BEFORE THE
ARIZONA NAVIGABLE STREAM ADJUDICATION COMMISSION

IN THE MATTER OF THE NAVIGABILITY OF SMALL AND MINOR WATERCOURSES IN LA PAZ COUNTY, ARIZONA, EXCLUDING THE COLORADO RIVER, BILL WILLIAMS RIVER AND SANTA MARIA RIVER

REPORT, FINDINGS AND DETERMINATION REGARDING THE NAVIGABILITY OF SMALL AND MINOR WATERCOURSES IN LA PAZ COUNTY, ARIZONA

Pursuant to Title 37, Chapter 7, Arizona Revised Statutes, the Arizona Navigable Stream Adjudication Commission ("Commission") has undertaken to receive, compile, review and consider relevant historical and scientific data and information, documents and other evidence regarding the issue of whether any small and minor watercourse in La Paz County, Arizona, excluding the Colorado River, Bill Williams River, and Santa Maria River, was navigable or nonnavigable for title purposes as of February 14, 1912. Proper and legal public notice was given in accordance with law and a hearing was held at which all parties were afforded the opportunity to present evidence, as well as their views, on this issue. The Commission having considered all of the historical and scientific data and information, documents and other evidence, including the oral and

written presentations made by persons appearing at the public hearing and being fully advised in the premises, hereby submits its report, findings and determination.

There are 1,597 documented small and minor watercourses in La Paz County. Of this number 1,509 are unnamed. All of these watercourses, both named and unnamed, are the subject of and included in this report. Excluded from this report is the Colorado River which was long ago determined to be navigable and serves as the boundary between La Paz County, Arizona, and the State of California. Also excluded are the Bill Williams River and the Santa Maria River which are deemed to be major watercourses and are the subject of separate reports. Attached hereto as Exhibit "A" is a list of all of the small and minor watercourses in La Paz County, Arizona, both named and unnamed, covered by this report.

I. Procedure

On November 20, 2002, the Commission gave proper prior notice of its intent to study the issue of whether small and minor watercourses in La Paz County, Arizona, were navigable or nonnavigable for title purposes as of February 14, 1912, in accordance with A.R.S. § 37-1123B. A copy of the Notice of Intent to Study and Receive, Review and Consider Evidence on the issue of navigability of small and minor watercourses in La Paz County is attached hereto as Exhibit "B."

After collecting and documenting all reasonably available evidence received pursuant to the Notice of Intent to Study and to Receive, Review and Consider

Evidence, the Commission scheduled a public hearing to receive additional evidence and testimony regarding the navigability or nonnavigability of small and minor watercourses located in La Paz County, Arizona. Public notice of this hearing was given by legal advertising on November 6, 2002, as required by law pursuant to A.R.S. § 37-1126 and, in addition, by mail to all those requesting individual notice and by means of the ANSAC website (azstreambeds.com). This hearing was held on December 10, 2002, in the City of Parker, the county seat of La Paz County, since the law requires that such hearing be held in the county in which the watercourses being studied are located. Attached hereto as Exhibit "C" is a copy of the notice of the public hearing.

All parties were advised that anyone who desired to appear and give testimony at the public hearing could do so and, in making its findings and determination as to navigability and nonnavigability, the Commission would consider all matters presented to it at the hearing, as well as other historical and scientific data, information, documents and evidence that had been submitted to the Commission at any time prior to the date of the hearing, including all data, information, documents, and evidence previously submitted to the Commission.

Following the public hearing held on December 10, 2002, all parties were advised that they could file post-hearing memoranda pursuant to Rule R12-17-108.01. Post-hearing memoranda were filed by the McMullen Valley Irrigation and Drainage District and the Salt River Project.

On March 12, 2003, at a public hearing in Bisbee, Arizona, after considering all of the evidence and testimony submitted, and the post-hearing memoranda filed with the Commission, and the comments and oral argument presented by the parties, and being fully advised in the premises, the Commission, with a unanimous vote, found and determined in accordance with A.R.S. § 37-1128 that all small and minor watercourses in La Paz County, Arizona, were nonnavigable as of February 14, 1912.

II. La Paz County, Arizona

La Paz County, Arizona, is located in the western portion of the state and is approximately 4,517 square miles in land area. It borders the States of California to the west, Mohave County to the north, Yavapai and Maricopa Counties to the east, and Yuma County to the south. La Paz County lies within the following latitude and longitude ranges: latitude from 33° 01' 00" north to 34° 19' 00" north and longitude from 113° 20' 00" west to 114° 45' 00" west.

La Paz County is xeric in character located almost entirely within the Mohave Desert. It has some desert mountains, mostly rocky with little foliage. The highest point in the county is Mohave Peak in Trigo Mountain Park at 2767 feet above sea level. The lowest point is approximately 199 feet above sea level at the center of the Colorado River where it flows from La Paz County into Yuma County. The average rainfall for La Paz County is less than eight inches per annum.

The major population centers of La Paz County are the cities of Parker (the county seat) and Quartzsite whose population escalates during the winter months. Small towns or settlements located in La Paz County are Ehrenberg, Vicksburg, Hope, Salome, Wenden and Bouse. The major commercial industries of La Paz County are tourism and farming, primarily along the Colorado River. The Hayden Rhodes Aqueduct of the Central Arizona Project starts near Parker Dam and travels southwesterly, carrying water from the Colorado River to the Salt River Valley. Interstate 10 is the main corridor of transportation east and west, and Highway 95 is the principal corridor running north and south. The Colorado River Indian Reservation surrounds Parker, with the major portion located south of the city. Major areas of interest in La Paz County are the Kofa National Wildlife Refuge, Alamo Lake, Eagletail Mountain Wilderness Area, U. S. Army Yuma Proving Ground, and the Cibola National Wildlife Refuge.

III. Background and Historical Perspectives

A. Public Trust Doctrine and Equal Footing Doctrine

The reason for the legislative mandated study of navigability of watercourses within the state is to determine who holds title to the beds and banks of such rivers and watercourses. Under the Public Trust Doctrine, as developed by common law over many years, the tidal lands and beds of navigable rivers and watercourses, as well as the banks up to the high water mark, are held by the sovereign in a special title for the

benefit of all the people. In quoting the U. S. Supreme Court, the Arizona Court of Appeals described the Public Trust Doctrine in its decision in *The Center for Law v. Hassell*, 172 Arizona 356, 837 P.2d 158 (App. 1991), *review denied* (October 6, 1992).

> An ancient doctrine of common law restricts the sovereign's ability to dispose of resources held in public trust. This doctrine, integral to watercourse sovereignty, was explained by the Supreme Court in *Illinois Cent. R.R. v. Illinois*, 146 U.S. 387, 13 S.Ct. 110, 36 L.Ed. 1018 (1892). A state's title to lands under navigable waters
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> > is a title different in character from that which the State holds in lands intended for sale.... It is a title held in trust for the people of the State that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein freed from the obstruction or interference of private parties.
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> *Id.* at 452, 13 S.Ct. at 118; *see also Martin v. Waddell*, 41 U.S. (16 Pet.) at 413 (describing watercourse sovereignty as "a public trust for the benefit of the whole community, to be freely used by all for navigation and fishery, as well for shellfish as floating fish").

Id., 172 Ariz. at 364, 837 P.2d at 166.

This doctrine is quite ancient and was first formally codified in the Code of the Roman Emperor Justinian between 529 and 534 A.D.[1] The provisions of this Code, however, were based, often verbatim, upon much earlier institutes and journals of Roman and Greek law. Some historians believe that the doctrine has even earlier progenitors in the rules of travel on rivers and waterways in ancient Egypt and Mesopotamia. This rule evolved through common law in England which established

[1] Putting the Public Trust Doctrine to Work, David C. Slade, Esq. (Nov. 1990), pp. xvii and 4.

that the king as sovereign owned the beds of commercially navigable waterways in order to protect their accessibility for commerce, fishing and navigation for his subjects. In England the beds of non-navigable waterways where transportation for commerce was not an issue were owned by the adjacent landowners.

This principle was well established by English common law long before the American Revolution and was a part of the law of the American colonies at the time of the Revolution. Following the American Revolution, the rights, duties and responsibilities of the crown passed to the thirteen new independent states, thus making them the owners of the beds of commercially navigable streams, lakes and other waterways within their boundaries by virtue of their newly established sovereignty. The ownership of trust lands by the thirteen original states was never ceded to the federal government. However, in exchange for the national government's agreeing to pay the debts of the thirteen original states incurred in financing the Revolutionary War, the states ceded to the national government their undeveloped western lands. In the Northwest Ordinance of 1787, adopted just prior to the ratification of the U. S. Constitution and subsequently re-enacted by Congress on August 7, 1789, it was provided that new states could be carved out of this western territory and allowed to join the Union and that they "shall be admitted . . . on an equal footing with the original states, in all respects whatsoever." (Ordinance of 1787: The Northwest Territorial Government, § 14, Art. V, 1 stat. 50. See also U. S. Constitution,

Art. IV, Section 3). This has been interpreted by the courts to mean that on admission to the Union, the sovereign power of ownership of the beds of navigable streams passes from the federal government to the new state. *Pollard's Lessee v. Hagan, et al.*, 44 U.S. (3 How.) 212 (1845), and *Utah Division of State Lands v. United States*, 482 U.S. 193 (1987).

In discussing the Equal Footing Doctrine as it applies to the State's claim to title of beds and banks of navigable streams, the Court of Appeals stated in *Hassell*:

> The state's claims originated in a common-law doctrine, dating back at least as far as Magna Charta, vesting title in the sovereign to lands affected by the ebb and flow of tides. *See Martin v. Waddell*, 41 U.S. (16 Pet.) 367, 412-13, 10 L.Ed. 997 (1842). The sovereign did not hold these lands for private usage, but as a "high prerogative trust . . ., a public trust for the benefit of the whole community." *Id.* at 413. In the American Revolution, "when the people . . . took into their own hands the powers of sovereignty, the prerogatives and regalities which before belong either to the crown or the Parliament, became immediately and rightfully vested in the state." *Id.* at 416.
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> Although watercourse sovereignty ran with the tidewaters in England, an island country, in America the doctrine was extended to navigable inland watercourses as well. *See Barney v. Keokuk*, 94 U.S. 324, 24 L.Ed. 224 (1877); *Illinois Cent. R.R. v. Illinois*, 146 U.S. 387, 434, 13 S.Ct. 110, 111, 36 L.Ed. 1018 (1892). Moreover, by the "equal footing" doctrine, announced in *Pollard's Lessee v.* Hagan, 44 U.S. (3 How.) 212, 11 L.Ed. 565 (1845), the Supreme Court attributed watercourse sovereignty to future, as well as then-existent, states. The Court reasoned that the United States government held lands under territorial navigable waters in trust for future states, which would accede to sovereignty on an "equal footing" with established states upon admission to the Union. *Id.* at 222-23, 229; *accord Montana v. United States*, 450 U.S. 544, 101 S.Ct. 1245, 67 L.Ed.2d 493 (1981); *Land*

> *Department v. O'Toole*, 154 Ariz. 43, 44, 739 P.2d 1360, 1361 (App. 1987).
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> The Supreme Court has grounded the states' watercourse sovereignty in the Constitution, observing that "[t]he shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the states respectively." *Pollard's Lessee*, 44 U.S. (3 How.) at 230; *see also Oregon ex rel. State Land Board v. Corvallis Sand & Gravel Co.*, 429 U.S. 363, 374, 97 S.Ct. 582, 589, 50 L.Ed.2d 550 (1977) (states' "title to lands underlying navigable waters within [their] boundaries is conferred . . . by the [United States] constitution itself").

Id., 172 Ariz. 359-60, 837 P.2d at 161-162.

In the case of Arizona, the "equal footing" doctrine means that if any stream or watercourse within the State of Arizona was navigable on February 14, 1912, the date Arizona was admitted to the Union, the title to its bed is held by the State of Arizona in a special title under the public trust doctrine. If the stream was not navigable on that date, ownership of the streambed remained in such ownership as it was prior to statehood--the United States if federal land, or some private party if it had previously been patented or disposed of by the federal government--and could later be sold or disposed of in the manner of other land since it had not been in a special or trust title under the public trust doctrine. Thus, in order to determine title to the beds of rivers, streams, and other watercourses within the State of Arizona, it must be determined whether or not they were navigable or non-navigable as of the date of statehood.

B. Legal Precedent to Current State Statutes

Until 1985, most Arizona residents assumed that all rivers and watercourses in Arizona, except for the Colorado River, were non-navigable and accordingly there was no problem with the title to the beds and banks of any rivers, streams or other watercourses. However, in 1985 Arizona officials upset this long-standing assumption and took action to claim title to the bed of the Verde River. *Land Department v. O'Toole,* 154 Ariz. 43, 739 P.2d 1360 (App. 1987). Subsequently, various State officials alleged that the State might hold title to certain lands in or near other watercourses as well. *Id.,* 154 Ariz. at 44, 739 P.2d at 1361. In order to resolve the title questions to the beds of Arizona rivers and streams, the Legislature enacted a law in 1987 substantially relinquishing the state's interest in any such lands.[2] With regard to the Gila, Verde and Salt Rivers, this statute provided that any record title holder of lands in or near the beds of those rivers could obtain a quitclaim deed from the State Land Commissioner for all of the interest the state might have in such lands by the payment of a quitclaim fee of $25.00 per acre. The Arizona Center for Law in the Public Interest filed suit against Milo J. Hassell in his capacity as State Land Commissioner, claiming that the statute was unconstitutional under the public trust doctrine and gift clause of the Arizona Constitution as no determination had been made of what interest the state had in such

[2] Prior to the enactment of the 1987 statute, the Legislature made an attempt to pass such a law, but the same was vetoed by the Governor. The 1987 enactment was signed by the Governor and became law. 1987 Arizona Session Laws, Chapter 127.

lands and what was the reasonable value thereof so that it could be determined that the state was getting full value for the interests it was conveying. The Superior Court entered judgment in favor of the defendants and an appeal was taken. In its decision in *Hassell,* the Court of Appeals held that this statute violated the public trust doctrine and the Arizona Constitution and further set forth guidelines under which the state could set up a procedure for determining the navigability of rivers and watercourses in Arizona. In response to this decision, the Legislature established the Arizona Navigable Stream Adjudication Commission and enacted the statutes pertaining to its operation. 1992 Arizona Session Laws, Chapter 297 (1992 Act). The charge given to the Commission by the 1992 Act was to conduct full evidentiary public hearings across the state and to adjudicate the State's claims to ownership of lands in the beds of watercourses. *See generally* former A.R.S. §§ 37-1122 to -1128.

The 1992 Act provided that the Commission would make findings of navigability or non-navigability for each watercourse. *See* former A.R.S. § 37-1128(A). Those findings were based upon the "federal test" of navigability in former A.R.S. § 37-1101(6), now § 37-1101(5). The Commission would examine the "public trust values" associated with a particular watercourse only if and when it determined that the watercourse was navigable. *See* former A.R.S. §§ 37-1123(A)(3), 37-1128(A).

The Commission began to take evidence on certain watercourses during the fall of 1993 and spring of 1994. In light of perceived difficulties with the 1992 Act, the

Legislature revisited this issue during the 1994 session and amended the underlying legislation. *See* 1994 Arizona Session Laws, ch. 278 ("1994 Act"). Among other things, the 1994 Act provided that the Commission would make a recommendation to the Legislature, which would then hold additional hearings and make a final determination of navigability by passing a statute with respect to each watercourse. The 1994 Act also established certain presumptions of non-navigability and exclusions of some types of evidence.

Based upon the 1994 Act, the Commission went forth with its job of compiling evidence and making a determination of whether each watercourse in the state was navigable as of February 14, 1912. The Arizona State Land Department issued technical reports on each watercourse, and numerous private parties and public agencies submitted additional evidence in favor of or opposed to navigability for particular watercourses. *See Defenders of Wildlife v. Hull*, 199 Ariz. 411, 416, 18 P.3d 722, 727 (App. 2001). The Commission reviewed the evidence and issued reports on each watercourse, which were transmitted to the Legislature. The Legislature then enacted legislation relating to the navigability of each specific watercourse. The Court of Appeals struck down that legislation in its *Hull* decision, finding that the Legislature had not applied the proper standards of navigability. *Id.* 199 Ariz. at 427-28, 18 P.2d at 738-39.

In 2001, the Legislature again amended the underlying statute in another attempt to comply with the court's pronouncements in *Hassell* and *Hull*. *See* 2001 Arizona

Session Laws, ch. 166, § 1. The 2001 legislation now governs the Commission in making its findings with respect to the small and minor watercourses in La Paz County.

IV. Issues Presented

The applicable Arizona statutes state that the Commission has jurisdiction to determine which, if any, Arizona watercourses were "navigable" on February 14, 1912 and for any watercourses determined to be navigable, to identify the public trust values. A.R.S. § 37-1123. A.R.S. § 37-1123A provides as follows:

> A. The commission shall receive, review and consider all relevant historical and other evidence presented to the commission by the state land department and by other persons regarding the navigability or nonnavigability of watercourses in this state as of February 14, 1912, together with associated public trust values, except for evidence with respect to the Colorado river, and, after public hearings conducted pursuant to section 37-1126:
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> 1. Based only on evidence of navigability or nonnavigability, determine what watercourses were not navigable as of February 14, 1912.
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> 2. Based only on evidence of navigability or nonnavigability, determine whether watercourses were navigable as of February 14, 1912.
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> 3. In a separate, subsequent proceeding pursuant to section 37-1128, subsection B, consider evidence of public trust values and then identify and make a public report of any public trust values that are now associated with the navigable watercourses.

A.R.S. §§ 37-1128A and B provide as follows:

> A. After the commission completes the public hearing with respect to a watercourse, the commission shall again

> review all available evidence and render its determination as to whether the particular watercourse was navigable as of February 14, 1912. If the preponderance of the evidence establishes that the watercourse was navigable, the commission shall issue its determination confirming the watercourse was navigable. If the preponderance of the evidence fails to establish that the watercourse was navigable, the commission shall issue its determination confirming that the watercourse was nonnavigable.
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> B. With respect to those watercourses that the commission determines were navigable, the commission shall, in a separate, subsequent proceeding, identify and make a public report of any public trust values associated with the navigable watercourse.

Thus, in compliance with the statutes, the Commission is required to collect evidence, hold hearings, and determine which watercourses in existence on February 14, 1912, were navigable or nonnavigable. This report pertains to all of the small and minor watercourses in La Paz County, Arizona and excludes the Colorado River, the Bill Williams River, and the Santa Maria River. In the hearings to which this report pertains, the Commission considered all of the available historical and scientific data and information, documents and other evidence relating to the issue of navigability of the small and minor watercourses in La Paz County, Arizona as of February 14, 1912.

Public Trust Values were not considered in these hearings but will be considered in separate, subsequent proceedings if required. A.R.S. §§ 37-1123A3 and 37-1128B. In discussing the use of an administrative body such as the Commission on issues of navigability and public trust values, the Arizona Court of Appeals in its decision in

Hassell found that State must undertake a "particularized assessment" of its "public trust" claims but expressly recognized that such assessment need not take place in a "full blown judicial" proceeding.

> We do not suggest that a full-blown judicial determination of historical navigability and present value must precede the relinquishment of any state claims to a particular parcel of riverbed land. An administrative process might reasonably permit the systematic investigation and evaluation of each of the state's claims. Under the present act, however, we cannot find that the gift clause requirement of equitable and reasonable consideration has been met.

Id., 172 Ariz. at 370, 837 P.2d at 172.

The 2001 *Hull* court, although finding certain defects in specific aspects of the statute then applicable, expressly recognized that a determination of "navigability" was essential to the State having any "public trust" ownership claims to lands in the bed of a particular watercourse:

> The concept of navigability is "essentially intertwined" with public trust discussions and "[t]he navigability question often resolves whether any public trust interest exists in the resource at all." Tracy Dickman Zobenica, *The Public Trust Doctrine in Arizona's Streambeds*, 38 Ariz. L. Rev. 1053, 1058 (1996). In practical terms, this means that **before a state has a recognized public trust interest in its watercourse bedlands, it first must be determined whether the land was acquired through the equal footing doctrine. However, for bedlands to pass to a state on equal footing grounds, the watercourse overlying the land must have been "navigable" on the day that the state entered the union.**

199 Ariz. at 418, 18 P.3d at 729 (also citing *O'Toole*, 154 Ariz. at 45, 739 P.2d at 1362) (emphasis added).

The Legislature and the Court of Appeals in *Hull* have recognized that, unless the watercourse was "navigable" at statehood, the State has no "public trust" ownership claim to lands along that watercourse. Using the language of *Hassell,* if the watercourse was not "navigable," the "validity of the equal footing claims that [the State] relinquishes" is **zero**. *Hassell,* 172 Ariz. at 371, 837 P.2d at 173. Thus, if there is no claim to relinquish, there is no reason to waste public resources determining (1) the value of any lands the State **might** own **if** it had a claim to ownership, (2) "equitable and reasonable considerations" relating to claims it might relinquish without compromising the "public trust," or (3) any conditions the State might want to impose on transfers of its ownership interest. *See id.*

V. Burden of Proof

The Commission in making its findings and determinations utilized the standard of the preponderance of the evidence as the burden of proof as to whether or not a stream was navigable or nonnavigable. A.R.S. § 37-1128A provides as follows:

> After the commission completes the public hearing with respect to a watercourse, the commission shall again review all available evidence and render its determination as to whether the particular watercourse was navigable as of February 14, 1912. If the preponderance of the evidence establishes that the watercourse was navigable, the commission shall issue its determination confirming that the watercourse was navigable. If the preponderance of the evidence fails to establish that the watercourse was navigable, the commission shall issue its determination confirming that the watercourse was nonnavigable.

This statute is consistent with the decision of the Arizona courts that have considered the matter. *Hull*, 199 Ariz. at 420, 18 P.3d at 731 ("... a 'preponderance' of the evidence appears to be the standard used by the courts. *See, e.g., North Dakota v. United States*, 972 F.2d 235-38 (8th Cir. 1992)"); *Hassell*, 172 Ariz. at 363, n. 10, 837 P.2d at 165, n. 10 (The question of whether a watercourse is navigable is one of fact. The burden of proof rests on the party asserting navigability ..."); *O'Toole*, 154 Ariz. at 46, n. 2, 739 P.2d at 1363, n. 2.

The most commonly used legal dictionary contains the following definition of "preponderance of the evidence":

> Evidence which is of greater weight or more convincing that the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proven is more probable than not. *Braud v. Kinchen*, La. App., 310 So.2d 657, 659. With respect to burden of proof in civil actions, means greater weight of evidence, or evidence which is more credible and convincing to the mind. That which best accords with reason and probability. The word "preponderance" means something more than "weight"; it denotes a superiority of weight, or outweighing. The words are not synonymous, but substantially different. There is generally a "weight" of evidence on each side in case of contested facts. But juries cannot properly act upon the weight of evidence, in favor of the one having the *onus*, unless it overbear, in some degree, the weight upon the other side.

Black's Law Dictionary 1064 (5th ed. 1979).

The "preponderance of the evidence" standard is sometimes referred to as requiring "fifty percent plus one" in favor of the party with the burden of proof. One

could image a set of scales. If the evidence on each side weighs exactly evenly, the party without the burden of proof must prevail. In order for the party with the burden to prevail, sufficient evidence must exist in order to tip the scales (even slightly) in its favor. See generally *United States v. Fatico*, 458 U.S. 388, 403-06 (E.D. N.Y. 1978), *aff'd* 603 F.2d 1053 (2nd Cir. 1979), *cert.denied* 444 U.S. 1073 (1980); *United States v. Schipani*, 289 F.Supp. 43, 56 (E.D.N.Y. 1968), *aff'd*, 414 F.2d 1262 (2d Cir. 1969).

VI. Standard for Determining Navigability

The statutes defines a navigable watercourse as follows:

> "Navigable" or "navigable watercourse" means a watercourse that was in existence on February 14, 1912, and at that time was used or was susceptible to being used, in its ordinary and natural condition, as a highway for commerce, over which trade and travel were or could have been conducted in the customary modes of trade and travel on water.

A.R.S. § 37-1101(5).

The foregoing statutory definition is taken almost verbatim from the U. S. Supreme Court decision in *The Daniel Ball*, 77 U.S. (10 Wall) 557, 19 L.Ed. 999 (1870), which is considered by most authorities as the best statement of navigability for title purposes. In its decision, the Supreme Court stated:

> Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over

> which trade and travel are or may be conducted in the customary modes of trade and travel on water.

77 U.S. at 563.

In a later opinion in *U.S. v. Holt Bank*, 270 U.S. 46 (1926), the Supreme Court stated:

> [Waters] which are navigable in fact must be regarded as navigable in law; that they are navigable in fact when they are used, or are susceptible of being used, in their natural and ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water; and further that navigability does not depend on the particular mode in which such use is or may be had--whether by steamboats, sailing vessels or flatboats--nor on an absence of occasional difficulties in navigation, but on the fact, if it be a fact, that the [water] in its natural and ordinary condition affords a channel for useful commerce.

270 U.S. at 55-56.

The Commission also considered the following definitions contained in A.R.S. § 37-1101 to assist it in determining whether small and minor watercourses in La Paz County are navigable at statehood.

> 11. "Watercourse" means the main body or a portion or reach of any lake, river, creek, stream, wash, arroyo, channel or other body of water. Watercourse does not include a man-made water conveyance system described in paragraph 4 of this section, except to the extent that the system encompasses lands that were part of a natural watercourse as of February 14, 1912.

> 3. "Highway for commerce" means a corridor or conduit within which the exchange of goods, commodities or property or the transportation of persons may be conducted.
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> 2. "Bed" means the land lying between the ordinary high watermarks of a watercourse.
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> 6. "Ordinary high watermark" means the line on the banks of a watercourse established by fluctuations of water and indicated by physical characteristics, such as a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation or the presence of litter and debris, or by other appropriate means that consider the characteristics of the surrounding areas. Ordinary high watermark does not mean the line reached by unusual floods.
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> 8. "Public trust land" means the portion of the bed of a watercourse that is located in this state and that is determined to have been a navigable watercourse as of February 14, 1912. Public trust land does not include land held by this state pursuant to any other trust.

Thus, the State of Arizona in its current statutes follows the Federal test for determining navigability.

VII. Evidence Received and Considered by the Commission

Pursuant to A.R.S. § 37-1123, and other provisions of Title 37, Chapter 7, Arizona Revised Statutes, the Commission received, compiled, and reviewed evidence and records regarding the navigability and nonnavigability of small and minor watercourses located in La Paz County, Arizona. Evidence consisting of studies, written documents, newspapers and other historical accounts, pictures and testimony were submitted. A comprehensive study entitled "Final Report - Small & Minor

Watercourses Analysis for La Paz County, Arizona" prepared by JE Fuller/Hydrology & Geomorphology, Inc. under supervision of the Arizona State Land Department, dated November 22, 2002, was reviewed and considered by the Commission. Various earlier draft reports of this study were also reviewed and considered by the Commission. Also reviewed and considered by the Commission were documents submitted by the McMullen Valley Irrigation and Drainage District and the Salt River Project and the Arizona Stream Navigability Study for the Santa Maria River prepared by JE Fuller/Hydrology & Geomorphology, Inc., SWCA, Inc. Environmental Consultants, as well as others. The list of evidence and records, together with a summarization is attached as Exhibit "D". The public hearing on small and minor watercourses located in La Paz County, Arizona, was held in Parker, Arizona, on December 10, 2002, and the minutes of the meeting are attached hereto as Exhibit "E," as are that portion of the minutes of the public hearing held on March 12, 2003 which pertains to small and minor watercourses in La Paz County, Arizona.

A. Small & Minor Watercourses Analysis for La Paz County, Arizona

1. Analysis Methods.

Due to the large number of small and minor watercourses located in La Paz County, Arizona (1,579 watercourses of which 1,509 are unnamed), it is impractical and unnecessary to consider each watercourse with the same detail that the Commission will consider major watercourses. The study of small and minor watercourses

developed by Stantec Consulting Inc. and its associates J. E. Fuller Hydrology & Geomorphology, Inc., and the University of Arizona Water Resources Research Center provided for an evaluation using a three-level process which contained criteria that would be necessarily present for a stream to be considered navigable.[3] A master database listing all small and minor watercourses was developed from the Arizona Land Resource Information System (ALRIS) with input from the U. S. Geological Survey, the U. S. Environmental Protection Agency and other agencies and sources. The final version of the master database called "Streams" includes a hydrological unit code (HUC), segment number, mileage, watercourse type and watercourse name, if available. Thus there is a hydrological unit code for each of the segments of the 1,475 small and minor watercourses in La Paz County, Arizona. In addition, the database locates each segment by section, township, and range. Some of the satellite databases discussed below also locate certain significant reference points by latitude and longitude.

Using the master database, the contractor also set up six satellite databases, each relating to a specific stream characteristic or criterion, that would normally be found in a watercourse considered to be navigable or susceptible of navigability. These stream criteria are as follows:

1. Perennial stream flow;

[3] The three-level process begins with a presumption and hypothesis that each stream is navigable. Analysis at each of the three levels attempts to reject that hypothesis. Fuller Final Report, Nov. 22, 2002, p. 9.

2. Dam located on stream;

3. Fish found in stream;

4. Historical record of boating;

5. Record of modern boating; and

6. Special status (other water related characteristics, including in-stream flow application and/or permit, unique waters, wild and scenic, riparian, and preserve).

All watercourses were evaluated at level one which is a binary (yes or no) sorting process as to whether or not these characteristics are present. For a stream or watercourse not to be rejected at level one, it must be shown that at least one of these characteristics is present. If none of these characteristics are present, the stream or watercourse is determined to require no further study and is rejected at level one as having no characteristics of navigability.

All streams and watercourses surviving the level one sorting (*i.e.*, determined to have one or more of the above characteristics) are evaluated at level two. The level two analysis is more qualitative than level one and its assessment requires a more in-depth analysis to verify and interpret the reasons which caused a particular stream to advance from level one. Each of the above characteristics on which there was an affirmative answer at level one is analyzed individually at level two to determine whether the stream is potentially susceptible to navigation or not susceptible to navigation; for example, a watercourse that at first appears to be perennial in flow but upon further

analysis is determined to have only a small flow from a spring for a short distance and therefore cannot be considered perennial for any substantial portion of the watercourse.

In addition, the level two analysis utilizes a refinement with value engineering techniques analyzing watercourses with more than one affirmative response at level one and assigned values to each of the six categories mentioned above. Clearly, perennial flow, historical boating, and modern boating are more important to the issue of navigability than the categories of dam impacted, special status, or fish. Thus, for the purpose of the value engineering study, the following rough values were assigned to each of the six categories: historical boating-10, modern boating-8, perennial stream-7, dam impacted-4, fish-4, and special status-2. This system is a recognized tool used in value engineering studies, and seven qualified engineers from the state Land Department and consulting staff of the contractor participated in determining the values used for each category. This system establishes that a value in excess of 13 is required for a stream to survive the level two evaluation and pass to level three for consideration. Thus, a stream having both perennial flow and historical boating (sum value of 17), or a combination of the values set for other criteria equaling more than 13, would require that the stream pass to evaluation at level three. If a stream does not have a sum value greater than 13, it is determined to require no further study and is rejected at level two as having insufficient characteristics of navigability.

If a stream survives the evaluation at level two, it goes on to level three which uses quantitative hydrologic and hydraulic analysis procedures including any stream gauge data available, as well as engineering estimates of depth, width and velocity of any water flow in the subject watercourse and comparing the same to minimum standards required for different types of vessels. Also considered is the configuration of the channel and whether it contains rapids, boulders or other obstacles. If a stream or watercourse is not rejected or eliminated at level three, it is removed from this process and subjected to a separate detailed study similar to that performed on a major watercourse, and a separate report will be issued on that stream or watercourse.

2. Application of Analysis Methods to Small and Minor Watercourses in La Paz County.

The application of the level one analysis to the 1,597 small and minor watercourses located in La Paz County resulted in 1,570 watercourses or 98.3% being determined as not having any of the six characteristics listed above, and these 1,570 were therefore rejected or eliminated and did not proceed to a further evaluation at level two. Attached as Exhibit "F" is a list of the watercourses in La Paz County which were determined to have no characteristics of navigability or characteristics indicating susceptibility of navigability at level one.

Only 27 watercourses, approximately 1.7%, received an affirmative response to the above characteristics or criteria and were evaluated at level two. Attached as Exhibit "G" is a list of the 27 watercourses that received a positive response to one of the

characteristics listed above. It should be noted that except for Date Creek, all of these 27 watercourses had a positive response only to the characteristic of stream type (*i.e.*, perennial stream flow) in that a segment of each of these streams was considered perennial. At the level two analysis where this characteristic was considered in greater depth and other sources for stream type were considered, it was determined that such a small portion or segment of each of these 26 streams could be considered as having a perennial flow, they could not be considered as perennial and were therefore rejected at level two.

Date Creek is a major tributary of the Santa Maria River. In addition to being considered perennial for more of its length than other streams, it was also determined to have fish. Further analysis showed it was dry in many places and had never been used for boating, nor was it susceptible of being used for commercial travel or commercial fishing. Adding the values established for perennial flows (7) and fish (4), results in total of eleven, less than the value of thirteen necessary to pass to level three. It was therefore determined to be not navigable or susceptible of navigability and was rejected or eliminated at level two. Accordingly, no small or minor watercourses in La Paz County survived level two of the analysis so none was considered or evaluated at the level three analysis.

Testimony presented at the hearing established that the present climate and weather conditions in La Paz County are the same or very similar to that which existed in 1912 when Arizona became a state.

B. Prehistoric and Historic Considerations Affecting Small and Minor Watercourses in La Paz County, Arizona

In addition to the Small and Minor Watercourses Analysis and other evidence described above, the Commission also considered evidence of the prehistoric conditions and the historic development of La Paz County as disclosed primarily in the studies submitted in connection with the hearings on navigability of the Bill Williams River and the Santa Maria River. Few archaeological studies have been conducted specifically in La Paz County, but those that have been performed suggest that from about 2000 B.C. to the 19th Century the area particularly surrounding major rivers was utilized by people who lived primarily by hunting wild animals and gathering plants. Agriculture began to be practiced around 700 A.D. on a limited basis and did not involve irrigation. These people apparently were ancestral to the modern Yuma speaking tribes. The few sites that have been documented along the Bill Williams and Santa Maria Rivers indicate that the river gorges were used as a means of travel or communication by Indians who traveled through the area on foot, and they were used primarily for the procurement of quality chert and chalcedony which were probably made into tools and taken out of the area for use elsewhere. There is no evidence the prehistoric Indians utilized any of the small and minor watercourses for transportation either by canoe or

raft or utilized them for flotation of logs. These people were classified by archaeologists as representatives of the Patayan culture or the related Cerbat culture. These cultures probably were ancestral to the Indians who lived in the area at the time of historical contact who still live in the area—Mohave, Yuma, Hualapai, Halchidhoma, and Western Yavapai.

Spanish exploration of the southwest began in 1540 with the Coronado Expedition which traveled through eastern Arizona. Captain Hernando de Alarcon, in attempting to provide logistic support by sea and river to the Coronado Expedition, sailed up the Colorado River as far as the mouth of the Gila River in Yuma County. In 1604 Juan Mateo de Onate, Governor of Spanish New Mexico, traveled through La Paz County on his way to California. He is thought to have followed the riverbeds of the Santa Maria River and the Bill Williams River and then turned south at the Colorado. He and his party traveled on foot and by horseback, and there is no record of attempts to float down ay of the streams they crossed to reach the Colorado. Other early Spanish explorers in La Paz County were Antonio de Espejo (1582), Marcos Farfan de las Godas (1595), Fray Geronimo de Zarate Salmarone (1664), Father Jacobo Sedelmaya (1744), and Father Francisco Garces (1776). None of their journals refer to any streams that were deemed navigable.

In 1821 Mexico won its independence from Spain and sovereignty over the area now known as La Paz County passed to Mexico. The Mexican government sponsored

few expeditions into western Arizona and actually attempted to discourage incursions into its territories by citizens of the United States. Notwithstanding this policy, fur trappers and mountainmen began exploring the southwest as early as the 1820's, and many of their fur trapping expeditions passed through the area now known as La Paz County. Their trapping occurred primarily on major streams and none of their journals describe any of the small and minor watercourses as being navigable.

La Paz County is isolated, sitting between the northern and southern routes from the eastern United States to California, and there is no record of any military expeditions during the war with Mexico (1846-1848). A few of the surveying expeditions in the 1850's traveled through La Paz County. There is extensive documentation of steamboats and other craft navigating the Colorado River between 1852 and 1909, but there is no evidence of any such craft traffic on the Bill Williams River, the Santa Maria River, or any of the small and minor watercourses in La Paz County. Aubrey City, a river landing, was established at the mouth of the Bill Williams River to land supplies for the mines that began to develop in the interior, but this landing was on the Colorado and there is no known travel by boat on the Bill Williams River.

In 1868 the Army established Camp Colorado forty miles north of La Paz. It was a temporary post with only tents and huts and was closed in early 1871. Camp La Paz was established in 1874 but was abandoned the following year due to the Colorado

River's changing course which resulted in La Paz no longer being a river port. The Army then established Ehrenberg Depot in 1875 to off-load and receive military supplies shipped upriver and transship those supplies overland to military posts in central Arizona. This Depot was closed in 1877.[4]

In the 1860's gold and silver were discovered in the northern portion of La Paz County and the southern part of Mohave County. All travel to and from these mines and the communities supported by them was by foot, horseback, mule or ox-drawn wagons. There was some agricultural activity in La Paz County, particularly in and along the bed of the Santa Maria River near the boundary between La Paz and Mohave Counties, and this activity was restricted to the area above the present day site of Alamo Lake.

Transportation consisted of various stage lines established for travel between the mining towns and Aubrey Landing. In 1905 the Arizona and California Railroad was completed south of the Santa Maria River basin from Parker to Phoenix. In 1910 the Arizona and Swansee Railroad was completed from the Arizona and California Railroad to Swansee on the south side of the Bill Williams River. Roads were also established from the confluence of the Big Sandy and Santa Maria Rivers on the northern boundary of La Paz County to Date Creek. A road was also established from Prescott to Ehrenberg in the central part of the county where Interstate 10 now crosses

[4] Nearing, Richard, and Hoff, David, Arizona Military Installations: 1752-1922, pp. 14-15, Tempe: Gem Publishing Co. (1995).

the Colorado River. There is no record of any travel, recreational or otherwise, on the small and minor watercourses in La Paz County and no evidence of any commercial fishing in any of those streams. None of the small and minor watercourses in La Paz County are listed in the Rivers and Harbors Act of 1899. The customary mode of transportation in La Paz County was clearly not by boat. By 1912 the alternatives to boat travel in La Paz County included foot, horseback, mule or ox-drawn wagons and later, as the road network improved, automobiles and trucks.

VIII. Findings and Determination

The Commission conducted a particularized assessment of equal footing claims the State of Arizona might have to the beds and banks of the 1,597 small and minor watercourses in La Paz County, Arizona, and based on all of the historical and scientific data and information, documents, and other evidence produced, finds that none of the said small and minor watercourses were used or were susceptible to being used, in their ordinary and natural condition, as a highway for commerce, over which trade and travel were or could have been conducted in the customary modes of trade and travel on water as of February 14, 1912.

The Commission also finds that none of the small and minor watercourses in La Paz County, Arizona, are or were truly perennial throughout their length and that as of February 14, 1912, and currently they flow/flowed only in direct response to precipitation and are or were dry at all other times.

The Commission also finds that there is no evidence of any historical or modern boating having occurred on any of the small and minor watercourses in La Paz County, Arizona.

The Commission also finds that there is no evidence of any fishing having occurred on the small and minor watercourses in La Paz County, Arizona.

The Commission further finds that all notices of these hearings and proceedings were properly and timely given.

In view of the foregoing, the Commission, pursuant to A.R.S. § 37-1128A, finds and determines that the small and minor watercourses in La Paz County, Arizona, were not navigable as of February 14, 1912.

DATED this 23rd day of September, 2003.

Earl Eisenhower, Chairperson

Jay Brashear, Member

Cecil Miller, Member

James Henness, Member

Dolly Echeverria, Member

3. LA PAZ COUNTY SMALL AND MINOR WATERCOURSES FOR HEARING DECEMBER 10, 2002.

Alamo Wash - La Paz, Big Granite Wash, Black Rock Wash - La Paz, Bouse Wash, Bullard Wash, CAP Canal, Calcite Wash, Cave Creek - La Paz, Cementosa Wash, Centennial Wash, Chalk Wash, Clip Wash, Crazy Woman Wash, Cunningham Wash, Date Creek, Deadman Wash, Eagle Wash - La Paz, Ehrenberg Wash, French Creek, Giers Wash, Goodman Wash, Gould Wash, Hart Mine Wash, Indian Wash, Italian Wash, Kaiser Wash, La Cholla Wash, La Paz Wash, Lake Wash, Limekiln Wash, Lopez Wash - La Paz, Los Angeles Wash, McAllister Wash, Miller Wash - Yavapai, Mineral Wash, Mohave Wash - La Paz, Mule Wash, Osborne Wash, Petes Wash, Plomosa Wash, Plomosita Wash, Poormans Wash, Red Cloud Wash - La Paz, Red Raven Wash, Salome Wash, Scadden Wash, Seventy Wash, Smith Wash - La Paz, Trigo Wash, Tyson Wash, Upper Bouse Wash, Weaver Wash, West Fork Yuma Wash, Yuma Wash - La Paz, and any other named or unnamed minor watercourses in La Paz County.

A

FIDAVIT OF PUBLICATION

STATE OF ARIZONA
COUNTY OF LA PAZ, ss

Alice Opie

Alice Opie
of said county, being duly sworn, deposes and says: that he is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and is competent to be a witness on the trial of the above entitled action, and that he is not a party to, nor interested in the above entitled matter.

That he is the Advertising Agent for the:

PARKER PIONEER
(published weekly) and which is a weekly newspaper of general circulation, published and circulated in the said County of La Paz, and is published for the dissemination of local news and intelligence of a general character, and has a bona fide subscription list of paying subscribers, and said newspaper has been established and published in the City of Parker, County of La Paz, State of Arizona, for at least one year before the publication of the first insertion of this notice and said newspaper is not devoted to the interests of, or published for the entertainment of any particular class, profession, trade, calling, race or denomination, or any number thereof.
That the:

Statement of Intent
Arizona Navigable Stream Adjudication Commission

of which the annexed is a printed copy, was published in said newspaper at least 3 times, commencing on the 20th day of November, 2002, and ending on the 4th day of December, 2002, all above days inclusive, and in the regular and entire issue of said newspaper proper, and not in a supplement and said notice was published therein on the following dates, to-wit:

November 20,2002
November 27, 2002
December 4, 2002

Subscribed and sworn to before me this 5th day of December, 2002.

Sandra K. Griffin
Notary Public in and for the County of La Paz, State of Arizona.

OFFICIAL SEAL
SANDRA K. GRIFFIN
Notary Public - State of Arizona
MOHAVE COUNTY
My Comm. Expires July 24, 200

My Commission Expires:

Statement of Intent
State of Arizona
Navigable Stream Adjudication Commission

Pursuant to A.R.S. §37-1101, et seq., the Arizona Navigable Stream Adjudication Commission (ANSAC) is planning to hold a watercourse navigability hearing regarding all of the small and minor watercourses in La Paz County, Arizona. Notice is hereby given, pursuant to A.R.S. §37-1123 (B), that ANSAC intends to receive, review, and consider evidence regarding the navigability or nonnavigability of all small and minor watercourses in La Paz County. Interested parties are requested to file all documentary evidence they propose to submit to ANSAC by November 8, 2002. All evidence submitted will be available for public inspection at the ANSAC offices during regular office hours.

The list of small and minor watercourses includes: Alamo Wash, Big Granite Wash, Bouse Wash, Bullard Wash, Calcite Wash, Cave Creek, Chalk Wash/Italian Wash/Poormans Wash, Clip Wash, Crazy Woman Wash, Cunningham Wash, Date Creek, Ehrenberg Wash, Goodman Wash, Gould Wash, Italian Wash, ItalianWash/Poormans Wash, Kaiser Wash, La Cholla Wash, La Cholla Wash/Tyson Wash, La Paz Wash, Lake Wash, Limekiln Wash, Lopez Wash, McAllister Wash, Mineral Wash, Mohave Wash, Mule Wash, Osborne Wash, Petes Wash, Plomosa Wash, Plomosita Wash, Red Raven Wash, Salome Wash, Scadden Wash/Smith Wash Tyson Wash, Weaver Wash, West Fork Yuma Wash, Yuma Wash, Deadman Wash, and any other named or unnamed small and minor watercourses in La Paz County.

ANSAC will not receive evidence and testimony relating to the navigability or nonnavigability of the major watercourses in La Paz County at this time. The major watercourses in La Paz County include the Colorado River, Bill Williams River and Santa Maria River.

An unbound original plus seven bound copies of documentary evidence is to be submitted.

ANSAC offices are located at 1700 West Washington, Room 404, Phoenix, AZ 85007. The telephone number is (602) 542-9214. The web site address is http://www.azstreambeds.com. The e-mail address is streams@mindspring.com.

Individuals with disabilities who need a reasonable accommodation to communicate evidence to ANSAC, or who require this information in an alternate format may contact the ANSAC office at (602) 542-9214 to a make their needs known.

Publish: November 20, 27, December 4 2002 7013

B

NOTICE OF PUBLIC HEARING
State of Arizona
Navigable Stream Adjudication Commission

Pursuant to A.R.S. § 37-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold a public hearing to receive physical evidence and testimony relating to the navigability or nonnavigability of all small and minor watercourses in La Paz County. The hearing will be held in La Paz County on December 10, 2002. The hearing will begin at 10:00 a.m. at the Boating Safety Training Center, 8484 Riverside Drive, Parker, Arizona 85344. This is presently the only hearing scheduled for the small and minor watercourses in La Paz County.

The list of minor watercourses includes:

Alamo Wash, Big Granite Wash, Bouse Wash, Bullard Wash, Calcite Wash, Cave Creek, Chalk Wash/Italian Wash/Poormans Wash, Clip Wash, Crazy Woman Wash, Cunningham Wash, Date Creek, Ehrenberg Wash, Goodman Wash, Gould Wash, Italian Wash, Italian Wash/Poormans Wash, Kaiser Wash, La Cholla Wash, La Cholla Wash/Tyson Wash, La Paz Wash, Lake Wash, Limekiln Wash, Lopez Wash, McAllister Wash, Mineral Wash, Mohave Wash, Mule Wash, Osborne Wash, Petes Wash, Plomosa Wash, Plomosita Wash, Red Raven Wash, Salome Wash, Scadden Wash/Smith Wash, Tyson Wash, Weaver Wash, West Fork Yuma Wash, Yuma Wash, Deadman Wash, and any other named or unnamed minor watercourses in La Paz County.

The Commission will not receive evidence and testimony relating to the navigability or nonnavigability of the major watercourses in La Paz County at this time. The list of major watercourses in La Paz County includes the Colorado River, Bill Williams River and Santa Maria River.

Interested parties may submit evidence to the commission office prior to the hearing. During the public hearing, the commission will receive additional evidence including testimony. The commission will conduct its hearings informally without adherence to judicial rules of procedure or evidence.

Evidence submitted in advance of the hearing will be available for public inspection during regular commission office hours of 9:00 a.m. to 5:00 p.m., Monday thru Friday, except on holidays. The commission office is located at 1700 West Washington Street, Room 404, Phoenix, Arizona 85007. Please call first to review evidence at (602) 542-9214.

Individuals with disabilities who need a reasonable accommodation to communicate evidence to the commission, or who require this information in an alternate format may contact the commission office at (602) 542-9214 to make their needs known.

02671-November 5, 2002

THE ARIZONA REPUBLIC

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

11/05/2002

Sworn to before me this
6TH day of
NOVEMBER A.D. 2002

OFFICIAL SEAL
GLORIA SALDIVAR
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires Dec 3 2003

Notary Public

C-1

STATE OF ARIZONA
==========
COUNTY OF LA PAZ, ss
==========

Donna K. Schroeder

Donna L. Schroeder
of said county, being duly sworn, deposes and says: that he is and at all times herein mentioned was a citizen of the United States, over the age of twenty-one years, and is competent to be a witness on the trial of the above entitled action, and that he is not a party to, nor interested in the above entitled matter.

That he is the Advertising Agent for the:

PARKER PIONEER
(published weekly) and which is a weekly newspaper of general circulation, published and circulated in the said County of La Paz, and is published for the dissemination of local news and intelligence of a general character, and has a bona fide subscription list of paying subscribers, and said newspaper has been established and published in the City of Parker, County of La Paz, State of Arizona, for at least one year before the publication of the first insertion of this notice and said newspaper is not devoted to the interests of, or published for the entertainment of any particular class, profession, trade, calling, race or denomination, or any number thereof.
That the:

Notice of Public Hearing
State of Arizona
Navigable Stream Adjudication Commission

of which the annexed is a printed copy, was published in said newspaper at least 1 time, commencing on the 6th of November, 2002, and ending on the 6th of Novembere, 2002, all above days inclusive, and in the regular and entire issue of said newspaper proper, and not in a supplement and said notice was published therein on the following dates, to-wit:

November 6, 2002

Subscribed and sworn to before me this 7th day of November, 2002.

Donna K. Schroeder

Notary Public in and for the County of La Paz, State of Arizona.

OFFICIAL SEAL
SANDRA K. GRIFFIN
Notary Public - State of Arizona
MOHAVE COUNTY

My Commission Expires:

C-2

NOTICE OF PUBLIC HEARING
State of Arizona
Navigable Stream Adjudication Commission

Pursuant to A.R.S. § 37-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold a public hearing to receive physical evidence and testimony relating to the navigability or nonnavigability of all small and minor watercourses in La Paz County. The hearing will be held in La Paz County on December 10, 2002. The hearing will begin at 10:00 a.m. at the Boating Safety Training Center, 8484 Riverside Drive, Parker, Arizona 85344. This is presently the only hearing scheduled for the small and minor watercourses in La Paz County.

The list of minor watercourses includes:
Alamo Wash, Big Granite Wash, Bouse Wash, Bullard Wash, Calcite Wash, Cave Creek, Chalk Wash/Italian Wash/Poormans Wash, Clip Wash, Crazy Woman Wash, Cunningham Wash, Date Creek, Ehrenberg Wash, Goodman Wash, Gould Wash, Italian Wash, Italian Wash/Poormans Wash, Kaiser Wash, La Cholla Wash, La Cholla Wash/Tyson Wash, La Paz Wash, Lake Wash, Limekiln Wash, Lopez Wash, McAllister Wash, Mineral Wash, Mohave Wash, Mule Wash, Osborne Wash, Petes Wash, Plomosa Wash, Plomosita Wash, Red Raven Wash, Salome Wash, Scadden Wash/Smith Wash, Tyson Wash, Weaver Wash, West Fork Yuma Wash, Yuma Wash, Deadman Wash, and any other named or unnamed minor watercourses in La Paz County.

The Commission will not receive evidence and testimony relating to the navigability or nonnavigability of the major watercourses in La Paz County at this time. The list of major watercourses in La Paz County includes the Colorado River, Bill Williams River and Santa Maria River.

Interested parties may submit evidence to the commission office prior to the hearing. During the public hearing, the commission will receive additional evidence including testimony. The commission will conduct its hearings informally without adherence to judicial rules of procedure or evidence.

Evidence submitted in advance of the hearing will be available for public inspection during regular commission office hours of 8:00 a.m. to 5:00 p.m., Monday thru Friday, except on holidays. The commission office is located at 1700 West Washington Street, Room 404, Phoenix, Arizona 85007. Please call first to review evi-

dence at (602) 542-9214.
Individuals with disabilities who need a reasonable accommodation to communicate evidence to the commission, or who require this information in an alternate format may contact the commission office at (602) 542-9214 to make their needs known.
Publish November 6, 2002 6997

Evidence Log

Hearing No. 02-003-NAV

Page No. 1

Arizona Navigable Stream Adjudication Commission

La Paz County Small and Minor Watercourses
December 10, 2002

Item Number	Received Date	Source to ANSAC	Description	Entry By
1	12/31/99	Evidence on hand at ANSAC	Final Report Small & Minor Watercourses Analysis for La Paz County, Arizona dated December 31, 1999.	George Mehnert
2 Vol I 2 Vol II	See description column for received dates of items contained in multiple volumes.	Evidence on hand at ANSAC	**Volume I**: 1) Final report for Bill Williams River, received 9/15/97, prepared by SFC Engineering Co. 2) Prelim Report for Big Sandy, Burro Creek, & Santa Marie River, received 1/? 1999. **Volume II**: 3) Final report for Big Sandy River, Santa Maria River, and Burro Creek, received 2/1/99, prepared by J.E. Fuller, etal. 4) David Baron letter dated February 18, 1997. 5) James Braselton letter dated September 19, 1997.	George Mehnert
3	9/?/98	Evidence on hand at ANSAC	Small and Minor Watercourse Criteria Final Report.	George Mehnert
4	9/?/99	Evidence on hand at ANSAC	3 County Pilot Study	George Mehnert
5	11/26/02	Cheryl Doyle, SLD	La Paz Small and Minor Watercourse Analysis prepared by Jon Fuller.	George Mehnert
6	12/10/02	Jon Fuller	CD ROM containing report and slide show.	George Mehnert
7	12/10/02	Jon Fuller	Slide show printout of program and testimony presented at hearing by Jon Fuller-2 copies, one color and one black and white.	George Mehnert

D

STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION
1700 West Washington, Room 404, Phoenix, Arizona 85007
Phone (602) 542-9214 FAX (602) 542-9220
E-mail: streams@mindspring.com Web Page: http://www.azstreambeds.com
GEORGE MEHNERT
Executive Director

Meeting Minutes
Parker, La Paz County
December 10, 2002

COMMISSION MEMBERS PRESENT
Jay Brashear, Earl Eisenhower, James Henness, and Cecil Miller.

COMMISSION MEMBERS ABSENT
Dolly Echeverria.

STAFF PRESENT
Curtis Jennings, George Mehnert and Tom Vogt.

1. **CALL TO ORDER**
Chair Eisenhower called the meeting to order at approximately 10:03 a.m.

2. **ROLL CALL**
See above.

3. **HEARING ON WATERCOURSES**

A. Chair Eisenhower said the Commission will now proceed taking any testimony on the small and minor watercourses in La Paz County. Mr. Brashear asked Mr. Mehnert to let the record show what the Commission did to notice this hearing. Mr. Mehnert said the statutes require the notice of intent to study be published once a week for three consecutive weeks in a countywide paper. He said we also notice statewide and locally the notice of hearing. He said we also sent out the newsletter to those who had requested it.

Jonathan Fuller, representing J.E.Fuller Hydrology and Geomorphology on behalf of the Arizona State Land Department (ASLD) discussed the small and minor watercourse criteria three level testing process.

Mr. Fuller said La Paz County has low rugged mountain ranges typically not subject to snow melt runoff. He said there are 1597 identified watercourses in La Paz County. He added the average annual precipitation ranges to up to about eight inches. He said 27 of those identified watercourses proceeded to level two testing, with 1570 receiving no affirmative responses at level one which were considered as those not showing any characteristics of navigability. He said there was only one stream which had multiple responses to the six criteria categories, and that was Date Creek. He said Date Creek was classified as perennial and had fish species and that it also flows in Yavapai County. He said Date Creek is a tributary of the Santa Maria River. He added one database showed Date Creek as perennial while another source database showed it as non perennial. Mr. Fuller said the USGS topographical map also shows it as non perennial. He said the perennial designation comes from the small springs in the headwaters which are where the fish

E-1

species is identified. Mr. Jennings asked if that was in Yavapai County. Mr. Fuller said it was. He said Date Creek elevation is low and is not subject to snow melt runoff and is an un-gauged watercourse so there are no flow records to indicate the seasonality flows. He added that on the topographical map it is shown as a braided stream so it has multiple channels which are typically not conducive to boating of any kind unless the flow rates are extremely high, which he said is not the case with Date Creek. He said because of those characteristics, Date Creek was not forwarded to level three. He said the remaining 26 watercourses were placed in category C. He said they were all unnamed with the exception of Cementosa Wash, which also is found in Yuma County. Mr. Fuller said Cementosa Wash had basically the same characteristics as Date Creek. He said the topographical map along with the area being basically dry determined that those streams in category C were not forwarded to level three for further testing. He said therefore, no stream in La Paz County was studied at level three.

Mr. Brashear asked if it would be fair to characterize the study as stating there was no evidence of navigability on any of these streams. Mr. Fuller said yes. Mr. Jennings asked if in considering all the technical and historical data collected and used in preparing the report, would the present condition, weather, and climate be substantially the same as it was in 1912. Mr. Fuller said weather and climate were essentially the same as at statehood. Mr. Brashear asked if Mr. Fuller found a watercourse that could float a low draft boat on a seasonal or regular basis. Mr. Fuller said he found no evidence of any stream that in its ordinary and natural condition could be floated by a skiff.

Judith Darknall, from the Attorney General's Office representing the Arizona State Land Department, said she wanted to discuss the map that Ms. Kornylak introduced at the Yuma hearing. Ms. Darknall said that if the map is used for every hearing that she would introduce the ASLD objections to the map, because the ASLD does not believe it accurately indicates any considered watercourse as perennial. Chair Eisenhower said the Commission will weigh all evidence submitted. Mr. Mehnert asked in what form the ASLD objection will be. Ms. Darknall said pretty much as was presented yesterday and today.

Jim Downing, representing the McMullin Valley Water Conservation and Drainage District, said he is here discussing the Bouse Wash, CAP Canal, Centennial Wash, Salome Wash, Upper Bouse Wash and several other minor and unnamed watercourses that flow through the district. He said he has reviewed the evidence on file at the Commission's office and concurs with the report just given by Mr. Fuller. He said those watercourses are ephemeral. He added he once put a low draft skiff into Centennial Wash in one of those flow periods and he said he won't do it again. Chair Eisenhower asked if that one occasion happened shortly after some heavy precipitation. Mr. Downing said it was during a flow period in the wash which only occurs as a result of rainfall. He said he is an engineer and he calculated the flow velocity to be about 15 feet per second, which he said is not conducive to navigation. Mr. Brashear asked how long he was in his skiff and how far he traveled. Mr. Downing said about five minutes and traveled about the length of a football field.

Mr. Jennings said for clarification purposes the Commission has no jurisdiction on the CAP Canal since it is manmade, and that he does not know how it wound up in the database. Mr. Downing said he mentioned it simply because it is listed on the agenda. Mr. McGinnis, representing the Salt River Project, said the CAP Canal would not fall into the jurisdiction of the Commission also because it was not in existence at the time of statehood.

Mr. Mehnert said Mr. Fuller handed him the electronic copy and hardcopy of the report he just gave and that he will enter it into evidence if the Commission wants him to. Chair Eisenhower said to please include it as evidence.

Chair Eisenhower closed the hearing and taking of evidence for the small and minor watercourses in La Paz County.

4. **CALL FOR PUBLIC COMMENT**

Mr. McGinnis asked if future oral arguments will be discretionary in the future. He said that if all briefs filed agree with each other, there may not be a reason to hold oral arguments. Mr. Jennings said the Commission may not need argument but there will be a public hearing to and acceptance and review of evidence before the Commission makes a determination. He said parties will have the opportunity to speak, but they don't have to.

5. **FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE MEETINGS**

Chair Eisenhower said the Commission will go forward with the February meetings and tentatively with the April meeting. He said the ASLD would go forward if possible, but if not would contact the Commission in time so that we can defer our meeting schedule.

6. **ADJOURNMENT**

Motion by: Cecil Miller Second by: James Henness Vote: All aye
Motion: **To adjourn the meeting at approximately 10:33 a.m.**

Respectfully submitted,

George Mehnert, Director **Date: December 11, 2002**

Meeting Minutes
Bisbee, Cochise County
Hearing Regarding the San Pedro River in Cochise County

March 12, 2003

COMMISSION MEMBERS PRESENT
Jay Brashear, Dolly Echeverria, Earl Eisenhower, James Henness, and Cecil Miller

COMMISSION MEMBERS ABSENT
None.

STAFF PRESENT
Curtis Jennings, George Mehnert, Tom Vogt.

1. CALL TO ORDER
Chair Eisenhower called the meeting to order at approximately 9:12 a.m.

2. ROLL CALL
All Commissioners present.
Following roll call Chair Eisenhower explained there will be two hearings today; first he will convene the small and minor watercourses hearing for Cochise County, recess that, and convene the major watercourse the San Pedro River hearing, hold that hearing to its conclusion, and then return and complete the small and minor watercourses hearing.

Chairman Eisenhower convened the small and minor watercourses hearing, recessed it, and convened the San Pedro River major watercourse hearing.

3. SANTA PEDRO RIVER WATERCOURSE HEARING (discussion and action).

The following people appeared and spoke, or gave testimony, or asked questions: District 25 State Representative Jennifer Burns, V. Ottozawa-Chatupron, Mary Smallhouse, Susan Krentz, Amy Langenfeld, Jeanne Schwennsen, Daniel Moore, Vera Kornylak, Mark McGinnis, Wayne Klump

CALL FOR PUBLIC COMMENT (comment sheets).
(Pursuant to Attorney General Opinion No. I99-006 [R99-002]. Public Comment: Consideration and discussion of comments and complaints from the public. Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.)

Chairman Eisenhower asked if there were any other questions or comments from anyone. There were none.

Motion: To adjourn the hearing regarding the San Pedro River.
Motion by: Jay Brashear Second by: Jim Henness Vote: All aye

Chair returned to this agenda at approximately 11:00 a.m. regarding items 4 and 5:

4. **DETERMINATION REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE MOHAVE COUNTY SMALL AND MINOR WARERCOURSES.** (discussion and action).
   A. **Each party will be given ten minutes to present his or her position. No parties spoke.**

Motion: That the small and minor watercourses in Mohave County are not navigable or susceptible to navigability.
Motion by: Cecil Miller Second by: Dolly Echeverria Vote: All aye

5. **DETERMINATION REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE LA PAZ COUNTY SMALL AND MINOR WARERCOURSES.** (discussion and action).
   A. **Each party will be given ten minutes to present his or her position. No parties spoke.**

Motion: That the small and minor watercourses in La Paz County are not navigable.
Motion by: Jay Brashear Second by: Jim Henness Vote: All aye

Chairman Eisenhower asked if there were any other questions or comments from anyone. The Commission Attorney discussed the next hearing; the Lower Salt, and the Attorney encouraged the State Land Department to update the report regarding the Lower Salt. The Chair indicated the he and the director will discuss this with the Land Department. Mr. Henness discussed the Lower Salt hearing date as April 7, 2003.

Motion: To adjourn session on San Pedro River.
Motion by: Jim Henness Second by: Cecil Miller Vote: All aye
Meeting ended at 11:14 a.m.

Respectfully submitted,

George Mehnert, Director **Date: March 14, 2003**

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	W_BPER (14)	HITS (15)
1	24	Alamo Wash - La Paz	21	La Paz	23.9068	T3.0N,R15.0W,S10	No	No	No	No	No	No	No	0
2	182	Big Granite Wash	8	La Paz	10.2851	T6.0N,R15.0W,S07	No	No	No	No	No	No	No	0
3	230	Black Rock Wash - La Paz	1	La Paz	4.3342	T4.0S,R23.0W,S11	No	No	No	No	No	No	No	0
4	281	Bouse Wash	75	La Paz	49.8261	T5.0N,R16.0W,S10	No	No	No	No	No	No	No	0
5	324	Bullard Wash	42	La Paz/Yavapai	39.6480	T10.0N,R12.0W,S13	No	No	No	No	No	No	No	0
6	356	Calcite Wash	7	La Paz	10.2632	T4.0N,R15.0W,S04	No	No	No	No	No	No	No	0
7	352	CAP Canal	1	La Paz	8.6108	T9.0N,R18.0W,S24	No	No	No	No	No	No	No	0
8	405	Cave Creek - La Paz	2	La Paz	8.2175	T2.0N,R17.0W,S18	No	No	No	No	No	No	No	0
9	422	Centennial Wash	85	Yavapai/La Paz/Marico	86.6084	T5.0N,R12.0W,S32	No	No	No	No	No	No	No	0
10	431	Chalk Wash	2	La Paz	2.3106	T4.0N,R17.0W,S31	No	No	No	No	No	No	No	0
11	487	Clip Wash	10	La Paz	7.6250	T3.0S,R23.0W,S24	No	No	No	No	No	No	No	0
12	597	Crazy Woman Wash	12	La Paz	14.4805	T1.0S,R23.0W,S19	No	No	No	No	No	No	No	0
13	609	Cunningham Wash	36	La Paz	38.7881	T6.0N,R16.0W,S04	No	No	No	No	No	No	No	0
14	630	Deadman Wash	15	La Paz/Yuma	25.4400	T2.0S,R12.0W,S12	No	No	No	No	No	No	No	0
15	708	Eagle Wash - La Paz	1	La Paz	3.9946	T10.0N,R19.0W,S01	No	No	No	No	No	No	No	0
16	736	Ehrenberg Wash	20	La Paz	16.8741	T2.0N,R21.0W,S02	No	No	No	No	No	No	No	0
17	800	French Creek	16	La Paz/Yuma	22.5922	T3.0N,R19.0W,S08	No	No	No	No	No	No	No	0
18	826	Giers Wash	5	La Paz	3.7404	T11.0N,R18.0W,S35	No	No	No	No	No	No	No	0
19	835	Goodman Wash	3	La Paz	6.8138	T4.0N,R21.0W,S20	No	No	No	No	No	No	No	0
20	841	Gould Wash	19	La Paz	25.8736	T1.0N,R23.0W,S15	No	No	No	No	No	No	No	0
21	37632	Hart Mine Wash	6	La Paz	6.9206	T2.0S,R23.0W,S05	No	No	No	No	No	No	No	0
22	37725	Indian Wash	12	La Paz/Yuma	25.1477	T4.0S,R21.0W,S33	No	No	No	No	No	No	No	0
23	37734	Italian Wash	12	La Paz	18.2669	T4.0N,R18.0W,S10	No	No	No	No	No	No	No	0
24	37777	Kaiser Wash	6	La Paz	6.3851	T5.0N,R20.0W,S15	No	No	No	No	No	No	No	0
25	37802	La Cholla Wash	17	La Paz	12.7647	T4.0N,R19.0W,S20	No	No	No	No	No	No	No	0
26	37805	La Paz Wash	4	La Paz	4.7953	T4.0N,R21.0W,S18	No	No	No	No	No	No	No	0
27	37807	Lake Wash	6	La Paz	11.3562	T2.0N,R21.0W,S08	No	No	No	No	No	No	No	0
28	37837	Limekiln Wash	4	La Paz	8.3401	T3.0N,R22.0W,S28	No	No	No	No	No	No	No	0
29	37892	Lopez Wash - La Paz	13	La Paz	10.8689	T2.0S,R22.0W,S31	No	No	No	No	No	No	No	0
30	37894	Los Angeles Wash	13	La Paz/Yuma	16.7527	T5.0S,R21.0W,S09	No	No	No	No	No	No	No	0
31	37938	McAllister Wash	12	La Paz/Yuma	21.1795	T4.0S,R21.0W,S30	No	No	No	No	No	No	No	0
32	37992	Miller Wash - Yavapai	6	La Paz/Yavapai	12.6698	T10.0N,R11.0W,S36	No	No	No	No	No	No	No	0
33	38000	Mineral Wash	6	La Paz	7.5592	T10.0N,R17.0W,S15	No	No	No	No	No	No	No	0
34	38009	Mohave Wash - La Paz	15	La Paz	25.3676	T2.0N,R23.0W,S25	No	No	No	No	No	No	No	0
35	38044	Mule Wash	6	La Paz	12.1219	T1.0N,R23.0W,S12	No	No	No	No	No	No	No	0
36	38135	Osborne Wash	33	La Paz	24.8281	T10.0N,R19.0W,S28	No	No	No	No	No	No	No	0
37	38198	Petes Wash	4	La Paz	11.2624	T2.0N,R22.0W,S20	No	No	No	No	No	No	No	0
38	38246	Plomosa Wash	7	La Paz	9.2097	T4.0N,R19.0W,S21	No	No	No	No	No	No	No	0
39	38247	Plomosita Wash	2	La Paz	5.2334	T4.0N,R19.0W,S26	No	No	No	No	No	No	No	0
40	38260	Poormans Wash	13	La Paz	11.2837	T4.0N,R17.0W,S30	No	No	No	No	No	No	No	0
41	38317	Red Cloud Wash - La Paz	13	La Paz	8.1004	T4.0S,R23.0W,S02	No	No	No	No	No	No	No	0
42	38322	Red Raven Wash	19	La Paz/Yuma	44.6095	T1.0N,R16.0W,S36	No	No	No	No	No	No	No	0
43	38397	Salome Wash	4	La Paz	9.4961	T5.0N,R13.0W,S23	No	No	No	No	No	No	No	0
44	38447	Scadden Wash	3	La Paz	6.9322	T4.0N,R18.0W,S32	No	No	No	No	No	No	No	0
45	38468	Seventy Wash	1	La Paz	7.9153	T4.0N,R21.0W,S05	No	No	No	No	No	No	No	0
46	38527	Smith Wash - La Paz	1	La Paz	2.1533	T4.0N,R18.0W,S32	No	No	No	No	No	No	No	0
47	38739	Trigo Wash	11	La Paz	18.1203	T1.0N,R21.0W,S05	No	No	No	No	No	No	No	0
48	38799	Tyson Wash	101	La Paz/Yuma	57.0422	T3.0N,R19.0W,S30	No	No	No	No	No	No	No	0
49	38802	Upper Bouse Wash	2	La Paz	20.0147	T4.0N,R15.0W,S36	No	No	No	No	No	No	No	0
50	38847	Weaver Wash	13	La Paz	14.0940	T2.0N,R22.0W,S04	No	No	No	No	No	No	No	0

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	W_BPER (14)	HITS (15)
51	38870	West Fork Yuma Wash	7	La Paz	8.1848	T4.0S,R22.0W,S16	No	No	No	No	No	No	No	0
52	38970	Yuma Wash - La Paz	13	La Paz	18.5070	T4.0S,R22.0W,S27	No	No	No	No	No	No	No	0
53	38994	a - Seg 8 La Paz/Yavapai	17	La Paz/Yavapai	16.8196	T10.0N,R11.0W,S23	No	No	No	No	No	No	No	0
54	39008	b - Seg 5 La Paz	1	La Paz	2.9572	T4.0N,R19.0W,S30	No	No	No	No	No	No	No	0
55	39020	c - Seg 9 La Paz	3	La Paz	4.8609	T3.0N,R19.0W,S29	No	No	No	No	No	No	No	0
56	39031	g - Seg 21 La Paz/Yuma	3	La Paz/Yuma	13.9008	T2.0N,R19.0W,S30	No	No	No	No	No	No	No	0
57	39032	h - Seg 22 La Paz	1	La Paz	6.3735	T2.0N,R19.0W,S20	No	No	No	No	No	No	No	0
58	39037	i - Seg 25 La Paz	9	La Paz	8.6838	T2.0N,R19.0W,S16	No	No	No	No	No	No	No	0
59	39038	k - Seg 26 La Paz	3	La Paz	8.0890	T3.0N,R19.0W,S30	No	No	No	No	No	No	No	0
60	39039	k - Seg 31 La Paz	9	La Paz	12.6528	T6.0N,R19.0W,S15	No	No	No	No	No	No	No	0
61	39040	l - Seg 30 La Paz	5	La Paz	12.8968	T5.0N,R19.0W,S29	No	No	No	No	No	No	No	0
62-1570	-	1509 Unnamed Washes	-	La Paz, La Paz/Maricopa, La Paz/Mohave, La Paz/Yavapai, La Paz/Yuma,	Varies	Varies	No	No	No	No	No	No	No	0

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	W_BPER (14)	HITS (15)
1	420	Cementosa Wash	7	La Paz/Yuma	7.7273	T1.0S,R14.0W,S15	Yes	No	No	No	No	No	Yes	2
2	618	Date Creek	54	La Paz/Yavapai	49.2629	T11.0N,R12.0W,S15	Yes	No	No	Yes	No	No	No	1
3	13094	H34_0297	1	La Paz	0.0934	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
4	13095	H34_0299	1	La Paz	0.2758	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
5	13110	H34_0460	1	La Paz	0.0291	T7.0N,R22.0W,S15	Yes	No	No	No	No	No	No	1
6	13257	H34_1395	1	La Paz	2.8275	T1.0S,R24.0W,S27	Yes	No	No	No	No	No	No	1
7	13287	H34_2321	5	La Paz	0.7047	T10.0N,R19.0W,S15	Yes	No	No	No	No	No	No	1
8	13288	H34_2322	1	La Paz	0.1978	T10.0N,R19.0W,S22	Yes	No	No	No	No	No	No	1
9	13289	H34_2323	1	La Paz	0.0741	T10.0N,R19.0W,S15	Yes	No	No	No	No	No	No	1
10	13290	H34_2324	1	La Paz	0.4562	T10.0N,R19.0W,S15	Yes	No	No	No	No	No	No	1
11	13291	H34_2325	1	La Paz	0.0517	T10.0N,R19.0W,S22	Yes	No	No	No	No	No	No	1
12	13337	H34_2372	1	La Paz	0.0174	T9.0N,R20.0W,S16	Yes	No	No	No	No	No	No	1
13	13342	H34_2377	2	La Paz	0.7972	T3.0N,R22.0W,S88	Yes	No	No	No	No	No	No	1
14	13343	H34_2378	2	La Paz	0.8832	T3.0N,R22.0W,S88	Yes	No	No	No	No	No	No	1
15	13345	H34_2380	1	La Paz	0.5760	T3.0N,R22.0W,S88	Yes	No	No	No	No	No	No	1
16	13665	H34_3004	1	La Paz	0.0318	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
17	13666	H34_3006	1	La Paz	0.0501	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
18	13667	H34_3007	1	La Paz	0.1192	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
19	13668	H34_3008	1	La Paz	0.1308	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
20	13669	H34_3009	1	La Paz	0.1283	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
21	13670	H34_3010	1	La Paz	0.0439	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
22	13671	H34_3011	1	La Paz	0.1799	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
23	13672	H34_3012	1	La Paz	0.1130	T9.0N,R20.0W,S17	Yes	No	No	No	No	No	No	1
24	13689	H34_3044	1	La Paz	0.0557	T1.0N,R24.0W,S24	Yes	No	No	No	No	No	No	1
25	29290	H70_0317	1	La Paz/Mohave	0.1576	T10.0N,R14.0W,S15	Yes	No	No	No	No	No	No	1
26	29393	H70_0518	1	La Paz	0.2099	T10.0N,R14.0W,S15	Yes	No	No	No	No	No	No	1
27	29394	H70_0520	1	La Paz/Mohave	0.0659	T10.0N,R14.0W,S15	Yes	No	No	No	No	No	No	1