



October 16, 2014

Arizona Navigable Stream Adjudication Commission
1700 West Washington Street, Room B-54
Phoenix, Arizona 85007

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BY:

Reference: Verde River Navigability

Dear Commissioners,

I have been informed of the ongoing hearings intended to determine the navigability of various Arizona streams and rivers and would like to offer my considered thoughts. It is my belief that the Verde River, as it makes its way through Arizona, is indeed navigable now and certainly was navigable at the time of statehood.

The Verde is one of the last remaining rivers in Arizona with dependable flow and is high up on the list of destinations for not only Arizona citizens but also for boaters from other states as well. Restoring and maintaining the public's access to the Verde is not only important for the rivers preservation but it is a right that people were granted at statehood, a right which citizens have clearly exercised for years.

The Verde River has been used by the public as a means to travel from one point to another by way of watercraft for as long as I can determine. This same public has used the river to travel for the purposes of hunting, fishing, prospecting, exploring, wildlife watching and recreational boating. Some of this on-the-water use has been commercial in nature while some use is purely recreational.

I cannot envision the Verde River as never being navigable and would find it plausible that even the pre-historic peoples that called the Verde Valley home used the waterway as a means of travel by boat or raft constructed out of common materials they had available to them.

It is my opinion that no person or entity has the right to own or post against trespass a waterway that is or has been used for travel and commerce. This would be commensurate to the arbitrary closing of a legal street, highway or trail; not something to be done without careful deliberation to determine harm. If this posting against trespass on a waterway has been done in the past, it is time to right that wrong.

All citizens expect the management of this high-value asset to be of the highest quality and degree, a degree that allows unfettered freedom and access to all reaches of this navigable river. This is a right established at statehood, a right that citizens have clearly exercised and a right that should not be taken away.

Therefore, I must urge the commission to determine the Verde River navigable at the time of statehood thereby placing ownership of the streambed under the auspices of the State of Arizona where the resource will be managed for the public trust. Your decision to determine navigability for the Verde River would ensure public access in perpetuity and I encourage you to do just that.

Sincerely Yours,


Nancy L. Murbach

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