

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

10/13/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

A. Parmar

Deputy

FILED: October 16, 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

MINUTE ENTRY

TRIAL TO COURT DAY 15

Courtroom: CCB 301

9:00 a.m. Trial to the Court continues from October 8, 2020.

The following attorneys and parties appear 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, 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
- Jeffrey S. Leonard, Judith M. Dworkin, Evan F. Hiller, and Kathryn Hoover for the Navajo Nation

Court Reporter, Diane Donoho, is present. A record of the proceedings is also made digitally.

9:02 a.m. The Court stands in recess to allow Counsel for the Hopi Tribe to log back into the GotoMeeting due to audio issues.

9:04 a.m. The Court reconvenes with the parties and counsel present.

Court Reporter, Diane Donoho, is present. A record of the proceedings is also made digitally.

Witness, David Keith Luneke, is sworn.

Counsel for Hopi Tribe moves for the admission of LCRC's exhibits 215, 216, 228 through 230, 232, 257, 269, 278, 308, 309, 310, 550, 565, 1136, 1137, 1140 through 1142 and 1150.

Counsel for the Navajo Nation objects to the admission of exhibits without witness testimony. Counsel for City of Flagstaff joins the objection. Counsel for LCR Coalition and Arizona State Land Department state no objection. Counsel for SRP objects to LCRC's exhibit 550 for lack of foundation and hearsay.

Discussion is held regarding the admission of the exhibits.

LET THE RECORD REFLECT that the Court will review whether it is proper to admit the exhibits without witness testimony and rule on the admission of the above exhibits at a later time.

Upon motion of counsel for the Hopi Tribe, the Hopi Tribe's exhibits 4277, 4279, 4280 and 4584 are received in evidence.

David Keith Luneke testifies.

Hopi Tribe's exhibit 4282 is received in evidence.

Upon motion of counsel for the Hopi Tribe, LCRC's exhibits 547, 1136 and 1137 are received in evidence.

10:30 a.m. The Court stands at recess.

10:45 a.m. The Court reconvenes with the parties and counsel present.

Court reporter, Diane Donoho, is present and a record of these proceedings is made digitally.

David Keith Luneke testifies further.

LET THE RECORD REFLECT that Counsel for United States Department of Justice experiences technical issues from 11:15 a.m. – 11:16 a.m. Counsel for LCR Coalition is directed to repeat the question.

11:59 a.m. The Court stands at recess.

1:30 p.m. The Court reconvenes with the parties and counsel present.

Court reporter, Robin Bobbie, is present and a record of these proceedings is made digitally.

David Keith Luneke testifies further.

3:00 p.m. The Court stands at recess.

3:15 p.m. The Court reconvenes with the parties and counsel present.

Court reporter, Robin Bobbie, is present and a record of these proceedings is made digitally.

Counsel for LCR Coalition moves for the admission of LCRC's exhibits 237, 548, 549 and 551.

Counsel for the Hopi Tribe objects to exhibits 549 and 551 under Rule 403, but states no objection to 237 and 548. No objections are stated by the other parties.

Over the Hopi Tribe's objection,

LCRC's exhibits 237, 548, 549 and 551 are received in evidence.

David Keith Luneke testifies further.

Upon motion of Counsel for the Hopi Tribe, LCRC's exhibits 215, 230, 543 and 550 are received in evidence.

In regards to the exhibits offered this morning by Counsel for the Hopi Tribe,

LET THE RECORD REFLECT that counsel for the United States Department of Justice waive their objection. Counsel for the City of Flagstaff states to the Court that LCRC's exhibits 1140 through 1142 are duplicates of the Hopi Tribe's exhibits 4333 through 4335, for which objections were made in the joint pretrial statement. Counsel for the Hopi Tribe states he was not given notice that there were any objections to LCRC's exhibits 1140 through 1142. The Court finds that Counsel was given notice due to the objections to the Hopi's duplicative exhibits, 4333 through 4335. The Court will address the admission of LCRC's exhibits 1140 through 1142 at the continuation of trial tomorrow.

Upon motion of counsel for the Hopi Tribe, LCRC's exhibits 216, 228, 229, 232, 257, 269,278, 308 through 310, 565 and 1150 are received in evidence.

LET THE RECORD REFLECT the Counsel for the Navajo Nation states an objection to LCRC's exhibits 1136 and 1137 as they are duplicates of the Hopi Tribe's exhibits 4341 and 4342; however, these exhibits were already admitted during Mr. Luneke's testimony earlier without any objection.

4:49 p.m. The matter stands at recess until Wednesday, October 14, 2020 at 9:00 a.m.

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