

**SUPERIOR COURT OF ARIZONA
APACHE COUNTY**

March 3, 2022

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

T. DeRaddo
Deputy

In re: Hopi Reservation HSR
Contested Case No. CV6417-203

FILED: 3/9/2022

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

4:10 p.m. This is the time set for a virtual/telephonic Status Conference. All parties appear virtually via the Teams application.

Appearances are as follows:

- Phillip Londen, Collin Campbell and Payslie Bowman for the Hopi Tribe
- Jeffrey Leonard, Judy Dworkin, Evan Hiller and Kate Hoover for the Navajo Nation
- Brian Heiserman, David Brown and Bradley Pew for the LCR Coalition
- Carrie Brennan and Kevin Crestin for the Arizona State Land Department (ASLD)
- Mark McGinnis, Michael Foy and John Weldon for SRP
- Lee Storey for the City of Flagstaff
- Andrew Guarino, Emmie Blades, and Vanessa Boyd Willard for the United States Department of Justice
- William Staudenmaier for APS
- Kate Schaeffer for the San Juan Southern Paiute Tribe

A record of the proceedings is made digitally in lieu of a court reporter.

The Court has received notice of a pending stipulation of the parties. The Court has completed a rough draft of the decision except for the allotment issues. The Court will finalize the decision after reviewing again the Statements of Facts and Conclusion of Law submitted by the parties to assure the accuracy of the decision.

The Court requests that the stipulation be completed prior to the Court completing the report.

Brian Heiserman for the LCR Coalition states that he is hopeful to get the stipulations finished soon; however, Mr. Heiserman points out that the stipulation in this case is contingent upon getting a stipulation in *In re Navajo Reservation*.

Mr. Heiserman states that if he is able to have all of the stipulations in place, the parties will be able to restrict the scope of discovery. The parties would save time and money because they will not need to develop the facts that would otherwise need to be developed to determine a quantity for the livestock uses on the Navajo Reservation. That number could then be relied upon by the Court.

Mr. Campbell reports that the Hopi Tribal Council has approved the Stipulation. The US Government is waiting to get a signed copy of the resolution from the Hopi Tribal Council before approving it. Mr. Campbell agrees with Mr. Heiserman that a stipulation should be incorporated into the Court's report and it will moot the necessity of certain factual findings.

Procedural issues are discussed.

Mark McGinnis states that he is in agreement with Mr. Heiserman's approach.

Ms. Storey is concerned about obtaining approval from the United States.

Mr. Guarino states that the United States is doing everything it can to approve the stipulation.

4:27 p.m. Matter concludes.

LATER:

During closing arguments in this case and again in its Memorandum regarding United States Claims to Federal Reserved Water Rights for the Hopi Allotments (January 10, 2022), the LCR Coalition moved to strike the United States' reference to *In re Determination of Rights to Use Surface Waters of the Yakima River Drainage Basin*, No. 77-2-0148-5, Super. Ct. of Yakima Cty, Wah (Nov. 12, 1992), the United States' Supplemental Citation of Authority (Sept. 27, 2021) and its Exhibit 1, and Exhibit 4 to the United States' Response to LCR Coalitions' Statement of Facts in Support of Its

Motions for Partial Summary Judgment regarding the Hopi Tribe's Claim that it Holds Prior Appropriative water rights for the Hopi Reservation (June 6, 2018).

IT IS ORDERED granting the LCR Coalition's Motion to Strike.

NOTE: All court proceedings are recorded digitally and not by a court reporter. The parties or counsel may request a CD of the proceedings. For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.