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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 20, 2015  
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1 CHAIRMAN NOBLE: Good morning. We  
2 welcome you to the continuation of the Verde River  
3 hearing before the Arizona Navigable Streams  
4 Adjudication Commission.

5 Mr. Mehnert, please call the roll.

6 DIRECTOR MEHNERT: Commissioner Henness.

7 COMMISSIONER HENNESS: Here.

8 DIRECTOR MEHNERT: Commissioner Allen.

9 COMMISSIONER ALLEN: Here.

10 DIRECTOR MEHNERT: Commissioner Horton.

11 COMMISSIONER HORTON: Here.

12 DIRECTOR MEHNERT: Chairman Noble.

13 CHAIRMAN NOBLE: I am here.

14 DIRECTOR MEHNERT: Everybody is here,

15 and so is our attorney, and so am I.

16 CHAIRMAN NOBLE: Are we ready to

17 proceed?

18 MS. INTERPRETER: Yes, sir.

19 CHAIRMAN NOBLE: Please.

20 MS. INTERPRETER: Good morning. My name

21 is Robyn Interpreter, and I am an attorney for the

22 Yavapai-Apache Nation attending these proceedings, and

23 today we have a witness to testify, Mr. Vincent E.

24 Randall. We are going to talk a little bit about some

25 prehistory of the Verde River, pre-nonIndian arrival.

1 We would like to illuminate some information for you  
2 about that. And so with that, with your permission, I  
3 would like to proceed.

4 CHAIRMAN NOBLE: Please.

5

6 VINCENT E. RANDALL,  
7 called as a witness on behalf of the Yavapai-Apache  
8 Nation, was examined and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MS. INTERPRETER:

12 Q. Mr. Randall, could you please state your name  
13 for the record?

14 A. My name is Vincent E. Randall.

15 Q. And I hate to ask this, but what's your birth  
16 date?

17 A. I'm sorry?

18 Q. What's your birth date?

19 A. March the 29th, 1940.

20 Q. 1940. So that makes you almost 75, right?

21 A. My birthday is coming up. I'll be 75 in  
22 March.

23 Q. And where do you live presently?

24 A. Clarkdale, Arizona.

25 Q. And can you tell me a little bit about where

1 you live at Clarkdale?

2 A. Yes. I live just south of what is considered  
3 downtown Clarkdale, about a mile south. I live on the  
4 property that my grandmother and mother settled on in  
5 1911 when they came back from San Carlos, and I'm still  
6 living on the same property. My bedroom is about  
7 30 yards from where I was born.

8 Q. Can you tell me a little bit about your  
9 clans, your relationships?

10 A. Yes. First of all, I'm N'nee, which is what  
11 we Apaches call ourselves, and I'm a subbranch of that  
12 human beings, as the N'nee is translated to, and I'm  
13 the subbranch of the Dilzhé'e people, which means the  
14 hunters group. And we're a matrilineal society, so we  
15 trace our ancestry through our mother's side first, and  
16 I am a Yú ané, which is a geographical location in the  
17 area of what is now Clints Well, Arizona. And my  
18 particular clan rode anywhere from Ash Fork to Show  
19 Low, down into the Tonto Basin country, and up through  
20 the Verde Valley.

21 And I was born or, as we say in Apache, given  
22 as a gift to my father's people, which were the  
23 K'aí Tsé hii T'iidn, which means the willows growing  
24 out of rocks people, which is the upper end of Star  
25 Valley, Arizona today.

1 Q. Where were you first educated? Where did you  
2 first attend elementary school?

3 A. I went through the public school system in  
4 Clarkdale, all the way from the kindergarten and  
5 graduated from Mingus High School in 1958 and went on  
6 to what is now Northern Arizona University, but at the  
7 time I went to school, it was Arizona State College.

8 Q. And what degree did you get at Arizona State  
9 College?

10 A. I received a Bachelor of Science degree in  
11 education, with a double major in biology and Spanish.

12 Q. How many languages do you speak, Mr. Randall?

13 A. I speak Apache fluently. That's my first  
14 language. I didn't speak English until I was six years  
15 old, when I went to kindergarten. So I speak the  
16 English language. I speak -- I wouldn't say I'm an  
17 expert, but I speak Spanish. I know a smidgen of  
18 Yavapai. I understand Navajo and can speak a little  
19 bit of that.

20 Q. After you graduated from the teacher's  
21 college, what did you do for work?

22 A. After I graduated I went back to Clarkdale  
23 School System and taught there for 28 years.

24 Q. What subjects did you teach?

25 A. Basically, the major subjects that I taught



1 in the junior high were math and science, history.

2 Q. So would it be safe to say that you know a  
3 lot of the families that have lived in and around  
4 Clarkdale and Camp Verde pretty well, from your  
5 teaching experience?

6 A. Yes. I grew up with a lot of the -- I grew  
7 up in the upper Clarkdale area with the people that had  
8 come in to work at the smelter previous, and then  
9 through different social contacts I know, have been and  
10 our friends with those pioneer families in Camp Verde,  
11 like the Ralstons and the Teagues and the Wingfields,  
12 the Murdocks.

13 Q. So you know the family members and their kids  
14 and whether they were good in school or bad in school  
15 or got into trouble, right?

16 A. I wouldn't say I know all of them, but I know  
17 most of them, yes.

18 Q. Yeah. So when we go out to lunch in Camp  
19 Verde, is it true that a lot of times you'll get  
20 approached and people will come up and say, "Hey,  
21 Vincent, how are you doing?" Does that happen a lot?

22 A. Yes.

23 Q. Yeah. Let me ask you a little bit about your  
24 position currently. What's your current position with  
25 the nation?

1           A.       I am the cultural director for the  
2 Yavapai-Apache Nation for the Apache side. There are  
3 two tribes that live together and also have  
4 intermarried on the Camp Verde Reservation. And the  
5 other tribe is the Yavapai people, and we have a  
6 cultural resource department and there is a Yavapai  
7 cultural preservation director, and I'm the counterpart  
8 on the Apache side.

9           Q.       Have you also held other positions with the  
10 Yavapai-Apache Nation in the past?

11          A.       Yes. I was elected -- I was one of the  
12 youngest -- I am the youngest council person elected,  
13 when I was 22 years old; and became a chairman, the  
14 youngest chairman, when I was 26 years old, and served  
15 several terms as a chairman, vice-chairman, council  
16 member. And my last term as a chairman was between  
17 1998 and 2001, and the last time I served as a council  
18 member was 2003 through 2006.

19          Q.       Would it be safe to say that even though  
20 you're currently the cultural director for the Apache  
21 side for Yavapai-Apache Nation, that all your life  
22 you've been interested in and become knowledgeable  
23 about Apache culture and life ways?

24          A.       Most of the people that are my age grew up  
25 with -- as I stated before, I didn't speak any English

1 until I was six years old; and you lived it, and I've  
2 lived it all my life.

3           And my mother was taken and forced to go to  
4 boarding school at Phoenix Indian, but she never forgot  
5 her culture, and I learned. I was taught in the house.  
6 And being Apache culture, you spend a lot of time with  
7 your grandfathers and grandmothers, and I spent a lot  
8 of time with my grandmother, who was born in 1875 and  
9 died during the big snow in 1967, and my mother, who  
10 also lived with her grandmother, and my mother was born  
11 around 1900.

12           The records said that 1906, but with all the  
13 things that she talked about and that she did, she had  
14 to be -- because when she came to the Phoenix Indian  
15 School, they didn't know what year she was born, what  
16 month, and so they told her, "Well, you were born in  
17 1906 and your birthday's August 31st." And that's what  
18 it became on the records. But she was born prior to  
19 that, I know.

20           And she spent time with her grandmother, and  
21 as near as my research is, that she was born when the  
22 stars fell, which means the meteor shower, and the  
23 nearest one that I can figure that would make her about  
24 as old as she was was 1836.

25           Q.       And that was your mother's grandmother?

1 A. That was my mother's grandmother, yes.

2 Q. And you learned these things from the things  
3 that your mother had talked to you about?

4 A. My hearing's not that good, so...

5 Q. So you learned these things from the things  
6 your mother had talked to you about your grandmother?

7 A. My mother and grandmother. And in our  
8 kinship system, we have a system set up so that a child  
9 is never alone. You may be the lone child in your  
10 family, but the way our kinship system is set up is the  
11 first cousins are your brothers, and so forth and so  
12 on, so that -- and, of course, that works with our own  
13 mothers and fathers. So we have a lot of grandfathers  
14 and grandmothers and great-grandfathers and  
15 great-grandmothers and I've always spent a lot of time  
16 with them.

17 Q. Throughout your lifetime, have you had an  
18 opportunity, either in your job now or in past jobs  
19 that you have had, to review archives and documents as  
20 part of your work?

21 A. Yes. I've always tried to collaborate what  
22 was the oral traditional way that we pass on our  
23 history, because up until 1964 we really did not have  
24 an Apache written language. So all of it was an oral  
25 tradition.

1           And so I became interested in collaborating  
2 what was told to me and collaborate it with other  
3 written records of it. And I've done research. I've  
4 gone to the National Archives at Laguna Niguel and any  
5 of the books that I can get my hands on and  
6 double-check the information and so forth; and, lo and  
7 behold, our stories hold up.

8           Q.       Do you visit with some of the local pioneer  
9 families and talk to them about some histories and  
10 knowledge that they have within their families that  
11 might connect with some of the information that you  
12 have?

13          A.       Some of the people that I've talked with as  
14 far as pioneer families, some of them have been very  
15 close. There's a family of Derricks that came into the  
16 Oak Creek, lower Oak Creek Valley, became very close.  
17 They're my second family. And I do have others in that  
18 capacity.

19                 And I love history, so I also like to  
20 collaborate with the local historians. One of them is  
21 Bill Cowen that is an historian. And just as a little  
22 incident, we talked about a captured little girl, and  
23 through the collaboration of our work, we found out  
24 that there was. We always heard stories. So I  
25 collaborated with him to see if he ever heard stories.

1 We put it together, and, yes, there was a little girl  
2 that was captured in Oak Creek, and Wales Arnold, who  
3 was one of the pioneer families in Rimrock, adopted her  
4 and she grew up known as Lulu, and Apache Maid Mountain  
5 is named after her.

6 Q. Can you tell me a little bit about your work  
7 with the Western Apache Coalition and the Place Names  
8 Project that you've been involved with?

9 A. I'm sorry?

10 Q. Can you tell me a little bit about the  
11 Western Apache Coalition that you're involved with?

12 A. I am involved with the -- what we call  
13 ourselves, the acronym is NAGPRA, but it's the Native  
14 American Graves Protection and Restoration Act.  
15 There's a collaboration of Apaches. First of all, we  
16 have overall all Apache coalition that's made up of  
17 Apaches from Oklahoma to us. Involves the Fort Sill's  
18 Apaches, the Apaches of Oklahoma, and then the  
19 Mescaleros and the Jicarillas in New Mexico and then  
20 White Mountain San Carlos, Tonto Apache and the  
21 Yavapai-Apache.

22 And then under that coalition we have what we  
23 call a working group, which is made up of the Arizona  
24 group, which is White Mountain, San Carlos, Tonto  
25 Apache, and us. And in our position, to work with the

1 museums that took our spiritual items, that we have had  
2 to go to museums and try to receive those items.

3 A lot of the museums have cooperated and  
4 taken our elders' testimony as true facts. There are  
5 only two left that we are having a dispute with, the  
6 New York Museum of Natural History and the Smithsonian,  
7 who will not cooperate with us.

8 Q. Can you tell me -- I know that you've been  
9 involved with the Place Names Project in the past  
10 several years.

11 A. Yes.

12 Q. Can you tell me a little bit about that?

13 A. Under the western NAGRA working group, it's  
14 not only involved with repatriation of our ceremonial  
15 items that were taken, but we've also branched off and  
16 collaborated in several projects. And one of the  
17 projects is to come up with an Apache Atlas, and we  
18 have worked on this now since 1998. And up to now we  
19 have identified over 1,000 named places, starting in  
20 Mexico, all the way as far north as Grand Canyon. And  
21 we only have a very small segment to collaborate some  
22 information, and then our next project will be to come  
23 up with an atlas.

24 And we also do other projects. We  
25 collaborate on what we call a vocabulary of our

1 language, and we have come up with an animal book  
2 and -- I mean a plant book, ethnobotany book, that  
3 identifies the plants scientifically with the genus  
4 species name. But, also, we have taken and we all  
5 speak Apache, yes, but we have different dialects; and  
6 these different dialects will identify these different  
7 plants in their dialect. So we've collected those  
8 names and put them and identified them, and we have  
9 published a plant book.

10           And we're in the next process, is going to  
11 publish an animal book. And then our next, after that,  
12 right now we're working on traditional foods and  
13 preparation.

14       Q.     With regard to some of the place names, what  
15 was your process to engage in this project? Did you go  
16 out with elders and visit places, or how did you figure  
17 out what these place names were?

18       A.     Of course, our first resource is the elders  
19 that are still alive that still use those names.

20           And then we go to one of the best works in  
21 the Apache realm of named places and so forth that's  
22 documented is Greenville Goodwin's book, and we've used  
23 that as a backup and, also, as a resource to go find  
24 these places.

25       Q.     Can you give me an example of a place name



1 along the Verde River or within the Verde River  
2 watershed that has an Apache name?

3 A. I'm sorry?

4 Q. Can you give me an example of a place along  
5 the Verde River or within the Verde watershed that has  
6 a place name in Apache?

7 A. Well, how long do you want to stay here?

8 Q. Just give me one right now.

9 A. Our name for the Verde River is Tú Cho Líí.  
10 It's the big wide river. And the middle Verde, where  
11 our biggest piece of land is, TŁíí gai dighood. Means  
12 like the white rim. Our language is very descriptive,  
13 and it always tells you what it is.

14 [i shíí Lesh is the salt mines below Camp  
15 Verde there, and that means salt dirt, [i shíí Lesh.  
16 And Che yaa nago dil zílé is another place on Clear  
17 Creek. There's a clan name for that, but it means  
18 where the rocks are gouged out.

19 Q. Would it be safe to say that a lot of Apache  
20 names are -- they describe the landscape of the place  
21 that they're talking about?

22 A. There's a description or there's an event  
23 that takes place. There's one that we always talk  
24 about is Cornville. Our name for Cornville that goes  
25 back from the old people is Na ii zó''dil ghusé. It

1 means where the lizard was hollering. And so the joke  
2 always among our people is I wonder which hill he was  
3 hollering from.

4 Q. Let's talk a little bit about -- a little  
5 more about Tú Cho Líí, which is, you said, the big wide  
6 river for the Verde River. Can you tell me where the  
7 Verde River is in context of that description?

8 A. Anything above Beasley Flat. From Beasley  
9 Flat down, our name for that river is Tú Cho Linii, and  
10 just by adding Linii to it, then becomes the big river,  
11 the real big river.

12 Q. What about, can you tell me Pecks Lake at  
13 Clarkdale, can you tell me about how that's named in  
14 Apache?

15 A. Pecks Lake?

16 Q. Yes.

17 A. The region itself, a lot of times when we are  
18 asked to consult and name places, and particularly  
19 areas, the concept of the greater society is always a  
20 pinpoint place; but we look at it as a whole. We look  
21 at it as the whole picture.

22 So there's been many controversies about  
23 exactly. Our name for that area is Tuzigoot, and that  
24 goes back to the time when the river -- to us, when the  
25 river did make a wide bend and come around like this.

1 And then as the years passed, it cut through and left  
2 an oxbow lake. And so the monument, when they asked my  
3 great uncle what is the name of this place, he said  
4 Tuzigoot. So everybody thinks that Tuzigoot is that  
5 monument. And, by the way, Tuzigoot is the correct  
6 pronunciation, not Tuzigoot. It's not a hard G sound.  
7 It's kind of a W sound.

8 Tuzigoot means crooked water. So in the old  
9 days, when that river made that bend and went this way  
10 like this, it was a crooked bend. That's why it's  
11 called Tuzigoot in that area. But today the  
12 mispronunciation is Tuzigoot, and in our language  
13 Tú means water, zigoot means knee, so what you're  
14 saying is the name of that place is water on my knees,  
15 which is incorrect.

16 Q. Let's talk a little bit about the history of  
17 the Yavapai and Apache people, and I wanted to ask you,  
18 first of all, I think we've established your knowledge  
19 base for Apache people or Dilzhé'e Apache. What is  
20 your knowledge base with regard to Yavapai people?

21 A. The Yavapai people are, to us, we've lived  
22 with them, and when I always talk to school groups, you  
23 know, we don't talk in millions of years or so forth.  
24 The way the old-timers, and this is the way I heard it  
25 and I always pass it on to the kids, and they like it,

1 is the old-timers say that, oh, we've lived with the  
2 Yavapais for a looooooong time. That's the way they  
3 say it.

4           So but the story is that the Yavapai people  
5 came over who knows when; hundred years, thousand  
6 years. I don't know. But they did come over to our  
7 people and they said, "Nobody bothers you, and we're  
8 tired of being attacked by the Mojaves and the  
9 Hualapais, and we want to live with you because nobody  
10 bothers you." And that's how it began that they came  
11 over the mountain and lived with us.

12           And there have been -- yes, there have been  
13 intermarriages, but, like I said, we follow our family  
14 lines through the mother. So there may be a marriage  
15 of a Yavapai woman and an Apache man, but the child  
16 still holds first allegiance to the Yavapai side.

17           But there are some cultural things that we  
18 share, but there's also a very diverse culture they  
19 have. They have their own language. Apache and  
20 Yavapai language are as different as Chinese and  
21 French. There's no similarities. There's nothing that  
22 crisscrosses. And some of their cultural beliefs and  
23 so forth are different than ours. They practice their  
24 own and we practice our own. And we cooperate on some  
25 things, but, basically, we're two different people.

1 Q. So before nonIndians came into the territory,  
2 were there intermarriages between Yavapais and Apaches?

3 A. I'm sure there were.

4 Q. And the kids were probably at least  
5 bilingual?

6 A. They probably did, some of them, yeah. I  
7 think even up when I was growing, there were some  
8 people that were bilingual. I know that my  
9 grandmother's third marriage was to a Yavapai man, and  
10 when I grew up, that's how come I know a smidgen of  
11 Yavapai, is that when my grandmother and my  
12 step-grandfather spoke in the house, my grandmother  
13 spoke to him in Apache and he answered in Yavapai and  
14 the language back and forth.

15 Q. So when we go back to the written records  
16 that you've reviewed and some of the written history,  
17 maybe Spanish history in written records, or when  
18 nonIndians started come into the territory and there  
19 were written records, was there a misunderstanding of  
20 Yavapais and Apache where they were combined and known  
21 as Apache-Mojaves sometimes?

22 A. First of all, for our people up there in the  
23 Verde Valley and the Yavapai and Apaches, there's been  
24 very little written. There's some Spanish journals  
25 about Espejo coming through there with his entourage,

1 and then there's other documents I've seen from the  
2 Court of Claims about trying to explain who was there,  
3 because that was one of the things that the Court of  
4 Claims, when the tribes sued the government through  
5 compensation for the land, that they were trying to  
6 identify exactly who was there.

7           And it depends on -- it's not very clear, and  
8 so a lot of the knowledge that we have is -- what we  
9 have is handed down to us by oral tradition, and so  
10 that the records are just unclear.

11           Now, the Yavapais, I've heard them talk, and  
12 they call themselves Aba'jas, and they call us Aulaias.  
13 And so their explanation of why they were called  
14 Mojave-Apaches was they say that "Who are you" when the  
15 first settlers or, basically, the Army, the Army, is  
16 that they said "We're Aba'jas." And when they said  
17 Aba'jas, they thought they said the Apaches, and so  
18 they became Mojave-Apaches.

19           But then other explanations that are written  
20 documents I've seen is the reason why they were  
21 Mojave-Apaches is that they were intermarried with  
22 Apaches. So, you know, whichever record, whichever  
23 way.

24           But when it comes to family lineage, our  
25 people are like elephants. They never forget. You can

1 have -- way back in your background, you can have --  
2 you might have had a Yavapai mother or father, but  
3 probably five, six generations down the line people  
4 will always still say, "Oh, he's a Gohn." That means  
5 he's got -- he's Yavapai.

6 And vice versa. The Yavapais will say, "Oh,  
7 he's not all Aba'ja. He's got Apache in him." And  
8 maybe, as I always say, he may only have a fingernail  
9 full of Apache blood in him or Yavapai blood.

10 Q. I would like to talk a little bit about your  
11 aboriginal territory for the Dilzhé'e Apache. And in  
12 your affidavit, I think I have it flagged. This map  
13 right here, this will be the first map, and it's  
14 attached to -- let's see, it's Exhibit X-055, and it's  
15 the Subexhibit YAN-1, and it's Exhibit A of Vincent's  
16 affidavit. And this is a blown-up version of the map.

17 And you've seen this map before, right,  
18 Vincent?

19 A. Yes.

20 Q. Okay. Can you tell me a little bit about  
21 this map and what it delineates?

22 A. Basically, I always -- when I try to help  
23 people understand our aboriginal territory, it's almost  
24 what is Central Arizona today. The territory,  
25 aboriginal territory, basically is from Ash Fork, and

1 if you draw a line south all the way to Aravaipa Canyon  
2 and then draw the arrow back towards Show Low and then  
3 from Show Low back to across Flagstaff and back to Ash  
4 Fork, is, basically, roughly, the aboriginal territory  
5 of the Dilzhé'e people.

6 Q. Does this map also show the Yavapai  
7 aboriginal territory?

8 A. Yes. They had quite an extensive territory  
9 that they roamed, and, of course, they had to roam a  
10 lot of the country because even today it's hard to  
11 survive out there where they -- in their aboriginal  
12 territory.

13 But, basically, it was the Verde River down  
14 to the confluence of the Salt and then extending down,  
15 as I understand, down towards Gila Bend and then down  
16 towards Ajo, down in that country, and then back up to  
17 La Paz or Parker today; and then from there, head north  
18 up towards north of Wickenburg, which would be up  
19 around Congress Junction and Skull Valley and all that  
20 territory.

21 I know that their Court of Claims, when that  
22 was settled, the numbers that were used was 10 million  
23 acres. There's a little thing about the Southwestern  
24 group there, and I don't remember their name. I'm not  
25 a Yavapai. But they're extinct today because they were



1 rounded up off that desert by below Gila Bend and were  
2 taken to La Paz or Parker. And as I understand, they  
3 were given smallpox blankets, and this actually  
4 happened as they tell the story, and there's none of  
5 them left. That particular group is gone.

6 Q. On this map we have the Yavapai territory to  
7 the west and then we have the Dilzhé'e or Tonto Apache  
8 territory to the east. And Americans like to draw  
9 lines on maps. When you describe a territory, from  
10 your perspective from a cultural perspective, are the  
11 lines hard lines, or are they just descriptive areas  
12 more?

13 A. There was a lot of overlapping, and,  
14 basically, the way I understand it, when the Court of  
15 Claims tried to delineate what they called the Northern  
16 Apache claim versus the Yavapai claim, like you said,  
17 they wanted a hard line. So they used the Verde River.  
18 But in our tradition, we more or less used mountain  
19 ranges.

20 So from the perspective of the Apaches that  
21 were living in the Verde Valley, the dividing line to  
22 them was the Black Mountain range, which includes  
23 Mingus and what is known as Squaw Peak today and that  
24 range. But that's the way they looked at it.  
25 Everybody living on the other side were Yavapais, and

1 anybody living on the east side were Apaches.

2 Q. So from this map, is it pretty safe to say  
3 that the Verde River is in the heart of Yavapai and  
4 Apache territory?

5 A. Yes.

6 Q. Would it be safe to say that the Verde River  
7 is encompassed completely by Yavapai and Apache  
8 territory?

9 A. Yes.

10 Q. I wanted to talk to you a little bit about  
11 the Dilzhé'e Apache relationship to water and its  
12 importance to Apache. I know this could be a very long  
13 conversation, and we have had many of those; but can  
14 you explain, in your thinking and the way Apaches  
15 interpret it, what that relationship to water is?

16 A. In the beginning, after The Creator created  
17 the earth, our stories is that there was an  
18 underground, and that's where mankind was put first.  
19 And because of the many conflicts in the society, such  
20 as murders and disrespect of life and all these other  
21 things, and especially witchcraft, that the people  
22 basically wanted to -- the good people wanted to leave;  
23 but they didn't know what to wear and what to do, so  
24 they asked for spiritual help. And it came that they  
25 should -- they were given a vision, sent, of all

1 things, as it was a hummingbird, and he was to go find  
2 a new place. And so he did find a place, and by  
3 planting a grape, a grapevine grew out.

4           And so the people left that land underneath  
5 the earth and emerged through the waters at Montezuma  
6 Well. Our name for Montezuma Well is Tú šich'il.  
7 Tú šich'il means a broken out water, the water  
8 separated and broke. And that we emerge out of that  
9 underworld to this world of milk and honey, so to say,  
10 using biblical terms.

11           And that's how we today, to us, Montezuma  
12 Well is a holy site, and because of that relationship  
13 of coming through that water to this world, people go  
14 there to pray and to ask for healing, and they sprinkle  
15 water on themselves.

16           Then the next important part about water to  
17 us is that after the flood -- we have a flood story in  
18 our way of life, and there was a young maiden that  
19 lived through the flood. And after she grew up and was  
20 able to conceive a child, her first child was for  
21 water. And there was a spring in what is today called  
22 Boynton Canyon. There's a spring there that now is  
23 dry, but it used to run; and that impregnated her. So  
24 the first child that was born after the flood in our  
25 way of life was a woman child, and the father was

1 water. So we honor all springs.

2 Then through divine revelation, there's  
3 another category of springs that has special powers  
4 besides the one that comes out of Montezuma Well; and  
5 some of these springs are like Fossil Creek, springs at  
6 Fossil Creek. There's another spring in the upper end  
7 of Oak Creek. But these are revered because they have  
8 special power for healing and used in healing  
9 ceremonies.

10 And then the rivers are revered because they  
11 have great power. They're able to destroy. They're  
12 able to wipe out and change the landscape. And so  
13 that's how we look at it.

14 Q. One time you told me about the first Apache  
15 encounter with the Spanish.

16 A. What's that?

17 Q. The first Apache encounter with the Spanish,  
18 can you tell me a little bit about that?

19 A. Yes. I had an uncle. It's really my mom's  
20 cousin, but like I told you before, the first  
21 generation of -- you may be a lone child, but your  
22 first cousins become your brothers and sisters, and we  
23 follow the -- our kinship does not spread out.

24 In today's society, it starts with two people  
25 up here, and they have children and then they have

1 children, and it keeps spreading out. So this side  
2 doesn't know this side.

3 But in our system it just stays down the  
4 line, especially you come down the women's side, the  
5 women's side, even though they may be sixth cousin in  
6 the terminology of this society, they're still brothers  
7 and sisters to us.

8 And so my mom had a -- and today, just for  
9 better terms, we say cousin sister. So my mom had a  
10 cousin brother whose name was Victor Smith. Victor  
11 Smith had the reputation that he always hung around  
12 with the old guys and that he never worked. But the  
13 good thing is I'm glad he hung around with the old guys  
14 because he knew a lot of stories.

15 And so one day when I was about, oh, I don't  
16 know, about 18, I think it was -- I don't know,  
17 somewhere in there -- when I was still in high school,  
18 one day he told me, he said, "I want to take you down  
19 here, and I want to show you where we saw the first,"  
20 as he said it, "Na Kaí yé." In our language, Na Kaí yé  
21 translates as the roamers, people that roam around. He  
22 said, "I'll show you where we first saw them."

23 And so we took a ride from middle Verde and  
24 went back towards I-17, and there's a road. I can't  
25 remember what the name of it is. It cuts off, and then

1 we drove on down to a high point and then there's a  
2 bend in the river there. The river makes a bend. It's  
3 just below where the Verde Ditch dam is. And he said  
4 "This is it right here. The old-timer said this is  
5 where we saw the first Spaniards when they came through  
6 here," he said.

7 And so as near as I can figure, that probably  
8 was Espejo's expedition of 1583.

9 Q. Can you tell me a little bit about the  
10 original clans that would have been related to the  
11 Clarkdale and Camp Verde areas?

12 A. The clan that lived mostly in Camp Verde area  
13 and up towards the lower Oak Creek Valley and towards  
14 Beaver Creek today were the Yágohighain, which means the  
15 white land people, and that's taken from the limestone  
16 white-colored land that's there. Then our name for  
17 Squaw Peak is Dáh zine das dahé. Means where the  
18 porcupine suns himself. And there is a clan that lived  
19 just behind that mountain, and we call them  
20 Dáh zine das daín, the porcupine people. And that  
21 would be the upper cienega part.

22 And then from Beaver Creek, up on that upper  
23 end, there was a clan that lived in that country that  
24 were known as Gad chéhn T'iidn. That means the  
25 description is the cedars growing out of rocks. So

1 they were the cedars growing out of rocks people.

2           Then up in the Oak Creek country were the  
3 Ché hii ch'iin, which means the red rock people. And  
4 then on the upper, on the upper end of the -- on the  
5 other side of Clarkdale, at what is now Perkinsville,  
6 was a clan called Gad dzilé, which means cedar mountain  
7 people.

8           Q.       Okay. I want to talk next about the next map  
9 that we have, and this would be, again, in Exhibit  
10 X-055, Vincent Randall's affidavit, which is delineated  
11 as YAN-1, and it would be Exhibit B to that affidavit.

12                  Let's talk a minute about the coming of the  
13 nonIndian into your territory. We talked a little bit  
14 about your grandmother or your great-grandmother and  
15 what she saw. Can you tell me a little bit about that?

16           A.       Because we roamed that country -- that's a  
17 little explanation too, is that we roamed that timber  
18 country and everything; but, again, because of our  
19 system of taboo on incest all the way to clan  
20 relationship, not just blood relationship, but clan,  
21 somehow you're part of that clan, you cannot marry  
22 anybody in your blood line or your clan. And so even  
23 though we roamed the upper end up in the timber  
24 country, which was our homeland, we were the first  
25 snowbirds, I think, because we wintered in the Verde

1 Valley or we wintered in the Tonto Basin country,  
2 because, again, my great-grandmother was given as a  
3 gift to the white land people. So through her we had  
4 relatives that lived down in the Verde Valley,  
5 basically around Camp Verde and so forth.

6           So, anyway, as my mother told me, that, as I  
7 said, she lived with her grandmother, and her  
8 grandmother told her about the first time that they  
9 ever saw a white person was, as they call it in our  
10 language, they call it *Chì na ghá 'nen*, which means a  
11 walking wooden box, is the first thing they saw.

12           And they said -- and she said that she saw it  
13 there around Flagstaff. And the thing that impressed  
14 her the most was two things. One, that these were very  
15 fair-looking people. They were pale, so to say, they  
16 said, and basically had blue eyes; and but they had a  
17 monster with them. And as near as I can relate to it,  
18 that would have been the Texas longhorn that she called  
19 the monster. It was a terrible-looking creature that  
20 they had with them.

21           And that was her recollection of the first  
22 white person, white people they ever saw.

23           And because of the blue eyes, today it's  
24 shortened. We say *Iinaa*, which means either the enemy  
25 or the eyes. But I know that in the old days the whole



1 term was *Iina dot'liz*, which means the blue eyes.

2 Q. In all of your research and historical  
3 understandings and knowledge, do you have a time period  
4 when your great-grandmother would have seen them? Is  
5 there a time period that you can associate that with?

6 A. My mom always put the time period as like  
7 during the gold rush, with what she knew about the gold  
8 rush and so forth. She said, "I think those people  
9 were the people that were going to look for gold," is  
10 the way it was put.

11 Q. So maybe that -- was that around the 1850s?

12 A. Around the 1850s, I would say.

13 Q. Okay. So in talking or going back to our map  
14 up here, can you tell me in general what this is a map  
15 of?

16 A. Yes. Starting with the settlers that came in  
17 the Verde Valley around 1860, whatever the date, and  
18 settled down there on the confluence of the West Clear  
19 Creek and the Verde River, it opened up a Circle K  
20 store for us, and we started raiding their crops and so  
21 forth and somebody shot somebody; and we shot back, you  
22 know, whatever. Who knows who shot the first shot.

23 But be as it may, then the settlers asked for  
24 protection, and so Fort Whipple sent over a contingent  
25 of soldiers to come into the valley there to protect

1 the settlers and basically started what we called the  
2 Indian Wars. And an extensive campaign was run against  
3 us, basically from about 1860, just using 1860, through  
4 1871.

5 General Crook, who came in and commanded this  
6 campaign, was a believer in that it took an Indian to  
7 kiss an Indian, so he employed scouts from the other  
8 Apaches from White River and, also, the Yavapais, who  
9 had now been subdued and put on a Reservation north of  
10 Wickenburg at Camp Date Creek, recruited them and also  
11 recruited Hualapais. And so did a search and deploy  
12 mission every day and hunted us for 11 years, until  
13 1871. Just couldn't fight anymore.

14 And so two contingents of Dilzhé'e people  
15 came into Camp Verde and surrendered to the Peace  
16 Commissioner, Vincent Colyer.

17 Ulysses S. Grant set up a system of creating  
18 executive treaties, which meant that he could appoint a  
19 Commissioner to go out and sign treaties on behalf of  
20 the United States. And so he sent out Vincent Colyer,  
21 and when the Apaches came in in 1871, surrendered at  
22 Camp Verde, then he set up a Reservation, which was  
23 known not as a Reservation at that time, but as The Rio  
24 Verde Reserve. And that is a map of the reserve.

25 And the two groups, the first groups that

1 came in, was the ones from the timber country, which  
2 was our people, and came in under a leader by the name  
3 of Has T'ii n Nez, means Tall Old Man. And the ones  
4 below the rim came in under their leader, Cha Tii Pah,  
5 which means Gray Hat.

6 And Gray Hat made a statement at that time  
7 when he surrendered. He said, "We're not afraid of you  
8 Army soldiers. We can fight you guys. But we can't  
9 fight you and our own people." And so they  
10 surrendered.

11 And then the other last group that  
12 surrendered was in 1873. That was Tel ché'é, which  
13 means the red ant, surrendered with his people at Camp  
14 Verde.

15 So when the Reserve was set up, that is the  
16 map of the Reserve. And what it is is that the treaty  
17 was made that sets that just about where I-17 crosses  
18 the Verde River today, just a little bit above there,  
19 is where from that point up the river 10 miles on both  
20 sides of the river, 45 miles up the river, was the  
21 Reserve.

22 So as you can see, that map extends all the  
23 way up there around Paulden, which is above Chino  
24 Valley, and 10 miles on both sides.

25 But the executive order treaties are just

1 about as useless as the ink on the paper, so it was  
2 ripped up in 1875, and that's when we were marched out  
3 of our homelands.

4 Q. What was the reason why, in 1875, this Camp  
5 Verde Indian Reserve was taken away and you were sent  
6 to San Carlos? Was there a reason for that?

7 A. There was two. Well, it really came to one  
8 factor, and the reasons were, one, is that when we were  
9 put on that Reserve, we began to farm. You know,  
10 there's a lot of misconception, stereotyping of our  
11 people; that we were raiders and fighters and so forth.  
12 Nothing's really mentioned about the fact that we were  
13 also farmers. We did farming prior to the war years,  
14 so to say.

15 So when we were put on the Reserve and the  
16 agency being up there near Cottonwood, by Haskell  
17 Springs today, the Yavapai settled at Haskell Springs  
18 and they tried to farm on that side, and the Apaches  
19 congregated most of their people over what is now Dead  
20 Horse Park by Cottonwood. And they dug a ditch and  
21 started farming and began to not only raise crops for  
22 themselves, but the Army induced them to also raise  
23 oats and hay.

24 And by raising their own crops and being  
25 self-sufficient, it cut into the profits of the people

1 known as the Tucson Ring that were supplying the  
2 rations to the Reservation and Camp Verde and other  
3 places.

4 And so they went to Washington and they  
5 influenced the War Department that they should move all  
6 the Indians as close as they could to Tucson so they  
7 could better supply the Reservation and get a better  
8 profit in what they were supplying.

9 So that was one of the reasons why that the  
10 Reservation ceased in 1875 and we were marched out of  
11 there, I believe on February the 25th, 1875.

12 Q. And can you tell me --

13 CHAIRMAN NOBLE: Robyn, would this be a  
14 good place to take a break?

15 MS. INTERPRETER: That would be great.

16 CHAIRMAN NOBLE: Thank you.

17 (A recess was taken from 10:15 a.m. to  
18 10:31 a.m.)

19 CHAIRMAN NOBLE: We're ready to go.

20 BY MS. INTERPRETER:

21 Q. Okay, I guess we're back on the record here.

22 Where we left off before the break,  
23 Mr. Randall, was talking about the trip to San Carlos  
24 in 1875.

25 Do the Dilzhé'e have a name for San Carlos?

1           A.       We call it Dzán gaa, which means a place  
2 where you have fever.

3           Q.       Now, you said it's the place where you have a  
4 fever?

5           A.       Yes, where you have a fever.

6           Q.       Do you know why that was called that way?

7           A.       From what I understand the old-timers say is  
8 that the river bottom of the Gila River is -- that  
9 agency was right along the Gila River, and they said  
10 that, from the stories I heard, that that river valley  
11 had Jij sol T'éhé, they call it, which is mosquitos,  
12 and it causes fever. So that's why they call that  
13 place, the Old San Carlos, the place of fever.

14                   And so when they settled down there, we  
15 settled in the mountains away from the river.

16           Q.       Old San Carlos is now today underneath  
17 San Carlos Lake; is that correct?

18           A.       When the water's high, it's underwater. But  
19 at this point in time, I believe right now the water's  
20 down so bad that you can see the foundations of the Old  
21 San Carlos I guess so-called Fort.

22           Q.       According to your information that you have  
23 obtained from the old-timers and other elders that you  
24 have talked with over the years and the records that  
25 you've reviewed, like military records, have you ever

1 come across any -- are there any places along the Verde  
2 River that you know of that was acknowledged as a place  
3 where you could get fever?

4 A. From the account of Dr. Corbusier, the doctor  
5 that was the doctor that was assigned to the agency, in  
6 his memoirs written by his son, there is a reference to  
7 the first agency that was set up for The Rio Verde  
8 Reserve was at Pecks Lake, and because of the backwater  
9 and malaria, the agency was moved to the base of Mingus  
10 at what is known as Haskell Springs. In our language  
11 it's called hot water, Tú šidogé.

12 And, also, the Army records show that when  
13 they came over the mountain and set up their first base  
14 is just above what we call the Black Bridge in Camp  
15 Verde today, which is the crossing there north of town  
16 on the Verde River. In that vicinity was where the  
17 first encampment of soldiers, which was known as Camp  
18 Lincoln; and because of the malarial infestation of the  
19 soldiers, it was moved up to higher ground, which is  
20 where Fort Verde is located today, and the name changed  
21 to Fort Verde.

22 Q. Before nonIndians or the military came into  
23 the area, did the Dilzhé'e people go to these areas or  
24 live in these areas along the Verde where there was the  
25 malarial conditions?

1           A.       Makes common sense they would avoid that  
2 place.

3           Q.       So for the clans that are related to these  
4 areas at Clarkdale and Camp Verde, they wouldn't have  
5 lived in the areas where you can get fever; is that  
6 right?

7           A.       Correct. Yes.

8           Q.       So 1875 was the time that the Yavapais and  
9 Apaches that were on the Rio Verde or Camp Verde Indian  
10 Reserve were taken to San Carlos. How long did you-all  
11 stay in San Carlos?

12          A.       I think there needs to be a correction in  
13 that statement. Not all Dilzhé'e people went to  
14 San Carlos. In our stories there were people that left  
15 the Reserve, knowing that they were going to  
16 San Carlos, and hid out in the canyons of Fossil Creek  
17 and Oak Creek, up in the timber country.

18                   And so they didn't all go to San Carlos. And  
19 for that reason there was a full operating, full  
20 operation detachment of soldiers always at Fort Verde  
21 and a detachment of scouts trying to hunt these people  
22 down. And they were still hunting them in 1879 and  
23 into 1880 in this part of the country.

24                   But those that did go to San Carlos, by 1890  
25 were already headed home. And by home, our way of



1 life, our concept is that the creator put people in  
2 places and gave them that place to live to take care of  
3 it, to be good stewards of the resources, the land and  
4 so forth.

5           And so wherever these clans come from, where  
6 the home base is, then that is a term that we use,  
7 Shiikéyaa, which means my homeland. And so just as  
8 much as the Jewish people were given the Land of Canaan  
9 by God and it became their land, that even though they  
10 were dispersed in 1947, when Israel became a country  
11 again, all the Jews started going home because that's  
12 home to them. And that's the same way with us.

13           San Carlos was never our home. Our home was  
14 the mountains and the valleys of the north and other  
15 places wherever the clans came from. But because most  
16 of our clans were located around springs and so forth,  
17 the settlers had already come in and claimed those  
18 lands; and so we had to go find another place to live.

19           And so, basically, a lot of people then went  
20 to live with relatives, different places. But, also,  
21 because of the economic education that we learned down  
22 in San Carlos by selling hay and wood to the town  
23 people of Globe, we learned that you could work and  
24 receive a wage and buy groceries. And so then we  
25 started to congregate with our relatives in places

1 where there were jobs, a place to survive, and so that  
2 brought some of us.

3           As I said before, I come off timber country,  
4 but today I live in the Verde Valley because that's  
5 where my relatives, my family and relatives, and, also,  
6 they could find a job there.

7           But by 1890 there are records that upwards of  
8 400 had already come back into at least the Camp Verde  
9 area, and there are letters by the settlers about  
10 sending us back to San Carlos, petitions to the  
11 Governor, I believe it was Governor Hunt, to get us out  
12 of the valley and send us back.

13           But there was also some in the works that  
14 I've been trying to research and find proof to it, but  
15 General Miles took over the operation of Army, and I  
16 believe his intentions. Because the old people always  
17 said that when we went to San Carlos, they were told if  
18 you serve as scouts and you bring in these other  
19 Apaches that are unruly, like the Chiricahuas, like  
20 Geronimo's outfit, you could go home. And so they  
21 served as scouts. If you will see the Army roster,  
22 that our people, there were many of them served as  
23 scouts because they were induced by that promise.

24           And so I believe Miles, in his own way, was  
25 trying to -- he was going to give up the Military

1 Reservation at Camp Verde and turn it back to our  
2 people. But the settlers got wind of it and started a  
3 very extensive campaign, especially by the First  
4 Baptist Minister by the name of Bostwick, who was one  
5 of the first people that got the settlers riled up and  
6 sent petitions and so forth. But it didn't do any  
7 good. They never -- they didn't send us back to  
8 San Carlos.

9           So into the 1900s then more people kept  
10 drifting in; more settlements then developed up in  
11 Clarkdale, Jerome, Cottonwood, and we were just  
12 squatting on people's lands.

13       Q.     And some of the folks that were returning to  
14 home, the Yavapais and Apaches that were returning to  
15 these homelands, some of them went to Payson; is that  
16 right?

17       A.     Well, the people that came from Payson went  
18 back to Payson.

19       Q.     Went back to Payson.

20       A.     Back in that part of the country. They went  
21 back to the East Verde and up on its tributaries. And  
22 then some of them, through the help of settlers that  
23 were compelled to compassion for the people, helped  
24 them homestead. There's a piece of land there where  
25 the bridge crosses the East Verde up north of Payson

1 where now there is a subdivision there, but at one time  
2 that was a homestead by *Dił yi yááni*, was his Indian  
3 name, which means blood eater; but he took out a  
4 homestead there of 97 acres. But eventually his  
5 daughter sold that.

6 Q. And then the Yavapai Prescott Indian tribe,  
7 are they some of the folks that returned from  
8 San Carlos as well?

9 A. Oh, yes. All the -- the Yavapais that were  
10 first rounded up and put on the Reservation in 1868 at  
11 Camp Date Creek north of Wickenburg, they were  
12 brought -- that was an executive order treaty and  
13 Reservation too. So they ripped up that treaty and  
14 turned the Reservation over to public domain, and they  
15 sent them over the hill to the Verde Valley to the  
16 Rio Verde Reserve in 1873. And so a contingent of  
17 around, I believe, 800 Yavapais that were brought onto  
18 the Rio Verde Reserve.

19 Q. What about the Fort McDowell Yavapai nation?

20 A. They were sent north there to the Rio Verde  
21 Reserve too.

22 Q. And so the folks who are tribal members at  
23 Fort McDowell Yavapai Nation, many of those are  
24 descendents of folks that had been sent to San Carlos  
25 as well; is that correct?

1 A. Yes, that's correct.

2 Q. So you describe a time from about the 1890s  
3 to the other 1900s, when families and folks were  
4 leaving San Carlos and coming back home; is that right?

5 A. Yes.

6 Q. And you describe this connection to the  
7 homeland, and when we talked earlier, we talked about  
8 water and the importance of water to the Apache people.  
9 Did that continue once folks returned back  
10 home to the homeland?

11 A. Yes. Like I said, the original homeland,  
12 generally, their home base, so to say, was generally  
13 around the springs and so forth. Basically, the  
14 springs, because that's the -- as I was told many  
15 times, that the spring is -- living around the spring,  
16 you've got good water, and it's water that more or less  
17 can be channeled to irrigate your fields.

18 Whereas the river bottom was -- I always  
19 asked the question "Why didn't you use the river  
20 bottom?" They said, "Well, it's unpredictable," they  
21 said, "because you could have summer rains and wipe out  
22 a crop."

23 And the crops that they raised was very  
24 important, because that's what sustained them through  
25 the wintertime, besides the gathering out on the

1 landscape. But, basically, the dried corn and the  
2 squash, Apache squash and so forth, those are items  
3 that sustained them through the winter.

4           So when they came back, you will find that  
5 these camps that were springing up at different places,  
6 especially on the upper end in Clarkdale, I know of for  
7 sure, is that these camps were always located where  
8 there was water, good water.

9           And, yes, the river water was used to drink  
10 with, but spring water is so much better. So most of  
11 the people then that came back on the upper end, they  
12 lived around springs, unless there was a water supply  
13 that was dependable from the town itself. But most of  
14 the time people didn't want them in town anyway, so  
15 they lived on the outskirts of town.

16       Q.     Let's talk again a little bit about the  
17 descriptions or the name of the Verde River that's the  
18 Apache name for the river. You said that there's a  
19 name for the river above Beasley Flats. Can you tell  
20 me that name again?

21       A.     Tu Líí Cho, which means the wide river; and  
22 Tú Linii Cho means really a big river, swift and hard,  
23 and that's below Beasley Flat, because by that time,  
24 when you got to Beasley Flat, all the tributaries that  
25 come off the mountains from the east side have emptied

1 into the Verde and now becomes a big river.

2 Q. And by big river, you're meaning that there's  
3 a lot more water and it moves faster?

4 A. A lot more water and a lot faster.

5 Q. So in contrast to that description of the  
6 river below Beasley Flat, within your cultural  
7 knowledge of the time before nonIndians came to the  
8 Verde River Valley, what did the river look like  
9 through the Verde River Valley?

10 A. Well, if you've ever been in that country,  
11 that's mostly the salt rock, and the river is cutting  
12 through that, the salt rock. So it's a lot more in, so  
13 the water, so to say, is shooting through those gaps.

14 Just below Beasley Flat there's what's called  
15 The Falls, and there would be very swift water running  
16 through there. And then it runs on down through the  
17 salt channels that goes on down to Clear Creek. I mean  
18 Verde Hot Springs. And I would say -- I wasn't there,  
19 but that was a roaring from one wall to the other wall  
20 going through there.

21 Q. And that was below Beasley Flat, right?

22 A. That was below Beasley Flat.

23 Q. So what about the river from Beasley Flat  
24 upriver?

25 A. From what the old-timers talk about, is that

1 the water from that, from Beasley Flat up, that the  
2 river there was a wider river. That's why it's called  
3 Tú Líí Cho, a wide river, extending up all the way up  
4 through Clarkdale.

5 Q. Did they talk about any other characteristics  
6 of the river?

7 A. Basically, one of the things that the -- at  
8 that time, as I understand it from them, is that the  
9 river was wide and not very deep, and that there was --  
10 although there was specific crossings, basically,  
11 generally speaking, you could cross most anywhere.

12 Q. And when you say there was specific  
13 crossings, do you know where some of those crossings  
14 were before white folks came to the neighborhood?

15 A. From some of the -- in Greenville Goodwin's  
16 work, he brought some informants of Dilzhé'e Apache  
17 that lived in the Verde Valley prior to going to  
18 San Carlos. I know that there's a section, if I  
19 remember right, that in the name places, that where the  
20 White Bridge is today in Camp Verde, which is just  
21 south of town there that crosses the Verde, that was  
22 one of the crossings there.

23 And then for us, you know, we crossed back  
24 and forth up through middle Verde; but once we got to  
25 middle Verde, and then we cut across, and what is now



1 Route 260 from Camp Verde to Cottonwood is basically  
2 the same trail that we used to use.

3           And then the other crossing, of course, is on  
4 the East Clear Creek, and that's where the bridge is  
5 today. And when General Crook built his famous Crook's  
6 Trail, as they call it today, it was really our trail.  
7 All he did was follow it, and he widened it so that he  
8 could use wagons on it; and he did that going up  
9 through what we call 13 Mile Rock and all the way up to  
10 29 Mile Lake and then across the rim and followed the  
11 rim, which was an old trail that went to White River.

12       Q.       And that was a Dilzhé'e Apache foot trail or  
13 did you use horses?

14       A.       A foot trail and later was a horse trail.

15           Today, when the old-timers talk about it,  
16 they say *Líí bit'in*, which means horse trail.

17       Q.       And at those crossings, you had stated that  
18 the river was shallow in many places. Would you say  
19 that those crossings you could have crossed on foot?

20       A.       Yeah.

21       Q.       Was there any description, any further  
22 description, about those crossings? Did anybody have  
23 to hop across the river? Did anybody jump on stones or  
24 dirt or anything like that? Do you know anything about  
25 that?

1           A.       I think that's more or less today's  
2 description, is that there are places today where the  
3 river was wide, but today you could hop across it with  
4 no problem.

5                    But in the old days it was wide, the river  
6 was flowing, but not so dangerous to where even  
7 children could, you know, at least 10 years old and so  
8 forth, could cross with no problem. You know, little  
9 children, you had to take them across and carry them.

10          Q.       Have you ever heard of any elders or stories  
11 or do you have any cultural knowledge of the Dilzhé'e  
12 people ever using the river for trade or travel before  
13 nonIndians came to the territory?

14          A.       No.

15          Q.       Do Dilzhé'e Apaches use boats?

16          A.       No.

17          Q.       Do you have a word for boat in Dilzhé'e  
18 Apache?

19          A.       I imagine, from the first boats they saw,  
20 they called it Chí na eł é, which means the floating  
21 wood box; and they even called Chí na eł é cho today  
22 for steamships.

23          Q.       Do you have any cultural knowledge or have  
24 you heard from any of the elders that you've spoken  
25 with about the time period when the military came into

1 the valley and the settlers were coming into the  
2 valley, did anybody ever tell you about either the  
3 military or the settlers using the Verde River for  
4 trade or travel?

5 A. No. I've asked that question many a times,  
6 and like right now, the latest, I have a great-aunt  
7 right now that's turning 90 on the 17th of this month,  
8 and she's one of the elders that we still have, and she  
9 was raised by her grandmother, who I still remember  
10 her. She lived well up into her 90s-plus. They used  
11 to live in Cottonwood.

12 I asked her the same question, and she said  
13 we never saw a boat. And I said, "Did your grandma  
14 ever tell you about boats or anything, canoes or  
15 anything?" She said, "No, they never saw anything like  
16 that," she said.

17 Q. Did any of the elders ever talk about the  
18 Fort at Camp Verde and whether or not there was any  
19 boats or crossings for the military at Fort Verde?

20 A. I've never heard of them talk anything about  
21 that.

22 Q. In all of your research and  
23 information-gathering for the Nation as a historian and  
24 cultural resources director, have you ever read any  
25 documents, like soldier accounts, military accounts,

1 pioneer accounts, talking about the river being used  
2 for trade or travel?

3 A. I have never seen anything like that written.  
4 As far as the -- years ago my Uncle Ted Smith had a  
5 researcher take the -- go back and dig out the monthly  
6 reports of the officer at Fort Verde, and I have read  
7 those accounts; and I never have seen anything written  
8 about the use of boats or anything.

9 Q. With regard to the Rio Verde agency that was  
10 originally at Pecks Lake and then moved to Haskell  
11 Springs, have you read information out of that agency,  
12 have you reviewed documents that relate to that agency?

13 A. I'm sorry?

14 Q. Have you reviewed documents related to the  
15 Rio Verde Reserve agency in your research as a  
16 historian and cultural director?

17 A. The only real documents I've seen as far as  
18 when the Indians came in to surrender, one of the  
19 things that was promised them was food, rations. And I  
20 can only really state that from Corbusier's books and,  
21 also, from the Army journals too, is that there was a  
22 road hacked in coming out of Dewey to what is now what  
23 we call the Bottleneck Ranch just above the -- where I  
24 think it's Highway 69 takes off to Dewey. In fact,  
25 that Dewey road might be following that old Army trail.

1 But, anyway, it come up over the mountain and then down  
2 into the Fort. And so they used that to supply rations  
3 to not only the Army folks, but also to the agency at  
4 Haskell Springs.

5 Q. So do you have any knowledge of any folks  
6 using, the agency at Haskell Springs, using the river,  
7 the Verde River, to ship goods or move goods?

8 A. Well, it would seem to me that entrepreneurs  
9 are after making profit, and it sure would be easier,  
10 if you got the supplies to Prescott, take them over by  
11 to Paulden, and if the river was navigable, then they  
12 could have shipped the supplies down the river to  
13 Cottonwood and then hauled it up to the agency. But I  
14 don't see any records of them doing that.

15 Q. So all the movement of goods to and from the  
16 agency went by land; is that right?

17 A. From all of my reading that I have seen, is  
18 that it came over from just where I told you and over  
19 the mountain and into the valley.

20 (Commissioner Henness exited the  
21 hearing.)

22 BY MS. INTERPRETER:

23 Q. You said earlier that Apaches don't use  
24 boats. Can you tell me why?

25 A. Boats, to us, it was -- it sure was easier --

1 it was easier to go over land than it was to follow a  
2 stream. And the water, it takes energy to go up a  
3 river. And so for us it was much easier to use the  
4 land trails to get from Point A to Point B.

5 Q. Did the river itself have any impediments to  
6 it or things that made it harder to use the river?

7 A. There are obstacles such as the plant growth  
8 of the riparian area and, also, the contour of the  
9 river bottom itself. Instead of going up and down and  
10 so forth, it's easier to walk across flat land than it  
11 is -- than going through these and fighting the  
12 obstacles of the riparian area.

13 Q. So when Apaches were traveling, say, from  
14 Camp Verde to Clarkdale, what route would you take to  
15 get there?

16 A. There were basically two routes. The easier  
17 one, of course, is what follows 260 today. The other  
18 route was on the east side, and it followed, up on the  
19 upper, just underneath the rim of the hillside. But  
20 there was one danger in the summertime or whenever the  
21 river was high, and that was Oak Creek.

22 But so, basically, the overland route that  
23 follows 260 was used a lot more. But if you went on  
24 the east side, you would have to cross Oak Creek,  
25 sometimes may be high, and then you had to go on up to

1 what is now Bridgeport, which is southeast of  
2 Cottonwood, where the other crossing was.

3           The Oak Creek one was, as I said, depending  
4 on the weather. Summertime you never could tell.  
5 There could be rains up on the rim, and that would be  
6 high.

7           And we had an incident, you know, that my  
8 grandma told me about, was that one time they were on  
9 the horseback crossing on the east side and didn't  
10 realize that a flood was coming, and they had already  
11 gone into the water, and it swept them away, horse and  
12 all. And she said that there were, I believe, four  
13 white boys, she said, four white boys that were  
14 throwing rocks and sticks into the water that was  
15 raging down. "And when they saw us," she said, "they  
16 got their horses and they rode them down to as close as  
17 they could get to us, and they threw the rope out to  
18 us, and that's how they pulled us in," she said.

19           And I told this to one of the pioneer  
20 families in Cornville about that incident, and he  
21 looked at me real funny. And this was a gentleman that  
22 died about three years ago, when he was 97 years old.  
23 And he looked at me, and he said, "I remember that.  
24 That was me and my brothers," he said. That was my  
25 brother Van," and he named his brothers. He said, "I

1 remember that."

2 Q. Do you know about when that event occurred,  
3 when that crossing occurred?

4 A. That would be prior to, probably, around  
5 19 -- prior to 1910 or right around 1910, somewhere in  
6 there.

7 Q. So these two routes that you talk about going  
8 from Camp Verde to Clarkdale and vice versa, neither of  
9 these routes traveled alongside the Verde River; is  
10 that right?

11 A. I'm sorry?

12 Q. For the two routes that you were describing  
13 from Camp Verde to Clarkdale, neither of those routes  
14 traveled alongside the Verde River, did they?

15 A. No. The east side more or less kind of  
16 followed it, but it was on higher ground.

17 Q. Back before nonIndians came to the territory,  
18 who did Dilzhé'e Apache trade with?

19 A. Our biggest trading partners were the Hopis,  
20 and there is a trail that starts down there by Camp  
21 Verde and goes up to what we call Beaver Head Flat and  
22 goes across to Stoneman Lake and then past Stoneman  
23 Lake to Jarvis Pass and then to the gap where  
24 Highway 87 goes and crosses just south of Winslow and  
25 then on up to Second Mesa. And that was the trail that



1 both the Hopis and the Apaches used and traded with  
2 each other.

3           Just recently I was talking with a gentleman  
4 from the Hopi tribe that was -- they're mapping all the  
5 trails that went into Hopi land, and that was one of  
6 the trails they were talking about; and I was telling  
7 him about it, and they were very interested into it.

8           And our name for Second Mesa is  
9 Go Tál ba kowa, which means the camp by the dances. So  
10 we must have went up there when they had the ceremonies  
11 and so forth. And when he went home and asked his  
12 elders, and the elders told him "We know where -- we  
13 know where that camp is where they used to camp."

14           So my next project is to go to Hopi and see  
15 this place where we used to camp.

16       Q.     Did Apaches have any other folks that they  
17 traded with, that you're aware of?

18       A.     Well, I wouldn't call it so much trade as  
19 raiding.

20       Q.     Oh, okay.

21                   CHAIRMAN NOBLE:   Borrowing.

22 BY MS. INTERPRETER:

23       Q.     As far as you know, in all of your cultural  
24 knowledge and oral histories, did Apaches or their  
25 trading partners ever use boats to trade with each

1 other?

2 A. No. It would be very hard to use boats to go  
3 from Hopi to the Verde Valley.

4 Q. Do you ever know of any Hopis using boats on  
5 the Little Colorado or Colorado River?

6 A. I have never heard anything about it, except  
7 that I do work with a gentleman that worked in the  
8 Grand Canyon with the rafting, who had the privilege of  
9 taking Hopi elders to some of the sights in the Grand  
10 Canyon. And he was telling me that he asked them if  
11 Hopis had ever used boats or anything. The only story  
12 they could recollect to him was they said, "Well, we  
13 knew -- we heard of a guy that grabbed a log and went  
14 down the Colorado and showed up back at Hopi two years  
15 later with some goods and some women."

16 Q. I know we talked about this a little bit  
17 earlier, but just to go over the things that we need to  
18 go over here, you said Apaches never used boats and  
19 they never used the river for trade or travel; is that  
20 correct?

21 A. That's correct.

22 Q. And the reasons being that they didn't use  
23 the river for that purpose; what would those reasons  
24 be?

25 A. You know, when you talk about navigable

1 water, you've got to be able to go both ways. And in  
2 the case of the Verde River, you might follow it and go  
3 down, but you've got to have power to come back up.  
4 And just makes common sense that we couldn't paddle  
5 ourselves up the creek.

6           So I was thinking about that the other day  
7 when you asked me that question. The clan that lived  
8 in Fossil Creek called Tu do T'liisn, which means the  
9 blue water people, for them to use the river or to use  
10 the Verde River, first of all, well, they might be able  
11 to float down the white waters and maybe safely make it  
12 to where the junction with the Verde River, but then  
13 they would have a terrible time going upstream without  
14 any kind of power. You surely couldn't paddle your way  
15 upstream. I'm sure at that time, with the way the  
16 water was running in those days, a lot more swifter  
17 than today. And even today you would still have a  
18 tough time.

19           So it was much easier to go overland, as I  
20 said before, from Point A to Point B, than it was to  
21 follow the river.

22       Q.     So it would get you there a heck of a lot  
23 faster if you went by land than if you tried to do it  
24 by the river?

25       A.     Yes.

1 Q. For the river below Beasley Flats, we had  
2 talked about the river being described in Dilzhé'e  
3 Apache as the really big river, it being more volume of  
4 water and it moves faster.

5 In your lifetime, what is your knowledge of  
6 how that river flows below Beasley Flat, and have you  
7 had any experiences or knowledge of that?

8 A. Late in the summer, you know, in my  
9 experience, I've catfished below The Falls, what we  
10 call the ladders, from there to probably a couple of  
11 miles up from Childs.

12 And I've walked the river before in the  
13 summertime when it is down. But once the rain starts,  
14 you better watch yourself when you go down in there.  
15 And, also, in the spring, when the runoff, if we have  
16 any snow -- right now we're in a drought; but when the  
17 snow melts, then that becomes a raging, raging river.  
18 And that's the time you don't want to be down there.  
19 If you're catfishing and you only -- you got a wall  
20 behind you and you got the wall over there and you only  
21 got a bank from here to you, and pretty soon the water  
22 starts rising, then you better get out of there.

23 You know, yes, people have floated down, I  
24 know, from below The Falls to Childs, and that kind of  
25 was a common practice with some of the friends I had.

1           But then one time in the springtime, like in  
2 April, when the snow melts and it was up, there's a  
3 place called Brown Springs just below Camp Verde that's  
4 accessible in through there. There used to be a ranch  
5 there. And then there's kind of a wash that you can  
6 walk. Sometimes you could -- the floodwaters that come  
7 down that wash changes it. You can drive sometimes to  
8 the river, but most of the times you can only go so far  
9 apart and then you've got to walk.

10           But anyway, I have three friends put in at  
11 that point, at Brown Springs, at a straight level, and  
12 they only made it to the first bend and capsized their  
13 rubber raft, and one of my friends died. And then when  
14 the rubber raft capsized, then the roots of the trees  
15 and so forth caught him and held him down. The other  
16 two were able to escape out of it, but he didn't make  
17 it. So it can be dangerous, even today, when it's up.

18       Q.     And when, about, what time period was that?

19       A.     I'm sorry?

20       Q.     When did that occur?

21       A.     I believe it was around the late '70s or  
22 early '80s. I can't remember for sure.

23       Q.     Let's just talk for a minute about  
24 preColumbian folks that lived in the Verde Valley.

25       A.     What's that?

1 Q. Let's talk about some preColumbian folks that  
2 lived in the Verde Valley.

3 A. Okay.

4 Q. Those would be what we call the Sinagua  
5 people. What do you know about those people?

6 A. We call them Naíl K'edé, which means the  
7 people from the past, from way back.

8 And from -- there's not a lot of talk about  
9 stories about them. They're kind of given a special  
10 status of -- such that we grew -- my generation of  
11 people, traditional people, grew up for us to stay away  
12 from places like that, because it has a curse on the --  
13 it will bring a curse upon you.

14 So the stories that we have is that they were  
15 farmers. But not a lot is really talked about. And  
16 one of the things too is that a lot of times,  
17 especially when you talk about people, in our  
18 traditional way of life, we never talk about dead  
19 people. We never talk about them. If we do make a  
20 reference, is that we always, when we talk about  
21 somebody, we talk in the sense that he used to be named  
22 or he was called, and that's about it.

23 And the only way that these people sometimes  
24 can be remembered is we give our children that name,  
25 and that's how the name of that person lives on. And

1 that's a good example. I'm a good example of it. My  
2 name is **Has T'iin nal zehé** in Apache. That's my adult  
3 name. We have children's name and then we have adult  
4 names. And my child's name was **Mę bii tsíí dibolé**,  
5 which means the little baby with the round head.

6           And then when I became of age, I loved to  
7 go hunting. So my grandmother said, "I'm going to  
8 name you after my uncle," whose name was  
9 **Has T'iin nal ze'né**. So now that name is alive through  
10 me again, because that was my given name.

11           And my daughters are the same. My daughter,  
12 my oldest daughter, is named **Tú kaí**. No, **Sii dáhé**,  
13 which means sitting down. That was my  
14 great-grandmother's name. Now that name is alive again  
15 through her. And my youngest daughter is named **Tú kaí**,  
16 which means going after water. That is her name and  
17 that was my grandmother's name. So they received those  
18 names, and that name is alive today.

19           So these people that pass away, we didn't  
20 know their names or anything, and the knowledge about  
21 them is with them; but we do -- I did hear one story  
22 from my great-uncle. My great-great uncle, I guess.  
23 He was up around 100 years old when I used to talk with  
24 him. But he was telling me about how at one time the  
25 Apaches and the Yavapais in the Verde Valley, from the

1 story I got, is that they had a war with the ancient  
2 people, these people from way back. And that's how we  
3 drove them out of here, is the story.

4 And, lo and behold, here a year ago the  
5 archaeologists from Montezuma Castle got us and the  
6 Hopi elders together and asked us if there's any  
7 stories that we heard about it, because he was  
8 interested because Montezuma Castle, in the lower part,  
9 there are areas of the ruins that have burnt areas.

10 And what he wanted to know was, "What do you  
11 know about it?" And I told him my story, and then the  
12 Hopi said, "Yeah, we have stories. That you guys laid  
13 a siege on us here at Montezuma Castle, and you burned  
14 us out on the bottom, but we went up to where the  
15 castle part is, and that's where you guys couldn't get  
16 to us. And then in our stories," they said, "the  
17 spider woman came and helped us by digging a hole  
18 through the roof, and that's how we escaped and went to  
19 Hopi," he said.

20 It was interesting.

21 Q. So you do a lot of work or you've worked with  
22 the National Park Service at Montezuma Castle and  
23 Montezuma Well; is that right?

24 A. Yes. We collaborate, also, with Tuzigoot.

25 Q. And in all of your research and gathering of



1 knowledge and what you know about the Sinagua people,  
2 have you ever come across anything that tells you that  
3 they used boats to trade on the river or travel on the  
4 river?

5 A. I never heard.

6 Q. But they did irrigate; is that right?

7 A. Yes.

8 Q. Can you describe for me just briefly about  
9 how they irrigated their crops?

10 A. Well, one of the real good examples is  
11 that -- and thanks to Salt River Project with their  
12 aerial photography -- is that you can follow the  
13 irrigation ditch from Montezuma Well all the way down  
14 the creek, from the aerial photograph, of where it  
15 went, and just below the bridge to Montezuma Lake  
16 crossing and then emptied back into the Beaver Creek.  
17 So those guys dug irrigation ditches for a long  
18 distance.

19 Q. What about up at Tuzigoot near Clarkdale?

20 A. The irrigation ditch is there. That didn't  
21 take a lot of work because a lot of it then was  
22 channeled from what we call the marsh, which is behind  
23 Tuzigoot, down to the fields down below on the  
24 southeast side of Tuzigoot.

25 Q. Did the Sinagua people -- were their fields

1 located right next to the river, or were they located  
2 back from the river?

3 A. Located back from the river, up on the high  
4 banks.

5 Q. And why do you think that was?

6 A. Same thing about the unpredictable weather in  
7 the summertime of floods and so forth.

8 Q. When did nonIndians start coming into the  
9 Verde Valley area again?

10 A. I'm to understand right around 1860, I think,  
11 I believe. I don't know the exact year, but right  
12 around that period of time.

13 Q. And what were the non --

14 A. Of course, the first -- let's see, the first  
15 European that came through there that we saw was  
16 Espejo. And then Ewing Young led a fur trapping  
17 expedition up through the Verde Valley. As I read from  
18 that account, Kit Carson was along with that, and so  
19 was another gentleman by the name of Bill Williams.  
20 And from what I understand that's why we have Williams,  
21 Arizona and Bill Williams Mountain.

22 Q. Do you know if the fur trapping expedition  
23 that came through used boats or how they got around?

24 A. As far as I know, that people say that --  
25 really, never really mentioned that from our side of

1 it. I just have read the accounts from the expedition  
2 itself.

3 Q. And did they use the Verde River for  
4 traveling on, from those accounts?

5 A. Not that I know of.

6 Q. So did they travel overland?

7 A. They must have traveled overland following  
8 the trail that -- the trails that led from what is now  
9 Fort McDowell.

10 Q. So when nonIndians started coming into the  
11 Verde Valley, what were some of the first things that  
12 they started doing when they came to the valley?

13 A. Those were the farmers and then later came  
14 the cattlemen.

15 Q. Do you have any information or cultural  
16 knowledge about the cattle that were brought into the  
17 valley originally back in the early days?

18 A. The only real account I've come across is in  
19 the Verde Valley pioneer stories, which was edited by  
20 Ed Peplow, and was Willard -- I forgot his first  
21 name -- brought the first cattle in from Baker's Pass,  
22 which is just north of the cement plant in Clarkdale.  
23 Brought the cattle in, and his description of the  
24 valley at that time was that the grass was growing  
25 knee-high or belly-high to a horse and very swampy.

1 That's what caught my eye was that it was -- not  
2 swampy. It was sponge-like; the earth was kind of  
3 sponge-like.

4 Q. The ground at Cottonwood and Clarkdale isn't  
5 sponge-like anymore; is that right?

6 A. No, it's hard.

7 Q. Do you remember, in your own lifetime memory,  
8 it ever being sponge-like or --

9 A. No.

10 Q. What about mining in the Verde Valley; when  
11 did that first get started?

12 A. Well, from all accounts that I understand is  
13 that Al Sieber, I think, laid one of the first claims  
14 in Jerome, when he was serving as Chief of Scouts out  
15 of Fort Verde.

16 And then the mining business came in, I  
17 believe around 1890, somewhere in there. And then  
18 later I believe that was the UVX, United Verde  
19 Exploration. And then later the Phelps Dodge came in,  
20 I believe right around 1910, '12, built the town of  
21 Clarkdale, built a smelter. UVX had their smelter in  
22 Cottonwood, which was known as Clemenceau.

23 Q. Were there problems with the smelters that  
24 were put in the area? Was there a lot of pollution?

25 A. The smelter in those days, of course, didn't

1 have anything to suppress the, as I understand it,  
2 hydrogen sulfide that comes out of the process of ore  
3 production. And, of course, when it hits water, from  
4 my understanding, then it becomes hydrochloric acid, so  
5 the acid rain.

6           And I know my mother used to talk about when  
7 they first came back, that the river to them was very  
8 lush, and up in the Clarkdale area, like, for instance,  
9 where I live today, that whole hillside was full of  
10 cedar trees, and so was all the hillsides behind what  
11 used to be the smelter in Clarkdale. And it burnt it  
12 away.

13           And there's accounts of Walter Jordan, one of  
14 the first persons to start an orchard there just above  
15 the slag dump in Clarkdale. And there was a spring  
16 there at one time that he channeled. I'm sure he used  
17 that. And in my lifetime I seen that -- there's no  
18 spring there anymore. The spring is gone.

19           But, anyway, I understand he filed a lawsuit  
20 and, also, the other farmers around there and so forth,  
21 and so that's how Walter Jordan ended up -- his sister  
22 moved to Bridgeport, below Cottonwood, and started her  
23 own place. But he went to Sedona, and did several  
24 stops that he did. One, he tried to start an orchard  
25 at Palatki, which was up against the red rocks, and I

1 think he had a water problem. I don't know for sure.  
2 But he ended up going into what is now upper Sedona,  
3 and that's where he had his orchard for years and  
4 years.

5 But the reason why he got moved out of where  
6 he first had his orchard was because the smoke killed  
7 all his trees.

8 Q. And that was what period of time, was that?

9 A. What?

10 Q. What period of time would that have been?

11 A. I believe that was in the '20s and '30s. I  
12 think the smelter in Clarkdale fired up in around 1915.

13 Q. So when we're looking at the Verde River  
14 today at Clarkdale, does that river look different than  
15 the river you have had described to you through your  
16 oral histories and cultural knowledge from before  
17 nonIndians came to the valley?

18 A. The description I can give you that what it  
19 was before the smelter was that it was a very lush  
20 riparian corridor through there.

21 And then the other description that my mother  
22 gave was that I remember in her own words, that section  
23 that is just west -- runs west of the Tuzigoot National  
24 Monument, from there up to where what we used to call  
25 the -- where the golf course was, I remember she said,

1 "That was a jungle," she said.

2 She said that -- she used to love Tarzan  
3 movies. So she said, "That was just like the -- like  
4 in the movie I watch when I watch Tarzan," she used to  
5 say. And there were all kinds of birds in there, and  
6 some of them made scary sounds and so forth, she said.  
7 So that's what I know of from her descriptions.

8 But in my lifetime, by that time, when I was  
9 born and growing up, the smelter was way -- already had  
10 done its destruction. So it was bare bottom when I  
11 first -- when I can say that I really noticed the  
12 cottonwood trees, the willow trees, and all of these  
13 different trees were gone.

14 And none of these trees you saw anywhere in  
15 Clarkdale. And so only very -- one of the shrubs that  
16 was able to grow to give any kind of green life to a  
17 yard, I'm trying to remember what -- it's a poisonous  
18 plant. The leaves are poisonous, and even if you burn  
19 the wood, the smoke is poisonous. I'm trying to  
20 remember. Oleander, oleander bushes, and that's the  
21 only thing that could survive the smoke, so that's what  
22 they used.

23 But now I've seen the river change. The  
24 smelter is gone in 1952, and then within 10 to 15 years  
25 all the trees are starting to -- came back and probably

1 going back to the way, at least halfway, to what it  
2 used to look like. But when I was -- when we used to  
3 run up and down the river right next to the smelter in  
4 Clarkdale, it was bare, all the way to what we called  
5 TAPCO, where the powerplant is, and on up.

6 Q. When you were a kid in the '40s and '50s, did  
7 you ever hang out down by the river or boat on the  
8 river or raft it or float it?

9 A. Mostly we swam and fished. If there was any  
10 boating at all, that I recollect, it was all at Pecks  
11 Lake.

12 Q. So you didn't see anybody going up and down  
13 the river in boats when you were a kid?

14 A. There might have been people that tried to,  
15 but I never saw them.

16 Q. Would you say, in your realm of knowledge,  
17 that the mining and the smelting and the cattle grazing  
18 and the ditches that were taken out for irrigating from  
19 the river changed the way the river looked before  
20 nonIndians came?

21 A. I think definitely that the change of the  
22 vegetation gave you more runoff. But at the same time,  
23 also, too, that the ditch companies were trying to get  
24 as much water -- there was a lot more farming when I  
25 was growing up in the '40s and '50s, and today all



1 those farms that were producing in those days, today  
2 are subdivisions.

3 But the water level has also dropped. What  
4 used to be -- what used to be a wider river when I was  
5 growing up now is -- (Witness indicated.)

6 And so what river -- what water that's coming  
7 down a channel -- when we talk about channel, as I  
8 talked to you the other day, I'm not talking about  
9 depth and so forth. I'm talking, to me, a channel is  
10 the width of the river. As it becomes channelized,  
11 then it means it's coming together and it meanders down  
12 through there. Because of less water, it follows the  
13 contour of the river bottom.

14 And then the other thing is that because  
15 there's less water, then the ditch companies also, to  
16 me, build better dams, and a lot more water -- what  
17 little water is coming anyway, they try to get as much  
18 of that diverted into their ditches. And so there's  
19 still farmland that they're still using that's done.  
20 And, also, I'm sure the SRP man guy over there can tell  
21 you that some of those are illegally put into  
22 subdivision laws.

23 Q. Since nonIndians have arrived in the Verde  
24 Valley, did the river, in your opinion, start to  
25 downcut into the ground?

1           A.       Not so much downcut per se. Just that the  
2 amount of water flowing becoming less and less isn't  
3 really cutting per se. What it's doing, to me, is it's  
4 following the best route that it can follow.

5                   And when the floods come, yes, it gouges out  
6 channels and so forth. But at this point in time it's  
7 just going down the easiest route that it can follow.  
8 And the level and where the river used to be across,  
9 you know, this is from experience in the Middle Verde  
10 Reservation, the bank to bank was, you know, some  
11 places as wide as this room. Now, today, you're lucky  
12 it's from here to that wall there.

13           Q.       As the towns of Cottonwood and Clarkdale and  
14 Camp Verde have grown up during your lifetime, what  
15 kind of things have you seen along the river change or  
16 be improved upon?

17                   Have there been bridges that have been  
18 improved on?

19                   You had mentioned that the ditches are doing  
20 a better job of diverting the water from the river.  
21 What kinds of things have you seen within the Verde  
22 Valley in those towns that may be near the river or  
23 influencing the river?

24           A.       Well, most of the bridges are all improved.  
25 Like in Camp Verde there are two bridges. The White

1 Bridge and the Black Bridge have widened it. The Black  
2 Bridge used to be like one of those old railroad  
3 crossing bridges, a very skinny road. Now it's nice  
4 and wide.

5 The bridges that cross at Bridgeport by  
6 Cottonwood is all improved, new bridge at the crossing  
7 that goes to Tuzigoot, those kind of changes.

8 Again, like I say, the big change that I see  
9 is that there's not the water that used to flow, that's  
10 flowing anymore. And, you know, there are places  
11 where, you know, you can -- in the summertime, before  
12 the rains start, if there is any rain, and the  
13 irrigation ditch companies are taking out the water, by  
14 the time it gets to the middle Verde, you know, it's  
15 not very wide.

16 At the river crossing that we have on the  
17 Reservation, the wet river crossing, there were times  
18 when I crossed in the summertime that it may come up  
19 above the hub where the crossing is, but by mid  
20 afternoon -- this is by 8:00 in the morning. But by  
21 the time 3:00 in the afternoon rolls around, it's only  
22 about like this.

23 And so -- and then within our own supply of  
24 water in our ditch, from our ditch, the Okay Ditch that  
25 runs through middle Verde, there are times when it's

1 dry. So those are the kind of changes I see.

2 I also know that the water table is dropping.  
3 I know that there's been instances up there in the  
4 subdivision west of Cottonwood towards Haskell Springs,  
5 down past beyond the Yavapai College, that people had  
6 to bring the drilling rigs out again and go another 20,  
7 30 feet to get a supply of water.

8 And that's the same thing that happens up in  
9 Clarkdale. There are places where -- I know this one  
10 guy, in fact, he was my boss, the principal that I  
11 worked with, he moved out of his house because he was  
12 lucky -- he had a family of four, and probably one  
13 could only take a shower before there would be enough  
14 water regenerated for the rest of them to take a  
15 shower. So the water table's dropping.

16 Q. I want to talk to you just a moment about the  
17 Yavapai-Apache Reservation as it currently is today,  
18 and I'll refer back to the map that we have up here,  
19 which is Exhibit B to your affidavit.

20 And can you describe for me today the  
21 Yavapai-Apache Reservation and where it is?

22 A. It's in very small parcels. Up on the upper  
23 end is the Clarkdale piece that was 55 acres, but now I  
24 believe 75 acres were added to it in a land trade.

25 And then you come down to the river, to

1 middle Verde, and the middle Verde at one time was  
2 450 acres, but, again, through a land trade and put  
3 into trust, I believe, something like 1,200 acres have  
4 been added.

5           And then you come down to Camp Verde, and  
6 just as you leave town, Main Street Camp Verde, there's  
7 a small parcel there of about 54 acres. Clarkdale --  
8 oh, yeah, I already said that.

9           And then there's a very small piece in what  
10 we call Rimrock that is less than 3 acres, something  
11 like 2.75.

12       Q.     And Rimrock is along Beaver Creek; is that  
13 correct?

14       A.     Yes.

15       Q.     And the Verde River goes through which pieces  
16 of land?

17       A.     It goes through the middle Verde piece and  
18 the Camp Verde piece.

19       Q.     And the Camp Verde piece, in terms of  
20 location, that's at the intersection -- that's at 260,  
21 right, right at the south side of town?

22       A.     Yeah. It's right next to 260. In fact, 260  
23 goes through it, because we do own across the road.

24       Q.     And the Camp Verde lands, as part of the  
25 Reservation, those were the first lands that were

1 reacquired by the United States for the Nation; is that  
2 correct?

3 A. Yes.

4 Q. Do you recall when that was?

5 A. I believe it was 1911.

6 Q. Would 1909 be a little bit --

7 A. I think it was 1909 a request was made, and I  
8 don't know when it really --

9 Q. Oh, okay.

10 And then the middle Verde lands, those were  
11 obtained about when; do you recall?

12 A. Around 1917.

13 Q. So the way the -- well, the Verde River down  
14 at the Camp Verde lands, what is that river like? What  
15 does it look like today?

16 A. Today?

17 Q. Yes.

18 A. Today, some days, you know, it's got good  
19 water, plenty of water. But a lot of days, mostly,  
20 it's not like it used to be when I was growing up. We  
21 used to spend summers down there in Camp Verde with my  
22 great-aunt, and we used to roam the river bottom down  
23 there, and it was a lot wider, but swifter. But today  
24 it's not like that. It's still flowing, but...

25 Q. Is there any difference in the plants that

1 are down there by the river?

2 A. In Camp Verde?

3 Q. In Camp Verde.

4 A. It's quite an undergrowth there. You know,  
5 it's kind of hard to get to the river from that one  
6 point.

7 Now, right next to our property line, though,  
8 there is a road that can take you pretty well towards  
9 the river.

10 Q. Let's go back up to middle Verde, those lands  
11 there. Is there any difference in the riparian  
12 vegetation in that river today versus what you saw when  
13 you were a kid?

14 A. The riparian vegetation there is -- when I  
15 was growing up, it was pretty brushy to get to the  
16 river. The river was wider. Not so much deep, but  
17 wide. And, of course, there's holes in the river.  
18 There was a place we called Fish Camp, which is where  
19 the floods had gouged out. You know, it was pretty  
20 close to 8 to 10 feet deep, and we used to do a lot of  
21 catfishing there. But the river's changed it to where  
22 it's filled up now, so it's only about, you know, maybe  
23 a couple of feet deep now.

24 But the vegetation has really changed, and I  
25 attribute it to the flood. We had bad floods in '83, I

1 believe it was -- no, '80, 1980, and then '93. And  
2 what it did is it really gouged out the river bottom.  
3 So now it's just rocks, and swept away a lot of the  
4 riverbank, and it swept a lot of trees that today would  
5 be mature cottonwood trees.

6           And as I have in my affidavit, what we talked  
7 about, was that we have a growth of real old cottonwood  
8 trees, real good shade trees; and then we have -- next  
9 to the river we've got all this young growth of  
10 cottonwood trees. We don't have the middle-age ones.  
11 Those were the ones that were swept away with those  
12 floods, I think. That's what I believe.

13           So we're not going to have shade trees for a  
14 while. I don't know whether we'll ever have again  
15 after the big ones die. And we have a small grove by  
16 where the Verde Ditch dam is. That's going to be the  
17 only growth of real good cottonwood trees that we'll  
18 have.

19           And then some of the trees that used to be up  
20 and down the river bottom are gone, the hackberry tree.  
21 They went and tried to find some along the river  
22 bottom, and they used to grow all the time down there,  
23 but they're gone, and the mulberry tree is also gone.  
24 We don't have any mulberry trees.

25       Q.       What about plants that are culturally



1 significant to you; have you noticed changes in the  
2 middle Verde land base to those things?

3 A. We depend a lot -- we eat a lot of natural  
4 greens that used to grow along the riverbank and so  
5 forth. We don't find them anymore.

6 What we've found, what we find nowadays, and  
7 one of the biologists that we were working with doing a  
8 study on the river bottom with us, is that the invasive  
9 plants, such as the foxtail and the red brougham and  
10 the grass, has come in, and they kill out the -- they  
11 don't give an opportunity for the greens to develop.

12 The Yavapais have a green they call gonbiila,  
13 in their language, and now for several years now  
14 they've gone down the river to try to find some, and  
15 there's none.

16 CHAIRMAN NOBLE: Robyn.

17 MS. INTERPRETER: I'm at my last  
18 question.

19 CHAIRMAN NOBLE: Please do it.

20 MS. INTERPRETER: I knew it.

21 BY MS. INTERPRETER:

22 Q. So this is the all-encompassing question that  
23 everybody just wants to know.

24 Before nonIndians came to the Verde Valley,  
25 and it was Apache and Yavapai territory, and if you

1 were to use all of your cultural knowledge and put  
2 yourself back in that place, and if you were the guy  
3 that was standing on the edge of the river and trying  
4 to decide whether or not you were going to move some  
5 goods up and down the river and if that would be  
6 practical or not, given the condition of the river as  
7 you know it's been described by the elders and through  
8 your oral history, would you make the decision to try  
9 to move goods up and down the river, or would you make  
10 another choice; and why?

11 A. I guess, first of all, I'll place myself as a  
12 person that knows something about boats; and at that  
13 time, if I was thinking about moving goods and so forth  
14 and taking a look at the river itself and I was above  
15 Camp Verde and I wanted to move things south, maybe it  
16 would be feasible, because I would be -- because all I  
17 would have to do was float down.

18 But if I was going to move things north, with  
19 the condition of the river at that time, yes, it might  
20 have been shallow and so forth, but there was a lot  
21 more water and it was a lot wider and it was moving  
22 swifter. It wasn't the lazy river that we see today as  
23 I look down on the river.

24 So my question to myself would be how am I  
25 going to get a Mississippi River boat over here to

1 paddle up the river?

2 Q. But you think you might be able to get  
3 downriver?

4 A. At the point in time, if I didn't know  
5 anything about the treacherous water below Beasley  
6 Flat, I might have fooled myself in thinking I could  
7 move it down.

8 Q. So when you're talking about maybe you would  
9 float down, you would go from Clarkdale to Camp Verde?

10 A. It might have been possible. But my answer  
11 to that question is, if that was possible, why didn't  
12 the entrepreneurs that were furnishing rations to the  
13 Army and the agency at Haskell Springs float down the  
14 river from Paulden? It wasn't feasible.

15 Q. Would you -- what about Apaches and Yavapais  
16 before that?

17 A. The only answer I have to that is, is that if  
18 The Creator wanted us to be river people, he sure in  
19 the heck would have shown us how to make boats.

20 MS. INTERPRETER: Okay. That's all I  
21 have.

22 CHAIRMAN NOBLE: Thank you. Is there  
23 anyone who has questions for Mr. Randall?

24 MR. SLADE: We have some questions,  
25 Mr. Chairman.

1 CHAIRMAN NOBLE: John, you have some  
2 questions as well?

3 MR. HELM: I do.

4 CHAIRMAN NOBLE: Mr. Randall, would it  
5 be possible for you to return after lunch?

6 Okay. Then we will reconvene at  
7 1:30 p.m.

8 (A lunch recess was taken from  
9 11:58 a.m. to 1:33 p.m.)

10 CHAIRMAN NOBLE: Well, then we're ready  
11 to begin.

12

13 CROSS-EXAMINATION

14 BY MR. SLADE:

15 Q. Good afternoon, Mr. Randall.

16 A. Good afternoon.

17 Q. My name is Eddie Slade. I represent the  
18 Arizona State Land Department, and I am -- our client  
19 is the Arizona State Land Department. Good to have  
20 you here, and thanks for taking the time to be here  
21 today.

22 MS. HERNBRODE: You're going to have to  
23 talk a little louder, Eddie.

24 CHAIRMAN NOBLE: Mr. Randall may have  
25 some trouble hearing you.

1 BY MR. SLADE:

2 Q. Mr. Randall, I might pronounce some things  
3 incorrectly today, so forgive me; but what does the  
4 word Dilzhé'e mean?

5 A. Dilzhé'e means -- it comes from the word to  
6 go hunting, so known as the hunters group.

7 Q. And are you here speaking on behalf of both  
8 the Yavapai and the Apache Nations?

9 A. No. I'm here as an Apaches witness.

10 Q. Have you talked to anyone from the Yavapai  
11 Nation in preparation for your testimony or the  
12 affidavit?

13 A. As I stated earlier, our Reservation  
14 comprises both Yavapai and Apache people, so we do  
15 converse, and whenever -- as I stated before, as far as  
16 cultural differences, there are quite a difference, as  
17 I said, as far as language and the customs that they  
18 have and so forth. Some things that we do share in  
19 common, one of them would be the emergence from  
20 Montezuma Wells, and they also have a story about also  
21 emerging from Montezuma Well and a few things like  
22 that. But I am not an expert on the Yavapais.

23 Q. You said this morning that the Apache had a  
24 word for boat. Was that what I heard correctly?

25 A. Yes.

1 Q. Do the Yavapai have a word for boat?

2 A. As I said before, I do not know their  
3 language well enough, so I said that I do not know.

4 Q. And did I hear you correctly that the written  
5 record for the Yavapai and the Apache began about 1960?

6 A. Just the Apache side. There were earlier  
7 works done by Hoijer and the Lutheran missionaries at  
8 San Carlos by the name of Upleggers. But the common  
9 alphabet that we use was basically worked on in 1964  
10 through a linguist from the Wycliffe Bible Society, who  
11 write books in the native languages that they work  
12 with, and they used a lot of work from Morgan, and I'm  
13 trying to remember who the other -- Morgan was a  
14 Navajo, and the professor from Harvard. Young, I think  
15 was his name. Basically worked in the Athabaskan  
16 language, which is the common family language, and the  
17 Navajos and Apaches speak that particular family of  
18 languages.

19 So a lot of the work that was done by Morgan  
20 and his colleague was transferred over to the Wycliffe,  
21 which became part of the Apache alphabet, so we can  
22 write the language.

23 Q. And I know you're not here representing the  
24 Yavapai, but do you know when their written record  
25 began?

1           A.       As far as I know, in working with my  
2 counterpart, Gertrude Smith, who is the Yavapai  
3 cultural director, at this point in time I do not -- I  
4 believe that they do not have a common so-called  
5 linguistic alphabet that they -- I believe each group  
6 has different systems, as I understand. As I said, I  
7 don't -- this is just in speaking with her.

8           Q.       Can you explain in a little more detail  
9 where, exactly, the Yavapai and Apache resided along  
10 the river corridor; where their homes, where did they  
11 work during the day, where did they farm?

12          A.       I don't know what you mean by work. We  
13 didn't have factories in those days.

14          Q.       Sure. I guess farming or gathering, where  
15 did that occur, and where were the homes located?

16          A.       Depending on our side of it -- I can't answer  
17 for the Yavapais, but for our side it was basically  
18 where, as I said before, there's some of the springs.

19                 If you want definite details, it would be --  
20 on the Oak Creek would be the lower Oak Creek Valley.  
21 Up on the upper Verde, it would be up in the  
22 Perkinsville area, all the way down through to the  
23 Verde Hot Springs, back up into Fossil Creek.

24          Q.       So in terms of the riparian corridor, were  
25 homes built close to the cottonwoods and the willows;

1 were they built far back to avoid the floodplain? Do  
2 you know anything more about that?

3 A. As they always tell us, that because of the  
4 unpredictability of the river and so forth, they lived  
5 away from the river. And a lot of times, I said they  
6 lived around springs, which they did, but they didn't  
7 actually live around springs per se right on the spring  
8 side itself.

9 In our way of life, we have to share the  
10 water with the animals, and so the animals couldn't  
11 come and drink water if we lived right on top of the  
12 water. This was explained to me by one of my aunts and  
13 whose husband is a medicine man. And he said they  
14 lived farther away, and I remember my mother telling me  
15 at times, "I think the only reason why we lived away  
16 from the springs and so forth was they had to kick us  
17 out of bed before the sun rose so that we could go get  
18 water."

19 Q. In regarding sharing the river with animals  
20 and the like, are there any other stories that you can  
21 recall, river stories that you've heard of, whether  
22 it's in your oral tradition -- I'm saying stories. I  
23 don't mean fictional. I just mean in your oral  
24 tradition, are there any other stories that you can  
25 share with us about the river that have been passed



1 down?

2 A. In what way?

3 Q. Well, for example, you mentioned  
4 Mr. Goodwin's book, and I believe in his book he has a  
5 story about a woman who tries to cross the river, and  
6 she goes inside an elk to do it. Are there any other  
7 stories like that that you --

8 A. I don't believe recollect telling that story.

9 Q. I think that was in Mr. Goodwin's book. I  
10 don't think you mentioned it. I didn't know if you had  
11 any others similar to something like that.

12 A. No.

13 Q. You talked a little bit this morning about  
14 the war going on between the white settlers and the  
15 Yavapai and Apache. I want to ask you a few more  
16 questions about that.

17 My understanding was, and from your testimony  
18 I heard, that the Yavapai were more peaceful  
19 originally, and the Apache were more prone to defending  
20 their homeland; is that your understanding?

21 A. No. They were just as -- they fought as hard  
22 for their land just as much as we did. The only thing  
23 is they got the brunt of the force first, because gold  
24 was discovered in their territory there at Lynx Creek  
25 just out of Prescott, which was their territory.

1           So they killed miners, and that's the reason  
2 why the Army came and set up Fort Whipple, and there  
3 was a massive campaign against them. So that by 1868  
4 they were pretty well subdued and put on the Camp Date  
5 Reservation.

6           In the meantime, while that was going on,  
7 nobody had gone over to the other side of the Black  
8 Hills, which is the Verde Valley. So we were still  
9 living peacefully over on that side.

10        Q.     So is it correct to say that the Verde River  
11 from Clarkdale to at least Camp Verde was a bit of a  
12 war zone?

13        A.     Not until after the first settlers came in.

14        Q.     Okay.

15        A.     And the Army came over the -- from Fort  
16 Whipple.

17        Q.     So the war zone in that Verde River area  
18 began about 1860?

19        A.     Past 1860 when the Army came in to protect  
20 the settlers and set up Camp Lincoln or Fort -- or,  
21 yeah, Camp Lincoln.

22        Q.     Would it have been dangerous for white  
23 settlers to make their way along that river corridor?

24        A.     It would have been unsafe anywhere, because  
25 we were ready to protect our land. Just as much as we

1 would have shot them on the river, we also shot them on  
2 coming, and there's a place called Grief Hill there  
3 just northwest of Camp Verde where we attacked a wagon  
4 train and wiped it out.

5 Q. In your opinion, knowing the riparian  
6 corridor and the surrounding land, is it easier to hide  
7 and be concealed in the riparian corridor or the  
8 surrounding land?

9 A. You can do it anywhere. If you know your  
10 gorilla tactics like we did, we'll get you anytime.

11 Q. You talked about this morning the importance  
12 of the river to your nation, and I'm wondering, are  
13 there any components of your nation that would affect  
14 how the river was used?

15 A. I'm sorry, what was that question, again?

16 Q. Are there any aspects to the Apache Nation  
17 that have been passed down that would affect how the  
18 river was used, whether it's the river isn't used at  
19 night for animals, people don't stay by the river to  
20 let animals go by the river? Are there any other  
21 aspects to the Apache culture that talk about how to  
22 use the river?

23 A. Well, there are different ways of looking at  
24 that; but one of the main things is, also, the river is  
25 a resource of materials. Right now I can think of

1 basket-making. The willows grow along the river, and  
2 the young cotton shoots, those are harvested. And my  
3 mother was a weaver, so every spring she walked up and  
4 down the river and cut the young willow shoots and the  
5 new cottonwood shoots coming up. And, of course, the  
6 mulberry trees, they're a riparian area tree, and those  
7 were harvested whenever possible, and hackberry. And  
8 so in some sense, yes. The river also was a gathering  
9 place.

10 Q. Do you know what the Yavapai call the Verde?

11 A. I have no idea.

12 Q. You mentioned earlier that there was no oral  
13 history of ever seeing a boat or a canoe on the river;  
14 is that correct?

15 A. From the people I've talked to, that's  
16 correct.

17 Q. In your research that you've done over the  
18 course of your lifetime for various purposes, have you  
19 ever come across newspaper accounts that talk about the  
20 use of boats on the river?

21 A. I've never seen any.

22 Q. Would it surprise you to find that there are  
23 some that exist?

24 A. It would surprise me.

25 MR. SLADE: Mr. Chairman, may I approach

1 the witness to show him a picture?

2 CHAIRMAN NOBLE: Yes, you may.

3 MS. HERNBRODE: Eddie, show it to Sue  
4 first.

5 MR. SLADE: Oh, sure.

6 MS. HERNBRODE: It's Littlefield's  
7 report. It's X002. He's going to show him the photo  
8 of the men in the boat.

9 BY MR. SLADE:

10 Q. We're on X002, Page 106, Figure 26.

11 Mr. Randall, looking at that figure there.

12 A. Yeah, I've never seen it.

13 Q. In your recollection -- or as you see that  
14 picture, I'll just read the caption for you. It says,  
15 "Soldiers from Fort Verde in a boat on the Verde River,  
16 1885."

17 And, quite possibly, no Yavapai or Apache saw  
18 that; but does it surprise you that soldiers would be  
19 using a boat on the Verde River?

20 A. Would it surprise me?

21 Q. Yeah.

22 A. I don't think so. I don't seem surprised  
23 about it.

24 Q. So it makes sense to you that you can use a  
25 boat on the Verde River?

1           A.       Well, at least there's a boat floating on the  
2 water there.

3                    But, you know, there's a pertinent answer to  
4 that question too; was it only used for just that  
5 little, small segment.

6           Q.       You mentioned this morning that your main  
7 trading partner was with the Hopi?

8           A.       Yes.

9           Q.       And I just want to be clear. Is there a  
10 water route between the Hopi and the Apache?

11          A.       No.

12          Q.       Based on your understanding of the river,  
13 does the river ever go dry in its natural  
14 condition?

15          A.       What time period are you talking about?

16          Q.       Over the course of the year. When you think  
17 of the natural river, if it didn't have ditches, would  
18 it ever be dry?

19          A.       If you're talking about prior, before the  
20 ditches, all the different ditch companies had begun  
21 taking water from there, with the natural flow and the  
22 water level, no.

23          Q.       You mentioned this morning Brown Springs.  
24 I'm not familiar where that is, exactly. Could you  
25 describe where that is, some of the landmarks above and

1 beyond that?

2 A. Brown Springs is if you take the road, what  
3 we call the Salt Mine Road, out of Camp Verde and just  
4 follow it along the west side of the Verde River  
5 between the foothills and the river itself, it will  
6 wind itself down to -- used to be a ranch down there  
7 called the Brown Springs Ranch. And I used to remember  
8 the pioneer family that used to have that ranch, but I  
9 forget now. But that's where Brown Springs is.

10 For the local people, there's a place they  
11 called The Ladders. At one time, I believe there was  
12 the idea of to construct a dam in that area. So they  
13 set gages up and they built some stairways to go down.  
14 The people that checked the flow of the river built  
15 some stairways, and that's why they're called The  
16 Ladders. And it's just below The Ladders.

17 Q. Brown Springs is just below?

18 A. Brown Springs.

19 Q. So is that above Beasley Flats or below?

20 A. Below.

21 Q. Okay. But it's above Verde Falls?

22 A. I'm sorry?

23 Q. Brown Springs is below Beasley Flat, but  
24 above Verde Falls?

25 A. Above Verde Hot Springs.

1 Q. Above Verde Hot Springs?

2 A. Yes.

3 Q. And is it above Verde Falls or below Verde  
4 Falls?

5 A. The Falls? It's below The Falls.

6 Q. You mentioned in your recollection of the  
7 river that people have told you, that there were some  
8 marsh areas?

9 A. Yes.

10 Q. Do you recall that this morning?

11 A. I'm sorry?

12 Q. Do you recall talking about marsh areas this  
13 morning?

14 A. Yes.

15 Q. In those marsh areas, was there still a main  
16 channel that had flowing water?

17 A. Yes, except for the Tuzigoot area, because by  
18 that time the river had cut through that ridge, and  
19 that's why the oxbow lake is there.

20 Q. I want to make sure I understood you this  
21 morning. Is it your opinion that the ditches, the  
22 various ditches, whether it's Okay, Verde Ditch, have  
23 had a major impact on the Verde River?

24 A. Makes common sense. If you sip some water,  
25 your water level is not going to stay where you're at.



1 It's going to show a lower level.

2 Q. Is there anything else, in your opinion,  
3 that's had an impact on the river?

4 A. Today? Wells. Wells have a big impact.

5 Q. Anything else?

6 A. Well, climate change, the drought.

7 Overgrazing.

8 Q. What's the impact of overgrazing on the  
9 river?

10 A. Well, for one thing, the overgrazing, if the  
11 vegetation is there, that's going to trap the water and  
12 the water will eventually go into the earth and  
13 replenish the water table. But like the Arizona  
14 monsoon time, gully washers come, and the overgrazing  
15 has taken all the vegetation away, you got bare  
16 ground, it's just going to run off and go down the  
17 river.

18 MR. SLADE: Those are all the questions  
19 I have. Thank you.

20 CHAIRMAN NOBLE: Thank you very much.  
21 Is there anyone else who wishes to  
22 question Mr. Randall?

23 MR. HELM: Yes.

24 CHAIRMAN NOBLE: Certainly, Mr. Helm.

25 MR. HELM: Thank you.

1 CROSS-EXAMINATION

2 BY MR. HELM:

3 Q. How do you do, Mr. Randall?

4 A. Fine, thank you.

5 Q. My name is John Helm, and I represent  
6 Maricopa County and the Maricopa County Flood Control  
7 District in these matters, okay?

8 A. Okay.

9 Q. I've got a few questions, and if you'll bear  
10 with me, I'll probably jump around a little bit,  
11 because Eddie has asked a few of them, and so I don't  
12 need to ask them again. And we'll try and get you out  
13 of here as quick as we can.

14 In Paragraph 30 of your affidavit, do you  
15 have that in front of you?

16 A. Yes.

17 Q. Okay. In the middle of that paragraph,  
18 you're talking about the channel, and you say "and in  
19 several places, it is a braided channel."

20 Do you see that?

21 A. Okay, I see it.

22 "It does not flow in a direct path, but  
23 rather flows back and forth over the land and in  
24 several places, it is a braided channel."

25 Q. Right, that's what I'm talking about --

1 A. Yes.

2 Q. -- the "in several places, it's a braided  
3 channel."

4 First of all, tell me what you mean when you  
5 say, use the terminology braided channel.

6 A. It's like the river will come along and some  
7 flow will go this way and some flow will go this way;  
8 in other words, finger-like flows.

9 Q. You get a split?

10 A. Yeah, it will split.

11 Q. Can you tell me -- well, let me back up,  
12 first of all.

13 Are you talking about now, or are you talking  
14 about this is history that you were told by your  
15 elders?

16 A. Both.

17 Q. Where do you find the river to be braided  
18 today?

19 A. Very hard to find today, because we don't  
20 have as much water as we did in the past. But as I was  
21 told, there were many cases of where, because of the  
22 width of the river, for instance, below Tuzigoot  
23 National Monument, that the river kind of spread out as  
24 it went down towards Dead Horse Park, what is Dead  
25 Horse Park today.

1           And then the most famous one that I can  
2 remember in my memory about a braided channel, but it  
3 is a tributary, not the main river, but it was up in  
4 Sycamore Canyon. When it was running full, there  
5 was -- formed kind of an island, and we fought a battle  
6 there with the Army. And as I was told by one of the  
7 explorers of Sycamore, that you can still find 50, 70  
8 shells laying around there.

9           Q.       So is it fair to say that with respect to any  
10 braiding that might have occurred on the Verde River in  
11 olden times, you can't specifically identify for me  
12 where that braiding was? You were just told there was  
13 some braiding on the river by your elders?

14          A.       Yes.

15          Q.       Okay. One thing I got from your testimony  
16 this morning, and I just want you to confirm if I'm  
17 right or not, is that there was a lot of water in the  
18 river when your elders were going around that  
19 countryside; and then as time passed, up through the  
20 time you were born and up to today, there has been  
21 lesser and lesser and lesser water?

22          A.       True.

23          Q.       The water has gone away over time?

24          A.       Definitely.

25          Q.       When you were talking about the Apaches as

1 farmers, were they farmers before the white people  
2 showed up?

3 A. Yes.

4 Q. And so in your native civilization, I take it  
5 you did irrigation farming?

6 A. Yes. They used the -- as I said before,  
7 mainly from the springs that they lived around. They  
8 diverted that springs of water to their farmlands.

9 Q. Did they also divert water out of the Verde?

10 A. Not as much as they did around the springs.

11 Q. Okay. But they did divert some water from  
12 the Verde?

13 A. From what the testimony that -- or, rather,  
14 from the testimony that I took from the elders, they  
15 said that, "Yeah, we never really lived around the  
16 river and farmed it because of the unpredictability of  
17 the river, because sometimes it would flood and we  
18 would lose a whole crop, and we would face starvation  
19 from that, losing our crops."

20 Q. When you're talking about the  
21 unpredictability of the river, what you're really  
22 referring to is the river would flood from time to  
23 time, right?

24 A. Yes.

25 Q. And --

1 A. A lot more than today.

2 Q. And that, differently than now, you didn't  
3 have the weatherman come on the news at 5:00 and tell  
4 you that it's going to rain tomorrow, did you?

5 A. That's true --

6 Q. Okay.

7 A. -- the overall picture of that. But, also,  
8 because of the unpredictability of the weather, we have  
9 cloud bursts, and so a cloud burst may just happen in  
10 one place, flood something down here, but nothing here,  
11 so...

12 Q. Might get a flash flood?

13 A. Yeah.

14 Q. Fair enough?

15 A. Yeah.

16 Q. So that means, I would take it, that when you  
17 say you did not live along the river, that didn't mean  
18 that you moved 25 miles away from the river; it meant  
19 that you went back out of the area that your  
20 experiences showed you was subject to flooding?

21 A. Yes, on the high lands.

22 Q. Sure. What we might call today, you got out  
23 of the floodplain?

24 A. Yes.

25 Q. So you might actually be, depending on the

1 size of the floodplain, meaning the level, you might  
2 only be a few hundred yards away from the river, but  
3 high enough that you won't get flooded, right?

4 A. True.

5 Q. When the early settlers, and I believe you  
6 testified that would be around 1860, came up the Verde,  
7 they started farming, correct, that was the first kind  
8 of thing they did? They didn't bring cattle with them  
9 right away, right?

10 A. No, not that I know of.

11 Q. And was there farming, dryland farming, or  
12 did they start right away irrigating?

13 A. They started irrigating, because they first  
14 dug their ditch off the West Clear Creek just west of  
15 where the bridge crosses the creek today, and they ran  
16 a ditch all the way down to the confluence. That's as  
17 far as I know.

18 Q. Okay. So right from the get-go, when the  
19 white man showed up, they started taking water out of  
20 the river, correct?

21 A. As far as I know, yes.

22 Q. And they haven't stopped even till today,  
23 have they?

24 A. Nope; by wells.

25 Q. You have described what I have in my mind

1 sounds like two names for the same river, one for below  
2 Beasley Flats and one for above Beasley Flats; is that  
3 right?

4 A. Yes. It's because of our descriptive way of  
5 describing a river. Just as I stated earlier,  
6 Tú Lii Cho, just if I say Tú Lii Cho, the Lii part of  
7 it means that it's a big wide river. But when you say  
8 Liiii, an addition just by that nii sound onto it, then  
9 it becomes a big, fast-flowing river.

10 Q. It's a bigger river?

11 A. Bigger river.

12 Q. So basically what we're describing by those  
13 descriptive terms of the river is a river that gets  
14 bigger as it comes down out of mountains, right?

15 A. Right, because by the time you got to Beasley  
16 Flat, all the tributaries of the Verde River had added  
17 to the size of the river.

18 Q. Sure. The widening of the river we could  
19 compare, not as big, but the same thing happens on the  
20 Mississippi, doesn't it?

21 A. Yes.

22 Q. It's a little river if you get up north, and  
23 by the time it gets down to New Orleans, it's a pretty  
24 big river?

25 A. Yes.



1 Q. Can you give me an idea of the magnitude of  
2 the difference between the river above Beasley and  
3 below Beasley?

4 And I realize that we're talking about some  
5 good distances here, but just generally speaking, was  
6 the river below Beasley Flat three times bigger than  
7 the river above Beasley Flats, or something like that?

8 A. Well, I wouldn't say -- okay, what you're  
9 comparing it to, to me, is what -- in our language  
10 you're comparing things of the river as it is from  
11 above Beasley Flat by saying Tú Lii Cho, by the wide  
12 river. Yes, it's wide and shallow and water running;  
13 but then when it gets Beasley Flat, yes, it gains a lot  
14 of water and so forth, but as I said before, the  
15 geological change takes place to where now the water  
16 becomes constricted, goes through the salt formation,  
17 which is closer together, so now it becomes a roaring  
18 river.

19 Q. Okay. So what you're really telling me then  
20 is it's not an issue of width; it's an issue of depth?

21 A. Yeah.

22 Q. In other words, when we get below Beasley  
23 Flat, we got a lot deeper river than we had above  
24 Beasley Flat?

25 A. And fast-moving.

1 Q. And the current's quicker?

2 A. Yes.

3 Q. Okay. This morning you talked about the word  
4 you had for -- the Apache word for boat, and I couldn't  
5 pronounce the word, but what I noted down was what you  
6 said was floating wood box; is that right?

7 A. Yes.

8 Q. Do you have a time frame for when the  
9 floating wood box word entered the Apache language?  
10 Would it be 1860s, when the --

11 A. I don't know. I don't know when that would  
12 happen. But I do know that there are words in our  
13 language today that I can pinpoint some of it, but not  
14 this particular one.

15 And I'll give you two examples. Our word for  
16 watermelon today is Tl'é' go hii dááné. It means you  
17 eat it at night, because we stole it at night and we  
18 ate it.

19 And then we called barbecue Tl'é' gol chiné,  
20 which means you smell it at night. When we wrestled  
21 cattle off the ranchers, we cooked it at night, because  
22 in the daytime, when you cooked in the daytime, they  
23 could see the smoke and come and get us. But we cooked  
24 it at night, when you couldn't see the smoke, low fire,  
25 but you could smell the meat. That's why barbecue is

1 called Tlé' gol chiné. You smell it at night.

2 Q. And both those events occurred from you  
3 helping yourself to a white man's watermelon?

4 A. Yes.

5 Q. So it would have been -- those words have  
6 come into existence sometime after the white man showed  
7 up in your part of the country?

8 A. Yes.

9 Q. That may be as close as we can get, right?

10 A. Yes.

11 Q. Now, you testified that you had never seen  
12 boats on the Verde, and I take it that what you're  
13 referring to there would be when you were a child  
14 growing up, that sort of stuff, because I assume that  
15 you've seen today's modern recreational boater going  
16 down the Verde at some period in time?

17 A. Yes.

18 Q. In terms of comparison, how does the amount  
19 of water that's in the Verde now, when the modern  
20 recreational boater is using it, compare to let's just  
21 say what it was like when you were a teenager running  
22 around that part of the country? Did you have more  
23 water then?

24 A. Water in the sense it was wider, but more  
25 today is it's -- (Witness indicated.)

1 Q. You think today it's narrower, but deeper?

2 A. Narrower and a little deeper than it was when  
3 it was wider.

4 Q. How about when your elders were telling you  
5 about how it was back before the white man ever showed  
6 up?

7 A. From what I understand there, the river was  
8 wider, but, of course, it had pools too, I'm sure. But  
9 they -- as the river was wider, they had places -- the  
10 reason why there were these different water crossings  
11 was not only was it shallow, but you were able to get  
12 from bank to bank; that the -- as far as the riparian  
13 vegetation was such that it was -- you could go through  
14 that vegetation and go from one bank to the other bank.

15 And then, of course, the other thing is, and  
16 even today, there are places where you can't cross.  
17 You can cross the river, maybe, but you can't go on up  
18 above, because the bank may be as high as this room  
19 here.

20 Q. I've heard the hydrologists that we have  
21 walking around this place say that the Verde River is  
22 what they call a pool and riffle river; and the  
23 crossings that you're talking about, for the most part,  
24 I assume you're talking about crossings that would have  
25 occurred at the riffle area?

1 A. Yes.

2 Q. You wouldn't have tried crossing in the  
3 middle of a deep pool?

4 A. No.

5 Q. Unless you swam well?

6 A. Unless you swam.

7 Q. Okay, now, you talked about the Apaches not  
8 using the river for transportation?

9 A. Yes.

10 Q. And the sense I got of that was that you  
11 didn't use it because it was quicker to go overland?

12 A. Yes.

13 Q. In other words, I could get from Point A to B  
14 quicker because I could just go from Point A to Point B  
15 on a straight line; where if I had to get in the river  
16 to go there, I might have to go to Point A, then over  
17 here to Point B, then back to Point C, and then  
18 Point D, before I finally got to where I wanted to go;  
19 is that fair?

20 A. That's fair too. But the other thing, too,  
21 is, even though while you had to follow the concourse  
22 of the river is true, made it a longer trip, but, also,  
23 the same thing is true as far as overgrowth and so  
24 forth with the riparian areas. So you may have to make  
25 several crossings back and forth before you got to

1 where you wanted to go.

2 Q. Might be on one side you got a canyon wall?

3 A. A wall.

4 Q. And on the other side you've got a nice flat  
5 gravel bar?

6 A. Right.

7 Q. And you would cross over and go down the  
8 gravel bar instead of trying to crawl along a canyon  
9 wall?

10 A. Yes.

11 Q. Lastly, I think, when Eddie was up here  
12 talking to you, he showed you a picture that shows a  
13 couple of soldiers in a boat from -- I forget which  
14 Fort it is, but one of the Forts up there, and you told  
15 us that you had never seen that picture before,  
16 correct?

17 A. (Witness nodded.)

18 Q. Just as kind of a sum-up, you aren't here  
19 claiming that you have seen all of the history, the  
20 pictures, the written documentation about the Verde  
21 River, are you?

22 A. I would be the first to tell you that I  
23 haven't written -- I haven't read all the things that  
24 are written, just as much as anybody in this room has  
25 ever written anything, much less maybe has even written

1 all the books of the Bible.

2 Q. Well, it's a little scary in this room,  
3 because there's an awful lot of lawyers in this room  
4 who write an awful lot, so you might not want to say  
5 that.

6 MR. HELM: I don't have any other  
7 questions. Thank you very much, Mr. Randall.

8 CHAIRMAN NOBLE: Thank you, Mr. Helm.  
9 Is there anyone else who would like to ask questions of  
10 Mr. Randall?

11 Mr. Randall, we certainly appreciate you  
12 coming.

13 MS. INTERPRETER: I would like to just  
14 do a quick redirect. May I see the picture of the  
15 boat?

16 MS. HERNBRODE: Uh-huh.

17 No, you can have our easel, but you  
18 can't have our picture.

19 MS. INTERPRETER: Oh, thank you.  
20

21 REDIRECT EXAMINATION

22 BY MS. INTERPRETER:

23 Q. Mr. Randall, I wanted to show you this  
24 picture. We talked about it just a little bit earlier,  
25 and this is the picture we were talking about which

1 is -- what it looks like, a boat with some folks in it.

2 Can you read the caption of that picture?

3 A. "Soldiers from Fort Verde in a boat on the  
4 Verde River, circa 1885. Source: Fort Verde State  
5 Historic Park, Camp Verde, Arizona."

6 Q. Just to go back to our testimony this  
7 morning, or your testimony this morning, that period in  
8 1885, where were the Dilzhé'e and Yavapais at that  
9 time?

10 A. In 1885, except for those that were still  
11 hiding out, which was now numbered down to -- I don't  
12 know what the number is. There would be very few of  
13 them. But the rest of us would have been in  
14 San Carlos.

15 I would like to say one thing about photos.  
16 I have found out in -- to give you an example, in  
17 Clarkdale, the curators of the Clarkdale Historical  
18 Museum, they had photos of Wikieups that were  
19 supposedly in Clarkdale, Arizona that were taken from  
20 postcards. And I told them, I said, "This isn't  
21 Clarkdale."

22 And they said, "Yes, it is. It says right  
23 there on the photograph that it was Clarkdale,  
24 Arizona."

25 And I said, "Well, that's the first time I



1 ever saw a saguaro cactus in Clarkdale, Arizona."

2 So I always take a look at these photographs  
3 with a little bit of salt, as they say.

4 Q. With regard to the Apache word for boat, I  
5 think there were some questions relating to if you had  
6 any knowledge of when that word came into existence in  
7 the Apache language. And was your response that you  
8 didn't have a time period that you could associate that  
9 word coming into the language?

10 A. Well, today that word is used for boats,  
11 Tsín naą ełé. It means not really a wooden box, but a  
12 wood that floats.

13 Now, and, also, our language, the floating  
14 debris that comes down floods, trees and so forth, we  
15 call it Tsí dáh hí eł. That means that wood that's  
16 floating down the river. So, basically, the  
17 connotation there would work over. Probably, when they  
18 saw the boats and it was made out of wood, that's how  
19 the word came out.

20 Now, our word for box, really, if you  
21 really -- I probably misinterpreted the literal sense  
22 of the language, but our word for box, we borrow it  
23 from the Mexican, the Spanish language. We, in our  
24 language, ka'bajón is box, and that's directly from the  
25 Mexicans.

1           But when we talk about Tsi, then we're  
2 talking about wood. It could be floating trees or  
3 whatever.

4           Q.       So is it possible that the word came into  
5 existence in modern times when nonIndians came into the  
6 territory?

7           A.       Definitely.

8           Q.       Is it possible that you may have seen other  
9 tribal folks, before nonIndians came, using boats?

10          A.       They might have seen. I don't know. This, I  
11 have not heard anything. But I don't know whether they  
12 were using boats on the Gila when they went to  
13 San Carlos. They showed up in San Carlos in 1875. So  
14 maybe they saw something, you know, a wooden thing  
15 floating around, and maybe they picked the language up  
16 there. I don't know. I couldn't tell you.

17          Q.       You stated earlier that Hopis, the Hopis were  
18 your main trading partners. But earlier this morning  
19 we talked about some other travel that you might have  
20 engaged in to do some raiding. Who were the folks that  
21 you typically would raid?

22          A.       What was that, again, now?

23          Q.       You talked this morning about Hopis were your  
24 main trading partners, but there were some other  
25 travels that you made to other places to raid and

1 obtain some goods.

2 Can you tell me who some of those folks were  
3 that you entered into their territories and --

4 A. I guess this morning I didn't really go into  
5 a full extent of the trading that we did, also. We  
6 didn't travel to the West Coast, but we did have people  
7 that had trails that came from the West Coast.

8 From what I understand from the old-timers  
9 that came through Prescott, and basically followed what  
10 we call the Narrow Gauge today, where the railroad was  
11 built into Jerome, coming through what we call Baker's  
12 Pass, coming into the Verde Valley, and then taking  
13 that trail out of there to Hopi.

14 And the old-timers, my grandfather, my  
15 grandmother's uncle, be my great-grandfather, called  
16 them Naa ii k'ąą hi, which means the carriers. And the  
17 reason why they called them the carriers, he explained  
18 to me that these people came from the West Coast,  
19 Tú'n Tel they say, the big waters, and they carried  
20 these baskets on their heads, so they brought their  
21 goods with them, and that's how they travel on foot.

22 The other trading stories that I heard from  
23 him, also, was that we used to trade as far as the big  
24 waters, the real big waters, Tú cho náh nliiní they  
25 call it, the really, really big waters, and what they

1 were talking about was the Mississippi. And it took  
2 them two years to go that far and two years back to go  
3 trading. That's what he told me.

4 And the other, the people that we raided, as  
5 I said, we called them Saí kiné, which means people  
6 that live in sand houses.

7 Q. And who would those people be?

8 A. That would be, to me, the people around here,  
9 the Pimas.

10 Q. Is the Verde River a pretty direct route from  
11 Camp Verde and Clarkdale down here to the area where  
12 you would have come to raid the folks down here?

13 A. Would it be direct?

14 Q. Would it be a direct route?

15 A. The river meanders. You come out at the  
16 Verde Valley down at what is now Fort McDowell and down  
17 in this area.

18 Q. Did anybody from -- did any Dilzhé'e Apaches  
19 that you know of ever use the river to get down here to  
20 raid the Pimas?

21 A. I never heard any stories.

22 Q. Is there anything in your culture or religion  
23 that would have prevented you from using the Verde  
24 River to boat it had it been practical to do so?

25 A. Well, I think you hit on the word, practical.

1 It would have been impractical, as far as we were  
2 concerned; that the -- traveling up and down the river  
3 just as much as it is today, that you have pools and  
4 then you have rapid areas, and at these places where  
5 the shallow end of it, you would have to drag your boat  
6 around, and then you would have to follow the concourse  
7 of the river; whereas overland you could make faster  
8 travel on flat land and a more direct route.

9 MS. INTERPRETER: That's all I have.

10 CHAIRMAN NOBLE: Anyone else with  
11 questions?

12 MS. INTERPRETER: Thank you,  
13 Mr. Randall.

14 CHAIRMAN NOBLE: Again, Mr. Randall,  
15 thank you very much for coming. Appreciate your  
16 testimony. We appreciate what you told us.

17 THE WITNESS: Thank you.

18 CHAIRMAN NOBLE: Are we going to go to  
19 Dr. Mussetter next?

20 MR. MCGINNIS: Yeah, he's the next  
21 witness.

22 CHAIRMAN NOBLE: Let's take a  
23 five-minute break for him to set up.

24 (A recess was taken from 2:27 p.m. to  
25 2:35 p.m.)