

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

August 26, 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 THREE

East Court Building – Courtroom 613

LET THE RECORD REFLECT that Jovanna Roman has previously been sworn to perform the duties of the court reporter.

9:01 a.m. Trial to the Court continues from August 25, 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, Jovanna Roman, is present. A record of the proceeding is also made digitally.

Mr. Velasco advises the Court that they received the link to the BLM website, but that it requires a lot of navigation. Mr. Velasco requests that ASARCO provide a PDF copy of what was referred to in Court yesterday. Discussion is held regarding the same. The Court states that it appreciates the fact that the link was presented, but that it will not do anything with the link because more time has been spent on it than was intended.

ASARCO's case continues:

LET THE RECORD REFLECT that Objectors continue to 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.

Court and counsel discuss exhibit matters.

Discussion is held regarding ASARCO's exhibit 31 compared to U.S.'s exhibit 552.

U.S.'s exhibit 552 is received in evidence at the request of ASARCO, subject to the newspaper concerns as previously stated on the record.

ASARCO's exhibit CL 451 is received in evidence.

ASARCO's exhibit CL 425 is received in evidence.

ASARCO's exhibit CL 440 is received in evidence.

Court and counsel continue to discuss exhibit matters. The Court advises counsel that it is unable to only admit individual pages. The Court further advises counsel that they may provide the relevant pages for the Court's review. Procedural and logistical matters are discussed regarding the same. Mr. Godfrey advises the Court that counsel will confer regarding exhibit matters.

With respect to the department map, Mr. Godfrey objects to the witness' testimony as undisclosed expert testimony. Discussion is held and argument is presented. The Court states that it will allow the question to be answered now that it has an understanding of the relevance.

ASARCO's exhibits CL 405-416 are received in evidence.

ASARCO's exhibits CL 111-112 are received in evidence.

10:31 a.m. Court stands at recess.

10:46 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Jovanna Roman, is present. A record of the proceeding is also made digitally.

Rich Burtell continues testifying.

ASARCO's exhibit CL 114 is received in evidence.

ASARCO's exhibit CL 69 is received in evidence.

ASARCO's exhibit CL 70 is received in evidence.

ASARCO's exhibit CL 80 is received in evidence.

Mr. Godfrey states that he has a Rule 403 objection to ASARCO's exhibit CL 65.

Based on the witness's clarification, Mr. Godfrey withdraws his objection to ASARCO's exhibit CL 65.

ASARCO's exhibit CL 65 is received in evidence.

ASARCO's exhibit CL 66 is received in evidence.

ASARCO's exhibit CL 67 is received in evidence.

ASARCO's exhibit CL 72 is received in evidence.

ASARCO's exhibit CL 74 is received in evidence.

ASARCO's exhibit CL 73 is received in evidence.

Mr. Godfrey and Mr. Guarino object to Mr. Burtell's testimony regarding historic claims and the level of specificity that is necessary as an undisclosed opinion and as to relevance. Discussion is held and argument is presented.

LET THE RECORD REFLECT that the Court is allowing the question to be answered and that the Objectors have expressed continued concern with respect to relevance.

Witness scheduling matters are discussed.

11:43 a.m. Court stands at recess.

1:00 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Jovanna Roman, is present. A record of the proceeding is also made digitally.

Rich Burtell continues testifying.

Mr. Hood advises the Court that with respect to Mr. Burtell's testimony regarding his work in this case, ASARCO is not waiving the attorney work-product privilege. Discussion is held regarding the same.

2:33 p.m. Court stands at recess.

2:47 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Jovanna Roman, is present. A record of the proceeding is also made digitally.

Rich Burtell continues testifying.

ASARCO's exhibit CL 26 is received in evidence at the request of the United States.

Witness scheduling matters are discussed.

4:16 p.m. Court stands at recess.

4:30 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Jovanna Roman, is present. A record of the proceeding is also made digitally.

Rich Burtell continues testifying.

Trial and witness scheduling matters are discussed.

4:47 p.m. Court stands at recess until 9:00 a.m. on August 27, 2026.

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