

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

7/12/2016

CLERK OF THE COURT  
Form V000

SPECIAL WATER MASTER SUSAN WARD HARRIS

L. Stogsdill  
Deputy

FILED: 7/26/16

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

In Re: Hopi Tribe Priority  
Contested Case No. CV 6417-201

MINUTE ENTRY

Courtroom 301 - CCB

10:00 a.m. This is the time set for a Status Conference. Appearing telephonically are: Joe P. Sparks on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe; Christina C. Sheehan on behalf of Atkinson Trading Company, Inc., Kathryn Hoover and Stanley Pollack on behalf of the Navajo Nation Department of Justice. In the Courtroom are David A. Brown and J. Albert Brown on behalf of the Little Colorado River Claimants; Alexandra Arboleda and Lee Storey on behalf of City of Flagstaff; Patrick Sigl and Jeffrey Heilman on behalf of the Salt River Project; Andrew Guarino and Vanessa Willard on behalf of United States Department of Justice, Indian Resources Section; L. William Staudenmaier on behalf of Freeport-McMoRan Corporation and Arizona Public Service Company; John B. Weldon, Jr. on behalf of Salt River Project; Brian J. Heiserman on behalf of Freeport Minerals Corporation; Gregory L. Adams on behalf of Tucson Electric Power Company; Karlene Martorana on behalf of the Arizona Public Service Company; Janet L. Miller, Nicole Klober and Jeff Trembley on behalf of Arizona Department of Water Resources; Carrie Brennan on behalf of the State of Arizona; William Aloe and Joseph P. Mentor, Jr. on behalf of the Hopi Tribe; Scott B. McElroy on behalf of the Navajo Nation. Members of the Hopi and Navajo tribes are also present.

Court reporter Lydia Estrada-Gray is present and a record of the proceedings is made digitally.

Case status is discussed.

Discussion is held regarding the acquisition of land re: ownership of the property after 1882 by the United States.

Counsel for the Hopi tribe objects that the deeds represent the dates land was “re-acquired by the United States.”

The Court notes there is no objection regarding the factual issues related to the deeds, i.e., the dates that the deeds were recorded and that the land subject to railroad claims were conveyed by 1915.

Discussion is held regarding the status of the Hopi Industrial Park and Hopi Ranches.

Counsel for The United States and the Hope Tribe outline their positions with regard to the Hopi Industrial Park and Hopi Ranches.

The Hopi Tribe further advises the Court regarding the amended statements of claim regarding the wells at issue as well as the Hope Tribe’s statement of claim.

The Court advises counsel for the Hopi Tribe that it will allow the Hopi Tribe to file motions regarding the wells included in the amended statement of claim at issue.

10:11 a.m. LET THE RECORD REFLECT that the FTR stopped recording at this time.

Discussion is held regarding the parties’ suggestions that ADWR prepare an HSR for the property described by the Hopi Tribe in their statement of claim or for the Coconino Aquifer (C-Aquifer.)

The Court invites comments from counsel regarding the appropriate scope of the HSR that ADWR will be requested to prepare.

Counsel for the Hopi Tribe, the Navajo Nation and the Little Colorado River Claimants advise the Court of their positions regarding the proposed HSR’s.

Counsel for ADWR advises the Court of its position regarding the scope and process of the proposed HSR.

Discussion is held regarding a proposed scheduling order regarding the objections to the HSR.

The Court advises the parties that it is willing to bifurcate the claims for water rights based on past and present from claims for future use if the parties agree. The Court outlines its position regarding the proposed scheduling order it has prepared.

Court and counsel discuss the proposed schedule prepared by the Court.

For the reasons stated on the record,

**IT IS ORDERED** taking the matter under advisement.

11:10 a.m. Matter concludes.

A copy of this order is mailed to all parties on the Court-approved mailing list for the In re Hopi Tribe Priority, No. CV 6417-201, dated June 2, 2016.