

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

August 31, 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: September 10, 2026

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

BENCH TRIAL – DAY SIX

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 28, 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 Michael K. Foy on behalf of the Salt River Project (“SRP”)

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

Discussion is held regarding exhibits.

ASARCO's exhibit CL exhibit 493 is received in evidence upon receipt of submission.

Discussion continues regarding exhibits.

ASARCO's case continues:

Christopher John Garrett resumes the stand and testifies further.

Mr. Guarino states his objection to Mr. Garrett's testimony as it relates to Dr. Ley's deposition testimony as to relevance and hearsay. Discussion is held and argument is presented. The Court addresses counsel. Mr. Godfrey notes for the record his objection to Mr. Garrett's testimony as undisclosed expert testimony to the extent that he is commenting on Dr. Ley's testimony. The Court states that the objection is noted.

Court and counsel continue to discuss Mr. Garrett's testimony as it relates to Dr. Ley's deposition testimony. Mr. Godfrey reiterates that Mr. Garrett's testimony is undisclosed expert testimony. Mr. Hood advises the Court that what Mr. Garrett did in this case was draw inferences about irrigation based upon continuous evidence of cultivation. Discussion is held and argument is presented. The Court advises Mr. Klain to try his line of questioning again.

The Court states that Dr. Ley may talk about his deposition testimony instead of Mr. Garrett. Mr. Klain advises the Court that Mr. Garrett is rebutting Dr. Ley's deposition testimony. Discussion is held. Mr. Klain states that he will reserve this line of questioning for his cross-examination of Dr. Ley. Procedural matters are discussed.

ASARCO's exhibits CL 231, 232, and 233 are received in evidence.

Discussion is held regarding exhibits.

Mr. Godfrey offers GRIC's exhibits 42, 43, and 44.

GRIC's exhibits 42, 43, and 44 are received in evidence.

ASARCO's exhibit CL 224 is received in evidence.

ASARCO's exhibit CL exhibit 494 is received in evidence upon receipt of submission.

ASARCO's exhibit CL exhibit 495 is received in evidence upon receipt of submission.

ASARCO's exhibit CL 223 is received in evidence.

ASARCO's exhibit CL 225 is received in evidence.

ASARCO's exhibit CL 226 is received in evidence.

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

10:45 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.

Christopher John Garrett continues testifying.

ASARCO's exhibit CL 227 is received in evidence.

ASARCO's exhibit CL 228 is received in evidence.

ASARCO's exhibit CL 229 is received in evidence.

Mr. Guarino renews his objection to Mr. Garrett's testimony with respect to Dr. Ley's report as undisclosed expert testimony. Discussion is held and argument is presented. The Court states that Mr. Garrett may answer the question regarding the recurring pattern on the ASARCO ranches as Mr. Klain outlined on the record.

11:37 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.

Christopher John Garrett continues testifying.

Mr. Klain states his objection to GRIC's demonstrative exhibit as not previously disclosed. The parties stipulate that GRIC's demonstrative exhibit has not been verified.

GRIC's exhibit 131 is received in evidence upon receipt of submission.

Logistical matters are discussed regarding exhibits.

Mr. Klain withdraws his objection to GRIC's demonstrative exhibit, and advises the Court that the numbers have been verified.

The witness is excused.

Mr. Hood advises the Court that he is coordinating with staff to cross-reference the exhibits. Mr. Hood reserves the right to move into evidence any exhibits that were missed. Mr. Hood advises the Court that they will be cross-referencing the well records received into evidence. Mr. Hood further reserves the right to rebuttal, if needed. The Court informs counsel that the trial minute entries will be distributed shortly to assist with cross-referencing exhibits.

ASARCO rests.

Trial and witness scheduling matters are discussed.

Mr. Godfrey advises the Court that in light of the agreement between Mr. Garrett and Dr. Ley, the Objectors will not be calling Dr. Ley as a witness in this case. Mr. Hood advises the Court that they will then be submitting deposition designations for Dr. Ley. Procedural and logistical matters are discussed regarding the same. Mr. Godfrey notes for the record that ASARCO could have provided deposition designations for Dr. Ley earlier. Discussion is held regarding the same.

2:09 p.m. Court stands at recess.

2:24 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.

Objectors' case:

Nicholas Kryloff is sworn and testifies.

U.S.'s exhibit 47 is received in evidence.

ASARCO's exhibit CL 45 is received in evidence at the request of the U.S.

U.S.'s exhibits 12 and 35 are received in evidence.

Mr. Guarino advises the Court that Mr. Kryloff has added material to his original report that was previously disclosed and will be submitting the relevant portions of the chain of title. Procedural and logistical matters are discussed regarding the same.

U.S.'s exhibit 604 is received in evidence upon receipt of submission.

3:48 p.m. Court stands at recess.

4:06 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.

Trial and witness scheduling matters are discussed.

Nicholas Kryloff continues testifying.

U.S.'s exhibit 605 is received in evidence upon receipt of submission.

U.S.'s exhibit 606 is received in evidence upon receipt of submission.

U.S.'s exhibit 607 is received in evidence upon receipt of submission.

U.S.'s exhibit 608 is received in evidence upon receipt of submission.

U.S.'s exhibit 609 is received in evidence upon receipt of submission.

U.S.'s exhibit 610 is received in evidence upon receipt of submission.

U.S.'s exhibit 611 is received in evidence upon receipt of submission.

U.S.'s exhibit 612 is received in evidence upon receipt of submission.

U.S.'s exhibit 613 is received in evidence upon receipt of submission.

U.S.'s exhibit 614 is received in evidence upon receipt of submission.

U.S.'s exhibit 615 is received in evidence upon receipt of submission.

Trial scheduling matters are discussed.

4:34 p.m. Court stands at recess until 9:00 a.m. on September 1, 2026.

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