

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

10/28/2020

CLERK OF THE COURT

SPECIAL WATER MASTER SUSAN WARD
HARRIS

T. DeRaddo

Deputy

FILED: 11/02/2020

In re:
Contested Case No. 6417-203

D&C MATERIALS
EXHIBITS-SCT

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

In re: Trial to Court

**TRIAL MINUTE ENTRY
DAY 23**

Courtroom: CCB 301

9:00 a.m. Trial to the Court continues from October 27, 2020.

The following attorneys and parties appear via GoToMeeting:

- Colin Campbell, Grace Rebling, Phillip Londen, Payslie Bowman, and Frederick Lomayesva for the Hopi Tribe
- Vanessa Boyd Willard, Cody McBride, Emmi Blades, and Rebecca Ross for the United States Department of Justice, Indian Resources Section
- Sarah Foley for the United States Department of the Interior
- Brian J. Heiserman, David A. Brown, Lauren J. Caster, and Bradley J. Pew for LCR Coalition
- Mark A. McGinnis 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

Court Reporter, Jovanna Roman, is present. A record of the proceedings is also made digitally.

Procedural issues are discussed. Pursuant to the stipulation of the parties, Hopi Tribe's Exhibit 4592-A is received in evidence.

Mr. Campbell submits two exhibits that were taken from Hopi Tribe Exhibit 4569. These exhibits were marked as Hopi Tribe's Exhibits 4593 and 4594.

Discussion is held regarding rescheduling of witnesses.

Ms. Ransom renews her request that the Hopi Tribe provide a statement to evidence the unavailability of witnesses whose testimony will be offered solely by deposition transcript. She cites to the Court's minute entry dated February 21, 2019 and filed March 7, 2019 and to the Joint Pretrial Statement, Section G. She argues that the City of Flagstaff may be prejudiced if a witness' deposition is used but there is no evidence that the witness is unavailable. The Court denied the request.

Clayton Honyumtewa is sworn and testifies.

Hopi Tribe's Exhibits 4506, 3933 and 4514 are received in evidence.

LCR Coalition's Exhibit 1156 is received in evidence.

Hopi Tribe's Exhibit 0942 is received in evidence.

LCR Coalition's 693 is received in evidence.

Hopi Tribe's Exhibits 4515, 4516 and 4518 are received in evidence.

Hopi Tribe's Exhibits 4553, 4554, 4555, 4556, 4557, 4558, 4559, 4560 and 4561 are received in evidence.

Hopi Tribe's Exhibits 4567 and 4568 are received in evidence.

Mr. Leonard moves the Court to strike all of the witness' testimony as non-responsive.

IT IS ORDERED denying Mr. Leonard's oral motion to strike the witness' testimony.

10:31 a.m. The Court stands at recess.

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

Court Reporter, Jovanna Roman, is present. A record of the proceedings is also made digitally.

Clayton Honyumtewa continues to testify.

11:19 a.m. The Court stands at recess.

1:30 p.m. Court reconvenes with the parties and respective counsel present. Court reporter, Kristin DeCasas, is present. A record of the proceedings is also made digitally.

Priscilla Pavatea is sworn and testifies.

Hopi Tribe's Exhibits 0996, 1008, 1010, 4513 and 4519 and 4520 are received in evidence.

Hopi Tribe's Exhibits 4522, 4523, 4524, 4525 and 4526 are offered. Due to objections that none of these exhibits (Hopi Partitioned Lands Range Unit Management Plans) contain signed signature pages, they are not received in evidence. Mr. Campbell states that he will obtain the signed signature pages for each of these exhibits and submit the signature pages as one exhibit separate from the above-mentioned offered exhibits prior to these exhibits being received in evidence.

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

3:15 p.m. Court reconvenes with the parties and respective counsel present.

Court reporter, Kristin DeCasas, is present. A record of the proceedings is also made digitally.

Hopi Tribe's Exhibit 4521 is offered. There is an objection to this exhibit due to the fact that the signature page has not been signed. Mr. Campbell states that he will obtain the signed signature page for this exhibit prior to it being received in evidence.

Priscilla Pavatea continues to testify.

The witness is excused.

3:24 p.m. The Court stands at recess until October 29, 2020 at 9:00 a.m.

A copy of the minute entry will be sent to all parties on the Court approved mailing list.