

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

August 24, 2026

CLERK OF THE COURT
N. Johnson
Deputy

SPECIAL WATER MASTER
SHERRI ZENDRI

In Re: The General Adjudication
of All Rights to Use Water in the
Gila River System and Source
W1-00-001234 (Consolidated)

FILED: August 31, 2026

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

BENCH TRIAL – DAY ONE

East Court Building – Courtroom 613

9:01 a.m. This is the time set for Trial to the Court before Special Water Master Sherri Zendri.

The following parties/attorneys are present:

- Sean T. Hood, William Klain, Kaitlin Smith, and Rhett A. Billingsley 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, Radiance Campbell, and Michael Carter 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 Michael K. Foy on behalf of the Salt River Project (“SRP”)

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

Court Reporter, Danielle Griffin, is sworn to perform the duties of the court reporter.

The Court addresses the parties as to courtroom protocol and trial schedule.

Counsel for ASARCO, Mr. Hood, presents his opening statement to the Court.

Counsel for SRP, Ms. Wilkinson, presents her opening statement to the Court.

Counsel for the United States, Mr. Guarino, presents his opening statement to the Court.

Counsel for the Gila River Indian Community, Mr. Godfrey, presents his opening statement to the Court.

Counsel for the San Carlos Apache Tribe, Mr. Ritchie, presents his opening statement to the Court.

10:38 a.m. Court stands at recess.

10:55 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.

Mr. Godfrey advises the Court that the parties have agreed that when any party on one side objects, that the objection is preserved for all parties on that side rather than having multiple objections. The Court states her agreement.

ASARCO's case:

Samuel Riedhead is sworn and testifies.

Mr. Godfrey states his objection to a portion of ASARCO's exhibit CL 419 as not being signed. Discussion is held and argument is presented.

ASARCO's exhibit CL 419 is received in evidence. The Court notes that the first 1994 portion of the document has not been signed by ASARCO.

Mr. Godfrey states his objections to ASARCO's exhibits CL 182, 265, 297, 181, 267-279, 282-288, 299-305, 310-316, 290-293, and 307-308 as to hearsay, relevance, portions not being authenticated, containing legal arguments within, and being incomplete. Discussion is held and argument is presented.

ASARCO's exhibits CL 182, 265, 297, 181, 267-279, 282-288, 299-305, 310-316, 290-293, and 307-308 are received in evidence. The Court notes that they are not necessarily admitted for an accurate representation of all the facts. Mr. Guarino addresses the Court regarding the same.

Mr. Godfrey notes his previous objections, as outlined on the record, to ASARCO's exhibits CL 239, 240, 253, 262; CL 251, 252, 258, and 263; CL 242, 243, and 256; and CL 246, 255, 261 and 478.

ASARCO's exhibits CL 239, 240, 253, 262; CL 251, 252, 258, and 263; CL 242, 243, and 256; and CL 246, 255, 261 and 478 are received in evidence. The Court notes that they are all admitted as representing only what is currently being claimed by ASARCO.

With respect to ASARCO's exhibit CL 234, Mr. Godfrey states that as long as it is not being admitted for the truth of what is being asserted, there is no objection.

ASARCO's exhibit CL 234 is received in evidence. LET THE RECORD REFLECT that this is a proposed draft abstract, not an approved abstract. The Court suggests that future draft abstracts include a "draft" watermark.

Mr. Guarino notes his objection to ASARCO's exhibit CL 236.

ASARCO's exhibit CL 236 is received in evidence. LET THE RECORD REFLECT that this is a proposed draft abstract.

Mr. Guarino notes his objection to ASARCO's exhibit CL 235.

ASARCO's exhibit CL 235 is received in evidence. LET THE RECORD REFLECT that this is a proposed draft abstract.

Mr. Godfrey states his objection to ASARCO's exhibits CL 370-375, 383-388, and 418 as to hearsay. Discussion is held and argument is presented.

ASARCO's exhibits CL 370-375, 383-388, and 418 are received in evidence.

With respect to ASARCO's exhibits CL 376-378, Mr. Godfrey states that as long as they are not being admitted for the truth of what is being asserted, there is no objection.

ASARCO's exhibits CL 376-378 are received in evidence.

Mr. Godfrey advises the Court that ASARCO's exhibit CL 483 is not a complete document. Discussion is held regarding the same.

ASARCO's exhibit CL 483 is received in evidence. The Court notes that ASARCO's exhibit CL 483, as currently submitted, is not a complete document.

ASARCO's exhibit CL 482 is received in evidence.

ASARCO's exhibit CL 481 is received in evidence.

ASARCO's exhibit CL 395 is received in evidence.

12:03 p.m. Court stands at recess.

1:18 p.m. Court reconvenes with respective parties and counsel present.

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

Samuel Riedhead continues testifying.

With respect to ASARCO's exhibits 376-378 and CL 389-391, Mr. Godfrey states that as long as they are not being admitted for the truth of what is being asserted, there is no objection. LET THE RECORD REFLECT that ASARCO's exhibits CL 376-378 have previously been received in evidence.

ASARCO's exhibits CL 389-391 are received in evidence.

ASARCO's exhibit CL 15 is received in evidence at the request of GRIC.

ASARCO's exhibits CL 486 and 396 are received in evidence at the request of GRIC.

ASARCO's exhibit CL 487 is received in evidence at the request of GRIC.

ASARCO's exhibit CL 489 is received in evidence at the request of GRIC.

ASARCO's exhibit CL 490 is received in evidence at the request of GRIC.

ASARCO's exhibit CL 491 is received in evidence at the request of GRIC.

GRIC's exhibit 37 is received in evidence.

GRIC's exhibit 38 is received in evidence.

GRIC's exhibit 32 is received in evidence.

ASARCO's exhibits CL 342-369 are received in evidence at the request of GRIC.

GRIC's exhibits 31 and 40 are received in evidence.

GRIC's exhibit 35 is received in evidence.

2:38 p.m. Court stands at recess.

2:52 p.m. Court reconvenes with respective parties and counsel present.

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

Samuel Riedhead continues testifying.

The witness is excused.

Rich Burtell is sworn and testifies.

ASARCO's exhibit CL 17 is received in evidence.

Mr. Godfrey states that he has no objection to ASARCO's exhibit CL 10, subject to the testimony regarding ditch headings.

ASARCO's exhibit CL 10 is received in evidence. The Court states that it is admitted with the understanding that ditch headings have not been confirmed.

ASARCO's exhibit CL 23 is received in evidence.

Mr. Godfrey states his objection to the witness's continued narration.

The Court admonishes the witness.

ASARCO's exhibit CL 18 is received in evidence.

ASARCO's exhibit CL 14 is received in evidence.

Mr. Godfrey states his objection to the demonstrative exhibits as to relevance. Discussion is held and argument is presented. The Court advises Mr. Hood to present what is relevant to this testimony. Argument continues to be presented. Ms. Wilkinson states that the Court reserves the issue of reasonable diligence for trial, and that this fits within the evidence required to demonstrate reasonable diligence. The Court addresses counsel regarding the structure of the table.

Mr. Godfrey states his objection to the witness's narration. The Court advises Mr. Hood to keep the questions as simple as possible and further advises the witness to keep the answers as closely related to the questions as possible. The Court further advises counsels to work together.

With respect to ASARCO's exhibit CL 71, Mr. Godfrey states that on the understanding this is Mr. Burtell's opinion testimony, there is no objection.

ASARCO's exhibit CL 71 is received in evidence.

Mr. Godfrey and Mr. Guarino state their objections to the witness's testimony with respect to Rules 703, 1002, and 1006. Discussion is held and argument is presented. The Court advises counsel that if Mr. Burtell is going to be providing his opinions, his responses need to be made very clear that what he is stating is his opinion versus what a document actually does say or does mean. The Court further advises counsel that the witness's answers need to make clear that it is his opinion. The Court states that it expects everyone to show grace to witnesses.

Mr. Guarino states his objection to the witness's testimony as to hearsay as outlined on the record. Argument is presented. The Court notes Mr. Guarino's objection.

Mr. Godfrey states his objection to portions of ASARCO's exhibit CL 19.

ASARCO's exhibit CL 19 is received in evidence, specifically page 6.

U.S.'s exhibit 2 is received in evidence at the request of ASARCO.

ASARCO's exhibit CL 22 is received in evidence.

The Court addresses counsel regarding trial matters. The Court encourages counsel to work together.

Argument is presented regarding the presentation of expert testimony in this case. Mr. Godfrey requests to have a standing objection to preserve the record for post-trial briefing. Procedural and logistical matters are discussed regarding the same. The Court encourages counsel to confer.

4:36 p.m. Court stands at recess until 9:00 a.m. on August 25, 2026.

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