

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

09/11/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

A. Hatfield

Deputy

FILED: 09/24/2018

In re: the General Adjudication
of All Rights to Use Water in the
Little Colorado River System and Source

CV 6417-203

In re: Hopi Reservation HSR

In re: Trial to the Court Day One

MINUTE ENTRY

Prior to hearing, Claimant 1 U.S.'s Exhibits 1-820, Claimant 2 Hopi Tribe's Exhibits 1-3861, Objector 1 Navajo Nation's Exhibits 1-614, Objector 2 LCRC's Exhibits 1-82 and Objector 3 ASLD's Exhibits 1-6 are marked for identification.

Filed: Deposition of Akhtar Zaman dated March 6, 2018, Deposition of Dennis Alan Gilpin, M.A. dated February 28, 2018, Deposition of Ian Smith, M.A. dated February 21, 2018 and Deposition Exhibits, Deposition of James T. McCord, Ph.D., P.E. dated February 1, 2018 and Deposition Exhibits, Deposition of John William Leeper, Ph.D. dated February 14, 2018 and Deposition Exhibits, Deposition of Kerry F. Thompson, Ph.D. dated March 20, 2018 and Deposition Exhibits, Deposition of Scott C. RU.S.sell, Ph.D. dated February 22, 2018 and Deposition Exhibits, Deposition of Shem Rolfe Liechty dated January 16, 2018 and Deposition Exhibits, Deposition of William M. Greenslade, P.E., R.G. dated February 8, 2018 and Deposition Exhibits, Deposition of Lawrence E. Stevens, Ph.d. dated March 20, 2018 and Deposition Exhibits, Deposition of Michael P. Elmer dated March 22, 2018 and Deposition Exhibits, Deposition of E. Charles Adams, Ph.D. dated February 23, 2018 and Deposition Exhibits, Deposition of Christopher Banet dated February 15, 2018 and Deposition Exhibits, Deposition of T. Neil Blandford, P.G. dated February 13, 2018 and Deposition Exhibits, Deposition of Kenneth Clark Calhoun, G.I.S.P. dated February 14, 2018 and Deposition Exhibits, Deposition of Eileen Camilli dated January 25, 2018 and Deposition Exhibits, Deposition of Anthony Godfrey, Ph.D. dated March 19, 2018 and Deposition Exhibits, Deposition of Paul Hideo Hamai, M.S., P.E. dated January 17, 2018 and Deposition

Exhibits, Deposition of William Michael Hanemann, Ph.D. dated February 19, 2018 and Deposition Exhibits, Deposition of Herman George Honanie dated March 23, 2018, Deposition of Thomas Ley, Ph.D., P.E. dated January 23, 2018 and Deposition Exhibits, Deposition of Micah Loma'Omvaya dated March 14, 2018 and Deposition Exhibits, Deposition of Timothy L. Nuvangyaoma dated March 23, 2018, Deposition of B. Sunday Eiselt, Ph.D. dated February 9, 2018 and Deposition Exhibits, Deposition of Thomas John Ferguson, Ph.D. dated February 27, 2018 and Deposition Exhibits, Deposition of Brent Cody, Ph.D., P.E. dated January 24, 2018 and Deposition Exhibits, Deposition of James Ian Ebert, Ph.D. dated January 26, 2018 and Deposition Exhibits, Deposition of Priscilla Pavatea dated March 22, 2018 and Deposition Exhibits, Deposition of Spencer Pavinyama dated March 12, 2018 and Deposition Exhibits, Deposition of Lionel Mike Puhuyesva dated March 12, 2018 and Deposition Exhibits, Deposition of David Seibert, Ph.D. dated March 5, 2018 and Deposition Exhibits, Deposition of Leonard Selestewa dated March 22, 2018 and Deposition Exhibits, Deposition of Darren Talayumtewa dated March 13, 2018 and Deposition Exhibits, Deposition of Nada Talayumtewa dated March 13, 2018, Deposition of Todd G. Umstot dated February 12, 2018 and Deposition Exhibits, Deposition of Peter Michael Whiteley, Ph.D. dated February 26, 2018 and Deposition Exhibits, Deposition of Dale Whittington, Ph.D. dated February 20, 2018 and Deposition Exhibits, Deposition of Wallace Youvella, SR. dated March 22, 2018.

10:29 a.m. This is the time set for Trial to the Court before Special Water Master Susan Ward Harris.

The following attorneys and parties appear in-person: Rodgerick Begay and M. Kathryn Hoover on behalf of the Navajo Nation Department of Justice; Jeffrey Leonard, Judith Dworkin and Evan Hiller on behalf of the Navajo Nation; Carrie Brennan and Kevin Crestin on behalf of the Arizona State Land Department; David Brown and Brian Heiserman on behalf of the LCR Coalition; Erin Byrnes, Alexandra Arboleda, and Lee Storey on behalf of the City of Flagstaff; R. Jeffrey Heilman and Mark McGinnis on behalf of Salt River Project; Cody McBride and Vanessa Willard on behalf of the United States Department of Justice; Grace Rebling, Phillip Londen and Colin Campbell on behalf of the Hopi Tribe; Kimberly Parks, Nicole Klobas and Joy Hernbrode on behalf of the Arizona Department of Water Resources; Jay Tomkus on behalf of the Pascua Yaqui Tribe and the Yavapai-Apache Nation tribe.

Court reporter, Luz Franco, is present and a record of the proceedings is made digitally.

The Court notes that a Notice of Appearance of Counsel has been filed on behalf of the Arizona Department of Water Resources.

IT IS ORDERED adding ADWR Attorneys' Nicole Klobas and Joy Hernbrode to the Court-approved mailing list.

IT IS FURTHER ORDERED granting the Hopi Tribe's Motion to Amend Trial Exhibit List filed September 5, 2018.

Mr. Brown addresses the issue of using depositions and video depositions in lieu of live testimony as redundant.

Mr. Leonard, Ms. Byrnes, Ms. Brennan and Mr. McGinnis join in Mr. Brown's comments.

Mr. Campbell responds.

The Court takes the matter under advisement.

Opening statements are made.

Mr. Brown, Ms. Brennan and Ms. Byrnes reserve their right to make opening statements until the start of objectors' cases-in-chief.

The court inquires about new witness schedules. Ms. Rebling replies.

11:51 a.m. The Court stands at recess.

1:29 p.m. Court reconvenes with the parties and respective counsel present.

Court reporter, Marylynn Lemoine, is present and a record of the proceedings is made digitally.

The Court advises the parties that it will further address Mr. Brown's motion tomorrow to establish a procedure.

Claimant 1 United States presents their case.

Dr. Hana Samek Norton is sworn and testifies.

U.S. exhibits 2 and 181 are received into evidence.

U.S. exhibit 1 page 151 is received into evidence.

U.S. exhibit 209 is received into evidence.

U.S. exhibits 226, 254, 252, 249 and 265 are received into evidence.

U.S. exhibit 281 is received into evidence.

2:59 p.m. The Court stands at recess.

3:14 p.m. Court reconvenes with the parties and respective counsel present.

Court reporter, Marylynn Lemoine, is present and a record of the proceedings is made digitally.

Dr. Hana Samek Norton continues to testify.

U.S. exhibit 270 is received into evidence.

Hopi exhibits 1315-1325 are received into evidence.

LCR exhibit 1 is received into evidence.

Hopi exhibits 1316-1336 are received into evidence.

LCR exhibits 5-15 are received into evidence.

LCR exhibit 51 is received into evidence.

U.S. exhibit 470 is received into evidence.

U.S. exhibit 22 is received into evidence.

U.S. exhibit 34 is received into evidence.

U.S. exhibit 1 pages 78-83 are received into evidence.

U.S. exhibit 1 pages 20-26 are offered and received.

Hopi exhibit 3864 is marked for identification.

4:46 P.M. The Court stands at recess and will reconvene tomorrow at 10:30 a.m.

LATER:

Portions of U.S. exhibit 1, specifically pages 20-26, 78-83 and 151 were received in evidence. US State's exhibit 1 having been submitted in electronic format only, Counsel for US State was directed to submit a revised electronic file to the courtroom clerk containing only the portions in evidence for identification and retention as admitted.

Subsequently, the portions of US State's exhibit 1 as ordered in evidence on have been submitted to the above named clerk and are identified as US State's exhibit 821. The status of U.S. exhibit 1 remains marked for identification, but not admitted in evidence.

A copy of this order is mailed to all persons listed on the Court approved mailing list for Contested Case No. CV6417-203.