

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

12/9/2020

CLERK OF THE COURT
FORM V000

SPECIAL WATER MASTER SUSAN WARD
HARRIS

S. Motzer

Deputy

FILED: 01/05/2021

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 35

Courtroom: CCB 301

9:00 a.m. Trial to the Court continues from December 8, 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, Diane Donoho, is present. A record of the proceedings is also made digitally.

Discussion is held regarding the Rule 52(c) Motion the City of Flagstaff wishes to file. The Court states that under both A.R.S. §45-254 and §14 of the Rules before the

Special Master, an obligation exists to enter findings of fact and conclusions of law, which would also be required in a decision on a Rule 52(c) motion. As a result there will be findings of fact and conclusions of law even in the absence of a Rule 52(c) motion. Additionally, this case has already been divided into three parts and it should not be divided further, which a Rule 52(c) decision could do. Instead, the court stated that the intent is to prepare one comprehensive report on the case that will be taken up for review. Consequently, discretion is being exercised under Rule 52 to not permit the City of Flagstaff to file a Rule 52(c) motion.

John Leeper is sworn and testifies.

Navajo exhibits 762, 763, and 761 are received in evidence.

LCR exhibit 901 is received in evidence.

10:31 a.m. The Court stands at recess.

10:47 a.m. The Court reconvenes with the parties and counsel present.

Court reporter, Diane Donoho, is present and a record of these proceedings is made digitally.

John Leeper continues to testify.

Navajo exhibit 760 is received in evidence.

Hopi exhibit 4597 is received in evidence.

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

1:30 p.m. The Court reconvenes with the parties and counsel present.

Court reporter, Teri Veres, is present and a record of these proceedings is made digitally.

John Leeper continues to testify.

Over the objection of counsel for City of Flagstaff, Navajo exhibit 597 is received in evidence.

3:01 p.m. The Court stands at recess.

3:15 p.m. The Court reconvenes with the parties and counsel present.

Court reporter, Teri Veres, is present and a record of these proceedings is made digitally.

John Leeper continues to testify.

LCR exhibit 903 is received in evidence.

Mr. Pew discussed two demonstrative exhibits, which are maps, that the LCR Coalition intends to mark and move for admission of evidence. He stated that the exhibits have not yet been submitted to the clerk.

4:33 p.m. Matter concludes.

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