

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

09/15/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

S. Ortega

Deputy

FILED: 09/16/2020

In re: Hopi Reservation HSR
Contested Case No. CV 6417-203

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

In re: Hopi Reservation HSR

**TRIAL MINUTE ENTRY
DAY 2**

Courtroom: CCB 301

9:00 a.m. Trial to the Court continues from September 14, 2020. The following attorneys and parties appear via GoToMeeting.

•Colin Campbell, Grace Rebling, Phillip Londen and Payslie Bowman for the Hopi Tribe

• Vanessa Boyd Willard, Sarah Foley, Cody McBride, Emmi Blades, and Rebecca Ross for the United States Department of Justice, Indian Resources Section

• Brian J. Heiserman, David A. Brown, Lauren J. Caster, Bradley J. Pew for LCR Coalition

• Mark A. McGinnis and Hannah Woner for the Salt River Project

• Carrie J. Brennan and Kevin Crestin for the Arizona State Land Department

• Lee A. Storey, Sara Ransom, Alexandra Arboleda, and Ethan B. Minkin for the City of Flagstaff

• Jeffrey S. Leonard, Judith M. Dworkin, Evan F. Hiller, and Kathryn Hoover for the Navajo Nation

• Doreen McPaul, Attorney General for the Navajo Nation

• Michelle Brown-Yazzie and Kimberly Dutcher, Deputy Attorneys General for the Navajo Nation

- Kimberly Parks observing for ADWR
- Frederick Lomayesva, General Counsel for the Hopi Tribe.

Court Reporter, Scott Coniam, is present and a record of the proceedings is made digitally.

Procedural matters:

The Court updates counsel on the interpreter situation and the arrangement for Ms. Nichols to appear in November.

Discussion is held regarding Hopi Tribe's Rule 37(c)(4) Motion to Extend Time for Disclosure Re Covid-19 Relief Funding.

Based on the discussion as held on the record and without objection,

IT IS ORDERED granting Hopi Tribe's Rule 37(c)(4) Motion to Extend Time for Disclosure Re Covid-19 Relief Funding as well as Navajo Nation's request to file an alternative motion.

Discussion is held regarding the list of reports for which Ms. Ransom requested redactions from the past and present use trial. Ms. Ransom states that she sent an email to the division and will attempt to discuss this matter again with Mr. Campbell. The Court will revisit this issue again tomorrow morning.

Mr. Campbell raises the issue of the toll-free line for public use, and further discussion is held. Mr. Campbell requests that the trial be recessed until the line is made available. The Court identifies the public access bridge line as **602-506-9695, pass code 357264#**.

Mr. Heiserman states that LCR Coalition withdraws its objection to Hopi Tribe's exhibit 3876. LCR Coalition continues to assert its objections to Hopi Tribe's exhibits 3989 and 3899 and will address the issue further upon Hopi Tribe's offering of those exhibits.

The Court connects to the bridge line for public access to the trial.

United States' case:

John Joseph Ward is sworn in by the Court and testifies.

United States' exhibits 860, 924, 947, 1133, and 1209 through 1220 are received in evidence.

Discussion is held regarding the map described as "Testimony on Water Rights Attributes and Administrative" being offered as a demonstrative exhibit by Mr. Campbell.

IT IS FURTHER ORDERED allowing the map described above to be used as a demonstrative exhibit.

LCR Coalition's exhibits 1328 and 1329 are received in evidence.

Discussion is held regarding U.S. exhibit 1239.

10:27 a.m. Court stands at recess.

10:45 a.m. Court reconvenes with respective counsel and the parties present.

Court Reporter, Scott Coniam, is present and a record of the proceedings is made digitally.

John Joseph Ward continues to testify.

Further discussion is held regarding Figure 2 of U.S. exhibit 1239.

Hopi's counsel will provide a copy of page 6 of U.S. Exhibit 1239 as a separate exhibit and submit it to the clerk for marking.

Discussion is held regarding Figure 9 of U.S. exhibit 1239.

Hopi's counsel will provide a copy of Figure 9 of U.S. Exhibit 1239 as a separate exhibit and submit it to the clerk for marking.

11:57 a.m. Court stands at recess.

1:30 p.m. Court reconvenes with respective counsel and the parties present.

Court Reporter, Teri Veres, is present and a record of the proceedings is made digitally.

Discussion is held regarding the technical issues with the toll-free public access line.

John Joseph Ward continues to testify.

Discussion is held regarding Figure 16 of U.S. exhibit 1239.

Hopi's counsel will provide a copy of Figure 16 of U.S. Exhibit 1239 as a separate exhibit and submit it to the clerk for marking.

3:00 p.m. Court stands at recess.

3:15 p.m. Court reconvenes with respective counsel and the parties present.

Court Reporter, Teri Veres, is present and a record of the proceedings is made digitally.

John Joseph Ward continues to testify.

4:50 p.m. Court stands at recess until **9:00 a.m. on September 16, 2020.**

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