

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

08/24/2021

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

L. Stogsdill

Deputy

FILED: 9/01/2021

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: Hopi Motion to Compel
the Navajo Nation to Produce Documents relating
to Future Coal Development at Black Mesa

MINUTE ENTRY

Courtroom: CCB 301

1:30 p.m. This is the time set for a Status Conference before Special Water Master Susan Ward Harris re: the upcoming site visit.

A record of the proceedings is made digitally.

The following attorneys appear telephonically:

- Colin Campbell and Phillip London appear on behalf of the Hopi Tribe
- Rebecca Ross appears on behalf of the United States Department of Justice, Indian Resources Section
- Brad Pew and David Brown on behalf of the LCR Coalition
- Carrie Brennan and Kevin Crestin on behalf of the Arizona State Land Department
- Mark McGinnis and John Weldon on behalf of Salt River Project
- Lee Storey on behalf of the City of Flagstaff
- Jeffrey Leonard, Evan Hiller, Judy Dworkin, and Kathryn Hoover on behalf of the Navajo Nation

- Robin Interpreter observing on behalf of San Juan Southern Paiute Tribe and the Yavapai Apache Nation

Discussion and protocol is held regarding the upcoming site visit to the Hopi Nation.

Mr. Campbell confirms that the Hopi Nation is ready to move forward with the site visit as planned and further advises the Court and counsel that they will be meeting at the Tuuvia Travel Center. Mr. Campbell further advises that there is a schedule prepared for both days of the site visit. Max Taylor, who works for the Hopi water department, will be leading the site visit.

The Court confirms that Court will comply with the Covid mandates the Hopi Tribe has in place.

Mr. Leonard questions the reasons and need for the proposed visit as evidence is closed and the trial is over. He also questions what Covid protocols are currently in place on the Hopi Reservation.

Brad Pew will be attending on behalf of the LCR Coalition has no objections to the trip but would like confirmation that any information obtained during the site visit won't become part of the record in this matter and that the protocols earlier agreed upon by the parties will be in effect.

The Court confirms that no information from the site visit will be treated as additional evidence to be considered in this matter.

Ms. Ross has no objections and agrees with the suggested protocols.

Mr. Weldon will be attending the visit on the trip on behalf of SRP. Mr. McGinnis said that if possible if his trial scheduled for the following week does not proceed, he would also like to attend the site visit.

Ms. Brennan questions if a 4-wheel drive vehicle is required and asks about the lodging at the Hopi Cultural Center. Mr. Campbell said that a 4-wheel drive vehicle is not necessary.

Mr. Campbell confirms that rooms are reserved for counsel.

Ms. Storey shares the previously discussed Covid concerns. She questions the provision of any lay testimony that may occur during the visit and also agrees that it should not be considered as additional evidence in this matter.

Mr. Campbell confirms that the case cannot be discussed during the visit.

Lunch and dinner plans are briefly discussed.

Mr. Leonard continues to object to the need for the onsite visit given the Covid pandemic.

There are no further objections from counsel.

IT IS ORDERED affirming the onsite visit of the Hopi Nation to begin at **8:00 a.m. on September 9, 2021.**

2:01 p.m. Matter concludes.

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