

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

June 13, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER  
SHERRI ZENDRI

A. Parmar  
Deputy

FILED: June 15, 2023

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

Case No. CV6417-300

In Re: Navajo Nation

**MINUTE ENTRY  
TRIAL DAY 20**

Courtroom 613 – East Court Building

8:55 a.m. This is the time set for Trial to Court regarding Phase 1 – DCMI and Stock/Wildlife Watering before Special Water Master Sherri Zendri.

The following attorneys appear in person:

- Jeffrey S. Leonard, Evan Hiller, Judith M. Dworkin, Candace French and Kate Hoover on behalf of the Navajo Nation
- Rebecca Ross and Katheryn C. Carey on behalf of the United States Department of Justice
- Phillip Londen and Payslie Bowman on behalf of the Hopi Tribe
- Kate Shaffer and Julia Kolsrud on behalf of the San Juan Southern Paiute Tribe
- Brad Pew, David Brown and Brian J. Heiserman on behalf of the LCR Coalition (“LCRC”)
- Katrina Wilkinson and Mark McGinnis on behalf of Salt River Project (“SRP”)
- Carrie Brennan and Kevin Crestin on behalf of the Arizona State Land Department (“ASLD”)
- Ethan Minkin and Luke Erickson on behalf of the City of Flagstaff

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

**LET THE RECORD REFLECT** that Court Reporter, Nicole Bulldis, was previously sworn on the third day of trial.

Witness, Leonard Gorman, is sworn and testifies.

Counsel for LCRC, Mr. Pew, objects to this witness testifying regarding complaints to the 1990 Census as to lack of disclosure and foundation. Counsel for SRP, Mr. McGinnis, joins in the objection.

The objection is sustained as to disclosure regarding the 1990 Census.

Witness, Leonard Gorman, testifies further.

Counsel for SRP, Mr. McGinnis, objects to this witness testifying about the 2010 Census for lack of disclosure. Counsel for LCRC, Mr. Pew, joins in the objection.

The objection is sustained.

Witness, Leonard Gorman, testifies further.

Counsel for Navajo Nation, Mr. Hiller, addresses the Court regarding his offer of proof for Mr. Gorman's investigation into the 2010 undercount.

The Court affirms its previous ruling sustaining the objection regarding testimony on the 2010 Census.

Witness, Leonard Gorman, testifies further.

Navajo Nation's exhibits 1331 and 1332 are received in evidence.

10:29 a.m. The Court stands in recess.

10:45 a.m. The Court reconvenes with the above-named parties present.

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

Witness, Leonard Gorman, testifies further.

The witness is excused.

Witness, Dr. Carolyn Liebler, is sworn and testifies.

Navajo Nation's exhibits 158, 160, 161, 162, 163, 164, 165, 166 and 167 are received in evidence.

Counsel for ASLD, Ms. Brennan, objects to the witness testifying about demographic transition, for lack of disclosure.

Counsel for Navajo Nation, Mr. Hiller, withdraws his question.

12:01 p.m. The Court stands in recess.

1:28 p.m. The Court reconvenes with the above-named parties present.

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

Witness, Dr. Carolyn Liebler, testifies further.

Counsel for the Navajo Nation, Mr. Hiller, objects to the witness being questioned by Mr. Pew regarding Census Bureau's delete verification procedures as to foundation and hearsay.

The objection is sustained and counsel is directed to rephrase the question.

Witness, Dr. Carolyn Liebler, testifies further.

2:27 p.m. The Court stands in recess.

2:39 p.m. The Court reconvenes with the above-named parties present.

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

Witness, Dr. Carolyn Liebler, testifies further.

Counsel for Navajo Nation, Mr. Hiller objects to the line of questioning regarding Dr. Liebler's methods as time wasting and cumulative.

The objection is overruled.

Witness, Dr. Carolyn Liebler, testifies further.

3:38 p.m. The Court stands in recess.

3:50 p.m. The Court reconvenes with the above-named parties present.

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

Witness, Dr. Carolyn Liebler, testifies further.

Counsel for LCRC, Mr. Pew, moves for the admission of LCRC's exhibit 42. Counsel for the Navajo Nation, Mr. Hiller, objects as to hearsay. The exhibit is a blog post from employees of the Census Bureau. The Court inquires if the document is being offered to demonstrate its contents and whether it matches the report. Mr. Pew affirms. With that caveat, Mr. Hiller, withdraws his objection.

LCRC's exhibit 42 is received in evidence.

Witness, Dr. Carolyn Liebler, testifies further.

4:34 p.m. This matter stands in recess until Wednesday, June 14, 2023.

A copy of this minute entry is provided to all parties on the Court approved mailing list.

**NOTE:** All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.