

SUPERIOR COURT OF ARIZONA  
APACHE COUNTY

June 21, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER  
SHERRI ZENDRI

A. Parmar  
Deputy

FILED: June 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 24**

Courtroom 613 – East Court Building

10:00 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 Emmi Blades 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
- Brian J. Heiserman on behalf of the LCR Coalition (“LCRC”)
- Katrina Wilkinson and Mark McGinnis on behalf of Salt River Project (“SRP”)
- Carrie Brennan 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.

Counsel for Navajo Nation, Mr. Leonard, addresses the Court regarding Ms. Starosta. He explains that their surface water expert was Kirk Westphal who was previously with Brown and Caldwell. His new employers would not permit him to testify in this matter, therefore, with consent from the other parties, the Navajo Nation will be using Ms. Starosta (who worked with Mr. Westphal on this project) as their expert witness.

Counsel for United States, Ms. Blades, addresses the Court regarding Chris Banet's testimony. Mr. Banet is travelling from New Mexico for what is anticipated to be less than an hour of testimony. The parties discuss the possibility of Mr. Banet appearing virtually or admitting his report in lieu of his testimony. The Court will allow the parties time to discuss this proposal and address it after today's lunch break.

Witness, Lauren Starosta, is sworn and testifies.

Navajo Nation's exhibits 401, 402, 403, 404, 405, 406 and 1056 are received in evidence.

11:04 a.m. The Court stands in recess.

11:13 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, Lauren Starosta, testifies further.

11:59 a.m. The Court stands in recess.

1:29 p.m. The Court reconvenes with the above-named parties present with the exception of Gus Guarino for the United States Department of Justice.

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

Witness, Lauren Starosta, testifies further.

Upon motion of SRP, Navajo Nation's exhibit 1495 is received in evidence.

2:53 p.m. The Court stands in recess.

3:08 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, Lauren Starosta, testifies further.

Counsel for City of Flagstaff, Mr. Thomas, moves for the admission of City of Flagstaff's exhibit 162. Counsel for Navajo Nation, Mr. Leonard, objects as to hearsay and relevance.

The objection is sustained and City of Flagstaff's exhibit 162 is not received in evidence.

Witness, Lauren Starosta, testifies further.

The witness is excused.

Counsel for the United States, Ms. Blades, addresses the Court regarding the agreement with the United States and the San Juan Southern Paiute Tribe. The two parties agree that Mr. Banet's opinions as expressed in US exhibit 8, would apply to the San Juan Southern Paiute Tribe as equally as it does to the Navajo Nation. All parties agree that Mr. Banet's report may be admitted without objection without his testimony. Good cause appearing,

**IT IS ORDERED** approving the parties' agreement.

United States' exhibit 8 is received in evidence.

**IT IS FURTHER ORDERED** that no trial shall be held on Thursday, June 22, 2023.

3:57 p.m. This matter stands in recess until Monday, June 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.