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LEGAL  
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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 OF  
ALL RIGHTS TO USE WATER IN THE GILA  
RIVER SYSTEM AND SOURCE,

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

Contested Case No. W1-11-605

**FREEPORT MINERALS  
CORPORATION'S FIFTH  
SUPPLEMENTAL  
DISCLOSURE STATEMENT  
FOR SECOND PHASE OF  
CONTESTED CASE**

CONTESTED CASE NAME: *In re Fort Huachuca*

DESCRIPTIVE SUMMARY: Freeport Minerals Corporation submits its fifth supplemental disclosure for the second phase of this contested case.

NUMBER OF PAGES: 9

STATEMENT OF CLAIMANT NOS: 39-02297 *et al.* (numerous claims)

DATE OF FILING: March 7, 2016.

1 Pursuant to the Special Master's Order Regarding Discovery and Disclosures  
2 Statements filed on December 2, 2015 ("Order"), Freeport Minerals Corporation  
3 ("Freeport") submits its Fifth Supplemental Disclosure Statement "with respect to  
4 potential witnesses, persons with knowledge, persons who have given statements and  
5 experts." Order p. 1. As specified in the Order, this disclosure is supplemental to  
6 disclosures previously made by Freeport in this contested case. Order pp. 1-2 ("The  
7 supplemental filings shall provide information which was either not provided or is a  
8 change to the information provided in either an initial or a supplemental Disclosure  
9 Statement. The supplemental filings shall not duplicate information included in the initial  
10 or supplemental Disclosure Statements filed to date.").

11 Freeport reserves the right to supplement and / or amend each and every section of  
12 this disclosure statement.

13 **3. WITNESSES WHOM THE DISCLOSING PARTY EXPECTS TO**  
14 **CALL AT TRIAL**

15 Supplementing prior disclosures, Freeport discloses the following witnesses:

- 16 1. Colonel Tony Boone  
17 c/o R. Lee Leininger  
18 Trial Attorney, U.S. Department of Justice  
19 Environment and Natural Resources Division  
20 1961 Stout Street, 8<sup>th</sup> Floor  
21 Denver, CO 80294

22 Colonel Boone is the Garrison Commander at Fort Huachuca. He is expected to  
23 testify regarding his personal knowledge of water uses at Fort Huachuca, including water  
24 use planning and management, water sources and water uses, and other topics consistent  
25 with the information that he conveyed during the March 3, 2016 site visit to Fort  
26 Huachuca.

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2. James L. Heidle  
c/o R. Lee Leininger  
Trial Attorney, U.S. Department of Justice  
Environment and Natural Resources Division  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

Mr. Heidle is the Director of Public Works at Fort Huachuca. Freeport is informed that Mr. Heidle will be the Government's designee pursuant to Rule 30(b)(6), Arizona Rules of Civil Procedure, to provide deposition testimony concerning the Government's *Minimum Water Requirements Worksheet* prepared in 2002 and other matters as set forth in the 30(b)(6) deposition notice. Mr. Heidle is expected to testify concerning military missions and municipal activities, and the facilities and water needs, water sources, water uses, ESA issues, the topics outlined in the 30(b)(6) deposition notice, and about other matters consistent with his deposition testimony.

3. Michael Shaughnessey  
c/o R. Lee Leininger  
Trial Attorney, U.S. Department of Justice  
Environment and Natural Resources Division  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

While Freeport understands that Mr. Heidle will be the Government's designee pursuant to Rule 30(b)(6), Arizona Rules of Civil Procedure, to testify about the *Minimum Water Requirements Worksheet*, the Federal Government has informed Freeport that Mr. Shaughnessey is the person most knowledgeable to testify about the *Minimum Water Requirements Worksheet*. Freeport therefore discloses Mr. Shaughnessey as a potential witness to testify about water needs, water sources, water uses, ESA issues, the topics outlined in the 30(b)(6) deposition notice, and, in the event that he is ever deposed, other matters consistent with his deposition testimony.

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- 4. Gretchen Kent (aka Gretchen Kerr)  
c/o R. Lee Leininger  
Trial Attorney, U.S. Department of Justice  
Environment and Natural Resources Division  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

While Freeport understands that Mr. Heidle will be the Government's designee pursuant to Rule 30(b)(6), Arizona Rules of Civil Procedure, to testify about the *Minimum Water Requirements Worksheet*, documents obtained through discovery suggest that Ms. Kent also has knowledge concerning the *Minimum Water Requirements Worksheet*. Freeport therefore discloses Ms. Kent as a potential witness to testify about water needs, water sources, water uses, ESA issues, the topics outlined in the 30(b)(6) deposition notice, and, in the event that she is ever deposed, other matters consistent with her deposition testimony.

- 5. Major General Ashley  
c/o R. Lee Leininger  
Trial Attorney, U.S. Department of Justice  
Environment and Natural Resources Division  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

This disclosure is made out of an abundance of caution; Major General Ashley was previously disclosed by the Federal Government, and he has therefore already been disclosed as a witness by Freeport through its initial disclosure statement for the second phase of the case. He is also scheduled to give his deposition next month. Major General Ashley is expected to testify about military missions and other topics consistent with his deposition testimony.

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6. David Koch  
c/o R. Lee Leininger  
Trial Attorney, U.S. Department of Justice  
Environment and Natural Resources Division  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

This disclosure is made out of an abundance of caution; Mr. Koch was previously disclosed by the Federal Government, and he has therefore already been disclosed as a witness by Freeport through its initial disclosure statement for the second phase of the case. He has also given a deposition in this case. Mr. Koch is expected to testify about military missions and other topics consistent with his deposition testimony.

7. Kimberlee Mulhern  
c/o R. Lee Leininger  
Trial Attorney, U.S. Department of Justice  
Environment and Natural Resources Division  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

This disclosure is made out of an abundance of caution; Ms. Mulhern was previously disclosed by the Federal Government, and she has therefore already been disclosed as a witness by Freeport through its initial disclosure statement for the second phase of the case. She has also already given a deposition in this case. Ms. Mulhern is the former Chief of the Environmental and Natural Resources Division at Fort Huachuca. Ms. Mulhern is expected to testify concerning her knowledge of water sources, water uses, Endangered Species Act (“ESA”) issues faced by the Fort, the Fort’s formal consultation with U.S. Fish & Wildlife, the Fort’s Integrated Natural Resources Management Plan and other water use and natural resources topics, and other matters consistent with her deposition testimony.

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8. Carl Aufdenkampe  
c/o R. Lee Leininger  
Trial Attorney, U.S. Department of Justice  
Environment and Natural Resources Division  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

This disclosure is made out of an abundance of caution; Mr. Aufdenkampe was previously disclosed by the Federal Government, and he has therefore already been disclosed as a witness by Freeport through its initial disclosure statement for the second phase of the case. He has also given a deposition in this case. Mr. Aufdenkampe is expected to give testimony about water production, collection, capacity, storage, distribution, infrastructure, use and conservation, and other matters consistent with his deposition testimony.

9. Thomas E. Borer  
c/o R. Lee Leininger  
Trial Attorney, U.S. Department of Justice  
Environment and Natural Resources Division  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

This disclosure is made out of an abundance of caution; Mr. Borer was previously disclosed by the Federal Government, and he has therefore already been disclosed as a witness by Freeport through its initial disclosure statement for the second phase of the case. He has also given a deposition in this case. Mr. Borer was formerly the Deputy Garrison Commander at the Fort and is expected to give testimony about operations, missions, water use and conservation, and other matters consistent with his deposition testimony.

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10. Thomas Runyan  
c/o R. Lee Leininger  
Trial Attorney, U.S. Department of Justice  
Environment and Natural Resources Division  
1961 Stout Street, 8<sup>th</sup> Floor  
Denver, CO 80294

This disclosure is made out of an abundance of caution; Mr. Runyan was previously disclosed by the Federal Government, and he has therefore already been disclosed as a witness by Freeport through its initial disclosure statement for the second phase of the case. He is also scheduled to give his deposition later this month. Mr. Runyan is a former hydrologist at the Fort, and is expected to give testimony concerning hydrologic issues at the Fort, water sources, water uses, ESA issues, and other matters consistent with his deposition testimony.

11. All persons deposed in this contested case.

Discovery is still underway, and depositions are not scheduled to be completed until April 2016. Freeport expressly reserves the right to disclose additional witnesses as warranted by any deponent's inability to provide testimony concerning particular topics during his or her deposition.

Freeport reserves the right to call any witness to testify at trial for purposes of authenticating any exhibit, to provide foundation, to impeach another witness's testimony, or to provide rebuttal testimony, and Freeport expressly reserves the right to supplement and amend this disclosure.

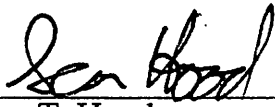
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DATED this 7th day of March, 2016.

SNELL & WILMER L.L.P.

L. William Staudenmaier  
*Attorneys for Freeport Minerals Corporation*

FENNEMORE CRAIG, P.C.

By   
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Sean T. Hood  
Rhett A. Billingsley  
Brian J. Heiserman  
*Attorneys for Freeport Minerals Corporation*



1 ORIGINAL of the foregoing filed  
2 this 7th day of March, 2016 with:

3 Clerk of Maricopa County Superior Court  
4 Attn: Water Case  
5 601 West Jackson Street  
6 Phoenix, Arizona 85003-2205

7 COPY hand-delivered this 7th day of March, 2016 to

8 Hon. Mark H. Brain  
9 Judge of the Superior Court  
10 Central Court Building, Suite 12A  
11 201 West Jefferson  
12 Phoenix, AZ 85003

13 Susan Ward Harris  
14 Special Master  
15 Central Court Building, Ste 3A  
16 201 West Jefferson  
17 Phoenix, AZ 85003-2205

18 COPY mailed this 7th day of March to  
19 all persons appearing on the Court-  
20 approved mailing list in W1-11-605 dated  
21 February 24, 2016

22 By: Kathy Power  
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