

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

10/12/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

A. Hatfield

Deputy

FILED: 10/24/2018

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 21

MINUTE ENTRY

Courtroom: ECB 613

10:50 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: Kathryn Hoover on behalf of the Navajo 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; Brian Heiserman on behalf of the LCR Coalition; Erin Byrnes and Lee Storey on behalf of the City of Flagstaff; R. Jeffrey Heilman and Mark McGinnis on behalf of Salt River Project; Andrew Guarino on behalf of the United States Department of Justice; Grace Rebling and Colin Campbell on behalf of the Hopi Tribe; Kimberly Parks on behalf of the Arizona Department of Water Resources.

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

Discussion is held regarding post trial procedures.

Extended closing arguments will be held at the conclusion of the case. Counsel for each party is to be prepared to argue their client's theory of the case and which key

findings of fact are important. The Court will prepare a draft Findings of Fact and Conclusions of Law to which the parties will file comments, objections and proposed revisions.

Discussion is held regarding objections to Todd Umstot's expert report, Hopi exhibit 137.

IT IS ORDERED that Mr. Umstot's report be admitted without any redactions.

Discussion is held regarding objections to Dr. Steven's expert reports, Hopi exhibits 149 and 153.

The Court denies City of Flagstaff's and SRP's proposed redactions in Hopi exhibit 149, but the Court ordered a redaction on page 4 of the report due to the fact that it referred to the future.

The Court approves the City of Flagstaff's proposed redactions in Hopi exhibit 153.

SRP's proposed redactions in Hopi exhibit 153 are granted in part and denied in part as stated on the record.

Hopi exhibit 153 having been submitted in electronic format only, Counsel for the Hopi Tribe is directed to submit a revised electronic file to the courtroom clerk containing a redacted version for identification and retention.

Discussion is held regarding objections to Dr. Seibert's expert reports, Hopi exhibit 137.

Hopi exhibit 137 having been submitted in electronic format only, Counsel for the Hopi Tribe is directed to submit a revised electronic file to the courtroom clerk containing only the portions in evidence for identification and retention as admitted.

Mr. Leonard makes an oral motion to strike Dr. Ferguson as a redundant witness.

IT IS ORDERED denying the motion to strike.

Discussion is held about the timing of a motion under Rule 52(c) raised by Mr. Heiserman as a result of the rescheduling of Dr. Whitley due to medical issues.

Dr. Thomas Ferguson is sworn and testifies.

Hopi exhibit 192 is received in evidence.

12:01 p.m. The Court stands at recess.

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

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

Mr. Campbell advises the Court that the parties have reached an agreement regarding the learned treatises referred to in Dr. Ferguson's expert report.

Dr. Ferguson continues to testify.

Hopi exhibit 262 is received in evidence.

Hopi exhibits 3883 and 195 are received in evidence.

3:01 p.m. The Court stands at recess.

3:18 p.m. Court reconvenes with the parties and respective counsel present.

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

Mr. Campbell indicates that Counsel for the Navajo Nation requests more time to review U.S. exhibit 516.

Discussion is held regarding the admittance of Hopi exhibits 1734-2133.

Counsel for the Hopi Tribe will submit an electronic version of the summary of these exhibits.

Dr. Ferguson continues to testify.

Mr. Leonard moves to mark for identification Navajo exhibit 615 under Rule 1006 as a summary.

Navajo exhibit 615 is marked for identification. Counsel for the Navajo Tribe is directed to submit an electronic version of the exhibit to be received into evidence.

Discussion is held regarding the upcoming trial schedule.

4:42 p.m. Court is adjourned until October 15, 2018 at 10:30 a.m.

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