

**SUPERIOR COURT OF ARIZONA
APACHE COUNTY**

March 23, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SUSAN WARD HARRIS

T. DeRaddo
Deputy

FILED: 3/28/2023

In Re: Navajo Nation
Contested Case No. CV6417-300

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

10:30 a.m. This is the time set for a virtual/telephonic Pretrial Conference via the Teams/Court Connect application. All parties appear virtually. Appearances are as follows:

- Carrie Brennan and Kevin Crestin for the Arizona State Land Department (ASLD)
- Lee Storey, Alexandra Arboleda, and Ethan Minkin, for the City of Flagstaff
- Phillip Londen and Payslie Bowman for the Hopi Tribe
- Brian Heiserman, David Brown, and Bradley Pew for the LCR Coalition (which includes 8 cities and 7 irrigation districts, domestic water improvement districts, as well as many ranchers)
- Mark McGinnis, and Kate Wilkinson for Salt River Project
- Jeffrey Leonard, Judy Dworkin, Evan Hiller, Kate Hoover, and Candace French for the Navajo Nation
- Mark McGinnis and Katrina Wilkinson for SRP
- Julia Kolsrud and Kate Shaffer for the San Juan Southern Paiute Tribe
- Emmi Blades, Andrew Guarino, Cody McBride, and Rebecca Ross for the United States Department of Justice
- Maria O'Brien for the Atkinson Trading Co
- Michael Rolland observing on behalf of the cities of Avondale, Glendale, Mesa, Scottsdale, and Tempe

Jeffrey Leonard informs the Court that the parties have been working together to create a trial calendar and a schedule of witnesses. Mr. Leonard states that this case has numerous witnesses. Mr. Leonard states that he circulated a draft trial calendar a few weeks ago and has received a *revised* draft calendar that was created by the objectors.

He is of the opinion that based on the witness estimates for all parties, he believes that the trial may proceed through the month of August. This schedule includes approximately two weeks that no trial is scheduled due to vacation dates. The objectors created a draft trial schedule that will proceed through July. Mr. Leonard believes that the alternate trial schedule does not account for motions that may be addressed during the trial.

Mr. Leonard requests that the Court reserve the jury room at least through the first two weeks of August. Mr. Brown spoke with Mr. Leonard to discuss the fact that some attorneys are not available during the last week of July. Additionally, the annual Water Conference will be held August 3-4, 2023. Due to these interruptions in the schedule, counsel request that the courtroom be reserved for the weeks of August 7-11, 2023 and August 14-18, 2023.

The Court will review the case and the scope of this matter and consult the calendar regarding other cases that may be scheduled for the month of August and will inform the parties in due course.

Mr. Brown requests that the Court set a date for another pretrial hearing in the month of April. No objections were made from any party.

IT IS ORDERED granting Mr. Brown's request. The Court will set an additional pretrial conference after review of the Court's schedule.

Carrie Brennan requests that the Court set a date that the parties may come to the courtroom (East Court Building – Courtroom 613) with their IT teams to review the equipment in the courtroom so that they may anticipate in advance any technical issues that may occur.

Mr. Londen, Mr. McGinnis, and Mr. Leonard join in the request made by Ms. Brennan.

Mr. McGinnis asks the Court when the depositions should be delivered to the courtroom (ECB-613).

Mr. Leonard states that the parties agreed in advance that there would be a two-week time period that the trial would not proceed in order to accommodate vacation schedules, which are Memorial week (May 29 – June 2, 2023) and the week of July 4th (July 3 – 7, 2023). Mr. Leonard asks counsel if this may possibly be changed if the Court does not allow the trial to proceed into the second week of August.

Mr. Brown states that in addition to the vacation time frames as stated above for the attorneys, he is also anticipating the witnesses will also have these time periods blocked and would not be available for trial. He states that changing the witness schedule at this point would most likely not be possible and requests that the trial schedule remain as it is.

The Court reminds the parties that Arizona has a new Attorney General, Kris Mayes. She requests that the parties reference Kris Mayes on the documents.

10:50 a.m. Matter concludes.

LATER:

The Court will make courtroom 613 in the East Court Building available for any of the Parties to perform technology compatibility checks on Thursday, April 13, 2023 from 10am – 11am.

The Court has reviewed the calendar regarding the scheduled hearings and trials for the next few months. Courtroom 613 will be reserved through Thursday, August 3, 2023. However, the Court will recess for the Memorial Day holiday beginning Wednesday, May, 24, 2023 through June 1, 2023. A reminder to all Parties there will be no proceedings on Fridays during the course of the trial.

IT IS ORDERED setting a pretrial conference on **April 20, 2023 at 2:00 pm**, and extending the trial schedule through August 3, 2023 with recesses for the Memorial Day holiday from Wednesday, May, 24, 2023 through Thursday, June 1, 2023, and Independence Day from Monday, July 3, 2023 through Thursday, July 6, 2023. There will also be recess on Thursday, June 28, 2023 and Friday, June 29, 2023-29

The pretrial conference will be held using the Court Connect program. Instructions for Court Connect are attached below. If you receive this Order by email, click on the red box “Join Court Connect Hearing” on the attached instructions to make an appearance. If you do not receive this Order by email, log into the Court Connect program on the internet by typing <https://tinyurl.com/specialwatermaster>. If you do not have access to the internet, you may attend telephonically using the telephone number and access code included in the instructions for Court Connect. Alternatively, you may attend telephonically using the following instructions:

Instructions for telephonic appearance:
Dial: 602-506-9695 (local)
1-855-506-9695 (toll free long distance)
Dial Participant Pass Code 357264#

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.

Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

A copy of this order is mailed to all parties on the Court-approved mailing list for this contested case.



Court Connect Hearing Notice for In Navajo Nation

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Navajo Nation, Contested Case No. CV6417-300

Start Date/Time: April 20, 2023 at 2:00 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

