

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

May 1, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar
Deputy

FILED: May 1, 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 5**

Courtroom 613 – East Court Building

9:01 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
- Julia Kolsrud and Kate Shaffer 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 on behalf of the Arizona State Land Department (“ASLD”)
- Alexandra Arboleda and Luke Erickson on behalf of the City of Flagstaff (Counsel Ethan Minkin will also appear after the lunch break)

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.

Witness, Former President of the Navajo Nation Jonathan Nez, is sworn and testifies.

Navajo Nation's exhibits 1472, 1354, 1070 and 1204 are received in evidence.

Navajo Nation's exhibit 1267 is offered into evidence. The Court has some questions about the exhibit before admitting it and will address its comments after the morning break.

10:28 a.m. The Court stands in recess.

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

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

The Court inquires if Navajo Nation's exhibit 1267 is public record. The Witness affirms it is public record but an unofficial document. The Court further inquires how the exhibit is different from the 2018 report from the division of economic development, he explains that it is directly from the communities that they visited.

The Court is concerned that the attached Resolution documents to the exhibit are fuzzy. The Court instructs counsel for the Navajo Nation to provide clearer copies of those documents is possible.

Navajo Nation's exhibit 1267 is received in evidence.

Witness, Former President of the Navajo Nation, Jonathan Nez, testifies further.

Navajo Nation's exhibits 34, 93, 1201, 1203, 1313 and 1437 is received in evidence.

LCRC's exhibit 115 is received in evidence.

The witness is excused.

Witness, Prestene Garnenez, is sworn and testifies.

12:19 p.m. The Court stands in recess.

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

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

Witness, Prestene Garnenez, testifies further.

The witness is excused.

Witness, Dr. Scott Russell, is sworn and testifies.

Navajo Nation's exhibits 116, 117, 132 and 140 are received in evidence.

San Juan Southern Paiute Tribe's exhibit 35 is received in evidence.

LET THE RECORD REFLECT that pursuant to the previous Minute Entry dated April 27, 2023, the clerk will substitute the entire decision with the maps as exhibit 35 provided to this Court's staff.

3:05 p.m. The Court stands in recess.

3:20 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.

Discussion is held regarding exhibit 1466. The LCRC does not object to the exhibit being admitted but does not agree that it appropriately depicts the boundaries of the reservation.

Navajo Nation's exhibit 1466 is received in evidence.

Witness, Dr. Scott Russell, testifies further.

The witness is excused.

3:56 p.m. This matter stands in recess until Tuesday, May 2, 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