

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

July 25, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER  
SHERRI ZENDRI

A. Parmar  
Deputy

FILED: July 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 36**

Courtroom 613 – East Court Building

8:58 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 and Judith Dworkin on behalf of the Navajo Nation
- Guss Guarino and Cody McBride on behalf of the United States Department of Justice
- Phillip Londen on behalf of the Hopi Tribe
- Kate Shaffer on behalf of the San Juan Southern Paiute Tribe
- Brian Heiserman and David Brown on behalf of the LCR Coalition (“LCRC”)
- Katrina Wilkinson and Mark McGinnis on behalf of Salt River Project (“SRP”)
- Kevin Crestin on behalf of the Arizona State Land Department (“ASLD”)
- Lee Storey, 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, Dr. Daoxian Shen, is sworn and testifies.

City of Flagstaff's exhibits 8 and 160 are received in evidence.

Counsel for Navajo Nation, Mr. Hiller, objects and moves to strike the conclusion regarding Blue Springs.

Counsel for City of Flagstaff, Mr. Minkin, responds that it is in the table of the report. Mr. Hiller withdraws his objection.

Counsel for SRP, Mr. McGinnis, objects as to disclosure.

Counsel for United States, Mr. Guarino, joins in the disclosure objection.

Mr. Minkin withdraws his question.

Witness, Dr. Daoxian Shen, testifies further.

Counsel for United States, Mr. Guarino, objects to the witness testifying regarding precipitation as outside the scope of his report. Mr. Guarino further moves to strike.

Counsel for Navajo Nation, Mr. Hiller, joins in the objection.

Counsel for City of Flagstaff, Mr. Minkin, withdraws his question and the response shall be stricken.

Witness, Dr. Daoxian Shen, testifies further.

Counsel for Navajo Nation, Mr. Hiller, objects to the witness opining on whether the sediment issues in the Little Colorado River could be managed under Rule 702 and 703 as Dr. Shen does not have the data to make such a conclusion.

Counsel for United States, Mr. Guarino, joins and notes that it is an opinion not expressed in his report. He further moves to strike the question and answer.

Counsel for City of Flagstaff, Mr. Minkin, reads from the report and notes that he asked for the witness' opinion on the potential.

Counsel for SRP, Mr. McGinnis, reads from the report.

The objection is overruled. The parties may address this during their respective cross examinations.

Witness, Dr. Daoxian Shen, testifies further.

Counsel for Navajo Nation, Mr. Hiller, objects to the witness giving conclusions regarding sediment loads outside the scope of this report. Counsel for City of Flagstaff, Mr. Minkin, responds that the witness analyzed data from the USGS.

Counsel for United States, Mr. Guarino, objects as to form.

The objections are overruled.

Witness, Dr. Daoxian Shen, testifies further.

Counsel for City of Flagstaff, Mr. Minkin, objects to the witness testifying regarding annual carry over storage as outside the scope of his expert opinion.

The objection is overruled, but Mr. McGinnis is asked to provide clarification to the witness.

Counsel for City of Flagstaff, Mr. Minkin, objects to the witness testifying regarding storage as outside of the report.

The objection is overruled.

Witness, Dr. Daoxian Shen, testifies further.

Counsel for City of Flagstaff, Mr. Minkin, objects to testimony regarding cost as he has not done a feasibility test.

The objection is sustained.

Witness, Dr. Daoxian Shen, testifies further.

11:58 a.m. The Court stands in recess.

1:27 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. Daoxian Shen, testifies further.

The witness is excused.

1:39 p.m. This matter stands in recess until Wednesday, July 26, 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.