

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

03/06/2012

CLERK OF THE COURT
FORM V000

SPECIAL MASTER GEORGE A. SCHADE,
JR.

C. Castro

Deputy

CV-6417-201

FILED: **03/12/2012**

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

In Re Hopi Tribe Priority

In Re Telephonic Conference Regarding the
Status of the Case and the Scheduling of Oral
Argument on the Pending Motions for Summary
Judgment

MINUTE ENTRY

Central Court Building, Suite 5B

9:30 a.m. In chambers. This is the time set for Telephonic Conference pursuant to the Special Master's Order of February 10, 2012. Appearances in this case: Robyn L. Interpreter (Pascua Yaqui Tribe and Yavapai-Apache Nation); Scott B. McElroy (Navajo Nation); Stanley M. Pollack (Navajo Department of Justice); Bidtah N. Becker (Navajo Department of Justice); John B. Weldon, Jr. (Salt River Project); Joe P. Sparks (Tonto Apache Tribe and San Carlos Apache Tribe); Joseph P. Mentor, Jr. (Hopi Tribe); Vanessa Boyd Willard (United States Department of Justice, Indian Resources Section); Kerry Porter (Hopi Tribe); Daniel E. Steuer (Navajo Nation); Stephen G. Bartell (U.S. Department of Justice, Environment and Natural Resources Division); Gregory L. Adams (Arizona Water Company; Catalyst Paper (Snowflake) Inc.); Lauren J. Caster (Arizona Water Company; Catalyst Paper (Snowflake) Inc.); Lee A. Storey (City of Flagstaff); Karlene E. Martorana (Arizona Public Service Company; Roosevelt Water Conservation District); David A. Brown (Arizona Cattle Growers' Association; Aztec Land and Cattle Company, Ltd., St. David Irrigation District; and other claimants); Douglas E. Brown (Arizona Cattle Growers' Association; Aztec Land and Cattle Company, Ltd., St. David Irrigation District; and other claimants); and Janet L. Ronald (Arizona Department of Water Resources).

Court Reporter, Debbie Croci, is present.

Case status is discussed.

Ms. Willard advises the Special Master that settlement of the tribal claims has moved forward significantly.

Within the next thirty (30) days the various parties to the proposed settlement including the Hopi Tribe and Navajo Nation will be considering final approval. The United States has a separate process and is not one of the parties considering final approval, but shall continue to work with the parties through the settlement process.

Ms. Willard states that if the proposed settlement is approved by Congress and is implemented, it will settle the tribal claims in this adjudication and lead to the dismissal of this contested case.

Discovery will be completed on the Spanish and Mexican Law Rights before the deadline in March and briefing of the same shall be completed in August.

The Special Master orders the United States, Hopi Tribe, and Navajo Nation to file a Joint Case Status Report on or before **June 15, 2012**, to advise if the parties intend to file a Motion to Stay the Case or if the case shall proceed forward.

The Special Master further orders the pending motions for summary judgment and the motions regarding the Spanish and Mexican Law Rights to be set for a one day oral argument in Maricopa County Superior Court. The Special Master recommends setting oral argument for the week of October 15, 2012 or the week of October 22, 2012.

The Special Master further orders that the parties may recommend by stipulation a date certain for the aforementioned oral argument in their Joint Case Status Report. LATER: The parties may recommend any other dates in October with the exception of October 17, 18, and 19, 2012, as the Special Master will attend the Dividing the Waters conference on those dates.

The Special Master encourages the parties to resolve issues of material fact concerning the Hopi Industrial Park and Hopi Ranches prior to the aforementioned oral argument.

The Special Master inquires of the status of the Hopi Hydrographic Survey Report. Ms. Ronald advises that no active work is being undertaken at this time.

The parties are thanked for their efforts to resolve this case by settlement and for their excellent briefing.

10:20 a.m. Matter concludes.

A copy of this order is mailed to all parties on the Court-approved mailing list for the Little Colorado River Adjudication Civil No. 6417-201 dated January 31, 2012.