

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

September 1, 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 SEVEN

East Court Building – Courtroom 613

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

8:58 a.m. Trial to the Court continues from August 31, 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.

Objectors' case continues:

Nicholas Kryloff resumes the stand and testifies further.

U.S.'s exhibit 616 is received in evidence upon receipt of submission.

U.S.'s exhibit 617 is received in evidence upon receipt of submission.

U.S.'s exhibit 618 is received in evidence upon receipt of submission.

U.S.'s exhibit 619 is received in evidence upon receipt of submission.

GRIC's exhibit 54 is received in evidence.

Mr. Guarino states his objection as to relevance with respect to looking from parcel to parcel to determine what was happening in terms of irrigation and cultivation at any given point in time. Discussion is held. The Court states that Mr. Klain may ask a follow-up question to add to the witness's answer.

Mr. Guarino states his objection as to foundation and relevance regarding whether it is typically uncommon for a land entry file to specify the exact place of cultivation. The Court sustains the objection as to foundation. The Court advises Mr. Klain to lay some foundation because then it may be relevant.

10:22 a.m. Court stands at recess.

10:36 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.

Nicholas Kryloff continues testifying.

Mr. Guarino states his objection as to foundation regarding ASARCO's exhibit CL 232. Mr. Guarino advises the Court that this is outside the body of work that Mr. Kryloff had. Discussion is held.

Mr. Guarino states his objection to the line of questioning regarding Mr. Garrett's work. Mr. Guarino further states his objection as to foundation. Discussion is held and argument is presented. The Court advises Mr. Klain to hone in and clarify his question.

Mr. Guarino states his objection as to foundation regarding the effects of a title transfer and the consequences thereof. Discussion is held and argument is presented. The Court advises Mr. Klain to re-ask the question as stated on the record.

Mr. Guarino states his objection as to foundation with respect to Mr. Kryloff's knowledge regarding agricultural purposes during title transfers. Discussion is held and argument is presented.

Procedural matters are discussed regarding the Objectors' presentation of evidence. Discussion is held and argument is presented. The Court advises counsel that it will consider the matter.

11:25 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.

Procedural matters continue to be discussed regarding the Objectors' presentation of evidence. The Court addresses the parties. Argument continues to be presented. Mr. Godfrey makes an offer of proof as outlined on the record.

The witness is excused.

Mr. Klain requests confirmation that Dr. Ley will not be called as a witness. Mr. Godfrey confirms that Dr. Ley will not be called as a witness. Discussion is held regarding Dr. Ley's deposition designation. Ms. Wilkinson requests to include one additional deposition designation. Discussion is held regarding the same.

Mr. Hood requests that ASARCO have a standing objection under Rule 702 to Mr. Westfall's testimony.

For the reasons stated on the record,

IT IS ORDERED that ASARCO may have a standing objection under Rule 702 to Mr. Westfall's testimony.

Brian Westfall is sworn and testifies.

GRIC's exhibit 1 is received in evidence.

GRIC's exhibit 58 is received in evidence.

GRIC's exhibit 10 is received in evidence.

GRIC's exhibit 11 is received in evidence.

GRIC's exhibit 12 is received in evidence.

GRIC's exhibit 13 is received in evidence.

GRIC's exhibit 14 is received in evidence.

GRIC's exhibit 15 is received in evidence.

GRIC's exhibit 6 is received in evidence.

2:29 p.m. Court stands at recess.

2:45 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.

Mr. Klain advises the Court that the parties have conferred regarding SRP's additional deposition designation and confirms that the Objectors will not be calling Dr. Ley as a witness.

Brian Westfall continues testifying.

GRIC's exhibit 16 is received in evidence.

GRIC's exhibit 17 is received in evidence.

Discussion is held regarding Mr. Burtell's rebuttal to Mr. Westfall's report.

Mr. Hood states his objection as misstating Mr. Snyder's testimony with respect to overall consumptive use. Argument is presented. The Court states that Mr. Hood can follow up on cross-examination of the witness.

Argument is presented regarding Mr. Westfall's publications and Dr. Ley's report. Mr. Hood moves to strike Mr. Westfall's testimony regarding the publications. Mr. Godfrey states that it is not a critical document. The Court states that if this is not a critical document, then it can be left out and he may proceed.

4:01 p.m. Court stands at recess.

4:10 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.

Brian Westfall continues testifying.

Mr. Godfrey states his objection to use of a newspaper article. The Court advises Mr. Hood to focus in on the photograph for purposes of the discussion.

Trial and witness scheduling matters are discussed.

The Court addresses Dr. Ley.

4:38 p.m. Court stands at recess until 9:00 a.m. on September 2, 2026.

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