

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

April 26, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar
Deputy

FILED: April 26, 2023

In re: the General Adjudication
Of All Rights to Use Water in the
Little Colorado River System and Source

Case No. CV6417-300

In Re: Navajo Nation

**MINUTE ENTRY
TRIAL DAY 3**

Courtroom 613 – East Court Building

Prior to the commencement of this proceeding, Nicole Buldis is sworn to perform the duties of a Court Reporter.

9:01 a.m. This is the time set for Trial to Court regarding Phase 1 – DCMI and Stock/Wildlife Watering before Special Water Master Sherri Zendri.

The following attorneys appear in person:

- Jeffrey S. Leonard, Evan Hiller, Judith M. Dworkin, Candance French and Kathryn Hoover on behalf of the Navajo Nation
- Emmi Blades on behalf of the United States Department of Justice
- Phillip Londen and Payslie Bowman on behalf of the Hopi Tribe
- Kate Shaffer and Irania Fimbres-Ruiz on behalf of the San Juan Southern Paiute Tribe
- David Brown and Brian J. Heiserman on behalf of the LCR Coalition (“LCRC”)
- Mark McGinnis and Katrina Wilkinson on behalf of Salt River Project (“SRP”)

- Carrie Brennan and Kevin Crestin on behalf of the Arizona State Land Department (“ASLD”)
- Ethan Minkin, Luke Erickson and Lee Storey on behalf of the City of Flagstaff

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

Witness, Dr. Herman Cody, is sworn and testifies.

The witness is excused.

Witness, Raymond Maxx, is sworn and testifies.

10:30 a.m. The Court stands in recess.

10:45 a.m. The Court reconvenes with the above-named parties present.

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

Witness, Raymond Maxx, testifies further.

Navajo Nation’s exhibits 952, 1128, 1129, 1130, 1182, 1183, 1184, 1196, 1198, 1199 and 1200 are received in evidence.

Discussion is held regarding the deposition of the late first President of the Navajo Nation, Mr. Peterson Zah. Counsel for the Hopi Tribe, Mr. Londen, affirms that they will also be waiving their objections and allow the video to play.

12:19 p.m. The Court stands in recess.

1:30 p.m. The Court reconvenes with the above-named parties.

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

Counsel for the Navajo Nation, Mr. Hiller, addresses the Court regarding the witness schedule. He states that they will be circulating a revised witness schedule so that next week they are utilizing trial time more efficiently.

LET THE RECORD REFLECT that counsel for the United States have not yet returned from the lunch break.

1:32 p.m. The Court stands in recess to allow counsel to return.

1:34 p.m. The Court reconvenes with the above-named counsel present.

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

Witness, Raymond Maxx, having been previously sworn, testifies further.

Navajo Nation's exhibits 1072 and 1197 are received in evidence.

Counsel for the LCRC objects to testimony regarding exhibit 1487 as to hearsay. Counsel for the Hopi Tribe joins in the hearsay objection.

The objection is sustained, the Navajo Nation has not yet moved for its admission, but testimony regarding the exhibit will not be permitted. The Navajo Nation may revisit this issue should the transcript of Mr. Maxx's testimony (before the House Interior Appropriations Subcommittee on March 27, 2012) be made available.

The witness is excused.

Counsel for Navajo Nation, Mr. Leonard, addresses the Court regarding the deposition of the late first President of the Navajo Nation, Mr. Peterson Zah and the exhibits. He explains that some exhibits from the deposition were not bates stamped. Those same exhibits have been provided as trial exhibits for this proceeding. The exhibits are identical with the addition of the trial exhibit number, the exhibit number used at the deposition and bates stamps.

No objection is stated to the addition to the exhibits.

The video of the deposition of the late first President of the Navajo Nation, Mr. Peterson Zah is played in open court.

3:03 p.m. The Court stands in recess.

3:13 p.m. The Court reconvenes with the above-named parties present.

Court Reporter, Nicole Bulldis, is present. A record of the proceedings is also made digitally.

The video of the deposition of the late first President of the Navajo Nation, Mr. Peterson Zah continues.

4:25 p.m. This matter stands in recess until Thursday, April 27, 2023.

A copy of this minute entry is provided to all parties on the Court approved mailing list.

NOTE: All court proceedings are recorded digitally and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day