

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

10/5/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

S. Motzer

Deputy

FILED: October 9, 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 11

Courtroom: CCB 301

9:00 a.m. Trial to the Court continues from October 1, 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 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, Scott Coniam, is present. A record of the proceedings is also made digitally.

Discussion is held regarding procedural matters.

Counsel for the Hopi Tribe moves to admit exhibit 4590.

Discussion is held regarding exhibit 4590.

Counsel for the City of Flagstaff, LCR Coalition, and the Navajo Nation state that they will need additional time to view said exhibit.

The Court states that this will be addressed at a later time.

Counsel for the Hopi Tribe states that an incorrect exhibit has been received in evidence, and that it can be addressed when the witness, Todd Umstodt, testifies.

Counsel for the Hopi Tribe moves to limit cross examination of state objectors on the grounds that they do not have standing to challenge water used from the D and N Aquifers.

Counsel for the Navajo Nation and SRP object. Counsel for the United States needs additional time to consider its position.

LET THE RECORD REFLECT that counsel for the Hopi Tribe will brief its oral motion no later than October 9, 2020.

Hopi Tribe's case continues:

Counsel for the Hopi Tribe moves to admit exhibit 4417 in evidence.

Over the objection of counsel for the United States,

Hopi Tribe's exhibit 4417 is received in evidence.

Hopi Tribe's exhibit 4419 is received in evidence.

David Arthur Swanson is sworn and testifies.

Hopi Tribe's exhibits 4420 and 4422 are received in evidence.

Counsel for the Arizona State Land Department moves to strike the testimony of Dr. Swanson concerning the Lummi report.

Counsel for SRP, City of Flagstaff, and LCRC join the oral Motion to Strike.

Arizona State Land Department's oral Motion to Strike is granted.

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

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

Court reporter, Scott Coniam, is present and a record of these proceedings is made digitally.

David Arthur Swanson continues to testify.

Upon motion by counsel for the Hopi Tribe, LCRC's exhibits 1188, 1189, 1190, 1191, and 1192 are received in evidence.

David Arthur Swanson is excused.

Discussion is held regarding trial matters.

11:59 a.m. The matter stands at recess until Tuesday, October 6, 2020 at 9:00 a.m.

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