

SUPERIOR COURT OF ARIZONA
APACHE COUNTY

July 19, 2023

CLERK OF THE COURT

SPECIAL WATER MASTER
SHERRI ZENDRI

A. Parmar
Deputy

FILED: July 21, 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 33**

Courtroom 613 – East Court Building

8:57 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 and Judith Dworkin on behalf of the Navajo Nation
- Emmi Blades on behalf of the United States Department of Justice
- Phillip Londen and Brandon Delgado on behalf of the Hopi Tribe
- Irania Fimbres-Ruiz, Julia Kolsrud and Kate Shaffer on behalf of the San Juan Southern Paiute Tribe
- Brian Heiserman on behalf of the LCR Coalition (“LCRC”)
- Katrina Wilkinson and Mark McGinnis on behalf of Salt River Project (“SRP”)
- Kevin Crestin on behalf of the Arizona State Land Department (“ASLD”)
- Alexandra Arboleda on behalf of the City of Flagstaff

Court Reporter, Cindy Mahoney, is present. A record of the proceedings is also made digitally.

LET THE RECORD REFLECT that Court Reporter, Cindy Mahoney, was previously sworn on the first day of trial.

The Court addresses the parties regarding Monday, July 24, 2023. Due to an unforeseen scheduling conflict, Courtroom 613 will not be available Monday morning. There is a possibility that Monday's hearing will have to start at 1:30 p.m. instead of 9:00 a.m. and would like the parties to discuss whether they would like to vacate Monday altogether or start in the afternoon. In the meantime, the Court is working towards other arrangements and will further discuss with the parties on Thursday.

LET THE RECORD FURTHER REFLECT that the LCRC's last witness testified on Tuesday and the LCRC rests its case.

Witness, San Juan Southern Paiute Tribe President Johnny Lehi Jr., is sworn and testifies.

9:03 a.m. Candace French is now present on behalf of the Navajo Nation.

Witness, President Johnny Lehi Jr., testifies further.

Counsel for Navajo Nation, Mr. Leonard, objects to the witness opining on whether the treaty is in effect as it calls for a legal conclusion and objects to this subject as to disclosure and relevance. He notes that that the subject of tribal government operation was previously excluded by a Motion in Limine granted by former Special Water Master Harris.

Counsel for the San Juan Southern Paiute Tribe, Ms. Kolsrud, notes that this subject was further disclosed by the Oral Argument on the Navajo Nation's Motion in Limine and the Navajo Nation chose not to depose President Lehi Jr. She adds that the Navajo Nation has presented several maps that identifies lands as Southern Paiute treaty land and the President is entitled to contest that.

The objection is overruled. The San Juan Southern Paiute Tribe is entitled to challenge the facts or information presented by the other parties and the Court finds it to be relevant. The Court notes that certain subjects have been excluded and should steer clear of any testimony that may prejudice any future use claims by the Tribe.

Witness, President Johnny Lehi Jr., testifies further.

Counsel for Navajo Nation, Mr. Leonard, objects to the witness testifying regarding population and enrollment numbers as to disclosure.

The objection is overruled; the witness may testify to population and enrollment as it relates to inquiries to his office however, the witness will not be permitted to give detailed testimony regarding population/enrollment numbers.

Witness, President Johnny Lehi Jr., testifies further.

The witness is excused.

The San Juan Southern Paiute Tribe rests its case.

9:28 a.m. This matter stands in recess until Wednesday, July 19, 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.