

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

01/31/2019

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: 02/01/2019

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

In Re: Trial to the Court

**TRIAL MINUTE ENTRY
DAY FOUR**

Courtroom CCB 1201

10:34 a.m. Trial to the Court continues from January 30, 2019. Claimant United States (US) appears by Counsel Dave Gehlert and Lee Leininger.

The following counsel appear for Objectors: Michael Foy, Jeff Heilman and Lisa McKnight 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).

Counsel present for other parties: Bill Anger on behalf of the Cities of Scottsdale, Mesa, Glendale, Chandler and Avondale; Susan Montgomery on behalf of the Yavapai-Apache Nation and Pascua Yaqui Tribe; 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.

Claimant provides the Court a map of the subject area, approved as to content by the Objectors.

Discussion is held regarding Claimant's objection to new expert work introduced by FMC yesterday.

US Exhibits 7057 and 7059 are received in evidence upon motion of FMC.

Claimant's case continues:

Mark Dixon, having previously been sworn, resumes the stand and testifies further.

11:42 a.m. Court stands at recess.

1:16 p.m. Court reconvenes with respective counsel present.

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

Mark Dixon resumes the stand and testifies further.

(1:15 p.m.) Mr. Gehlert is excused.

Jeffrey Simms is sworn and testifies.

US Exhibit 1555 is received in evidence.

2:43 p.m. Court stands at recess.

3:02 p.m. Court reconvenes with respective counsel present.

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

Jeffrey Simms resumes the stand and testifies further.

US Exhibit 213 is received in evidence upon motion of FMC.

FMC Exhibit 6990 is received in evidence.

US Exhibit 360 is received in evidence upon motion of FMC.

US Exhibit 216 is offered by FMC; an objection is sustained and the exhibit is not received.

US Exhibit 69 is received in evidence upon motion of FMC.

US Exhibit 70 is received in evidence upon motion of FMC.

4:08 p.m. Court stands at recess until February 4, 2019 at 10:30 a.m.

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