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**FOR IMMEDIATE RELEASE**  
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### **Hopi LCR Trial- -Second Week**

The Hopi Little Colorado River water rights trial continued into its second week on September 18, 2018.

The week began with the continuing testimony of Chris Banet who is the BIA official overseeing Indian Water Right trials and settlements in the Southwest. Mr. Banet testified about water used by Peabody Coal in its mining operations, and how their water use (currently 1225-acre feet a year) should be split between the Hopi Tribe and the Navajo Nation. Currently, water payments are paid 50/50 to the Hopi Tribe and the Navajo Nation, regardless of where water wells are located. The U.S. Government wants to split the water Peabody uses between the Navajo Nation and Hopi Tribe based on land ownership, including the joint ownership of the Partitioned Land minerals. That split would give the Hopi Tribe a little over 30% of the water Peabody uses. The Hopi Tribe is arguing the payments are due to contract, and the Court should not interfere with the contract. If it is going to split the water payments, they should be split according to the contract, 50/50.

Chris Banet also testified as to water for livestock. All the parties agree that it takes 20 gallons of produced water a day to water livestock. Based on the highest number of livestock on the Reservation books, which was 1997, the U.S. Government is asking for 346-acre feet of water for livestock.

Paul Hamei next testified for the U.S. Government. His subject was the maximum amount of water the Hopi Tribe used in the past for domestic, commercial, municipal and industrial uses. This is known as "DCMI." He testified to historic amounts the Hopi Tribe's municipal wells had taken from the N

aquifer, the amounts Moencopi had taken from the C aquifer, and the amounts that Hopi People had hauled from various other sources to their homes. The total is about 581-acre feet.

Finally, the U.S. Government called the first of three witnesses who will testify as to the amount of surface water that the Hopi Tribe has taken from the Northern Washes for traditional agriculture. Brent Cody, a hydrologist consultant for the government, ran a USGS computer model to model the surface run-off from 1949 to 2014 in the Northern Washes. Hopi's lawyer criticized his failure to consider the much deeper historical past of the Hopi Tribe; and his oversight at running a model when for much of the period the Hopi Reservation was in drought.

The Court made a significant ruling this week which will greatly shorten the trial. Prior to trial, the Court was hesitant to let in expert reports and wanted them brought in by direct examination of the witness. The Court reversed course and has adopted the following procedure: the expert report will come into evidence with only brief testimony from the witness as to its conclusions, then cross examination and re-direct. Under this new procedure, the parties ran out of witnesses by Thursday noon. The lawyers anticipate the case may now be concluded by the end of October.

The Hopi lawyers are again strongly encouraging Hopi Tribal members to come down and be present at the trial. The Hopi representatives are seated in the jury box; so, there are comfortable seats!