

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

September 2, 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 EIGHT

East Court Building – Courtroom 613

9:03 a.m. Trial to the Court continues from September 1, 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, Michele Kaley, is present. A record of the proceeding is also made digitally.

Court Reporter, Michele Kaley, is sworn to perform the duties of the court reporter.

Objectors' case continues:

Brian Westfall resumes the stand and testifies further.

Mr. Godfrey objects as to lack of clarity with respect to the use of the term water duty versus crop water requirement. Discussion is held and argument is presented. The Court states that the term water duty has been used in this case. The Court advises Mr. Hood to make sure that Mr. Westfall is clear with what has been used in this case as a water duty.

Mr. Godfrey objects to Mr. Hood interrupting the witness. Argument is presented. The Court addresses the witness and counsel.

Mr. Godfrey states his objection as to relevance regarding whether the statewide data from 1919 would apply to the ASARCO's ranches. Discussion is held and argument is presented.

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

10:47 a.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Michele Kaley, is present. A record of the proceeding is also made digitally.

Brian Westfall continues testifying.

ASARCO's exhibit CL 402 is received in evidence.

The Court advises Ms. Wilkinson to perhaps replace the term waste with non-crop use. Discussion is held regarding the same.

11:38 a.m. Court stands at recess.

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

Court Reporter, Michele Kaley, is present. A record of the proceeding is also made digitally.

Brian Westfall continues testifying.

GRIC's exhibit 61 is received in evidence.

The witness is excused.

Peter Mock is sworn and testifies.

GRIC's exhibit 18 is received in evidence.

Mr. Hood states his standing Rule 702 objection with respect to Mr. Westfall's report consistent with the motion in limine.

GRIC's exhibit 75 is received in evidence.

GRIC's exhibit 76 is received in evidence.

GRIC's exhibit 77 is received in evidence.

GRIC's exhibit 65 is received in evidence.

GRIC's exhibit 63 is received in evidence.

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

2:45 p.m. Court reconvenes with respective parties and counsel present.

Court Reporter, Michele Kaley, is present. A record of the proceeding is also made digitally.

Peter Mock continues testifying.

GRIC's exhibit 64 is received in evidence.

ASARCO's exhibit CL 49 is received in evidence at the request of GRIC.

GRIC's exhibit 66 is received in evidence.

GRIC's exhibit 62 is received in evidence.

GRIC's exhibit 74 is received in evidence.

GRIC's exhibit 25 is received in evidence.

GRIC's exhibit 26 is received in evidence.

GRIC's exhibit 27 is received in evidence.

GRIC's exhibit 28 is received in evidence.

GRIC's exhibit 29 is received in evidence.

GRIC's exhibit 19 is received in evidence.

GRIC's exhibit 20 is received in evidence.

GRIC's exhibit 21 is received in evidence.

GRIC's exhibit 22 is received in evidence.

GRIC's exhibit 23 is received in evidence.

GRIC's exhibit 24 is received in evidence.

4:12 p.m. Court stands at recess until 9:00 a.m. on September 3, 2026.

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