

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

6/10/2021

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

A. Parmar
Deputy

FILED: June 15, 2021

In re: the General Adjudication
Of All Rights to Use Water in the
Little Colorado River System and Source
Case No. CV6417-300

In Re: Navajo Nation

MINUTE ENTRY

Central Court Building – Courtroom 301

1:30 p.m. This is the time set for a telephonic Status Conference before Special Water Master Susan Ward Harris to discuss whether Phase 2 and Phase 3 of this case should be consolidated.

The following attorneys appear via Court Connect:

- Cody McBride on behalf of the United States Department of Justice
- Janet Miller on behalf of the Arizona Department of Water Resources (“ADWR”)
- Lauren Caster and David A. Brown on behalf of the LCR Coalition
- Carrie J. Brennan on behalf of the Arizona State Land Department (“ASLD”)
- Kathryn Hoover, Jeffrey S. Leonard and Judith M. Dworkin on behalf of the Navajo Nation
- Michelle Brown-Yazzie on behalf of the Navajo Nation Department of Justice (appearing informally)
- Phillip Londen and Colin Campbell on behalf of the Hopi Tribe
- Mark McGinnis, Michael Foy and John Weldon on behalf of the Salt River Project (“SRP”)

- Lee Storey on behalf of the City of Flagstaff
- Robyn Interpreter on behalf of the San Juan Southern Paiute Tribe and observing on behalf of the Pascua Yaquai Tribe
- Charles Cahoy observing on behalf of the City of Phoenix
- John Burnside on behalf of the Arizona Public Service (“APS”)
- Christina C. Sheehan on behalf of the Atkinson Trading Company, Inc.

A record of the proceedings is made digitally in lieu of a court reporter.

Discussion is held regarding the Joint Meeting Report filed on June 3, 2021. No objection is stated to the proposed schedule in the joint meeting report.

Mr. McBride proposes waiting until after the amended Statements of Claimant are filed on December 1, 2021 and allow ADWR to file a report before making a formal decision about the schedule to litigate Phases 2 and 3 of this case. Ms. Miller proposes that waiting until after the Amended Statements of Claimant are received and evaluated may allow ADWR to determine the actual amount of time needed to field verify the claims. She requests three months after the amended Statements of Claimant are filed to submit a report about a proposed timeline to prepare a HSR.

Mr. McGinnis agrees with Ms. Miller and Mr. McBride’s proposal. Mr. Brown, Ms. Storey, Mr. Londen and Ms. Interpreter agree with Mr. McGinnis.

No objection is stated to consolidating phases 2 and phases 3.

IT IS ORDERED consolidating phases 2 and phases 3 of this contested case.

The scope of the HSR is discussed. Ms. Interpreter reports that the claims for San Juan Southern Paiute Tribe are not included in the HSR. The United States agrees that it has not made claims specifically for San Juan Southern Paiute Tribe, but does not believe it is possible to divide the two tribes’ claims in the land without court decisions or Congressional action. The Court will address this topic at the Status Conference set for August 18, 2021.

1:47 p.m. Matter concludes.

LATER:

IT IS ORDERED that ADWR shall file a report by **March 1, 2022** that includes a proposed timeline for the completion of the preliminary and final HSR for the Navajo Reservation.

IT IS FURTHER ORDERED setting a Scheduling Conference to establish the schedule for the litigation of the consolidated Phases 2 and 3 on **March 14, 2022 at 1:30 p.m.** before Special Water Master Harris in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202.

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A copy of this minute entry is provided to all parties on the Court approved mailing list.