

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

04/27/2021

CLERK OF THE COURT  
Form V000

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

A. Parmar  
Deputy

FILED: April 28, 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 2**

Courtroom CCB - 301

9:00 a.m. Trial to Court continues from April 26, 2021.

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 on behalf of Michael J. and Susan S. Cavender, Gila Valley 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 witness scheduling. Due to scheduling conflicts with Mr. Halterman, Mr. Greer moves to call Mr. Halterman out of order. None of the parties object and the Court allows the change in order of witnesses.

Suzanne Harvey is sworn and testifies.

9:12 a.m. The Court stands in recess due to technical issues.

9:20 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.

Discussion is held.

Suzanne Harvey testifies further.

The witness is excused.

10:26 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.

Jim Halterman is sworn and testifies.

The witness is excused.

Chuck Dickens is sworn and testifies.

Counsel for Town of Huachuca moves to admit Huachuca's exhibit 15.

Counsel for SRP states a general relevance objection. He believes testimony on wells outside of the subflow zone are not relevant to the issues in this matter. He also takes issue with the opinions in the report regarding whether the wells are pumping subflow or percolating groundwater.

Counsel for GRIC and the United States join in the objection.

Counsel for Freeport Minerals take no position.

Counsel for City of Chandler believes the Court can admit the exhibit and not consider the parts that are irrelevant to the proceedings.

The Court will review the exhibit and rule on its admission after the afternoon recess.

11:53 a.m. The Court stands in recess.

1:30 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.

Discussion is held regarding Huachuca's exhibit 15.

**IT IS ORDERED** directing counsel for the Town of Huachuca to redact the following from exhibit 15:

- Figures 6 through 8
- In the executive summary: the last sentence of paragraph 6, the last sentence of paragraph 7, all of paragraphs 8 through 11, as well as the summary paragraph.
- In the report: under the heading "Hydrogeologic/Groundwater Level Conditions" on page 5 to the end of the page and all of page 6. The first paragraph on page 7 after the heading Subflow Zone Discussion may remain and the remainder of the page and page 8 will be redacted. Once counsel has prepared the redacted report, he will provide a copy to the parties for their approval, then submit the report to the clerk to be marked as an exhibit. The Court will not admit Huachuca's exhibit 15.

Chuck Dickens testifies further.

**LET THE RECORD REFLECT** that counsel for the United States request a copy of the materials Mr. Dickens brought with him during his testimony.

**IT IS FURTHER ORDERED** that Mr. Greer produce the materials in Mr. Dicken's binder to Mr. Leininger.

Chuck Dickens testifies further.

The witness is excused.

Mark Cross is sworn and testifies.

Discussion is held.

4:45 p.m. This matter stands in recess until April 28, 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.