

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

12/03/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

S. Ortega

Deputy

FILED: 12/10/2020

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

TRIAL TO COURT – DAY 32

Courtroom: CCB 301

9:00 a.m. Trial to the Court continues from December 2, 2020.

The following attorneys and parties appear via GoToMeeting:

- Colin Campbell, Grace Rebling, Phillip Londen and Payslie Bowman 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 and Hannah Woner 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 Teri Veres is present. A record of the proceeding is also made digitally.

Discussion is held regarding the Hopi interpreter. The Court reads the interpreter's corrections on the record from yesterday's interpretation of Bill Preston's response

regarding the size of his field. The Court also informs counsel of the Court Interpretation and Translation Services' decision regarding the interpreter's notes.

IT IS ORDERED reversing the Court's decision of December 2, 2020. The interpreter's notes will not be made available to the parties.

Ms. Ransom objects to the Court's ruling and requests the Court's reconsideration.

IT IS FURTHER ORDERED denying the City of Flagstaff's request to reconsider the Court's ruling.

Discussion is held regarding the virtual platform for trial moving forward. For the reasons stated on the record, the trial will continue through completion using the GoToMeeting platform.

Ms. Ransom outlines a Rule 52(c) motion proposed briefing schedule.

Mr. McGinnis, Mr. McBride, Ms. Brennan, and Mr. Heisermann have no objections to the City's briefing schedule.

Mr. Campbell objects to the schedule and requests 30 days after the end of the trial to respond to the City's Rule 52(c) motions.

The Court will review the proposed schedule further during the break.

Mr. Campbell addresses Hopi Tribe's exhibits 1026, 4411 and LCR Coalition's exhibit 627.

Discussion is held regarding redaction issues on the Jordan and Brophy expert reports. The Court directs Mr. Campbell to submit the proposed redactions to the Court's division by **Friday, December 4, 2020**. The Court will hold oral argument on **December 7, 2020** prior to the start of trial.

Hopi Tribe's case continues.

Timothy Nuvangyaoma is sworn and testifies.

9:22 a.m. Court stands at recess due to technical issues.

9:30 a.m. Court reconvenes with respective counsel present.

Court Reporter Teri Veres is present. A record of the proceeding is also made digitally.

Timothy Nuvangyaoma continues to testify.

Hopi Tribe exhibits 4455, 4456, 4457, 4460, 4464, 4465, 4466, and 4480 are received in evidence.

10:41 a.m. Court stands at recess.

10:56 a.m. Court reconvenes with respective counsel present.

Court Reporter Teri Veres is present. A record of the proceeding is also made digitally.

Further discussion is held regarding the proposed briefing schedule on the Rule 52(c) motion.

Hopi Tribe exhibit 4459 is received in evidence.

Timothy Nuvangyaoma continues to testify.

The witness is excused.

Hopi Tribe rests.

The Court will further address the issues on the Rule 52(c) motion on December 7, 2020.

The Court will issue a separate minute entry regarding LCR exhibit 627 and Hopi Tribe exhibits 1026 and 4411.

11:33 a.m. Court stands at recess until **Monday, December 7, 2020 at 9:00 a.m.**

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