

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

01/31/2019

CLERK OF THE COURT  
Form V000

SPECIAL WATER MASTER  
SUSAN WARD HARRIS

S. Ortega  
Deputy Clerk

FILED: 2/1/2019

In re: the General Adjudication of All Rights  
to Use Water in the Little Colorado River System and Source  
Hopi Reservation HSR, Contested Case No. CV6417-203

In re: Status Conference

**MINUTE ENTRY**

Courtroom 301 – CCB

8:33 a.m. This is the time set for a telephonic Status Conference on City of Flagstaff's Motion to Dismiss and LCR Coalitions' Rule 52 Motion for Judgment on the Partial Findings.

The following attorneys appear telephonically: Vanessa Boyd Willard, Andrew "Guss" Guarino, and Cody L.C. McBride on behalf of the United States Department of Justice; Colin Campbell and Grace R. Rebling on behalf of the Hopi Tribe; Evan F. Hiller, Jeffrey S. Leonard, Judith M. Dworkin, M. Kathryn Hoover, and Rodgerick Begay on behalf of the Navajo Nation; David Brown, Lauren Caster and Bradley J. Pew on behalf of the LCR Coalition; Kevin Crestin on behalf of the Arizona State Land Department; Erin Byrnes and Lee Storey on behalf of the City of Flagstaff; Mark McGinnis on behalf of the Salt River Project; John Burnside on behalf of the Arizona Public Service; and Susan B. Montgomery on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation.

The Court addresses the United States 6<sup>th</sup> Amended Statement of Claimant and proposes that it be filed by February 8, 2019. Ms. Willard informs the Court of the recent filing of the United States Department of Justice's Notice of Resumption of Appropriations and Motion to Reset Certain Deadlines proposing certain dates for the U.S. litigation deadlines that were stayed. The Court has not received a copy of that filing.

Ms. Willard proposes extending the current deadlines as follows:

- United States' Response to City of Flagstaff's Motion to Dismiss to February 7, 2019;
- United States' 6<sup>th</sup> Amended Statement of Claimant to February 22, 2019;

- Responses to the LCR Coalition’s Rule 52 Motion for Judgment on Partial Findings to March 3, 2019;
- Replies to the City of Flagstaff’s Motion to Dismiss to March 14, 2019; and
- Replies to the LCR Coalition’s Rule 52 Motion to March 25, 2019

The United States requests the above extensions so that the attorneys have sufficient time to get the pleadings prepared and get them to the Court, noting that it will not affect the long-term schedule of this proceeding.

For the reasons set forth on the record and without objection,

IT IS ORDERED the following deadlines are set by the Court:

Statement of Claimant

1. United States’ 6<sup>th</sup> Amended Statement of Claim is due by **February 15, 2019**;

Flagstaff Motion to Dismiss

2. United States’ Response to City of Flagstaff’s Motion to Dismiss is due by **February 7, 2019**.
3. Replies for the City of Flagstaff’s Motion to Dismiss are due by **March 14, 2019**.

LCR Coalition Rule 52 Motion

4. United States’ Response and the Hopi Tribe’s Response to LCR Coalition’s Rule 52 Motion for Judgment on Partial Findings are due by **March 1, 2019**.
5. Replies for the LCR Coalition’s Rule 52 Motion for Judgment on Partial Findings are due by **March 15, 2019**.

Discussion is held regarding proposed scheduling for Hopi’s Motion to Set Conference to Consider the Hopi Tribe’s Form of Notice to Hopi Allottees.

Ms. Willard moves for an extension of time beyond the Court’s deadline of February 8, 2019 to file its *de minimis* brief in the Navajo subproceeding. Mr. Hiller does not object to Ms. Willard’s request as long as it does not affect other deadlines.

Discussion is held regarding Mr. Brown's concern about future requests for extensions if another government shutdown occurs. Mr. Guarino argues that a shutdown effectively precludes the attorneys from the Justice Department from being able to communicate with their agency clients. The Court made no decision but indicated a reluctance to grant another stay in the case because of its importance and impact on scheduling of other cases.

Mr. Campbell states that the LCR Coalition's Response to the City of Flagstaff's Motion to Dismiss filed on January 4, 2019 was a joinder in the motion in which LCR made additional arguments. The Hopi Tribe would like to file a response to the LCR's Response by **March 1, 2019**. LCR Coalition has no objection.

Ms. Byrne does not object to the proposed schedule for responses, replies and oral argument of the City of Flagstaff's motion.

The Court will locate the United States' motions and issue an order in *In re Navajo Nation* resetting deadlines for responses and replies and oral argument.

8:57 a.m. Matter concludes.

## **LATER**

IT IS FURTHER ORDERED setting Oral Argument on City of Flagstaff's Motion to Dismiss for **March 21, 2019 at 8:30 a.m. (time allotted: 1.5 hours)** and setting Oral Argument on LCR Coalition's Rule 52 Motion for Judgment on Partial Findings for **March 21, 2019 at 10:15 a.m. (time allotted: 1.5 hours)**. Oral argument will be held in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202.

Instructions for telephonic participation:  
Dial: 602-506-9695 (local)  
1-855-506-9695 (toll free long distance)  
Dial Collaboration (conference) Code 357264#

By letter dated January 16, 2019, Paul H. and Florence Anspach requested that they be removed from the court-approved mailing list for this case.

IT IS FURTHER ORDERED removing Paul H. and Florence Anspach from the court-approved mailing list for this contested case.

On January 23, 2019, the Hopi Tribe filed a Motion to Set a Conference to Consider the Hopi Tribe's Form of Notice to Hopi Allottees. Responses to the Motion are due on **March 4, 2019**; Replies are due on **March 25, 2019**.

IT IS FURTHER ORDERED that the requested conference is set on **April 4, 2019 at 1:30 p.m.** in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

1-855-506-9695 (toll free long distance)

Dial Collaboration (conference) Code 357264#