

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

03/29/2016

CLERK OF COURT
FORM V000

SPECIAL MASTER SUSAN WARD HARRIS

S. BROWN
Deputy

FILED: 4/13/2016

CV 6417-201

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

MINUTE ENTRY

Central Court Building – Courtroom 301

9:59 a.m. This is the time set for hearing before Special Master Susan Ward Harris to address ownership and priority issues remanded by the Court in its order determining the priority of water rights of the Hopi Tribe.

The following attorneys appear in person:

- Vanessa Boyd Willard on behalf of the United States Department of Justice;
- Joe P. Mentor, Jr. on behalf of the Hopi Tribe;
- Lauren J. Caster and Gregory L. Adams on behalf of the Tucson Electric Power Co.;
- John B. Weldon, Jr. on behalf of Salt River Project;
- David A. Brown on behalf of Arizona Cattle Growers' Assoc., Aztec Land and Cattle Co., Ltd., St. David Irrigation District, and other claimants;
- Stanley M. Pollack on behalf of the Navajo Nation Department of Justice;
- Scott B. McElroy on behalf of the Navajo Nation;
- William Aloe on behalf of the Hopi Tribe;
- Patrick B. Sigl on behalf of Salt River Project;
- Janet Miller on behalf of ADWR;
- Susan Montgomery on behalf of Pascua Yaqui Tribe; and Yavapai-Apache Nation

- Lee A. Storey on behalf of the City of Flagstaff;

The following attorneys appear telephonically:

- Carrie Brennan on behalf of the Arizona Attorney General's Office;
- J. Albert Brown on behalf of the LCR claimants;
- Joe P. Sparks on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe;
- Alice Walker on behalf of The Navajo Nation;
- Karlene E. Martorana on behalf of APS; and
- Christina Sheehan on behalf of Atkinson Trading Company, Inc.

Court reporter, Jane Westlund, is present and a record of the proceeding is also made by audio and/or video tape.

Ms. Willard sets forth her position concerning reacquisition of parcels of railroad land within the 1882 reservation that were supposed to have been reacquired by the government and addresses two issues outlined in the report that was recently submitted pursuant to the Special Master's request. Upon reviewing the table provided in the Special Master's February Order to verify the dates that the parcels in question were reacquired, the U.S. found a discrepancy between parcels on the map that don't appear to be covered by the legal descriptions of parcels in the Act. The concern is that the Congressional Act that gave the railroad checkerboard ownership was not effected as to some parcels of land. Ms. Willard requests 12 weeks to complete the necessary research to reconcile the discrepancies and acquire and verify the deed records.

Ms. Willard further requests an order from the Court that it is not necessary to review the deeds within District 6 for the reasons stated on the record.

The Court hears objections to the position that the federal government asserted "Winter" rights to all of Land Management District 6 effective 1882. There being numerous objections,

Ms. Willard is instructed to research the ownership for land within Land Management District 6.

Mr. Mentor addresses the court and notes that the Hopi Tribe's Motion for Reconsideration of Judge Brain's ruling on the Special Master's Report is pending and advises that the motion addresses the subject of ownership of the railroad grant land. Mr. Mentor also sets forth his recommendation for additional changes to the table.

Mr. Castor addresses the Court and provides clarification as to the reasons why some parcels of land are not reflected in the checkerboard.

Argument is heard as to whether a hydrographic survey report by ADWR is necessary for Hopi Industrial Park, and the Aja Clear Creek, Hart, Drye, and 26 Bar Ranches.

IT IS ORDERED taking this matter under advisement.

Argument is held regarding whether it is appropriate for the Navajo Nation to update its Statement of Claimant filed in 1985 in order to determine the respective water rights of the Hopi and Navajo tribes.

A separate order will issue consistent with what has been ordered today and a status conference will be set in June at which time the Court will address the objections and how to move forward on the Navajo water right's process.

10:51 a.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Hopi Tribe Priority Court Approved Mailing List, CV 6417-201, dated March 7, 2016.