

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

10/21/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

S. Ortega

Deputy

FILED: 10/26/2020

In re:
Contested Case No. 6417-203

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

In re: Trial to Court

**TRIAL MINUTE ENTRY
DAY 20**

Courtroom: CCB 301

9:00 a.m. Trial to the Court continues from October 20, 2020.

The following attorneys and parties appear remotely via GoToMeeting: Colin Campbell, Grace Rebling, Phillip Londen, Payslie Bowman, and Frederick Lomayesva for the Hopi Tribe; Vanessa Boyd Willard, Cody McBride, Emmi Blades, and Rebecca Ross for the United States Department of Justice, Indian Resources Section; Sarah Foley for the United States Department of the Interior; Brian J. Heiserman, David A. Brown, Lauren J. Caster, and Bradley J. Pew for LCR Coalition; Mark A. McGinnis for the Salt River Project; Carrie J. Brennan and Kevin Crestin for the Arizona State Land Department; Lee A. Storey, Sara Ransom, Alexandra Arboleda, and Ethan B. Minkin for the City of Flagstaff; and Jeffrey S. Leonard, Judith M. Dworkin, Evan F. Hiller, and Kathryn Hoover for the Navajo Nation.

Court Reporter, Scott Coniam, is present. A record of the proceedings is also made digitally.

Procedural matters are discussed including a follow up on Dr. Hanamann's October 7, 2020 testimony. Mr. Campbell objects to the impeachment of Dr. Hanamann's testimony and to marking the deposition transcript as an exhibit. Mr. Campbell would like Dr. Hanemann's deposition testimony read on the record as per the rules.

The issue as the court recalls dealt with whether or not Professor Hanemann had changed his opinion between the deposition and the trial testimony. The Court will address this issue further after Mr. Pew's cross-examination of the witness.

Hopi Tribe's case continues.

Dr. William Michael Hanemann, having been previously sworn, is recalled as a witness and testifies further.

Portions of the deposition of Dr. William Michael Hanemann are read on the record.

LCR exhibits 313, 315 and 317 are received in evidence.

Mr. Campbell motions the Court to allow Hopi Tribe to add potential exhibits 4592 and 4592A as trial exhibits. Objections are made.

LET THE RECORD REFLECT that counsel for the Hopi Tribe shall provide copies of the proposed exhibits to opposing counsel for review. The issue will be discussed further during trial on Monday, October 26, 2020.

10:31 a.m. Court stands at recess.

10:45 a.m. Court reconvenes with respective counsel present.

Court Reporter, Scott Coniam, is present. A record of the proceedings is also made digitally.

Dr. Hanemann continues to testify.

City of Flagstaff exhibit 26 is received in evidence.

LET THE RECORD REFLECT that the Court experiences technical issues from 10:54 a.m. – 10:58 a.m.

The witness is excused.

Discussion is held regarding Hopi Tribe's motion regarding COVID-19 funding which the Court previously granted.

The Court directs Mr. Campbell to schedule a conference call between the parties to discuss the matter further and to provide a summary of the information to the parties so that the parties can make informed decisions about what position they want to take.

Mr. Brennan requests that Mr. Campbell provide the parties with a written summary of Mr. Ance's expected testimony. Mr. Campbell states that he will send an email to the parties.

11:32 a.m. The matter stands at recess until **Thursday, October 22, 2020 at 9:00 a.m.**

A copy of the minute entry will be sent to all parties on the Court approved mailing list.