

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

07/31/2020

CLERK OF THE COURT

SPECIAL WATER MASTER SUSAN WARD
HARRIS

S. Ortega

Deputy

FILED: 08/24/2020

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

CV 6417-300

In re: Navajo Nation

In re: Oral argument re: Hope Tribe's Motion to
Commence Priority Briefing

MINUTE ENTRY

Courtroom: CCB 301

3:00 p.m. This is the time set for Oral Arguments re: The Hopi Tribe's Cross-Motion to Commence Priority Briefing filed May 28, 2020.

The following attorneys appear via GoToMeeting:

- Andrew Guarino for U.S. Department of Justice, Indian Resources Section
- Colin F. Campbell and Phillip Londen for the Hopi Tribe
- Jeffrey S. Leonard, Evan F. Hiller, Judith M. Dworkin, and M. Kathryn Hoover for the Navajo Nation
- David A. Brown, Lauren J. Caster, Brian J. Heiserman, and Bradley J. Pew for LCR Coalition
- Mark A. McGinnis for Salt River Project ("SRP")
- Carrie J. Brennan and Kevin Crestin for Arizona State Land Department
- Lee A. Storey for the City of Flagstaff
- Kimberly R. Parks observing for ADWR
- Robin L. Interpreter for the Pascua Yaqui Tribe; Yavapai-Apache Nation; and San Juan Southern Paiute Tribe

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

Oral argument is presented by the following counsel: Colin Campbell, Andrew Guarino, Jeffrey S. Leonard, Carrie Brennan, and Lauren Caster.

Based upon the arguments presented,

IT IS ORDERED taking this matter under advisement.

3:33 p.m. Matter concludes.

LATER

The Hopi Tribe moved to brief priority issues in *In re Navajo Nation* as a scheduling proposal intended to move the litigation in the Little Colorado River Watershed forward during the period for which it requested a stay the current and future phase of *In re Hopi Reservation HSR*. To date, requested stays of the hearing have been denied. In its reply the Hopi Tribe suggested a number of issues that should be the subject of a focused motion practice to occur simultaneously with a trial expected to continue for more than four months. Given that the *In re Navajo Nation* has already been divided into three phases, each of which will provide opportunities to conduct the discovery, no reason exists to create a fourth phase that will simply result, as counsel for Navajo Nation has represented, in requests for relief under Ariz. R. Civ. P. 56(d).

IT IS ORDERED denying the Hopi Tribe's Cross-Motion to Commence Priority Briefing.

Status Conference

A telephonic status conference shall be held in this matter on **October 23, 2020 at 1:30 p.m.** The sole purposes of this status conference are:

(1) to allow those persons who filed objections to the Navajo Nation HSR and are not parties to *In re Hopi Reservation HSR* to ask procedural questions about *In re Navajo Nation*;

(2) to address any procedural or scheduling issues raised by any party regarding the first phase of *In re Navajo Nation*; and,

(3) to hear from Arizona Department of Water Resources about its anticipated schedule to release a preliminary hydrographic survey report on the second Statement of Claimant that will be filed by the United States and Navajo Nation on October 7, 2020.

Instructions for telephonic participation:

Dial: 602-506-9695 (local)

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

Dial Collaboration (conference) Code 357264#

Court Approved Mailing List

To date, the general mailing list for the Little Colorado River adjudication has served as the mailing list for *In re Navajo Nation*. Now that the Arizona Department of Water Resources has released a hydrographic survey report (HSR) for the Navajo Nation and objections have been filed to the HSR, the court-approved mailing list has been revised. Those persons, not already on the mailing list for the Little Colorado River adjudication, who timely filed an objection to the HSR have been added to the list.

IT IS FURTHER ORDERED that the following persons shall be added to the court-approved mailing list:

Ed Curtis
Michael Greene
Leslie Seaman
Maurine Heisdorffer
Beryl Irely
Pine Forest Well Association
Town of Payson

Those persons who did not request to be added to a mailing list for this case or file an objection to the HSR, but who have been included on the list by virtue of requesting to be on the mailing list for the general adjudication of the Little Colorado River, have been removed.

IT IS FURTHER ORDERED that the following persons shall be removed from court-approved mailing list:

Gregg De Bie
Brad Denton
Dan Heap, President of St. Johns Irrigation Ditch Co.
Douglas Nelson
Jane Marx
Joe Sparks and Laurel Herrmann
K. Russell Romney
Linus Everling and Thomas L. Murphy
Matthew A. Baily
Michael J. Pearce
Paul Orme
Robert S. Lynch

A copy of this order is delivered to the Clerk of the Apache County for filing and distributing a copy to all persons listed on the Court-approved mailing list for this contested case, which is in this single instance includes the names of those persons who have been removed from the court-approved list.