

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

12/14/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

A. Parmar

Deputy

FILED: January 8, 2021

In re Hopi Reservation HSR
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 37

Courtroom: CCB 301

9:01 a.m. Trial to the Court continues from December 10, 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, Jovanna Roman, is present. A record of the proceedings is also made digitally.

Discussion is held regarding Hopi Tribe's exhibits 4522 through 4526. Counsel for the Hopi Tribe reflects that the way the exhibits were offered are how the original records are maintained and are not signed. The Court will address the admission of the exhibits after the lunch break.

Witness, Judy Chang, is sworn.

LCRC's exhibit 134 is received in evidence.

Judy Chang testifies.

10:10 a.m. The Court stands in recess to resolve the technical issues.

10:23 a.m. The Court reconvenes with all parties and counsel present.

Court reporter, Jovanna Roman, is present and a record of these proceedings is made digitally.

Judy Chang testifies further.

10:50 a.m. The Court stands in recess.

11:05 a.m. The Court reconvenes with all parties and counsel present.

Court reporter, Jovanna Roman, is present and a record of these proceedings is made digitally.

Judy Chang testifies further.

Counsel for SRP objects to Ms. Chang's testimony regarding social cost benefit methodology/analysis in accordance with the Court's *Order re: Salt River Project's Motion in Limine to Preclude Testimony or Other Evidence Concerning Social Cost-Benefit Analysis* dated August 6, 2020. Counsel for the United States Department of Justice argues that the order does not preclude testimony regarding how the US government analyzes the feasibility of a project. Counsel for LCRC and Hopi Tribe joins SRP in objection, arguing that it falls within the scope of the prior order. The objection is sustained.

Upon motion of counsel for the United States Department of Justice, LCRC's exhibit 1124 is tendered as an offer of proof. Objections to the exhibit are waived and LCRC's exhibit 1124 is received in evidence as an offer of proof.

Upon motion of the United States Department of Justice, LCRC's exhibit 1125 is received in evidence.

12:02 p.m. The Court stands in recess.

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

Court reporter, Luz Franco, is present and a record of these proceedings is made digitally.

Discussion is held regarding exhibits.

Hopi Tribe's exhibits 4521 through 4526 are received in evidence.

Counsel for Hopi Tribe moves to offer LCRC's exhibit 1124 into evidence. The Court will rule once counsel have had a chance to review this and other possible duplicate exhibits.

Judy Chang testifies further.

Counsel for the United States Department of Justice moves to offer LCRC's exhibit 1126. Counsel for LCRC reflects that the exhibit is also offered as Hopi Tribe's exhibit 4216 and asserts their objection on relevance. City of Flagstaff and ASLD join the objection. The objection is sustained and LCRC's exhibit 1126 is not received in evidence. Counsel for Hopi Tribe asks to admit the exhibit as an offer of proof and is directed to offer the exhibit at the time of his questioning.

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

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

Court reporter, Luz Franco, is present and a record of these proceedings is made digitally.

Judy Chang testifies further.

LET THE RECORD REFLECT that there is dispute regarding Hopi Tribe's exhibits 4301 through 4303. The parties agree to pick up the discussion on the exhibits during the continuation of Ms. Chang's testimony.

Discussion is held regarding witness scheduling and availability. By agreement of the parties, Ms. Chang will continue her testimony on Wednesday, December 16, 2020 at 9:00 a.m. Mr. Brophy will be rescheduled to testify after Ms. Chang on Wednesday and Thursday morning if necessary.

4:45 p.m. The matter stands at recess until Tuesday, December 15, 2020 at 9:00 a.m.

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