

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

02/04/2019

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: 02/05/2019

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

In Re: Trial to the Court

**TRIAL MINUTE ENTRY
DAY FIVE**

Courtroom CCB 1201

10:32 a.m. Trial to the Court continues from January 31, 2019. Claimant United States (US) appears by Counsel Lee Leininger and David Negri.

The following attorneys are present on behalf of 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; 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.

Argument is heard on FMC's motion to strike the United States' Notice of Submission dated February 1, 2019.

The Court will rule on objections made during testimony.

Claimant's case continues:

William J. Miller is sworn and testifies.

US Exhibit 935 is offered. The exhibit is a duplicate of US Exhibit 14 which was received in evidence on January 29, 2019. Exhibit 935 is not received in evidence at this time.

US Exhibit 4716 is received in evidence.

LET THE RECORD REFLECT that US Exhibit 4716 was previously received in evidence on January 29, 2019.

US Exhibit 8199 is marked for identification and received in evidence.

11:50 a.m. Court stands at recess.

1:23 p.m. Court reconvenes with respective counsel present.

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

Discussion is held regarding exhibits.

1:38 p.m. Court stands at recess.

2:05 p.m. Court reconvenes with respective counsel present.

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

William J. Miller resumes the stand and testifies further.

US Exhibit 6439 is received in evidence.

US Exhibits 7068, 7069 and 7070 are received in evidence.

US Exhibit 7071 is received in evidence.

US Exhibits 7065 and 7066 are received in evidence.

2:56 p.m. Court stands at recess.

3:07 p.m. Court reconvenes with respective counsel present.

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

William J. Miller resumes the stand and testifies further.

US Exhibit 2 is received in evidence upon motion of SRP.

US Exhibit 15 is received in evidence upon motion of SRP.

4:31 p.m. Court stands at recess until February 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.