

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

10/29/2018

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

A. Hatfield

Deputy

FILED: 11/06/2018

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 26

MINUTE ENTRY

10:31 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, 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; Sarah Foley, Vanessa Willard and Cody McBride 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 the status of the redacted versions of the Peabody Leases.

Further discussion will be held regarding the Peabody Leases on November 8, 2018.

It has come to the Court's attention that the minute entry dated October 4, 2018, had listed the wrong Hopi exhibits as being received by the Court. Accordingly,

IT IS ORDERED amending the Court's October 4, 2018, minute entry to include the following orders of the Court:

IT IS FURTHER ORDERED that Hopi exhibits 2729, 2730, 2731, 2733, 2734, 2737, 2744, 2762-2773, 2783-2785, 2787 and 2788 are no longer received in evidence. They remain marked for identification.

IT IS FURTHER ORDERED that Hopi exhibits 27, 29, 30, 31, 33, 34, 37, 44, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 83, 84, 85, 87, and 88 are received in evidence.

The balance of the aforementioned minute entry remains unchanged.

Mr. Campbell updates the Court regarding the availability of Dr. Whiteley.

Ms. Rebling advises the Court that they have reviewed the transcript concerning Dr. Norton's testimony of September 12, 2018.

Counsel from the Navajo Nation, SRP, ASLD, and City of Flagstaff request additional time to review the transcript before taking a position with regard to the Hopi's motion.

The Navajo Nation calls Dr. James McCord who is sworn and testifies.

Navajo exhibits 162, and 182-186 are received in evidence.

12:00 p.m. The Court stands at recess.

1:31 p.m. Court reconvenes with the parties and respective counsel present.

Court reporter, Barbara Stockford, is present and a record of the proceedings is made digitally.

Dr. McCord continues to testify.

The Court has been informed that the audio and/or video recording from 2:39 p.m. to 2:53 p.m. is not available.

LET THE RECORD REFLECT that the official record of the proceedings is recorded by the Court reporter as designated above. The Court takes no further action.

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

3:16 p.m. Court reconvenes with the parties and respective counsel present.

Court reporter, Barbara Stockford, is present and a record of the proceedings is made digitally.

Dr. McCord continues to testify.

Discussion will be held tomorrow on Navajo exhibit 142 specifically pages 1-16 and whether or not it is admissible as a government document.

4:45 p.m. Court is adjourned until 10:30 a.m. tomorrow.

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