

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

11/29/2017

CLERK OF THE COURT
Form V000

SPECIAL MASTER
SUSAN WARD HARRIS

S. Brown
Deputy

FILED: 12/14/2017

In Re The General Adjudication
Of All Rights to Use Water in the
Little Colorado River System and Source

CV 6417

In re: Oral Argument on the Hopi Tribe's
Proposed Procedure

In re: Hopi Reservation HSR
Contested Case No. CV6717-203

MINUTE ENTRY

Courtroom – 301 Central Court Building

1:29 p.m. This is the time set for Oral Argument before Special Master Susan Ward Harris on the Hopi Tribe's proposed procedures and deposition guidelines. The following attorneys appear in person: Colin Campbell, Grace Rebling, and Phillip Londen on behalf of the Hopi Tribe; Gregory Adams and David Brown on behalf of the LCR Coalition; Alexandra Arboleda and Jaclyn Foutz on behalf of the City of Flagstaff; Theresa Craig on behalf of Arizona Attorney General's Office; Jeffrey Leonard and Judith Dworkin on behalf of the Navajo Nation; Jeff Heilman and Mark McGinnis on behalf of SRP; and Megan Tracy on behalf of APS.

Appearing telephonically are counsel Christina Sheehan on behalf of Atkinson Trading Company; Cody McBride on behalf of the U. S. Department of Justice; Scott McElroy and Kate Hoover on behalf of the Navajo Nation; Susan Montgomery on behalf of the Pascua Yaqui Tribe and Yavapai-Apache Nation; and Joe Sparks on behalf of the San Carlos Apache Tribe and Tonto Apache Tribe.

Court reporter, Mike Benetiz, is present and a record of the proceedings is also made digitally.

Mr. Campbell updates the Court on the progress of the scheduling of depositions and the remaining dispute as to the allocation of time for the depositions. Mr. Brown and Mr. Leonard present their respective positions on this issue.

On the parties' agreement to extend the discovery deadline to March 23, 2018, and there being no objections,

IT IS ORDERED extending the discovery deadline to March 23, 2018. The parties are advised that the extension of this deadline will not extend the deadline for the filing of dispositive motions.

The Court will issue an order regarding the deposition guidelines using Mr. Campbell's proposal as the model along with the LCR Coalition changes and changing paragraph 1 to address the Navajo concerns. The Court will leave in the provision that counsel will act reasonably in allocating time for depositions.

Pretrial Guidelines have been filed by the Hopi Tribe and the Navajo Nation. Mr. Campbell addresses the Court regarding the filing of joint pretrial statements and the procedure for marking exhibits which will be done by the Apache County Clerk's Office.

The Court advises that the Apache County Clerk's Office is reviewing how to handle the exhibits and is likely to accept the procedures of the Maricopa County Clerk's Office regarding exhibits for these types of cases. A conference will be set after discovery is completed to address exhibit procedures in this case.

Mr. Leonard addresses the court regarding the Navajo's concerns about trial management issues and the scope of the trial, trial testimony, and subsequent proceedings on future use of current testimony.

Mr. Campbell verifies that the Hopi tribe's position is not inconsistent with what the Navajo Nation has requested, and that this issue is addressed specifically in their guidelines.

Ms. Arboleda addresses the Court regarding the City of Flagstaff. There being no objection by the Hopi Tribe to the participation of The City of Flagstaff,

IT IS ORDERED permitting the late filing by the City of Flagstaff of its disclosure statement.

The Hopi tribe has filed a proposed field visit for September. The Court would prefer the visit occur in June or August. Discussion ensues regarding the LCR Coalition's concerns about the site visits including timing and historical witnesses.

Counsel are in agreement they will schedule a conference to address this issue. Any objections remaining after counsel confer shall be filed prior to the March pretrial conference.

Mr. Campbell addresses the Court regarding how to obtain Hopi translators for trial and the procedure for Hopi translators becoming certified in Superior Court. Counsel are directed to file the appropriate motions regarding translators but no responses are to be filed at this time.

1:57 p.m. Matter concludes.

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