara Stockford is present, and a record of the proceedings is also made digitally.

The Court has reviewed the United States' Supplemental Motion for Continuance of Government Hydrologist Testimony.

Argument is presented.

For the reasons stated on the record,

IT IS ORDERED denying the motion for continuance. The trial will proceed under the provisions of Rule 38.1.

Procedural issues are discussed.

The United States requests that its consulting expert be permitted to provide rebuttal testimony. The government will file a motion with this request.

Freeport Minerals Corporation's case continues:

Richard Thomas Burtell is sworn and testifies.

US Exhibits 7, 7107, 7110, 7111 and FMC Exhibits 7820 and 7878 are received in evidence upon motion of FMC.

FMC Exhibit 6992 is received in evidence.

US Exhibit 896 is received in evidence upon motion of FMC.

US Exhibits 2091 and 2092 are received in evidence upon motion of FMC.

US Exhibit 1699 is received in evidence upon motion of FMC.

12:01 p.m. Court stands at recess.

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

Court Reporter Luz Franco is present, and a record of the proceedings is also made digitally.

Richard Thomas Burtell resumes the stand and testifies further.

US Exhibit 897 is received in evidence upon motion of FMC.

US Exhibit 174 is received in evidence upon motion of FMC.

FMC Exhibit 8182 is received in evidence.

US Exhibit 154 is received in evidence upon motion of FMC.

US Exhibit 6634 is received in evidence upon motion of FMC.

3:00 p.m. Court stands at recess.

3:17 p.m. Court reconvenes with respective counsel present.

Court Reporter Luz Franco is present, and a record of the proceedings is also made digitally.

US Exhibits 354 and 296 are received in evidence upon motion of FMC.

Richard Thomas Burtell resumes the stand and testifies further.

US Exhibits 308 and 315 are received in evidence upon motion of FMC.

US Exhibit 288 is received in evidence upon motion of FMC.

US Exhibit 599 is received in evidence upon motion of FMC.

US Exhibit 287 is received in evidence upon motion of FMC.

US Exhibit 902 is received in evidence upon motion of FMC.

US Exhibit 724 is received in evidence upon motion of FMC.

4:31 p.m. Court stands at recess until March 5, 2019 at 10:30 a.m.

A copy of this minute entry is mailed to all persons listed in the Court-approved mailing list.