

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

May 2, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar
Deputy

FILED: May 2, 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 6**

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 and Gus Guarino on behalf of the United States Department of Justice
- Phillip Londen and Payslie Bowman on behalf of the Hopi Tribe
- Irania Fimbres-Ruiz on behalf of the San Juan Southern Paiute Tribe
- Bradley Pew, 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”)
- Kevin Crestin and Carrie Brennan on behalf of the Arizona State Land Department (“ASLD”)

- Alexandra Arboleda 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, Cindy Mahoney, was previously sworn on the third day of trial.

Witness, Cheryl Bitsui, is sworn and testifies.

Navajo Nation's exhibits 1268, 1269, 1270, 1271, 1272, 1274, 1275 and 1276 are received in evidence.

The witness is excused.

Witness, Teresa Showa, is sworn and testifies.

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

10:46 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, Teresa Showa, testifies further.

Counsel for the Hopi Tribe, Mr. Londen, objects to testimony or the use of any exhibits regarding this witness' irrigation farm not located at her home as to relevance.

Mr. Leonard believes this to be relevant as to the cultural use and views and offers Navajo Nation's exhibits 1213 through 1219 as an offer of proof.

Navajo Nation's exhibits 1213, 1214, 1215 and 1216 are received in evidence.

Navajo Nation's exhibits 1217, 1218 and 1219 relate to agriculture and will not be admitted in evidence.

Witness, Teresa Showa, testifies further.

12:05 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, Yvonne Murphy, testifies further.

Upon motion of the Navajo Nation, City of Flagstaff's exhibit 200 is received in evidence.

The witness is excused.

Witness, Flora Tahy Nez, is sworn and testifies.

The witness is excused.

Discussion is held regarding the testimony of Brian Parrish. Counsel for the Navajo Nation requests that the courtroom be sealed from the public during the confidential portions of Mr. Parrish's testimony.

IT IS ORDERED granting the request. The Court will seal the courtroom from the public and turn off the live feed during the confidential testimony of Mr. Parrish.

Counsel for the United States, Ms. Blades, addresses the Court regarding counsel, Ms. Ross, and the Notice of Appearance filed today. Ms. Ross will be appearing for the remainder of the week. Ms. Carey works for the United States Department of the Interior but has been given special appointment to the Department of Justice and will be appearing as well.

2:09 p.m. This matter stands in recess until Wednesday, May 3, 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