

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

10/23/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER
SUSAN WARD HARRIS

L. Stogsdill
Deputy

FILED: 11/2/2020

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

CV6417-300

In Re: Navajo Nation

In re: Status Conference

MINUTE ENTRY

Central Court Building – Courtroom 301

1:32 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris.

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

The following attorneys appear telephonically:

- Andrew Guarino, Emmie Blades, Rebecca Ross and Cody L.C. McBride for the US Department of Justice
- Kimberly Parks, Glenn Bittner and Aileen McCracken are observing for ADWR
- David A. Brown, Brian Heiserman and Lauren Caster for the LCR Coalition
- Carrie Brennan and Kevin Crestin for the Arizona State Land Department
- Jeffrey Leonard, Kathryn Hoover, Judith Dworkin, Evan Hiller and Candace French for the Navajo Nation
- Phillip Londen and Payslie Bowman for the Hopi Tribe
- Mark McGinnis and John Weldon for SRP
- John Burnside for Arizona Public Service

- Alexandra Arboleda and Lee A. Storey for the City of Flagstaff
- Robyn Interpreter for the Pascua Yaquai Tribe and the San Juan Southern Paiute Tribe

Discussion is held regarding the Navajo Nation's Motion to Extend Non-Trial Deadlines for Phase I. Mr. Leonard requests a 90-day extension of all deadlines, and he explains the reasons in detail to the Court. Mr. Leonard states that the deadlines do not require the trial date to be changed.

The Court advises counsel that if changes to existing deadlines need to be made, it would be preferred to do so now.

The Court notes there is no time reflected in the proposed schedule for the provision of rebuttal reports.

Further discussion is held.

Mr. Londen requested that the Navajo Nation and the United States disclose by the original January 15, 2021 deadline the areas/topics about which their experts will prepare reports to allow the Hopi Tribe to obtain the necessary contracts and funding.

Discussion is held regarding the amount of time needed between the close of discovery and the trial date to file and resolve dispositive motions, motions in limine, and prepare a joint pre-trial statement.

Mr. Guarino states that he anticipates that substantive motions probably will be filed in mid-June to allow enough time after the close of discovery and then responses would be due in July with oral arguments in August 2022.

Mr. Brown points out that responses in Hopi were due 40 days after the motion was filed and replies were due in 20 days. Mr. Leonard and Mr. Guarino agreed that those time periods would be sufficient.

Counsel has no further comments regarding scheduling.

Ms. Parks of ADWR advises the Court that there is a lot of information missing from the documentation ADWR has received from the Navajo Nation, and estimates that it can complete the preliminary HSR on the Navajo Nation's Amended Statement of Claimant for Phase II in March 2022. Ms. Parks says that ADWR does not have the resources to begin work until the Lower Little Colorado and Verde River reports are completed in June 2021.

The Court asks whether Phases 2 and 3 could be combined into a single HSR. Ms. Parks says she need to consult with the Department about whether a combined report is feasible. She also points out that a combined report would save some work in terms of noticing.

The Court directs that the United States, the Navajo Nation and the ADWR to meet by **April 2, 2021** about the possibility of consolidating Phase II and Phase III of the Navajo case.

The Court will set a date in April 2021 for a Status Conference and further discussion is held combining phases 2 and 3 into one HSR.

Discussion is held regarding an issue raised by Ms. Interpreter re: rights of the San Juan Southern Paiute Tribe who does not yet have a recognized reservation. The Court advises counsel that issue is not before the Court at this time.

Mr. Guarino will set up a telephonic conference with the necessary parties regarding the issues raised by Ms. Interpreter within the next 30 days.

2:30 p.m. Matter concludes.

LATER:

IT IS ORDERED that a status conference will be held on **December 4, 2020** at **1:30 p.m.** for the purpose of addressing issues raised by Ms. Interpreter as it pertains to this contested case.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

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

Dial Collaboration (conference) Code 357264#

IT IS FURTHER ORDERED that a status conference will be held on **April 8, 2021** at **1:30 p.m.** for the purpose of determining whether the Phase II and Phase III of this case should be consolidated and setting a schedule that at least includes dates by which ADWR shall file its reports and the dates the parties shall file expert reports and complete discovery.

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

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A copy of this minute entry is provided to all parties on the Court approved mailing list.

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