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BEFORE THE
ARIZONA NAVIGABLE STREAM ADJUDICATION COMMISSION

IN THE MATTER OF THE NAVIGABILITY)
OF THE VERDE RIVER FROM ITS) NO. 04-009-NAV
HEADWATERS AT SULLIVAN LAKE TO)
THE CONFLUENCE WITH THE SALT) ADMINISTRATIVE
RIVER, YAVAPAI, GILA AND MARICOPA) HEARING
COUNTIES, ARIZONA.)
_____)

At: Phoenix, Arizona
Date: February 19, 2015
Filed: March 17, 2015

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 7

Pages 1488 through 1735, Inclusive

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1 never said that in their statement.

2 So I'm asking you. You say things like
3 because it shows there's a road or because they
4 describe crossing the river on foot, that that means
5 it's nonnavigable. So, clearly, you must have decided
6 that there's some threshold for navigability there,
7 because the person we have in your report doesn't say
8 that.

9 So if you could cross a river on foot, does
10 that make it nonnavigable?

11 A. I've tried to be very careful in my
12 presentation and, also, in the report, to indicate any
13 descriptions of the river in terms of navigability were
14 the descriptions that were being offered by the
15 particular individual and not my interpretation of
16 them.

17 For example, with the surveyors I indicated
18 that whether they meandered the river or not, I
19 indicated that by the meanders or nonmeanders, that
20 this was consistent with the instructions of the
21 surveyor to either meander a navigable body of water or
22 not meander it. I try not to let my own
23 interpretations enter into this.

24 Q. Well, we'll get to the surveyors in probably
25 horrific detail a little bit later here.

1 So do you agree that transportation of
2 commercial good or passengers in a canoe or flatboat is
3 a commercial use of the river?

4 A. Sure.

5 Q. Okay. You cite Powell's description of the
6 Gila Basin Rivers on Pages 81 and 82 of your report.
7 Debris and fluctuations in flow are, in your words --
8 oh, boy. Demonstrate that there's -- demonstrate
9 nonnavigability.

10 A. And where are you on this one?

11 Q. Pages 81 and 82. I'm having trouble
12 pronouncing the word, which is why I'm avoiding it.
13 I'm looking at the second to last sentence on the first
14 paragraph at the top of 82.

15 So debris and fluctuations in flow makes a
16 river unreliable for commerce or recreation, in your
17 mind; is that correct?

18 A. That's correct.

19 Q. Okay. How do you explain the thousands of
20 people who use the Verde for recreation today?

21 A. I can't explain it.

22 Q. Okay. I assume if you had found anyone
23 saying that the Verde was dry, you would have included
24 that in your report?

25 A. Yes.