

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

02/05/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

L. Stogsdill

Deputy

FILED: February 11, 2020

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

CV 6417-203

In re: Hopi Reservation HSR

In re: Oral Argument re: Hopi Motion to Compel
the Navajo Nation to Produce Documents relating
to Future Coal Development at Black Mesa

MINUTE ENTRY

Courtroom: CCB 301

3:30 p.m. This is the time set for Oral Argument regarding the Hopi Motion to Compel the Navajo Nation to Produce Documents relating to Future Coal Development at Black Mesa before Special Water Master Susan Ward Harris.

Court reporter, Lori Thielman is present and a record of the proceedings is made digitally.

The following attorneys appear in person: Carrie J. Brennan for the Arizona Land Department, David A. Brown and Bradley Pew for the LCR Coalition, Jeffrey S. Leonard for the Navajo Nation, Phillip Londen and Grace R. Rebling for the Hopi Tribe.

The following attorneys appear telephonically: Judith M. Dworkin and Evan F. Hillier for the Navajo Nation, Michael K. Foy for the Salt River Project, Lee A. Storey for the City of Flagstaff and Vanessa Boyd Willard for the United States Department of Justice.

The Court outlines the following calendar for the upcoming trial in this matter to be conducted from 8:45 a.m. to 4:45 p.m.:

June 2-5, 2020- Trial
June 9-12, 2020 - Trial
June 16-19, 2020 - Trial
June 22-26, 2020 – Break
June 30-July 2, 2020 –Trial
July 7-10, 2020 – Trial
July 13-31, 2020 – Break
August 4-7, 2020 – Trial
August 10-14, 2020 – Break
August 18-21, 2020 – Trial
August 25-28, 2020 – Trial
September 1-4, 2020 – Trial
September 8-11, 2020 – Break
September 15-18, 2020 –Trial

Oral argument is presented on the motion.

For the reasons stated on the record,

IT IS ORDERED granting the Hopi Motion to Compel the Navajo Nation to Produce Documents relating to Future Coal Development at Black Mesa.

The Court advises counsel that it will draft an Order outlining the documents which the Navajo Nation will need to be provide to comply with the Hopi Tribe’s Motion to Compel.

4:08 p.m. Matter concludes

LATER:

IT IS ORDERED that the Navajo Nation and its Shonto, Kayenta and Hard Rock Chapters shall produce any requests for proposal issued or analysis, reports, or studies received by the Navajo Nation and its Shonto, Kayenta and Hard Rock Chapters concerning the future development of coal resources in the Black Mesa Area that do not concern the Navajo Generating Station. The Navajo Nation and the Shonto, Kayenta and Hard Rock Chapters are not required to produce documents that constitute meeting notes or agendas. Based on the representation of Jeffrey Leonard, counsel for the Navajo Nation, that the Navajo Transitional Energy Company (“NTEC”) is a separate legal entity from the Navajo Nation and its chapters, to the extent that the Hopi Tribe requires similar documents from NTEC, the Hopi Tribe shall subpoena the NTEC.

IT IS FURTHER ORDERED that Melvin Jay and Nancy J. Hatley shall be removed, at their request, from the Court approved mailing list.

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