

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

09/14/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

S. Ortega

Deputy

FILED: 09/15/2020

In re: Hopi Reservation HSR
Contested Case No. CV 6417-203

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

In re: Hopi Reservation HSR

TRIAL MINUTE ENTRY
DAY 1

Courtroom: CCB 301

9:00 a.m. This is the time set for Trial to the Court regarding the second phase on future use.

The following attorneys and parties appear via GoToMeeting.

•Colin Campbell, Grace Rebling, Phillip Londen and Payslie Bowman for the Hopi Tribe

• Vanessa Boyd Willard, Sarah Foley, Cody McBride, Emmi Blades, and Rebecca Ross for the United States Department of Justice, Indian Resources Section

• Brian J. Heiserman, David A. Brown, Lauren J. Caster, Bradley J. Pew for LCR Coalition

• Mark A. McGinnis and Hannah Woner for the Salt River Project

• Carrie J. Brennan and Kevin Crestin for the Arizona State Land Department

• Lee A. Storey, Sara Ransom, Alexandra Arboleda, and Ethan B. Minkin for the City of Flagstaff

• Jeffrey S. Leonard, Judith M. Dworkin, Evan F. Hiller, and Kathryn Hoover for the Navajo Nation

• Doreen McPaul, Attorney General for the Navajo Nation

- Michelle Brown-Yazzie and Kimberly Dutcher, Deputy Attorneys General for the Navajo Nation

- Kimberly Parks observing for ADWR
- Frederick Lomayesva, General Counsel for the Hopi Tribe.

Court Reporter, Robin Bobbie, is present and a record of the proceedings is made digitally.

Procedural matters:

Discussion is held regarding LCR Coalition's Request that the Court Rule that Certain Documents Qualify for Judicial Notice and Request for Expedited Consideration.

Based on the matter as discussed on the record,

IT IS ORDERED that responses to LCR Coalition's motion are due by **September 21, 2020**. LCR Coalition's reply is due by **September 25, 2020**.

Discussion is held regarding Hopi Tribe's Motion to Take Judicial Notice. Counsel will discuss the matter further for a possible resolution before bringing it before the Court. No dates are set for filing a response.

Discussion is held regarding Hopi Tribe's Rule 37(c)(4) Motion to Extend Time for Disclosure re Covid-19 Relief Funding. Counsel for the Navajo Nation does not oppose the motion but made a request for judicial notice if the motion is granted. If any parties oppose the request, the Navajo Nations asks that the same briefing schedule be set for this motion as LCR Coalition's motion previously discussed.

Ms. Willard informs the Court about a correction to the exhibit list and will provide the parties and the clerk with the updated Excel spreadsheet that constitutes the exhibit list.

Mr. Leonard requests clarification regarding expert reports as it relates to direct examination of the experts. The court states if there are separate reports, it is appropriate to allow separate 30-minute direct examinations. The same analysis applies to a rebuttal report.

Ms. Ransom discusses the City of Flagstaff's outstanding objections to past and present redactions to the Hopi Tribe exhibits. Ms. Ransom will discuss the matter with Mr. Campbell to see if the objections can be resolved.

Ms. Willard has no redactions.

Mr. Campbell states that the Hopi Tribe does intend to move some of the redacted exhibits into evidence, and that the matter can be taken up later today after opening statements or at the start of the Hopi Tribe's case.

Mr. Leonard has no redactions.

Mr. McGinnis has no redactions.

Ms. Brennan has no redactions.

Mr. Heiserman states that he has objections to past and present exhibits. He agrees with Mr. Campbell that the objections can be addressed at a later time.

The Court states that the Hope Tribe's Rule 37(c)(4) Motion regarding COVID funding is the only outstanding motion at this time.

Opening statements are presented by the United States Department of Justice.

10:01 a.m. Court stands at recess.

10:15 a.m. Court reconvenes with respective counsel and the parties present.

Court Reporter, Robin Bobbie, is present and a record of the proceedings is made digitally.

Opening statements are presented by the Hopi Tribe.

Opening statements are presented by LCR Coalition.

11:48 a.m. Court stands at recess.

1:30 p.m. Court reconvenes with respective counsel and the parties present.

Court Reporter, Robin Bobbie, is present and a record of the proceedings is made digitally.

Ms. Willard states that the Excel spreadsheet of the exhibit list that was on the hard drive was revised due to the typographical error.

Mr. Campbell requests that the public line be a toll-free line in order to comply with the requirements of the constitution.

Ms. Ransom states that she has prepared a list of reports with the redaction issue, and she has emailed that list to Mr. Campbell during the break. The Court will address the reports and the pending COVID motion tomorrow morning.

Opening statements are presented by Salt River Project.

Opening statements are presented by Arizona State Land Department.

Opening statements are presented by City of Flagstaff.

2:44 p.m. Court stands at recess.

3:00 p.m. Court reconvenes with respective counsel and the parties present.

Court Reporter, Robin Bobbie, is present and a record of the proceedings is made digitally.

Opening statements are presented by the Navajo Nation.

3:23 p.m. Court stands at recess until **9:00 a.m. on September 15, 2020.**

A copy of this order is mailed to all persons listed on the Court-approved mailing list for Contested Case No. CV6417-203.