

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

June 14, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER  
SHERRI ZENDRI

A. Parmar  
Deputy

FILED: June 20, 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 21**

Courtroom 613 – East Court Building

8:55 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, Candace French and Kate Hoover on behalf of the Navajo Nation
- Rebecca Ross and Katheryn C. Carey on behalf of the United States Department of Justice
- Phillip Londen and Brandon Delgado on behalf of the Hopi Tribe
- Kate Shaffer on behalf of the San Juan Southern Paiute Tribe
- Brad 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”)
- Ethan Minkin 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, Dr. Carolyn Liebler, having been previously sworn, testifies further.

Upon motion of the LCRC, Navajo Nation's exhibit 264 is received in evidence.

10:02 a.m. The Court stands in recess.

10:12 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, Dr. Carolyn Liebler, testifies further.

12:00 p.m. The Court stands in recess.

1:26 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, Dr. Carolyn Liebler, testifies further.

Counsel for LCRC, Mr. Pew, objects to the witness testifying regarding statements from other experts as to hearsay.

The objection is sustained.

Witness, Dr. Carolyn Liebler, testifies further.

Counsel for Navajo Nation, Mr. Hiller, moves for the admission of Navajo Nation's exhibit 1374. Counsel for ASLD, Ms. Brennan, objects to the admission of Navajo Nation's exhibit 1374 as to foundation and hearsay. Counsel for LCRC, Mr. Pew, and Counsel for SRP, Mr. McGinnis, join in the objections. The witness provides information as to who and when the document was created.

Navajo Nation's exhibit 1374 is received in evidence for the purpose of discussion with understanding that it is hearsay and the Court will consider same when weighing its value.

Witness, Dr. Carolyn Liebler, testifies further.

Counsel for City of Flagstaff, Mr. Minkin, objects to the use of Navajo Nation's exhibit 1375 and the witness testifying in regard to the City of Flagstaff as it exceeds the scope of cross examination. Counsel for SRP, Mr. McGinnis, objects as to foundation.

Counsel for Navajo Nation, Mr. Hiller, withdraws his question. Mr. Hiller instead provides a purported excerpt of the 1910 Census to the Court (as well as the objectors) and moves for the Court to take judicial notice of the excerpt.

Counsel for ASLD, Ms. Brennan, objects as to disclosure. Mr. Hiller responds that the Court previously took judicial notice of the 2020 Census in CV6417-203. The Court responds that this is a different case with different circumstances. Counsel for LCRC, Mr. Pew, adds that the aforementioned motion to take judicial notice was a written motion and gave the other parties opportunity to give a written response.

Counsel for SRP, Mr. McGinnis, notes that he does not object to the Court taking judicial notice. He adds that asking the witness to draw conclusions from the excerpt would result in undisclosed expert testimony and objects to its use for that purpose.

**IT IS ORDERED** denying the Motion to Take Judicial Notice.

Discussion is held regarding whether growth rates of municipalities fall under the scope of cross examination.

Witness, Dr. Carolyn Liebler, testifies further.

The witness is excused.

Mr. Hiller affirms that Dr. Jim is not available to testify on Thursday. Therefore,

**IT IS ORDERED** that no trial shall be held on Thursday, June 15, 2023.

2:33 p.m. This matter stands in recess until Monday, June 19, 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.