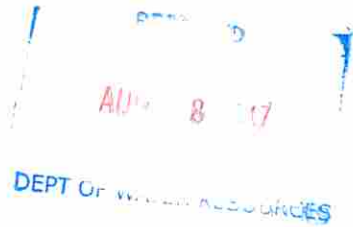


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8 *Vista Water) Corp.*



9 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
10 **IN AND FOR THE COUNTY OF MARICOPA**

11 IN RE: THE GENERAL
12 ADJUDICATION OF ALL
13 RIGHTS TO USE WATER IN
14 THE GILA RIVER SYSTEM
15 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

**LIBERTY UTILITIES (BELLA VISTA
WATER) CORP.'s SECOND
SUPPLEMENTAL DISCLOSURE
STATEMENT**

(Assigned to the Honorable Mark H. Brain)

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17
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20 CONTESTED CASE NAME: *In Re San Pedro Riparian National Conservation Area*
21 DESCRIPTIVE SUMMARY: Liberty Utilities (Bella Vista Water) Corp. submits it
22 Second Supplemental Disclosure Statement.
23 NUMBER OF PAGES: 6
24 STATEMENT OF CLAIMANT NOS: 39-02297 *et al.* (numerous claims)
25 DATE OF FILING: August 15, 2017
26

1 **I. BACKGROUND**

2 Liberty Utilities (Bella Vista Water) Corp. (“Liberty Bella Vista”) hereby submits
3 its Second Supplemental Disclosure Statement pursuant to the Court’s minute entry of
4 July 10, 2017. Liberty Bella Vista previously submitted disclosure statements through
5 counsel William P. Sullivan jointly with Pueblo del Sol Water Company and the City of
6 Sierra Vista (then collectively referred to as the “SV Parties”) on February 25, 2008,
7 January 7, 2014 and August 19, 2016. The SV Parties, including Liberty Bella Vista,
8 submitted an expert report prepared by Brown & Caldwell (Ann Redmond, Matt Lindburg
9 and Jeff Weaver) (“Expert Report”), which was served on all persons on the Court’s
10 service list for this contested case on July 29, 2016 pursuant to the discovery schedule
11 established by the Court.

12 **II. THE FACTUAL BASIS OF A PARTY’S CLAIM CONCERNING EACH**
13 **ISSUE.**

14 The United States, on behalf of the San Pedro River National Conservation Area
15 (“SPRNCA”), requests far more water than required to fulfill the purposes Congress
16 contemplated for SPRNCA when establishing the conservation area in 1988. The Expert
17 Report identifies and explains various shortcomings with the methodologies utilized by
18 the United States to quantify both the surface water and groundwater aspects of the
19 claimed federal reserved right. The report discusses the failure of the United States to tie
20 its proposed quantification to minimal needs or a long-range management plan for
21 SPRNCA.

22 **III. THE LEGAL THEORY UPON WHICH EACH CLAIM IS BASED**
23 **INCLUDING, WHERE NECESSARY FOR A REASONABLE**
24 **UNDERSTANDING OF THE CLAIM, CITATIONS OF PERTINENT**
LEGAL OR CASE AUTHORITY.

25 There is no material difference between “minimal need” and “sufficient” in the
26 context of a federal right for the SPRNCA. A clearly articulated long-range management

1 plan specifying how the primary statutory purposes will be implemented is critical to
2 independently quantifying the minimum or sufficient amount of water associated with a
3 federal reserved right for SPRNCA. Long range management plans must include options
4 to minimize water needs consistent with achieving the statutory purposes. The methods
5 used to quantify a federal reserved right must be scientifically sound and directly related
6 to identifying the minimal quantity of water needed to achieve the SPRNCA's primary
7 purposes. Issues relating to administration of the federal reserved right and coordinated
8 management must be considered in qualifying the SPRNCA's federal reserved right.

9 **IV. THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF ANY**
10 **WITNESSES WHOM THE DISCLOSING PARTY EXPECTS TO CALL TO**
11 **SUBSTANTIATE ITS CLAIMS WITH A FAIR DESCRIPTION FO THE**
12 **SUBSTANCE OF EACH WITNESS' EXPECTED TESTIMONY.**

13 Liberty reserves the right to call any witness identified by any other party.

14 **V. THE NAME AND ADDRESS OF EACH PERSON WHOM THE**
15 **DISCLOSING PARTY EXPECTS TO CALL AS AN EXPERT WITNESS,**
16 **THE SUBJECT MATTER ON WHICH THE EXPERT IS EXPECTED TO**
17 **TESTIFY, A SUMMARY OF THE GROUNDS FOR EACH OPINION, THE**
18 **QUALIFICATIONS OF THE WITNESS, AND THE NAME AND ADDRESS**
19 **OF THE CUSTODIAN OF COPIES OF ANY REPORTS PREPARED BY**
20 **THE EXPERT.**

21 Liberty Bella Vista expects to call the following expert witnesses to discuss and
22 support the Expert Report. Liberty will coordinate testimony with the other SV Parties.

23 The expert witnesses are:

24 Ann Redmond
25 Brown and Caldwell
26 2301 Lucien Way
Suite 250
Maitland, Florida 32751
407-661-9500

Ms. Redmond is a Certified Environmental Professional in natural resource consulting and regulation, specializing in managing complex projects relying on consensus building approaches to maximize the end results. Ms. Redmond is expected to

1 testify consistent with the subject matter contained in Section 4 (the current state of the
2 SPRNCA Management Plan) and Section 5 (Management Practices that Could Reduce
3 Water Claims), the portions of the Executive Summary related thereto and any topics
4 raised during her deposition.

5 Matt Lindburg
6 Brown and Caldwell
7 1527 Cole Boulevard
8 Suite 300
9 Lakewood, Colorado 80401
10 303-239-5400

11 Mr. Lindburg has over 20 years of experience in managing and participating in
12 multi-disciplinary projects involving agricultural and water resources planning. He has
13 been involved in several water rights-related litigations. Mr. Lindburg is expected to
14 testify consistent with the subject matter contained in Section 2 (Steamflow Claims),
15 Section 6 (Administrative Issues), the portions of the Executive Summary related thereto
16 and any topics related during this deposition.

17 Jeff Weaver
18 Brown and Caldwell
19 1065 Main Avenue
20 Suite 202
21 Durango, Colorado 81301
22 970-828-5662

23 Mr. Weaver has 27 years of experience in applying his hydrogeology knowledge to
24 a wide variety of environmental, water resource and mining sites throughout the world.
25 He has experience on assessing groundwater-surface water interactions, including data
26 assessment, conceptual model development and development of basin-scale integrated
surface water/groundwater numerical flow models. Mr. Weaver is expected to testify
consistent with the subject matter contained in Section 3 (Groundwater Claims), the
portions of the Executive Summary related thereto and any topics raised during this
deposition.

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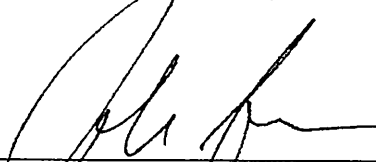
Liberty Bella Vista reserves the right to call any witnesses designated by any party, whether as an expert or non-expert and to call any witness to testify at trial for purposes of authenticating any exhibit, to provide foundation, to impeach another witnesses' testimony, or to provide rebuttal testimony.

VI. A LIST OF THE DOCUMENTS OR, IN THE CASE OF VOLUMINOUS DOCUMENTARY INFORMATION, A LIST OF THE CATEGORIES OF DOCUMENTS, KNOWN BY THE DISCLOSING PARTY TO EXIST WHETHER OR NOT IN ITS POSSESSION, CUSTODY, OR CONTROL AND WHICH IT BELIEVES MAY BE RELEVANT TO ANY OF ITS CLAIMS CONCERNING THE DESIGNATED ISSUES, AND THOSE WHICH APPEAR REASONABLY CALCULATED TO LEAD TO THE DISCOVERY OF ADMISSIBLE EVIDENCE, AND THE DATE(S) UPON WHICH THOSE DOCUMENTS WILL BE MADE, OR HAVE BEEN MADE, AVAILABLE FOR INSPECTION AND COPYING. IF PRODUCTION IS NOT MADE, THE NAME AND ADDRESS OF THE CUSTODIAN OF THE DOCUMENT SHALL BE INDICATED. ANY DOCUMENTS PRODUCED FOR INSPECTION SHALL BE PRODUCED AS IT IS KEPT IN THE USUAL COURSE OF BUSINESS.

The SV Parties including Liberty Bella Vista served all parties on the Court's mailing list with a copy of the Expert Report on July 29, 2016. Liberty Bella Vista also reserves the right to use any exhibit listed by any other party.

DATED this 15th day of August, 2017

FENNEMORE CRAIG, P.C.

By 
Robert D. Anderson
Attorney for Liberty Utilities (Bella Vista Water) Corp.

1 ORIGINAL of the foregoing filed
2 this 15th day of August, 2017 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 same day 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 15th day of August, 2017,
19 to all persons appearing on the Court
20 Approved Mailing List in *In Re San Pedro*
21 *Riparian National Conservation Area*,
22 W1-11-232, dated July 25, 2017

23
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25
26
By: Stephane O'Dell

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