

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

August 27, 2026

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

S. Ortega
Deputy

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source
W-1-00-001234 (Consolidated)

FILED: August 31, 2026

In Re: *ASARCO – Irrigation*
Contested Case No. W1-11-002801

BENCH TRIAL – DAY FOUR

East Court Building – Courtroom 613

9:00 a.m. Trial to the Court continues from August
26, 2026 before Special Water Master Sherri Zendri.

The following parties/attorneys are present:

- Sean T. Hood, William Klain, and Kaitlin Smith, on behalf of American Smelting and Refining Company (“ASARCO”)
- Andrew “Guss” Guarino on behalf of the U.S. Department of Justice, Environment and Natural Resources Division
- Merrill C. Godfrey, Christina Makarova Quiggle, and Radiance Campbell, on behalf of the Gila River Indian Community (“GRIC”)
- Alexander Ritchie, Laurel A. Hermann, Jana Sutton, Bernardo Velasco, and Steve Titla, on behalf of the San Carlos Apache Tribe
- Katrina Wilkinson and Kathryn Ust on behalf of the Salt River Project (“SRP”)

Court Reporter, Danielle Griffin, having been previously sworn to perform the duties of the court reporter, is present. A record of the proceeding is also made digitally.

Housekeeping matters are discussed..

9:03 a.m. Court stands at recess.

9:03 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Danielle Griffin, is present. A record of the proceeding is also made digitally.

ASARCO's case continues.

LET THE RECORD REFLECT that Objectors have standing objections to various exhibits during Mr. Burtell's testimony as outlined on the record, and the Court takes notice of the same.

Rich Burtell resumes the stand and testifies further.

10:29 a.m. court stands at recess.

10:45 a.m. Court reconvenes with the respective parties and counsel present.

Court Reporter, Danielle Griffin, is present. A record of the proceeding is also made digitally.

Rich Burtell continues testifying.

ASARCO's exhibit 120 is received in evidence.

GRIC's exhibit 49 is received in evidence.

ASARCO's exhibit 184 is received in evidence.

11:42 a.m. Court stands at recess.

1:01 p.m. Court reconvenes with the respective parties and counsel present.

Court Reporter, Danielle Griffin, is present. A record of the proceeding is also made digitally.

Rich Burtell continues testifying.

ASARCO's exhibit 68 is received in evidence.

ASARCO'S exhibit 123 is received in evidence.

GRIC's exhibit 48 is received in evidence.

GRIC's exhibit 47 is received in evidence.

2:28 p.m. Court stands at recess.

2:46 p.m. Court reconvenes with the respective parties and counsel present.

Court Reporter, Danielle Griffin, is present. A record of the proceeding is also made digitally.

Rich Burtell continues testifying.

Rich Burtell is excused and remains in the courtroom.

Mr. Godfrey informs the Court that the parties have discussed how to handle objections to demonstrative exhibits during Scott Snyder's testimony. Mr. Godfrey proposes that all Rule 702 objections be preserved until post-trial briefing. Mr. Hood does not object.

Mr. Godfrey notifies the Court that they received an exhibit last week pertaining to Mr. Snyder's testimony (a 70-page .pdf) which text recharacterizes Mr. Snyder's opinions in this case which consists of basically a new expert report that they object to.

Mr. Godfrey states his objection to the newspaper demonstrative also.

Mr. Hood disagrees to the recharacterization of Mr. Snyder's opinions and proposes that as Mr. Snyder testifies, that objections be made to undisclosed expert opinions. Mr. Hood will then point the Court to the claims in Mr. Snyder's report as the testimony is heard.

Based on the discussions held regarding objections to demonstratives,

The Court will allow the demonstrative and standing objections to the undisclosed expert opinions of Mr. Snyder. All objections to the undisclosed opinions will be preserved until the end.

Further discussion is held regarding Mr. Godfrey's objection to the newspaper article.

Scott Snyder is affirmed and testifies.

ASARCO's exhibit 168 is received in evidence.

Mr. Godfrey makes an objection as to relevance of the water quality issue, and argument is presented.

The Court notes Mr. Godfrey's objection and did in fact hear the distinction between both of the timing issues. The Court will allow the testimony from this witness.

Mr. Godfrey notes for the record his objection under Rule 37 to Mr. Snyder's definition of the term "consumptive use" and will address the matter further in post-trial briefing.

Mr. Hood defines how the term "consumptive use" is being used in this particular case through further testimony of Mr. Snyder.

Further argument is held regarding crop consumptive use and overall consumptive use.

LET THE RECORD FURTHER REFLECT that from this point forward, defining consumptive use should be noted whether it is "crop consumptive use" or "overall consumptive use." Each should be differentiated as to how it is used.

ASARCO's exhibit 132 is received in evidence.

ASARCO's exhibit 131 is received in evidence.

ASARCO's exhibit 133 is received in evidence.

ASARCO's exhibit 134 is received in evidence.

4:22 p.m. Court stands at recess until **9:00 a.m. on August 28, 2026.**

A copy of this minute entry will be sent to all people on the court-approved mailing list for this matter.