

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

12/10/2019

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

A. Hatfield

Deputy

FILED: 12/13/2019

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: Telephonic Oral Argument

MINUTE ENTRY

Courtroom: CCB 301

11:30 a.m. This is the time set for a Telephonic Oral Argument on *City of Flagstaff's Motion for Reconsideration Regarding Briefing Schedule on Hopi Tribe's Motion to Compel Jacobs Engineering Group Inc. to comply with a Subpoena Duces Tecum* filed December 5, 2019.

The following attorneys appear telephonically: Emmi Blades on behalf of the United States; Carrie Brennan on behalf of the Arizona State Land Department; Colin Campbell and Grace Rebling on behalf of the Hopi Tribe; R. Jeffrey Heilman and Mark McGinnis on behalf of SRP; Jeffrey Leonard on behalf of the Navajo Nation; Bradley Pew on behalf of the LCR Coalition; and Sara Ransom, Lee Storey, and Ethan Minkin on behalf of the City of Flagstaff.

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

The Court states it has received two uncontested motions from the Hopi Tribe for protective orders regarding livestock and economic development. The Court inquires if the parties on the telephone have any objections to the motions.

There being no objections, the Court will sign the proposed form of orders submitted by the Hopi Tribe.

Ms. Ransom argues the City of Flagstaff's Motion for Reconsideration.

Mr. Campbell states that the Hopi Tribe is not taking a position on the City of Flagstaff's Motion for Reconsideration that requests an extended deadline by which to take the deposition of Douglas L. Smith.

The Court inquires if the parties have any objection to the scheduling of oral argument on January 7, 2020 and extending the discovery deadline to allow the 2nd part of the deposition of Mr. Smith to occur on January 15 or January 17, 2020 that will be limited to questions related to any additional portions of the Red Gap Pipeline Feasibility Study that the Court orders the City of Flagstaff to produce pursuant to the Hopi Tribe's *Motion to Compel Jacobs Engineering Group Inc. to Comply with a Subpoena Duces Tecum*.

There being no objections,

IT IS FURTHER ORDERED revising the briefing schedule to be in accordance with the rules of civil procedure. The City of Flagstaff will file its response to the Hopi Tribe's *Motion to Compel Jacobs Engineering Group Inc. to Comply with a Subpoena Duces Tecum* by December 23, 2019.

IT IS FURTHER ORDERED that the reply from the Hopi Tribe will be due January 6, 2020.

The parties will continue with the deposition of Mr. Smith as currently scheduled with regards to materials currently produced. If the City of Flagstaff is required to provide more of the Red Gap Pipeline Feasibility Study then Mr. Smith will be deposed on January 15 or January 17, 2020, as the parties mutually agree, to allow counsel for the Hopi Tribe the opportunity to examine the witness with respect to the additional portion of the Red Gap Pipeline Feasibility Study produced.

Ms. Ransom is instructed to file the entire Red Gap Pipeline Feasibility Study under seal for *in camera* review by the Court.

IT IS FURTHER ORDERED vacating oral argument on December 16, 2019 and resetting oral argument on January 7, 2020 at 2:00 p.m. in the Superior Court of Arizona, Central Court Building, Courtroom 301, 201 West Jefferson Street, Phoenix, AZ 85003-2202. Counsel for the Hopi Tribe and the City of Flagstaff are expected to appear in person.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

1-855-506-9695 (toll free long distance)

Dial Collaboration (conference) Code 357264#

11:49 a.m. Matter concludes.

A copy of this order is mailed to all persons listed on the Court-approved mailing list.