

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

April 27, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar
Deputy

FILED: April 28, 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 4**

Courtroom 613 – East Court Building

8:59 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 and Candance French on behalf of the Navajo Nation
- Emmi Blades on behalf of the United States Department of Justice
- Phillip Londen and Payslie Bowman on behalf of the Hopi Tribe
- Kate Shaffer and Irania Fimbres-Ruiz on behalf of the San Juan Southern Paiute Tribe
- David Brown and Brian J. Heiserman on behalf of the LCR Coalition (“LCRC”)
- Mark McGinnis and Katrina Wilkinson 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, Cindy Mahoney, is present. A record of the proceedings is also made digitally.

LET THE RECORD REFLECT that Court Reporter, Cindy Mahoney, was previously sworn on the first day of trial.

The video of the deposition of the late first President of the Navajo Nation, Mr. Peterson Zah continues.

Navajo Nation's exhibits 1174, 1228 and 1467 are received in evidence.

10:11 a.m. The Court stands in recess.

10:25 a.m. The Court reconvenes with the above-named parties present.

Court Reporter, Cindy Mahoney, is present. A record of the proceedings is also made digitally.

Witness, Delegate Otto Tso, is sworn and testifies.

Navajo Nation's exhibit 1279 is received in evidence.

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

1:30 p.m. The Court reconvenes with the above-named parties present.

Court Reporter, Cindy Mahoney, is present. A record of the proceedings is also made digitally.

Witness, Delegate Otto Tso, testifies further.

San Juan Southern Paiute Tribe's exhibit 27 is received in evidence.

San Juan Southern Paiute Tribe's exhibit 35 is offered into evidence. The exhibit contains the maps attached to the Masayesva v. Zah decision. The Navajo Nation waives any objection as to completeness. The Court declines to admit exhibit 35 without prejudice to San Juan Southern Paiute Tribe offering the entire decision as a new exhibit.

The witness is excused.

Witness, Delegate Seth Damon, is sworn and testifies.

2:54 p.m. The Court stands in recess.

3:07 p.m. The Court reconvenes with the above-named parties present.

Court Reporter, Cindy Mahoney, is present. A record of the proceedings is also made digitally.

Witness, Delegate Seth Damon, testifies further.

Navajo Nation's exhibits 1057, 1059 and 1060 received in evidence.

The witness is excused.

LET THE RECORD REFLECT that the Navajo Nation inadvertently submitted exhibit 1467 without audio, without objection from the parties, the Court will substitute the video with audio as exhibit 1467 provided to the clerk on a separate USB.

Counsel for the Navajo Nation, Mr. Hiller, addresses the Court regarding the witness schedule. They will have witnesses available next week to utilize trial time and are working to determine whether the gaps where no witnesses will be scheduled should/can be filled.

IT IS ORDERED that counsel for the Navajo Nation provide a list of lay witnesses vs. expert witnesses with the revised witness calendar.

Discussion is held regarding the Status Conference scheduled for April 28, 2023. The Court inquires whether the parties are able to hold the conference today instead.

Counsel for the San Juan Southern Paiute Tribe, Ms. Shaffer, states that she must confer with co-counsel, Ms. Kolsrud, before the Status Conference.

IT IS FURTHER ORDERED affirming the Status Conference on **April 28, 2023 at 1:30 p.m.** before the Special Water Master Sherri Zendri.

4:01 p.m. This matter stands in recess until Monday, May 1, 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