

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

04/26/2021

CLERK OF THE COURT
Form V000

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A. Parmar
Deputy

FILED: April 27, 2021

In re: Town of Huachuca City and
Whiting Ranches
Contested Case No. W1-11-0245

In Re: The General Adjudication of
All Rights to Use Water in the Gila
River System and Source
W-1, W-2, W-3 and W-4 (Consolidated)

Re: Trial to Court

**MINUTE ENTRY
TRIAL DAY 1**

Courtroom CCB - 301

9:00 a.m. This is the time set for Trial to Court.

The following attorneys appear via GoToMeeting:

- Sean Hood and Bradley Pew on behalf of Freeport Minerals
- John Burnside on behalf of BHP Copper and Arizona Public Service (“APS”)
- Joshua Greer on behalf of Town of Huachuca City
- Carrie Brennan and Kevin Crestin on behalf of Arizona State Land Department (“ASLD”)
- Rhett Billingsley on behalf of American Smelting and Refining Company (“ASARCO”)
- David Brown and J. Albert Brown are present with Michael J. and Susan S. Cavender, and are present on behalf of Gila River Irrigation District, Franklin Irrigation District and City of Cottonwood

- R. Lee Leininger on behalf of the United States Department of Justice
- Mark McGinnis and John Weldon on behalf of Salt River Project (“SRP”)
- Clyde Halstead on behalf of City of Prescott
- Jenny Winkler on behalf of City of Chandler
- Charles Cahoy on behalf of the City of Phoenix
- William H. Anger on behalf of the City of Mesa
- Thomas Murphy on behalf of the Gila River Indian Community (“GRIC”)
- Joe Sparks and Laurel Herrmann on behalf of the San Carlos Apache Tribe
- Alexandra Arboleda observing on behalf of City of Flagstaff
- Kimberly Parks observing on behalf of Arizona Department of Water Resources (“ADWR”)

Court Reporter, Diane Donoho, is present. A record of the proceedings is also made digitally.

Discussion is held regarding procedural matters.

Upon stipulation of the parties,

Cavender’s exhibits 1 through 23 are admitted in evidence.

Town of Huachuca’s exhibits 1 through 14 and 16 through 18 are received in evidence.

Freeport Mineral’s exhibits 1 and 2 are received in evidence.

APS and BHP’s exhibits 2 through 7 are received in evidence. Exhibit 1 is the report subject to the Motion in Limine and will not be admitted. Exhibit 7 is the redacted report.

ASARCO’s exhibits 1 through 30 are received in evidence.

SRP’s exhibits 1 through 40 and 44 through 51 are received in evidence.

San Carlos Apache Tribe’s exhibits 1 through 11 are received in evidence. There are some questions as to exhibits 1 through 5 and whether the exhibits are related to claims on wells or surface claims. The parties agree to address this during trial.

The parties agree GRIC’s exhibits 5 through 8, deposition transcripts, will not be admitted, but can be used for impeachment purposes on cross examination. GRIC’s exhibit 9 is a transcript of a prior adjudication hearing that will not be admitted but may be used for impeachment purposes with the understanding that other parties may introduce other parts for completion.

Michael Cavender is sworn and testifies.

9:35 a.m. The Court stands in recess due to technical issues.

9:55 a.m. The Court reconvenes with the above-named parties and counsel present.

Court Reporter, Diane Donoho, is present. A record of the proceedings is also made digitally.

Michael Cavender testifies further.

10:30 a.m. The Court stands in recess.

10:45 a.m. The Court reconvenes with the above-named parties and counsel present.

Court Reporter, Diane Donoho, is present. A record of the proceedings is also made digitally.

Michael Cavender testifies further.

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

1:33 p.m. The Court reconvenes with the above-named parties and counsel present.

Court Reporter, Diane Donoho, is present. A record of the proceedings is also made digitally.

Michael Cavender testifies further.

The witness is excused.

Herb Dishlip is sworn and testifies.

3:02 p.m. The Court stands in recess.

3:15 p.m. The Court reconvenes with the above-named parties and counsel present.

Court Reporter, Diane Donoho, is present. A record of the proceedings is also made digitally.

Herb Dishlip testifies further.

The witness is excused.

4:23 p.m. This matter stands in recess until April 27, 2021 at 9:00 a.m.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case Number W1-11-0245.