

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

05/07/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

L. Stogsdill

Deputy

FILED: May 14, 2020

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

CV 6417-203

In re: Hopi Reservation HSR

In re: Oral Argument re: pending Motions for
Partial Summary Judgment.

MINUTE ENTRY

Courtroom: CCB 301

9:48 a.m. This is the time set for Oral Argument before Special Water Master Susan Ward Harris.

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

The following attorneys appear telephonically: Judith M. Dworkin, M. Kathryn Hoover, Jeffrey S. Leonard and Evan F. Hillier for the Navajo Nation, Lee A. Storey, Alexandra Arboleda and Sara Ransom for the City of Flagstaff, Vanessa Boyd Willard, Cody McBride, Sarah Foley and Emmie Blades for the United States Department of Justice, Carrie Brennan for the Arizona State Land Department, David A Brown, Brian J. Heiserman, Lauren J. Caster and Bradley J. Pew for the LCR Coalition, Colin F. Campbell, Grace R. Rebling and Philip Londen for the Hopi Tribe, John B. Weldon, Jr., Patrick B. Sigl and Mark A. McGinnis for SRP. Kimberly Parks is observing for ADWR.

Vanessa Boyd Willard requests that several deadlines scheduled for the week of May 18, 2020 be extended, based on the trial date being moved out, including the deadline for the proposed water right decrees and submission of the exhibit list that is a part of the Joint Pre-Trial Statement.

IT IS ORDERED granting the requested extensions for submission of the proposed water right decrees and of the exhibit list to **June 23, 2020**.

The Court suggests that counsel consider the Hopi Tribe's earlier proposal to organize the trial by topic due to possible interruptions that may be necessitated by changing court protocols adopted in response to the COVID-19 pandemic. The matter will be further discussed at the pretrial conference scheduled for **May 19, 2020**.

Discussion is held regarding requests for oral argument that were not included when Motions in Limine were filed.

Oral argument is held on United States' Motion for Partial Summary Judgment on the Attributes Required to Establish an Indian Reservation's Federal Reserved Water Rights as well as the Joinders therein. Argument is presented by Cody McBride, Colin Campbell, Mark McGinnis, M. Katheryn Hoover, Brian Heiserman and Alexandra Arboleda.

Oral argument is presented on LCR Coalition's Motion for Entry of Order Regarding the Attributes Necessary for Adjudication of Federal Reserved Water Rights and the Joinders therein. Argument is presented by Brian Heiserman, Mark McGinnis, Cody McBride, Colin Campbell, M. Katheryn Hoover and Alexandra Arboleda.

Oral argument on the City of Flagstaff's Motion for Partial Summary Judgment on DCMI Claims. Argument is presented by Sara Ransom, Cody McBride, Brian Heiserman, Philip Londen and Evan Hiller.

12:00 p.m. The Court stands at recess.

1:00 p.m. The Court reconvenes with all previous counsel present.

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

Oral argument on the City of Flagstaff's Motion continues.

Oral argument is presented on LCR Coalition's Motion for Partial Summary Judgment Regarding the Hopi Tribe's Contention that the 1996 Act created an Easement for the Movement of Water off the Hopi Newly Acquired Ranches and the Joinders therein. Argument presented by Lauren J. Caster, Jeffrey Leonard, Colin Campbell, A. Lee Storey and Vanessa Boyd Willard.

Oral argument is presented on LCR Coalition's Motion for Partial Summary Judgment Regarding the Hopi Tribe's Claims to Water for Agriculture and Ceremonial and Subsistence Gardening and the Joinders therein. Argument is presented by Bradley Pew, A. Lee Storey, Vanessa Boyd Willard, Grace R. Rebling and Evan Hiller.

Oral argument is presented on LCR Coalition's Motion for Partial Summary Judgment Regarding the Contention that the United States Has an Enforceable Obligation to Construct or Fund Water or Economic Development Projects for the Hopi Reservation and the Joinders therein. Argument is presented by Lauren Caster, Vanessa Boyd Willard, A. Lee Storey, Jeffrey Leonard and Colin Campbell.

LET THE RECORD REFLECT that oral argument on the two remaining motions: (1) LCR Coalition's Motion for Partial Summary Judgment Regarding the United States' Claim to Water for Electrical Generating Plant on the Hopi Reservation and, (2) LCR Coalition's Motion for Partial Summary Judgment Concerning the Feasibility Standard Under Gila V, will be held telephonically on **May 15, 2020 at 1:30 p.m.** in this division.

At the conclusion of the May 15, 2020 oral argument, all of the motions will be deemed under advisement.

4:30 p.m. Matter concludes.

LATER: Instructions for telephonic participation:
 Dial: 602-506-9695 (local)
 1-855-506-9695 (toll free long distance)
 Dial Collaboration (conference) Code 357264#

A copy of this order is mailed to all person listed on the Court approved mailing list.