

OCT 07 2014

LEGAL
DEPT OF WATER RESOURCES

1 SNELL & WILMER
2 L. William Staudenmaier (No. 012365)
3 400 East Van Buren, Suite 1900
4 Phoenix, AZ 85004-2202
5 Telephone: (602) 382-6571
6 Fax: (602) 382-6070
7 wstaudenmaier@swlaw.com
8 Attorneys for Freeport Minerals
9 Corporation

FENNEMORE CRAIG, P.C.
Sean T. Hood (No. 022789)
2394 E. Camelback Road, Suite 600
Phoenix, Arizona 85016-3429
Telephone: (602) 916-5475
Email: shood@fcclaw.com
Attorneys for Freeport Minerals
Corporation

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

8 IN AND FOR THE COUNTY OF MARICOPA

9 IN RE: THE GENERAL
10 ADJUDICATION OF ALL RIGHTS TO
11 USE WATER IN THE GILA RIVER
12 SYSTEM AND SOURCE

No. W-1 (Salt)
No. W-2 (Verde)
No. W-3 (Upper Gila)
No. W-4 (San Pedro)

Contested Case No. W1-11-3342

13 **FREEPORT MINERALS
14 CORPORATION'S FIFTH
15 SUPPLEMENTAL DISCLOSURE
16 STATEMENT FOR PHASE II**

(Assigned to Special Master
George A. Schade)

17 CONTESTED CASE NAME: *In Re Aravaipa Canyon Wilderness Area*

18 DESCRIPTIVE SUMMARY: Freeport Minerals Corporation files its fifth
19 supplemental disclosure statement.

20 NUMBER OF PAGES: 5

21 DATE OF FILING: October 7, 2014

1 Freeport Minerals Corporation ("Freeport") hereby submits its Fifth Supplemental
2 Disclosure Statement for Phase II of this contested case regarding the United States
3 claimed federal reserved right for the Aravaipa Canyon Wilderness Area ("Aravaipa
4 Canyon"). Freeport reserves the right to supplement and / or amend each and every
5 section of its disclosure statements throughout the discovery process.

6 **3. WITNESSES WHOM THE DISCLOSING PARTY EXPECTS TO**
7 **CALL AT TRIAL**

8 Supplementing prior disclosures, Freeport discloses the following additional
9 witnesses.

- 10 1. Michael Johnson and / or other ADWR representative(s)
11 c/o Janet L. Miller
12 Arizona Department of Water Resources
13 Legal Division
3550 North Central Avenue, # 200
Phoenix, Arizona 85012

14 In February 2014, the Arizona Department of Water Resources ("ADWR")
15 submitted a Report Concerning Federal Reserved Water Rights Claim for Aravaipa
16 Canyon Wilderness Area ("ADWR's Report"). As was discussed during the March 27,
17 2014 status conference conducted by the Special Master, ADWR's Report will be in
18 evidence when a hearing is conducted for this phase of the contested case. Freeport
19 reserves the right to call the appropriate representative or representatives to testify
20 concerning ADWR's Report. Michael Johnson, Assistant Director and Chief Engineer,
21 may be among the representatives qualified to testify in support of ADWR's Report, and
22 Freeport expressly discloses that it may call Michael Johnson to testify concerning
23 ADWR's Report.

24 These representatives are also disclosed as expert witnesses in Section 6, below.
25 They are disclosed in this Section 3 as well to the extent that these witnesses' opinions
26 and testimony are informed, in part, by personal knowledge.

1 **6. EXPERT WITNESSES**

2 Supplementing prior disclosures, Freeport discloses the following additional
3 witnesses.

- 4 1. Michael Johnson and / or other ADWR representative(s)
5 c/o Janet L. Miller
6 Arizona Department of Water Resources
7 Legal Division
8 3550 North Central Avenue, # 200
9 Phoenix, Arizona 85012

10 In February 2014, the Arizona Department of Water Resources (“ADWR”)
11 submitted a Report Concerning Federal Reserved Water Rights Claim for Aravaipa
12 Canyon Wilderness Area (“ADWR’s Report”). As was discussed during the March 27,
13 2014 status conference conducted by the Special Master, ADWR’s Report will be in
14 evidence when a hearing is conducted for this phase of the contested case. Freeport
15 reserves the right to call the appropriate representative or representatives to testify
16 concerning ADWR’s Report. Michael Johnson, Assistant Director and Chief Engineer,
17 may be among the representatives qualified to testify in support of ADWR’s Report, and
18 Freeport expressly discloses that it may call Michael Johnson to testify concerning
19 ADWR’s Report.

20 This disclosure is made in this Section 6 because the ADWR Report was prepared
21 by the Court’s technical advisor, and testimony concerning ADWR’s Report will involve
22 scientific and technical discussion that is likely to constitute expert testimony, at least in
23 part.

24 **8. EXHIBITS**

25 Supplementing prior disclosures, Freeport discloses the following additional
26 documents that Freeport may use at hearing. Freeport makes the following disclosures
pursuant to Rule 26.1(a)(8) without waiving any objections concerning any documents,
including, without limitation, objections as to admissibility.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

1. ADWR's Report
2. All documents provided by any deponent in connection with his or her deposition, including, but not limited to, all documents that witnesses bring to their depositions pursuant to the parties' agreement to instruct their respective experts to bring their files (including all documents, data, materials, etc. that the expert relied upon in reaching and rendering opinions in the case) with them to their depositions.

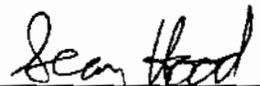
Freeport is still in the process of identifying the documents that it will use at hearing, and expressly reserves the right to supplement and amend this disclosure throughout discovery.

DATED this 7th day of October, 2014.

SNELL & WILMER L.L.P.

L. William Staudenmaier
Attorneys for Freeport Minerals
Corporation

FENNEMORE CRAIG, P.C.

By 
Sean T. Hood
Attorneys for Freeport Minerals
Corporation

¹ The United States, the Salt River Project, and Freeport (collectively, the "Parties") have agreed, through counsel, that it is unnecessary to subpoena the Parties' respective expert witnesses to attend and/or to bring their files to the depositions scheduled for September and October 2014. The Parties, through counsel, agree to produce their respective expert witnesses at the agreed-upon time and place, and the Parties agree to instruct their respective experts to bring their files (including all documents, data, materials, etc. that the expert relied upon in reaching and rendering opinions in the case) with them to their depositions for copying and use at the their depositions.

1 ORIGINAL of the foregoing filed this
7th day of October, 2014 with:

2
3 Clerk of Maricopa County Superior Court
4 Attn: Water Case
601 West Jackson Street
Phoenix, Arizona 85003-2205

5
6 COPY of the foregoing hand-delivered this
7th day of October, 2014 to:

7 Special Master George A. Schade
8 Arizona General Stream Adjudication
9 Maricopa County Superior Court
201 West Jefferson, Suite 5B
Phoenix, Arizona 85003-2205

10 Arizona Department of Water Resources
11 Legal Division
12 Janet L. Miller
3550 North Central Avenue, # 200
Phoenix, Arizona 85012

13
14 COPY of the foregoing mailed this
15 7th day of October, 2014, to all persons appearing
on the Court-approved mailing list in W1-11-3342 dated
July 15, 2014.

16 By: Kathy Buser

17

18

19

20

21

22

23

24

25

26