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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF APACHE

IN RE THE GENERAL ADJUDICATION
OF ALL RIGHTS TO USE WATER IN
THE LITTLE COLORADO RIVER
SYSTEM AND SOURCE

Civil Case No. CV6417-300

ORDER SETTING EXPEDITED DATES
FOR RESPONSES AND ORAL
ARGUMENT

CONTESTED CASE NAME: *In re Navajo Nation*

HSR INVOLVED: Navajo Reservation Hydrographic Survey Report.

DESCRIPTIVE SUMMARY: Response date to *Navajo Nation's Motion to Amend Case Management Order to Defer Consideration of Future Population Until Phase II* and *United States' Motion to Amend Case Management Order – Phase I Claims* set for **July 27, 2022**. The date for oral argument is **July 29, 2022**.

NUMBER OF PAGES: 4

DATE OF FILING: July 19, 2022

The United States filed a *Motion to Amend Case Management Order – Phase I Claims* and the Navajo Nation filed a *Motion to Amend Case Management Order to Defer*

1 *Consideration of Future Population Until Phase II.* The Navajo Nation requested expedited
2 consideration of its Motion.

3 Numerous amendments have been made to the original Case Management Order
4 entered in this case in 2016. Originally this case was scheduled to be tried in three phases as
5 follows:

6 **Phase I:** Historic, present and future stock ponds, stock and wildlife watering,
7 domestic, commercial, municipal and industrial (collectively “DCMI”) water uses on the
8 Navajo Reservation.
9

10 **Phase II:** Historic, present and future cultural, unique tribal, recreational, fish,
11 wildlife, conservation, mining, and heavy industrial/commercial uses on the Navajo
12 Reservation.
13

14 **Phase III:** Historic, present and future irrigation uses on the Navajo Reservation and
15 all water uses on land in the Little Colorado River Basin outside the boundaries of the Navajo
16 Reservation held in fee by the Navajo Nation or in trust by the United States for the Navajo
17 Nation.
18

19 The Case Management Order was subsequently amended on March 15, 2021, to permit
20 discovery and evidence of Anthropology of pre-Columbian Dine’ Presence in the Little
21 Colorado River Basin; Historical Analysis of Navajo/U.S. Government Relations; and
22 Reservation Formulation Analysis to be conducted and presented in Phase II. On March 16,
23 2022, the parties filed a Stipulation Re: Scheduling Litigation and agreed to consolidate Phases
24 II and III into a single phase. On March 30, 2022, an Order was entered approving the parties’
25 stipulation regarding the quantification of livestock and wildlife watering.

26 The Navajo Nation, joined by the United States, now moves to amend the Case
27 Management Order to defer consideration of future population of the Navajo Reservation until
28

1 Phase II of this case. Presumably the delayed consideration of future population requires a
2 delayed consideration of future DCMI, assuming that the Navajo Nation intends to establish
3 future DCMI as a function of future population. Thus, if the motion filed by the Navajo Nation
4 were granted, Phase I could entail: Present domestic, commercial, municipal and industrial
5 (collectively "DCMI") water uses on the Navajo Reservation, places of use and points of
6 diversion for present and future stock and wildlife watering, and, present and future water uses
7 for stockponds. The parties shall be prepared to address the issues that would be resolved in
8 Phase I if the Navajo Nation's Motion were to be granted.
9

10 **IT IS ORDERED** that the Navajo Nation shall file a proposed Restated Case
11 Management Order consistent with its Motion by **July 22, 2022**. The proposed Restated Case
12 Management Order would supersede the original Case Management Order and all amendments
13 that have been made to the Case Management Order.
14

15 **IT IS FURTHER ORDERED** that the Responses to both Motions shall be filed on
16 **July 27, 2022**.

17 **IT IS FURTHER ORDERED** that oral argument on the Motions shall be held on **July**
18 **29, 2022, at 1:30 p.m.** The Status Conference shall be conducted on Court Connect in
19 accordance with the instructions attached.
20

21 

22 Susan Ward Harris
23 Special Master

24 On July 19, 2022, the original of the foregoing was
25 delivered to the Clerk of the Apache County Superior
26 Court for filing and distributing a copy to all persons
27 listed on the Court-approved mailing list.

28 
Emily Natale



Court Connect Hearing Notice for In re Navajo Nation

This hearing will be conducted through the new Court Connect program offered by the Superior Court of Arizona in Maricopa County. This new and innovative program allows Court participants to appear online, rather than in a physical courtroom. Hearings are preferably conducted by videoconference but can also be conducted by phone. Lawyers (and self-representing litigants) are responsible for distributing this notice to anyone who will be appearing on their behalf.

All participants must use the JOIN COURT CONNECT HEARING button or the dial in information below to participate.

Participants: Please follow the steps below to participate in the remote proceeding.

1. Click the JOIN COURT CONNECT HEARING button below.
2. Enter your full name and role in name field.
3. Wait for the facilitator to admit you to the proceeding.

Remember to keep this email handy so you can use it to participate in the following proceeding.

Case Name: In re Navajo Nation, Case CV6417-300

Start Date/Time: July 29, 2022 at 1:30 p.m.

JOIN COURT CONNECT HEARING

Dial-in Information: +1 917-781-4590

Private Dial-in Information: for privacy purposes, you can block your phone number by dialing *67 +1 917-781-4590

Dial-in Access Code: 688 970 203#

Tiny URL: <https://tinyurl.com/specialwatermaster>

To ensure an optimal experience, please review the brief Court Connect training prior to the hearing: [Here](#)

