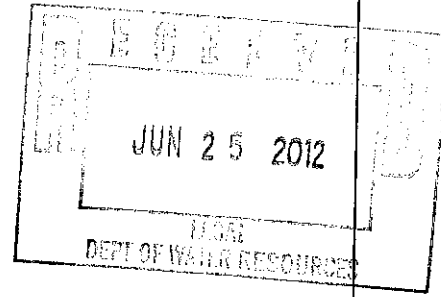


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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

IN RE THE GENERAL ADJUDICATION) No. W-1 (Salt)
OF ALL RIGHTS TO USE WATER IN THE) No. W-2 (Verde)
GILA RIVER SYSTEM AND SOURCE) No. W-3 (Upper Gila)
) No. W-4 (San Pedro)
)
) Contested Case W1-11-605
)
) **YAVAPAI-APACHE NATION'S**
) **INITIAL DISCLOSURE STATEMENT**
) **FOR SECOND PHASE OF**
) **CONTESTED CASE**
)
) (Assigned to the Hon. Eddward P. Ballinger)

CONTESTED CASE NAME: *In re Fort Huachuca*

HSR INVOLVED: San Pedro River Watershed Hydrographic Survey Report

DESCRIPTIVE SUMMARY: The Yavapai-Apache Nation's initial disclosure statement pursuant to Arizona Rule of Civil Procedure 26.1 and the Special Master's Order Designating Issues for Consideration and Setting Schedule for the Second Phase of This Case dated December 19, 2011

STATEMENT OF CLAIMANT NO's: Yavapai-Apache Nation 39-50059; United States on behalf of the Yavapai-Apache Nation 39-54025

NUMBER OF PAGES: 5

DATE OF FILING: June 22, 2012

1 The Yavapai-Apache Nation ("Nation") hereby submits its initial disclosure statement
2 pursuant to Arizona Rule of Civil Procedure 26.1 and the Special Master's Order Designating
3 an Issue for Consideration and Setting Schedule for the Second Phase of this Case, dated
4 December 19, 2011 ("Scheduling Order"). The Scheduling Order instructs the parties to limit
5 their disclosure statement to matters concerning the following designated issues:

6 A. What is in detail the scope of water uses encompassed by the
7 term "military purpose."

8 B. What is the quantity of water reserved to fulfill the military
9 purposes?

10 C. Are the sources of water other than groundwater adequate to
11 accomplish the military purposes, and if not, what is the quantity
12 of groundwater required to accomplish those purposes?

13 Scheduling Order at 3-4. In conformance with the Scheduling Order, the Nation discloses the
14 following information and data relevant to the designated issues as set forth in ¶ 2 of the
15 Scheduling Order. *Id.* at 4-5.

16 (1) The factual basis of a party's claim concerning each of the designated issues.

17 In general, the Nation does not contest that the United States' may be entitled to a
18 federal reserved right for water used to satisfy contemporary, direct, indirect and quasi-
19 municipal needs that arise in conducting military and military-related functions at Fort
20 Huachuca, including prospective water needs based on future military and military-related
21 functions (Issue A). The Nation takes no position at this time regarding the quantity or amounts
22 of water necessary to fulfill the Fort's military purposes (Issue B) or whether the Fort, as a
23 factual matter, lacks sufficient supplies of surface water and what amount (if any) of
24 groundwater may be required for the Fort for its military purposes (Issue C). The Nation
reserves the right to file a supplemental disclosure to present additional and/or contested facts if

1 it is determined later to be required as a result of any argument raised by the parties to this
2 contested case during a full briefing of the issues.

3 (2) The legal theory upon which each claim is based including, where necessary for a
4 reasonable understanding of the claim, citations of pertinent legal or case authorities.

5 In general, the Nation does not contest the United States' legal theory that it may be
6 entitled to federal reserved rights to surface and groundwater for Fort Huachuca, including for
7 "future requirements" of the Fort, as stated in the United States' Initial Disclosure Statement,
8 filed April 27, 2012. The Nation reserves the right to file a supplemental disclosure to present
9 additional and/or contested legal theories if it is determined later to be required as a result of
10 any argument raised by the parties to this contested case during a full briefing of the issues.

11 (3) The names, addresses, and telephone numbers of any witnesses whom the disclosing
12 party expects to call to substantiate its claims with a fair description of the substance of each
13 witness' expected testimony.

14 All witnesses listed in disclosure statements submitted by other parties to this contested
15 case may be called by the Nation. No additional witnesses are expected to be called by the
16 Nation at this time.

17 (4) The names and addresses of all persons whom the disclosing party believes may have
18 knowledge or information relevant to the events, transactions, or occurrences that gave rise to
19 each claim, and the nature of the knowledge or information each such individual is believed to
20 possess.

21 All persons listed in disclosure statements submitted by other parties to this contested
22 case may have relevant knowledge or information regarding the issue designated for briefing.

23 (5) The names and addresses of all persons who have given statements, whether written or
24 recorded, signed or unsigned, and the custodian of the copies of those statements.

No persons have given statements.

(6) The name and address of each person whom the disclosing party expects to call as an
expert witness, the subject matter on which the expert is expected to testify, the substance of the
facts and opinions to which the expert is expected to testify, a summary of the grounds for each

1 opinion, the qualifications of the witness, and the name and address of the custodian of copies
2 of any reports prepared by the expert.

3 All experts listed in disclosure statements submitted by other parties to this contested
4 case may be called by the Nation. No additional experts are expected to be called by the Nation
5 at this time.

6 (7) The existence, location, custodian, and general description of any tangible evidence,
7 relevant documents, or electronically stored information that the party plans to use to support its
8 claims.

9 All tangible evidence, relevant documents, or electronically store information disclosed
10 by the other parties to this contested case may be used by the Nation to support its claims.

11 (8) A list of the documents or electronically stored information, or in the case of
12 voluminous documentary information, or electronically stored information, a list of the
13 categories of documents or electronically stored information, known by the disclosing party to
14 exist whether or not in its possession, custody, or control and which that party believes may be
15 relevant to any of its claims concerning the designated issues, and those which appear
16 reasonably calculated to lead to the discovery of admissible evidence, and the date(s) upon
17 which those documents or electronically stored information will be made, or have been made,
18 available for inspection and copying.

19 All documents or electronically stored information disclosed by other parties to this
20 contested case may be used by the Nation. At this time, there are no other documents or
21 electronically stored information known by the Nation to be relevant.

22 The Nation will not be providing an Electronic Data Base and Index to the Arizona
23 Department of Water Resources (ADWR), as directed by ¶ 3 of the Scheduling Order, as there
24 are no documents to disclose at this time.

1 RESPECTFULLY SUBMITTED this 22nd day of June, 2012.

2 MONTGOMERY & INTERPRETER, PLC

3
4 By Robyn L. Interpreter

5 Susan B. Montgomery, Esq.
6 Robyn L. Interpreter, Esq.
7 4835 E. Cactus Rd., Suite 210
8 Scottsdale, Arizona 85254
9 *Attorneys for the Yavapai-Apache Nation*

10 **Certificate of Service**

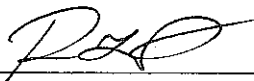
11 The original and one copy of the foregoing sent via U.S. Mail for filing this 22nd day of June,
12 2012, to:

13 Clerk of the Arizona Superior Court
14 Attn: Water Case
15 601 Jackson Street
16 Phoenix, Arizona 85009

17 Arizona Department of Water Resources
18 Legal Division
19 Attn: Janet L. Ronald
20 500 N. 3rd Street
21 Phoenix, Arizona 85004-3903

22 George A. Schade, Jr., Special Master
23 Arizona General Stream Adjudication
24 201 West Jefferson, CCB 5B
Phoenix AZ 85003-2205

A copy of the foregoing mailed this 22nd day of June 2012, to all parties on the Court approved
W1-11-605 mailing list dated January 31, 2012, as posted on the Special Master's website on
June 22, 2012.

20 
21 _____

