

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

09/16/2020

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 3**

Courtroom: CCB 301

9:00 a.m. Trial to the Court continues from September 15, 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

• Kimberly Parks and Olga Hart observing for ADWR

• Frederick Lomayesva, General Counsel for the Hopi Tribe.

Court Reporter, Vanessa Gartner, is present and a record of the proceedings is made digitally.

United States' case continues:

John Joseph Ward continues to testify.

The witness is excused.

Discussion is held regarding exhibits. Pursuant to the discussion held on the record on September 15, 2020,

LET THE RECORD REFLECT that copies of Figures 2, 9, and 16 of U.S. Exhibit 1239 are marked for identification as Hopi Tribe exhibits 4587, 4588, and 4589 and received in evidence.

Discussion is held regarding the Court's procedure to respond to bench memorandum. Ms. Willard states that the City of Flagstaff filed a bench memorandum. The Court is inclined to set a response date to bench memorandum on the Monday following the filing unless it is something that needs to be addressed right away.

There being no objection to the suggestion of the Court,

IT IS ORDERED that the date for filing responses to bench memorandum shall be the Monday after the filing of such memorandum unless the Court otherwise sets an earlier date.

IT IS FURTHER ORDERED that any and all responses to City of Flagstaff's memorandum shall be due no later than **Monday, September 21, 2020**.

Ms. Ransom reports that the City of Flagstaff is working with the Hopi Tribe on its proposed redactions to the past and present exhibits of the Hopi Tribe. The parties will deal with any remaining issues on September 29, 2020 when the Hopi Tribe begins its case.

Gretchen Greene is sworn and testifies.

LCR Coalition exhibits 1176 and 1180 are received in evidence.

U.S. exhibits 950 and 1114 are received in evidence.

10:32 a.m. Court stands at recess.

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

Court Reporter, Vanessa Gartner, is present and a record of the proceedings is made digitally.

Gretchen Greene continues to testify.

11:59 a.m. Court stands at recess.

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

Court Reporter, Jovanna Roman, is present and a record of the proceedings is made digitally.

Gretchen Greene continues to testify.

U.S. exhibit 948 is received in evidence.

The witness is excused.

Discussion is held regarding a visit to the Hopi Reservation during the Christmas recess. The Court requests that Mr. Campbell confer with counsel regarding availability and safety. The Court will be available during that time period for a field visit.

Ms. Brennan moves for admission of LCR Coalition exhibits 1179 and 1186. The United States and the Hopi Tribe object to the admission of the exhibits. The Court will review the prior pleadings and the rulings related to the issue presented by the exhibits and address the matter further tomorrow morning.

2:52 p.m. Court stands at recess until **9:00 a.m. on September 17, 2020.**

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