

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

June 8, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar
Deputy

FILED: June 13, 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 18**

Courtroom 613 – East Court Building

8:57 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
- Irania Fimbres-Ruiz on behalf of the San Juan Southern Paiute Tribe
- 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, Luke Erickson and Lee Storey 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.

Discussion is held regarding objections to a party's own exhibits.

IT IS ORDERED that Former Special Water Master Harris' March 16, 2023, minute entry order is clear that all parties were to list their objections to all exhibits. The United States or Navajo Nation shall be permitted to make a record of an objection to their own exhibits; however, absent extraordinary good cause, the Court will likely overrule the objection.

Witness, Dr. Matt Peacock, is sworn and testifies.

United States' exhibits 1201, 1202, 1220 and 1242 are 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, Dr. Matt Peacock, testifies further.

11:52 a.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. Matt Peacock, testifies further.

Counsel for Navajo Nation, Mr. Leonard, objects to the City of Flagstaff's use of Navajo Nation's exhibit 1 for violation of Rule 16.

The objection is overruled.

Witness, Dr. Matt Peacock, testifies further.

Counsel for City of Flagstaff, Mr. Minkin, moves for the admission of Navajo Nation's exhibit 1619. Counsel for United States, Mr. Guarino, objects to the admission of this exhibit for this use as to relevance. Counsel for Navajo Nation, Mr. Leonard, joins in

the relevance objection. Counsel for SRP, Mr. McGinnis, joins in relevance objection and objects as to (Rule 403) foundation and hearsay.

Counsel for Hopi Tribe, Mr. Londen, does not believe the Claimants have met the burden of extraordinary good cause to object to this exhibit. Mr. Leonard further adds that this witness does not have the foundation for this exhibit. Mr. Guarino clarifies that he is not objecting to the use of the exhibit for impeachment purposes but is objecting to the admission of the exhibit.

The objection is overruled and upon motion of the City of Flagstaff, Navajo Nation's exhibit 1619 is received in evidence.

Witness, Dr. Matt Peacock, testifies further.

The witness is excused.

Counsel for Navajo Nation, Mr. Hiller, addresses the Court regarding the witness schedule for next week.

3:03 p.m. This matter stands in recess until Monday, June 12, 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.