

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

May 16, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER  
SHERRI ZENDRI

A. Parmar  
Deputy

FILED: May 25, 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 12**

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 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 Payslie Bowman on behalf of the Hopi Tribe
- Julia Kolsrud 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, 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, Shem Liechty, having been previously sworn, testifies further.

Counsel for ASLD, Ms. Brennan, objects to this witness testifying whether Navajo Nation's exhibit 983, calls for relying on an undercount as this witness is not a demographer.

Counsel for the Navajo Nation, Mr. Leonard, replies that he is not asking the witness to opine on an undercount. Mr. Thomas emphasized Mr. Liechty's involvement in the study and he is asking him what the study says.

Counsel for SRP, Mr. McGinnis, further adds that the document is already in evidence and apart of the record.

Counsel for City of Flagstaff, Mr. Thomas, further adds that the witness is not a surface water quality expert.

The objection is sustained.

Discussion is held regarding Mr. Liechty's testimony with Mr. Thomas on Monday.

Witness, Shem Liechty, testifies further.

Counsel for City of Flagstaff, Mr. Thomas, objects to the witness testifying about whether the report was opining on future demands.

Counsel for LCRC, Mr. Pew, further objects as to leading.

The objections are sustained.

Witness, Shem Liechty, testifies further.

Counsel for LCRC, Mr. Pew, objects to this witness testifying to something not in his report as to foundation, speculation, and facts not in evidence. City of Flagstaff joins.

Counsel for Navajo Nation, Mr. Leonard, states this topic was brought up on cross and he is entitled to ask about it. He further adds that Mr. Thomas was permitted to ask a hypothetical question yesterday.

The objection is sustained and counsel is directed to rephrase the question as a hypothetical.

Witness, Shem Liechty, testifies further.

The witness is excused.

10:21 a.m. The Court stands in recess.

10:35 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, Paul Hamai, is sworn and testifies.

United States' exhibits 1200, 1221, 1230 and 1233 are received in evidence.

Counsel for Navajo Nation, Mr. Hiller, objects to this witness being questioned regarding his knowledge of a reservation of land held for the San Juan Southern Paiute Tribe.

Counsel for the San Juan Southern Paiute Tribe, Ms. Kolsrud, inquires as to the United States' position.

Counsel for the United States, Mr. McBride, states that the position the US holds is that the 1934 Indian Reorganization Act includes the San Juan Southern Paiute Tribe.

Mr. Hiller states that he believed the question was regarding exclusive rights, but will withdraw the objection if that is not the case.

Counsel is directed to rephrase the question.

Counsel for United States, Mr. McBride, objects as to relevance.

The objection is overruled.

San Juan Southern Paiute Tribe's exhibit 51 is received in evidence.

12:05 p.m. The Court stands in recess.

1:35 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, Paul Hamai, testifies further.

Discussion is held regarding friendly cross.

Witness, Paul Hamai, testifies further.

2:48 p.m. The Court stands in recess.

3:03 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, Paul Hamai, testifies further.

The witness is excused.

Counsel for the Navajo Nation, Mr. Leonard, addresses the Court regarding the witness schedule. He states that they were not able to schedule any more witnesses for Wednesday. Good cause appearing,

**IT IS ORDERED** that no trial shall be held on Wednesday, May 17, 2023.

3:17 p.m. This matter stands in recess until Thursday, May 18, 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.