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LEGAL
DEPT OF WATER RESOURCES

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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

9 **IN AND FOR THE COUNTY OF MARICOPA**

10 IN RE: THE GENERAL
ADJUDICATION OF ALL RIGHTS
11 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. W1-11-232

13 **FREEPORT MINERALS**
14 **CORPORATION'S THIRD**
15 **SUPPLEMENTAL DISCLOSURE**
16 **STATEMENT**

(Assigned to the
Honorable Mark H. Brain)

18 CONTESTED CASE NAME: *In re San Pedro Riparian National Conservation Area*

19 DESCRIPTIVE SUMMARY: Freeport Minerals Corporation submits its third
20 supplemental disclosure statement.

21 NUMBER OF PAGES: 4

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

23 DATE OF FILING: December 1, 2016.

1 Freeport Minerals Corporation (“Freeport”) submits its Third Supplemental
2 Disclosure Statement for this contested case regarding the Federal Government’s claimed
3 federal reserved rights for the San Pedro Riparian National Conservation Area
4 (“SPRNCA”). Freeport expressly reserves the right to supplement and amend its
5 disclosures.

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

8 Supplementing prior disclosures, Freeport discloses the following witness:

- 9 1. Rick Obenshain (or other Arizona Department of Water Resources
10 representative with knowledge of the Department’s Assured and
11 Adequate Water Supply Programs)
c/o Janet Miller

12 Freeport may call Mr. Obenshain or other Arizona Department of Water Resources
13 representative with applicable knowledge to testify about the Department’s Assured and
14 Adequate Water Supply & Recharge Section. This witness is expected to testify
15 concerning the Department’s assured and adequate water supply determinations in the San
16 Pedro River watershed, the Department’s analysis of existing water uses in the San Pedro
17 River watershed, the Department’s MODFLOW modeling and other groundwater
18 modeling in the watershed, and facts relating to how federal reserved right claims and
19 rights are analyzed in connection with assured and adequate water supply determinations.
20 This witness is also expected to testify about ongoing efforts by the Federal Government
21 to wield its claims for the SPRNCA to undermine adequate water supply determinations.
22 *See, e.g., Silver v. Pueblo Del Sol Water Co.*, No. 1 CA-CV 14-0811, 2016 WL 6595890
23 (Ariz. App. Nov. 8, 2016). This witness is expected to testify consistent with any
24 deposition testimony and / or statements that he or she provides in this case.

25 Freeport discloses that it reserves the right to call any witness who is deposed in
26 this case.

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Freeport discloses that it reserves the right to call any witness designated by any party as an expert witness or a non-expert witness.


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.

DATED this 1st day of December, 2016.

SNELL & WILMER L.L.P.

L. William Staudenmaier
Attorneys for Freeport Minerals Corporation

FENNEMORE CRAIG, P.C.

By 
Sean T. Hood
Brian J. Heiserman
Attorneys for Freeport Minerals Corporation

1 ORIGINAL of the foregoing filed
this 1st day of December, 2016 with:

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

5 COPY hand-delivered this 1st day of December, 2016 to

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

9 Susan Ward Harris
10 Special Master
Central Court Building, Ste 3A
201 West Jefferson
11 Phoenix, AZ 85003-2205

12 COPY mailed this 1st day of December, 2016 to
13 all persons appearing on the Court-
approved mailing list in W1-11-2664 dated
14 September 27, 2016

15 By: Kathy Power

16 12313892.1/028851.0254

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