



STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

1700 West Washington, Room 404, Phoenix, Arizona 85007

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

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

GEORGE MEHNERT
Executive Director

Meeting Minutes

Kingman, Mohave County

December 9, 2002

COMMISSION MEMBERS PRESENT

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

COMMISSION MEMBERS ABSENT

Dolly Echeverria.

STAFF PRESENT

Curtis Jennings, George Mehnert and Tom Vogt.

1. CALL TO ORDER

Chair Eisenhower called the meeting to order at approximately 1:30 p.m.

2. ROLL CALL

See above.

3. APPROVAL OF MEETING MINUTES

A. Chair Eisenhower asked the commissioners for any changes or acceptance of the minutes as submitted.

Motion by: James Henness Second by: Cecil Miller Vote: All aye
Motion: To approve the meeting minutes of October 23, 2002 as submitted.

4. HEARING ON WATERCOURSES

A. Chair Eisenhower said those who wish to be a party to a hearing can do so prior to the hearing at the Phoenix office or by signing the sign-in sheet at the hearing. He said any guest who speaks needs come to a microphone so we can have a complete record of the proceedings. Chair Eisenhower asked for a motion to proceed with the hearing and taking of evidence.

Motion by: Jay Brashear Second by: Cecil Miller Vote: All aye
Motion: To proceed with the hearing on small and minor watercourses in Mohave County and the introduction of any new evidence.

V. Ottozawa-Chatupron (Mr. Ott), representing the Arizona State Land Department (ASLD) said that pursuant to A.R.S. §37-1124 they have submitted the revised technical report for the small watercourse analysis in Mohave County to the Commission. He then introduced Jon Fuller as the consultant to give a presentation on their findings.

Jonathan Fuller, representing J.E.Fuller Hydrology and Geomorphology, said there are approximately 5145 identified watercourses in Mohave County. He said 35 of those identified watercourses proceeded to level two testing, with 5110 receiving no affirmative responses at level one which were those showing no characteristics of navigability. Mr. Fuller said of the 35 remaining watercourses, none were in category A; which would be those that have historical or modern boating incidences and would be automatically forwarded to level three testing. He said there were 7 streams in category B which included Kanab Creek, Beaver Dam Wash, Francis Creek, Diamond Creek, Short Creek, Trout Creek and Truxton Wash. He said a category B stream is where there were at least two affirmative responses from the level one testing per stream. He said the 28 category C watercourses include 17 that are unnamed and that had only one affirmative response at level one testing.

Mr. Fuller said Diamond Creek had affirmative responses for perennial and fish species. He said it is a very steep canyon stream and is a tributary to Grand Canyon at Diamond Rapids. He added that due to its steepness it lacks any boating characteristics, and has a low flow rate. Mr. Fuller said Francis Creek is non perennial but there are some fish species along its length. He said this is one reason for the six criteria process. If there is a stream categorized as having fish, but is also categorized as non perennial, he said they wanted to look further to find out if it may have been misclassified. They wanted to insure they did not ignore any consideration in the process. He said Frances Creek is a low elevation creek with a wide braided channel which makes it un-susceptible to boating characteristics. Mr. Fuller said Trout Creek is a very rugged canyon tributary to the Big Sandy River with a low elevation watershed and is not subject to significant snow melt runoff and is subject to higher rates of evaporation which makes for non boating conditions. He also said the channel itself is very narrow and tortuous. Mr. Fuller said Short Creek is braided and that wide braids shift with time and flows. He said Short Creek is up on the Arizona Strip, that it flows through the town of Colorado City, and is a tributary to Fort Pearce Wash which is a very dry stream that is subject to flash floods. Mr. Fuller said Truxton Wash flows into the Red Lake Playa with most reaches being ephemeral although there are some small perennial segments at the headwaters which are steep and very narrow and, therefore, not subject to navigation.

Mr. Fuller said the category C streams did not justify further study for one or more of the following reasons: very dry regional climate; lower elevation without significant snow melt runoff; rugged topography; steep slopes; channel pattern not being conducive to boating; or designated as non perennial and with affirmative responses for other reasons.

Mr. Fuller said Kanab Creek and Beaver Dam Wash scored high enough on the rating system at level two to be advanced on to level three for further study. He said Kanab Creek has a deep canyon and tributary to the Grand Canyon. He said 90% of the time Kanab Creek has a zero flow rate and is dry, and that less than 10% of the time it has a flow rate equal to or greater than 11 cubic feet per second which would make the flow depth in that reach about four-tenths of a foot. He said that four-tenths of a foot is generally not in a pattern that is conducive to putting a boat in it and traveling anywhere. He said the upper reach is alluvial, or is composed of sediment the stream carries forming the bed and the banks of the stream. He said historically there was flow through this area all of which is diverted for irrigation and municipal use. He added even though historical analyses were not part of their scope of level three study, given that the town of Kanab and others in the area were present prior to statehood, it is likely those diversions were there as well. He said in that reach the stream is wide and braided with conditions not conducive to boating. Mr. Fuller said the lower reach consists of deep canyons, a number of small springs that flow into the canyon then get sucked up into the riverbed with most of the reaches ephemeral.

Mr. Fuller said Beaver Dam Wash is a tributary to the Virgin River with most of the wash in Utah. The upper 8-mile reach which flows from Utah to the boundary with the lower reach is ephemeral with sharp peaks of short flow and then back to dry. He said the lower reach consists of the 1.5 miles closest to the Virgin River with a shallow, braided and perennial condition. He said the flows however are not conducive to any kind of boating in their natural and ordinary condition. He said 90% of the time there is a 2cfs with 4cfs 10% of the time with all depths less than half a foot. Mr. Fuller said that neither of the two streams, Kanab Creek nor Beaver Dam Wash, qualified for detailed study.

Mr. Brashear asked Mr. Fuller if the streams described as dry with zero flow rates would indicate they would flow with any precipitation, or does it take a storm to get them going after the ground has soaked up all it can. Mr. Fuller said it would be more accurate to answer on a stream by stream basis. He said the higher the elevation the more likely there is some snow melt runoff, so it might not be in response to precipitation but a response to a warming trend at high elevation which may result in a trickle of flow; without any precipitation. He added that most of the streams in Mohave County flow only after an intense rain. Mr. Brashear asked if there was any evidence indicating that the shallowest draft skiff could have been used for navigation, either seasonally or for a short period of time. Mr. Fuller said the evidence they have indicates that in their ordinary and natural condition, the streams are not conducive to boating of any kind, including a skiff. Mr. Jennings asked Mr. Fuller if the average rainfall of Mohave County was six to twelve inches depending on elevation. Mr. Fuller said he was correct, but with some of the higher elevations slightly more than that. Mr. Jennings asked him if the conditions of the streams as portrayed in the report are substantially the same as they would have been in February of 1912. Mr. Fuller said the information collected and available for the report does not indicate there have been any significant changes since the time of statehood with regard to navigability.

Mr. Jennings asked why, in the earlier report for Mohave County, there was another stream, Trout Creek, studied at level three but not studied at level three in the updated report. Mr. Fuller said the criteria for the sorting systems did not change from what was previously approved, and that is a very liberal testing process. He said there was some partial scoring used in the ranking system in conjunction with the two source databases used for perennial indication, where if only one database showed a stream as perennial, it received a partial score, whereas if both databases showed it perennial, it would receive a full score. He said they decided this time if even one of the databases had the watercourse as perennial it would receive a full score; which would change the rating slightly in favor of possible navigability. Mr. Fuller said they also used a different cutoff score that would be more consistent when applied statewide. Further, he said, that in the previous report, Stantec was contracted to produce three level three reports and since there were only two that actually survived the level two cutoff score, the next highest stream, which was Trout Creek, was added as a level three study, solely because of the contract. He added that even during the first study Trout Creek would not have been forwarded to level three if it had not been for the contractual obligation of the pilot study.

Mr. Brashear asked that it be noted the Commission did advertise in Mohave County as required by statutes and sent out newsletters to expand the local interest. Chair Eisenhower said the Commission is trying to get as much information out as the budget will allow. Mr. Mehnert said that the Commission advertised in two separate Mohave County newspapers rather than just the statutorily required one.

Mr. Jennings asked staff if there have been any other documents or evidence submitted recently. Mr. Mehnert said there were two pieces of evidence submitted today. He said one is a CD-Rom of the slide show presentation done by Jon Fuller and the other is a hardcopy, or printout, of the same

slideshow. He added we also have evidence received prior to this hearing from earlier hearings and proceedings, including a number of documents: The December 1999 Final Report on Small and Minor Watercourses in Mohave County, various other reports on major watercourses within Mohave County, the Small and Minor Watercourse Criteria established in 1998, plus the three county pilot study which included Mohave County, and an updated reported submitted by Mr. Fuller. Chair Eisenhower asked Mr. Mehnert if evidence submitted at the Yuma hearing was included, specifically the map introduced by Vera Kornylak. Mr. Mehnert said he was not aware it was to be included with all hearings. Chair Eisenhower directed staff to look into that matter because he thought Ms. Kornylak asked that the map be included for all hearings. Mr. Jennings said that specific documents which pertain to general principles and not to a specific watercourse can be included and should be included in all hearings if the party who offers the evidence wishes it to be.

Mr. Jennings said he noted that Mr. Fuller's report contained a statement that the group of consultants, the authors of the report, state that the three level process begins with the presumption and hypothesis that each stream is navigable, and asked if that means they approached the process from a completely open mind that each one of these is navigable until there is evidence to show to the contrary. Mr. Fuller said that is a correct statement.

Mr. Brashear said he is concerned if someone submits an aerial photograph or some piece of paper indicating they want it introduced at all subsequent hearings, that they automatically become a party to all those hearings without resubmitting the evidence at each hearing. Chair Eisenhower said that, similar to the letter by David Baron in 1997, if someone submits evidence indicating it to be included as at all hearings, that the Commission would honor that request. Mr. Jennings said that should be qualified with his advice that if, as with the case of Mr. Baron's letter, dealt with the constitutionality and legality of the entire process, that would be proper. He said the chairman also can rule whether evidence is admissible or not.

Motion by: James Henness Second by: Jay Brashear Vote: All aye
Motion: To close the hearing and taking of evidence for the small and minor watercourses in Mohave County.

5. YUMA COUNTY SMALL AND MINOR WATERCOURSES HEARING DETERMINATION REGARDING NAVIGABILITY OR NON-NAVIGABILITY

- A. Mr. Ott asked that the ASLD consultant Mr. Fuller explain in some detail about the map previously mentioned by Chair Eisenhower. Chair Eisenhower said this was the map introduced in Yuma by Ms. Kornylak that indicates two of the small and minor watercourses in Yuma County were perennial. Mr. Ott said Mr. Fuller has researched the matter. Mr. Fuller said the map is titled "Arizona Water" and is an educational tool put together by a number of different agencies and published by the University of Arizona Water Resources Research Center in cooperation with Salt River Project, University of Arizona Cooperative Extension, Department of Water Resources, Bureau of Reclamation, Central Arizona Project, and Arizona Department of Environmental Quality. He said the streams referred to in the last hearing relating to the map, were San Cristobal Wash and Tenmile Wash, and that the map shows them to be perennial. He said that according to the map legend, those streams are indicated by a solid blue line which is indicated as "river" and nowhere on this map or the text associated with this map does it indicate that "river" means perennial, just that each is a "river" and that "river" is not further defined. Mr. Fuller said the definition of river in the dictionary does not specify it as being perennial and that a watercourse that is called a river can be dry. He said since the Yuma hearing, the SLD staff has researched San Cristobal Wash and Tenmile Wash, including talking to other agency personnel who worked in the area and that they determined the two washes are in fact ephemeral and are normally dry.

Mr. Fuller said as far as the map applying to Mohave County goes, the blue lines do not indicate perennial nor define as navigable, those watercourses having solid blue lines on the map. He said that all of the watercourses shown in blue for Mohave County, with the exception of the Colorado River, are ephemeral and not perennial. He said the map does not indicate the location of perennial streams and even if it did there is no assumption or implication that any are navigable. Mr. Jennings said that in any event the map is evidence and should be considered.

Mr. Henness said the Commission should vote on the Yuma matter and that legal counsel should draft a report or document reflecting their vote, and that the Commission should vote on the final document, as well. Mr. Brashear said in the past the Commission would vote, have counsel draft a document that he sent to all the Commissioners to review and request any changes, then the Commission would, in a public meeting, vote on and sign the final document. He said he would continue to function in this manner.

Mr. Jennings said the way he envisions this process is that the Commission will now have oral argument from those who submitted post-hearing memoranda, get their viewpoints, and question them regarding their oral arguments. He said then, just as a court would, the commission will take the matter under advisement. He added at some point, after an executive session to obtain legal advice, if there is one, the commission will vote on the small and minor watercourses and then, not unlike an appellate court, will draft an opinion that will be circulated and when it is put in final form after the commission has met, made any changes, and adopted it. Mr. Jennings said he believes the Commission needs to vote on the issue of navigability as a means of instructing legal counsel regarding drafting of the commission's written report. Mark McGinnis, representing Salt River Project, said it would be helpful if there would be a proposed final report that is available to the public for comment. Mr. Jennings said the previous reports were simply recommendations to the legislature where members of the public could appear before the legislature and request and changes or make any protests. He said now when as Commission finishes reports, they are final except for right of appeal.

Judith Darknall, with the Attorney General's Office representing the State Land Department, said the Defenders [of Wildlife] raised three points and said she would be addressing two of them. She said she won't address the legal arguments concerning the presumption of sovereign ownership of streambeds and the appropriate burden of proof. She added she won't address those issues because she believes ANSAC can't address the issues because ANSAC must follow the statutes and does not have the legal authority to question or challenge the constitutionality of the statutes under which they operate. Ms. Darknall asked the Commissioners to go back and re-read the 1998 criteria report which she says shows an enormous amount of historical, technical and legal research that went into developing a method for sorting and sifting the small and minor watercourses of the state. [This criteria study will be evidence in all future commission navigability hearings.] She said the report shows a careful, thorough and thoughtful evaluation of the best method to determine navigability. She added there are thousands of watercourses in the state, and it doesn't take a genius to realize that most of those are not going to be navigable because most of them are dry most of the year. She said a method was needed, not only for efficiency, but to comply with the Hassell case, which is a 1991 court decision that requires a particularized assessment of watercourses. Ms. Darknall said she believes the members of the Commission are aware of the care and thoroughness by which Mr. Fuller works; that also builds on work that was done before. Chair Eisenhower asked Ms. Darknall if the courts at anytime had any concerns about that methodology. Mr. Darknall said that issue has not been before a court, that she is aware of. Chair Eisenhower said he believes it may have been raised, does not believe the courts ever entertained that there was a problem with the methodology. Ms. Darknall said the matter has been raised by

the Arizona Center for Law in the Public Interest in their post hearing memorandum. She said the Center believes the methodology is seriously flawed, but she said they do not agree with that statement and that the methodology is a very good. She said the legal research relied on to determine the right criteria to look at are federal cases. She said the Yuma report which was prepared using that methodology chosen so carefully complies with Hassell and with the applicable statutes.

Ms. Darknall said another point the Defenders claim is that the ASLD Commissioner has violated his duty to act as the trust advocate by failing to argue that the small and minor watercourses are navigable. She said it is tied to the legal argument and is erroneously based on the presumption of sovereign ownership of all watercourses throughout the state as of statehood. She said the state only has title to what was navigable at statehood and that it is the Commission's job to find out what the state owns. Ms. Darknall said that is why the ASLD Commissioner has not violated his fiduciary duty and cannot in fact argue for navigability unless there are facts on which to base that argument. She said using the methodology, Mr. Fuller produced a presentation at the Yuma County hearing that produced no facts whatsoever that the small and minor watercourses in Yuma County were navigable at any time. She said there were no facts supporting navigability, that the method is thorough, and that Ms. Kornylak was present at the Yuma hearing. She said at the hearing, Ms. Kornylak produced a map, and that she had admitted she had no evidence of navigability of the two watercourses she was questioning. She said the two watercourses were Tenmile Wash and San Cristobal Wash. Mr. Darknall said in the Defender's memorandum, Ms. Kornylak states that the solid blue lines on the map indicate what is navigable, but Ms. Darknall said there is absolutely no basis for that statement. She said Mr. Fuller already went over the map, so she wouldn't repeat his statements. She concluded that the Fuller report on small and minor watercourses in Yuma County represents the best available information regarding the navigability or non-navigability of Yuma County's small and minor watercourses. Ms. Darknall said there was no information or facts upon which the Land Commissioner could argue for their navigability, which is why he did not do so. She said both the Commission and the ASLD have complied in all respects with their statutory duties and with the particularized assessment that Hassell requires, therefore, no basis exists for vacating the Yuma County hearing.

Mr. Brashear asked Ms. Darknall if what has gone on so far constitutes a particularized assessment. Ms. Darknall said it does and added that ANSAC authority includes only part of the particularized assessment that Hassell calls for. She said a particularized assessment is needed before disposing of lands and, of course, that will be done by the SLD at the appropriate time. She added that she believes the opening memorandum submitted by Ms. Kornylak has that confused. Mr. Brashear asked Mr. Darknall that there was no evidence of navigability, not even a scintilla. Ms. Darknall said there was no evidence and also doesn't believe that a scintilla is the required standard. She added that it was simply stated it was the standard used, but it is not the standard used.

Mr. McGinnis said Ms. Darknall covered most of what he wanted to say but that he would like to discuss three things. He said one thing that came up in the briefing is the question of who is a party. He said it is important that this Commission continue to allow as broad a participation as possible. He said in all the lawsuits dealt with over the last several years, he has said the reason ANSAC should be the decision makers is because ANSAC allows all the people to participate. He added the Commission has done a good job doing that and hopes that will continue. Mr. McGinnis said when they send out their post hearing briefs, they need to know who to send them to. He said the Commission appears to be on the right track in coming up with some process by which all parties are aware of the others. Mr. McGinnis said the constitutionality arguments in the Defenders of Wildlife briefs are not things ANSAC should be dealing with and that he basically agrees with the state [the Attorney General's Office] on this issue. He said they have been raised in court, in

the Anable case which is at the Court of Appeals. He said the Commission should simply do what the legislature has set forth in the statutes and the Commission has enough to do without determining whether the act creating the Commission is constitutional or not. Mr. McGinnis said the last thing he wanted to talk about was the task at hand – making a determination on every watercourse in the state. He said there were some things in the [Arizona Center] brief criticizing the ASLD about spending less than an hour on each of the watercourses in Yuma County. He said there are almost 40,000 watercourses in Arizona, and if someone at the ASLD spends just one hour on each of those watercourses, if one person works 8 hours a day, that is 5000 days worth of work. He said we would be doing this for about 20 years. He added when the Commission started dealing with the small and minor watercourses, in the late 90's, most people were concerned with the major watercourses. He said when he first thought about how the Commission is going to deal with all those watercourses, he was amazed and surprised that Mr. Fuller has come up with a reasonable system to accomplish this. He said if you look at his reports and methodology, it makes a lot of sense. He said if anyone else can come up with a better way to do it, they should be here telling the Commission how. He said Mr. Fuller's work involves several state and federal agencies cooperating, giving information, pulling all the information together and believes that his work is commendable. Mr. McGinnis said they have not cited a lot of case law in their post hearing briefs because as to the small and minor watercourses in Yuma County, it is not really a close question, and that is SRP's position. He said there might some future hearings where it may be a close question, and you'll see a lot more legal cites at that time.

Ms. Darknall asked if Mr. Jennings would address the 5 day mailing rule. Mr. Jennings said the issue came up, and said while it was an oversight on his part, the rules draft were sent out to several attorneys involved in these matters and nobody else picked up on this either. He said the rules said that once the Commission has taken the case under advisement, there is a 30 day period to file briefs and then a 20 day period thereafter to file replies. He said the state commission that deals with such matters says that if it is not answered specifically in the rules, that you are to look at the Superior Court Rules of Civil Procedure. He said rule 6.e. states that whenever a party has a right or is required to do or take some act, take some proceedings within a prescribed period after the service of a notice or other paper upon the party, and the notice or paper is served by mail, five calendar days shall be added to the time period. Mr. Jennings said if a person mails a brief or memorandum, he should have five additional days because of the mailing. He said the person who receives it would have 20 days, and if he or she also mails it, then five days would be added. He said any way you look at it, there is not going to be any great deal of additional time that would hinder the Commission and he believes the Commission's general rule is to invite broad and wide participation. He said the Commission should go ahead and give the five days regardless of the particular situation.

Mr. McGinnis said he received the agenda where it shows there will be oral arguments and since Ms. Kornylak filed briefs on the matter was curious why she was not present. Mr. Jennings said the Commission doesn't need to rule but they will consider Ms. Kornylak having submitted her position on the record with her briefs. Mr. Mehnert said Ms. Kornylak and the Center is on the Commission's mailing list and there is no reason to believe they didn't receive the agenda.

After a suggested additional phrasing by Mr. Jennings, and subsequent adoption of such as an amendment to a motion by Mr. Henness, the motion was finalized and voted on as follows:

Motion by: James Henness Second by: Jay Brashear Vote: All Aye
Motion: To move the small and minor watercourses in Yuma County are determined by this body to be non navigable subject to the adoption by the Commission of a proper report and opinion at a future time.

6. CALL FOR PUBLIC COMMENT

Chair Eisenhower asked for public comment. There was none.

7. FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE MEETINGS

Chair Eisenhower said the Commission is going to southern Arizona in February and will be hearing the Lower Salt River in April and asked if the Commission wanted to schedule any other hearings at this time. Mr. Henness asked if the ASLD would be ready if the Commission added any more hearings this fiscal year because of the overall state budget crunch. Chair Eisenhower asked Mr. Mehnert if the Commission is financially sound to hearing the Lower Salt River in April and the other hearings in February. Mr. Mehnert said as long as there are no more budget cuts, the Commission should be fine. Mr. Ott said as of fiscal year 2003 the ASLD has no budget for studies or anything else on streambeds. He said the studies for Yuma, La Paz and Mohave small and minor watercourses were funded by the money the Commission transferred to the ASLD last fiscal year. He added that based on the current fiscal crisis, the ASLD will try their best to meet the Commission's needs. Mr. Ott said he doesn't know where the funding will come from or if there will be any SLD reduction in staff, but said he should know more in January or February. Chair Eisenhower asked about Santa Cruz and Cochise counties. Mr. Ott said they will try their best to meet that, but there are some factors over which they have no control. Chair Eisenhower asked when the ASLD might get back to the Commission on some idea of when they would be prepared to go forward. Mr. Ott said once the new governor's team and legislature is in place in January of February, they should have some idea of the budget. He said the ASLD is not the Commission but just a technical arm in the process and the SLD does not have authority to set hearing dates or what watercourses are heard. Mr. Brashear said since the reason the Commission went ahead and scheduled the Lower Salt River for April is that the ASLD said they would be at the hearings the Commission sets and if at the last minute we need to postpone the hearing, we could do so. Mr. Henness said he is concerned the issue will be whether or not the ASLD did their job with regards to this process. He said the current budgetary squeeze leaves that issue wide open and that he does not want to proceed on a watercourse hearing without everything being done properly. He added that if the ASLD does not have the money or personnel to do the job, he is very concerned. Chair Eisenhower said the Commission can at least plan on the hearing until such time the 30 day notice of hearing is due. He said at that point the Commission is committed to doing the job, but prior to that point, if the hearing needs to be postponed, moved or cancelled, it can be done.

Chair Eisenhower said the Commission will proceed with the current schedule of the small and minor watercourses in Santa Cruz County along with the Santa Cruz River, and the small and minor watercourses in Cochise County along with the San Pedro River all in one trip in February on the 11th and 12th. He said we will also proceed with the schedule of the Lower Salt River on April 7th. Mr. Ott said the Commission sets the hearings and the ASLD will be there, that they have to be there under the statutes, and will make their best effort to provide the Commission with the technical information. Mr. Brashear asked if at some point the ASLD believed it could not produce a competent report for the Commission to use, for whatever reason, would they inform the Commission of that so any input the Commission has from the ASLD according to statutes would be competent material and that the Commission would not be proceeding on thin ice because a report had to be truncated due to the fact it was the best you could do with the available resources. Mr. Ott said that any hearing the Commission sets up they will be there and provide the technical report from the available resources the best they can do.

Chair Eisenhower asked the Commissioners if any more hearings should be scheduled at this time. Mr. Mehnert suggested the Commission wait until February because the new administration will be in office and the new legislature will be in the middle of their session and we should know more about budget by the February meetings and the Commission can establish more hearings beyond April at that time.

Mr. Henness suggested noting on the next meeting's agenda the Commission may be going into an executive session to discuss the Yuma County small and minor watercourses report. Chair Eisenhower agreed.

8. ADJOURNMENT

Motion by: Cecil Miller Second by: James Henness Vote: All aye
Motion: To adjourn the meeting at approximately 3:12 p.m.

Respectfully submitted,



George Mehnert, Director

Date: December 11, 2002