

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

May 15, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar
Deputy

FILED: May 22, 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 11**

Courtroom 613 – East Court Building

9:00 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 M. Dworkin on behalf of the Navajo Nation
- Gus Guarino and Cody McBride on behalf of the United States Department of Justice
- Phillip Londen and Brandon Delgado on behalf of the Hopi Tribe
- Julia Kolsrud and Kate Shaffer on behalf of the San Juan Southern Paiute Tribe
- Bradley 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”)
- Chris Thomas, Lee Storey 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.

Witness, Shem Liechty, is sworn and testifies.

Navajo Nation's exhibits 347, 417, 420, 421 and 1477 are received in evidence.

Discussion is held regarding friendly cross.

Witness, Shem Liechty, testifies further.

Upon motion of the LCRC, Navajo Nation's exhibit 1671 is received in evidence.

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

10:45 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, Shem Liechty, testifies further.

Counsel for Navajo Nation, Mr. Leonard, objects to this witness testifying regarding the plausibility of an expert stating the GCPD is 100 as to foundation.

Counsel for SRP, Mr. McGinnis, states that he is only inquiring as to the number.

The objection is overruled.

Witness, Shem Liechty, testifies further.

Upon motion of the LCRC, Navajo Nation's exhibit 454 is received in evidence.

11:59 a.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, Shem Liechty, testifies further.

Counsel for the Navajo Nation, Mr. Leonard, objects to the admission of SRP's exhibit 36, as to hearsay.

Counsel for SRP, Mr. McGinnis, states that he believes this exhibit falls under the hearsay exception under Rules 804(6), 803(8) and 807 of the Arizona Rules of Evidence.

The objection is overruled.

SRP's exhibits 3, 33 and 36 are received in evidence.

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

3:12 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, Shem Liechty, testifies further.

Counsel for the Navajo Nation, Mr. Leonard, objects to the witness being questioned about an improper hypothetical regarding surface water.

Counsel for City of Flagstaff, Mr. Thomas, believes he is entitled to know the basis of the witness' positions.

The objection is overruled and Mr. Thomas is directed to ask the question more clearly.

Witness, Shem Liechty, testifies further.

Upon motion of the City of Flagstaff, Navajo Nation's exhibits 374, 978, 983 and 985 are received in evidence.

Witness, Shem Liechty, testifies further.

LCRC's exhibit 93 is received in evidence. Counsel for Hopi Tribe, Mr. Londen, adds that LCRC's exhibit 93 was admitted as Navajo Nation's exhibit 765 on December 8, 2020 in CV6417-203.

Witness, Shem Liechty, testifies further.

Counsel for LCRC, Mr. Pew, objects to this witness testifying regarding an undercount as to lack of foundation.

Counsel for SRP, City of Flagstaff and ASLD join in the objection.

The objection is sustained.

Witness, Shem Liechty, testifies further.

4:37 p.m. This matter stands in recess until Tuesday, May 16, 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.