

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

CV 6417-201

10/24/2012

SPECIAL MASTER GEORGE A. SCHADE, JR.

CLERK OF THE COURT
T. Nosker
Deputy

FILED: 10/29/12

IN RE THE GENERAL ADJUDICATION OF
ALL RIGHTS TO USE WATER IN THE LITTLE
COLORADO RIVER SYSTEM AND SOURCE

CV 6417-201

In re Oral Argument on the Pending
Motions for Summary Judgment

ORAL ARGUMENT

Courtroom CCB LL1

9:02 a.m. This is the time set for Oral Argument regarding the pending motions for summary judgment. Appearances in this case: Joseph P. Mentor, Jr. and Carry Porter (Hopi Tribe); Vanessa Boyd Willard (United States Department of Justice, Indian Resources Section); Lauren J. Caster and Gregory L. Adams (Catalyst Paper (Snowflake) Inc.); Scott B. McElroy, Daniel E. Steuer, Bidtah N. Becker, and Stanley M. Pollack (Navajo Nation); Lee A. Storey and Sara Ransom (City of Flagstaff); John B. Weldon, Jr. and Patrick B. Sigl (Salt River Project); Joe P. Sparks (Tonto Apache Tribe and San Carlos Apache Tribe); Robyn L. Interpreter (Pascua Yaqui Tribe and Yavapai-Apache Nation); David A. Brown and Douglas E. Brown (Arizona Cattle Growers' Association, Aztec Land and Cattle Company, Ltd., St. David Irrigation District, and other claimants); and Ayesha Vohra (Arizona Department of water Resources).

Court Reporter, Debbie Croci, is present.

The Special Master advises the parties that Judge Mark H. Brain has been assigned as the new water judge and will be at this hearing at a later time.

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Discussion is held regarding daily schedule.

Mr. Mentor argues on behalf of the Hopi Tribe.

Ms. Willard argues on behalf of the United States Department of Justice, Indian Resources Section.

10:41 a.m. Court stands at recess.

11:00 a.m. Court reconvenes with respective counsel present.

Court Reporter, Debbie Croci, is present.

The Special Master introduces Judge Brain, the newly appointed water judge. Judge Brain introduces himself to counsel.

Mr. Caster argues on behalf of Catalyst Paper (Snowflake) Inc.

11:44 a.m. Court stands at recess.

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

Court Reporter, Debbie Croci, is present.

The Special Master advises counsel and the parties that the hearing set for November 8, 2012, in Contested Case No. W1-103 (a matter in the Gila River Adjudication) has been reset to January 10, 2013, at 1:30 p.m. before Judge Brain in the East Court Building Courtroom 413.

Mr. McElroy argues on behalf of the Navajo Nation.

2:20 p.m. Court stands at recess.

2:30 p.m. Court reconvenes with respective counsel present.

Court Reporter, Debbie Croci, is present.

The Special Master answers a question asked during the break regarding how to order a transcript of the oral argument, advising counsel to request a transcript from court reporter, Debbie Croci.

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Mr. Mentor offers rebuttal on behalf of the Hopi Tribe.

Ms. Willard offers rebuttal on behalf of the United States Department of Justice, Indian Resources Section.

Mr. Caster offers rebuttal on behalf of Catalyst Paper (Snowflake) Inc.

Mr. McElroy offers rebuttal on behalf of the Navajo Nation.

Ms. Ransom offers rebuttal on behalf of the City of Flagstaff.

3:47 p.m. Court stands at recess.

3:54 p.m. Court reconvenes with respective counsel present.

Court Reporter, Debbie Croci, is present.

Mr. Mentor, Ms. Willard, Mr. Caster, and Mr. McElroy present closing arguments.

The Special Master orders counsel for the United States to submit the deeds and documents regarding the placement of 4 out of 5 of the Hopi ranches into trust by no later than **December 7, 2012**.

The Special Master informs counsel for the City of Flagstaff that the documents to be submitted will not be considered to be part of the record of the oral argument.

The Special Master requests that the parties who have submitted statements of facts shall provide him a copy in WORD format via email on or before **December 3, 2012**.

The Special Master advises that his target date to have his report to Judge Brain is April 1, 2013.

Discussion is held regarding the period for objections in this matter, either six (6) months or sixty (60) days. Counsel may submit comments to the Special Master, without responses or replies, concerning the appropriate period for this matter by **January 31, 2013**. If the parties believe the six month period is the proper amount of time, no comments are needed.

IT IS ORDERED taking this matter under advisement.

Counsel are thanked for their excellent arguments.

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4:30 p.m. Matter concludes.

A copy of this minute entry is mailed to all persons listed on the Court approved mailing list for the Little Colorado River Adjudication Civil No. 6417-201 dated July 17, 2012. The Special Master distributed a copy by electronic mail.