

BEFORE THE

ARIZONA NAVIGABLE STREAM ADJUDICATION COMMISSION

IN THE MATTER OF THE
NAVIGABILITY OF SMALL AND
MINOR WATERCOURSES IN
YAVAPAI COUNTY, ARIZONA,
EXCLUDING THE VERDE RIVER,
THE HASSAYAMPA RIVER,
THE AGUA FRIA RIVER,
THE SANTA MARIA RIVER,
AND BURRO CREEK

No.: 05-001-NAV

**REPORT, FINDINGS AND DETERMINATION
REGARDING THE NAVIGABILITY OF SMALL AND
MINOR WATERCOURSES IN YAVAPAI COUNTY, ARIZONA**

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LIST OF EXHIBITS

- Exhibit "A" List of all of the small and minor watercourses in Yavapai County, Arizona, both named and unnamed in report
- Exhibit "B" Copies of the Notices of Intent to Study and Receive, Review and Consider Evidence on the issue of navigability of small and minor watercourses in Yavapai County
- Exhibit "C" Notices of the public hearings
- Exhibit "D" Minutes of the public hearings
- Exhibit "E" List of Evidence and Records
- Exhibit "F" List of the watercourses in Yavapai County which were determined to have no characteristics of navigability or characteristics indicating susceptibility of navigability at level one
- Exhibit "G" List of the 102 watercourses that received a positive response to one or more of the characteristics of navigability or characteristics indicating susceptibility of navigability evaluated at level two
- Exhibit "H" Maps of the area showing where Oak Creek is located in the County and State and its watershed
- Exhibit "I" Maps of the area showing where West Clear Creek is located in the County and State and its watershed
- Exhibit "J" Maps of the area showing where Wet Beaver Creek is located in the County and State and its watershed

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 Yavapai County, Arizona, excluding the Verde River, Hassayampa River, Agua Fria River, Santa Maria River and Burro Creek, 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 2,864 documented small and minor watercourses in Yavapai County, of which 2,522 are unnamed. All of these watercourses, both named and unnamed, are the subject of and included in this report. Excluded from this report are the Verde River, Hassayampa River, Agua Fria River, Santa Maria River, and Burro Creek, which were deemed to be major watercourses and are subject of separate reports. Attached hereto as Exhibit "A" is a list of all of the small and minor watercourses in Yavapai County, Arizona, both named and unnamed, covered by this report.

I. Procedure

On February 10, 2005, February 17, 2005 and February 24, 2005, the Commission gave proper prior notice of its intent to consider and study the issue of whether small and minor watercourses in Yavapai County, Arizona, were navigable or nonnavigable for title purposes as of February 14, 1912, in accordance with A.R.S. § 37-1123B. Publication was in the Prescott Courier published in Prescott, Yavapai County, Arizona, and in the Arizona Republic published in Phoenix, Maricopa County, Arizona. Copies

of the Notices of Intent to Study and Receive, Review and Consider Evidence on the issue of navigability of small and minor watercourses in Yavapai County are attached hereto as Exhibit "B."

After collecting and documenting all reasonably available evidence received pursuant to the Notice of Intent to Receive, Review, Consider and Study 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 Yavapai County, Arizona. Public notice of this hearing was given by legal advertising on February 24, 2005 in the Prescott Courier published in Prescott, Yavapai County, Arizona, and on February 25, 2005 in the Arizona Business Gazette, 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 March 29, 2005, in the City of Prescott, the County seat of Yavapai County, to give an opportunity for as many citizens and residents of Yavapai County to appear and be heard and 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" are copies of the notices 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 March 29, 2005, in Prescott, Arizona, all parties were advised that they could file post-hearing memoranda pursuant to the rules adopted by the Commission. Post-hearing memoranda were filed by the Salt River

Project Agricultural Improvement and Power District and the Salt River Valley Water Users Association, and Phelps Dodge Corporation, now known as Freeport-McMoRan Corporation.

On July 14, 2005, at a public hearing in Flagstaff, Arizona, after considering all of the evidence and testimony submitted, 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 Yavapai County, Arizona, were nonnavigable as of February 14, 1912, the day Arizona became a State, and were not susceptible of navigability on that date. Attached as Exhibit "D" are the minutes of this hearing, as well as the earlier hearing held in Prescott, Yavapai County, Arizona on March 29, 2005, at which evidence was presented.

II. Yavapai County, Arizona

Yavapai County, Arizona, is located near the center of the State of Arizona and is approximately 8,124 square miles in land area, with a population of 212,635 as of 2007, an increase of 45,118 people since the 2000 census count of 167,517. About three-quarters of land in the County are held by the federal and state government: U.S. Forest Service, 38%; Bureau of Land Management, 9% and Indian Reservation Lands, .5%. The State of Arizona owns 27% of the land area of the County. Only 26% of the land area in Yavapai County is owned by individuals or corporations. The County borders Coconino County to the north and northeast, Mohave and LaPaz Counties to the west, Maricopa County to the south and Gila County to the southeast. Yavapai County lies within the following ranges: latitude 33°53'00" North to 35°22'00" North and longitude 111°28'00" West to 113°20'00" West.

Arizona Revised Statute § 11-115 describes the boundaries of Yavapai County as follows:

Commencing at the point where the thirty-fourth parallel of north latitude, as defined by the Thompson survey of 1924, and the summit of

the Mazatzal mountains intersect; thence northerly along the summit of the Mazatzal mountains to the summit of the mountain known as and called "North Peak;" thence due west to the center of the channel of the Verde river; thence northerly along the center of the channel of the Verde river to the center of the channel of the mouth of Fossil creek; thence up Fossil creek along the center of the channel to the east line of range seven east, Gila and Salt River Guide meridian; thence north on such line to the fourth standard parallel north; thence west along such parallel to the east line of range five east; thence north on such line to the north line of township eighteen north; thence west on such line to the Gila and Salt river meridian; thence north on such meridian to the fifth standard parallel north; thence west on such parallel to the east line of range two west; thence north on such line to a point one mile north of the center of the right-of-way of the Atchison, Topeka & Santa Fe railway as it existed in 1891; thence westerly in a line one mile north and parallel with the center of the right-of-way to the meridian of one hundred thirteen degrees twenty minutes west longitude, as defined by the Mohave-Yavapai county boundary survey of 1908; thence south along the meridian line as surveyed and along the eastern boundaries of Mohave and La Paz counties to the point where such meridian line intersects the thirty-fourth parallel north latitude, as defined by the Thompson survey of 1924, being the northwest corner of Maricopa county; thence east on the thirty-fourth parallel north latitude, as defined, and along the northern boundary of Maricopa county to the point where the Hassayampa river intersects such parallel; thence southeasterly in a direct line following the Thompson survey of 1924 to a point in the Agua Fria river two miles southerly and below the mouth of Humbug creek; thence northerly up the Agua Fria river to a point two miles southerly and below the place where the residence of J. W. Swilling stood on January 31, 1877; thence easterly in a direct line, following the Thompson survey of 1924, to the point where the thirty-fourth parallel north latitude, as defined by such survey, intersects the Verde river; thence east on the thirty-fourth parallel north latitude, as surveyed, to the summit of the Mazatzal mountains, the point of beginning.

Yavapai County lies in the central mountain area of the State. Its topography makes a dramatic transition from the lower Sonora Desert to the south to the heights of the Coconino Plateau to the north to the Mogollon Rim to the east. The diverse terrain includes grasslands, picturesque rock formations, high desert streams and mountain valleys. Major vegetation types are grasslands, piñon juniper, pine, chaparral, desert grassland and desert scrub. The climate varies from Sonoran Desert in the lower elevations to mid-Canadian at the higher elevations. Temperature variation from daytime high to nighttime low throughout the year is about 35 degrees. The eastern portion of the County, as well as the central portion, is characterized by mountains and mountain valleys of the Prescott National Forest. The western portion of the County

and the central and eastern valleys are high plateau and desert grasslands. The highest point in the County is Spruce Mountain located in the Prescott National Forest at 7,693 feet above sea level (latitude 112°23'00" West and longitude 34°28'00" North). The lowest point in the County is Date Creek at the border with La Paz County at 2,000 feet above sea level (latitude 113°20'00" West and longitude 34°12'00" North).

The major geological feature of Yavapai County is the Mogollon Rim which runs from the southeast to the northwest across two-thirds of the State. It is a giant uplifted land mass, as much as 2,000 feet, creating the Coconino Plateau area of northern Arizona, which occurred during the Mesozoic Age. Mineral deposits were formed during this orogeny (mountain building era), resulting in mines such as those near Jerome, Bagdad, Prescott and Wickenburg.

Yavapai County was one of the original four counties in the territory and was established by the First Arizona Territorial Legislature on November 8, 1864. Soon thereafter, the Counties of Apache, Navajo, Coconino and Maricopa were carved out of the original Yavapai County and the present boundaries were established in 1891. The County was named after the Yavapai people who had migrated into the area from the Colorado River area. The first capital of the Territory was in Prescott, which was also the County seat of Yavapai County. The major population centers of Yavapai County are the cities of Clarkdale, Cottonwood, Sedona, Camp Verde, Prescott Valley and Prescott, which is also the County seat. Smaller towns or settlements located in Yavapai County are McGuireville, Jerome, Bagdad, Hillside, Congress, Kirkland, Humboldt, Dewey, Mayer, Cordes Junction and Black Canyon City. The major commercial industries in Yavapai County are ranching, farming, and mining, although tourism is also very important.

Interstate 17 and Highway 89A are the main north-south corridors of transportation, and Highways 69 and 93, and State Routes 260, 169 and 96, are the principal corridors running east and west. A major railroad branch line connecting the

Southern Pacific-Union Pacific main line with the Burlington Northern Santa Fe main line runs north from Wickenburg through Congress, Kirkland, Iron Springs, Paulden, and Drake to Ash Fork. The railroad was formerly known as the Atchison, Topeka & Santa Fe Railroad which merged with the Burlington Northern Railroad in 1996.

Prescott, the County seat (latitude 112°27'41" West and longitude 34°34'6" North), is the largest city in Yavapai County with an estimated population of 43,217 in 2009. The estimated population with adjacent communities in 2007 was 103,260. The Yavapai-Prescott Indian Tribe Reservation is located adjacent to and partially within the boundaries of Prescott. It was the first permanent territorial capital of Arizona established in 1864, when the temporary territorial capital was moved from Fort Whipple, 20 miles to the north. In 1867, the territorial capital was moved to Tucson and ten years later, in 1877, the territorial capital was returned to Prescott where it remained until 1889 when it was permanently moved to Phoenix. There are many historical buildings in Prescott, including many homes in the Victorian style. The Sharlot Hall Museum houses many artifacts from the Arizona territorial days. The Smoki and Phippen Museums also contain local collections. The Palace, Arizona's oldest restaurant and bar, has a fine cowboy art collection and is located on Whiskey Row on Montezuma Street, across from the County Courthouse. The Arizona Pioneers' Home, a permanent care retirement home operated and funded by the State of Arizona, is located in Prescott. Prescott also has many cultural activities and events such as Frontier Days, the world's oldest rodeo (dating from 1888), the Christmas parade, Easter Egg Extravaganza and music and art events. It is home to Yavapai Community College; Prescott College, an independent liberal arts college which has doctoral degrees in certain areas and adventure education; and Embry Riddle Aeronautical University.

Major areas of interest in Yavapai County are Tuzigoot National Monument, Montezuma Castle National Monument, Montezuma Well, Jerome State Historic Park,

Fort Verde State Historic Park, the Sharlot Hall Museum and the old Territorial Capitol in Prescott. Embry Riddle Aeronautical University has a campus near the Prescott Airport, which is known as Love Field. Public airports mainly for small, private aircraft are located in the towns of Bagdad, Sedona and Seligman.

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 Ariz. 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 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. *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

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

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 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.² In England, the beds of nonnavigable 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 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).

² Section 33 of the Magna Carta, AD 1215, requires the removal of all fish weirs from the Thames, the Medway and the whole of England, except on the seacoast to allow the King's subjects to travel freely on all rivers and conduct commerce, as well as fish, in these rivers.

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 Carta, 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.

Although watercourse sovereignty ran with the tidewaters in England, an island country, in America the doctrine was extended to navigate 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).

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 nonnavigable 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 nonnavigable 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.³ 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 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

³ 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 Sessions Law, Chapter 127.

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 37-1128.

The 1992 Act provided that the Commission would make findings of navigability or nonnavigability 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). 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. 178 ("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 nonnavigability 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 Yavapai 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:

1. Based only on evidence of navigability or nonnavigability, determine which watercourses were not navigable as of February 14, 1912.

2. Based only on evidence of navigability or nonnavigability, determine which watercourses were navigable as of February 14, 1912.

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.

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 Yavapai County, Arizona, and excludes the Verde River, Hassayampa River, Agua Fria River, Santa Maria River and Wet Beaver Creek. 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 Yavapai 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 the 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 than 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 overbears, 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 imagine 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 (2nd Cir. 1969).⁴

VI. Standard for Determining Navigability

The statute 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.⁵ 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.

⁴ In a recent Memorandum Decision of the Arizona Court of Appeals, the Defenders of Wildlife and others through their representative, Arizona Center for Law in the Public Interest, attacked the constitutionality of the burden of proof for navigability determination by the Commission specified in A.R.S. § 37-1128(A). In that case, the Defenders claimed that the burden of proof specified in the statute conflicts with federal law and should be declared invalid because it is contrary to a presumption favoring sovereign ownership of bedlands. In discussing and rejecting *Defenders* position the Court stated: “. . . In support of this argument, Defenders cite to our decision in *Defenders*,” see 199 Ariz. at 426, ¶ 54, 18 P.3d at 737, and to *United States v. Oregon*, 295 U.S. 1, 14 (1935). But neither of these decisions held that the burden of proof in a navigability determination must be placed on the party opposing navigability. Moreover, this court has twice stated that the burden of proof rests on the party asserting navigability. *Hassell*, 172 Ariz. at 363 n. 10, 837 P.2d at 165 n. 10; *O’Toole*, 154 Ariz. at 46 n. 2, 739 P.2d at 1363 n. 2. “We have also recognized that a ‘preponderance’ of the evidence appears to be the standard used by the courts” as the burden of proof. *Defenders*, 199 Ariz. at 420, ¶ 23, 18 P.3d at 731 (citing *North Dakota v. United States*, 972 F.2d 235, 237-38 (8th Cir. 1992)). *Defenders* have not cited any persuasive authority suggesting that these provisions in § 37-1128(A) are unconstitutional or contrary to federal law. We agree with this court’s prior statements and conclude that neither placing the burden of proof on the proponents of navigability nor specifying the burden as a preponderance of the evidence violates the State or Federal Constitutions or conflicts with federal law.” *State of Arizona v. Honorable Edward O. Burke* 1 CA-SA 02-0268 and 1 CA-SA 02-0269 (Consolidated); Arizona Court of Appeals, Division One, (Memorandum Decision filed December 23, 2004).

⁵ *The Daniel Ball* was actually an admiralty case, but the U.S. Supreme Court adopted its definition of navigability in title and equal footing cases. *Utah v. United States*, 403 U.S. 9, 91 S.Ct. 1775, 29 L.Ed.2 279 (1971) and *United States v. Oregon*, 295 U.S. 1, 55 S.Ct. 610, 70 L.Ed.2 1263 (1935).

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 to 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 Yavapai County were 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 manmade 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.

5. "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.

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.

2. "Bed" means the land lying between the ordinary high watermarks of a watercourse.

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.

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 Yavapai 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 Yavapai County, Arizona" prepared by Stantec Consulting Inc., in association with JE Fuller/Hydrology & Geomorphology, Inc., under supervision of the Arizona State Land Department, dated October 2000, was submitted. An earlier draft of the final report, dated September 2000, was also considered by the Commission. The Commission also considered documents, studies, and reports submitted mainly in conjunction with the studies on the Verde River, the Hassayampa River, the Agua Fria River, the Santa Maria and Burro Creek where applicable. Also considered by the Commission were submittals from the Arizona Center for Law in the Public Interest, especially a letter from David Baron dated February 18, 1997; and correspondence from Chuck Kranz, dated June 15, 2004, and Coby Muckelroy, dated July 20, 2004. The Commission also considered the Small and Minor Watercourse Criteria Study and Report, dated September 1998, which set the standards for small and minor watercourses and the final report on the 3 County Pilot Study, dated September 1999, by which the standards on the small and minor watercourses were tested. The Commission also considered documents, studies and reports submitted by individuals who appeared at the hearing and made their submittals at that time. The list of

evidence and records, together with a summarization is attached as Exhibit "E." The Commission also heard testimony, and received and considered evidence, at the public hearing from a number of individuals, residents and ranchers living in Yavapai County who appeared and gave testimony, and presented letters and documents to the Commission. All witnesses testified, without exception, that the small and minor watercourses in Yavapai County were not navigable and had never been navigable. The public hearing on small and minor watercourses located in Yavapai County, Arizona, was held in Prescott, Arizona, on March 29, 2005, and the minutes of the meeting are attached hereto as Exhibit "C".

A. Small & Minor Watercourses Analysis for Yavapai County, Arizona

1. Analysis Methods

Due to the large number of small and minor watercourses located in Yavapai County, Arizona (2,864 watercourses, of which 2,522 are unnamed), it is impractical and unnecessary to consider each watercourse with the same detail that the Commission considered major watercourses. The study of small and minor watercourses developed by Stantec Consulting Inc. and its associates provided for an evaluation using a three-level process which contained criteria that would be necessarily present for a stream to be considered navigable.⁶ 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 hydrologic unit code (HUC), segment number, mileage, watercourse type and watercourse name, if available. Thus there is a hydrologic unit code for each of the segments of the 2,864 small and minor watercourses in Yavapai County, Arizona. In addition, the database also locates each segment by section,

⁶ The three level process begins with the presumption and hypothesis that each stream and watercourse is navigable. Analysis at each level attempts to reject that hypothesis.

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;
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 that 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. These values were arrived at after much calculation, analysis and evaluation of each stream having affirmative responses at level 1. This system is a recognized tool used in value engineering studies, and seven qualified engineers from the Arizona 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.⁷ 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

⁷ When this procedure was first developed, a cutoff value of 11 was established for a stream to survive level two and pass to level three for evaluation. As the procedure was refined, the cutoff value of 13 was substituted for 11 as it was felt to be more accurate.

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. Since three streams survived the level three analysis, a separate, detailed stream study was performed on each of them. These three streams are Oak Creek, West Clear Creek and Wet Beaver Creek.

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

The application of the level one analysis to the 2,864 small and minor watercourses located in Yavapai County resulted in 2,762 watercourses or 96.4% being determined as not having any of the six characteristics listed above, and these 2,762 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 Yavapai County which were determined to have no characteristics of navigability or characteristics indicating susceptibility of navigability at level one.

Only 102 watercourses, approximately 3.6%, received an affirmative response to more than one of the above characteristics or criteria and were evaluated at level two. Attached as Exhibit "G" is a list of the 102 watercourses that received a positive response to one or more of the characteristics listed above. Forty-one of the watercourses tested received an affirmative response to more than one of the characteristics listed above, but after analysis, were determined to have a total value of 15 or less and were rejected and determined to have insufficient characteristics of navigability or susceptibility of navigability to warrant further study. In the value engineering analysis, it was determined that only four streams had a sum value of more than 15 when analyzed pursuant to the value engineering techniques and, therefore, should be advanced for further study at level three. It was thus determined that 98 of

the streams analyzed at level two could not be considered as susceptible of navigability and were, therefore, rejected at level two. The four streams that survived the value engineering analysis at level two and were considered at level three are Oak Creek, West Clear Creek, Wet Beaver Creek and Fossil Creek.

Three watercourses all named Sycamore Creek had a value slightly in excess of 11, but less than 12, and accordingly were rejected as having insufficient characteristics of navigability or susceptibility of navigability to warrant study at level three under the refined criteria.

3. Level Three Analysis of Oak Creek

Oak Creek is located in the southern portion of Coconino County, south of Flagstaff and the northeastern portion of Yavapai County. It received four affirmative responses in the level one analysis including perennial stream flow, modern boating, fish in stream and special status.

Oak Creek originates from springs at the head of Oak Creek Canyon just south and west of Flagstaff and flows due south through Sedona and bears west where it crosses the Yavapai County line, flowing past Cornville to its confluence with the Verde River. It is approximately 42 miles in length and has a drainage area of 474 square miles. The watershed is bounded by mountains, especially in its upper reach where it flows through a narrow canyon. Below Sedona the canyon widens and the stream is a meandering sand and cobble channel with a wide shallow cross section until it flows into the Verde River. Elevations within the watershed range from 8,656 feet at Mormon Mountain to 3,173 feet at its confluence with the Verde River. Vegetation within the watershed varies from Arizona upland desert scrub in the lower elevations to oak, woodland, and ponderosa pine in the upper elevations. Along Oak Creek, the vegetation includes rich cottonwood, willow and walnut riparian forests, along with a variety of grasses and reeds. The upper reach consists of a series of boulder-lined chutes and pools formed in local bedrock like those at Slide Rock State Park. The

channel in this canyon reach is located at the bottom of a deep canyon with near vertical walls and a small to nonexistent floodplain. The lower reach is a meandering sand and cobble bed channel approximately 60 feet wide with occasional bedrock outcroppings in the bed and banks of the main channel. Oak Creek is perennial throughout its length.

There are three U.S. Geological Survey stream gauges which provide a historical record of stream flow for Oak Creek. The average annual flow is 90 to 100 cubic feet per second ("cfs") with the larger flows recorded at the middle gauging station at Sedona. The months of February, March and April are the highest flow months due to melting snow in the mountains in the upper watershed. The average depth is one-half foot to one foot, although it is less where the stream widens out in the lower reach. Boulders and ripples in the stream make boating difficult, but the stream is listed as a seasonal boating stream by the Arizona State Parks Department and certain reaches are popular for canoeing or kayaking during the late winter and early spring when the flow is highest. The consultants recommended a detailed study for Oak Creek due to the presence of a perennial flow and reliable recreational boating conditions during a small portion of the year. Accordingly, this watercourse was not rejected at level three and a separate detailed study was conducted.

4. Level Three Analysis of West Clear Creek

West Clear Creek is located in the southernmost portion of Coconino County above the Mogollon Rim and the east central portion of Yavapai County. It received three affirmative responses in the level one analysis, including perennial stream flow, modern boating, and fish in stream.

West Clear Creek originates in the deep canyons of Coconino National Forest in southern Coconino County north of the Mogollon Rim and just west of Clint's Well. It flows in a westerly direction until it crosses the County line into Yavapai County, and then veers slightly south until it converges with the Verde River south and east of Camp Verde after crossing State Highway 260. It is 34.4 miles in length and has a

drainage area or watershed of 293 square miles, which drains a portion of the Coconino National Forest. The watershed is bounded by the mountains of Coconino National Forest to the north and east, and Mogollon Rim and Mogollon Mesa to the south. Elevations within the watershed range from 8,870 feet at Mahan Mountain to 2,990 feet at the confluence of West Clear Creek with the Verde River. Vegetation in the watershed varies from oak, woodland, and piñon juniper forests in the upper elevations to high desert grass and brush in the lower elevations. Along West Clear Creek the vegetation includes cottonwood, willow, and walnut riparian forests at some locations, as well as a variety of desert grasses and reeds in its lower reach.

The upper portion of West Clear Creek is in deep canyons and slightly sinuous cobble and boulder bed channel approximately 25 feet wide in most places. This reach generally has a narrow, deep cross-section with a single channel located at the bottom of a large V-shaped canyon. Slot canyons with bedrock walls occur throughout the reach, creating pools of up to 20 feet deep and up to 200 feet long. Many locations in the canyon reach are popular for hiking, swimming and fishing. The floodplain is narrow in this reach, although some thin floodplain corridors exist. The upper canyon reach of West Clear Creek is perennial with a base flow of about 15 cfs. The main channel of the valley or lower reach is a wide-braided, sand and cobble bed channel due to the canyon's widening out. Downstream of State Route 260, the stream widens with a broad overflow area of up to 200 feet that transition into a wider geologic floodplain. Flow is perennial in the valley reach, although a small percentage of the flow is lost to infiltration and irrigation diversions. Low flow in the lower reach is generally in pool and riffle sequence with occasional braiding.

There is one U.S. Geological Survey stream gauge which is located in Yavapai County and is near the exit of West Clear Creek, from the canyon reach to the broader plain reach. The stream gauge data indicate that West Clear Creek is a perennial stream and has an mean annual flow of 67 cfs. The highest seasonal flow occurs during the

months of February, March and April when the snow melts in the upstream forests. During unusual periods of high precipitation and flooding, the stream flow is much higher and has recently had a peak flow of 24,800 cfs in 1963. Comparing the stream flow data with boating criteria, it would appear that portions of the stream could be boated by low draft canoes or kayaks about 10% of the time. Deep pools in the upper canyon reach would float a variety of boat types, but the largest of these pools is less than a couple of hundred feet in length. Impediments to boating in the upper reach include severely limited access, numerous waterfalls, huge boulder fields, and dense riparian and aquatic vegetation.

The Arizona State Parks Department lists West Clear Creek as a modern recreational boating stream, however, generally limited to use by kayaks and canoes during the period of the normal spring runoff and typically conducted downstream in the lower reach. There is no history of commercial boating or fishing on this stream. Due to the presence of perennial flow and records of modern recreational boating, as well as a rich history of occupation in the Verde Valley along West Clear Creek, the contractors have recommended a more in-depth study of potential or susceptibility of navigability of West Clear Creek and, accordingly, this watercourse was not rejected at level three and a separate detailed study was conducted.

5. Level Three Analysis of Wet Beaver Creek

Wet Beaver Creek is located in the southwestern portion of Coconino County and the eastern portion of Yavapai County. It parallels West Clear Creek to the north and drains the area of Coconino National Forest north of the West Clear Creek watershed. It received four affirmative responses in the level one analysis, including perennial stream flow, modern boating, fish in stream, and special status.

Wet Beaver Creek originates in the deep canyons of the Coconino National Forest just west of Happy Jack, and flows west with a southerly cant until it crosses the Yavapai County line, and then flows past Montezuma Well near Montezuma Castle

National Monument to its confluence with the Verde River. It is 30.1 miles in length and has a drainage area or watershed of 434 square miles. The watershed is bounded by the mountains and canyons of the Coconino National Forest to the north, east and south until it flows out into the plains in the Verde Valley. Elevations within the watershed range from 7,713 feet at Mt. Nester to 3,083 feet at its confluence with the Verde River. Vegetation in the watershed varies from oak, woodland, and piñon juniper forests in the upper elevations to high desert grass and brush in the lower elevations. Along Wet Beaver Creek, the vegetation includes cottonwood, willow, and walnut riparian forests at some locations, as well as a variety of desert grasses and reeds in its lower reach.

The upper portion of Wet Beaver Creek is in deep canyons and slightly sinuous cobble and boulder bed channel approximately 25 feet wide in most places. This reach generally has a narrow, deep cross-section with a single channel located at the bottom of a large V-shaped canyon. Slot canyons with bedrock walls occur throughout the reach, creating pools of up to 20 feet deep and up to 200 feet long. Many locations in the canyon reach are popular for hiking, swimming and fishing. The floodplain is narrow in this reach, although some thin floodplain corridors exist. The upper canyon reach of Wet Beaver Creek is perennial with a base flow of about 15 cfs. The main channel of the valley or lower reach is a wide-braided, sand and cobble bed channel due to the canyon's widening out. Downstream of State Route 260, the stream widens with a broad overflow area of up to 200 feet that transitions into a wider geologic floodplain. Flow is perennial in the valley reach, although a small percentage of the flow is lost to infiltration and irrigation diversions. Low flow in the lower reach is generally in pool and riffle sequence with occasional braiding.

There are two U.S. Geological Survey stream gauges on Wet Beaver Creek, the lower one being near the confluence with the Verde River near Camp Verde, and the other being about halfway along its length upstream from Rimrock and downstream

from the Wet Beaver Wilderness. The mean annual flow at the upper gauging station is 36 cfs and at the lower, 125 cfs. Comparing the stream flow data with boating criteria, it would appear that portions of the stream could be boated by low draft canoes or kayaks about 10% of the time. Deep pools in the upper canyon reach would float a variety of boat types, but the largest of these pools is less than a couple of hundred feet in length. Impediments to boating in the upper reach include severely limited access, numerous waterfalls, huge boulder fields, and dense riparian and aquatic vegetation.

The Arizona State Parks Department lists Wet Beaver Creek as a modern recreational boating stream, however, generally limited to use by kayaks and canoes during the period of the normal spring runoff and typically conducted downstream in the lower reach. There is no history of commercial boating or fishing on this stream. Due to the presence of perennial flow and records of modern recreational boating, as well as a rich history of occupation in the Verde Valley along Wet Beaver Creek, the contractors have recommended a more in-depth study of potential or susceptibility of navigability of Wet Beaver Creek and, accordingly, this watercourse was not rejected at level three and a separate detailed study was conducted.

6. Level Three Analysis for Fossil Creek

Fossil Creek is located in the southernmost portion of Coconino County where it drains the Fossil Springs Wilderness and flows in a southwesterly direction forming the boundary between Gila County and Yavapai County. It received three affirmative responses in the level one analysis, including perennial flow, fish in stream and impacted by a dam.

Fossil Creek drains the western extent of the Mogollon Rim and flows into the Verde River. It is 16.5 miles in length and drains a watershed of 140 square miles. The watershed ranges in elevation from 7,858 feet at Twenty-Nine Mile Butte to 2,554 feet at the Verde River/Fossil Creek confluence. Vegetation within the watershed varies from Arizona upland desert scrub in the lower elevations to oak woodland and juniper in the

upper elevations. Vegetation along Fossil Creek is rich and flourishing and includes cottonwood, willow, and walnut riparian forests at some locations, as well as a variety of grasses and reeds.

The main channel of the mountain canyon reach upstream from Fossil Springs is a steep step-pool pattern controlled by local bedrock. The average width of the channel is about 40 feet and the streambed materials range from coarse sands to large cobbles and boulders. The floodplain is small to non-existent with a narrow cord of riparian vegetation. This reach is ephemeral.

Reach No. 2 between Fossil Springs and the Fossil Creek Dam is surrounded by a rich riparian habitat as a result of constant runoff of approximately 43 cfs from several springs. The channel ranges from 20 to 45 feet in width and the floodplain is up to 60 feet wide. The streambed is in the deep bedrock canyon walls and contains fine sands and cobbles with a classic pool and riffle sequence. This reach is perennial.

The lower portion of this stream, which is downstream from Fossil Creek Dam, consists of a cobble and boulder bed channel ranging from 30 to 50 feet wide. Small slot canyons and deep pools are scattered throughout the reach. Fish and other aquatic life are present in this area. Travertine rock forms pools and sills throughout the reach. The floodplain widths reach 100 feet, but are confined by bedrock and steep canyon walls up to the Verde River confluence. This reach is considered perennial.

Fossil Creek Dam was constructed prior to statehood in 1912. Water has been diverted from this creek at the dam site since prior to statehood for the hydroelectric power plant located near Childs. The dam was decommissioned in 2000 and removed in 2007 and 2008. The absence of this diversion has increased the amount of flow, but not enough to make the stream susceptible of navigability.

There are no U.S. Geological Survey stream gauges on Fossil Creek, but gauge data for the Fossil Creek diversion pipeline to the power plant was available, as well as gauge data from nearby watersheds. The highest normal mean flow on Fossil Creek is

between 40 and 50 cfs, although a peak discharge during a 50-year flood could range as high as 17,000 cfs. Comparing the boating criteria and hydrologic data for Fossil Creek with approved boating criteria indicates that during normal flow, the creek can be utilized by low draft canoes, kayaks and other recreational craft in a portion of its reaches, particularly the large pools which are less than a few hundred feet in length. The removal of Fossil Creek Dam has added to the flow in the lower two reaches of Fossil Creek, however, due to the steep slopes, small waterfalls and rapids, and overhanging vegetation, commercial boating or boating in an upstream direction would not be possible. There is no history of boating on this stream and no history of commercial fishing.

In view of the foregoing, Fossil Creek was considered as not susceptible to navigability during its ordinary flow and was therefore rejected at level three.

7. Summary of Results of Small and Minor Watercourses Analysis for Yavapai County, Arizona

All of the 2,864 small and minor watercourses in Yavapai County were analyzed in the three-level process developed by the State Land Department and its contractors, Stantec and J.E. Fuller Hydrology. At level one, 2,762 watercourses or 96.4% were determined as not having an affirmative response to any of the six characteristics utilized at level one and were, therefore, rejected and eliminated at level one. One hundred two watercourses, approximately 3.6%, received an affirmative response to one or more of the characteristics or criteria and were evaluated at level two. Ninety-five of these watercourses received only one affirmative response at level one, and further analysis disclosed that they should be rejected as not having the characteristics of navigability requiring further study. Seven of the watercourses received more than one affirmative response at level one and were analyzed under the value engineering system described above. In this analysis, three of the watercourses had a sum value of less than 11 and were determined as not having the characteristics of navigability requiring further study. Only four streams had a sum value of more than 11 and were

determined to require further study at level three. These four streams – Oak Creek, West Clear Creek, Wet Beaver Creek and Fossil Creek – were evaluated at level three. Due to configuration of the stream bed and other considerations, including concerns expressed by numerous private and public landowners and land managers along those streams, the contractors, Stantec and JE Fuller, have recommended a more in-depth study of the potential for susceptibility of navigability of three of these creeks. Accordingly, they were not rejected at level three and separate, detailed studies of Oak Creek, West Clear Creek, and Wet Beaver Creek were conducted.

B. Prehistoric and Historical Conditions Affecting Small and Minor Watercourses in Yavapai County, Arizona

In addition to the Small and Minor Watercourse Analysis and other evidence described above, the Commission also considered evidence of prehistoric conditions in Yavapai County and the historical development of Yavapai County as disclosed in part in the studies submitted in connection with hearings on navigability of the Verde River, Hassayampa River, Agua Fria River, Santa Maria River and Burro Creek.

1. Prehistory or Pre-Columbian Conditions

There is some archaeological evidence of paleoindian occupation throughout Arizona as early as 11,000 to 12,000 years ago, although it is rather sparse and consists usually of surface finds of lithic tools.⁸ A Clovis style projectile point from the paleoindian period was found in the Arizona Strip area in the northern part of Mohave County, to the west of Yavapai County, and another was found by a rancher in the Aquarius Mountains. As the megafauna died out at the end of the last glacial period, the paleoindians converted to a culture of hunting smaller animals using the Folsom point and the gathering of berries and grains. The Archaic period in Yavapai County is characterized by sites showing stone tools and flakes made from the working of stone

⁸ The paleoindian period is generally considered to be between 10,000 B.C. or 12,000 B.P (before the present) to approximately 6,000 B.C. or 8,000 B.P. The paleoindian period is followed by the Archaic period which lasted until 1,000 to 100 B.C. when the Pre-Columbian cultures began to develop.

tools, and in some sites split twig figurines which were no doubt used for religious purposes.

Approximately 200 B.C. the culture known as the Anasazi developed in the Four Corners area. Most archaeologists believe it developed from the indigenous Archaic people who had previously occupied the area. At first they lived in pit houses, but later built rock pueblos and villages and moved into cliff dwellings. Betatakin and Keet Seel on the northern part of the Navajo Reservation in Navajo County are examples of very large cliff dwellings which were built around 900 to 1100 A.D.

Approximately 500 A.D., a new culture known by archaeologists as the Sinagua Culture began to farm near the San Francisco Peaks. These Indians practiced dry farming, using the water retaining abilities of the volcanic ash found in the area for moisture. The largest concentration of Sinagua-type ruins is found at Wupatki National Monument, although many archaeologists feel that Wupatki was also greatly influenced by the Anasazi. From 700 A.D. on, the Sinagua moved south from the San Francisco Peaks area into the Verde Valley, and ruins such as Tuzigoot and Montezuma Castle are evidence of this occupation. In the Verde Valley, the Sinagua Culture was greatly influenced by the Hohokam who migrated up from the Salt River Valley. The Sinagua built numerous ball courts which are more characteristic of the Hohokam and Mesoamerican cultures.

Between 1276 and 1299, a great drought occurred in northern Arizona which was felt by many archaeologists as the event that caused abandonment of many of the Sinagua settlements around Verde Valley. In the 1300's, the Yavapai Indians from the Colorado River area moved into the southern part of the Yavapai County and soon thereafter an Athabascan-speaking group of Apaches also moved into the eastern mountains of Yavapai County.

All of these pre-Columbia cultures utilized the small and minor watercourses, as well as the major rivers of central and northern Arizona, as a source of water, and in the

Verde Valley there was even some irrigated agriculture. However, none of these pre-Columbian cultures utilized any of the rivers and watercourses for travel or commerce. All travel by the early Indian occupants of Arizona was by foot. The horse was not introduced until the late 1500's and 1600's when they were brought in by the Spanish conquistadors.

2. Historical Settlement in Yavapai County

The first European presence in Yavapai County was in 1581 and 1582 when Antonio de Espejo, a Spanish adventurer from Mexico who had come up the Rio Grande into New Mexico, led a group of prospectors across northern Arizona to the Hopi villages and then dropped down into the Verde Valley looking for valuable ore deposits. In 1598, another explorer, Juan de Oñate, traveled across much of Arizona after first establishing a colony in New Mexico. One of his officers, Capt. Marcos Farfan, is credited with locating the large copper ore deposit that was later mined at Jerome and finding some silver ore near Prescott. Due to the distance from other Spanish settlements, the rugged terrain, and the hostility of the Indians, there was little Spanish activity in Yavapai County for the next couple of hundred years, although some Spanish friars crossed the territory on exploratory missions during the 1700's.

After Mexico won its independence from Spain in 1821, there was little change in government policy regarding settlement of the area. Mexico actively discouraged incursions into its territories by citizens of the United States. Notwithstanding this policy, fur trappers and mountain men began exploring the southwest as early as the 1820's. This trapping activity continued, particularly on the Verde River and its major tributaries, through the 1840's. The war with Mexico (1846-48) ended with the Treaty of Guadalupe Hidalgo and the United States acquired all of the Mexican territory in the southwest north of the Gila River. Following the acquisition of this vast territory by the United States, expeditions commanded by young Army engineering officers were sent to explore the newly acquired territory and find good routes for roads and railroads.

The Sitgreaves Expedition of 1851, guided by Antoine LaRue, crossed the middle of Yavapai County and traveled south in Mohave County to the Colorado River. In 1854, the Whipple Expedition followed the route of the Little Colorado River and mapped this stream, and the Atlantic and Pacific Railroad subsequently followed this surveyed area. In 1857, Edward F. Beale mapped out a road across northern Arizona which was later followed by Highway 66, and the northern Arizona route along the 35th parallel became a regularly traveled route for persons traveling from Santa Fe and points east to California.

In the 1850's and 60's, Anglo Americans commenced the settlement of Yavapai County. Ranching and mining initially brought this about. Gold was discovered near Prescott, which brought about a gold rush and much prospecting in that area. In addition, settlers were moving up from the Salt River Valley and into the Verde Valley near Oak Creek. With the hostility of the Indians, the Army installed Fort Whipple in the Chino Valley and Camp Lincoln on the Verde River near Oak Creek. Camp Lincoln was renamed later as Camp Verde.

In 1882, the Atlantic and Pacific Railroad was built across northern Arizona and a number of small towns, including Ash Fork, Seligman, Williams, Flagstaff, Winslow, and Holbrook, grew up as points along the railroad at which trains could be serviced. Although very rugged, a road was built from Flagstaff south into the Verde Valley, and another from Ash Fork south through the Chino Valley to Prescott. There is no record of commercial travel or floating of logs on any of the small and minor watercourses in Yavapai County and no evidence of commercial fishing on any of these streams. The customary mode of transportation in Yavapai County at or about the time of statehood was by foot, horseback, mule, ox-drawn wagons and rail and later, as the road network improved, by automobile and trucks.

VIII. Separate Detailed Stream Navigability Study for Oak Creek

Since Oak Creek survived the level three analysis of small and minor watercourse analyses for Coconino County, a separate detailed study of its navigability was conducted. The separate detailed report on Oak Creek is incorporated in this Report, Findings and Determination, although a portion of Oak Creek is located in Yavapai County which is adjacent to Coconino County to the south. The level three analysis of Oak Creek reported in Section VII A 3 of this report is incorporated by reference in this separate detailed stream navigability study for Oak Creek.

The headwaters of Oak Creek are in springs at the head of Oak Creek Canyon, just south and slightly east of Flagstaff, in the East Half of Section 1, Township 19 North, Range 6 East, Gila and Salt River Base and Meridian, latitude 35°01'27" North, longitude 111°44'08" West. It flows south through Oak Creek Canyon to Sedona, where it turns in a southwesterly direction passing Page Springs and Cornville, and flows into the Verde River between Camp Verde and Cottonwood in the Southeast Quarter of Section 20, Township 15 North, Range 4 East, latitude 34°40'40" North, longitude 111°56'26" West. The watershed is bounded by mountains, particularly in the upper reach where it flows through the narrow Oak Creek Canyon. Below Sedona, the canyon widens and the stream is a meandering sand and cobble channel with a wide shallow cross-section until it flows into the Verde River. It has an average slope of 1.4 percent and there is no evidence that the location or alignment of the stream has varied significantly over time, although the stream has meandered within its floodplain especially south of Sedona.

Elevations within the watershed range from 8,656 feet at Mormon Mountain to 3,173 feet at its confluence with the Verde River. Vegetation within the watershed varies from Arizona upland desert scrub in the lower elevations to oak woodland and ponderosa pine in the upper elevations. Along Oak Creek itself, the vegetation includes rich cottonwood, willow and walnut riparian forests along with a variety of grasses and

reeds. A map of the area showing where Oak Creek is located in the County and State is attached as Exhibit "H."

A. History of Oak Creek Canyon

Archaeological evidence indicates some settlement in the lower Oak Creek Canyon as early as 3,000 years ago, when hunting and gathering bands dwelled in caves in the red sandstone cliffs. Later, they built shallow pit houses and surface dwellings to accommodate seasonal use of the area around Oak Creek. From 800 to 1125 A.D., much more significant prehistoric settlement occurred, indicating a strong Hohokam influence which was probably the result of migration from the Salt River Valley up the Verde River and on to Oak Creek. There is some evidence of diversion canals with lateral canals for irrigation in the lower Oak Creek area. Many of the agricultural features such as canals and laterals, and even ruins, have been destroyed by modern development. Some prehistoric sites are estimated at 100 rooms or more and certain famous ruins such as Montezuma Castle, Tuzigoot, and the ruins around Montezuma Well have been designated as National Monuments. Sometime after 700 A.D., the Sinagua Culture, which was probably a result of persons migrating from the Flagstaff area, appears and mixes with the Hohokam. Following 1125, the population increased and it seems clear that the creek was an accessible permanent water supply used for irrigation and possibly fishing purposes. There is no evidence of any trade, commerce or boating being conducted on Oak Creek by members of these prehistoric cultures.

By 1300 A.D., the Yavapai Indians moved into Oak Creek Canyon and the Verde Valley from the south and west. Sometime later the Tonto Apache, an Athabascan-speaking native American, also appeared. In 1582 and 1583, Antonio de Espejo explored along the middle Verde River valley and Oak Creek, looking for silver he heard the Indians had been mining. He did not stay long as he was disappointed to find that the chief ore was copper and he is probably the one who discovered the ore

deposits later mined at Jerome. In 1598 through 1600, Governor Juan de Oñate of New Mexico and Marcos Farfan de las Godas also explored this area searching for deposits of gold and silver.

In 1826, American trappers James Ohio Paddy, Ewing Young and others traveled through the area trapping for beaver. In 1829, Ewing Young documented a return to the Verde Valley with 40 other trappers, including Kit Carson, and apparently found the beaver plentiful. Following the war with Mexico in 1848 and the acquisition of the present western part of the United States by the Treaty of Guadalupe Hidalgo, the military conducted a number of surveys in the 1850's primarily to locate railroad routes from the eastern United States to California. In 1863, gold was discovered in Lynx Creek, near Prescott, and a gold rush into that area occurred. The First Cavalry of the New Mexico Volunteers established the first Fort Whipple at Del Rio Springs in Chino Valley in 1863 and that same year, the County of Arizona was detached from the Territory of New Mexico and established as the Arizona Territory. The first capital was at Fort Whipple, but in 1864 it was moved to Prescott. The New Mexico Volunteers also established a garrison on the middle Verde River near Oak Creek, officially designated as Camp Lincoln but later renamed Camp Verde.

Prior to 1900, lower Oak Creek was leased by the federal government to various ranching operations for cattle grazing. The first settler to claim Oak Creek Canyon property under the Homestead Act was an Irishman by the name of Jim Thompson in 1876. He named the area he homesteaded as "Indian Gardens" because of the vacant patches of Tonto Apache gardens of corn, squash and beans he found when he arrived in the area. The second settler in the upper Oak Creek Canyon was Jesse Jefferson Howard, who came into the area as a fugitive and built a cabin in an isolated spot near the mouth of Oak Creek's west fork. The first settler at what would be called Red Rock was Henry Schuerman, who found only a primitive cabin with an old Indian irrigation ditch. Between 1900 and 1939, four homesteads were established on part of lower Oak

Creek. The earlier settlers made their living by ranching, trapping, and orchards. There was also one mining claim filed in the area.

Transportation through Oak Creek Canyon at the time of statehood was mainly by foot, horseback and horse-drawn wagon. In 1882, the Atlantic & Pacific Railroad, later known as the Santa Fe Railroad and after a merger is now known as the Burlington Northern Santa Fe Railroad, was established along the 35th parallel through Flagstaff. Roads in the Oak Creek Canyon area were in very poor condition, with rough surfaces and overhanging vegetation. The main thoroughfare through the Oak Creek area was the Verde Cutoff, later called Munds Road and currently referred to as Schnebly Hill Road. Construction of this road was begun in 1896 in an effort to shorten the inconvenient and circuitous route between Flagstaff and the Verde Valley. Highway 89A, which travels up Oak Creek Canyon, was not completed until July 1913 when a small wooden bridge was erected at Oak Creek Falls, which is now Slide Rock. It was not paved until 1939. Now, of course, there is highway transportation into the area, and the population has increased substantially due to better access. There is no historical record of commercial, recreation, or any other type of boating on Oak Creek and no record of any commercial fishing.

B. Wildlife, Habitat and Hydrology

Oak Creek Canyon and the lower valley possess a diversity of wildlife due to the wide range of climate and elevation. Though now absent from the area, moose once roamed this watershed. Currently, the area hosts elk, bear, mountain lion and other big cats, skunk, muskrat, and raccoon, as well as snakes, lizards and scorpions in the lower desert area. Hundreds of species of birds flourish in the Oak Creek region, including golden eagles, hummingbirds, cardinals, bluebirds, shrikes, butcherbirds, buzzards, mockingbirds, sparrows and crested quail. The stream itself currently supports mammal, amphibian, reptile, bird and native fish species. Fish such as rainbow and brown trout are regularly stocked by the Arizona Game and Fish Department. Other

fish such as bass, bluegill, and sunfish have migrated upstream into the area and adapted well. Twenty species of fish reside in Oak Creek and its tributaries. Only three minnows (Colorado chub, speckled dace, and spikedace) and two suckers (Gila and Gila-mountain suckers) are native to the stream. The Colorado River Squawfish was once native to the stream but is now gone from the area.

Vegetation in Oak Creek can be divided into five major communities. Beginning at the head of the canyon and moving downstream, these communities are ponderosa pine-douglas fir forest, chaparral, piñon-juniper woodland, oak woodland, and cypress-juniper woodland. The oak woodland for which the creek takes its name occurs where the canyon widens at about 1500 meter elevation and is particularly well-developed on the south canyon wall from the Banjo Bill Campground to Indian Gardens. Riparian communities along the creek were divided into upper and lower, with the West Fork of Oak Creek serving as the division boundary. Downstream from Sedona, the creek passes through semi-desert grasslands before reaching the confluence with the Verde River.

The 474 square mile Oak Creek watershed drains a significant area of the Coconino Plateau. Hydrologic data for Oak Creek is available from the U.S. Geological Survey gauges at Sedona and near Cornville. Although there are no hydrologic records for the year of statehood, other years around that time, and currently, indicate that Oak Creek has a mean annual flow of 90 to 100 cfs. A maximum discharge incident during recent years was 6400 cfs. The highest average flow occurs during the months of February, March and April when the snow is melting in the higher elevations. Oak Creek flows at an average depth of less than one-half foot during normal times, with a width of 18 to 30 feet.

For purposes of geomorphology study, Oak Creek was divided into two reaches. The upper reach in the canyon above Sedona consists of a series of boulder-lined chutes and pools formed in local bedrock. Some chutes, such as those at Slide Rock State Park,

together with other natural attractions associated with bedrock pools and waterfalls, are popular with hikers and sightseers. The channel in the canyon reach is located in the bottom of a moderately deep canyon with near vertical walls, a small to non-existent floodplain, and a corridor of well-established riparian vegetation. This reach is clearly perennial. The lower reach from Sedona to the confluence with the Verde River is a wider, meandering sand and cobble-bedded channel approximately 60 feet wide. The reach generally has wide, shallow cross-sections with a single channel. Occasionally, bedrock crops out of the bed and banks of the main channel. This reach is also perennial.

The upper reach in the canyon is not susceptible of recreational boating due to the swift flow, boulders, waterfalls and other obstructions. The reaches downstream from Sedona are popular for canoeing and kayaking during the late winter and spring. Oak Creek is listed as a boating stream by the Arizona State Parks Department, as well as recreational boating groups. Commercial use of any portion of Oak Creek is not possible since even in the lower reach the pools used by kayakers and canoers are typically less than a few hundred feet in length and separated by shallow boulder riffles and small waterfalls. No evidence was presented to suggest that flow conditions at or near the time of statehood would have allowed for any flotation of logs, and there is no history of any commercial fishing, although Oak Creek is a well-known recreational fishing stream where fishing is done from the banks.

At all times since man first settled in the area, transportation along the Oak Creek canyon and valley area was accomplished by foot, horseback, or wagon and, since statehood as the road net improved, by truck and automobile. There is no record of any boating or use of Oak Creek for passenger or commercial craft. Oak Creek is not listed in the Rivers and Harbors Act of 1899.

In view of the foregoing, it seems clear that Oak Creek was neither navigable nor susceptible of navigability as of February 14, 1912.

IX. Separate Detailed Stream Navigability Study for West Clear Creek

Since West Clear Creek survived the level three analysis of the small and minor watercourse analyses for Coconino County, a separate detailed study of its navigability was conducted. The separate detailed report of West Clear Creek is incorporated in this Report, Findings and Determination, although a portion of West Clear Creek is located in Yavapai County, which is adjacent to Coconino County to the south and, in this case, west of the upper Clear Creek watershed. The level three analysis of West Clear Creek reported in Section VII A 4 of this report is incorporated by reference in this separate detailed stream navigability study for West Clear Creek.

The headwaters of West Clear Creek originate in the deep canyons of Coconino National Forest in southern Coconino County, north of the Mogollon Rim and just west of Clints Well, in the Southwest Quarter of Section 33, Township 14 North, Range 10 East, Gila and Salt River Base and Meridian, latitude 34°33'04" North, longitude 111°24'11" West. It flows almost due west through the deep canyons of the mountains in southern Coconino County until it crosses the County line into Yavapai County and then veers slightly south until it converges with the Verde River south and east of Camp Verde, after crossing State Highway 260 at the center of Section 21, Township 13 North, Range 6 East, Gila and Salt River Base and Meridian, at latitude 34°30'14" North and longitude 111°49'40" West. It is 34.4 miles in length and has a drainage area or watershed of 293 square miles, which drains a large portion of the southern Coconino National Forest. The stream has an average slope of about 1.7%. Elevations within the watershed range from 8,870 feet at Mahan Mountain to 2,990 feet at the confluence of the Verde River and West Clear Creek. A map of the area showing where West Clear Creek is located in the County and State is attached as Exhibit "I."

A. History of West Clear Creek Verde Valley Area

The first evidence of human presence in the Verde Valley is indicated by projectile points of the Clovis and Folsom style that date from 10,000 to 12,000 years

ago. These paleoindians were a primitive hunting and gathering society and this remained the dominant lifestyle through the archaic period until approximately 2,000 years ago when there is evidence of proto Hohokam Culture Indians, who probably migrated from the Phoenix Salt River area into the lowland areas along the Verde River and brought primitive irrigation agricultural technology. There is little evidence of permanent occupation of the West Clear Creek valley due to the rough terrain except near the Verde River confluence. Population increased from 800 to 1200 A.D. and by the late 1100's and early 1200's, a new culture designated as the Sinagua Indians appears. These people probably migrated south from the Flagstaff area and mixed with the Hohokam Culture that was already located in the Verde Valley. Prominent archaeological sites in the area dating from 1300 to 1425 include Tuzigoot, Montezuma Castle, the ruins at Montezuma Well, and the Clear Creek ruins. Although there appear to be ample resources, the Hohokam and Sinagua occupation of the area ceased at about 1425 to 1450. Drought, waterlogging of soil, disease, warfare, invasion or dissolution of trade networks have all been proposed to explain their disappearance, but no one explanation is completely satisfactory. Although there was one diversion canal located on West Clear Creek, there is no evidence of any boating or use of either West Clear Creek or the Verde River by the early pre-Columbian indigenous peoples for boating or travel along West Clear Creek.

Exploration of the region by Spanish conquistadors began in the late 1500's with the expedition in 1582 and 1583 by Antonio de Espejo, who was attempting to locate two Franciscan priests who had been captured by Indians as well as searching for gold and other precious metals. From 1598 to 1600, Governor Oñate of New Mexico and Marcos Farfan de las Godas also explored the area and probably were the first to locate the rich body of copper ore at Jerome. Other early Spanish explorers included Fray Francisco Farfan in 1598 and Zaldivar in 1599. Their primary purpose was to search for precious metals and they did not remain in permanent residence. In 1826, the first

expedition of the mountain men led by Ewing Young came through the area, trapping for beaver. Following the war with Mexico in 1848 and the acquisition of the present western part of the United States by the Treaty of Guadalupe Hidalgo, a number of expeditions led by military officers were conducted in the area, primarily for the purpose of surveying possible railroad routes from the eastern United States to California. Leading among these was the 1854 surveying party along the 35th parallel led by Lt. A. W. Whipple and the 1864 Woolsey expedition which branched south to Montezuma Well and into the Verde Valley.

The first pioneers to settle in the Verde Valley were of the Swetnum-Parish party, which arrived on a scouting trip in January, 1865. In April of that year, a settlement party of 19 people with six wagons settled at the confluence of Clear Creek and the Verde River. When attacked by Indians, they asked the government for military support, and a post was established near the confluence of Beaver Creek and the Verde River called Camp Lincoln. It was later renamed Camp Verde and, in 1879, was made a permanent fort by the name of Fort Verde. Famed Oak Creek settler Jim Thompson first settled in 1876 on West Clear Creek at a place now known as the Bull Pen. He later moved to Oak Creek Canyon and Indian Gardens.

The first settlers in the area relied more on farming than ranching, making their living by selling their produce to miners and soldiers in Prescott, Jerome and Fort Verde. The early farms diverted water from the Verde River, but there were also small ditches off West Clear Creek for irrigation and water supply. The establishment of railroads in the 1880's and improved wagon roads created easier shipping of cattle to the east and midwest, and the emphasis eventually shifted from farming to ranching.

Transportation in this area at the time of statehood was primarily by foot, horseback, and horse-drawn wagon. In 1876, a stage route was established between Prescott and Flagstaff and a station was built at the head of Beaver Creek. In 1882, the Atlantic and Pacific Railroad, which later became the Santa Fe Railroad and after a

merger is now known as the Burlington Northern Santa Fe Railroad, reached the small community of Flagstaff. Later, a branch of the railroad was brought into the Verde Valley which allowed ranchers the ability to drive cattle only a short distance to find rail transportation to market. Thus, rail also became a major mode of transportation. There is a report that boats were used at Fort Verde to cross the Verde River during high water, but there is no record of any commercial or recreational boat usage on West Clear Creek at or about the time of statehood.

B. Wildlife, Habitat and Hydrology

Because of the history of erosion, hunting, overgrazing, and competition from domestic animals, the present day distribution of plants and animals in the Verde Valley West Clear Creek area only weakly resembles prehistoric conditions. Large animals that dwelled in the higher elevations during prehistoric times included elk, bear, and mountain sheep, while some deer and antelope inhabited the lower foothills and valleys. Other animals that would have been available to early hunters were cottontails, jackrabbits, prairie dogs, woodrats, wild turkey, quail and doves.

The vegetation of the West Clear Creek valley varies from semi-desert grasses and brush near the Verde River to piñon-juniper forests in the area near the Yavapai-Coconino County line. Vegetation above the Mogollon Rim is mainly ponderosa pine. The riparian vegetation along West Clear Creek in the lower zone is characteristic of the xeric climate. The dominant tree species include cottonwood, sycamore, willow and alder. The vegetation at these lower sites is not dense, featuring an occasional barberry and buckthorn interspersed with trees. In the upper areas, the predominant tree species along the creek are box elder and alder with occasional walnut and big-toothed maple. Shrubs form the dense stands along the stream and include gambel oak, New Mexico locust, rock spirea, hophornbean, and dogwood. Dense stands of bracken fern and clumps of horsetail are also found on the banks. Peregrine falcon, bald eagles, black hawks and many other bird species are also found near West Clear Creek, and the

stream itself supports numerous mammal, amphibian, reptile, bird and native fish species.

There are no hydrologic records for West Clear Creek as of the year of statehood, but a stream gauge was later installed just upstream from the confluence with the Verde River. This record, which is believed to be comparable to that at or near statehood, discloses that the mean annual flow of West Clear Creek is approximately 67 cfs, although the median flow is only 19 cfs. This difference is the result of a much higher monthly average flow, which occurs as a result of winter storms and snow melt during the months of December through April. Storms causing flash floods occur with some frequency in the area and a recent peak flow on January 8, 1993 of 24,800 cfs was recorded.

For purposes of study, West Clear Creek was divided into two reaches: the canyon reach, which is upstream from the crossing at State Route 260, and the valley reach, which is downstream of the crossing at State Route 260. The main channel in the canyon reach is a slightly sinuous cobble and boulder bed channel approximately 25 feet wide. It has a narrow, deep cross-section with a single channel located at the bottom of steep walled canyons. Slot canyons with bedrock walls occur throughout this reach, creating pools of up to 20 feet deep but no more than a couple of hundred feet long. Many locations along the canyon reach are popular for hiking, swimming and fishing. Floodplains in the canyon reach are narrow, if they exist at all. This reach is perennial with a base flow of about 15 cfs. The main channel in the valley reach is a wide-braided sand and cobble bed channel. Downstream from the crossing of State Route 260, the stream widens, with broad overflow areas up to 200 feet that transition into the wider geologic floodplain. The flow is perennial in the valley reach, although a small percentage is lost to infiltration, evaporation, and irrigation diversions.

The Arizona State Parks Department lists West Clear Creek as a modern recreational boating stream. Comparison of the conditions on West Clear Creek with

the available recreational boating criteria indicates that the stream could be boated by canoes, kayaks and tubes approximately 10% of the time. At normal flow, the stream is only one-half foot in depth and larger commercial craft cannot navigate the stream. There is no reference to historical or commercial boating on West Clear Creek. No evidence was presented to suggest that the location or alignment of the stream has varied significantly since statehood, although there is some evidence that meandering movement is possible in the lower valley reach near the Verde River confluence.

Although West Clear Creek is perennial, its normal flow is relatively small and can only be boated for recreation during the winter and spring months when the runoff is much higher due to snow melt. No evidence was found of any commercial trade or navigation of West Clear Creek, including the flotation of logs downstream. While West Clear Creek is a recreational fishing area from its banks, there is no history of commercial fishing. While there may have been irrigation diversion dams and structures at the beginning of the century that would have been an impediment to navigation, there are currently no permanent dams on West Clear Creek, although there is one existing bridge for a road crossing. Transportation at or near the date of statehood was accomplished by foot, horseback, and wagon and later, as roads developed, by automobile and truck. West Clear Creek is not listed in the Rivers and Harbors Act of 1899.

In view of the foregoing, it seems clear that West Clear Creek was neither navigable nor susceptible of navigability as of February 14, 1912.

X. Separate Detailed Stream Navigability Study for Wet Beaver Creek

Since Wet Beaver Creek survived the level three analysis of the small and minor watercourse analyses in Coconino County, a separate detailed study of its navigability was conducted. The separate detailed report on Wet Beaver Creek is incorporated in this Report, Findings and Determination, although a portion of Wet Beaver Creek is located in Yavapai County, which is adjacent to Coconino County to the south and west

the late 1100's and early 1200's, a new culture designated as the Sinagua Indians appears. These people probably migrated south from the Flagstaff area and mixed with the Hohokam Culture that was already located in the Verde Valley. Prominent archaeological sites in the area dating from 1300 to 1425 include Tuzigoot, Montezuma Castle, the ruins at Montezuma Well, and the Clear Creek ruins. Although there appear to be ample resources, the Hohokam and Sinagua occupation of the area ceased at about 1425 to 1450. Drought, waterlogging of soil, disease, warfare, invasion or dissolution of trade networks have all been proposed to explain their disappearance, but no one explanation is completely satisfactory. There is no evidence of any boating or use of either Wet Beaver Creek or the Verde River by the early pre-Columbian indigenous peoples for boating or travel along Wet Beaver Creek.

Exploration of the region by Spanish conquistadors began in the late 1500's with the expedition in 1582 and 1583 by Antonio de Espejo, who was attempting to locate two Franciscan priests who had been captured by Indians, as well as searching for gold and other precious metals. From 1598 to 1600, Governor Oñate of New Mexico and Marcos Farfan de las Godas also explored the area and probably were the first to locate the rich body of copper ore at Jerome. Other early Spanish explorers included Fray Francisco Farfan in 1598 and Zaldivar in 1599. Their primary purpose was to search for precious metals and they did not remain in permanent residence. In 1826, the first expedition of the mountain men led by Ewing Young came through the area, trapping for beaver. Following the war with Mexico in 1848 and the acquisition of the present western part of the United States by the Treaty of Guadalupe Hidalgo, a number of expeditions led by military officers were conducted in the area, primarily for the purpose of surveying possible railroad routes from the eastern United States to California. Leading among these was the 1854 surveying party along the 35th parallel, led by Lt. A. W. Whipple and the 1864 Woolsey expedition which branched south to Montezuma Well and into the Verde Valley.

The first pioneers to settle in the Verde Valley were of the Swetnum-Parish party, which arrived on a scouting trip in January 1865. In April of that year, a settlement party of 19 people with six wagons settled at the confluence of Clear Creek and the Verde River. When attacked by Indians, they asked the government for military support and a post was established near the confluence of Wet Beaver Creek and the Verde River called Camp Lincoln. It was later renamed Camp Verde and, in 1879, was made a permanent fort by the name of Fort Verde. Famed Oak Creek settler Jim Thompson first settled in 1876 on West Clear Creek at a place now known as the Bull Pen. He later moved to Oak Creek Canyon and Indian Gardens.

The first settlers in the area relied more on farming than ranching, making their living by selling their produce to miners and soldiers in Prescott, Jerome and Fort Verde. The early farms diverted water from the Verde River, but there were also small ditches off West Clear Creek for irrigation and water supply. The establishment of railroads in the 1880's and improved wagon roads created easier shipping of cattle to the east and midwest, and the emphasis eventually shifted from farming to ranching.

Transportation in this area at the time of statehood was primarily by foot, horseback, and horse-drawn wagon. In 1876, a stage route was established between Prescott and Flagstaff and a station was built at the head of Beaver Creek. In 1882, the Atlantic and Pacific Railroad, which later became the Santa Fe Railroad and after a merger is now known as the Burlington Northern Santa Fe Railroad, reached the small community of Flagstaff. Later, a branch of the railroad was brought into the Verde Valley which allowed ranchers the ability to drive cattle only a short distance to find rail transportation to market. Thus, rail also became a major mode of transportation. There is a report that boats were used at Fort Verde to cross the Verde River during high water, but there is no record of any commercial or recreational boat usage on Wet Beaver Creek at or about the time of statehood.

B. Wildlife, Habitat and Hydrology

Because of the history of erosion, hunting, overgrazing, and competition from domestic animals, the present day distribution of plants and animals in the Verde Valley Wet Beaver Creek area only weakly resembles prehistoric conditions. Large animals that dwelled in the higher elevations during prehistoric times included elk, bear, and mountain sheep, while some deer and antelope inhabited the lower foothills and valleys. Other animals that would have been available to early hunters were cottontails, jackrabbits, prairie dogs, woodrats, wild turkey, quail and doves.

The vegetation of the Wet Beaver Creek valley varies from semi-desert grasses and brush near the Verde River to piñon-juniper forests in the area near the Yavapai-Coconino County line. Vegetation above the Mogollon Rim is mainly ponderosa pine. The riparian vegetation along Wet Beaver Creek in the lower zone is characteristic of the xeric climate. The dominant tree species include cottonwood, sycamore, willow and alder. The vegetation at these lower sites is not dense, featuring an occasional barberry and buckthorn interspersed with trees. In the upper areas, the predominant tree species along the creek are box elder and alder with occasional walnut and big-toothed maple. Shrubs form the dense stands along the stream and include gambel oak, New Mexico locust, rock spirea, hophornbean, and dogwood. Dense stands of bracken fern and clumps of horsetail are also found on the banks. Peregrine falcons, bald eagles, black hawks and many other bird species are also found near Wet Beaver Creek, and the stream itself supports numerous mammal, amphibian, reptile, bird and native fish species.

There are no hydrologic records for Wet Beaver Creek as of the year of statehood, but a stream gauge was later installed just upstream from the confluence with the Verde River. This record, which is believed to be comparable to that at or near statehood, discloses that the mean annual flow of Wet Beaver Creek is approximately 36 cfs, which corresponds to an average depth of less than one-half foot, and the width is about 8 to

25 feet. This difference is the result of a much higher monthly average flow which occurs as a result of winter storms and snow melt during the months of December through April. Storms causing flash floods occur with some frequency in the area and a recent peak flow on January 8, 1993 of 24,800 cfs was recorded.

For purposes of study, Wet Beaver Creek was divided into two reaches, the canyon reach which is upstream from Forest Road 618, and the valley reach which is downstream from Forest Road 618. The main channel in the canyon reach is a slightly sinuous cobble and boulder bed channel approximately 25 feet wide. It has a narrow, deep cross-section with a single channel located at the bottom of steep walled canyons. Slot canyons with bedrock walls occur throughout this reach, creating pools of up to 20 feet deep, but no more than a couple of hundred feet long. Many locations along the canyon reach are popular for hiking, swimming and fishing. Floodplains in the canyon reach are narrow, if they exist at all. This reach is perennial with a base flow of about 15 cfs. The main channel in the valley reach is a wide-braided sand and cobble bed channel. Downstream from the crossing of Forest Road 618, the stream widens, with broad overflow areas up to 200 feet that transition into the wider geologic floodplain. The flow is perennial in the valley reach, although a small percentage is lost to infiltration, evaporation, and irrigation diversions.

The Arizona State Parks Department lists Wet Beaver Creek as a modern recreational boating stream. Comparison of the conditions on Wet Beaver Creek with the available recreational boating criteria indicates that the stream could be boated by canoes, kayaks and tubes approximately 10% of the time. At normal flow, the stream is only one-half foot in depth and larger commercial craft cannot navigate the stream. There is no reference to historical or commercial boating on Wet Beaver Creek. No evidence was presented to suggest that the location or alignment of the stream has varied significantly since statehood, although there is some evidence that meandering movement is possible in the lower valley reach near the Verde River confluence.

Although Wet Beaver Creek is perennial, its normal flow is relatively small and can only be boated for recreation during the winter and spring months when the runoff is much higher due to snow melt. No evidence was found of any commercial trade or navigation of Wet Beaver Creek, including the flotation of logs downstream. While Wet Beaver Creek is a recreational fishing area from its banks, there is no history of commercial fishing. While there may have been irrigation diversion dams and structures at the beginning of the century that would have been an impediment to navigation, there are currently no permanent dams on West Clear Creek, although there is one existing bridge for a road crossing. Transportation at or near the date of statehood was accomplished by foot, horseback, and wagon and later, as roads developed, by automobile and truck. Wet Beaver Creek is not listed in the Rivers and Harbors Act of 1899.

In view of the foregoing, it seems clear that Wet Beaver Creek was neither navigable nor susceptible of navigability as of February 14, 1912.

XI. 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 2,864 small and minor watercourses in Yavapai 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, including Oak Creek, West Clear Creek and Wet Beaver Creek, on which separate detailed studies were conducted, 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 Yavapai County, Arizona, except Oak Creek, West Clear Creek, and Wet Beaver Creek, 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 commercial boating having occurred on any of the small and minor watercourses in Yavapai County, Arizona.

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

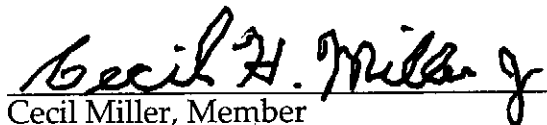
The Commission further finds that all notices of these hearings and proceedings were properly and timely given.

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

DATED this 14 day of December 2011.



Earl Eisenhower, Chair



Cecil Miller, Member

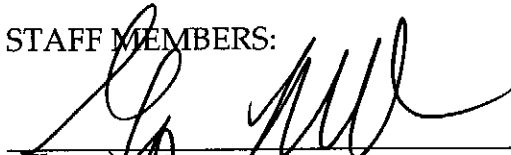


James Henness, Member

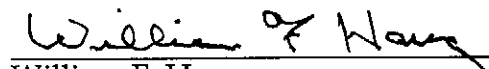
Dolly Echeverria, Vice Chair
Deceased July 1, 2010

Jay Brashear, Member
Deceased September 15, 2007

STAFF MEMBERS:



George Mehnert
Executive Director



William F. Haug
Legal Counsel to the Commission

EXHIBIT A

**Table A-3
List of Small and Minor Watercourses in Yavapai County**

a - Seg 8 La Paz/Yavapai	Buckhorn Creek - Yavapai
Adobe Creek - Mohave	Bull Run Creek
Adobe Creek - Yavapai	Bull Spring Wash
Alkali Wash	Bullard Wash
Ally Wash	Bumble Bee Creek
Amazon Wash	Burnt Wash
Antelope Creek 1 - Yavapai	Butte Creek - Yavapai
Antelope Creek 2 - Yavapai	Butte Wash
Antelope Wash - Yavapai	Buzzard Roost Creek
Apache Creek - Yavapai	Buzzard Roost Wash
Arrastre Creek 1 - Yavapai	Cabin Wash
Arrastre Creek 2 - Yavapai	Calamity Wash
Ash Creek 1 - Yavapai	Castle Creek - Yavapai
Ash Creek 2 - Yavapai	Cave Creek - Maricopa
Ash Creek 3 - Mohave	Cedar Creek - Yavapai
Ash Creek 3 - Yavapai	Cedar Creek 1
Ash Fork Draw - Yavapai	Cellar Springs C
Ash Spring Creek	Centennial Wash
Aspen Wash - Yavapai	Chaparral Gulch
b - Seg 15 Yavapai	Chasm Creek
Badger Spring Wash	Cherry Creek 1
Bannon Creek	Cherry Creek 2
Banty Creek - Yavapai	Chino Wash
Bear Canyon	Cienega Creek - Yavapai
Bear Creek 1 - Yavapai	Cimarron Creek
Bear Creek 2 - Yavapai	Clipper Wash
Bear Creek 3 - Yavapai	Coffee Creek
Beaver Creek - Yavapai	Cold Water Creek
Big Bug Creek	Conger Creek
Big Chino Wash	Contreras Wash - Yavapai
Big Shipp Wash	Cooper Wash
Bill Arp Creek	Cooperopolis Creek
Bishop Creek	Copper Basin Wash
Bitter Creek 1 - Yavapai	Copper Creek 1 - Yavapai
Bitter Creek 2 - Yavapai	Copper Creek 2 - Yavapai
Black Butte Wash	Copper Creek 3 - Yavapai
Black Canyon Creek	Cottonwood Canyon
Black Canyon Wash - Yavapai	Cottonwood Creek 1 - Yavapai
Black Hill Wash	Cottonwood Creek 2 - Yavapai
Blackwater Creek	Cottonwood Creek 3 - Yavapai
Bland Creek	Cow Creek 1 - Yavapai
Blind Indian Creek	Cow Creek 2 - Yavapai
Blowout Creek	Cowboy Wash
Blue Tank Wash - Yavapai	Coyote Spring
Board Creek	Coyote Wash - Yavapai
Bottleneck Wash - Yavapai	Crazy Basin Creek
Boulder Creek 1 - Yavapai	Cypress Creek
Boulder Creek 2 - Yavapai	Date Creek
Bridle Creek	Davenport Wash
Brushy Creek - Yavapai	Dead Mexican Creek
Brushy Prong	Deadman Creek
Brushy Wash	Devil Dog Canyon
Buckbed Wash	Dillon Wash

**Table A-3
List of Small and Minor Watercourses in Yavapai County**

Dry Beaver Creek	Jim Creek
Dry Creek 1 - Yavapai	Johnson Creek
Dry Creek 2 - Yavapai	Johnson Wash - Yavapai
Dry Wash 1 - Yavapai	Kirkland Creek
Dry Wash 2 - Yavapai	Larry Creek
Dugan Wash	Lawler Creek
East Antelope Creek	Lime Creek
East Branch Squa	Little Ash Creek
East Fork Castle	Little Buckhorn
Eastwood Creek	Little Chino Wash
Eddie Wash	Little Copper Creek
Eightmile Creek	Little Cypress Creek
f - Seg 56 Yavapai	Little Hackberry
Finch Wash	Little Lime Creek
Fort Rock Creek	Little Shipp Wash
Fossil Creek	Little Squaw Creek
Foster Creek	Little Sycamore 1
Francis Creek	Little Sycamore 2
French Creek - Yavapai	Little Wolf Creek
Gaddis Wash	Loco Creek
Gap Creek	Logan Wash
Government Spring	Long Canyon
Grandpa Wash	Lookout Wash
Granite Creek	Lynx Creek
Grapevine Creek - Yavapai	M C Canyon
Graver Wash	Mahoney Wash
Grief Hill Wash	Manzanita Creek - Yavapai
Grindstone Wash	Markham Wash
Groom Creek	Martin Canyon
h - Seg 61 Yavapai	Martinez Wash - Yavapai
h - Seg 62 Yavapai	Meath Wash
Hackberry Creek - Yavapai	Mescal Creek - Yavapai
Hackberry Wash - Yavapai	Middle Fork Squa
Hamlin Wash	Middle Red Creek
Hardscrabble Creek	Middleton Creek
Hell Canyon	Middlewater Creek
Hellzapoppin Creek	Milk Creek - Yavapai
Hide Creek	Miller Creek 1
Hitt Wash	Miller Creek 2
Hop Creek	Miller Wash - Yavapai
Horse Creek 1 - Yavapai	Mineral Creek 1 - Yavapai
Horse Creek 2 - Yavapai	Mineral Creek 2 - Yavapai
Horse Wash	Minnehaha Creek
Houston Creek - Yavapai	Mint Wash
Humbug Creek	Mitchell Wash
Humphrey Wash	Mockingbird Wash
Indian Creek 1 - Yavapai	Model Creek
Indian Creek 2 - Yavapai	Monarch Wash
Indian Springs Creek	Moonville Creek
Indian Springs Wash	Morgan City Wash
Iron Spring Wash - Yavapai	Mount Hope Wash
Iron Springs Wash	Mountain Spring
Jacks Canyon 1	Mud Spring Creek

**Table A-3
List of Small and Minor Watercourses in Yavapai County**

Mud Tank Wash	Sheppard Wash
Muddy Creek	Sherman Wash
Munds Draw	Silver Creek - Yavapai
Niagara Creek	Skull Valley Wash
North Fork Blind	Slate Creek
North Fork Cella	Slate Creek - Yavapai
North Fork Date	Slim Jim Creek
North Fork Deadm	Smith Canyon
North Fork Rock	Soap Creek - Yavapai
North Fork Squaw	Soda Springs Creek
North Fork Walnu	Soldier Wash
North Pine Creek	Sols Wash
North Red Creek	Sour Water Wash - Yavapai
Oak Creek	South Fork Cella
Oak Creek - Yavapai	South Fork Date
Oak Wash	South Fork Deadm
O'Brien Wash	South Fork Mud S
Orofino Wash	South Fork Rock
Osborne Spring Wash	South Fork Santa
Page Wash	South Fork Spring
Partridge Creek	South Fork Walnu
Peoples Creek	South Prong Syca
Pigeon Creek - Yavapai	Spence Creek
Pine Creek 1 - Yavapai	Spencer Creek
Pine Creek 2 - Yavapai	Spring Creek 1 - Yavapai
Pine Creek 3 - Yavapai	Spring Creek 2 - Yavapai
Pineveta Wash	Spring Wash
Placeritas Creek	Squaw Creek 1 - Yavapai
Poison Creek	Squaw Creek 2 - Yavapai
Poland Creek	Stinson Wash - Yavapai
Poplar Wash	Strickland Wash
Professor Creek	Stringtown Wash
Quail Spring Wash - Yavapai	Sycamore Creek 1
Quartz Lead Wash	Sycamore Creek 1 - Yavapai
Racetrack Wash	Sycamore Creek 2 - Yavapai
Railroad Draw	Sycamore Creek 3 - Yavapai
Rarick Canyon	Tangle Creek
Rattlesnake Canyon	Tank Creek 1 - Yavapai
Rattlesnake Wash	Tank Creek 2 - Yavapai
Red Creek	Tiger Creek
Ritter Creek	Tonto Wash
Rock Creek - Yavapai	Towel Creek
Round Valley Wash	Towers Creek
Russell Wash	Trilby Wash
Ryland Creek	Trout Creek
Sally May Wash	Truxton Wash
Salt Creek - Yavapai	Tub Spring Wash
Salt Creek 1 - Mohave	Tule Creek - Yavapai
San Domingo Wash	Turkey Canyon - Yavapai
Sand Creek	Turkey Creek 1 - Yavapai
Sheep Creek	Turkey Creek 2 - Yavapai
Sheep Creek - Yavapai	Turkey Creek 3 - Yavapai
Sheepshead Creek	Tuscumbia Creek

Table A-3
List of Small and Minor Watercourses in Yavapai County

Tussock Spring C
Valley Wash
Wagon Tire Wash
Walker Creek - Yavapai
Walnut Creek - Yavapai
Waterman Creek
Weaver Creek
West Clear Creek
Wet Beaver Creek
Wet Bottom Creek
Whipsaw Creek
White Spring Wash - Yavapai
Wickiup Creek
Wilder Creek
Williamson Valle
Willow Creek 1 - Yavapai
Wolf Creek
Wolf Creek - Yavapai
Wood Canyon Stream 1 - Yavapai
Wood Canyon Stream 2 - Yavapai
Woolsey Wash - Yavapai
Yarber Wash
Yarnell Creek
Yellow Jacket Creek
2522 Unnamed Washes

EXHIBIT B

Prescott Newspapers

Legal Department
P.O. Box 312
Prescott, AZ 86302
(928)445-3333

Acknowledgement of Classified Advertising

Date: 02/07/05

Customer No: 1297

Ansac
George Mehnert
1700 West Washington, Ste 304

Phoenix AZ 85007

Your current balance owing is: \$ 574.88

Your current credit balance is: \$ 0.00

<u>Ad #</u>	<u>Words</u>	<u>Charge</u>	<u>Paid</u>	<u>Owing</u>
4208	1407	\$574.88	\$0.00	\$574.88

Ad Text or Copy

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 watercourse
navigability hearings regarding the Agua Fria
River, Burro Creek, the Hassayampa River, the
Santa Maria River, and the Verde River in Yavapai
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 the Agua
Fria River, Burro Creek, the Hassayampa River,
the Santa Maria River, and the Verde River.

Interested parties are requested to file all
documentary and other physical evidence they
propose to submit to ANSAC by March 29, 2005.

All evidence submitted to ANSAC will be the
property of ANSAC and the State of Arizona.

Evidence submitted will be available for public
inspection at the ANSAC offices during regular
office hours.

Pursuant to A.R.S. §37-1101, et. seq., the Arizona
Navigable Stream Adjudication Commission (
ANSAC) is also planning to hold a watercourse
navigability hearing regarding all of the small and
minor watercourses in Yavapai County, Arizona.
Notice is hereby given, pursuant to A.R.S. §37-11

Publication

Courier
Chino Valley
Prescott Val

Issues

3

Starts

02/10/05

Ends

02/24/05

02/10/05

02/17/05

02/24/05

EXHIBIT C

**NOTICE OF PUBLIC HEARING
STATE OF ARIZONA**

Navigable Stream Adjudication Commission
Pursuant to A.R.S. § 37-1128 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Yavapai County. The hearings will be held in Yavapai County on March 29, 2005 beginning at 12:00 p.m. in an order established by the chair in the Yavapai County Supervisors' Conference Room located at 1016 Fair Street, Prescott, Arizona 86305. The following are presently the only hearings scheduled.

The Agua Fria River, Burro Creek, the Hassayampa River, the Santa Maria River, the Verde River, and all of the small and minor watercourses in Gila County, including but not limited to: Adobe Creek - Yavapai, Afton Wash, Ash Wash, Amazon Wash, Antelope Creek 1 - Yavapai, Antelope Creek 2 - Yavapai, Antelope Wash - Yavapai, Apache Creek - Yavapai, Arastro Creek 1 - Yavapai, Arastro Creek 2 - Yavapai, Ash Creek 1 - Yavapai, Ash Creek 2 - Yavapai, Ash Creek 3 - Yavapai, Ash Fork Draw - Yavapai, Ash Spring Creek, Aspen Wash - Yavapai, Badger Spring Wash, Bannon Creek, Banty Creek - Yavapai, Bear Canyon, Bear Creek 1 - Yavapai, Bear Creek 2 - Yavapai, Bear Creek 3 - Yavapai, Beaver Creek - Yavapai, Big Bug Creek, Big Chino Wash, Big Shipp Wash, Bill Arp Creek, Bishop Creek, Bitter Creek 1 - Yavapai, Bitter Creek 2 - Yavapai, Black Butte Wash, Black Canyon Creek, Black Canyon Wash - Yavapai, Black Hill Wash, Blackwater Creek, Bland Creek, Blind Indian Creek, Blowout Creek, Blue Tank Wash - Yavapai, Board Creek, Bottleneck Wash - Yavapai, Boulder Creek 1 - Yavapai, Boulder Creek 2 - Yavapai, Bridle Creek, Brushy Creek - Yavapai, Brushy Prong, Brushy Wash, Buckbad Wash, Buckhorn Creek - Yavapai, Bull Run Creek, Bull Spring Wash, Bullard Wash, Bumble Bee Creek, Burnt Wash, Butte Creek - Yavapai, Butte Wash, Buzzard Roost Creek, Buzzard Roost Wash, Cabin Wash, Calamity Wash, Castle Creek - Yavapai, Cave Creek - Maricopa, Cedar Creek - Yavapai, Cedar Creek 1, Cedar Springs C, Centennial Wash, Chaparral Gulch, Chaum Creek, Cherry Creek 1, Cherry Creek 2, Chino Wash, Choeaga Creek - Yavapai, Chimarron Creek, Clipper Wash, Coffee Creek, Cold Water Creek, Conger Creek, Contreras Wash - Yavapai, Cooper Wash, Cooperopolis Creek, Copper Basin Wash, Copper Creek 1 - Yavapai, Copper Creek 2 - Yavapai, Copper Creek 3 - Yavapai, Cottonwood Canyon, Cottonwood Creek 1 - Yavapai, Cottonwood Creek 2 - Yavapai, Cottonwood Creek 3 - Yavapai, Cow Creek 1 - Yavapai, Cow Creek 2 - Yavapai, Cowboy Wash, Coyote Spring, Coyote Wash - Yavapai, Crazy Basin Creek, Cypress Creek, Dads Creek, Daytonport Wash, Dead Mexican Creek, Deadman Creek, Devil Dog Canyon, Dillon Wash, Dry Beaver Creek, Dry Creek 1 - Yavapai, Dry Creek 2 - Yavapai, Dry Wash 1 - Yavapai, Dry Wash 2 - Yavapai, Dugan Wash, East Antelope Creek, East Branch Squa, East Fork Castle, Eastwood

Creek, Eddle Wash, Eightmile Creek, Finch Wash, Fort Rock Creek, Fossil Creek, Francis Creek, French Creek - Yavapai, Gaddie Wash, Gap Creek, Government Spring, Grandpa Wash, Granite Creek, Grapevine Creek - Yavapai, Graver Wash, Grif Hill Wash, Grindstone Wash, Groom Creek, Hackberry Creek - Yavapai, Hackberry Wash - Yavapai, Hamlin Wash, Hell Canyon, Helzapoppin Creek, Hide Creek, Hitt Wash, Hop Creek, Horse Creek 1 - Yavapai, Horse Creek 2 - Yavapai, Horse Wash, Houston Creek - Yavapai, Humbug Creek, Humphrey Wash, Indian Creek 1 - Yavapai, Indian Creek 2 - Yavapai, Indian Springs Creek, Indian Springs Wash, Iron Spring Wash - Yavapai, Iron Springs Wash, Jacks Canyon 1, Jim Creek, Johnson Creek, Johnson Wash - Yavapai, Kirkland Creek, Larry Creek, Lawler Creek, Lima Creek, Little Ash Creek, Little Buckhorn, Little Chino Wash, Little Copper Creek, Little Cypress Creek, Little Hackberry, Little Lima Creek, Little Shipp Wash, Little Squaw Creek, Little Sycamore 1, Little Sycamore 2, Little Wolf Creek, Loco Creek, Logan Wash, Long Canyon, Lookout Wash, Lynx Creek, M C Canyon, Mahoney Wash, Marzanita Creek - Yavapai, Maridam Wash, Martin Canyon, Martinez Wash - Yavapai, Maest Wash, Mescal Creek - Yavapai, Middle Fork Squa, Middle Red Creek, Middleton Creek, Middlenwater Creek, Milk Creek - Yavapai, Miller Creek 1, Miller Creek 2, Miller Wash - Yavapai, Mineral Creek 1 - Yavapai, Mineral Creek 2 - Yavapai, Minnehaha Creek, Mint Wash, Mitchell Wash, Mockingbird Wash, Model Creek, Monarch Wash, Moonville Creek, Morgan City Wash, Mount Hope Wash, Mountain Spring, Mud Spring Creek, Mud Tank Wash, Muddy Creek, Munds Draw, Nigons Creek, North Fork Blind, North Fork Castle, North Fork Dads, North Fork Deadm, North Fork Rock, North Fork Squaw, North Fork Walnut, North Pine Creek, North Red Creek, O'Brien Wash, Oak Creek, Oak Creek - Yavapai, Oak Wash, Orofino Wash, Osborne Spring Wash, Page Wash, Partridge Creek, Peoples Creek, Pigeon Creek - Yavapai, Pine Creek 1 - Yavapai, Pine Creek 2 - Yavapai, Pine Creek 3 - Yavapai, Pinayute Wash, Placitas Creek, Poison Creek, Poland Creek, Poplar Wash, Professor Creek, Quail Spring Wash - Yavapai, Quartz Lead Wash, Racetrack Wash, Railroad Draw, Raick Canyon, Rattlesnake Canyon, Rattlesnake Wash, Red Creek, Ribber Creek, Rock Creek - Yavapai, Round Valley Wash, Russell Wash, Ryland Creek, Sally May Wash, Salt Creek - Yavapai, San Domingo Wash, Sand Creek, Sheep Creek, Sheep Creek - Yavapai, Sheppard Wash, Sherman Wash, Silver Creek - Yavapai, Skull Valley Wash, Slate Creek, Slate Creek - Yavapai, Slim Jim Creek, Smith Canyon, Soap Creek - Yavapai, Soda Springs Creek, Soldier Wash, Bois Wash, Sour Water Wash - Yavapai, South Fork Castle, South Fork Dads, South Fork Deadm, South Fork Mud B, South Fork Rock, South Fork Santa, South Fork Spring, South Fork Walnut, South Prong Syca, Spence Creek, Spencer Creek, Spring Creek 1 - Yavapai, Spring Creek 2 - Yavapai, Spring Wash, Squaw Creek 1 - Yavapai, Squaw Creek 2 - Yavapai, Stinson Wash - Yavapai, Strickland Wash, Stringtown Wash, Sycamore Creek 1, Sycamore Creek 1 - Yavapai, Sycamore Creek 2 - Yavapai, Sycamore Creek 3 - Ya-

vapel, Tangle Creek, Tank Creek 1 - Yavapai, Tank Creek 2 - Yavapai, Tiger Creek, Tonto Wash, Towel Creek, Towers Creek, Tribby Wash, Trout Creek, Trouton Wash, Tub Spring Wash, Tule Creek - Yavapai, Turkey Canyon - Yavapai, Turkey Creek 1 - Yavapai, Turkey Creek 2 - Yavapai, Turkey Creek 3 - Yavapai, Tuscumbia Creek, Tussock Spring C, Valley Wash, Wagon Tire Wash, Walker Creek - Yavapai, Walnut Creek - Yavapai, Waterman Creek, Weaver Creek, West Clear Creek, Wet Beaver Creek, Wet Bottom Creek, Whipsaw Creek, White Spring Wash - Yavapai, Wickup Creek, Wilder Creek, Wilberson Vella, Willow Creek 1 - Yavapai, Wolf Creek, Wolf Creek - Yavapai, Wood Canyon Stream 1 - Yavapai, Wood Canyon Stream 2 - Yavapai, Woolsey Wash - Yavapai, Yerber Wash, Yarnall Creek, Yellow Jacket Creek, a - Seg 8 La Paz/Yavapai, b - Seg 15 Yavapai, f - Seg 58 Yavapai, h - Seg 61 Yavapai, h - Seg 62 Yavapai, and all other named and unnamed small and minor watercourses.

Interested parties may submit evidence to the commission office prior to the hearing and/or during the appropriate public hearing. The commission will conduct its hearings informally without adherence to judicial rules of procedure or evidence. An unbound original plus seven bound copies of documentary evidence is to be submitted. ANSAC offices are located at 1700 West Washington, Room 304, Phoenix, AZ 85007. The telephone number is (602) 542-9214. The web site address is <http://www.az-streambeds.com>. The e-mail address is streams@mindspring.com.

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 304, 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.

George Mahmert, Executive Director,
February 14, 2005.

1TC PUB Feb. 18, 2005 wd 4250

Arizona Navigable Stream Adjudication
Commission advertising Correction:
NOTICE OF PUBLIC HEARING

State of Arizona Navigable Stream Adjudication
Commission Pursuant to A.R.S. § 37-1128 (A),
notice is hereby given that the Navigable
Stream Adjudication Commission will hold pub-
lic hearings to receive physical evidence and
testimony relating to the navigability or non-nav-
igability of all watercourses in Yavapai County.
The hearings will be held in Yavapai County on
March 29, 2005 beginning at 12:00 p.m. in an
order established by the chair in the Yavapai
County Supervisors' Conference Room located
at 1015 Fair Street, Prescott, Arizona 86305.
The following are presently the only hearings
scheduled. The Agua Fria River, Burro Creek,
the Hassayampa River, the Santa Maria River,
the Verde River, and all of the small and minor
watercourses in Yavapai County.

1TC PUB March 4, 2005 ad 4401


AFFIDAVIT OF PUBLICATION

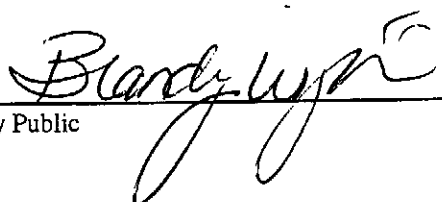
STATE OF ARIZONA)
County of Yavapai) ss.

I, **Aileen A. Kemper**, being first duly sworn on her oath says:
That she is the **Legal Clerk** of **PRESCOTT NEWSPAPERS, INC.**, an
Arizona corporation, which owns and publishes the **COURIER**, a Daily
Newspaper published in the City of Prescott, County of Yavapai that the
notice attached hereto, namely,

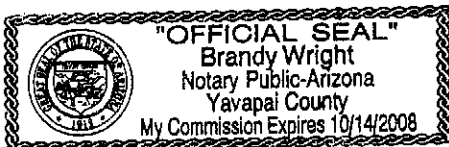
ANSAC NOTICE OF PUBLIC HEARING ADVERTISING CORRECTION

has, to the personal knowledge of affidavit, been published in the news
paper aforesaid, according to law, on 4 day of **March, 2005** to 4 day of
March, 2005 both inclusive without change, interruption or omission,
amounting in all 1 insertions, made on the following dates:
March 4, 2005

By: 
Dated this 4 Day of **March, 2005**

By: 
Notary Public

My commission expires:



**Arizona Navigable Stream Adjudication
Commission advertising Correction**

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 public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Yavapai County. The hearings will be held in Yavapai County on March 29, 2005 beginning at 12:00 p.m. in an order established by the chair in the Yavapai County Supervisors' Conference Room located at 1015 Fair Street, Prescott, Arizona 86305. The following are presently the only hearings scheduled: The Agua Fria River, Burro Creek, the Hassayampa River, the Santa Maria River, the Verde River, and all of the small and minor watercourses in Yavapai County.

1TC PUB March 4, 2005 ad 4401

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 public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Yavapai County. The hearings will be held in Yavapai County on March 29, 2005 beginning at 12:00 p.m. in an order established by the chair in the Yavapai County Supervisors' Conference Room located at 1015 Fair Street, Prescott, Arizona 86305. The following are presently the only hearings scheduled.

The Agua Fria River, Burro Creek, the Hassayampa River, the Santa Maria River, the Verde River, and all the small and minor watercourses in Gila County, including but not limited to:

- Adobe Creek - Yavapai, Alkali Wash, Ally Wash, Amazon Wash, Antelope Creek 1 - Yavapai, Antelope Creek 2 - Yavapai, Apache Creek - Yavapai, Arrastre Creek 1 - Yavapai, Arrastre Creek 2 - Yavapai, Ash Creek 1 - Yavapai, Ash Creek 2 - Yavapai, Ash Creek 3 - Yavapai, Ash Draw - Yavapai, Ash Spring Creek, Aspen Wash - Yavapai, Badger Spring Wash, Bannan Creek, Banty Creek - Yavapai, Bear Canyon, Bear Creek 1 - Yavapai, Bear Creek 2 - Yavapai, Bear Creek 3 - Yavapai, Beaver Creek - Yavapai, Big Bug Creek, Big Chino Wash, Big Shipp Wash, Bill Arp Creek, Bishop Creek, Bitter Creek 1 - Yavapai, Bitter Creek 2 - Yavapai, Black Butte Wash, Black Canyon Creek, Black Canyon Wash - Yavapai, Black Hill Wash, Blackwater Creek, Blind Creek, Blind Indian Creek, Blowout Creek, Blue Tank Wash - Yavapai, Board Creek, Bottleneck Wash - Yavapai, Boulder Creek 1 - Yavapai, Boulder Creek 2 - Yavapai, Bridle Creek, Brushy Creek - Yavapai, Brushy Prong, Brushy Wash, Buckbed Wash, Buckhorn Creek - Yavapai, Bull Run Creek, Bull Spring Wash, Bullard Wash, Burnole Bee Creek, Burnt Wash, Butte Creek - Yavapai, Butte Wash, Buzzard Root Creek, Buzzard Root Wash, Cabin Wash, Calamity Wash, Castle Creek - Yavapai, Cave Creek - Maricopa, Cedar Creek - Yavapai, Cedar Creek 1, Cedar Springs C, Centennial Wash, Chaparral Gulch, Chasin Creek, Cherry Creek 1 - Yavapai, Cherry Creek 2 - Yavapai, Chino Wash, Cienega Creek - Yavapai, Cimarron Creek, Clipper Wash, Coffee Creek, Cold Water Creek, Conger Creek, Contreras Wash - Yavapai, Cooper Wash, Cooperopolis Creek, Copper Basin Wash, Copper Creek 1 - Yavapai, Copper Creek 2 - Yavapai, Copper Creek 3 - Yavapai, Cottonwood Canyon, Cottonwood Creek 1 - Yavapai, Cottonwood Creek 2 - Yavapai, Cottonwood Creek 3 - Yavapai, Cow Creek 1 - Yavapai, Cow Creek 2 - Yavapai, Cowboy Wash, Coyote Spring, Coyote Wash - Yavapai, Crazy Basin Creek, Cypress Creek, Date Creek, Davenport Wash, Dead Mexican Creek, Deadman Creek, Devil Dog Canyon, Dillon Wash, Dry Beaver Creek, Dry Creek 1 - Yavapai, Dry Creek 2 - Yavapai, Dry Wash 1 - Yavapai, Dry Wash 2 - Yavapai, Dugan Wash, East Antelope Creek, East Branch Squa, East Fork Castle, Eastwood Creek, Eddie Wash, Eightmile Creek, Finch Wash, Fort Rock Creek, Fossil Creek, Francis Creek, French Creek - Yavapai, Gaddis Wash, Gap Creek, Government Spring, Grandpa Wash, Granite Creek, Grape Vine Creek - Yavapai, Grayer Wash, Grifer Hill Wash, Grindstone Wash, Groom Creek, Hackberry Creek - Yavapai, Hackberry Wash - Yavapai, Hamlin Wash, Heil Canyon, Hellzapoppin Creek, Hide Creek, Hitt Wash, Hop Creek, Horse Creek - Yavapai, Horse Creek 2 - Yavapai, Horse Wash, Houston Creek - Yavapai, Humbug Creek, Humphrey Wash, Indian Creek 1 - Yavapai, Indian Creek 2 - Yavapai, Indian Springs Creek, ... Creek,

- Yavapai, Meath Wash, Mesal Creek - Yavapai, Middle Fork Squa, Middle Red Creek, Middleton Creek, Middlewater Creek, Milk Creek - Yavapai, Miller Creek 1, Miller Creek 2, Miller Wash - Yavapai, Mineral Creek 1 - Yavapai, Mineral Creek 2 - Yavapai, Minnehaha Creek, Mint Wash, Mitchell Wash, Mockingbird Wash, Model Creek, Monarch Wash, Moonville Creek, Morgan City Wash, Mount Hope Wash, Mountain Spring, Mud Spring Creek, Mud Tank Wash, Muddy Creek, Munds Draw, Niagara Creek, North Fork Blind, North Fork Cella, North Fork Date, North Fork Deam, North Fork Rock, North Fork Squaw, North Fork Walnut, North Pine Creek, North Red Creek, O'Brien Wash, Oak Creek, Oak Creek - Yavapai, Oak Wash, Orofino Wash, Osborne Spring Wash, Page Wash, Partridge Creek, Peoples Creek, Pigeon Creek - Yavapai, Pine Creek 1 - Yavapai, Pine Creek 2 - Yavapai, Pine Creek 3 - Yavapai, Pineveta Wash, Placerville Creek, Poison Creek, Poland Creek, Poplar Wash, Professor Creek, Quail Spring Wash - Yavapai, Quartz Lead Wash, Race-track Wash, Railroad Draw, Rarick Canyon, Rattlesnake Canyon, Rattlesnake Wash, Red Creek, Ritter Creek, Rock Creek - Yavapai, Round Valley Wash, Russell Wash, Ryland Creek, Sally May Wash, Salt Creek - Yavapai, San Domingo Wash, Sand Creek, Sheep Creek, Sheep Creek - Yavapai, Sheppard Wash, Sherman Wash, Silver Creek - Yavapai, Skull Valley Wash, Slate Creek, Slate Creek - Yavapai, Slim Jim Creek, Smith Canyon, Soap Creek - Yavapai, Soda Springs Creek, Soldier Wash, Sols Wash, Sour Water Wash - Yavapai, South Fork Cella, South Fork Date, South Fork Deadm, South Fork Mud, South Fork Rock, South Fork Santa, South Fork Spring, South Fork Walnut, South Prong Syca, Spence Creek, Spencer Creek, Spring Creek 1 - Yavapai, Spring Creek 2 - Yavapai, Spring Wash, Squaw Creek 1 - Yavapai, Squaw Creek 2 - Yavapai, Stinson Wash - Yavapai, Strickland Wash, Stringtown Wash, Sycamore Creek 1 - Yavapai, Sycamore Creek 2 - Yavapai, Sycamore Creek 3 - Yavapai, Tangle Creek, Tank Creek 1 - Yavapai, Tank Creek 2 - Yavapai, Tiger Creek, Tonto Wash, Towel Creek, Towers Creek, Trilby Wash, Trout Creek, Truxton Creek, Tub Spring Wash, Tule Creek - Yavapai, Turkey Canyon - Yavapai, Turkey Creek 1 - Yavapai, Turkey Creek 2 - Yavapai, Turkey Creek 3 - Yavapai, Tusculumbia Creek, Tussock Spring C, Valley Wash, Wagon Fire Wash, Walker Creek - Yavapai, Walnut Creek - Yavapai, Waterman Creek, Weaver Creek, West Clear Creek, Wet Beaver Creek, Wet Bottom Creek, Whipsaw Creek, White Spring Wash - Yavapai, Wicklup Creek, Wilder Creek, Williamson Valle, Willow Creek 1 - Yavapai, Wolf Creek 1 - Yavapai, Wolf Creek 2 - Yavapai, Wood Canyon Stream 1 - Yavapai, Wood Canyon Stream 2 - Yavapai, Woolsey Wash - Yavapai, Yarber Wash, Yarnell Creek, Yellow Jacket Creek, a - Seg 8 La Paz/Yavapai, b - Seg 8 Yavapai, c - Seg 5 Yavapai, d - Seg 6 Yavapai, e - Seg 6 Yavapai, f - Seg 6 Yavapai, g - Seg 6 Yavapai, h - Seg 6 Yavapai, i - Seg 6 Yavapai, j - Seg 6 Yavapai, k - Seg 6 Yavapai, l - Seg 6 Yavapai, m - Seg 6 Yavapai, n - Seg 6 Yavapai, o - Seg 6 Yavapai, p - Seg 6 Yavapai, q - Seg 6 Yavapai, r - Seg 6 Yavapai, s - Seg 6 Yavapai, t - Seg 6 Yavapai, u - Seg 6 Yavapai, v - Seg 6 Yavapai, w - Seg 6 Yavapai, x - Seg 6 Yavapai, y - Seg 6 Yavapai, z - Seg 6 Yavapai, and all other named and unnamed small and minor watercourses.

Interested parties may submit evidence to the commission office prior to the hearing and/or during the appropriate public hearing. The commission will conduct its hearings informally without adherence to judicial rules of procedure or evidence. An unbound original plus seven bound copies of documentary evidence is to be submitted. ANSAC offices are located at 1700 West Washington, Room 304, Phoenix, AZ 85007. The telephone number is (602) 542-9214. The web site address is <http://www.azstreams.com>. The e-mail address is streams@mindspring.com. Evidence submitted in advance of the hearing will be available for public inspection during regular Commission office hours of 8:00 a.m.

AFFIDAVIT OF PUBLICATION

THE ARIZONA REPUBLIC

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

Tabitha Antoniadis, being first duly sworn, upon oath deposes and says: That she is a legal advertising representative 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

February 25, 2005

Sworn to before me this
25th day of
February A.D. 2005



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 public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Yavapai County. The hearings will be held in Yavapai County on March 29, 2005 beginning at 12:00 p.m. in an order established by the chair in the Yavapai County Supervisors' Conference Room located at 1015 Fair Street, Prescott, Arizona 86305. The following are presently the only hearings scheduled.

The Agua Fria River, Burro Creek, the Hassayampa River, the Santa Maria River, the Verde River, and all of the small and minor watercourses in Gila County, including but not limited to:

Adobe Creek - Yavapai, Alkali Wash, Ally Wash, Amazon Wash, Antelope Creek 1 - Yavapai, Antelope Creek 2 - Yavapai, Antelope Wash - Yavapai, Apache Creek - Yavapai, Arrastre Creek 1 - Yavapai, Arrastre Creek 2 - Yavapai, Ash Creek 1 - Yavapai, Ash Creek 2 - Yavapai, Ash Creek 3 - Yavapai, Ash Fork Draw - Yavapai, Ash Spring Creek, Aspen Wash - Yavapai, Badger Spring Wash, Bannan Creek, Banty Creek - Yavapai, Bear Canyon, Bear Creek 1 - Yavapai, Bear Creek 2 - Yavapai, Bear Creek 3 - Yavapai, Beaver Creek - Yavapai, Big Bug Creek, Big Chino Wash, Big Shipp Wash, Bill Arp Creek, Bishop Creek, Bitter Creek 1 - Yavapai, Bitter Creek 2 - Yavapai, Black Butte Wash, Black Canyon Creek, Black Canyon Wash - Yavapai, Black Hill Wash, Blackwater

Yavapai, Meath Wash, Mescal Creek - Yavapai, Middle Fork Squa, Middle Red Creek, Middleton Creek, Middlewater Creek, Milk Creek - Yavapai, Miller Creek 1, Miller Creek 2, Miller Wash - Yavapai, Mineral Creek 1 - Yavapai, Mineral Creek 2 - Yavapai, Minnehaha Creek, Mint Wash, Mitchell Wash, Mockingbird Wash, Model Creek, Monarch Wash, Moonville Creek, Morgan City Wash, Mount Hope Wash, Mountain Spring, Mud Spring Creek, Mud Tank Wash, Muddy Creek, Munds Draw, Niagara Creek, North Fork Blind, North Fork Cella, North Fork Date, North Fork Deadm, North Fork Rock, North Fork Squaw, North Fork Walnu, North Pine Creek, North Red Creek, O'Brien Wash, Oak Creek, Oak Creek - Yavapai, Oak Wash, Orofino Wash, Osborne Spring Wash, Page Wash, Partridge Creek, Peoples Creek, Pigeon Creek - Yavapai, Pine Creek 1 - Yavapai, Pine Creek 2 - Yavapai, Pine Creek 3 - Yavapai, Pineveta Wash, Placeritas Creek, Poison Creek, Poland Creek, Poplar Wash, Professor Creek, Quail Spring Wash - Yavapai, Quartz Lead Wash, Race-track Wash, Railroad Draw, Rarick Canyon, Rattlesnake Canyon, Rattlesnake Wash, Red Creek, Ritter Creek, Rock Creek - Yavapai, Round Valley Wash, Russell Wash, Ryland Creek, Sally May Wash, Salt Creek - Yavapai, San Domingo Wash, Sand Creek, Sheep Creek, Sheep Creek - Yavapai, Sheppard Wash, Sherman Wash, Silver Creek - Yavapai, Skull Valley Wash, Slate Creek, Slate Creek - Yavapai, Slim Jim Creek, Smith Canyon, Soap Creek - Yavapai, Soda Springs Creek, Soldier Wash, Sols Wash, Sour Water Wash - Yavapai, South Fork Cella, South Fork Date, South Fork

Creek, Bland Creek, Blind Indian Creek, Blowout Creek, Blue Tank Wash - Yavapai, Board Creek, Bottleneck Wash - Yavapai, Boulder Creek 1 - Yavapai, Boulder Creek 2 - Yavapai, Bridle Creek, Brushy Creek - Yavapai, Brushy Prong, Brushy Wash, Buckbed Wash, Buckhorn Creek - Yavapai, Bull Run Creek, Bull Spring Wash, Bullard Wash, Bumble Bee Creek, Burnt Wash, Butte Creek - Yavapai, Butte Wash, Buzzard Roost Creek, Buzzard Roost Wash, Cabin Wash, Calamity Wash, Castle Creek - Yavapai, Cave Creek - Maricopa, Cedar Creek - Yavapai, Cedar Creek 1, Cellular Springs C, Centennial Wash, Chaparral Gulch, Chasm Creek, Cherry Creek 1, Cherry Creek 2, Chino Wash, Cienega Creek - Yavapai, Cimarron Creek, Clipper Wash, Coffee Creek, Cold Water Creek, Conger Creek, Contreras Wash - Yavapai, Cooper Wash, Cooperopolis Creek, Copper Basin Wash, Copper Creek 1 - Yavapai, Copper Creek 2 - Yavapai, Copper Creek 3 - Yavapai, Cottonwood Canyon, Cottonwood Creek 1 - Yavapai, Cottonwood Creek 2 - Yavapai, Cottonwood Creek 3 - Yavapai, Cow Creek 1 - Yavapai, Cow Creek 2 - Yavapai, Cowboy Wash, Coyote Spring, Coyote Wash - Yavapai, Crazy Basin Creek, Cypress Creek, Date Creek, Davenport Wash, Dead Mexican Creek, Deadman Creek, Devil Dog Canyon, Dillon

Deadm, South Fork Mud S, South Fork Rock, South Fork Santa, South Fork Spring, South Fork Walnut, South Prong Syca, Spence Creek, Spencer Creek, Spring Creek 1 - Yavapai, Spring Creek 2 - Yavapai, Spring Wash, Squaw Creek 1 - Yavapai, Squaw Creek 2 - Yavapai, Stinson Wash - Yavapai, Strickland Wash, Stringtown Wash, Sycamore Creek 1, Sycamore Creek 1 - Yavapai, Sycamore Creek 2 - Yavapai, Sycamore Creek 3 - Yavapai, Tangle Creek, Tank Creek 1 - Yavapai, Tank Creek 2 - Yavapai, Tiger Creek, Tonto Wash, Towel Creek, Towers Creek, Trilby Wash, Trout Creek, Truxton Wash, Tub Spring Wash, Tule Creek - Yavapai, Turkey Canyon - Yavapai, Turkey Creek 1 - Yavapai, Turkey Creek 2 - Yavapai, Turkey Creek 3 - Yavapai, Tuscumbia Creek, Tussock Spring C, Valley Wash, Wagon Tire Wash, Walker Creek - Yavapai, Walnut Creek - Yavapai, Waterman Creek, Weaver Creek, West Clear Creek, Wet Beaver Creek, Wet Bottom Creek, Whipsaw Creek, White Spring Wash - Yavapai, Wickiup Creek, Wilder Creek, Williamson Valle, Willow Creek 1 - Yavapai, Wolf Creek, Wolf Creek - Yavapai, Wood Canyon Stream 1 - Yavapai, Wood Canyon Stream 2 - Yavapai, Woolsey Wash - Yavapai, Yarber Wash, Yarnell Creek, Yellow Jacket Creek, a - Seg 8 La Paz/Yavapai, b - Seg 15

Wash, Dry Beaver Creek, Dry
Creek 1 - Yavapai, Dry Creek
2 - Yavapai, Dry Wash 1 -
Yavapai, Dry Wash 2 -
Yavapai, Dugan Wash, East
Antelope Creek, East Branch
Squa, East Fork Castle,
Eastwood Creek, Eddie
Wash, Eightmile Creek, Finch
Wash, Fort Rock Creek, Fos-
sil Creek, Francis Creek,
French Creek - Yavapai,
Gaddis Wash, Gap Creek,
Government Spring, Grandpa
Wash, Granite Creek, Grape-
vine Creek - Yavapai, Graver
Wash, Grief Hill Wash, Grind-
stone Wash, Groom Creek,
Hackberry Creek - Yavapai,
Hackberry Wash - Yavapai,
Hamlin Wash, Hell Canyon,
Hellzapoppin Creek, Hide
Creek, Hitt Wash, Hop Creek,
Horse Creek 1 - Yavapai,
Horse Creek 2 - Yavapai,
Horse Wash, Houston Creek -
Yavapai, Humbug Creek,
Humphrey Wash, Indian
Creek 1 - Yavapai, Indian
Creek 2 - Yavapai, Indian
Springs ... Creek, Indian

Yavapai, f - Seg 56 Yavapai, h
- Seg 61 Yavapai, h - Seg 62
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tion during regular Commis-
sion office hours of 8:00 a.m.



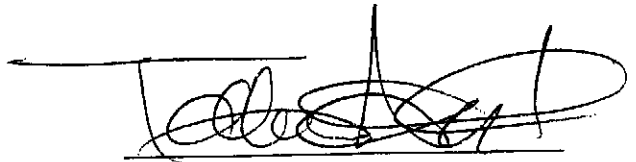
THE ARIZONA REPUBLIC

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

Tabitha Antoniadis, being first duly sworn, upon oath deposes and says: That she is a legal advertising representative 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.

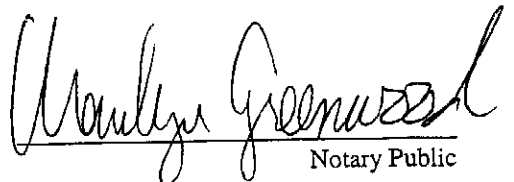
The Arizona Republic

March 4, 2005



Sworn to before me this
4TH day of
March A.D. 2005




Notary Public

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 public hearings to
receive physical evidence
and testimony relating to the
navigability or non-
navigability of all watercours-
es in Yavapai County. The
hearings will be held in
Yavapai County on March 23,
2005 beginning at 12:00 p.m.
in a room established by
the chair in the Yavapai
County Supervisors' Confer-
ence Room located at 1015
Fair Street, Prescott, Arizona
86305. The following are pres-
ently the only hearings
scheduled:
The Agua Fria River, Burro
Creek, the Hassayampa Riv-
er, the Santa Maria River, the
Verde River, and all of the
small and minor watercours-
es in Yavapai County.
05123-March 4, 2005

NOTICE OF PUBLIC HEARING

State of Arizona

Navigable Stream

Adjudication Commission

Pursuant to A.R.S. § 37-1126

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hearings will be held in

Yavapai County on March 29,

2005 beginning at 12:00 p.m.

in an order established by

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County Supervisors' Confer-

ence Room located at 1015

Fair Street, Prescott, Arizona

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ently the only hearings

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The Agua Fria River, Burro

Creek, the Hassayampa Riv-

er, the Santa Maria River, the

Verde River, and all of the

small and minor watercours-

es in Yavapai County.

05121 March 4, 2005

EXHIBIT D



STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

1700 West Washington, Room 304, Phoenix, Arizona 85007

Phone (602) 542-9214 FAX (602) 542-9220

JANET NAPOLITANO
Governor

E-mail: streams@mindspring.com Web Page: <http://www.azstreambeds.com>

GEORGE MEHNERT
Executive Director

AGENDA AND NOTICE OF A PUBLIC HEARING TO BE HELD

March 29 2005, at 12:00 P.M., in Prescott, Arizona

Pursuant to A.R.S. §38-431.02, notice is hereby given that the Navigable Stream Adjudication Commission will hold a meeting open to the public on March 29, 2005 at 12:00 p.m. in the Yavapai County Supervisors' Conference Room located at 1015 Fair Street, Prescott, Arizona.

Pursuant to A.R.S. §38-431.03(A)(3), the Navigable Stream Adjudication Commission may vote to go into Executive Session for purposes of obtaining legal advice from the Commission's attorney on any matter listed on the agenda, or pursuant to A.R.S. §38-431.03(A) or for discussion of records exempt by law from public inspection on any matter listed on the agenda, or for personnel matters listed on the agenda.

Title 2 of the American with Disabilities Act (ADA) prohibits the Commission from discriminating on the basis of disability in its public meetings. Individuals with disabilities who need a reasonable accommodation to attend or communicate at the Commission's meeting, or who require this information in alternate format, may contact George Mehnert at (602) 542-9214 to make their needs known. Requests should be made as soon as possible so the Commission will have sufficient time to respond. For those individuals who have a hearing impairment, this Commission can be reached through the Arizona Relay Service at 1-800-367-8939 (TTY) or 1-800-842-4681 (Voice). The agenda for the meeting is as follows:

1. CALL TO ORDER.
2. ROLL CALL.
3. APPROVAL OF MINUTES (discussion and action).
A. January 24, Yuma County.
4. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE AGUA FRIA RIVER, 05-002-NAV.
5. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF BURRO CREEK, 05-003-NAV.
6. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE HASSAYAMPA RIVER, 05-004-NAV.
7. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE SANTA MARIA RIVER, 05-005-NAV.
8. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE VERDE RIVER, 04-009-NAV.
9. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE SMALL AND MINOR WATERCOURSES IN YAVAPAI COUNTY, 05-001-NAV.
10. BUDGET UPDATE
11. ATTORNEY PAY (discussion and action).
12. CALL FOR PUBLIC COMMENT (comment sheets).
(Pursuant to Attorney General Opinion No. 199-006 [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.)
13. FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE HEARINGS AND OTHER MEETINGS.
14. ADJOURNMENT.

The chair reserves the right to alter the order of the agenda.

Dated this 24th day of February, 2005, George Mehnert, Director, Navigable Stream Adjudication Commission



STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

1700 West Washington, Room 304, Phoenix, Arizona 85007

Phone (602) 542-9214 FAX (602) 542-9220

JANET NAPOLITANO
Governor

E-mail: streams@mindspring.com Web Page: <http://www.azstreambeds.com>

GEORGE MEHNERT
Executive Director

AGENDA AND NOTICE OF A PUBLIC HEARING TO BE HELD

July 14, 2005, at 10:00 a.m., in Flagstaff, Arizona

Pursuant to A.R.S. §38-431.02, notice is hereby given that the Navigable Stream Adjudication Commission will hold a meeting open to the public on July 14, 2005 at 10:00 a.m. in the Coconino County Supervisors Meeting Room located at 219 East Cherry Street, Flagstaff, Arizona.

Pursuant to A.R.S. §38-431.03(A)(3), the Navigable Stream Adjudication Commission may vote to go into Executive Session for purposes of obtaining legal advice from the Commission's attorney on any matter listed on the agenda, or pursuant to A.R.S. §38-431.03(A) or for discussion of records exempt by law from public inspection on any matter listed on the agenda, or for personnel matters listed on the agenda.

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1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **APPROVAL OF MINUTES** (discussion and action).
 - A. April 25, 2005, Navajo County.
 - B. April 25, 2005, Navajo County Executive Session.
 - C. April 26, 2005, Apache County.
4. **HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE SMALL AND MINOR WATERCOURSES IN COCONINO COUNTY, 05-010-NAV.**
5. **HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE LITTLE COLORADO RIVER, 05-007-NAV.**
6. **CALL FOR PUBLIC COMMENT** (comment sheets).

(Pursuant to Attorney General Opinion No. 199-006 [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.)
7. **FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE HEARINGS AND OTHER MEETINGS.**
8. **ADJOURNMENT.**

The chair reserves the right to alter the order of the agenda.

Dated this 7th day of June, 2005, George Mehnert, Director, Navigable Stream Adjudication Commission



STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

1700 West Washington, Room 304, Phoenix, Arizona 85007

Phone (602) 542-9214 FAX (602) 542-9220

JANET NAPOLITANO
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GEORGE MEHNERT
Executive Director

AGENDA AND NOTICE OF A PUBLIC HEARING TO BE HELD

July 14, 2005, at 10:00 a.m., in Flagstaff, Arizona

(First Amended Agenda)

Pursuant to A.R.S. §38-431.02, notice is hereby given that the Navigable Stream Adjudication Commission will hold a meeting open to the public on July 14, 2005 at 10:00 a.m. in the Coconino County Supervisors Meeting Room located at 219 East Cherry Street, Flagstaff, Arizona.

Pursuant to A.R.S. §38-431.03(A)(3), the Navigable Stream Adjudication Commission may vote to go into Executive Session for purposes of obtaining legal advice from the Commission's attorney on any matter listed on the agenda, or pursuant to A.R.S. §38-431.03(A) or for discussion of records exempt by law from public inspection on any matter listed on the agenda, or for personnel matters listed on the agenda.

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1. CALL TO ORDER.
2. ROLL CALL.
3. APPROVAL OF MINUTES (discussion and action).
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 - B. April 25, 2005, Navajo County Executive Session.
 - C. April 26, 2005, Apache County.
4. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE SMALL AND MINOR WATERCOURSES IN COCONINO COUNTY, 05-010-NAV.
5. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE LITTLE COLORADO RIVER, 05-007-NAV.
6. NAVIGABILITY DETERMINATION OF THE SMALL AND MINOR WATERCOURSES IN YAVAPAI COUNTY (DISCUSSION AND ACTION).
7. NAVIGABILITY DETERMINATION OF THE SMALL AND MINOR WATERCOURSES IN NAVAJO COUNTY (DISCUSSION AND ACTION).
8. NAVIGABILITY DETERMINATION OF THE SMALL AND MINOR WATERCOURSES IN APACHE COUNTY (DISCUSSION AND ACTION).
9. NAVIGABILITY DETERMINATION OF THE PUERCO RIVER (DISCUSSION AND ACTION).
10. CALL FOR PUBLIC COMMENT (comment sheets).

(Pursuant to Attorney General Opinion No. 199-006 [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.)
11. FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE HEARINGS AND OTHER MEETINGS.
12. ADJOURNMENT.

The chair reserves the right to alter the order of the agenda.

Dated this 6th day of July, 2005, George Mehnert, Director, Arizona Navigable Stream Adjudication Commission.



JANET NAPOLITANO
Governor

STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

1700 West Washington, Room 304, Phoenix, Arizona 85007

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GEORGE MEHNERT
Executive Director

MEETING MINUTES

Prescott, Arizona, March 29, 2005

COMMISSION MEMBERS PRESENT

Jay Brashear, Dolly Echeverria, Earl Eisenhower, Jim Hennes, and Cecil Miller.

COMMISSION MEMBERS ABSENT

None

STAFF PRESENT

George Mehnert, and Commission Legal Counsel Curtis Jennings.

1. CALL TO ORDER.

Chair Eisenhower called the meeting to order at approximately 12:23 p.m.

2. ROLL CALL.

See above.

3. APPROVAL OF MINUTES (discussion and action).

A. January 24, 2005, Yuma County.

Motion by: Jay Brashear Second by: Dolly Echeverria

Motion: To approve the minutes of January 24, 2005.

Vote: All aye.

4. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE AGUA FRIA RIVER, 05-002-NAV.

Persons who spoke and responded to questions regarding this matter were Cheryl Doyle representing the State Land Department and Hydrologist Jon Fuller prepared the reports regarding this matter for the State Land Department, and stated among other things that New River and Skunk Creek had been included in an earlier report as small and minor watercourses in Maricopa County with Skunk Creek flowing into New River and New River flowing into the Agua Fria.

5. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF BURRO CREEK, 05-003-NAV. Cheryl

Doyle of the State Land Department said that her statement regarding the State Land Department would be the same for each watercourse hearing, except for report dates, and the Chair stated there would be no point in her repeating it. Hydrologist Jon Fuller who prepared the reports regarding this matter for the State Land Department spoke and responded to questions. Phil Blacet, geologist for Phelps Dodge, also spoke and responded to questions. As a matter of clarification, attorney Curtis Jennings and expert Jon Fuller discussed that the report Mr. Fuller was talking about covered Burro Creek, the Big Sandy River, and the Santa Maria River, all part of a single watershed, and that the Big Sandy River flowed exclusively in Mohave County and not at all in Yavapai County.

6. **HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE HASSAYAMPA RIVER, 05-004-NAV.** Chair did item 7 followed by item 6. Cheryl Doyle of the State Land Department said that her statement regarding the State Land Department would be the same for each watercourse hearing, and the Chair had previously stated there would be no point in her repeating it. Hydrologist Jon Fuller who prepared the reports regarding this matter for the State Land Department spoke and responded to questions.
7. **HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE SANTA MARIA RIVER, 05-005-NAV.** Chair did item 7 followed by item 6. Cheryl Doyle of the State Land Department said that her statement regarding the State Land Department would be the same for each watercourse hearing, and the Chair had previously stated there would be no point in her repeating it. Hydrologist Jon Fuller who prepared the reports regarding this matter for the State Land Department spoke and responded to questions. Phil Blacet, geologist for Phelps Dodge, also spoke and responded to questions.
8. **HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE VERDE RIVER, 04-009-NAV.** Cheryl Doyle of the State Land Department said that her statement regarding the State Land Department would be the same for each watercourse

hearing, and the Chair had previously stated there would be no point in her repeating it. Jon Fuller, who prepared the Verde River Report, was present, but Ottozawa Chatupron of the State Land Department spoke and responded to questions regarding the Verde River Report. Attorney John Ryley representing the Yavapai Apache Nation spoke regarding this matter. Shanti Rosette, representing the State Land Department, also spoke. Dolly Echeverria discussed that she has had a lengthy history in Arizona and she mentioned her view that the Verde is used mainly for fun, for kayaking, etc., but indicated it is too difficult to get in and out of for conducting commercial traffic. Ms. Rosette indicated experts will be available at the final hearing in Maricopa County regarding the Verde and that those experts will present the Land Commissioner's position at that time. Mr. Brashear asked the Chair that additional information be provided to the Commission by those who provide the evidence regarding commercial boating.

9. **HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE SMALL AND MINOR WATERCOURSES IN YAVAPAI COUNTY, 05-001-NAV.**

Cheryl Doyle of the State Land Department said that her statement regarding the State Land Department would be the same for each watercourse hearing, and the Chair had previously stated there would be no point in her repeating it. Hydrologist Jon Fuller who prepared the reports regarding this matter for the State Land Department spoke and responded to questions. In response to questions from the Commission Attorney Jon Fuller said that information in the report that may be pertinent to the Commission making a decision relating to Curtis Jennings' questions is that Oak Creek would be considered a boating stream for modern boating year round and that he found no evidence of historical boating around the time of statehood, but there is sufficient flow for low-draft boating and that those are some of the facts present in his report. Commissioner Miller clarified that Jon Fuller was referring to that portion of Oak Creek South of Sedona, and Mr. Fuller indicated he was talking about the area between about Cornville to the confluence with the Verde.

10. **BUDGET UPDATE.** The Director and the Chair indicated that ANSAC's base budget has not changed from its original request and that ANSAC asked the joint House Senate budget committee for an additional \$67,000.00 (should be \$64,000.00), a number provided by the State Land Department, for updates and for experts appearing at hearings. The State Land Department asked for an additional \$1,000,000.00 to complete Commission work. The director also said the State Land Department asked for an additional approximately \$7,000.00 for the April 25 and 26, 2005 hearings; and that this is money to pay for the experts, and is money the Land Department Engineering Section had thought was available for this purpose, but is no longer. Commissioner Henness asked what the \$7,000.00 was for and Ottozawa Chatupron indicated it was for the expert consulting engineers for review of data and appearance at hearings. The Chair explained the process that occurred at the budget hearings. Mr. Ott explained that was never an appropriation to the State Land Department for FY2005 monies to do the Commission's work. Commissioner Brashear pointed out that even if we called these hearings off at this time we will have to again pay the \$9,000.00 we have already paid for advertising when we hold these hearings in the future, and suggested that if there is a way we can do this then we should do it. Attorney Curtis Jennings indicated the appearance of the Commission paying for expert witnesses is not a good thing, and that an alternative is to hold the hearings and listen to whomever shows up. Commissioner Echeverria made the point that very few local citizens appear at our hearings. Mr. Ott pointed out that the reason the Land Department provides expert witnesses at hearings is because that is what the Commissioners want, and that they believe the Land Department has satisfied the statute by providing the reports and that it is not necessary to provide the experts at hearings. Mr. Ott pointed out that he believes the purpose for hearings is for others to present evidence and that all of the evidence the Land Department has is in the reports. Commissioner Henness wanted to make clear with Mr. Ott that the report updates contain information that comports with the court rulings and stated that he is concerned about the expert

witnesses; who retains them, who they represent, who selects them for their pedigrees, etc. Commissioner Henness indicated the process involving the Land Department's expert, particularly with the involvement of the attorney representing the Land Department, is beginning to have an edge to it. He also wanted to clarify that the \$7,000.00 is for the balance of the work for this fiscal year.

Commissioner Brashear discussed the benefit of the information and education provided to the public by the engineers who appear at Commission hearings. The Chair indicated we would check on the availability of funds and will notify the Commissioners individually.

11. ATTORNEY PAY (discussion and action).

Motion by: Jim Henness Second by: Jay Brashear

Motion: To increase the Commission Attorney's hourly rate to \$200.00 per hour. Vote: All aye.

12. 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.)

Attorney Mark McGinnis spoke regarding which watercourses are closed for the taking of evidence today because the closing of the taking of evidence triggers the post hearing memorandum filing clock. The Chair said that only the small and minor watercourses are closed for the taking of evidence.

13. FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE HEARINGS AND OTHER MEETINGS.

The Chair indicated that Coconino County will be rescheduled for July, 2005 based on Mr. Fuller's unavailability in June. There was discussion of other potential meeting dates for Mohave and Maricopa County.

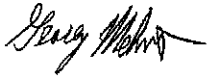
14. ADJOURNMENT.

Motion by: Jim Henness Second by: Dolly Echeverria

Motion: To adjourn. Vote: All aye.

Meeting adjourned at approximately 1:51 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George Mehnert". The signature is written in a cursive style with a long, sweeping tail on the final letter.

George Mehnert, Director

March 30, 2005



STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

1700 West Washington, Room 304, Phoenix, Arizona 85007

Phone (602) 542-9214 FAX (602) 542-9220

JANET NAPOLITANO
Governor

E-mail: streams@mindspring.com Web Page: <http://www.azstreambeds.com>

GEORGE MEHNERT
Executive Director

MEETING MINUTES

Flagstaff, Arizona, July 14, 2005

COMMISSION MEMBERS PRESENT

Jay Brashear, Earl Eisenhower, Jim Henness, and Cecil Miller.

COMMISSION MEMBERS ABSENT

Dolly Echeverria.

STAFF PRESENT

George Mehnert, and Commission Legal Counsel Curtis Jennings.

1. CALL TO ORDER.

Chair Eisenhower called the meeting to order at approximately 10:06 a.m.

2. ROLL CALL.

See above.

3. APPROVAL OF MINUTES (discussion and action).

A. April 25, 2005, Navajo County.

Motion by: Jim Henness Second by: Cecil Miller

Motion: To approve the minutes of April 25, 2005.

Vote: All aye.

B. April 25, 2005, Navajo County Executive Session.

Motion by: Cecil Miller Second by: Jim Henness

Motion: To approve the Executive Session Minutes of April 25, 2005.

Vote: All aye.

C. April 26, 2005, Apache County.

Motion by: Jim Henness Second by: Cecil Miller

Motion: To approve the minutes of April 26, 2005.

Vote: All aye.

4. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE SMALL AND MINOR WATERCOURSES IN COCONINO COUNTY, 05-010-NAV. Persons who spoke and responded to questions regarding this matter were Cheryl Doyle representing the State Land

Department and Hydrologist for the State Land Department, Jon Fuller. The Chair announced this hearing was closed for the purpose of taking evidence.

5. HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE LITTLE COLORADO RIVER, 05-007-NAV.

Persons who spoke and responded to questions regarding this matter were Cheryl Doyle representing the State Land Department and Hydrologist for the State Land

Department, Jon Fuller. The Chair announced this hearing was closed for the purpose of taking evidence.

6. **NAVIGABILITY DETERMINATION OF THE SMALL AND MINOR WATERCOURSES IN YAVAPAI COUNTY (DISCUSSION AND ACTION).**

Motion by: Jay Brashear Second by: Jim Hennes

Motion: That all of the Small and Minor Watercourses in Yavapai County were non-navigable as of statehood.

Vote: All aye.

7. **NAVIGABILITY DETERMINATION OF THE SMALL AND MINOR WATERCOURSES IN NAVAJO COUNTY (DISCUSSION AND ACTION).**

Motion by: Cecil Miller Second by: Jim Hennes

Motion: That all of the Small and Minor Watercourses in Navajo County were non-navigable as of statehood.

Vote: All aye.

8. **NAVIGABILITY DETERMINATION OF THE SMALL AND MINOR WATERCOURSES IN APACHE COUNTY (DISCUSSION AND ACTION).**

Motion by: Jim Hennes Second by: Cecil Miller

Motion: That all of the Small and Minor Watercourses in Apache County were non-navigable as of statehood.

Vote: All aye.

9. **NAVIGABILITY DETERMINATION OF THE PUERCO RIVER (DISCUSSION AND ACTION).**

Motion by: Jim Hennes Second by: Jay Brashear

Motion: That Puerco River was non-navigable as of statehood.

Vote: All aye.

10. **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.)

11. **FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE HEARINGS AND OTHER MEETINGS.**

The Commissioners, representatives of the State and of the Salt River Project spoke regarding hearing dates. The Chair concluded that likely future hearing dates beyond those scheduled in Mohave and La Paz Counties on August 8, 2005 and August 9, 2005, respectively, will be hearings regarding the navigability of the Agua Fria River, the Hassyampa River and the Maricopa County Small and Minor Watercourses during September 2005. Commissioner Brashear asked about Roosevelt Lake, since it existed at time of statehood. The Chair said Roosevelt Lake will likely be considered during the hearing regarding the Gila County Small and Minor Watercourses. The Chair indicated that hearings will likely be held during October 2005 regarding the navigability of the Upper Salt River and of the Gila County Small and Minor Watercourses. The Chair stated that hearings will likely be held during November 2005, on two consecutive days, regarding the navigability of the Gila River and the Verde River.

12. **ADJOURNMENT.**

Motion by: Cecil Miller Second by: Jim Henness

Motion: To adjourn. Vote: All aye.

Meeting adjourned at approximately 11:05 a.m.

Respectfully submitted,



George Mehnert, Director
July 14, 2005

EXHIBIT E

Evidence Log

Hearing No. 05-001

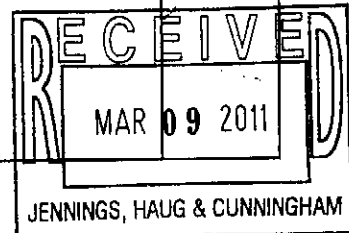
Page No.

1

Arizona Navigable Stream Adjudication Commission

Yavapai County Small and Minor Watercourses
March 29, 2005

Item Number	Received Date	Source to ANSAC	Description	Entry By
1	02/18/97	Evidence on Hand at AN-SAC	Letter from David Baron dated February 18, 1997.	George Mehnert
2	9/?/98	Evidence on hand at AN-SAC	Small and Minor Watercourse Criteria Final Report.	George Mehnert
3	9/?/99	Evidence on hand at AN-SAC	Final Report, 3 County Pilot Study.	George Mehnert
4	09/2000	Evidence on hand at AN-SAC	Draft Final Report, Small & Minor Watercourses Analysis for Yavapai County, Arizona.	George Mehnert
5	10/2000	Evidence on hand at AN-SAC.	Final Report, Small & Minor Watercourses Analysis for Yavapai County, Arizona.	George Mehnert
6	06/15/04	Chuck Kranz	Single Page Letter	George Mehnert
7	07/20/04	Coby Muckelroy	Single Page Letter	George Mehnert



Post Hearing Memorandums

Page No.

1

Hearing No. 05-001-NAV

Arizona Navigable Stream Adjudication Commission

Yavapai County Small & Minor Watercourses

Entry Number	Date	Entry	Entry By
		Opening Memorandums	
1	04/28/05	Phelps Dodge Corporation's Opening Memorandum.	George Mehnert
2	05/04/05	Salt River Project's Opening Memorandum.	George Mehnert
		Response Memorandums	
		None	

EXHIBIT F

Table A-1A
Watercourses in Yavapai County Rejected at Level 1

No.	W_ID (1)	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)	HITS (14)
1	12	Adobe Creek - Mohave	1	Mohave/Yavapai	5.034	T17.0N,R10.0W,S20	No	No	No	No	No	No	0
2	13	Adobe Creek - Yavapai	10	Yavapai	6.237	T17.0N,R10.0W,S12	No	No	No	No	No	No	0
3	37	Alkali Wash	2	Yavapai	3.537	T13.0N,R5.0W,S16	No	No	No	No	No	No	0
4	38	Ally Wash	1	Yavapai	4.656	T13.0N,R8.0W,S16	No	No	No	No	No	No	0
5	42	Amazon Wash	8	Yavapai	4.287	T9.0N,R3.0W,S22	No	No	No	No	No	No	0
6	50	Antelope Creek 1 - Yavapai	3	Yavapai	6.805	T10.0N,R2.0E,S04	No	No	No	No	No	No	0
7	55	Antelope Wash - Yavapai	4	Yavapai	12.488	T18.0N,R4.0W,S21	No	No	No	No	No	No	0
8	58	Apache Creek - Yavapai	1	Yavapai	8.376	T18.0N,R8.0W,S25	No	No	No	No	No	No	0
9	87	Ash Creek 2 - Yavapai	6	Yavapai	15.140	T11.0N,R2.0W,S17	No	No	No	No	No	No	0
10	90	Ash Creek 3 - Mohave	1	Mohave/Yavapai	3.356	T16.0N,R10.0W,S32	No	No	No	No	No	No	0
11	91	Ash Creek 3 - Yavapai	2	Yavapai	5.528	T13.0N,R5.0W,S03	No	No	No	No	No	No	0
12	85	Ash Spring Creek	3	Yavapai	3.053	T9.0N,R5.0E,S33	No	No	No	No	No	No	0
13	101	Aspen Wash - Yavapai	6	Yavapai	5.846	T13.0N,R2.0W,S04	No	No	No	No	No	No	0
14	113	Badger Spring Wash	2	Yavapai	5.887	T10.0N,R2.0E,S25	No	No	No	No	No	No	0
15	124	Banty Creek - Yavapai	2	Yavapai	4.955	T8.0N,R2.0W,S14	No	No	No	No	No	No	0
16	143	Bear Creek 1 - Yavapai	4	Yavapai	5.288	T8.0N,R8.0E,S19	No	No	No	No	No	No	0
17	145	Bear Creek 2 - Yavapai	5	Yavapai	8.062	T11.0N,R1.0E,S07	No	No	No	No	No	No	0
18	147	Bear Creek 3 - Yavapai	1	Yavapai	1.052	T17.0N,R9.5E,S01	No	No	No	No	No	No	0
19	189	Big Shipp Wash	7	Yavapai	11.786	T14.0N,R7.0W,S19	No	No	No	No	No	No	0
20	197	Bliff Apr Creek	3	Yavapai	2.714	T10.0N,R1.0E,S12	No	No	No	No	No	No	0
21	205	Bishop Creek	8	Yavapai	22.296	T10.0N,R3.0E,S26	No	No	No	No	No	No	0
22	208	Bliller Creek 1 - Yavapai	6	Yavapai	10.115	T8.0N,R1.0W,S33	No	No	No	No	No	No	0
23	210	Bliller Creek 2 - Yavapai	4	Yavapai	7.443	T18.0N,R3.0E,S20	No	No	No	No	No	No	0
24	215	Black Butte Wash	3	Yavapai	3.813	T6.0N,R2.0W,S15	No	No	No	No	No	No	0
25	218	Black Canyon Wash - Yavapai	19	Yavapai	14.087	T12.0N,R8.0W,S28	No	No	No	No	No	No	0
26	222	Black Hill Wash	1	Yavapai	1.720	T11.0N,R3.0E,S21	No	No	No	No	No	No	0
27	248	Blowout Creek	5	Yavapai	6.378	T16.0N,R3.0E,S27	No	No	No	No	No	No	0
28	251	Blue Tank Wash - Yavapai	1	Yavapai	15.477	T7.0N,R5.0W,S01	No	No	No	No	No	No	0
29	258	Board Creek	4	Yavapai	4.220	T12.5N,R3.0W,S36	No	No	No	No	No	No	0
30	273	Bottleneck Wash - Yavapai	8	Yavapai	10.689	T15.0N,R2.0W,S27	No	No	No	No	No	No	0
31	292	Bridle Creek	23	Yavapai	25.766	T12.0N,R9.0W,S15	No	No	No	No	No	No	0
32	306	Brushy Creek - Yavapai	5	Yavapai	5.416	T6.5N,R5.0E,S28	No	No	No	No	No	No	0
33	307	Brushy Prong	2	Yavapai	1.521	T12.0N,R6.0E,S16	No	No	No	No	No	No	0
34	308	Brushy Wash	3	Yavapai	9.848	T12.0N,R2.0E,S26	No	No	No	No	No	No	0
35	312	Blackbed Wash	1	Yavapai	2.697	T13.0N,R3.0E,S 8	No	No	No	No	No	No	0
36	322	Bull Run Creek	3	Yavapai	4.719	T12.0N,R6.0E,S07	No	No	No	No	No	No	0
37	323	Bull Spring Wash	2	Yavapai	0.613	T15.0N,R9.0W,S23	No	No	No	No	No	No	0
38	324	Bullard Wash	42	La Paz/Yavapai	39.648	T10.0N,R12.0W,S13	No	No	No	No	No	No	0
39	327	Bumble Bee Creek	10	Yavapai	10.360	T6.5N,R2.0E,S21	No	No	No	No	No	No	0
40	333	Burnt Wash	12	Yavapai	9.540	T15.0N,R5.0W,S32	No	No	No	No	No	No	0
41	345	Butte Creek - Yavapai	2	Yavapai	9.023	T15.0N,R8.0W,S29	No	No	No	No	No	No	0
42	348	Butte Wash	1	Yavapai	4.787	T16.0N,R3.0W,S05	No	No	No	No	No	No	0
43	349	Buzzard Roost Creek	3	Yavapai	3.737	T8.0N,R2.0W,S05	No	No	No	No	No	No	0
44	360	Buzzard Roost Wash	1	Yavapai	4.777	T12.0N,R3.0W,S14	No	No	No	No	No	No	0
45	353	Cabin Wash	6	Yavapai	10.826	„SLG	No	No	No	No	No	No	0

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No.	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_MBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	HITS (14)
46	355	Calamity Wash	3	Yavapai	4.294	T8.ON,R4.0W,S32	No	No	No	No	No	No	0
47	411	Cedar Creek 1	6	Cochino/Yavapai	10.960	T18.ON,R3.0E,S10	No	No	No	No	No	No	0
48	422	Centennial Wash	85	Yavapai/La Paz/Maricopa	86.608	T5.ON,R12.0W,S32	No	No	No	No	No	No	0
49	435	Chaparral Gulch	4	Yavapai	9.036	T13.ON,R1.0E,S23	No	No	No	No	No	No	0
50	439	Chasrn Creek	0	Yavapai	7.049	T12.ON,R5.0E,S03	No	No	No	No	No	No	0
51	443	Cherry Creek 1	15	Yavapai	14.805	T14.ON,R4.0E,S19	No	No	No	No	No	No	0
52	445	Cherry Creek 2	10	Yavapai	9.412	T10.ON,R2.0W,S19	No	No	No	No	No	No	0
53	457	Chino Wash	28	Cochino/Yavapai	36.213	T23.ON,R6.0W,S35	No	No	No	No	No	No	0
54	468	Cienega Creek - Yavapai	14	Yavapai	14.434	T13.ON,R3.0E,S21	No	No	No	No	No	No	0
55	476	Cimarron Creek	4	Yavapai	2.128	T12.ON,S24	No	No	No	No	No	No	0
56	488	Clipper Wash	2	Yavapai	8.628	T14.ON,R1.0W,S25	No	No	No	No	No	No	0
57	486	Coffee Creek	8	Yavapai	12.940	T17.ON,R4.0E,S34	No	No	No	No	No	No	0
58	501	Cold Water Creek	6	Yavapai	2.878	T12.ON,R6.0E,S31	No	No	No	No	No	No	0
59	516	Conreras Wash - Yavapai	4	Yavapai	3.729	T15.ON,R9.0W,S15	No	No	No	No	No	No	0
60	521	Cooper Wash	1	Yavapai	6.561	T16.ON,R3.0W,S07	No	No	No	No	No	No	0
61	522	Cooperopolis Creek	3	Yavapai	11.587	T8.ON,R2.0W,S08	No	No	No	No	No	No	0
62	528	Copper Creek 1 - Yavapai	10	Yavapai	5.564	T10.ON,R3.0E,S24	No	No	No	No	No	No	0
63	529	Copper Creek 2 - Yavapai	0	Yavapai	4.142	T12.5N,R3.0W,S35	No	No	No	No	No	No	0
64	530	Copper Creek 3 - Yavapai	2	Yavapai	22.138	T14.ON,R9.0W,S04	No	No	No	No	No	No	0
65	552	Collonwood Creek 2 - Yavapai	9	Yavapai	19.868	T14.ON,R8.0W,S34	No	No	No	No	No	No	0
66	555	Collonwood Creek 3 - Yavapai	13	Yavapai	16.048	T16.ON,R1.0E,S08	No	No	No	No	No	No	0
67	573	Cow Creek 2 - Yavapai	12	Yavapai	6.972	T19.ON,R10.0W,S03	No	No	No	No	No	No	0
68	574	Cowboy Wash	3	Yavapai	10.208	T15.ON,R1.0W,S11	No	No	No	No	No	No	0
69	578	Coyote Spring	1	Yavapai	7.485	T14.ON,R1.0E,S05	No	No	No	No	No	No	0
70	584	Crazy Wash - Yavapai	7	Yavapai	9.435	T11.ON,R1.0E,S35	No	No	No	No	No	No	0
71	593	Cypress Creek	8	Yavapai	3.469	T16.5N,R9.0W,S36	No	No	No	No	No	No	0
72	612	Dead Mexican Creek	3	Yavapai	2.768	T10.ON,R3.0W,S32	No	No	No	No	No	No	0
73	627	Devil Dog Canyon	2	Yavapai	2.768	T20.ON,R1.0W,S30	No	No	No	No	No	No	0
74	655	Dillon Wash	4	Cochino/Yavapai	7.071	T16.ON,R3.0W,S05	No	No	No	No	No	No	0
75	664	Dry Creek 1 - Yavapai	8	Yavapai	22.660	T16.ON,R4.0E,S12	No	No	No	No	No	No	0
76	691	Dry Creek 2 - Yavapai	15	Yavapai	21.452	T11.ON,R4.0E,S09	No	No	No	No	No	No	0
77	692	Dry Wash 1 - Yavapai	8	Yavapai	5.243	T9.ON,R6.0E,S26	No	No	No	No	No	No	0
78	699	Dry Wash 2 - Yavapai	2	Yavapai	2.543	T7.ON,R1.0E,S07	No	No	No	No	No	No	0
79	700	Dugan Wash	5	Yavapai	2.813	T8.ON,R2.0W,S27	No	No	No	No	No	No	0
80	702	East Antelope Creek	1	Yavapai	2.916	T10.ON,R4.0W,S19	No	No	No	No	No	No	0
81	710	East Branch Squa	3	Yavapai	2.909	T8.ON,R2.0W,S05	No	No	No	No	No	No	0
82	712	East Fork Castle	2	Yavapai	4.919	T13.ON,R6.0W,S05	No	No	No	No	No	No	0
83	721	Eastwood Creek	4	Yavapai	6.899	T7.ON,R3.0W,S11	No	No	No	No	No	No	0
84	734	Eddia Wash	2	Yavapai	9.625	T13.ON,R4.0W,S18	No	No	No	No	No	No	0
85	735	Finch Wash	10	Yavapai	5.019	T14.ON,R5.0E,S30	No	No	No	No	No	No	0
86	760	Gandis Wash	3	Yavapai	5.705	T10.ON,R2.0E,S22	No	No	No	No	No	No	0
87	810	Government Spring	4	Yavapai	3.674	T14.ON,R4.0E,S02	No	No	No	No	No	No	0
88	842	Grandpa Wash	1	Yavapai	4.916	T18.ON,R5.0W,S19	No	No	No	No	No	No	0
89	846	Graver Wash	1	Yavapai	4.916		No	No	No	No	No	No	0
90	860						No	No	No	No	No	No	0

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91	871	Grief Hill Wash	4	Yavapai	4.781	T14.ON,R4.OE,S24	No	No	No	No	No	No	0
92	874	Grindstone Wash	12	Coconino/Yavapai	15.546	T18.ON,R1.OE,S29	No	No	No	No	No	No	0
93	875	Groom Creek	1	Yavapai	6.433	T13.ON,R2.OE,S32	No	No	No	No	No	No	0
94	37607	Hackberry Creek - Yavapai	4	Yavapai	11.491	T10.ON,R2.OE,S36	No	No	No	No	No	No	0
95	37611	Hackberry Wash - Yavapai	4	Yavapai	12.263	T10.ON,R3.OE,S36	No	No	No	No	No	No	0
96	37618	Hamlin Wash	1	Yavapai	5.243	T8.ON,R4.OE,S12	No	No	No	No	No	No	0
97	37627	Hardscrabble Creek	10	Gila/Yavapai	14.611	T11.ON,R7.OE,S08	No	No	No	No	No	No	0
98	37645	Hell Canyon	27	Coconino/Yavapai	42.127	T21.ON,R2.OE,S35	No	No	No	No	No	No	0
98	37647	Helzapoppin Creek	1	Yavapai	2.565	T17.ON,R8.OE,S13	No	No	No	No	No	No	0
100	37658	Hilde Creek	2	Yavapai	6.027	T17.ON,R4.OE,S28	No	No	No	No	No	No	0
101	37662	Hill Wash	8	Yavapai	11.411	T17.ON,R10.OE,S12	No	No	No	No	No	No	0
102	37672	Hop Creek	3	Yavapai	5.063	T9.ON,R6.OE,S35	No	No	No	No	No	No	0
103	37678	Horse Creek 1 - Yavapai	7	Yavapai	9.910	T7.ON,R1.OE,S18	No	No	No	No	No	No	0
104	37678	Horse Creek 2 - Yavapai	3	Yavapai	3.049	T16.ON,R4.OE,S16	No	No	No	No	No	No	0
105	37685	Horse Wash	6	Yavapai	7.577	T17.ON,R5.OE,S36	No	No	No	No	No	No	0
106	37707	Humphrey Wash	1	Yavapai	5.131	T13.ON,R2.OE,S32	No	No	No	No	No	No	0
107	37720	Indian Creek 2 - Yavapai	2	Yavapai	6.208	T10.ON,R2.OE,S05	No	No	No	No	No	No	0
108	37722	Indian Springs Creek	5	Yavapai	3.332	T18.ON,R4.OE,S33	No	No	No	No	No	No	0
108	37723	Indian Springs Wash	2	Yavapai	7.657	T14.ON,R6.OE,S34	No	No	No	No	No	No	0
110	37730	Iron Spring Wash - Yavapai	2	Yavapai	9.220	T14.ON,R6.OE,S34	No	No	No	No	No	No	0
111	37731	Iron Springs Wash	2	Yavapai	3.660	T14.ON,R3.OE,S30	No	No	No	No	No	No	0
112	37743	Jacks Canyon 1	6	Coconino/Yavapai	11.404	T16.ON,R5.OE,S36	No	No	No	No	No	No	0
113	37754	Jim Creek	6	Yavapai	2.821	T9.ON,R1.OE,S17	No	No	No	No	No	No	0
114	37783	Johnson Wash - Yavapai	6	Yavapai	5.419	T13.ON,R3.OE,S9	No	No	No	No	No	No	0
115	37814	Larry Creek	2	Yavapai	6.291	T9.ON,R3.OE,S09	No	No	No	No	No	No	0
116	37819	Lawler Creek	3	Yavapai	4.675	T12.ON,R6.OE,S30	No	No	No	No	No	No	0
117	37847	Little Buckhorn	5	Yavapai	2.063	T8.ON,R2.OE,S20	No	No	No	No	No	No	0
118	37850	Little Chino Wash	8	Yavapai	11.630	T17.ON,R2.OE,S26	No	No	No	No	No	No	0
119	37852	Little Copper Creek	5	Yavapai	2.268	T12.5N,R9.OE,S36	No	No	No	No	No	No	0
120	37855	Little Cypress Creek	2	Yavapai	1.933	T16.5N,R9.OE,S36	No	No	No	No	No	No	0
120	37855	Little Cypress Creek	5	Yavapai	3.675	T13.ON,R2.OE,S10	No	No	No	No	No	No	0
121	37858	Little Hackberry	5	Yavapai	3.794	T8.ON,R5.OE,S10	No	No	No	No	No	No	0
122	37859	Little Lime Creek	2	Yavapai	3.794	T8.ON,R5.OE,S10	No	No	No	No	No	No	0
123	37868	Little Shipp Wash	5	Yavapai	11.041	T13.ON,R6.OE,S11	No	No	No	No	No	No	0
124	37868	Little Squaw Creek	5	Mazicopa/Yavapai	12.244	T8.ON,R2.OE,S21	No	No	No	No	No	No	0
125	37876	Little Wolf Creek	7	Yavapai	2.978	T12.ON,R1.OE,S24	No	No	No	No	No	No	0
126	37878	Loco Creek	3	Yavapai	12.807	T14.5N,R6.OE,S30	No	No	No	No	No	No	0
127	37880	Logan Wash	4	Yavapai	4.858	T14.ON,R4.OE,S28	No	No	No	No	No	No	0
128	37884	Long Canyon	8	Yavapai	12.904	T15.ON,R7.OE,S32	No	No	No	No	No	No	0
129	37890	Lookout Wash	7	Mohave/Yavapai	11.971	T21.ON,R11.OE,S20	No	No	No	No	No	No	0
130	37912	M C Canyon	8	Coconino/Yavapai	20.331	T18.ON,R1.OE,S20	No	No	No	No	No	No	0
131	37915	Mahoney Wash	1	Yavapai	1.148	T9.ON,R3.OE,S33	No	No	No	No	No	No	0
132	37923	Manzanita Creek - Yavapai	1	Yavapai	2.787	T13.ON,R2.OE,S09	No	No	No	No	No	No	0
133	37927	Markham Wash	5	Yavapai	10.238	T22.ON,R6.OE,S25	No	No	No	No	No	No	0
134	37929	Martin Canyon	3	Yavapai	13.083	T16.ON,R1.OE,S22	No	No	No	No	No	No	0
135	37951	Mescal Creek - Yavapai	1	Yavapai	3.644	T11.ON,R3.OE,S31	No	No	No	No	No	No	0

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136	37968	Middle Fork Squa	4	Yavapai	5.585	T9.0N,R4.0E,S17	No	No	No	No	No	No	0
137	37973	Middle Red Creek	4	Yavapai	8.856	T10.0N,R6.0E,S30	No	No	No	No	No	No	0
138	37975	Middleton Creek	1	Yavapai	1.717	T11.0N,R1.0E,S29	No	No	No	No	No	No	0
139	37978	Middlewater Creek	2	Yavapai	4.282	T12.0N,R3.0W,S27	No	No	No	No	No	No	0
140	37989	Miller Creek 1	3	Yavapai	6.808	T14.0N,R2.0W,S33	No	No	No	No	No	No	0
141	37990	Miller Creek 2	7	Yavapai	7.203	T10.0N,R5.0W,S11	No	No	No	No	No	No	0
142	37992	Miller Wash - Yavapai	6	La Paz/Yavapai	12.670	T10.0N,R11.0W,S36	No	No	No	No	No	No	0
143	37997	Mineral Creek 1 - Yavapai	3	Yavapai	3.983	T11.0N,R1.0E,S14	No	No	No	No	No	No	0
144	37998	Mineral Creek 2 - Yavapai	8	Yavapai	2.972	T14.0N,R9.0W,S04	No	No	No	No	No	No	0
145	38004	Mockingbird Wash	1	Yavapai	3.160	T7.0N,R3.0W,S16	No	No	No	No	No	No	0
147	38012	Monarch Wash	1	Yavapai	4.818	T7.0N,R4.0W,S19	No	No	No	No	No	No	0
148	38020	Mooreville Creek	2	Yavapai	9.703	T7.0N,R4.0W,S28	No	No	No	No	No	No	0
149	38024	Morgan City Wash	2	Maricopa/Yavapai	5.585	T13.0N,R5.0W,S15	No	No	No	No	No	No	0
150	38031	Mountain Spring	11	Maricopa/Yavapai	14.965	T8.0N,R1.0E,S32	No	No	No	No	No	No	0
151	38034	Mud Spring Creek	6	Yavapai	6.183	T13.0N,R8.0W,S17	No	No	No	No	No	No	0
152	38037	Mud Tank Wash	6	Yavapai	4.373	T9.5N,R5.0E,S28	No	No	No	No	No	No	0
153	38038	Mundy Creek	13	Yavapai	10.600	T17.0N,R4.0W,S01	No	No	No	No	No	No	0
154	38045	Munds Draw	9	Yavapai	23.190	T20.0N,R9.0W,S14	No	No	No	No	No	No	0
155	38064	Niagara Creek	4	Yavapai	2.739	T15.0N,R9.0W,S32	No	No	No	No	No	No	0
156	38083	North Fork Blind	3	Yavapai	3.133	T11.0N,R1.0W,S19	No	No	No	No	No	No	0
157	38084	North Fork Cella	5	Yavapai	4.911	T10.0N,R2.0W,S08	No	No	No	No	No	No	0
158	38087	North Fork Dale	7	Yavapai	13.826	T11.0N,R6.0W,S32	No	No	No	No	No	No	0
159	38088	North Fork Dearm	3	Yavapai	3.980	T9.0N,R8.0E,S22	No	No	No	No	No	No	0
160	38092	North Fork Rock	1	Yavapai	3.934	T9.0N,R2.0E,S07	No	No	No	No	No	No	0
161	38093	North Fork Squaw	5	Yavapai	5.062	T9.0N,R3.0E,S13	No	No	No	No	No	No	0
162	38094	North Fork Walnut	2	Yavapai	4.450	T18.0N,R6.0W,S18	No	No	No	No	No	No	0
163	38097	North Pine Creek	1	Yavapai	3.848	T10.0N,R1.0W,S08	No	No	No	No	No	No	0
164	38098	North Red Creek	1	Yavapai	4.512	T9.5N,R6.0E,S26	No	No	No	No	No	No	0
165	38105	O'Brien Wash	2	Yavapai	2.910	T9.0N,R3.0W,S22	No	No	No	No	No	No	0
168	38122	Oak Wash	7	Yavapai	10.173	T15.0N,R3.0E,S12	No	No	No	No	No	No	0
169	38133	Orofino Wash	3	Yavapai	8.053	T12.0N,R3.0W,S11	No	No	No	No	No	No	0
170	38150	Osborne Spring Wash	4	Yavapai	11.468	T12.0N,R3.0E,S08	No	No	No	No	No	No	0
171	38210	Pigeon Creek - Yavapai	2	Yavapai	7.545	T18.0N,R1.0E,S18	No	No	No	No	No	No	0
172	38220	Pine Creek 1 - Yavapai	2	Yavapai	2.828	T11.0N,R6.0E,S27	No	No	No	No	No	No	0
173	38222	Pine Creek 2 - Yavapai	18	Yavapai	35.600	T16.0N,R6.0W,S03	No	No	No	No	No	No	0
174	38231	Phavela Wash	7	Yavapai	6.348	T11.0N,R1.0W,S02	No	No	No	No	No	No	0
175	38243	Placencia Creek	18	Cocconino/Yavapai	19.980	T21.0N,R3.0W,S22	No	No	No	No	No	No	0
176	38252	Poison Creek	8	Mohave/Yavapai	11.918	T13.0N,R8.0W,S32	No	No	No	No	No	No	0
177	38256	Poland Creek	1	Yavapai	2.668	T9.0N,R2.0E,S05	No	No	No	No	No	No	0
178	38281	Poplar Wash	11	Yavapai	11.725	T10.0N,R1.0E,S01	No	No	No	No	No	No	0
179	38277	Professor Creek	4	Yavapai	7.863	T11.0N,R4.0W,S17	No	No	No	No	No	No	0
180	38288	Quail Spring Wash - Yavapai	1	Yavapai	3.163	T8.0N,R5.0E,S14	No	No	No	No	No	No	0
			7	Yavapai	10.968	T13.0N,R8.0W,S11	No	No	No	No	No	No	0

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W_PER: Stream classification-perennial or not.
W_MBOAT: With modern boating or not.
W_HBOAT: With historical boating or not.
W_FISH: With fish or not.
W_DIMP: Impacted by dam or not.
W_SSTATUS: With special status designations or not.
HITS: Number of affirmative hits based on the six attribute data.

Table A-1A
Watercourses in Yavapai County Rejected at Level 1

No.	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)	HITS (14)
181	38201	Quartz Lead Wash	1	Yavapai	4.648	T18.ON,R4.OW,S08	No	No	No	No	No	No	0
182	38208	Railroad Wash	3	Yavapai	5.038	T13.ON,R3.OE,S17	No	No	No	No	No	No	0
183	38209	Railroad Draw	7	Yavapai	12.431	T17.ON,R2.OE,S12	No	No	No	No	No	No	0
184	38308	Ranick Canyon	10	Cocconino/Yavapai	23.283	T15.ON,R6.OE,S31	No	No	No	No	No	No	0
185	38310	Rattlesnake Canyon	7	Yavapai	17.335	T16.ON,R6.OE,S21	No	No	No	No	No	No	0
186	38312	Rattlesnake Wash	6	Cocconino/Yavapai	16.227	T18.ON,R1.OE,S18	No	No	No	No	No	No	0
187	38350	Ritter Creek	3	Yavapai	11.614	T12.ON,R6.OW,S30	No	No	No	No	No	No	0
188	38380	Rock Creek - Yavapai	2	Yavapai	1.802	T9.ON,R2.OE,S08	No	No	No	No	No	No	0
189	38374	Round Valley Wash	3	Yavapai	3.852	T17.ON,R5.OW,S17	No	No	No	No	No	No	0
190	38383	Russell Wash	4	Yavapai	4.972	T14.ON,R5.OE,S02	No	No	No	No	No	No	0
191	38386	Ryland Creek	5	Yavapai	6.713	T9.ON,R2.OW,S11	No	No	No	No	No	No	0
192	38395	Sally May Wash	7	Yavapai	4.020	T12.ON,R7.OE,S31	No	No	No	No	No	No	0
193	38401	Salt Creek - Yavapai	4	Yavapai	5.555	T15.ON,R10.OW,S14	No	No	No	No	No	No	0
194	38402	Salt Creek 1 - Mohave	2	Mohave/Yavapai	2.800	T16.ON,R10.OW,S31	No	No	No	No	No	No	0
195	38411	San Domingo Wash	8	Maricopa/Yavapai	14.816	T6.ON,R4.OW,S03	No	No	No	No	No	No	0
196	38420	Sand Creek	1	Yavapai	6.661	T8.ON,R1.OW,S02	No	No	No	No	No	No	0
197	38473	Sheep Creek	10	Maricopa/Yavapai	14.263	T7.ON,R7.OE,S28	No	No	No	No	No	No	0
198	38474	Sheep Creek - Yavapai	1	Yavapai	3.712	T17.ON,R9.OW,S06	No	No	No	No	No	No	0
199	38483	Sheppard Wash	4	Yavapai	7.242	T12.ON,R4.OW,S13	No	No	No	No	No	No	0
200	38484	Sherman Wash	5	Yavapai	5.331	SLG	No	No	No	No	No	No	0
201	38511	Skull Valley Wash	24	Yavapai	19.858	T12.ON,R5.OW,S01	No	No	No	No	No	No	0
202	38514	Slate Creek	1	Yavapai	5.819	T8.ON,R2.OE,S09	No	No	No	No	No	No	0
203	38517	Slate Creek - Yavapai	3	Yavapai	7.505	T12.ON,R2.OW,S09	No	No	No	No	No	No	0
204	38522	Slim Jim Creek	4	Yavapai	5.919	T9.ON,R3.OW,S31	No	No	No	No	No	No	0
205	38525	Smith Canyon	9	Yavapai	16.847	T15.ON,R6.OW,S33	No	No	No	No	No	No	0
206	38534	Soap Creek - Yavapai	1	Yavapai	5.591	T9.ON,R2.OE,S28	No	No	No	No	No	No	0
207	38535	Soda Springs Creek	5	Yavapai	5.123	T10.ON,R5.OE,S18	No	No	No	No	No	No	0
208	38544	Soldier Wash	1	Yavapai	3.938	T17.ON,R8.OE,S18	No	No	No	No	No	No	0
209	38545	Sols Wash	20	Yavapai/Maricopa	19.715	T13.ON,R3.OE,S17	No	No	No	No	No	No	0
210	38551	Sour Water Wash - Yavapai	1	Yavapai	3.726	T10.ON,R2.OW,S09	No	No	No	No	No	No	0
211	38560	South Fork Cella	2	Yavapai	4.199	T11.ON,R6.OW,S32	No	No	No	No	No	No	0
212	38563	South Fork Dale	2	Yavapai	6.210	T11.ON,R6.OW,S32	No	No	No	No	No	No	0
213	38568	South Fork Mud S	2	Yavapai	2.576	T9.ON,R5.OE,S29	No	No	No	No	No	No	0
214	38570	South Fork Rock	2	Yavapai	2.720	T9.ON,R2.OE,S07	No	No	No	No	No	No	0
215	38571	South Fork Santa	14	Yavapai	14.485	T12.ON,R7.OW,S19	No	No	No	No	No	No	0
216	38574	South Fork Spring	3	Yavapai	2.795	T9.ON,R3.OW,S06	No	No	No	No	No	No	0
217	38575	South Fork Walnut	5	Yavapai	4.851	T18.ON,R6.OW,S21	No	No	No	No	No	No	0
218	38578	South Prong Syca	4	Yavapai	5.546	T11.ON,R4.OE,S24	No	No	No	No	No	No	0
219	38594	Spence Creek	8	Yavapai	3.247	T14.ON,R3.OW,S25	No	No	No	No	No	No	0
220	38594	Spring Creek 2 - Yavapai	8	Yavapai	8.349	T10.ON,R3.OW,S23	No	No	No	No	No	No	0
221	38586	Spring Wash	1	Yavapai	5.472	T9.ON,R6.OE,S22	No	No	No	No	No	No	0
222	38603	Squaw Creek 1 - Yavapai	25	Yavapai	17.928	T9.ON,R2.OE,S25	No	No	No	No	No	No	0
223	38605	Squaw Creek 2 - Yavapai	2	Yavapai	3.034	T11.ON,R6.OE,S35	No	No	No	No	No	No	0
224	38621	Stinson Wash - Yavapai	4	Yavapai	6.355	T16.ON,R6.OW,S33	No	No	No	No	No	No	0
225	38653	Stickland Wash	9	Yavapai	14.816	T16.ON,R4.OW,S01	No	No	No	No	No	No	0

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Table A-1A
Watercourses in Yavapai County Rejected at Level 1

No.	W_ID (1)	W_NAME (2)	SEGCOUNT (3)	W_COUNTIES (4)	W_MILES (5)	W_ADDRESS (6)	W_PER (7)	W_MBOAT (8)	W_HBOAT (9)	W_FISH (10)	W_SSTATUS (11)	W_DIMP (12)	HITS (13)
226	38634	Stringtown Wash	2	Yavapai	3.354	T17.0N,R6.0W,S26	No	No	No	No	No	No	0
227	38666	Tank Creek 1 - Yavapai	4	Yavapai	7.624	T10.0N,R2.0E,S38	No	No	No	No	No	No	0
228	38687	Tank Creek 2 - Yavapai	3	Yavapai	8.682	T13.0N,R7.0W,S19	No	No	No	No	No	No	0
229	38704	Tiger Creek	2	Yavapai	3.193	T10.0N,R1.0W,S33	No	No	No	No	No	No	0
230	38732	Towers Creek	3	Yavapai	4.749	T12.0N,R6.0E,S16	No	No	No	No	No	No	0
231	38733	Towers Creek	3	Yavapai	4.873	T11.0N,R1.0W,S19	No	No	No	No	No	No	0
232	38755	Tub Spring Wash	5	Maricopa/Yavapai	4.666	T7.0N,R4.0W,S24	No	No	No	No	No	No	0
233	38769	Turkey Canyon - Yavapai	19	Yavapai	19.026	T21.0N,R0.0W,S22	No	No	No	No	No	No	0
234	38778	Turkey Canyon 1 - Yavapai	1	Yavapai	3.635	T18.0N,R6.0W,S27	No	No	No	No	No	No	0
235	38784	Turkey Creek 3 - Yavapai	1	Yavapai	2.387	T17.0N,R5.0E,S32	No	No	No	No	No	No	0
236	38786	Tuscumbia Creek	4	Yavapai	4.123	T11.0N,R1.0W,S14	No	No	No	No	No	No	0
237	38787	Tussock Spring C	2	Yavapai	3.217	T9.0N,R2.0W,S26	No	No	No	No	No	No	0
238	38808	Valley Wash	1	Yavapai	4.859	T14.0N,R4.0W,S37	No	No	No	No	No	No	0
239	38831	Wainut Creek - Yavapai	25	Yavapai	6.253	T8.0N,R2.0W,S09	No	No	No	No	No	No	0
240	38885	Whipsaw Creek	1	Yavapai	1.046	T15.0N,R6.0W,S23	No	No	No	No	No	No	0
241	38894	White Spring Wash - Yavapai	4	Yavapai	14.524	T13.0N,R6.0E,S15	No	No	No	No	No	No	0
242	38904	Wickup Creek	4	Yavapai	14.524	T13.0N,R6.0E,S15	No	No	No	No	No	No	0
243	38913	Wildier Creek	7	Yavapai	15.261	T15.0N,R9.0W,S03	No	No	No	No	No	No	0
244	38916	Williamson Valle	44	Yavapai	30.836	T17.0N,R3.0W,S02	No	No	No	No	No	No	0
246	38926	Willow Creek 1 - Yavapai	5	Yavapai	8.689	T13.0N,R7.0W,S22	No	No	No	No	No	No	0
246	38938	Wolf Creek	7	Yavapai	11.193	T11.0N,R1.0E,S05	No	No	No	No	No	No	0
247	38939	Wolf Creek - Yavapai	1	Yavapai	4.166	T13.0N,R2.0W,S33	No	No	No	No	No	No	0
248	38942	Wood Canyon Stream 2 - Yavapai	3	Yavapai	2.425	T17.0N,R10.0W,S01	No	No	No	No	No	No	0
249	38949	Woolsey Wash - Yavapai	6	Yavapai	10.586	T13.0N,R4.0W,S04	No	No	No	No	No	No	0
250	38955	Yarber Wash	10	Yavapai	16.780	T12.0N,R2.0E,S27	No	No	No	No	No	No	0
251	38956	Yarnall Creek	1	Yavapai	2.411	T10.0N,R5.0W,S25	No	No	No	No	No	No	0
252	38961	Yellow Jacket Creek	9	Yavapai	8.373	T12.0N,R3.0E,S28	No	No	No	No	No	No	0
253	38993	a - Seg 8 La Paz/Yavapai	17	La Paz/Yavapai	16.820	T10.0N,R11.0W,S23	No	No	No	No	No	No	0
254	39000	b - Seg 15 Yavapai	4	Yavapai	12.126	T19.0N,R4.0W,S04	No	No	No	No	No	No	0
255	39029	f - Seg 66 Yavapai	11	Yavapai	12.201	T17.0N,R2.0W,S33	No	No	No	No	No	No	0
256	39033	h - Seg 61 Yavapai	5	Yavapai	4.985	T16.0N,R1.0W,S21	No	No	No	No	No	No	0
257	39034	i - Seg 62 Yavapai	5	Yavapai	8.653	T15.0N,R1.0W,S11	No	No	No	No	No	No	0
258-2762	-	2505 Unnamed Weashes	-	Yavapai	-	-	No	No	No	No	No	No	0

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W_MBOAT: With historical boating or not.
W_FISH: With fish or not.
W_DIMP: Impacted by dam or not.
W_SSTATUS: With special status designations or not.
HITS: Number of affirmative hits based on the six attribute data.

EXHIBIT G

Table A-2C
Watercourses in Yavapai County with Evaluated Ratings at Level 2

No.	W_ID	W_NAME	SECCOUNT	W_COUNTIES	W_MILES	PER_RAT	HBOAT_RAT	MBOAT_RAT	DIMP_RAT	FISH_RAT	SS_RAT	TOT_RAT	REF_RAT
[1]	[2]	[3]	[4]	[5]	[6]	[7]	[8]	[9]	[10]	[11]	[12]	[13]	[14]
1	38108	Oak Creek	43	Coconino/Yavapai	54.3617	1.0	0.0	1.0	0.0	1.0	0.000	3.50	20.00
2	38658	West Clear Creek	51	Coconino/Yavapai	65.3029	1.0	0.0	1.0	0.0	1.0	0.000	3.50	19.00
3	38880	Wet Beaver Creek	21	Coconino/Yavapai	24.3301	1.0	0.0	1.0	0.0	1.0	0.000	3.00	19.00
4	789	Fossil Creek	18	Coconino/Gila/Yavapai	17.7233	1.0	0.0	0.0	1.0	1.00	0.000	3.00	15.00
5	38652	Sycamore Creek 1	49	Coconino/Yavapai	52.4131	1.0	0.0	0.0	0.0	1.00	0.440	2.44	11.88
6	38656	Sycamore Creek 2 - Yavapai	14	Yavapai	23.5831	1.0	0.0	0.0	0.0	1.00	0.060	2.06	11.12
7	38659	Sycamore Creek 3 - Yavapai	8	Yavapai	10.6910	1.0	0.0	0.0	0.0	1.00	0.060	2.06	11.12
8	81	Ash Creek 1 - Yavapai	39	Yavapai	39.6419	1.0	0.0	0.0	0.0	0.75	0.500	2.25	11.00
9	243	Bland Creek	5	Yavapai	8.2352	1.0	0.0	0.0	0.0	1.00	0.000	2.00	11.00
10	37706	Humbung Creek	24	Yavapai	27.6283	1.0	0.0	0.0	0.0	1.00	0.000	2.00	11.00
11	37718	Indian Creek 1 - Yavapai	14	Yavapai	13.2173	1.0	0.0	0.0	0.0	1.00	0.000	2.00	11.00
12	37701	Kirkland Creek	40	Yavapai	44.4691	1.0	0.0	0.0	0.0	1.00	0.000	2.00	11.00
13	37842	Little Ash Creek	9	Yavapai	17.6728	1.0	0.0	0.0	0.0	1.00	0.000	2.00	11.00
14	38744	Trout Creek	43	Mohave/Yavapai	54.2262	1.0	0.0	0.0	0.0	1.00	0.000	2.00	11.00
15	847	Granite Creek	38	Yavapai	37.8875	0.5	0.0	0.0	1.0	0.75	0.000	2.25	10.50
16	38654	Sycamore Creek 1 - Yavapai	23	Yavapai	26.5201	1.0	0.0	0.0	0.0	0.75	0.060	1.61	10.12
17	175	Big Bug Creek	13	Yavapai	29.8863	1.0	0.0	0.0	0.0	0.75	0.000	1.75	10.08
18	618	Dais Creek	54	La Paz/Yavapai	49.2829	1.0	0.0	0.0	0.0	0.75	0.000	1.75	10.00
19	37688	Houston Creek - Yavapai	8	Yavapai	9.3217	1.0	0.0	0.0	0.0	0.75	0.000	1.75	10.00
20	37871	Little Sycamore 2	7	Yavapai	8.4155	1.0	0.0	0.0	0.0	0.75	0.000	1.75	10.00
21	38001	Minnehaha Creek	11	Yavapai	12.7472	1.0	0.0	0.0	0.0	0.75	0.000	1.75	10.00
22	38501	Silver Creek - Yavapai	14	Yavapai	17.0516	1.0	0.0	0.0	0.0	0.75	0.000	1.75	10.00
23	278	Boulder Creek 2 - Yavapai	12	Yavapai	36.7674	0.0	0.0	0.0	1.0	1.00	0.000	2.00	8.00
24	406	Cave Creek - Maricopa	36	Maricopa/Yavapai	45.5413	0.0	0.0	0.0	1.0	0.75	0.500	2.25	8.00
25	786	Fort Rock Creek	7	Yavapai	7.2716	0.0	0.0	0.0	1.0	1.00	0.000	2.00	8.00
26	813	Gap Creek	7	Yavapai	8.0177	1.0	0.0	0.0	0.0	0.25	0.000	1.25	8.00
27	154	Beaver Creek - Yavapai	2	Yavapai	9.2660	0.5	0.0	0.0	0.0	1.00	0.130	1.83	7.78
28	122	Bannon Creek	7	Yavapai	6.2416	0.5	0.0	0.0	1.0	0.00	0.000	1.50	7.50
29	410	Cedar Creek - Yavapai	5	Yavapai	11.5476	0.5	0.0	0.0	1.0	0.00	0.000	1.50	7.50
30	37760	Johnson Creek	19	Coconino/Yavapai	25.9475	0.5	0.0	0.0	1.0	0.00	0.000	1.50	7.50
31	37910	Lynn Creek	16	Yavapai	21.5131	0.5	0.0	0.0	1.0	0.00	0.000	1.50	7.50
32	37950	Meath Wash	15	Coconino/Yavapai	21.3448	0.5	0.0	0.0	1.0	0.00	0.000	1.50	7.50
33	38002	Mint Wash	25	Yavapai	20.3477	0.5	0.0	0.0	1.0	0.00	0.000	1.50	7.50
34	38178	Partridge Creek	38	Coconino/Yavapai	54.8339	0.5	0.0	0.0	1.0	0.00	0.000	1.50	7.50
35	38223	Pine Creek 3 - Yavapai	5	Yavapai	15.5357	0.5	0.0	0.0	1.0	0.00	0.000	1.50	7.50
36	38592	Spring Creek 1 - Yavapai	16	Yavapai	28.0418	0.5	0.0	0.0	0.0	0.75	0.440	1.88	7.38
37	51	Anilope Creek 2 - Yavapai	15	Yavapai	16.3635	1.0	0.0	0.0	0.0	0.00	0.000	1.00	7.00
38	177	Big Chino Wash	55	Yavapai	55.4073	0.0	0.0	0.0	1.0	0.75	0.000	1.75	7.00
39	523	Copper Basin Wash	13	Yavapai	12.3474	1.0	0.0	0.0	0.0	0.00	0.000	1.00	7.00
40	855	Grapewine Creek - Yavapai	7	Yavapai	5.2388	1.0	0.0	0.0	0.0	0.00	0.000	1.00	7.00
41	38641	Waterman Creek	9	Yavapai	10.8212	1.0	0.0	0.0	0.0	0.00	0.000	1.00	7.00
42	38646	Weaver Creek	7	Yavapai	15.1850	1.0	0.0	0.0	0.0	0.00	0.000	1.00	7.00
43	511	Conger Creek	8	Yavapai	16.3390	0.5	0.0	0.0	0.0	0.75	0.000	1.25	6.50
44	829	Deadman Creek	22	Yavapai	18.7888	0.5	0.0	0.0	0.0	0.75	0.000	1.25	6.50
45	38746	Truxton Wash	71	Mohave/Yavapai	77.3239	0.5	0.0	0.0	0.0	0.75	0.000	1.25	6.50

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- SECCOUNT: Number of segments merged together to comprise the watercourse.
- W_COUNTIES: County(ies) where the watercourse is located.
- W_MILES: Length of the watercourse in miles.
- PER_RAT: Perennial rating evaluated for the watercourse.
- HBOAT_RAT: Historical boating rating evaluated for the watercourse.
- MBOAT_RAT: Modern boating rating evaluated for the watercourse.
- DIMP_RAT: Dam-impacted rating evaluated for the watercourse.
- FISH_RAT: Fish rating evaluated for the watercourse.
- SS_RAT: Special status rating evaluated for the watercourse.
- TOT_RAT: Total rating evaluated for the watercourse which is the sum of the six ratings.
- REF_RAT: Refined total rating evaluated for the watercourse considering the numerical weights assigned to the six criteria.

Table A-2C
Watercourses in Yavapai County with Evaluated Ratings at Level 2

No.	W_ID	W_NAME	SEGCOUNT	W_COUNTIES	W_MILES	PER_RAT	HBOAT_RAT	MBOAT_RAT	DIMP_RAT	FISH_RAT	SS_RAT	TOT_RAT	REF_RAT
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
46	36801	Wet Bottom Creek	7	Gila/Yavapai	19.7122	0.0	0.0	0.0	0.0	1.00	0.440	1.44	4.86
47	84	Ash Fork Draw - Yavapai	5	Yavapai	6.7632	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
48	240	Blackwater Creek	2	Yavapai	4.9006	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
49	277	Boulder Creek 1 - Yavapai	10	Yavapai	20.0103	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
50	314	Buckhorn Creek - Yavapai	17	Yavapai	11.0697	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
51	395	Castle Creek - Yavapai	35	Yavapai	30.3796	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
52	418	Cellar Springs C	6	Yavapai	5.1414	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
53	685	Dry Beaver Creek	33	Cocconino/Yavapai	26.8427	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
54	737	Eightmile Creek	9	Cocconino/Yavapai	15.3104	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
55	801	French Creek - Yavapai	15	Yavapai	16.5986	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
56	1013	H01_0188	5	Yavapai	7.9640	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
57	1043	H01_0218	3	Yavapai	5.7359	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
58	1358	H01_0551	2	Yavapai	3.4217	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
59	1359	H01_0552	4	Yavapai	6.9873	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
60	26443	H64_0498	7	Mohave/Yavapai	6.5697	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
61	26870	H65_0518	1	Yavapai	1.6966	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
62	26901	H65_0549	2	Yavapai	2.0953	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
63	27029	H65_0677	1	Yavapai	1.0916	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
64	27066	H65_0715	1	Yavapai	4.5722	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
65	27076	H65_0725	4	Yavapai	15.3381	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
66	27151	H65_0810	4	Yavapai	3.4234	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
67	27193	H65_0852	2	Yavapai	6.7496	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
68	37836	Lime Creek	23	Maricopa/Yavapai	14.8302	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
69	37870	Little Sycamore 1	6	Yavapai	11.4997	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
70	37934	Marlinz Wash - Yavapai	16	Yavapai	24.9616	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
71	38598	Spencer Creek	3	Yavapai	7.5549	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
72	38728	Tonio Wash	15	Yavapai	14.0353	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
73	38740	Truby Wash	10	Maricopa/Yavapai	30.2701	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
74	38782	Turkey Creek 2 - Yavapai	11	Yavapai	30.1658	0.0	0.0	0.0	0.0	1.00	0.000	1.00	4.00
75	38821	Wagon Tire Wash	3	Yavapai	13.2191	0.0	0.0	0.0	1.0	0.00	0.000	1.00	4.00
76	785	Francis Creek	20	Mohave/Yavapai	23.7963	0.0	0.0	0.0	0.0	0.00	0.000	0.50	3.88
77	27238	H65_0868	1	Yavapai	0.3115	0.5	0.0	0.0	0.0	0.00	0.000	0.50	3.50
78	27245	H65_0908	1	Yavapai	0.6738	0.5	0.0	0.0	0.0	0.00	0.000	0.50	3.50
79	27834	H67_0085	2	Yavapai	2.2782	0.5	0.0	0.0	0.0	0.00	0.000	0.50	3.50
80	36029	Mount Hope Wash	8	Yavapai	9.8023	0.5	0.0	0.0	0.0	0.00	0.000	0.50	3.50
81	38504	South Fork Deadm	5	Yavapai	5.1815	0.5	0.0	0.0	0.0	0.00	0.000	0.50	3.50
82	87	Arzate Creek 1 - Yavapai	4	Yavapai	6.8969	0.0	0.0	0.0	0.0	0.00	0.000	0.50	3.00
83	66	Arzate Creek 2 - Yavapai	6	Yavapai	14.5522	0.0	0.0	0.0	0.0	0.00	0.000	0.75	3.00
84	136	Bear Canyon	7	Yavapai	21.0867	0.0	0.0	0.0	0.0	0.00	0.000	0.75	3.00
85	218	Black Canyon Creek	14	Yavapai	19.0810	0.0	0.0	0.0	0.0	0.00	0.000	0.75	3.00
86	245	Blind Indian Creek	12	Yavapai	14.6375	0.0	0.0	0.0	0.0	0.00	0.000	0.75	3.00
87	541	Collonwood Canyon	6	Yavapai	17.6179	0.0	0.0	0.0	0.0	0.00	0.000	0.75	3.00
88	548	Cottonwood Creek 1 - Yavapai	8	Yavapai	9.5125	0.0	0.0	0.0	0.0	0.00	0.000	0.75	3.00
89	572	Cow Creek 1 - Yavapai	4	Yavapai	11.6328	0.0	0.0	0.0	0.0	0.00	0.000	0.75	3.00
90	619	Davenport Wash	15	Maricopa/Yavapai	14.2848	0.0	0.0	0.0	0.0	0.00	0.000	0.75	3.00

NOTES: The column headings are defined as follows:

- W_ID: Unique ID number given to the watercourse.
- W_NAME: Name of the watercourse.
- SEGCOUNT: Number of segments merged together to comprise the watercourse.
- W_COUNTIES: County(ies) where the watercourse is located.
- W_MILES: Length of the watercourse in miles.
- PER_RAT: Perennial rating evaluated for the watercourse.
- HBOAT_RAT: Historical boating rating evaluated for the watercourse.

- MBOAT_RAT: Modern boating rating evaluated for the watercourse.
- DIMP_RAT: Dam-impacted rating evaluated for the watercourse.
- FISH_RAT: Fish rating evaluated for the watercourse.
- SS_RAT: Special status rating evaluated for the watercourse.
- TOT_RAT: Total rating evaluated for the watercourse which is the sum of the six ratings.
- REF_RAT: Refined total rating evaluated for the watercourse considering the numerical weights assigned to the six criteria.

Table A-2C
Watercourses in Yavapai County with Evaluated Ratings at Level 2

No.	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	PER_RAT (7)	HBOAT_RAT (8)	MBOAT_RAT (9)	DIMP_RAT (10)	FISH_RAT (11)	SS_RAT (12)	TOT_RAT (13)	REF_RAT (14)
81	37961	Milk Creek - Yavapai	12	Yavapai	12.7263	0.0	0.0	0.0	0.0	0.76	0.000	0.75	3.00
82	38008	Modal Creek	1	Yavapai	8.6284	0.0	0.0	0.0	0.0	0.75	0.000	0.75	3.00
93	38319	Red Creek	21	Yavapai	19.1246	0.0	0.0	0.0	0.0	0.75	0.000	0.75	3.00
94	38684	Tangle Creek	20	Yavapai	12.3297	0.0	0.0	0.0	0.0	0.75	0.000	0.75	3.00
95	38783	Tule Creek - Yavapai	7	Yavapai	8.4471	0.0	0.0	0.0	0.0	0.75	0.000	0.75	3.00
96	38824	Walker Creek - Yavapai	6	Yavapai	7.8271	0.0	0.0	0.0	0.0	0.75	0.000	0.75	3.00
97	38192	Peoples Creek	7	Yavapai	8.2168	0.0	0.0	0.0	0.0	0.88	0.440	0.88	0.88
98	26654	Foster Creek	1	Yavapai	2.8532	0.0	0.0	0.0	0.0	0.00	0.440	0.44	0.88
99	26692	Sheephead Creek	1	Yavapai	6.5310	0.0	0.0	0.0	0.0	0.00	0.000	0.00	0.00
100	27102	H65_0752 ¹	2	Yavapai	7.5077	0.0	0.0	0.0	0.0	0.00	0.000	0.00	0.00
101	28784	H69_0751 ¹	1	Yavapai	0.4536	0.0	0.0	0.0	0.0	0.00	0.000	0.00	0.00
102	38941	Wood Canyon Stream 1 - Yavapai ¹	14	Yavapai	17.5908	0.0	0.0	0.0	0.0	0.00	0.000	0.00	0.00

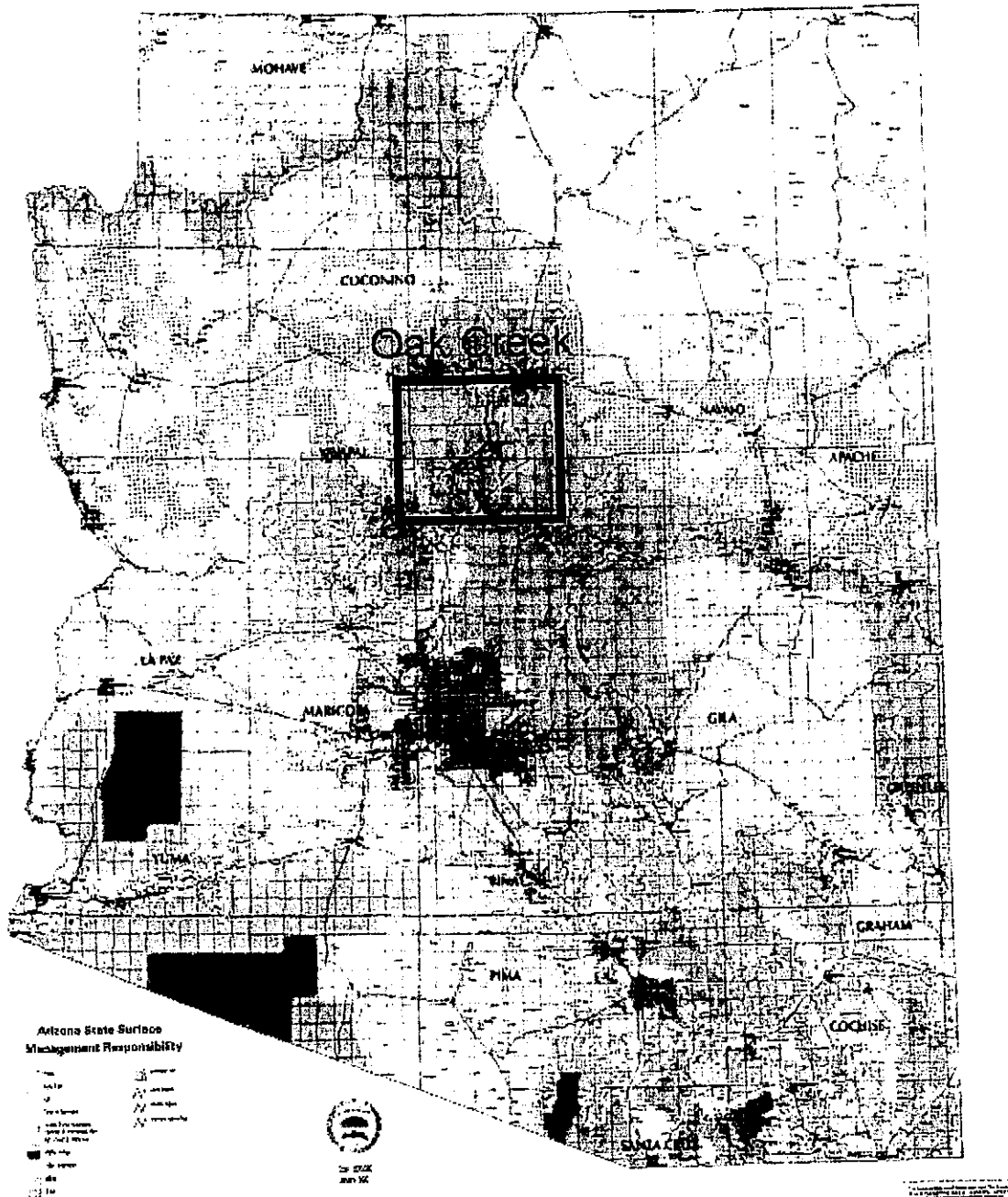
NOTES: The column headings are defined as follows:

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- W_MILES: Length of the watercourse in miles.
- PER_RAT: Parental rating evaluated for the watercourse.
- HBOAT_RAT: Historical boating rating evaluated for the watercourse.
- MBOAT_RAT: Modern boating rating evaluated for the watercourse.
- DIMP_RAT: Dam-impacted rating evaluated for the watercourse.
- FISH_RAT: Fish rating evaluated for the watercourse.
- SS_RAT: Special status rating evaluated for the watercourse.
- TOT_RAT: Total rating evaluated for the watercourse which is the sum of the six ratings.
- REF_RAT: Refined total rating evaluated for the watercourse considering the numerical weights assigned to the six criteria.

¹H65_0752, H69_0751 and Wood Canyon Stream 1 - Yavapai are dam-impacted in the Level 1 database. Validation of the data at Level 2, however, indicates that no dam is impacting the named watercourses.

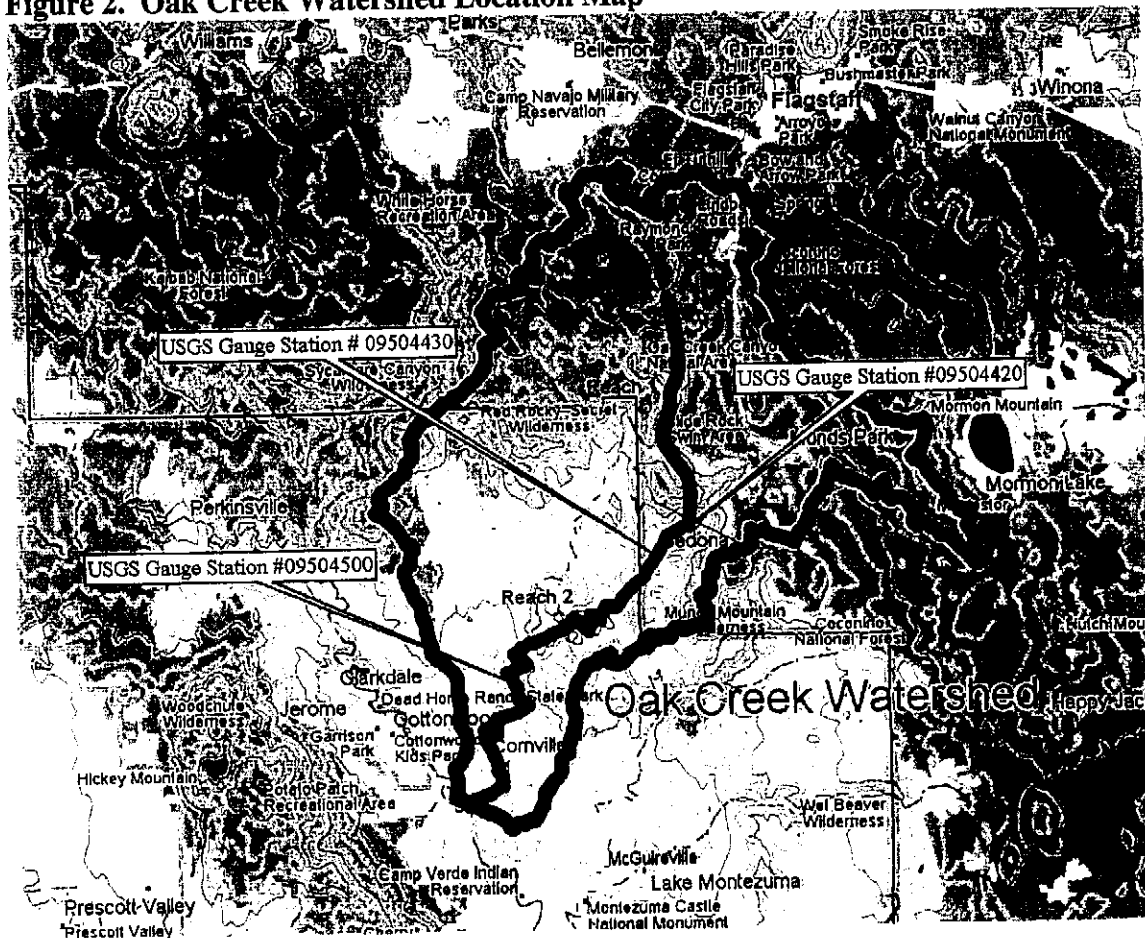
EXHIBIT H

Figure ES-1. Oak Creek Location Map



Hydrologic/hydraulic data are the primary sources of information regarding susceptibility to navigation. These data include estimates of flow depth, width, velocity, and average flow conditions as of the time of statehood, based on the available modern records for existing natural stream conditions as well as for historical stream conditions. Existing state land ownership data were compiled into a Geographic Information System (GIS) database that identified the location of public vs. private land along the stream. The results of the data collection are summarized in the following paragraphs.

Figure 2. Oak Creek Watershed Location Map

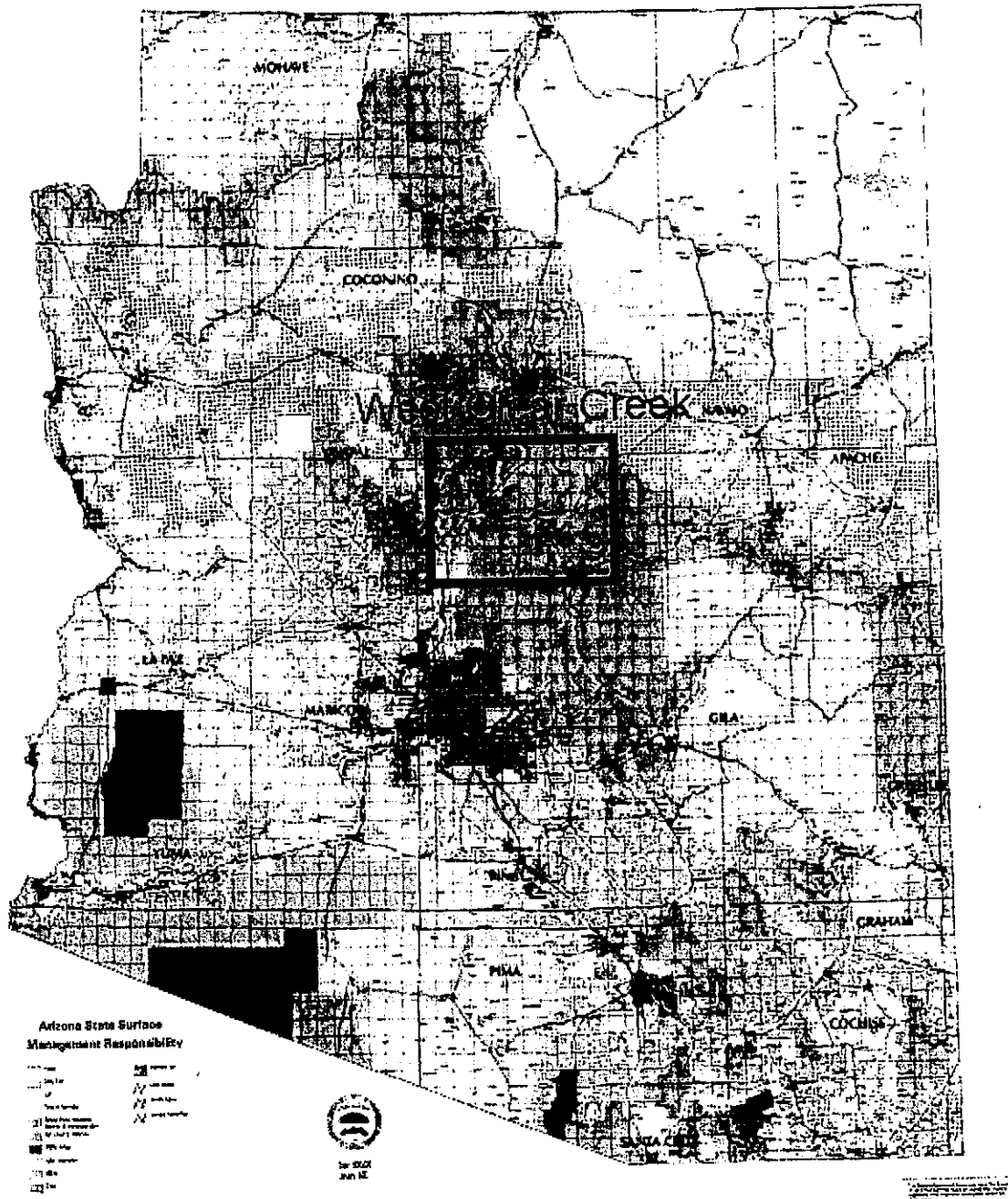


at the Bureau of Land Management Records (BLM) office in Phoenix included notes from three separate surveys conducted before the time of statehood that covered the Oak Creek study reach. GLO surveys established the Township-Range-Section boundaries in Arizona. GLO surveyors often included brief descriptions of the stream depths, flow widths, or bank vegetation where the survey alignments crossed the stream bed. In some instances, GLO surveyors established “meander lines” within river corridors known to contain navigable streams. The earliest GLO surveys for Oak Creek were performed in 1886 (Smith, 1886; Powers, 1886). The most recent GLO survey was performed in 1902 (Secor, 1902). Unfortunately, no surveys were performed in February 1912 from which stream conditions on the date of Arizona statehood could be interpreted.

Oak Creek crosses a total of 43 section line boundaries. The GLO survey notes made mention of Oak Creek at only nine of these 43 section line crossings. In some surveys dating before the time of statehood, certain section lines were not surveyed in the field. In the nine instances where Oak Creek is mentioned in the survey notes, there are no references to running water or dry stream beds, so no conclusions concerning flow conditions in Oak Creek before the time of statehood can be drawn from the GLO records.

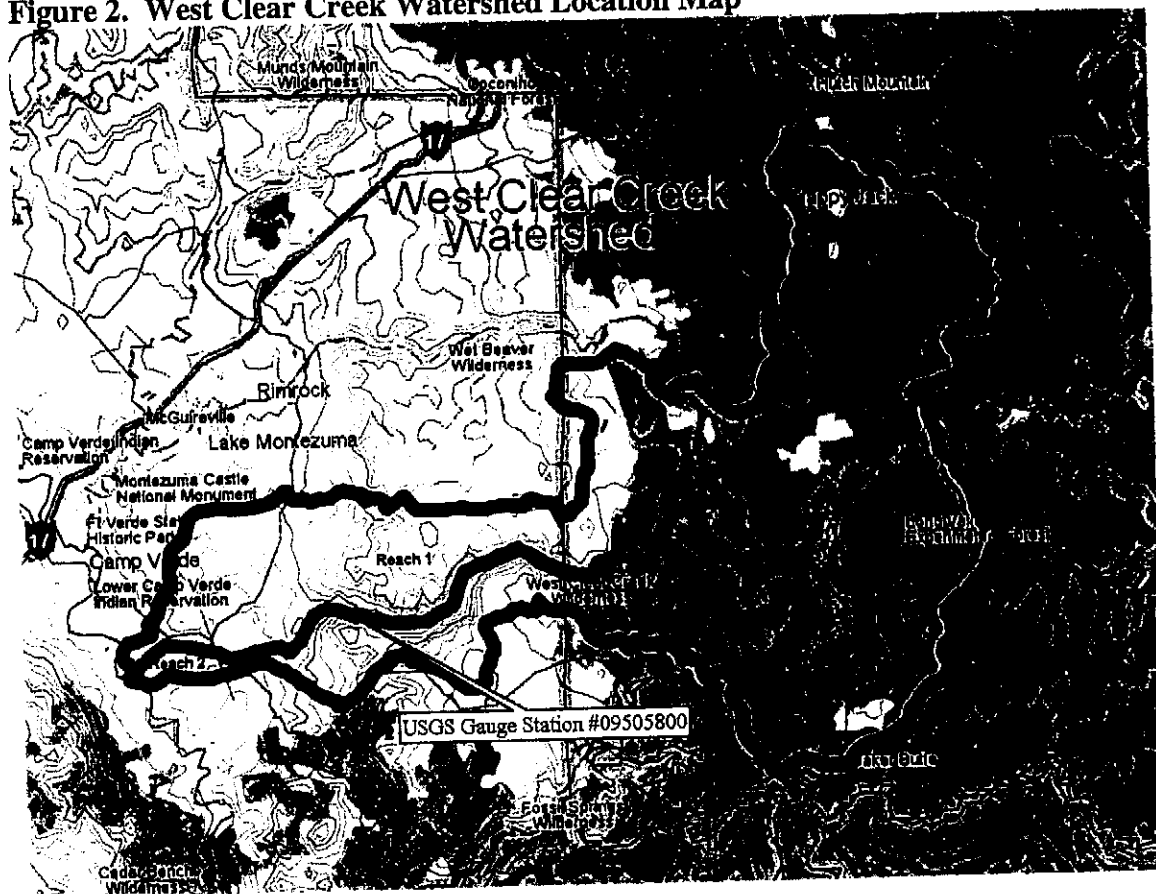
EXHIBIT I

Figure ES-1. West Clear Creek Location Map



Hydrologic/hydraulic data are the primary source of information regarding susceptibility to navigation. These data include estimates of flow depth, width, velocity, and average flow conditions as of the time of statehood, based on the available modern records for natural stream conditions as of the time of statehood, as well as for existing stream conditions. Existing state land ownership data were compiled into a Geographic Information System (GIS) database that identified the location of public vs. private land along the stream. The results of the data collection are summarized in the following paragraphs.

Figure 2. West Clear Creek Watershed Location Map

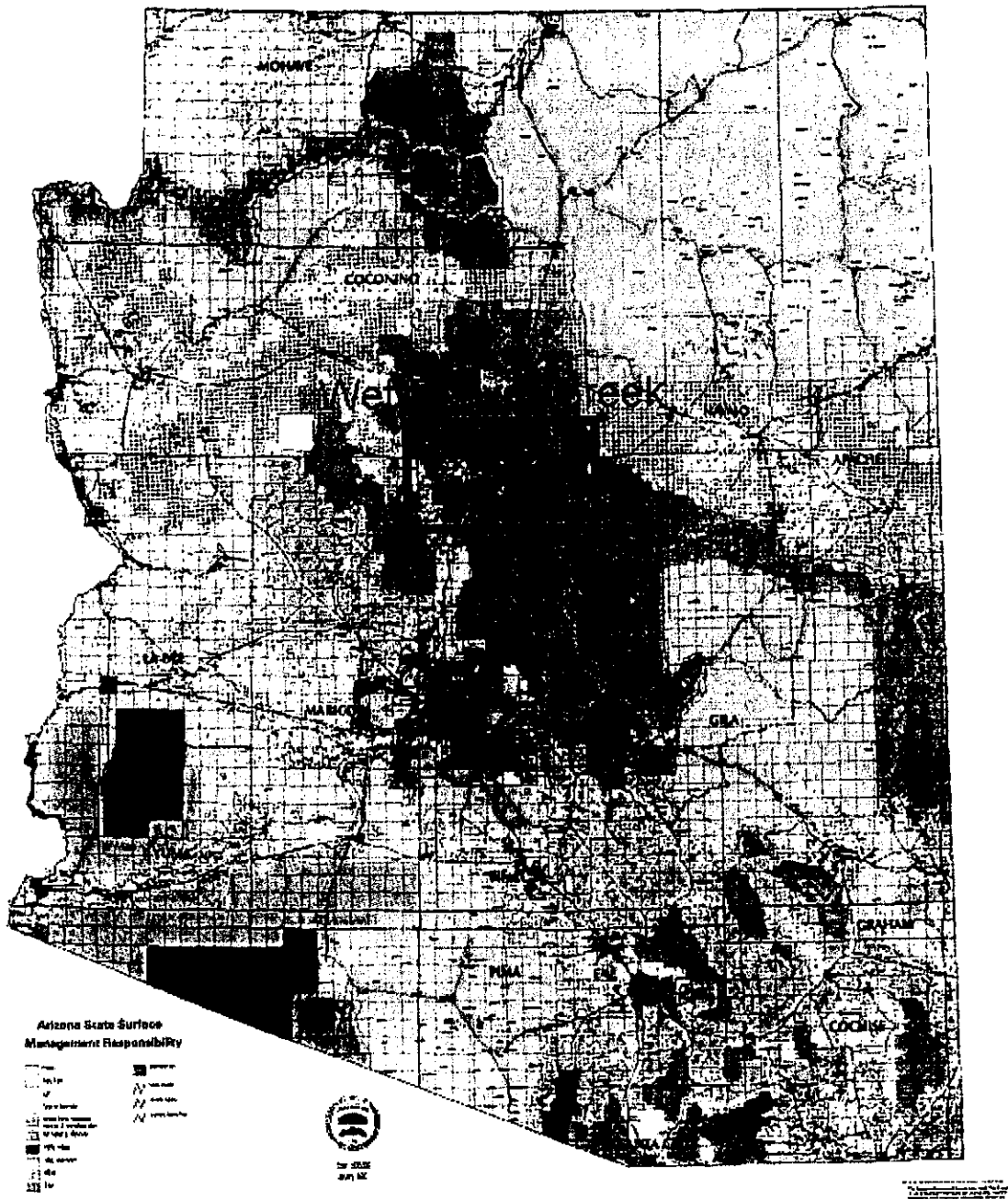


is not easily accessible and was not surveyed in the time before statehood. GLO surveys established the Township-Range-Section boundaries in Arizona. GLO surveyors often included brief descriptions of the stream depths, flow widths, or bank vegetation where the survey alignments crossed the stream bed. In some instances, GLO surveyors established “meander lines” within river corridors known to contain navigable streams. The single survey was dated in 1873 (Foster, 1873). Unfortunately, no surveys were performed in February 1912 from which stream conditions on the date of Arizona statehood could be interpreted.

West Clear Creek crosses a total of 18 Township and Range section line boundaries within the limits of the 1873 survey. The GLO survey notes mention West Clear Creek at only three of the 18 section line traverses, but running water is mentioned all three times. Notes from the section 13-14 boundary survey report a “flow with shallow stream and gentle current” in Township 13 North Range 5 East. The other two notations describe West Clear Creek as having a “gentle current” (Foster, 1873). No meander line was established for West Clear Creek by the GLO surveyors. In general, flow depths described by GLO surveyors were consistent with the conditions observed during recent field visits by the study team.

EXHIBIT J

Figure ES-1. Wet Beaver Creek Location Map



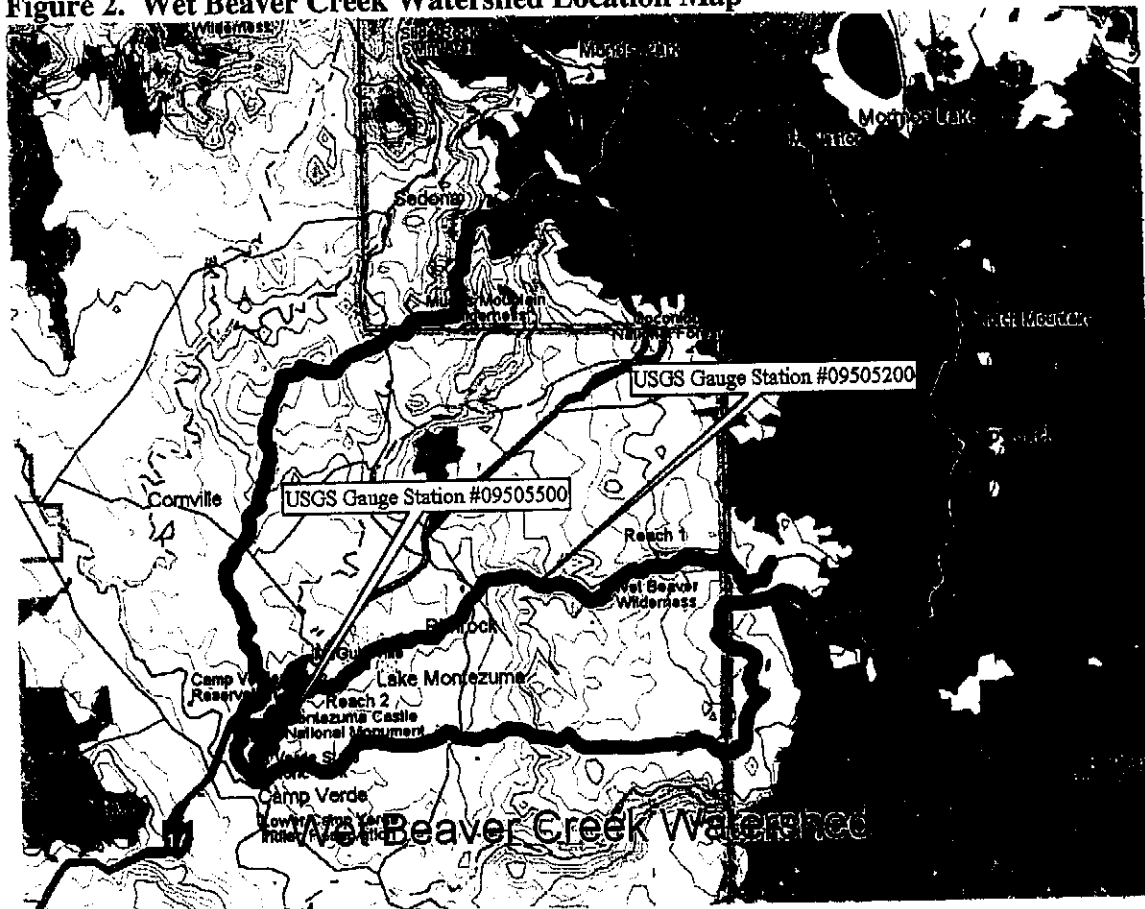
uses of the stream and the adjacent river valley in historic times, with special emphasis on the establishment, growth, and development of towns, irrigation systems, and commercial activities where applicable.

Hydrologic/hydraulic data are the primary sources of information regarding susceptibility to navigation. These data include estimates of flow depth, width, velocity, and average

Data Sources

Hydrologic data for Wet Beaver Creek are available from two USGS gauges. The Wet Beaver Creek near Rimrock station (#09505200), which is still actively monitored, is located approximately two miles upstream of the Forest Service Wet Beaver Picnic Area and Beaver Creek Ranger Station. The Wet Beaver Creek at Camp Verde station (#09505500), which was abandoned in 1920, was located immediately upstream of the Verde River/Wet Beaver Creek confluence. The gauge locations are shown on Figure 2. The USGS report that “there is no known diversion or regulation” upstream of the gauge Near Rimrock, AZ (Pope et. al, 1998), although several ditches exist downstream of the gauge. Additional hydrologic data were collected during the field investigation, and from records and anecdotal information available in the literature.

Figure 2. Wet Beaver Creek Watershed Location Map



Statehood Hydrology

No hydrologic records from the year of statehood (February 14, 1912) were found during the course of this study. Hydrologic data from the time of statehood are limited to historical accounts, anecdotal data, and secondary reports such as the survey notes of the Government Land Office (GLO) surveyors. GLO surveys established the Township-Range-Section boundaries in Arizona. GLO surveyors often included brief descriptions