BEFORE THE
ARIZONA NAVIGABLE STREAM ADJUDICATION COMMISSION

IN THE MATTER OF THE NAVIGABILITY OF SMALL AND MINOR WATER COURSES IN GILA COUNTY, ARIZONA, EXCLUDING THE GILA RIVER, SALT RIVER AND VERDE RIVER	No.: 94-010-NAV

REPORT, FINDINGS AND DETERMINATION REGARDING THE NAVIGABILITY OF SMALL AND MINOR WATER COURSES IN GILA COUNTY, ARIZONA, EXCLUDING THE GILA RIVER, SALT RIVER AND VERDE RIVER

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Pursuant to Title 37, Chapter 7, Arizona Revised Statutes, the Arizona Navigable Stream Adjudication Commission ("Commission") has undertaken to receive, compile, review and consider relevant historical and scientific data and information, documents and other evidence regarding the issue of whether any small and minor watercourse in Gila County, Arizona, excluding the Gila River, Salt River and Verde River, were navigable or nonnavigable for title purposes as of February 14, 1912. Proper and legal public notice was given in accordance with law and a hearing was held at which all parties were afforded the opportunity to present evidence, as well as their views, on this issue. The Commission, having considered all of the historical and scientific data and information, documents and other evidence, including the oral and written presentations made by persons appearing at the public hearing and being fully advised in the premises, hereby submits its report, findings and determination.

There are 2,337 documented small and minor watercourses in Gila County, of which 2,071 are unnamed. All of these watercourses, both named and unnamed, are the subject of and included in this report. Excluded from this report are the Gila River, Salt River and Verde River which are deemed to be major watercourses and are the subjects of separate reports. Attached hereto as Exhibit "A" is a list of all of the small and minor watercourses in Gila County, Arizona, both named and unnamed, covered by this report.

I. Procedure

On August 31, 2004, September 1, 2004 and August 25, 2005, the Commission gave proper prior notice of its intent to consider the issue of whether small and minor watercourses in Gila County, Arizona, were navigable or nonnavigable for title purposes as of February 14, 1912, in accordance with A.R.S. § 37-1123B. Publication was in two separate papers in Gila County and in the Arizona Republic in Maricopa County. Copies of the Notices of Intent to Study and Receive, Review and Consider Evidence on the issue of navigability of small and minor watercourses in Gila County and Maricopa County are attached hereto as Exhibit "B."

After collecting and documenting all reasonably available evidence received pursuant to the Notice of Intent to Study and to Receive, Review and Consider Evidence, the Commission scheduled a public hearing to receive additional evidence and testimony regarding the navigability or nonnavigability of small and minor watercourses located in Gila County, Arizona. Public notice of this hearing was given by legal advertising on October 8, 2004, October 23, 2004 and September 16, 2005, as required by law pursuant to A.R.S. §37-1126 and, in addition, by mail to all those requesting individual notice and by means of the ANSAC website (azstreambeds.com). This hearing was held on November 15, 2004, in the City of Globe, the county seat of Gila County, since the law requires that such hearing be held in the county in which the watercourses being studied are located. A public hearing was also held in Phoenix,

Arizona on October 20, 2005. Attached hereto as Exhibit "C" are copies of the notices of the public hearing.

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

Following the public hearing held on October 20, 2005 in Phoenix, Arizona, all parties were advised that they could file post-hearing memoranda pursuant to the Rules adopted by the Commission. A post-hearing memorandum was filed by Salt River Project Agricultural Improvement and Power District and Salt River Valley Water Users Association. On May 24, 2006, at a public hearing in Phoenix, Arizona, after considering all of the evidence and testimony submitted, and the post-hearing memorandum filed with the Commission, and the comments and oral argument presented by the parties, and being fully advised in the premises, the Commission, with a unanimous vote, found and determined in accordance with A.R.S. § 37-1128 that all small and minor watercourses in Gila County, Arizona, were nonnavigable as of February 14, 1912. Attached as Exhibit "D" are minutes of this hearing, as well as the earlier hearings which were continued to this date and hearings at which evidence was presented.

II. Gila County, Arizona

Gila County, Arizona, is located in the east central portion of the state and is approximately 4,796 square miles in land area, with a population of 51,335 as of the last census on July 1, 2001. In 2005, it had a population of approximately 54,060. A substantial portion of its land is held by the federal government in Tonto National

Forest (56%) and the San Carlos Indian Reservation (38%) and Bureau of Land Management (2%). The State of Arizona owns 1% and other public agencies own 1%, leaving only 2% for private ownership. The county borders the counties of Navajo and Coconino to the north and northeast, Yavapai to the northwest, Maricopa to the west, Pinal to the south and Graham to the southeast. Gila County lies within the following latitude and longitude ranges: 32°59′ North to 34°27′ North and 110° West to 111°43′ West.

Arizona Revised Statutes § 11-106 describes the boundaries of Gila County as follows:

> Gila County, the county seat of which is Globe, is bounded as follows:
>
> Commencing at the point where the Mazatzal range of mountains intersects the centerline of the Salt river; thence up the Salt river to the mouth of Tonto creek; thence in a direct line to a mountain known as the "Water Shed;" thence in a direct line to a point two hundred fifty yards west of the place where the "Mineral Creek Mill" stood on February 8, 1881; thence in a direct line to the junction of the San Pedro and Gila rivers; thence up the Gila river to the mouth of the San Carlos river; thence northeasterly up the San Carlos river to a point where the river intersects the northern line of township one north; thence east on such line to the point where such line intersects the one hundred tenth meridian west longitude; thence north on such meridian to the point where it intersects the thirty-fourth parallel north latitude; thence west on such parallel to the point where such parallel intersects the meridian of one hundred ten degrees forty-five minutes west longitude; thence north on such meridian to the Mogollon Rim; thence westerly along the Mogollon Rim and the southern boundary of Coconino county to the east line of range seven east of the Gila and Salt River Guide meridian; thence south to the center of the channel of Fossil creek; thence southwesterly along the center of the channel of Fossil creek to the point where the center of such channel intersects the center of the cannel of the Verde river; thence southerly along the center of the channel of the Verde river to a point due west of a point or peak on the summit of the Mazatzal mountains, known as and called North Peak; thence due east to the North Peak summit of the Mazatzal range of mountains; thence southerly along the summit of the Mazatzal range of mountains to the point where the Mazatzal range of mountains intersects the centerline of the Sale river, the place of beginning.

Gila County was created in 1881 from portions of Maricopa and Pinal Counties. Due to its varied physiographic features and the existing development pattern, Gila County can be divided into geographic regions, each having a unique identity and history based upon its regional characteristics. The southern Gila County region, which roughly extends south from Globe and Miami to the Hayden/Winkelman area, is mountainous with pine forests and has an economy and culture rooted in the copper mining industry. The eastern region, which comprises portions of the San Carlos and Fort Apache reservations is plateaus and high desert grasslands and falls outside of the land use and regulatory jurisdiction of Gila County. The central Gila County region, which includes the Tonto Basin and Roosevelt Lake, is anchored by its easy access and proximity to the Phoenix metropolitan area and the availability of private land and proximity to Lake Roosevelt. The northeastern portion of Gila County, which contains the community of Young, is mountainous with pine forests and is surrounded by public lands, mainly forest service land, and has little improved access or public infrastructure in place. The northern Gila County region, which includes the communities of Payson, Pine and Strawberry, is very mountainous with pine forest and runs up to the Mogollon Rim and has witnessed a recent surge in population as local economies have shifted from the mining and timber industries to service and recreation-owned industries in response to growing populations within the county and the Phoenix area. Elevations in the county range from over 7,000 feet to 2,000 feet.

The major population centers of Gila County are located in the incorporated cities of Globe/Miami, Hayden/Winkelman in the far southern mining portion of the county; Payson/Pine/Strawberry located in the northernmost portion of the county and the high timber country along the Mogollon Rim; and the San Carlos Apache reservation in the eastern portion of the county. The Payson/Pine/Strawberry area has almost a third of the county's population and is the fastest growing area due to tourism economy. Globe/Miami (Globe is the county seat) is the second largest population area

and its economy is based on copper mining. Almost half of the population lives in the rural, unincorporated areas of Gila County, which include the settlements and communities of San Carlos, Peridot, Young (the site of the famous Graham/Tewksburys feud), Tonto Basin, Gisela, Punkin Center and Sunflower. The major commercial industries of Gila County are mining (primarily copper mining), ranching, tourism and recreation, utilities services and transportation. U.S. Highway 60 and 70 are the main east-west corridors of transportation until Highway 60 and State Highway 77 veer to the north from Globe. State Highways 77, 87, 88, 188 and 288 are the principal corridors running north and south through the county. State Highway 260 runs east and west in the very northern part of the county. The only railroad (freight only) in the county is Arizona Eastern Railroad, which runs from Safford to Miami and serves the mines in Globe and Miami.

Major areas of interest in Gila County are the Salt River Canyon on Highway 60, Tonto National Monument, the Mogollon Rim, Tonto Natural Bridge State Park, Coolidge Dam and San Carlos Lake, Roosevelt Dam and Roosevelt Lake. Arizona Eastern College, which is headquartered in Thatcher, Arizona, has a branch campus in Globe. The San Carlos tribe of Indians has established a major casino on its reservation in the eastern part of the county near San Carlos and across from the Globe Airport. A number of major Indian ruins, some open to the public, such as Tonto National Monument and Kinishba Ruins, and many others that are not open to the public are located in the county.

The highest point in the county is Aztec Peak at 7,694 feet in the Sierra Ancha Mountains about half way between Globe and Young, Arizona, approximately latitude 35° 48′ 75″ North and longitude 110° 54′ 25″ West. And the lowest point in the county is approximately 2000 feet at the base of Coolidge Dam on the Gila River in the southern part of the county, approximately latitude 33° 10′ 30 North and longitude 110° 32′ 00″ West.

III. Background and Historical Perspectives

A. Public Trust Doctrine and Equal Footing Doctrine

The reason for the legislative mandated study of navigability of watercourses within the state is to determine who holds title to the beds and banks of such rivers and watercourses. Under the public trust doctrine, as developed by common law over many years, the tidal lands and beds of navigable rivers and watercourses, as well as the banks up to the high water mark, are held by the sovereign in a special title for the benefit of all the people. In quoting the U.S. Supreme Court, the Arizona Court of Appeals described the public trust doctrine in its decision in *The Center for Law v. Hassell*, 172 Ariz. 356, 837 P.2d 158 (App.1991), review denied October 6, 1992.

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

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

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

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

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

This principle was well established by English common law long before the American Revolution and was a part of the law of the American colonies at the time of the Revolution. Following the American Revolution, the rights, duties and responsibilities of the crown passed to the thirteen new independent states, thus making them the owners of the beds of commercially navigable streams, lakes and other waterways within their boundaries by virtue of their newly established sovereignty. The ownership of trust lands by the thirteen original states was never ceded to the federal government. However, in exchange for the national government's agreeing to pay the debts of the thirteen original states incurred in financing the Revolutionary War, the states ceded to the national government their undeveloped western lands. In the Northwest Ordinance of 1787, adopted just prior to the ratification of the U. S. Constitution and subsequently re-enacted by Congress on August 7, 1789, it was provided that new states could be carved out of this western territory and allowed to join the Union and that they "shall be admitted . . . on an equal footing with the original states, in all respects whatsoever." (Ordinance of 1787: The Northwest Territorial Government, § 14, Art. V, 1 stat. 50. See also U. S. Constitution, Art. IV, Section 3). This has been interpreted by the courts to mean that on admission to the Union, the sovereign power of ownership of the beds of navigable streams passes from the federal government to the new state. *Pollard's Lessee v. Hagan, et al.*, 44 U.S. (3 How.) 212 (1845), and *Utah Division of State Lands v. United States*, 482 U.S. 193 (1987).

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

> The state's claims originated in a common-law doctrine, dating back at least as far as Magna Charta, vesting title in the sovereign to lands affected by the ebb and flow of tides. See *Martin v. Waddell*, 41 U.S. (16 Pet.) 367, 412-13, 10 L.Ed. 997 (1842). The sovereign did not hold these lands for private usage, but as a "high prerogative trust . . . , a public trust for the benefit of the whole community." *Id.* at 413. In the American Revolution, "when the people . . . took into their own hands the powers of sovereignty, the prerogatives and regalities which before belong either to the crown or the Parliament, became immediately and rightfully vested in the state." *Id.* at 416.
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> Although watercourse sovereignty ran with the tidewaters in England, an island country, in America the doctrine was extended to navigate inland watercourses as well. See *Barney v. Keokuk*, 94 U.S. 324, 24 L.Ed. 224 (1877); *Illinois Cent. R.R. v. Illinois*, 146 U.S. 387, 434, 13 S.Ct. 110, 111, 36 L.Ed. 1018 (1892). Moreover, by the "equal footing" doctrine, announced in *Pollard's Lessee v. Hagan*, 44 U.S. (3 How.) 212, 11 L.Ed. 565 (1845), the Supreme Court attributed watercourse sovereignty to future, as well as then-existent, states. The Court reasoned that the United States government held lands under territorial navigable waters in trust for future states, which would accede to sovereignty on an "equal footing" with established states upon admission to the Union. *Id.* at 222-23, 229; *accord Montana v. United States*, 450 U.S. 544, 101 S.Ct. 1245, 67 L.Ed.2d 493 (1981); *Land Department v. O'Toole*, 154 Ariz. 43, 44, 739 P.2d 1360, 1361 (App. 1987).
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> The Supreme Court has grounded the states' watercourse sovereignty in the Constitution, observing that "[t]he shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the states respectively." *Pollard's Lessee*, 44 U.S. (3 How.) at 230; see also *Oregon ex rel. State Land Board v. Corvallis Sand & Gravel Co.*, 429 U.S. 363, 374, 97 S.Ct. 582, 589, 50 L.Ed.2d 550 (1977) (states' "title to lands underlying navigable waters within [their] boundaries is conferred . . . by the [United States] constitution itself").

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

In the case of Arizona, the "equal footing" doctrine means that if any stream or watercourse within the State of Arizona was navigable on February 14, 1912, the date Arizona was admitted to the Union, the title to its bed is held by the State of Arizona in a special title under the public trust doctrine. If the stream was not navigable on that date, ownership of the streambed remained in such ownership as it was prior to

statehood--the United States if federal land, or some private party if it had previously been patented or disposed of by the federal government--and could later be sold or disposed of in the manner of other land since it had not been in a special or trust title under the public trust doctrine. Thus, in order to determine title to the beds of rivers, streams, and other watercourses within the State of Arizona, it must be determined whether or not they were navigable or nonnavigable as of the date of statehood.

B. Legal Precedent to Current State Statutes

Until 1985, most Arizona residents assumed that all rivers and watercourses in Arizona, except for the Colorado River, were nonnavigable and accordingly there was no problem with the title to the beds and banks of any rivers, streams or other watercourses.[2] However, in 1985 Arizona officials upset this long-standing assumption and took action to claim title to the bed of the Verde River. *Land Department v. O'Toole,* 154 Ariz. 43, 739 P.2d 1360 (App. 1987). Subsequently, various State officials alleged that the State might hold title to certain lands in or near other watercourses as well. *Id.,* 154 Ariz. at 44, 739 P.2d at 1361. In order to resolve the title questions to the beds of Arizona rivers and streams, the Legislature enacted a law in 1987 substantially relinquishing the state's interest in any such lands.[3] With regard to the Gila, Verde and Salt Rivers, this statute provided that any record title holder of lands in or near the beds of those rivers could obtain a quitclaim deed from the State Land Commissioner for all of the interest the state might have in such lands by the payment of a quitclaim fee of $25.00 per acre. The Arizona Center for Law in the Public Interest filed suit against Milo J. Hassell in his capacity as State Land Commissioner, claiming that the statute

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[2] In 1865, the Arizona Territorial Legislature declared the Colorado river to be "navigable." See Memorial of the Legislature of Arizona, 38th Cong. 2nd Sess., Mis. Doc. No. 17 (January 25, 1865). The Territorial Legislature, in its first session, expressly held that "the Colorado River is the only navigable water in this Territory . . . ." *Id.* (emphasis added)

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

was unconstitutional under the public trust doctrine and gift clause of the Arizona Constitution as no determination had been made of what interest the state had in such lands and what was the reasonable value thereof so that it could be determined that the state was getting full value for the interests it was conveying. The Superior Court entered judgment in favor of the defendants and an appeal was taken. In its decision in *Hassell,* 122 Ariz. 356, 837 P.2d 158 (App. 1991), the Court of Appeals held that this statute violated the public trust doctrine and the Arizona Constitution and further set forth guidelines under which the state could set up a procedure for determining the navigability of rivers and watercourses in Arizona. In response to this decision, the Legislature established the Arizona Navigable Stream Adjudication Commission and enacted the statutes pertaining to its operation. 1992 Arizona Session Laws, Chapter 297 (1992 Act). The charge given to the Commission by the 1992 Act was to conduct full evidentiary public hearings across the state and to adjudicate the State's claims to ownership of lands in the beds of watercourses. See generally former A.R.S. §§ 37-1122 to 37-1128.

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

The Commission began to take evidence on certain watercourses during the fall of 1993 and spring of 1994. In light of perceived difficulties with the 1992 Act, the Legislature revisited this issue during the 1994 session and amended the underlying legislation. See 1994 Arizona Session Laws, ch. 178 ("1994 Act"). Among other things, the 1994 Act provided that the Commission would make a recommendation to the Legislature, which would then hold additional hearings and make a final determination

of navigability by passing a statute with respect to each watercourse. The 1994 Act also established certain presumptions of nonnavigability and exclusions of some types of evidence.

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

In 2001, the Legislature again amended the underlying statute in another attempt to comply with the Court's pronouncements in *Hassell* and *Hull*. See, 2001 Arizona Session Laws, ch. 166, § 1. The 2001 legislation now governs the Commission in making its findings with respect to the small and minor watercourses in Gila County.

IV. Issues Presented

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

> A. The commission shall receive, review and consider all relevant historical and other evidence presented to the commission by the state land department and by other persons regarding the navigability or nonnavigability of watercourses in this state as of February 14, 1912, together with associated public trust values, except for evidence with

respect to the Colorado River and, after public hearings conducted pursuant to section 37-1126:

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

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

3. In a separate, subsequent proceeding pursuant to section 37-1128, subsection B, consider evidence of public trust values and then identify and make a public report of any public trust values that are now associated with the navigable watercourses.

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

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

B. With respect to those watercourses that the commission determines were navigable, the commission shall, in a separate, subsequent proceeding, identify and make a pubic report of any public trust values associated with the navigable watercourse.

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

Public trust values were not considered in these hearings but will be considered in separate, subsequent proceedings, if required. A.R.S. §§ 37-1123A3 and 37-1128B. In discussing the use of an administrative body such as the Commission on issues of navigability and public trust values, the Arizona Court of Appeals in its decision in *Hassell* found that the State must undertake a "particularized assessment" of its "public trust" claims but expressly recognized that such assessment need not take place in a "full blown judicial" proceeding.

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

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

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

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

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

The Legislature and the Court of Appeals in *Hull* have recognized that, unless the watercourse was "navigable" at statehood, the State has no "public trust"

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

V. Burden of Proof

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

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

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

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

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

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

The "preponderance of the evidence" standard is sometimes referred to as requiring "fifty percent plus one" in favor of the party with the burden of proof. One could imagine a set of scales. If the evidence on each side weighs exactly evenly, the party without the burden of proof must prevail. In order for the party with the burden to prevail, sufficient evidence must exist in order to tip the scales (even slightly) in its favor. See, generally, *United States v. Fatico*, 458 U.S. 388, 403-06 (E.D. N.Y. 1978), *aff'd* 603 F.2d 1053 (2nd Cir. 1979), *cert. denied* 444 U.S. 1073 (1980); *United States v. Schipani*, 289 F.Supp. 43, 56 (E.D. N.Y. 1968), aff'd, 414 F.2d 1262 (2nd Cir. 1969). [4]

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

VI. Standard for Determining Navigability

The statute defines a navigable watercourse as follows:

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

A.R.S. § 37-1101(5).

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

> Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

77 U.S. at 563.

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

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

270 U.S. at 55-56.

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1 CA-SA 02-0268 and 1 CA-SA 02-0269 (Consolidated); Arizona Court of Appeals, Division One, (Memorandum Decision filed December 23, 2004).

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

> 11. "Watercourse" means the main body or a portion or reach of any lake, river, creek, stream, wash, arroyo, channel or other body of water. Watercourse does not include a man-made water conveyance system described in paragraph 4 of this section, except to the extent that the system encompasses lands that were part of a natural watercourse as of February 14, 1912.
>
> 3. "Highway for commerce" means a corridor or conduit within which the exchange of goods, commodities or property or the transportation of persons may be conducted.
>
> 4. "Man-made water conveyance system" means:
>
> (a) An irrigation or drainage canal, lateral canal, ditch or flume.
>
> (b) A municipal, industrial, domestic, irrigation or drainage water system, including dams, reservoirs and diversion facilities.
>
> (c) A channel or dike that is designed, dedicated and constructed solely for flood control purposes.
>
> (d) A hydropower inlet and discharge facility.
>
> (e) A canal, lateral canal, ditch or channel for transporting central Arizona project water.
>
> 2. "Bed" means the land lying between the ordinary high watermarks of a watercourse.
>
> 6. "Ordinary high watermark" means the line on the banks of a watercourse established by fluctuations of water and indicated by physical characteristics, such as a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation or the presence of litter and debris, or by other appropriate means that consider the characteristics of the surrounding areas. Ordinary high watermark does not mean the line reached by unusual floods.
>
> 8. "Public trust land" means the portion of the bed of a watercourse that is located in this state and that is determined to have been a navigable watercourse as of

February 14, 1912. Public trust land does not include land held by this state pursuant to any other trust.

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

VII. Evidence Received and Considered by the Commission

Pursuant to A.R.S. § 37-1123, and other provisions of Title 37, Chapter 7, Arizona Revised Statutes, the Commission received, compiled, and reviewed evidence and records regarding the navigability and nonnavigability of small and minor watercourses located in Gila County, Arizona. Twelve major filings of documents relating to Gila County were considered by the Commission, including evidence consisting of studies, written documents, newspapers and other historical accounts, pictures and testimony. A comprehensive study entitled "Final Report - Small & Minor Watercourses Analysis for Gila County, Arizona" prepared by Stantec Consulting Inc., in association with JE Fuller/Hydrology & Geomorphology, Inc., under supervision of the Arizona State Land Department, dated April, 2001, was submitted. The Commission also considered documents, studies, and reports submitted mainly in conjunction with the studies on the Verde River, Salt River and Gila River. The list of evidence and records, together with a summarization is attached as Exhibit "E". The Commission also heard testimony and received and considered evidence at the public hearing by PowerPoint presentation on rivers and watercourses located in Gila County, Arizona.

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

1. Analysis Methods

Due to the large number of small and minor watercourses located in Gila County, Arizona (2,337 watercourses, of which 2,071 are unnamed - see Exhibit "A"), it is impractical and unnecessary to consider each watercourse with the same detail that the Commission considered major watercourses. The study of small and minor

watercourses developed by Stantec Consulting Inc. and its associates provided for an evaluation using a three-level process which contained criteria that would be necessarily present for a stream to be considered navigable. A master database listing all small and minor watercourses was developed from the Arizona Land Resource Information System (ALRIS) with input from the U. S. Geological Survey, the U. S. Environmental Protection Agency and other agencies and sources. The final version of the master database called "Streams" includes a hydrological unit code (HUC), segment number, mileage, watercourse type and watercourse name, if available. Thus there is a hydrological unit code for each of the segments of the 2,337 small and minor watercourses in Gila County, Arizona. The database also locates each segment by section, township, and range. Some of the satellite databases discussed below also locate certain significant reference points by latitude and longitude.

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

1. Perennial stream flow;
2. Dam located on stream;
3. Fish found in stream;
4. Historical record of boating;
5. Record of modern boating; and
6. Special status (other water related characteristics, including in-stream flow application and/or permit, unique waters, wild and scenic, riparian, and preserve).

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

watercourse is determined to require no further study and is rejected at level one as having no characteristics of navigability.

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

In addition, the level two analysis utilizes a refinement with value engineering techniques analyzing watercourses with more than one affirmative response at level one and assigned values to each of the six categories mentioned above. Clearly, perennial flow, historical boating, and modern boating are more important to the issue of navigability than the categories of dam impacted, special status, or fish. Thus, for the purpose of the value engineering study, the following rough values were assigned to each of the six categories: historical boating-10, modern boating-8, perennial stream-7, dam impacted-4, fish-4, and special status-2. This system is a recognized tool used in value engineering studies, and seven qualified engineers from the state Land Department and consulting staff of the contractor participated in determining the values used for each category. This system establishes that a value in excess of 13 is required for a stream to survive the level two evaluation and pass to level three for consideration.[5] Thus, a stream having both perennial flow and historical boating (sum

[5] When this procedure was first developed, a cut off value of eleven (11) was established for a stream to survive level two and pass to level three for evaluation. As the procedure was refined, the cut off value of thirteen (13) was substituted for eleven (11) as it was felt to be more accurate and meaningful.

value of 17), or a combination of the values set for other criteria equaling more than 13, would require that the stream pass to evaluation at level three. If a stream does not have a sum value greater than 13, it is determined to require no further study and is rejected at level two as having insufficient characteristics of navigability.

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

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

The application of the level one analysis to the 2,337 small and minor watercourses located in Gila County resulted in 2,244 watercourses or 96.02% being determined as not having any of the six characteristics listed above, and these 2,244 were therefore rejected or eliminated and did not proceed to a further evaluation at level two. Attached as Exhibit "F" is a list of the watercourses in Gila County which were determined to have no characteristics of navigability or characteristics indicating susceptibility of navigability at level one.

Only ninety-three (93) watercourses, approximately 3.98%, received an affirmative response to the above characteristics or criteria and were evaluated at level two. Attached as Exhibit "G" is a list of the ninety-three (93) watercourses that received a positive response to one or more of the characteristics listed above. Fifty-eight (58) of these watercourses received only one affirmative response at level one and, after further

analysis, were rejected and determined not to have the characteristics of navigability requiring further study. Thirty-five (35) of these watercourses tested affirmatively to more than one of the characteristics listed above. Of these thirty-five (35), only five (5) had a sum value of more than thirteen when analyzed under the value engineering techniques and were therefore considered or evaluated at level three.[6] It was accordingly determined that eighty-eight (88) of the streams analyzed at level two could not be considered as susceptible of navigability and were therefore rejected at level two. In addition, due to unusual characteristics, the East Verde River was considered at level three, although it had sum value of twelve (12) when analyzed under the value engineering techniques. The five (5) stream that survived the value engineering analysis at level two (except for the East Verde River) and were considered at level three are the Black River, which had a sum value of 19.26, the White River, which had a sum value of 19, Fossil Creek, which had a sum value of 15, the San Carlos River, which had a sum value of 15 and Tonto Creek, which had a sum value of 18.26 and are discussed below. The East Verde River is also discussed.

3. Level Three Analysis for Black River

The Black River crosses Apache, Greenlee, Navajo, Graham and Gila Counties in the mountainous area of central Arizona and is the boundary between Graham County

[6] A further refinement made to the value engineering study deals with the areas of perennial stream, fish and special status and breaks down their values and awards a percentage rating of the full value based upon certain criteria. For example, there are two rating systems for a perennial stream: ALRIS (1999) and Brown, et al. (1981). If both systems list a stream as perennial, it receives full value; if only one lists a stream as perennial, it receives only 50% of full value. Fish is broken down by assigning 75% of full value for native fish and 25% of full value for non-native fish. If both types are present, it receives full value. Special status is broken down into in-stream flow (permit) – 3, in-stream flow (application) receives one-half or 1.5, and .25 each is assigned for riparian, preserves, wild and scenic and unique waters, for a total rating of 1. A total rating of 4 is thus possible for any watercourse that has all of these special status designators--in-stream flow (permit) and (application) are duplicative and only one value for in-stream flow is assigned. The weighted average rating for any watercourse with special status is determined by dividing the total rating by 4.0. This criteria is not applied to the categories of historical boating, modern boating and dam-impacted, since the boating (whether modern or historical) either occurred or it did not, and a dam on the stream exists or does not, so if the boating occurred or a dam is present, the full value of 10, 8 or 4 is used for these categories. If not present, no weight is counted in these categories. This refinement results in the final weights assigned to all water courses.

and Apache and Navajo Counties. It received four affirmative responses in the level one analysis – modern boating, fish, special status, and perennial stream and has a total rating of 19.26 using the refined approach at level two. It runs in a generally south by west direction from its headwaters in Williams Valley and Big Lake to its confluence with the Salt River, approximately 13 miles southwest of White River, Arizona. It is 113.4 miles long and drains a total area of about 1,252 square miles. Elevations along the watercourse range from a maximum of 7,840 feet at the headwaters to about 4,230 at its confluence with the Salt River. Vegetation on the watershed consists of ponderosa pine, oak woodland, juniper and piñon pine and various grasses.

For geomorphology purposes, the Black River can be divided into three reaches. In the upper reach and middle reach it flows through deep canyons which have only limited access to the river itself. In the middle reach, the slope flattens out and in the lower reach the slope and banks are much more accessible to persons desiring to go to the river.

There are three U.S. Geological Survey gauging stations along the Black River which have the following mean annual flows. The upper gauging station near Maverick, Arizona, has a mean annual flow of 141 cubic feet per second ("cfs"). The gauging station near Point of Pines and below the pumping plant has a mean annual flow of 221 cfs. The gauging station near Ft. Apache, Arizona, close to where it flows into the Salt River, has a mean annual flow of 438 cfs. Near Freezeout Creek, eight miles northwest of Point of Pines, the Phelps Dodge Corporation has constructed a pumping plant to transfer water from the Black River to Eagle Creek for use in its processing plants in the mines near Morenci, which reduces the average flow down the Black River and increases the flow in Eagle Creek.

The overall depth of the river averages between 1-1/2 to 3-1/2 feet and is between 15 and 25 feet in width. The river has numerous rapids and even some law waterfalls which inhibit the use of boats on the river. Notwithstanding this, due to the amount of

water, canoes, kayaks and rubber rafts can be used for recreational purposes some of the time on portions of the river. Due to obstructions in the river such as rapids, waterfalls, and rock outcrops, overhanging vegetation, shallow flow depths, and steep slopes in the canyon areas, continuous access to the river is nearly impossible except on a localized recreational use basis and the river itself is not conducive to regular commercial transportation. In view of he overall conditions of the river, it was determined that the Black River should be rejected as a navigable river at level three, and a detailed study was not conducted.

4. Level Three Analysis for White River

The White River crosses portions of Navajo and Gila Counties and lies north of the Black River in the mountainous area of central Arizona. It received four affirmative responses at the level one analysis: dam impacted, fish, special status and perennial stream. In the level two analysis it was classified as potentially susceptible to navigation and thus justified forwarding it for level three analysis. The total rating assigned to White River using the refined approach at level two was 19. The White River winds its way to the west from the Gila and Navajo County border near Ft. Apache, Arizona to its confluence with the Salt River at Forks Bluff in the San Carlos Indian Reservation. The total drainage area of White River at its mouth is about 637 square miles. Elevations in the watershed range from a maximum of 4,920 feet at its headwaters above Ft. Apache, Arizona to about 4,230 at its confluence with the Salt River at Forks Bluff. Vegetation on the watershed consists of Ponderosa pine, oak woodland, juniper and piñon pine and various grasses.

The stream gauge station near Ft. Apache, Arizona has a mean annual flow of 212 cubic feet per second (cfs), but shows a large variance between 35 cfs for 90% of the time to 567 for 10% of the time with a two-year flood peak of 3,110 cfs. The flow varies by month with January and May being the largest due to the snow melt and winter cyclonic storms, and July through November being the lowest when the summer

monsoon storms are not particularly heavy. In the upper part of the river the banks are steep, which limits access to the river. The bed itself has many obstructions, rock outcrops and dense overgrowth at certain points along the reach, which would render navigation difficult or impossible. The flow, except for rapids and rocks in the stream could possibly support non-motorized recreation watercraft at certain times, but due to the shallow flow, obstructions, such as rapids and rock outcrops and other available information it was determined that the river itself was not conducive or susceptible to regular commercial transportation or serve as a highway for commerce. In view of the overall conditions it was determined that the White River should be rejected as a navigable river or susceptible of navigability at level three and that a detailed study was not necessary and was not conducted.

5. Level Three Analysis for Fossil Creek

Fossil Creek is named for the numerous fossils present in the bedrock found along the creek, and is located in north-central Arizona and forms the boundary between Gila County and Yavapai County. It is located in the central mountainous area of Arizona. It received three (3) affirmative responses in the level one analysis: perennial stream, dam-impacted and fish, and has a total rating of 15 using the refined approach at level two. Fossil Creek has a 140 square mile watershed and drains the western extent of the Mogollon Rim and flows into the Verde River. The watershed elevations range from over 7,258 feet at 29 Mile Butte to 2,552 feet at the Verde River Fossil Creek confluence. It is 18 miles in length.

Vegetation within the watershed varies from Arizona upland desert scrub in the lower elevations to oak woodland and juniper in the upper elevations. Vegetation along Fossil Creek is rich and flourishing and includes cottonwood, willow and walnut riparian forest at some locations as well as a variety of grasses and reeds. The main channel of Fossil Creek in the mountain canyon reach upstream at Fossil Springs is step-pool pattern controlled by local bedrock. The average channel width is about 40 feet

and the streambed material ranges from course sands to large cobbles and boulders. The channel is located at the bottom of a V-shaped deep canyon with small to non-existent flood plain and only a narrow corridor of riparian vegetation. This reach of Fossil Springs is ephemeral. The main channel between Fossil Springs and Fossil Creek Dam is surrounded by rich, riparian habitat as a result of constant run-off of approximately 43 cubic feet per second cfs from several springs. The channel ranges from 20 to 45 feet in width with a flood plain of up to 60 feet wide that extends between the bedrock canyon walls. This reach is perennial due to the increased in-flow. Downstream of Fossil Creek Dam the main channel consists of cobble and boulder bed channel ranging from 30 to 50 feet wide. Small slot canyons and deep pools popular with hikers and harboring an assortment of fish and aquatic life are scattered throughout the reach. Travertine, a rock precipitated from the mineral rich spring waters forms pools and sills throughout the reach. Flood plain width reaches 100 feet and is confined by bedrock and steep canyon walls up to the Verde River confluence. This reach is clearly perennial. Fossil Creek Dam was built in the early 1900's and provided hydro-electric power. There was a history of overgrazing the watershed prior to 1912. Flow stream gauge data was not available for Fossil Creek, but the data for the Fossil Creek diversion pipeline to the power plant located near Childs was available. The dam has since been removed and Fossil Creek has thus returned to its natural pre-statehood condition. The discharge from Fossil Springs has been relatively constant at about 43 cubic feet per second throughout the year. The winter cyclonic storms frequently will raise this flow to as much as 200 feet per second with the post-snow melt of June through early December to be less than 50 cubic feet per second. With the removal of Fossil Creek dam and the return to the natural flow rate in the lower reaches there is a significant possibility of low draft recreational boating. However, due to the steep slopes, waterfalls and rapids, and overhanging vegetation, commercial boating or boating in upstream direction is unlikely and very hazardous. In view of the foregoing,

Fossil Creek was determined to not be navigable or susceptible of navigability at level three and a detailed study was not recommended.

6. Level Three Analysis for the San Carlos River

The San Carlos River, named for the town on the San Carlos Indian Reservation through which it flows, is located in the northeastern and far eastern portion of Graham County in southeastern Arizona. For a portion of its length, it is the boundary between Graham County and Gila County so is included in the small and minor watercourse reports for both of these counties. The San Carlos River received three affirmative responses at the level one analysis, including perennial stream, dam impacted and the presence of fish, and has a total rating of 15 using the refined approach at level two..

The headwaters of the San Carlos River are on the north slopes of the Gila Mountains near Ash Creek Ranch in the shadow of Natrones Peak. It flows in a westernly direction through the mountains and then turns southwesterly to just above San Carlos where it turns directly south and flows into San Carlos Lake. Prior to the creation of San Carlos Lake behind Coolidge Dam it had its confluence with the Gila River.

Now the San Carlos River's mouth and lower reach are submerged beneath the San Carlos Reservoir and thus it is considered dam-impacted. For purposes of this report, the end of the San Carlos River is considered to be the high water mark of the San Carlos Lake along the old bed of the San Carlos River about eight (8) miles above the bed of the Gila River. This lower reach is considered heavily impacted by waters of the Gila River which are backed up by Coolidge Dam.

The San Carlos River is 56.7 miles in length and drains a watershed of 1,026 square miles. The watershed ranges from over 6900 feet at the Apache Peaks to 2552 feet where it flows into San Carlos Lake. The mean annual precipitation of the watershed is 17.2 inches. Vegetation within the watershed varies from Arizona upland desert scrub in the lower elevations to oak woodland and piñon juniper in the upper

elevations. Along the river itself, cottonwood-willow and walnut riparian forests are found, as well as desert grasses and reeds. In the upper portion of the river, known as the mountain reach, the channel is located in the bottom of a V-shaped deep canyon with very limited access, a small to non-existent floodplain, and a narrow corridor of riparian vegetation. The mountain reach is perennial. In the valley reach the channel is allowed to spread out and is a braided, sand and gravel-bedded channel, approximately 75 feet wide. There are multiple braided channels with widths of the individual channels varying from as low as three feet to as much as 35 feet. The valley reach is intermittent. San Carlos Lake, which is backed up behind Coolidge Dam on the Gila River, was built in 1928 by the Bureau of Indian Affairs and inundates a portion of the mouth of the old San Carlos River bed near where it flowed into the Gila River.

There is one U.S. Geological Survey stream gauge on the San Carlos River just above the town of San Carlos which discloses an annual mean flow of 63 cfs with most of the larger flows occurring during the winter snow melt, winter rains and summer monsoons. The lower portion of the river is frequently dry during the months of May, June, July, September and October. There have been some large floods reported due to heavy rain, the most recent being January of 1993 with a flow rate of 54,800 cfs. The highest average flows occur during the winter storm months of January and February. There is no modern or historical account of any type of boating on the San Carlos River, and the average flow rate. when compared with government standards for small craft, would not appear to allow the use of canoes, kayaks or tubes except in above-average flows a few weeks of each year. Boating on the San Carlos during floods, at which time it would have greater depths, would be dangerous or difficult due to the high velocities, floating debris, overhanging vegetation, and steep slopes. Boating by any commercial craft would be extremely unlikely and hazardous.

In view of the foregoing, the San Carlos River was rejected as not being navigable or susceptible of navigability at level three.

7. Level Three Analysis of Tonto Creek

Tonto Creek is located in Coconino and Gila Counties in the mountainous area of central Arizona. Its origin is Tonto Spring located in Coconino County at latitude 39° 24′ 10″ North and longitude 111° 06′ 16″ and flows generally in a southernly direction until it converges with the Salt River at latitude 33° 45′ 54″ North and longitude 111° 15′ 21″ West. The mouth is the Salt River and the lower portion of Tonto Creek is actually in and under Roosevelt Lake. Tonto Creek received four affirmative responses in the level one analysis: perennial stream, modern boating, fish and special status, and had a total rating of 18.26 using the refined approach at level two. Tonto Creek is 115 miles long, and has a watershed of 970 square miles which drains the Mazatzal and Sierra Anchas mountains as well as a small portion of the Mogollon Rim, and flows into Roosevelt Lake and extends through all five Sonoran life zones. The watershed ranges from over 7,903 feet at Mazatzal Peak to 2,116 feet where Tonto Creek reaches Roosevelt Lake. Vegetation within the watershed varies from catclaw, cacti and gramma grasses in the lower elevations to oak woodland and ponderosa pine in the upper elevations of the Mogollon Rim. Vegetation along Tonto Creek includes cottonwood, willow and walnut riparian forest at some locations, as well as upper sonoran desert wash species such as palo verde and mesquite.

The main channel in the mountain reach of the upper Tonto is comprised of large boulders and cobbles scattered among bedrock out crops in a pool and riffle sequence. Small pools which support fish habitat are located throughout the mountain reach. Channel widths vary from about 30 to 40 feet with banks fluctuating between one and six feet. Flood plains are small to non-existent in the mountain reach with a narrow corridor of riparian vegetation occasionally found between the bedrock canyon walls. The upper reach has a perennial flow from Tonto Springs. The main channel of the middle reach of Tonto Creek is braided with bed material ranging from sand to cobbles. This reach generally has a wide shallow cross-section with multiple channels. Typically

there is a large main channel roughly 200 to 300 feet in width with a multiple high flow braids on the order of 20 to 30 feet located adjacent to the main channel. The middle reach is intermittent with the frequency and duration of runoff decreasing downstream of the Gunn Creek confluence. The lower reach of Tonto Creek is in reality an arm of Roosevelt Lake. Roosevelt Lake was created by completion of Roosevelt Dam in 1911, the year prior to Arizona statehood. The Tonto arm of Roosevelt Lake consists of still waters with depths well in excess of 20 feet and widths of up to several thousand feet. The Tonto arm of Roosevelt Lake is created by the back up from Roosevelt Dam and is augmented by water coming down the upper Salt River.

There are three stream gauges on the Tonto Creek: one near Gisela, one above Gunn Creek, and a third near Roosevelt Lake. The mean flow for the stream gauge near Gisela is between 14 and 340 cfs, and is far greater during the winter months, due to the cyclonic storms that come in from the Pacific Ocean, and is lowest in May through September after the winter snows have melted. The mean flow for the stream gauge station above Gunn Creek is between 14 and 480 cfs, and has the same characteristics as the Gisela stream gauge. The stream gauge near Roosevelt Lake is between 18 cfs for June and 480 cfs for February, and it too increases greatly during the winter cyclonic storms. These winter storms also cause, on occasion, flooding to occur on Tonto Creek, where a hundred-year flood flow can be as high as 100,000 cfs. These stream gauge stations indicate that Tonto Creek is a perennial upstream of Gunn Creek, although during droughts, the stream can dry up completely, especially in its middle section.

Comparing the boating criteria found in the usual references and hydraulic data indicates that the upper reach could be boated by canoes, kayaks and tubes 10 to 50% of the time. The middle reach has recreational boating conditions less than 10% of the time and no possibility of commercial boating. The lower reach, or the Tonto arm of Roosevelt Lake is boatable by almost any type of recreation or commercial boat

throughout the year, but this of course is not the ordinary and natural condition, but is due to an artificial situation created by the lake backed up behind Roosevelt dam.

In the study performed by the Arizona State land department through Stantec Consulting, Inc. and J. E. Fuller Hydrology and Geomorphology, Inc. dated April 2001, it was recommended that due to the perennial flow and the record of modern recreational and commercial boating on Roosevelt Lake, Tonto Creek should be passed on from level three and a separate stream navigability study performed, which study is found in that publication. The separate stream navigability study of Tonto Creek was considered by the Commission and a review of that separate study shows that there is no record of historical boating on Tonto Creek, although there certainly has been some on Roosevelt Lake and some boats were used in the construction of Roosevelt Dam. While Tonto Creek is classified as a perennial creek, the upper reaches may be dry during droughts. There is no archeological evidence of the pre-Columbian indigenous population using Tonto Creek for travel or commerce. Since settlement of the area and construction of Camp Reno by the Army in 1867, there has been no evidence of using Tonto Creek for boating, commerce or travel; although Tonto Creek follows the same patterns as others in the southwest, in that it responds most of the time to rains and storms for water and may, during droughts, be entirely dry. There was no recommendation that Tonto Creek be considered navigable even though the separate study was performed. Also, the lower reach of Tonto Creek is an arm of Roosevelt Lake which will be considered in the report on the Upper Salt River. For purposes of this report, the lower end of the Tonto Creek is considered the high water mark of Roosevelt Lake along the side of the old bed of Tonto Creek.

The Commission finds in view of the foregoing that Tonto Creek is not navigable or susceptible for navigability in its ordinary and natural condition as of February 14, 1912 and did not perform a separate detailed study, although it considered all of the material in the State Land Department study.

8. Level Three Analysis of the East Verde River

The East Verde River is located entirely within Gila County in the mountainous area of Central Arizona. It's head waters are near Washington Park, Arizona, latitude 34°26'57" north, longitude 111°15' west and flows in a southerly direction before turning due west and flows into the Verde River near Giles, Arizona, latitude 34°17'10" north, longitude 111°39'51" west. The East Verde River is 60 miles in length and has a watershed of 328 square miles. It drains the western portion of the Mogollon Rim and a part of the Mazatzal Wilderness before its confluence with the Verde River. The East Verde River had 3 affirmative responses at level one – perennial stream, fish and special status with a total rating of 12 using the refined approach at level two. Elevations in its watershed are from over 7,000 feet at the edge of the Mogollon Rim to 2,530 feet at the East Verde River confluence with the Verde River. Vegetation varies due to elevation in its watershed. At its upper elevations, it is classified as a *Petran Montane Conifer Forest* dominated by extensive stands of ponderosa pine. At lower elevations, the vegetation changes to a juniper woodlands and chaparral and upper Sonora desert shrublands. Riparian vegetation along the East Verde River consists of seep willow, velvet ash, gooding willow, Arizona walnut, Utah juniper, velvet mesquite, salt cedar and desert willow. At the lowest elevations, cottonwood and Arizona sycamore become more prevalent with some velvet mesquite. Grazing and, in cases, overgrazing, had a major impact on the stream and riparian vegetation throughout the East Verde drainage.

The first documented evidence of human presence in the Verde Valley area is indicated by projectile points that date from 2,000 to 10,000 years ago. Hunting and gathering societies dominated until groups of Hohokam Indians from the Phoenix Salt River Valley expanded into this area, bringing their irrigation, agriculture, technology. In the late 1200's. The Sinagua Indian culture migrated south from the Flagstaff area seeking the flowing streams that could offset a prolonged regional drought. There is no

evidence of any of these prehistoric indigenous cultures using the East Verde River for transportation. Exploration of this region by the Spanish began in the late 1500's by Antonio de Espejo and others who were looking for rich mineral deposits. In 1826, the Ewing/Young party passed through the area trapping primarily for beaver. Later, in the mid-1800's, military surveying parties came through the area surveying for railroad routes to California. After the Civil War, settlers began to come into the area and took up farming and ranching. None of these explorers and settlers used canoes or other boats to travel on the river. Transportation was primarily by foot, horseback, horse drawn wagon and later in the lower Verde Valley, by railroad and automobile.

In the upstream reaches of the East Verde River, the stream tends to have a narrow deep cross-section with bedrock cropping out in the bed and banks. In the lower reaches, the main channel is wider and braided. Bank heights range as high as 9 feet and limit access to the river in most places. The U.S. Geological Survey Stream Gauge Station near Pine, Arizona, discloses that the mean flow of the river at this location is 10 to 18 cubic feet per second. At the lower stream gauge station near Giles, the mean stream flow is between 19 and 185 cubic feet per second. Peak discharges during a hundred year flood have been rated at 8,600 cubic feet per second at the station near Pine and 56,700 cubic feet per second at the gauging station near Giles, Arizona. The East Verde River is listed as a boating stream in the Arizona State Parks publication, but reference to the minimum and maximum condition for recreational boating criteria indicate that the East Verde River could be boated by canoes or kayaks or floated in tubes less than 10% of the time, typically during seasonal high flows or small floods. Pools in the upper reaches of the river are sufficient for wide range of recreational boating, but they are no longer than 100 feet. Boating on any part of the river during larger floods would be dangerous and unlikely due to high velocities, overhanging vegetation, small waterfalls, rapids and a steep slope. Boating by large commercial craft would be very unlikely and hazardous. There is no historical evidence

to suggest that the East Verde River was used for commercial boating of any kind or floating of logs in the past.

In the level three study performed by the Arizona State Land Department through Stantec Consulting, Inc. and J. E. Fuller Hydrology and Geomorphology, Inc., dated April 2001, it was recommended that due to perennial flow and a record of modern boating, the East Verde River should be passed on from level three and a separate stream navigability study performed, which study is found in that publication. The separate stream navigability study of the East Verde River was considered by the Commission and a review of that separate study shows that there is no record of historic boating, although there has been some modern recreational boating. The geomorphology and hydrology of the stream, as well as the flow rate, indicate that it is very marginal for even recreational boating and that any commercial use of the stream would be very doubtful. In the separate study, there was no recommendation that the East Verde River be considered navigable or susceptible of navigability as a highway for commerce.

The Commission finds, in view of the forgoing, that the East Verde River is not navigable or susceptible of navigability in its ordinary and natural condition as of February 14, 1912, and did not perform its own separate detailed study as if it were a major river, although the Commission did consider all of the material in the State Land Department's study.

9. Summary of Results of Small and Minor Watercourses Analysis for Gila County, Arizona

All of the 2,337 small and minor watercourses in Gila County (of which 2,071 were unnamed) were analyzed in the three-level process developed by the State Land Department and its contractors Stantec and J.E Fuller Hydrology. At level one, 2,244 watercourses or 96.02% were determined as not having an affirmative response to any of the six characteristics utilized at level one and were therefore rejected and eliminated

at level one. Ninety-three (93) watercourses, approximately 3.98%, received an affirmative response to one or more of the characteristics or criteria and were evaluated at level two. Fifty-eight (58) of these watercourses received only one affirmative response at level one, and further analysis disclosed that they should be rejected as not having the characteristics of navigability requiring further study. Thirty-five (35) of the watercourses received more than one affirmative response at level one and were analyzed under the value engineering system described above. In this analysis thirty (30) of the watercourses had a sum value of less than 13 and were determined as not having the characteristics of navigability requiring further study. However, one (1) stream, the East Verde River, due to special considerations, was studied at level three even though it had a sum value of only 12. The comments on the East Verde River are noted in Section 8 above. Thus, the studies performed at the level three level on the Black River, White River, Fossil Creek, San Carlos River and Tonto Creek and the East Verde River were studied at the level three level and the analyses of the study are noted above. These were considered at level three and they were determined not to require further study above level three in addition to the East Verde River. These six streams were considered at level three and as noted above were determined not to be navigable or susceptible of navigability.

Testimony presented at the hearing for all small and minor watercourses in Gila County established that the present climate and weather conditions in Gila County are the same or very similar to that which existed in 1912 when Arizona became a state.

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

In addition to the small and minor watercourse analysis and other evidence described above, the Commission also considered evidence of prehistoric conditions and the historical development of Gila County as disclosed in the various studies and

reports and testimony presented to the Commission, including the reports on the Upper Salt River, Gila River and Verde River, which flow through parts of Gila County.

1. Prehistoric or Pre-Columbian

Archaeological evidence shows that Gila County, and in particular the water sheds of major small and minor watercourses, has been visited by humans from the earliest paleoindian times (9500 B.C. - 11,500 B.P.)[7] Two clovis type projectile points (circa 9500-9000 B.C.) have been found, one along the east side of Tonto Creek near Punkin Center and the other at Gila Pueblo. These points suggest that early paleoindian big game hunters passed through the area in pursuit of food. Evidence of the archaic period (6000 B.C. to 300 B.C. to 1 A.D.) is more widespread although site density is low and often occur away from the rivers and streams. Sites that were near the streams were probably obscured by flooding and later occupations. These archaic sites are characterized by large dense scatters of diverse lithic materials used for hunting and caring for and processing meat and other food and probably represent base camps and work areas.

The early or pre-classic periods are represented primarily by the Hohokam Tradition in the western portion of the Upper Salt River and the Mogollon Culture phenomena in the mountainous areas. A recent excavation known as the Eagle Ridge Site, located east of Roosevelt Lake on a small ridge on the north side of the Upper Salt River, has been determined to be the earliest documented ceramic or pottery period site in the Tonto Basin. It provides definitive evidence for an indigenous pre-Hohokam population which used the site between 300 B.C. and 100 A.D. The site contains evidence of maize (corn) agriculture, wild plant gathering, and hunting, and data from this site shows similarities to Hohokam, Mogollon and Anasazi Culture groups suggesting that there was an early pansouthwestern culture at the same time as regional

[7] The paleoindian period is generally considered to be between 9500 B.C. or 11,500 B.P. (before present) to approximately 6000 B.C. or 8000 B.P.

differentiation was emerging. The core of the Hohokam Tradition, which begins as early as 300 B.C. to 100 A.D., is in the Phoenix Basin along the lower Salt and middle Gila Rivers. As the Hohokam developed their large-scale agricultural irrigation system and the population increased, there was a general expansion of Hohokam traits outside the Phoenix area, including settlements and sites found on the upper Verde River and other streams, as well as on the Upper Salt, and in particular in the Tonto Basin. This expansion occurred primarily between 750 and 950 A.D.

The Mogollon Tradition was centered in the mountainous regions of western New Mexico and eastern Arizona. Pottery from this Tradition is found in the Tonto Basin area between A.D. 300 and A.D. 700. By A.D. 1000, the Mogollon Tradition had developed masonry and cobble-lined structures of more than one story.

Some archaeologists believe that after A.D. 1000 there was a tradition of blending Mogollon and Anasazi traits in east central Arizona and western New Mexico that is called the Western Pueblo Tradition and is characterized by multi-room surface masonry structures enclosed in compounds with formal kivas. Others believe this is merely a localized branch of the Mogollon Culture adapted to the riverine environment. These sites are found mostly in the eastern portion of the study area.

In the Classic Period after 1000 A.D., numerous Hohokam sites are found in the middle and lower reaches of the Verde River and Upper Salt River and Tonto Basin, having numerous rooms and being multi-storied. In the latter part of the Classic Period, after 1200 A.D., platform mounds are found and some ball courts which, together with different pottery, are indicative of the culture known as the Salado Tradition. Platform mound sites in the Tonto Basin and certain cliff dwellings such as the Tonto National Monument are examples of this Tradition.

Although there is significant evidence of prehistoric irrigation in the Tonto Basin and in the lower reach of the Upper Salt River, there is no evidence whatsoever of the use of the Upper Salt River, Tonto Creek or any of the small and minor watercourses in

Gila County by prehistoric cultures for boating or travel on the water. Nor is there any evidence of attempted floating of logs for use in construction of pueblos. In prehistoric times all travel was almost exclusively by foot.

After approximately A.D. 1450 there is no evidence of prehistoric occupation on the Upper Salt River. The cause for abandonment of major occupation sites is unknown, although explanations for the collapse of the culture system include population decimation by disease, environmental degradation (drought), and overstressing of a complex and probably fragile social system. The tree ring studies have shown that the average flow of the river and presumably rainfall from A.D. 740 to 1370 was somewhat less than the modern average flows. However, most of the prehistoric irrigation agriculture occurred during the Classic Period (1150 to 1450). There is also evidence of significant droughts during the late 1300's and early 1400's.

Some time around 1500, the earlier Mogollon, Hohokam and Salado peoples were replaced by the Yavapai Culture and the area remained very sparsely populated. The Yavapais were a Yuman-speaking people who probably descended from the Cerbat Archaeological Culture that occupied southern California and western Arizona along the Colorado River from about A.D. 700 on. After A.D. 1300 the Cerbat apparently evolved into the historic Hualupai, Havasupai and Yavapai Tribes. In the late 1600's and early 1700's the Athabascan speaking western Apaches migrated into the area and to a certain extent displaced the Yavapai, although there was intermarriage between the two peoples. Both the Yavapai and Apache were relatively nomadic, living by hunting and gathering and occupying temporary sites consisting of brush wikieups and overhanging rocks. The Apaches exist today living on the Ft. Apache and San Carlos Indian Reservations in eastern Gila County. The Yavapais are also an identified tribe today, living on reservations to the east of Phoenix and are intermixed with the Apache. There is no evidence that the Yavapai/Apache people used any of the small and minor watercourses in Gila County for boating or travel on the water or floating of logs.

2. Early Exploration and Historical Development of Gila County

The first Europeans came into the area just prior to and with the Coronado Expedition of 1539 and 1540. The Coronado Expedition's route in the Upper Salt River area has been variously reconstructed and some scholars suggest that it crossed the Salt River below the junction of the White and Black Rivers, but others think it more likely that Coronado crossed above this junction. Records of the Coronado Expedition indicate that the only native peoples encountered in this area were the Yavapais since the Apache had not yet migrated in from the north and east. After the Coronado expedition when the Spaniards began to colonize northern New Mexico, the records begin to show indigenous peoples other than the Yavapais. In 1582, the Espejo Expedition to the north of the study area encountered nomadic peoples in western New Mexico and northern Arizona which were probably ancestors of the modern Navajo and also may have been the first Apache representatives in the area. Navajos are also Athabascan speaking peoples and related to the Apache. There was no colonization of the Gila County area by the Spanish people and relatively few expeditions actually came into the study area for the next 100 years.

In 1699 Father Kino traveled to the Salt River below the study area and possibly went up the Salt as far as the current location of Granite Reef Dam. He named the rivers in the area after the four evangelists, calling the Salt River after Matthew, but later also referred to the Salt River as the Rio Azul. Padre Luiz Velarde also traveled through the area in 1716, as did Padre Ignacio Xavier Keller in 1737, but did not set up missions or make any permanent settlements. Father Jacobo Settlemeyer traveled through the area in 1744 and commented in his reports of the confluence of the Salt and the Gila as having a number of creeks, marshes, fields of reed grass, and abundant growth of alders and cottonwood. Father Ignaz Pfefferkorn visited the Salt River Valley in 1763, as did Father Francisco Garces in 1775, and they noted that the Salt River, together with the Verde River, provided a great deal more water than did the Gila River

into which it flowed at the western end of the Salt River Valley. Other than the foregoing, the Europeans did not explore the study area until the 1820's and no permanent settlements were established until the 1860's. None of these early Spanish explorers used boats of any kind to travel on any of the rivers in the study area, but traveled by horse, mule or foot.

Mexico won its independence from Spain in 1821 and despite attempts to discourage incursions into its territories by citizens of the United States, fur trappers began exploring the southwest in the 1820's. These mountain men generally rode horseback or walked through the southwest and did not use canoes, rafts or other types of boats on the Upper Salt River or any of the small and minor watercourses in Gila County or any other Arizona rivers except for the Colorado. In 1826 four groups of trappers came down the Gila River trapping primarily beaver. Two of the parties split and traveled up the Salt River trapping beaver as they went. Ewing Young split off from this party and went up the Verde River, while the main party under the leadership of James Ohio Pattie continued up the Salt River. Pattie described the Upper Salt River as having much water and abounding with beavers. He said it is a most beautiful stream bounded on each side with high and rich foliage. Trapping in the Upper Salt River and its tributaries continued throughout the late 1820's, 1830's and 1840's, but very few specific and definite records were left by these mountain men.

In 1846 war broke out between the United States and Mexico which ended with the Treaty of Guadalupe Hidalgo in 1848 and the cession of the American southwest above the Gila River from Mexico to the United States. A number of military expeditions passed through southern Arizona during the Mexican-American War, such as the expedition of the Army of the West in 1846 led by Gen. Stephen Watts Kearny down the Gila River through Arizona on their way to California. Also, the Mormon Battalion passed through southern Arizona during this war but traveled mostly south of the Gila River. Because of the rugged territory, none of these expeditions passed

through the Upper Salt River area or Gila County. In 1849, Lt. Edward G. Beckwith led a military expedition west from Zuni across the Little Colorado River to the head of Chevelon Creek, then passing south over the Mogollon Rim along Carrizo Creek and reaching the Salt River between Canyon Creek and Tonto Creek. He reported that because of the rough and impassable territory, they were obliged to leave the river and make their way over mountains to the Gila River. The military surveys conducted during the 1850's primarily for railroad routes did not again cross into the Upper Salt River area or Gila County due to the difficult and impassable terrain.

In the first half of the 1860's the United States military presence in the southwest was greatly reduced due to the requirement for manpower to fight the Civil War in the east. Until the troops were again posted to the area following the War, some of the settlers took matters into their own hands and conducted vigilante type operations against the Indians. In 1865 Ft. McDowell was established on the Verde River, eight miles above its confluence with the Salt River, and in 1867, Camp Reno was established on Tonto Creek, about 15 miles above its confluence with the Salt River. The military post along the White River that later became Ft. Apache was established in 1870 and, with these posts as a base, the Army undertook an active campaign to pacify the Apache Indians. In 1870, General George Stoneman, the military Commander of the Department of Arizona, toured all of the military posts in Arizona. He crossed through the Upper Salt River area on this tour but made little note of the condition of the river. In the winter campaign of 1872-73, General George Crook cleared the Tonto Apaches from the Tonto Basin and forced them to locate on the San Carlos Reservation. There were continuing military campaigns on a limited scale thereafter which did not end until the surrender of Geronimo in 1886 at Ft. Bowie in southern Arizona. All of these campaigns were basically cavalry operations with the troops moving across land on horseback. No boats, rafts or other water craft were used or attempted to be used.

Soon after the establishment of Ft. McDowell in 1865, the soldiers cleared 150 acres of bottomland for cultivation and irrigated it with Verde River water. In 1867 Jack Swilling, a Confederate Army veteran, and others cleared out an old Hohokam canal opposite the Tempe Buttes and commenced farming in the Salt River Valley. Others followed soon afterwards, and a community grew up around these canals which eventually became the City of Phoenix. Although the Tonto Basin was exploited primarily for ranching, virtually all of the ranchers maintained gardens, orchards and small fields for domestic use and some experimented with farming on a larger scale in order to sell the product to the military. Other than the Tonto Basin, there was little farming, and for that matter even ranching, in the Upper Salt River area or Gila County.

Rumors of rich mineral deposits began to be heard in the Arizona Territory in the 1860's in parts of Gila County. Some silver deposits were found near Sombrero Butte, but mining could not become established until the hostile Apache Indians were pacified. The Silver Queen Mine near Superior was established in 1871 and began shipping rich ore by wagon to San Francisco for refining. Two silver deposits were also discovered near Globe, Arizona, and with the influx of miners into that area, the Globe Mining District was formed in 1875, which ran from the Gila to the Salt River and from the San Carlos Reservation to Pinal Creek. A salt works was established at the confluence of the Salt River and the Salt River draw where the river acquires its load of salt. The salt was packed out by way of the Salt River Canyon and freighted to larger markets. A second mining district called the Pioneer Mining District was established in the mid or late 1870's along Pinto, Pine and Smelter Creeks to the west of the Globe Mining District. The silver deposits begin to play out in the 1880's and copper replaced silver as the predominant mining industry. Asbestos mining also became important on the Upper Salt River in about 1911, and manganese was also mined in the Canyon. Many of the mines, particularly those mining copper to the south of the Salt River around Globe, Miami and Superior, are still in operation at this time.

In 1871 A. A. Humphrey, who conducted a survey in the area described the mountainous portion of Gila County as being rough and broken by deep canyons. Hiram Hodge in 1877 described the Salt River as follows: "At low water it is clear, beautiful stream, having an average width of 200 feet for a distance of 100 miles above its junction with the Gila, and a depth of two feet or more." The archaeologist Bandolier who surveyed the area for Indian ruins in 1892 described the Salt River as "a broad blue rushing stream, wider than the Gila, with a clear and very alkaline waters." He called it the finest large river in the southwest and stated that it "flowed through a beautiful green valley planted with grain emerald green." A number of explorers and travelers described the Upper Salt River in the late 19th and early 20th centuries. In general these observers saw a perennial stream, although its flow was highly variable, both seasonally and annually.

After the pacification of the Indians in the Tonto Basin in 1873, a number of ranchers moved herds in and established successful livestock operations. By the 1880's, it is estimated that 2,000 head of cattle and a like number of sheep grazed in the vicinity of the Tonto Basin and the middle reach of the Upper Salt River. In the 1880's Mormons from the Salt River Valley grazed livestock along the Salt River and La Barge Creek which became known as Mormon Flat. This was abandoned later and Mormon Flat Dam was built near the site in the 1920's. Because of the isolation, some of the ranches in this area established post offices and schools to serve the people in the surrounding area. Usually such a settlement was given a name, and it was considered to be a town, but they were sparsely populated and these so-called settlements have now disappeared to a great extent. Many of the ranchers along the Salt River above the present site of Roosevelt Dam in the Tonto Basin were bought out by the U. S. Government in 1903 when construction of the Roosevelt Dam began. Those who had ranches that were not flooded by the lake backed up by the dam remained and some of them still operate on some private land and forest service leased land. In the Tonto

Basin and vicinity, even with Roosevelt Lake, ranching reached its peak in the 1920's when an estimated 82,000 cattle grazed in that region.

3. Later Historical Development of Gila County

Since the turn of the century in 1900, Gila County has been known for ranching, farming, mining, hydroelectric power production and most recently tourism. Fifty-eight percent (58%) of the land in Gila County is owned by the federal government and is incorporated in the national forest and in land controlled by the Bureau of Land Management. While camping and hunting is important in these areas, the major economic use is ranching with forest and land allotments being granted to various ranchers. Another large portion of the county (38%) is located in the San Carlos Indian Reservation and is dedicated to Indian ranching with some small amount of farming. The Indian tribes also allow hunting permits and some of the largest elk ever taken were taken from the White Mountain Indian Reservation. It is generally agreed that the Tonto Basin and surrounding area was overgrazed in the 1880's and 1890's but recent analysis has indicated that such overgrazing and vegetation removal was not the sole cause of the arroyo cutting that began in the late 1800's. Changes in the amount and timing of precipitation and natural process of streams are now thought to have assisted in this arroyo cutting even if there had been an absence of grazing. Certainly, the construction of Roosevelt Dam affected the Salt River flood plain and the Tonto Basin area and the filling of the Roosevelt Lake eliminated a lot of good ranching and farming land. Also, the entire Southwest went through severe draughts in the 1890's and early 1900's and this contributed to the arroyo cutting. Notwithstanding the foregoing, with federal management of forest and BLM land, the ranching industry is alive and well. This industry uses water to feed the animals and the tanks built by ranchers are also used by wild game. The ranching and farming does not result in any use of any of the small and minor watercourses for boating, rafting, floating of logs or otherwise as highways for commerce.

Mining has been very important in Gila County since settlers first came there and the hope of finding of a valuable silver or gold lode was what brought many of the early explorers and resulted in the settling of Globe, Miami, Superior and later San Manuel. The Globe, Miami area continues to produce significant amounts of copper and recent reports are that a deep mine may be reopened in the Superior area. While the mines need and use a great deal of water to process the ore, there is no thought of using any of the watercourses, either major or minor, as highways of commerce.

The production of hydroelectric power and the use of the water stored in Roosevelt Lake and behind the dams lower on the Salt River is extremely important to Arizona, but most of its importance, other than the hydroelectric power use is centered in the Salt River Valley where the large population is located. A more extensive discussion of the construction of Roosevelt Dam and Roosevelt Lake will be undertaken in the study of the Upper Salt River.

In recent years, tourism has become more important to Gila County, especially in the Payson, Pine and Strawberry area in the mountains. This area was originally a shopping center for ranchers and others who lived in or traveled through the area, but more recently, it has become a destination because of the cool mountain climate and other tourism amenities. Payson lies at the base of the Mogollon Rim, which is a major geological feature in Arizona and includes one of the largest Ponderosa pine forests in the country. With its proximity to Phoenix and the population center in the Salt River Valley, it has become more and more susceptible for people to use to escape the heat of the desert and enjoy the mountain air.

A review of all of the literature and information regarding small and minor watercourses in Gila County clearly shows that as of the time Arizona became a state and prior thereto, none of the small and minor watercourses were used or susceptible of use as a highway for commerce. While the water in them was important to wildlife,

cattle and irrigation farming, they were not susceptible for travel by boat, raft or otherwise in connection with moving commerce or people on them.

VIII. FINDINGS AND DETERMINATIONS

The Commission conducted a particularized assessment of potential public trust claims of the State of Arizona to the 2,337 small and minor watercourses located in Gila County as required in the Court's decision in *Center for Law v. Hassell, supra.* and in doing so considered all of the evidence available, including the analysis methods developed by the Stantec Consulting Company and its associates in its three level process which contain criteria that would be necessarily present for any stream to be considered navigable. It also considered the archeology of Gila County and the prehistoric or pre-Columbian history, as well as the historical development of Gila County from the time settlers first came into the area. Based on all of the historical and scientific data and information, documents and other evidence produced, including the small and minor watercourses analysis procedure developed by Stantec Consulting, Inc. and its associates, finds that none of the small and minor watercourses, including Tonto Creek and the East Verde River were used or were susceptible of being used in their ordinary and natural condition as a highway for commerce over which trade and travel were or could have been conducted in the customary modes of trade and travel on water as of February 14, 1912.

The Commission also finds that with certain exceptions [primarily those streams discussed in Section VII(A)(3-8, inclusive, *supra.*)], none of the small and minor watercourses in Gila County, Arizona, are or were truly perennial throughout their length and that as of February 14, 1912, and currently, they flow/flowed mainly in direct response to precipitation and are or were dry at other times, or at least portions of them were.

The Commission also finds there is no evidence of any historical or modern commercial boating or floating of logs for commercial use having occurred on any of the small and minor watercourses in Gila County, Arizona.

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

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

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

RESPECTFULLY SUBMITTED this 11 day of April, 2007.

Earl Eisenhower, Chair

Dolly Echeverria, Vice Chair

Jay Brashear, Member

Cecil Miller, Member

James K. Henness, Member

STAFF MEMBERS:

George Mehnert
Executive Director

Curtis A. Jennings
Legal Counsel to the Commission

EXHIBIT A

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

Alder Creek 1 - Gila
Alder Creek 2 - Gila
Alpine Creek
Amos Wash
Ash Creek 1 - Gila
Ash Creek 2 - Gila
Ash Creek 3 - Gila
Ash Spring Wash
Banning Wash
Banty Creek - Gila
Bear Creek - Navajo
Bear Creek 1 - Gila
Bear Creek 2- Gila
Bear Wash
Big Cherry Creek
Black Mountain Wash - Gila
Black River
Blackjack Wash
Blevens Wash
Bloody Tanks Wash - Gila
Bonita Creek - Gila
Boone Moore Wash
Bray Creek
Brody Creek
Bronco Creek - Gila
Buckhorn Creek - Gila
Buena Vista Creek
Bumblebee Creek
Butcher Creek
Butte Creek - Gila
Calf Creek
Callahan Creek
Cammerman Wash
Campaign Creek
Campbell Creek
Canyon Creek - Gila
Canyon Creek 1
Carrizo Creek
Cassadore Creek
Cave Creek - Gila
Cedar Creek - Gila
Celler Creek
Center Creek
Champion Creek
Chase Creek - Gila
Cherry Creek 1 - Gila
Cherry Creek 2 - Gila
China Spring Creek
Christopher Creek
Chukar Wash
Cibecue Creek
Cienega Creek - Gila
City Creek
Clover Creek - Gila
Clover Wash
Connor Wash
Coon Creek - Gila
Cooper Forks Creek
Corral Creek 1
Corral Creek 2
Cottonwood Creek 1 - Gila
Cottonwood Creek 2 - Gila
Cottonwood Wash - Gila
Courduroy Creek
Cow Creek - Navajo
Crouch Creek
Dagger Wash
Deep Creek 1 - Gila
Deer Creek 1 - Gila
Deer Creek 2 - Gila
Deer Spring Creek
Del Shay Creek
Dennis Creek
Devore Wash
Dick Williams Creek
Dinner Creek
Dripping Spring
Dry Creek - Gila
Dry Creek 1 - Gila
Dry Dude Creek
Dry Pocket Wash
Dry Wash 1 - Yavapai
Dude Creek
Eads Wash
East Bray Creek
East Cedar Creek
East Fork Canyon
East Fork Horton
East Verde River
Ellison Creek
Ellison Creek - Gila
Finton Creek
Fossil Creek
Fuller Creek
G Wash
Gentry Creek
Georges Basin Creek
Gerald Wash
Gibson Creek - Gila
Gilson Wash
Gold Creek
Gordon Canyon
Green Valley Creek
Greenback Creek
Griffin Wash
Gun Creek

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

Hackberry Creek - Gila
Haigler Creek
Hardscrabble Creek
Hardt Creek
Haufer Wash
Hicks Wash
Hill Creek
Honey Creek
Horrell Creek
Horse Camp Creek
Horse Tank Creek
Horse Tank Wash
Horseshoe Bend Wash
Horton Creek - Gila
House Creek
Houston Creek 1 - Gila
Houston Creek 2 - Gila
Hunter Creek
H-z Wash
Indian Creek
Lambing Creek
Lawrence Creek
Lewis Creek
Little Campaign
Little Cherry Creek
Little Trough Creek
Little Turkey Creek
Lost Mule Creek
Lyons Fork
Mail Creek
Marsh Creek
McFadden Creek
McMillen Wash
Meddler Wash
Medicine Creek
Mescal Creek - Gila
Methodist Creek
Miami Wash
Middle Cedar Creek
Milky Wash
Mill Creek
Mineral Creek - Gila
Mineral Creek - Pinal
Moore Creek
Moore Wash
Mud Spring Wash - Gila
Mule Creek
Murphy Wash
Murray Wash
Nail Creek
Nash Creek
Natanes Creek
Natural Corral Creek
Negro Wash
New Creek
North Alder Creek
North Fork Coope
North Fork Parke
North Sycamore Creek
Nugget Wash - Gila
Oak Creek - Navajo
Oak Creek 1 - Gila
Oak Creek 2 - Gila
Oak Creek 3 - Gila
P B Creek
Packard Wash
Park Creek 1
Park Creek 2
Parker Creek
Perley Creek
Pigeon Creek - Gila
Pinal Creek
Pine Creek
Pine Creek - Gila
Pineasco Creek
Pinto Creek
Pioneer Creek
Pocket Creek
Poison Springs Wash
Priebe Creek
Pringle Wash
Pueblo Canyon
Pyeatte Draw
Quail Springs Wash
Ramboz Wash
Ranch Creek
Red Canyon
Red Creek
Redmond Wash
Reno Creek
Reynolds Creek
Rock Creek 1 - Gila
Rock Creek 2 - Gila
Rock Creek 3 - Gila
Rock House Creek
Rocky Creek
Rose Creek
Russell Gulch
Rye Creek
Sag Creek
Sally May Wash
Salome Creek
Salt Creek Draw
San Carlos River
Sand Wash - Gila
Schoolhouse Wash

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

Sevenmile Wash
Sharp Creek - Gila
Sheep Wash - Gila
Shute Springs Creek
Silver Creek - Gila
Skunk Camp Wash
Slate Creek - Gila
Sloan Creek
Soldier Camp Creek
Soldier Camp Wash
Soldier Creek - Gila
Sontag Creek
South Fork Coope
South Fork Deer
South Fork Parke
Spring Branch
Spring Creek 1
Spring Creek 2
Spring Wash
St Johns Creek
Steamboad Wash - Pinal
Stewart Creek
Stone Cabin Wash
Strawberry Creek
Swamp Creek
Sycamore Creek 1 - Gila
Sycamore Creek 2 - Gila
Sycamore Creek 3 - Gila
Sycamore Creek 3 - Yavapai
Sycamore Creek 4 - Gila
Sycamore Wash
Tank Creek - Gila
Tinhorn Wash
Tonto Creek
Tulapai Creek
Turkey Creek 1
Turkey Creek 1 - Gila
Turkey Creek 2 - Gila
Turkey Creek 3 - Gila
Walnut Creek - Gila
Warm Creek
Webber Creek
West Cedar Creek
West Fork Oak Creek
West Fork Pinto
West Prong Gentr
West Webber Creek
Wet Bottom Creek
White River
Wildcat Creek - Gila
Willow Creek - Gila
Wilson Creek
Workman Creek
Zulu Wash
2071 Unnamed Washes

EXHIBIT B

PAYSON ROUNDUP
P.O. Box 2520 - Payson, AZ 85547
708 N. Beeline Highway
(928) 474-5251 - Fax (928) 474-1893

STATE OF ARIZONA
COUNTY OF GILA

AFFIDAVIT OF PUBLICATION

I, **Marge Hanscom**, acknowledge that the attached hereto was published in a newspaper of general circulation at Payson, Arizona, County of Gila on the following dates:

08/31/2004
09/07/2004
09/14/2004

Signed

On this **5TH DAY OF NOVEMBER, 2004.**

Notary Public

JULIE WANTLAND
Notary Public - Arizona
GILA COUNTY
My Comm. Exp. 3-29-2007

9327: 8/31, 9/07, 9/14/04
STATEMENT OF INTENT

9327: 8/31, 9/07, 9/14/04
STATEMENT OF INTENT

9327: 8/31, 9/07, 9/14/04
STATEMENT OF INTENT

State of Arizona

Navigable Stream Adjudication Commission

Pursuant to A.R.S. §37-1101, et seq., the Arizona Navigable Stream Adjudication Commission (ANSAC) is planning to hold watercourse navigability hearings regarding the Gila River, the Upper Salt River, and the Verde River in Gila County, Arizona. Notice is hereby given, pursuant to A.R.S. §37-1123 (B), that ANSAC intends to receive, review, and consider evidence regarding the navigability or non-navigability of the Gila River, the Upper Salt River, and the Verde River in Gila County. Interested parties are requested to file all documentary and other physical evidence they propose to submit to ANSAC by October 26, 2004. All evidence submitted to ANSAC will be the property of ANSAC and the State of Arizona. Evidence submitted will be available for public inspection at the ANSAC offices during regular office hours.

Pursuant to A.R.S. §37-1101, et seq., the Arizona Navigable Stream Adjudication Commission (ANSAC) is planning to hold a watercourse navigability hearing regarding all of the small and minor watercourses in Gila County, Arizona. Notice is hereby given, pursuant to A.R.S. §37-1123 (B), that ANSAC intends to receive, review, and consider evidence regarding the navigability or non-navigability of all small and minor watercourses in Gila County. Interested parties are requested to file all documentary evidence they propose to submit to ANSAC by October 26, 2004. All evidence submitted to ANSAC will be the

STATEMENT OF INTENT
State of Arizona
Navigable Stream Adjudication Commission

Pursuant to A.R.S. §37-1101, et. seq., the Arizona Navigable Stream Adjudication Commission (ANSAC) is planning to hold watercourse navigability hearings regarding the Gila River, the Upper Salt River, and the Verde River in Gila County, Arizona. Notice is hereby given, pursuant to A.R.S. §37-1123 (B), that ANSAC intends to receive, review, and consider evidence regarding the navigability or nonnavigability of the Gila River, the Upper Salt River, and the Verde River in Gila County. Interested parties are requested to file all documentary and other physical evidence they propose to submit to ANSAC by October 26, 2004. All evidence submitted to ANSAC will be the property of ANSAC and the State of Arizona. Evidence submitted will be available for public inspection at the ANSAC offices during regular office hours.

Pursuant to A.R.S. §37-1101, et. seq., the Arizona Navigable Stream Adjudication Commission, (ANSAC) is planning to hold a watercourse navigability hearing regarding all of the small and minor watercourses in Gila County, Arizona. Notice is hereby given, pursuant to A.R.S. §37-1123 (B), that ANSAC intends to receive, review, and consider evidence regarding the navigability or nonnavigability of all small and minor watercourses in Gila County. Interested parties are requested to file all documentary evidence they propose to submit to ANSAC by October 26, 2004. All evidence submitted to ANSAC will be the property of ANSAC and the State of Arizona. Evidence submitted will be available for public inspection at the ANSAC offices during regular office hours.

The list of small and minor watercourses includes: Alder Creek 1 - Gila, Alder Creek 2 - Gila, Alpine Creek, Amos Wash, Ash Creek 1 - Gila, Ash Creek 2 - Gila, Ash Creek 3 - Gila, Ash Spring Wash, Banning Wash, Banty Creek - Gila, Bear Creek 1 - Gila, Bear Creek 2 - Gila, Bear Wash, Big Cherry Creek, Black Mountain Wash - Gila, Black River, Blackjack Wash, Blevens Wash, Bloody Tanks Wash - Gila, Bonita Creek - Gila, Boone Moore Wash, Bray Creek, Brody Creek, Bronco Creek - Gila, Buckhorn Creek - Gila, Buena Vista Creek, Bumblebee Creek, Butcher Creek, Butte Creek - Gila, Calf Creek, Callahan Creek, Cammerman Wash, Campaign Creek, Campbell Creek, Canyon Creek - Gila, Canyon Creek 1, Carrizo Creek, Cassadore Creek, Cave Creek - Gila, Cedar Creek - Gila, Cedar Creek, Center Creek, Champion Creek, Chase Creek - Gila, Cherry Creek 1 - Gila, Cherry Creek 2 - Gila, China Spring Creek, Christopher Creek, Chukar Wash, Cibecue Creek, Cienega Creek - Gila, City Creek, Clover Creek - Gila, Clover Wash, Connor Wash, Coon Creek - Gila, Cooper Forks Creek, Corral Creek 1, Corral Creek 2, Cottonwood Creek 1 - Gila, Cottonwood Creek 2 - Gila, Cottonwood Wash - Gila, Crouch Creek, Dagger Wash, Deep Creek 1 - Gila, Deer Creek 1 - Gila, Deer Creek 2 - Gila, Deer Spring Creek, Deadman Creek, Dennis Creek, Devore Wash, Dick Williams Creek, Dinner Creek, Dripping Spring, Dry Creek - Gila, Dry Creek 1 - Gila, Dry Dude Creek, Dry Pocket Wash, Dude Creek, Eads Wash, East Bray Creek, East Cedar Creek, East Fork Canyon, East Fork Horton, East Verde River, Ellison Creek, Ellison Creek - Gila, Finton Creek, Fossil Creek, Fuller Creek, G Wash, Gentry Creek, Georges Basin Creek, Gerald Wash, Gibson Creek - Gila, Gilson Wash, Gold Creek, Gordon Canyon, Green Valley Creek, Greenback Creek, Griffin Wash, Gun Creek, H-z Wash, Hackberry Creek - Gila, Hanks Creek, Hardscrabble Creek, Hardt Creek, Haufer Wash, Hicks Wash, Hill Creek, Honey Creek, Horrell Creek, Horse Camp Creek, Horse Tank Creek, Horse Tank Wash, Horseshoe Bend Wash, Horton Creek - Gila, Houde Creek, Houston Creek 1 - Gila, Houston Creek 2 - Gila, Hunter Creek, Indian Creek, Lambing Creek, Lawrence Creek, Lewis Creek, Little Campaign, Little Chevy Creek, Little Trough Creek, Little Turkey Creek, Lost Mule Creek, Lyons Fork, Mail Creek, Marsh Creek, McFadden Creek, McMillen Wash, Meddler Wash, Medicine Creek, Mescal Creek - Gila, Methodist Creek, Miami Wash, Middle Cedar Creek, Milky Wash, Mill Creek, Mineral Creek - Gila, Moore Creek, Moore Wash, Mud Spring Wash - Gila, Mule Creek, Murphy Wash, Murray Wash, Nail Creek, Nash Creek, Natanes Creek, Natural Corral Creek, Negro Wash, New Creek, North Alder Creek, North Fork Coope, North Fork Parke, North Sycamore Creek, Nugget Wash - Gila, Oak Creek 1 - Gila, Oak Creek 2 - Gila, Oak Creek 3 - Gila, P-B Creek, Packard Wash, Park Creek 1, Park Creek 2, Parker Creek, Perley Creek, Pigeon Creek - Gila, Pinal Creek, Pine Creek, Pine Creek - Gila, Pinesaco Creek, Pinto Creek, Pioneer Creek, Pocket Creek, Polson Springs Wash, Priebe Creek, Pringle Wash, Pueblo Canyon, Pyeatte Draw, Quail Springs Wash, Ramboz Wash, Ranch Creek, Red Canyon, Redmond Wash, Reno Creek, Reynolds Creek, Rock Creek 1 - Gila, Rock Creek 2 - Gila, Rock Creek 3 - Gila, Rock House Creek, Rocky Creek, Rose Creek, Russell Gulch, Rye Creek, Sag Creek, Salome Creek, Salt Creek Draw, San Carlos River, Sand Wash - Gila, Schoolhouse Wash, Seventmile

L:

SIAL SEAL
R ALVAREZ
BLIC-ARIZONA
COUNTY
pires July 15, 2007

Affidavit of Publication

State of Arizona
County of Gila

Ellen Kretsch, being first duly sworn deposes and says: That she is the **publisher** of the Arizona Silver Belt, San Carlos Apache Moccasin, and Gila County Advantage newspapers, located at 298 North Pine Street, Globe, AZ 85501, mail: P.O. Box 31, Globe, AZ 85502, Tel: 928-425-7121, Fax: 928-425-7001, E-mail: beltnews@yahoo.com or Website: www.silverbelt.com. The publisher is also the caretaker/record's clerk of the newspaper microfilm archives now in operation or defunct and currently owned by Liberty Group Publishing Co., Inc. Said microfilm archives are located at the above stated physical address in the State of Arizona, County of Gila, City of Globe. A brief description of said legal advertisement ☑, advertisement ☐, or article ☐ follows:

Statement of Intent - AZ Navigable Stream Adjudication Commission planning to hold water-course navigability hearings re: Gila River, Upper Salt River & Verde River

A printed copy of said legal, advertising, or article is attached hereto and was published in a regular edition of said newspaper on the following date(s):

Arizona Silver Belt
Sept. 1, 2004, Sept. 8, 2004,
Sept. 15, 2004

Ellen Kretsch, Publisher

State of Arizona
County of Gila

The foregoing instrument was acknowledged before me this

Sept. 15, 2004 (date)

by Ellen Kretsch.

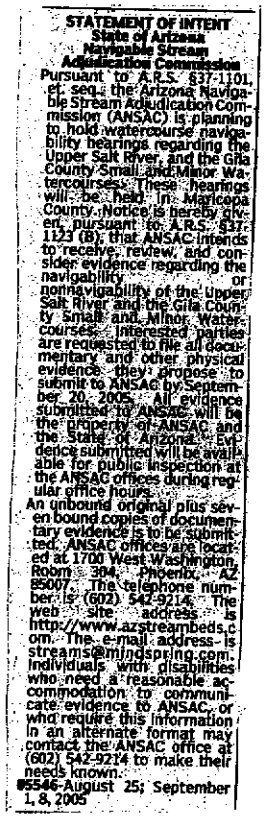
Jennifer Alvarez, Notary Public

My Commission Expires: July 15, 2007

AFFIDAVIT OF PUBLICATION

THE ARIZONA REPUBLIC

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.



STATEMENT OF INTENT
State of Arizona
Navigable Stream
Adjudication Commission

Pursuant to A.R.S. §37-1101, et. seq., the Arizona Navigable Stream Adjudication Commission (ANSAC) is planning to hold watercourse navigability hearings regarding the Upper Salt River, and the Gila County Small and Minor Watercourses. These hearings will be held in Maricopa County. Notice is hereby given, pursuant to A.R.S. §37-1123 (B), that ANSAC intends to receive, review, and consider evidence regarding the navigability or nonnavigability of the Upper Salt River and the Gila County Small and Minor Watercourses. Interested parties are requested to file all documentary and other physical evidence they propose to submit to ANSAC by September 20, 2005. All evidence submitted to ANSAC will be the property of ANSAC and the State of Arizona. Evidence submitted will be available for public inspection at the ANSAC offices during regular office hours.

An unbound original plus seven bound copies of documentary evidence is to be submitted. ANSAC offices are located at 1700 West Washington, Room 304, Phoenix, AZ 85007. The telephone number is (602) 542-9214. The web site address is http://www.azstreambeds.com. The e-mail address is streams@mindspring.com. Individuals with disabilities who need a reasonable accommodation to communicate evidence to ANSAC, or who require this information in an alternate format may contact the ANSAC office at (602) 542-9214 to make their needs known.

#5546-August 25; September 1, 8, 2005

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

The Arizona Republic

August 25; September 1, 8, 2005

Sworn to before me this
8TH day of
September A.D. 2005

OFFICIAL SEAL
MARILYN GREENWOOD
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires May 23, 2007

Notary Public

EXHIBIT C

NOTICE OF PUBLIC HEARING
State of Arizona
Navigable Stream Adjudication Commission

Pursuant to A.R.S. § 37-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Gila County. The hearings will be held in Gila County on November 15, 2004 beginning at 1:00 p.m. in an order established by the chair in the Gila County Supervisors' Conference Room located at 1400 East Ash Street, Globe, Arizona. The following are presently the only hearings scheduled.

The Gila River, the Upper Salt River, the Verde River, and all of the small and minor watercourses in Gila County, including but not limited to:

Alder Creek 1 - Gila, Alder Creek 2 - Gila, Alpine Creek, Amos Wash, Ash Creek 1 - Gila, Ash Creek 2 - Gila, Ash Creek 3 - Gila, Ash Spring Wash, Banning Wash, Banty Creek - Gila, Bear Creek 1 - Gila, Bear Creek 2 - Gila, Bear Wash, Big Cherry Creek, Black Mountain Wash - Gila, Black River, Blackjack Wash, Blevins Wash, Bloody Tanks Wash - Gila, Bonita Creek - Gila, Boone Moore Wash, Bray Creek, Brody Creek, Bronco Creek - Gila, Buckhorn Creek - Gila, Buena Vista Creek, Bumblebee Creek, Butcher Creek, Butte Creek - Gila, Calf Creek, Callahan Creek, Cammerman Wash, Campaign Creek, Campbell Creek, Canyon Creek - Gila, Canyon Creek 1, Carrizo Creek, Cassadore Creek, Cave Creek - Gila, Cedar Creek - Gila, Cellar Creek, Center Creek, Champion Creek, Chase Creek - Gila, Cherry Creek 1 - Gila, Cherry Creek 2 - Gila, China Spring Creek, Christopher Creek, Chukar Wash, Cibecue Creek, Cienega Creek - Gila, City Creek, Clover Creek - Gila, Clover Wash, Connor Wash, Coon Creek - Gila, Cooper Forks Creek, Corral Creek 1, Corral Creek 2, Cottonwood Creek 1 - Gila, Cottonwood Creek 2 - Gila, Cottonwood Wash - Gila, Crouch Creek, Dagger Wash, Deep Creek 1 - Gila, Deer Creek 1 - Gila, Deer Creek 2 - Gila, Deer Spring Creek, Del Shay Creek, Dennis Creek, Devore Wash, Dick Williams Creek, Dinner Creek, Dripping Spring, Dry Creek - Gila, Dry Creek 1 - Gila, Dry Dude Creek, Dry Pocket Wash, Dude Creek, Eads Wash, East Bray Creek, East Cedar Creek, East Fork Canyon, East Fork Horton, East Verde River, Ellison Creek, Ellison Creek - Gila, Finton Creek, Fossil Creek, Fuller Creek, G Wash, Gentry Creek, Georges Basin Creek, Gerald Wash, Gibson Creek - Gila, Gilson Wash, Gold Creek, Gordon Canyon, Green Valley Creek, Greenback Creek, Griffin Wash, Gun Creek, H-z Wash, Hackberry Creek - Gila, Haigler Creek, Hardscrabble Creek, Hardt Creek, Hauter Wash, Hicks Wash, Hill Creek, Honey Creek, Horrell Creek, Horse Camp Creek, Horse Tank Creek, Horse Tank Wash, Horseshoe Bend Wash, Horton Creek - Gila, House Creek, Houston Creek 1 - Gila, Houston Creek 2 - Gila, Hunter Creek, Indian Creek, Lambing Creek, Lawrence Creek, Lewis Creek, Little Campaign, Little Cherry Creek, Little Trough Creek, Little Turkey Creek, Lost Mule Creek, Lyons Fork, Mail Creek, Marsh Creek, McFadden Creek, McMillen Wash, Meddler Wash, Medicine Creek, Mescal Creek - Gila, Methodist Creek, Miami Wash, Middle Cedar Creek, Milky Wash, Mill Creek, Mineral Creek - Gila, Moore Creek, Moore Wash, Mud Spring Wash - Gila, Mule Creek, Murphy Wash, Murphy Wash, Nail Creek, Nash Creek, Natanes Creek, Natural Corral Creek, Negro Wash, New Creek, North Alder Creek, North Fork Coope, North Fork Parke, North Sycamore Creek, Nugget Wash - Gila, Oak Creek 1 - Gila, Oak Creek 2 - Gila, Oak Creek 3 - Gila, P B Creek, Parkerd Wash, Park Creek 1, Park Creek 2, Parker Creek, Pinal Creek, Turkey Creek 1 - Gila, Turkey Creek 2 - Gila, Turkey Creek 3 - Gila, Walnut Creek - Gila, Warm Creek, Webber Creek, West Cedar Creek, West Fork Oak Creek, West Prong Gentr, West Webber Creek, Wet Bottom Creek, White River, Wildcat Creek - Gila, Willow Creek - Gila, Wilson Creek, Workman Creek, and Zulu Wash.

Interested parties may submit evidence to the commission at [illegible] mat may contact the commission office at [illegible] 9214 to make their needs known.

George Mehnert, Executive Director, October 5, 2004.

One Pub: 10-13-2004 Belt 4693

Affidavit of Publication

State of Arizona
County of Gila

Ellen Kretsch, being first duly sworn deposes and says: That she is the **publisher** of the Arizona Silver Belt, San Carlos Apache Moccasin, and the Gila County Advantage newspapers, located at 298 North Pine Street, Globe, AZ 85501, or mail: P.O. Box 31, Globe, AZ 85502 (Tel: 928-425-7121, Fax: 928-425-7001, E-mail: beltnews@yahoo.com, Website: www.silverbelt.com). The publisher is also the caretaker of the newspaper microfilm archives of newspaper publications now in operation or defunct and currently owned by Liberty Group Publishing Co., Inc. Said microfilm archives are located at the above stated physical address in the State of Arizona, County of Gila, City of Globe. A brief description of said legal advertisement, advertisement, or article is as follows:

State of Arizona Notice of Public Hearing on Nov. 15, 2004 - Navigable Stream Adjudication Commission

A printed copy of said legal, advertising, or article is attached hereto and was published in a regular edition of said newspaper (and not a supplement thereof). The date(s) of publication being as follows, to wit:

Arizona Silver Belt

Oct. 13, 2004

Ellen Kretsch, Publisher

State of Arizona
County of Gila

The foregoing instrument was acknowledged before me this Oct. 13, 2004 (date)

by Ellen Kretsch.

Jennifer Alvarez, Notary

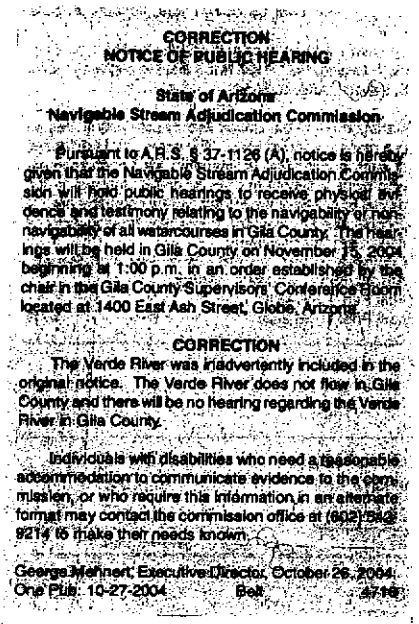
My Commission Expires: July 15, 2007

NOTARY SEAL:

OFFICIAL SEAL
JENNIFER ALVAREZ
NOTARY PUBLIC-ARIZONA
GILA COUNTY
My Comm. Expires July 15, 2007

Affidavit of Publication

State of Arizona
County of Gila



CORRECTION
NOTICE OF PUBLIC HEARING

State of Arizona
Navigable Stream Adjudication Commission

Pursuant to A.R.S. § 37-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Gila County. The hearings will be held in Gila County on November 15, 2004, beginning at 1:00 p.m. in an order established by the chair in the Gila County Supervisors' Conference Room located at 1400 East Ash Street, Globe, Arizona.

CORRECTION

The Verde River was inadvertently included in the original notice. The Verde River does not flow in Gila County and there will be no hearing regarding the Verde River in Gila County.

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

George Mehnert, Executive Director, October 26, 2004.
One Pub: 10-27-2004 Belt 4716

Ellen Kretsch, or her authorized representative, _____, being first duly sworn deposes and says: That she is the **publisher** of the Arizona Silver Belt, San Carlos Apache Moccasin, and the Gila County Advantage newspapers, located at 298 North Pine Street, Globe, Arizona 85501, or mail: P.O. Box 31, Globe, Arizona 85502.

The above stated newspapers are published weekly in Globe, in the State of Arizona, County of Gila and that the following described ✓ legal advertising; ____ display or classified advertising; or an article ____ was duly published:

Correction Notice of Public Hearing State of Arizona Navigable Stream Adjudication Commission. Hearing on Nov. 15, 2004. Correction re: Verde River

A printed copy of said legal or advertising is attached hereto and was published in a regular weekly edition of said newspaper (and not a supplement thereof) for 1 weeks in the ✓ Arizona Silver Belt newspaper, and/or the ____ San Carlos Apache Moccasin newspaper, and/or the ____ Gila County Advantage. The dates of publication being as follows, to wit:

Oct. 27, 2004

Ellen Kretsch

Ellen Kretsch, Publisher

State of Arizona
County of Gila

The foregoing instrument was acknowledged before me this

Oct. 28, 2004 (date)

by Ellen Kretsch.

OFFICIAL SEAL
JENNIFER ALVAREZ
NOTARY PUBLIC-ARIZONA
GILA COUNTY
My Comm. Expires July 15, 2007

Jennifer Alvarez

Jennifer Alvarez, Notary

My Commission Expires: July 15, 2007

PAYSON ROUNDUP
P.O. Box 2520 - Payson, AZ 85547
708 N. Beeline Highway
(928) 474-5251 - Fax (928) 474-1893

STATE OF ARIZONA
COUNTY OF GILA

AFFIDAVIT OF PUBLICATION

I, **Marge Hanscom**, acknowledge that the attached hereto was published in a newspaper of general circulation at Payson, Arizona, County of Gila on the following dates:

10/08/2004

Marge Hanscom
Signed

On this **11TH DAY OF OCTOBER, 2004.**

Julie Wantland
Notary Public

JULIE WANTLAND
Notary Public - Arizona
GILA COUNTY
My Comm. Exp.

9382 10/08/04

NOTICE OF PUBLIC HEARING

State of Arizona
Navigable Stream Adjudication Commission

Pursuant to A.R.S. Section 37-1128 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Gila County. The hearings will be held in Gila County on November 15, 2004 beginning at 1:00 p.m. in an order established by the chair in the Gila County Supervisors' Conference Room located at 1400 East Ash Street, Globe, Arizona. The following are presently the only hearings scheduled.

The Gila River, the Upper Salt River, the Verde River, and all of the small and minor watercourses in Gila County, including but not limited to:

Alder Creek 1 - Gila, Alder Creek 2 - Gila, Alpine Creek, Amos Wash, Ash Creek 1 - Gila, Ash Creek 2 - Gila, Ash Creek 3 - Gila, Ash Spring Wash, Banning Wash, Banty Creek - Gila, Bear Creek 1 - Gila, Bear Creek 2 - Gila, Bear Wash, Big Cherry Creek, Black Mountain Wash - Gila, Black River, Blackjack Wash, Blevens Wash, Bloody Tanks Wash - Gila, Bonita Creek - Gila, Boone Moore Wash, Bray Creek, Brody Creek, Bronco Creek - Gila, Buckhorn Creek - Gila, Buena Vista Creek, Bumblebee Creek, Butcher Creek, Butte Creek - Gila, Calf Creek, Callahan Creek, Cammerman Wash, Campaign Creek, Campbell Creek, Canyon Creek - Gila, Canyon Creek 1, Carrizo Creek, Cassadore Creek, Cave Creek - Gila, Cedar Creek - Gila, Cellar Creek, Center Creek, Champion Creek, Chase Creek - Gila, Cherry Creek 1 - Gila, Cherry Creek 2 -

PAYSON ROUNDUP
P.O. Box 2520 - Payson, AZ 85547
708 N. Beeline Highway
(928) 474-5251 - Fax (928) 474-1893

STATE OF ARIZONA
COUNTY OF GILA

AFFIDAVIT OF PUBLICATION

I, **Marge Hanscom**, acknowledge that the attached hereto was published in a newspaper of general circulation at Payson, Arizona, County of Gila on the following dates:

10/29/2004

Marge Hanscom
Signed

On this **1ST DAY OF NOVEMBER, 2004.**

Notary Public

9399: 10/29/04

CORRECTION
NOTICE OF PUBLIC HEARING

State of Arizona
Navigable Stream Adjudication Commission

Pursuant to A.R.S. Section 37-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Gila County. The hearings will be held in Gila County, on November 15, 2004 beginning at 1:00 p.m. in an order established by the chair in the Gila County Supervisors' Conference Room located at 1400 East Ash Street, Globe, Arizona.

CORRECTION
The Verde River was inadvertently included in the original notice. The Verde River does not flow in Gila County and there will be no hearing regarding the Verde River in Gila County.

Individuals with disabilities who need a reasonable accommodation to communicate evidence to the commission, or who require this information in an alternate format may contact the commission office at (602) 542-9214 to make their needs known.
George Mehnert,
Executive Director,
October 26, 2004

JULIE WANTLA
Notary Public - A
GILA COUNT
My Comm. Exp. 3-2

NOTICE OF PUBLIC HEARING
State of Arizona
Navigable Stream
Adjudication Commission

Pursuant to A.R.S. § 37-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Gila County. The hearings will be held in Gila County on November 15, 2004 beginning at 1:00 p.m. in an order established by the chair in the Gila County Supervisors' Conference Room located at 1400 East Ash Street, Globe, Arizona. The following are presently the only hearings scheduled.

The Gila River, the Upper Salt River, the Verde River, and all of the small and minor watercourses in Gila County, including but not limited to:

Alder Creek 1 - Gila, Alder Creek 2 - Gila, Alpine Creek, Amos Wash, Ash Creek 1 - Gila, Ash Creek 2 - Gila, Ash Creek 3 - Gila, Ash Spring Wash, Banning Wash, Banty Creek - Gila, Bear Creek 1 - Gila, Bear Creek 2- Gila, Bear Wash, Big Cherry Creek, Black Mountain Wash - Gila, Black River, Blackjack Wash, Blevens Wash, Bloody Tanks Wash - Gila, Bonita Creek - Gila, Boone Moore Wash, Bray Creek, Brody Creek, Bronco Creek - Gila, Buckhorn Creek - Gila, Buena Vista Creek, Bumblebee Creek, Butcher Creek, Butte Creek - Gila, Calf Creek, Callahan Creek, Cammerman Wash, Campaign Creek, Campbell Creek, Canyon Creek - Gila, Canyon Creek 1, Carrizo Creek, Cassadore Creek, Cave Creek - Gila, Cedar Creek - Gila, Celler Creek, Center Creek, Champion Creek, Chase Creek - Gila, Cherry Creek 1 - Gila, Cherry Creek 2 - Gila, China Spring Creek, Christopher Creek, Chukar Wash, Cibecue Creek, Cienega Creek - Gila, City Creek, Clover Creek - Gila, Clover Wash, Connor Wash, Coon Creek - Gila, Cooper Forks Creek, Corral Creek 1, Corral Creek 2, Cottonwood Creek 1 - Gila, Cottonwood Creek 2 - Gila, Cottonwood Wash - Gila, Crouch Creek, Dagger Wash, Deep Creek 1 - Gila, Deer Creek 1 - Gila, Deer Creek 2 - Gila, Deer Spring Creek, Del Shay Creek, Dennis Creek, Devore Wash, Dick Williams Creek, Dinner Creek, Dripping Spring, Dry Creek - Gila, Dry Creek 1 - Gila, Dry Dude Creek, Dry Pocket Wash, Dude Creek, Eads Wash, East Bray Creek, East Cedar Creek, East Fork Canyon, East Fork Horton, East Verde River, Ellison Creek, Ellison Creek - Gila, Finton Creek, Fossil Creek, Fuller Creek, G Wash, Gentry Creek, Georges Basin Creek, Gerald Wash, Gibson Creek - Gila, Gilson Wash, Gold Creek, Gordon Canyon, Green Valley Creek, Greenback Creek, Griffin Wash, Gun Creek, H-z Wash, Hackberry Creek - Gila, Haigler Creek, Hardscrabble Creek, Hardt Creek, Haufer Wash, Hicks Wash, Hill Creek, Honey Creek, Horrell Creek, Horse Camp Creek, Horse Tank Creek, Horse Tank Wash, Horseshoe Bend Wash, Horton Creek - Gila, House Creek, Houston Creek 1 - Gila, Houston Creek 2 - Gila, Hunter Creek, Indian Creek, Lambing Creek, Lawrence Creek, Lewis Creek, Little Campaign, Little Cherry Creek, Little Trough Creek, Little Turkey Creek, Lost Mule Creek, Lyons Fork, Mail Creek, Marsh Creek, McFadden Creek, McMillen Wash, Meddler Wash, Medicine Creek, Mescal Creek - Gila, Methodist Creek, Miami Wash, Middle Cedar Creek, Milky Wash, Mill Creek, Mineral Creek - Gila, Moore Creek, Moore Wash, Mud Spring Wash - Gila, Mule Creek, Murphy Wash, Murray Wash, Nail Creek, Nash Creek, Natanes Creek, Natural Corral Creek, Negro Wash, New Creek, North Alder Creek, North Fork Coope, North Fork Parke, North Sycamore Creek, Nugget Wash - Gila, Oak Creek 1 - Gila, Oak Creek 2 - Gila, Oak Creek 3 - Gila, P B Creek, Packard Wash, Park Creek 1, Park Creek 2, Parker Creek, Perley Creek, Pigeon Creek - Gila, Pinal Creek, Pine Creek, Pine Creek - Gila, Pineasco Creek, Pinto Creek, Pioneer Creek, Pocket Creek, Poison Springs Wash, Priebe Creek, Pringle Wash, Pueblo Canyon, Pyeatte Draw, Quail Springs Wash, Ramboz Wash, Ranch Creek, Red Canyon, Redmond Wash, Reno Creek, Reynolds Creek, Rock Creek 1 -

AFFIDAVIT OF PUBLICATION

THE ARIZONA REPUBLIC

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

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

The Arizona Republic

10/08/04

Sworn to before me this
8TH day of
October A.D. 2004

OFFICIAL SEAL
GLORIA SALDIVAR
NOTARY PUBLIC-ARIZONA
PINAL COUNTY
My Comm. Expires Dec. 2, 2007

Notary Public

AFFIDAVIT OF PUBLICATION

THE ARIZONA REPUBLIC

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

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

The Arizona Republic

October 26, 2004

Sworn to before me this
26TH day of
October A.D. 2004

OFFICIAL SEAL
MARILYN GREENWOOD
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires May 23, 2007

Notary Public

CORRECTION
NOTICE OF PUBLIC HEARING
State of Arizona
Navigable Stream
Adjudication Commission

Pursuant to A.R.S. § 37-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold public hearings to receive physical evidence and testimony relating to the navigability or non-navigability of all watercourses in Gila County. The hearings will be held in Gila County on November 15, 2004 beginning at 1:00 p.m. in an order established by the chair in the Gila County Supervisors' Conference Room located at 1400 East Ash Street, Globe, Arizona.

CORRECTION

The Verde River was inadvertently included in the original notice. The Verde River does not flow in Gila County and there will be no hearing regarding the Verde River in Gila County.

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

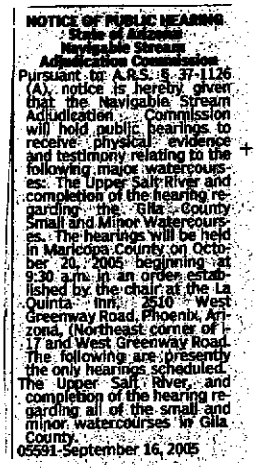
George Mehnert, Executive Director, October 26, 2004.

04527-October 26, 2004

AFFIDAVIT OF PUBLICATION

THE ARIZONA REPUBLIC

STATE OF ARIZONA
COUNTY OF MARICOPA } SS.



NOTICE OF PUBLIC HEARING
State of Arizona
Navigable Stream
Adjudication Commission

Pursuant to: A.R.S. § 37-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold public hearings to receive physical evidence and testimony relating to the following major watercourses: The Upper Salt River and completion of the hearing regarding the Gila County Small and Minor Watercourses. The hearings will be held in Maricopa County on October 20, 2005 beginning at 9:30 a.m. in an order established by the chair at the La Quinta Inn, 2510 West Greenway Road, Phoenix, Arizona, (Northeast corner of I-17 and West Greenway Road. The following are presently the only hearings scheduled: The Upper Salt River, and completion of the hearing regarding all of the small and minor watercourses in Gila County.

05591-September 16, 2005

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

The Arizona Republic

September 16, 2005

Sworn to before me this
16TH day of
September A.D. 2005

OFFICIAL SEAL
MARILYN GREENWOOD
NOTARY PUBLIC-ARIZONA
MARICOPA COUNTY
My Comm. Expires May 23, 2007

Notary Public

EXHIBIT D

STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION
1700 West Washington, Room 304, Phoenix, Arizona 85007
Phone (602) 542-9214 FAX (602) 542-9220
E-mail: **streams@mindspring.com** Web Page: **http://www.azstreambeds.com**

JANET NAPOLITANO
Governor

GEORGE MEHNERT
Executive Director

MEETING MINUTES
Globe, Arizona November 15, 2004

COMMISSION MEMBERS PRESENT
Jay Brashear, Dolly Echeverria, Earl Eisenhower, Jim Henness, and Cecil Miller.
COMMISSION MEMBERS ABSENT
None.
STAFF PRESENT
George Mehnert, and Commission Legal Counsel Curtis Jennings.

1. **CALL TO ORDER.**
   Chair Eisenhower called the meeting to order at approximately 1:05p.m.
2. **ROLL CALL.**
   See above.
3. **APPROVAL OF MINUTES** (discussion and action).
   A. September 16, 2004, Maricopa County.
   Motion by: Cecil Miller Second by: Dolly Echeverria
   Motion: To approve the minutes of September 16, 2004. Vote: All aye.
4. **HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE GILA RIVER 03-007-NAV.**
   Cheryl Doyle appeared on behalf of the State Land Department.
5. **HEARING REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE UPPER SALT RIVER 04-008-NAV.**
   Cheryl Doyle appeared on behalf of the State Land Department. Mark McGinnis spoke procedures.
6. **HEARING REGARDING THE SMALL AND MINOR WATERCOURSES IN GILA COUNTY 04-010-NAV.**
   Cheryl Doyle appeared on behalf of the State Land Department. Jay Spehar, a resident of Gila County, and an employee of Phelps Dodge Miami.
   Chairman Eisenhower closed the taking of testimony and other evidence except for Tonto Creek which will remain open until someone is available to answer questions at a future hearing relating to the Salt River.
7. **STATUS OF CASES** (update and discussion).
8. **RULES** (discussion and action).
   The Commission discussed the rules regarding vote on navigability and adoption of the final report and no action was taken.
9. **BUDGET & TIMELINE-TIMETABLE AND COMMISSION SUNSET DATE** (discussion and action).
   Discussion of the Land Department's need for funding to complete the Commission's work including funding for hiring experts to testify at hearings regarding reports submitted by the experts. The Director said that given the current budget and no appeals, the Commission can probably complete 22 hearings in FY2005, but the Land Department may not have the funding to provide their part. Cheryl Doyle indicated that the funds for the Commission work is requested separately and is not part of the Land Department lump sum funding.
10. **ATTORNEY CONTRACT** (discussion and action).
    A. To extend the attorney contract.
    Motion by: Jim Henness Second by: Dolly Echeverria
    Motion: To extend the attorney contract by one year. Vote: All aye.
11. **CALL FOR PUBLIC COMMENT** (comment sheets).
    (Pursuant to Attorney General Opinion No. I99-006 [R99-002]. Public Comment: Consideration and discussion of comments and complaints from the public. Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.)

Sally Worthington, attorney representing Maricopa County: Ms. Worthington asked about the status of the Commission's Lower Salt River Report (which is not yet completed). Mr. Jennings and Chairman Earl Eisenhower explained that the evidence was voluminous, greater than 6,500 pages, and that the Commission Attorney, Curtis Jennings, was working on the report as diligently as he can, given his other obligations.

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

Chairman Eisenhower indicated there may be a business meeting in December 2004.

Discussion of calendars and of hearings and hearing locations (counties) occurred among the Commissioners, the Director, and attendees/guests. Assistant Attorney General Laurie Hachtel, representing the State Land Department, stated, relating to budget shortages, they do not know whether the Land Department will be able to provide report updates or expert witnesses at all hearings without additional funding, but that they will continue to do the best they can. The decision was made by Chairman Earl Eisenhower that the next hearing will occur in Yuma County, during January 2005, and it will include the only item remaining to be adjudicated in Yuma County and that is the Gila River. Chairman Eisenhower also indicated that the next hearing following the Yuma County hearing regarding the Gila River, will likely be in February 2005, and will be all of the watercourses in Yavapai County; (the Yavapai County small and minor watercourses, the Agua Fria River, the Hassyampa River, Burro Creek, the Santa Maria River and the Verde River). The Commission Chairman said that following the Yavapai County hearings, the next hearings will likely be in Phoenix, Maricopa County, and will include the Upper Salt River, the Verde River, and the Gila River. Much of the discussion related to establishing a timetable that is within the Land Department's (financial) ability to deliver updated reports, and expert witnesses to appear at hearings. Chairman Eisenhower asked Land Department representatives to inform the Commission Director of dates and times that are problems both for the experts' calendars (other commitments) and for budget purposes. Ms. Hachtel indicated that for the Commission to hold 22 hearings during FY05 will be a problem for the Land Department insofar as providing updated reports and the experts who write the reports at all hearings is concerned.

Considerable discussion occurred by Commissioners and parties regarding the unavailability of an expert witness to answer questions by the Commissioners and by parties, (regarding reports by experts).

13. **ADJOURNMENT.**

Motion by: Cecil Miller Second by: Jay Brashear
Motion: To adjourn. Vote: All aye.
Meeting adjourned at approximately 2:47 p.m.

Respectfully submitted,

George Mehnert, Director
November 16, 2004

STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION
1700 West Washington, Room 304, Phoenix, Arizona 85007
Phone (602) 542-9214 FAX (602) 542-9220
JANET NAPOLITANO Governor
E-mail: streams@mindspring.com Web Page: http://www.azstreambeds.com
GEORGE MEHNERT Executive Director

MEETING MINUTES
Phoenix, Arizona, October 20, 2005

COMMISSION MEMBERS PRESENT
Jay Brashear, Dolly Echeverria, Earl Eisenhower, Jim Henness.

COMMISSION MEMBERS ABSENT
Cecil Miller was absent, and Commissioner Henness had to leave early at approximately 11:45 a.m.

STAFF PRESENT
George Mehnert.

1. **CALL TO ORDER.**
   Chair Eisenhower called the meeting to order at approximately 9:36 a.m.
2. **ROLL CALL.**
   See Above.
3. **APPROVAL OF MINUTES** (discussion and action).
   A. September 21, 2005, Maricopa County
   Motion by: Jim Henness Second by: Earl Eisenhower
   Motion: To accept minutes as submitted. Vote: All aye.
4. **Jurisdiction regarding Roosevelt Lake, including motion entitled "SALT RIVER PROJECT'S MOTION FOR FINDING OF LACK OF STATUTORY SUBJECT MATTER JURISDICTION TO DETERMINE NAVIGABILILTY OF ROOSEVELT LAKE", and all other motions filed relating to this matter in both 04-008-NAV and 04-010-NAV (discussion and action).** The Office of the Attorney General, on behalf it their client the State Land Department filed a response to the original motion on October 20, 2005. The Chair accepted the Attorney General response, continued the matter to a later meeting, and granted the Salt River Project's Attorney a week to reply to the Attorney General's response to the original motion.
5. **Hearing regarding the navigability of the Upper Salt River, 04-008-NAV.** Persons who presented evidence or spoke regarding this matter: Jon Fuller, Dennis Gilpin, David Weedman, Stanley Schumm and Douglas Littlefield, Ph.D. Also, attorneys Mark McGinnis and Rebecca Goldberg, Laurie A. Hachtel, John Ryley and Joe Sparks spoke or examined witnesses.

6. **Hearing regarding the navigability of the small and minor watercourses in Gila County, 04-010-NAV.** Persons who presented evidence or spoke regarding this matter: Jon Fuller.

7. **Adoption of the Commission report regarding the Pima County Small & Minor Watercourses (discussion and action).** The Chair continued this matter to a future meeting.

8. **Determination of the navigability of the Little Colorado River 05-007-NAV (discussion and action).**
   Motion by: Jay Brashear Second by: Dolly Echeverria
   Motion: The Little Colorado River was not navigable as of statehood. Vote: All aye.

9. **Determination of the navigability of the Big Sandy River 05-011-NAV (discussion and action).**
   Motion by: Dolly Echeverria Second by: Jay Brashear
   Motion: The Big Sandy River was not navigable as of statehood.
   Vote: All aye.

10. **Determination of the navigability of the Bill Williams River 05-012-NAV (discussion and action).**
    Motion by: Jay Brashear Second by: Dolly Echeverria
    Motion: The Bill Williams River was not navigable as of statehood.
    Vote: All aye.

11. **Determination of the navigability of Burro Creek 05-003-NAV (discussion and action).**
    Motion by: Dolly Echeverria Second by: Jay Brashear
    Motion: Burro Creek was not navigable as of statehood.
    Vote: All aye.

12. **Determination of the navigability of the Santa Maria River 05-005-NAV (discussion and action).**
    Motion by: Jay Brashear Second by: Dolly Echeverria
    Motion: The Santa Maria River was not navigable as of statehood.
    Vote: All aye.

13. **Determination of the navigability of the Virgin River 05-013-NAV (discussion and action).**
    Motion by: Jay Brashear Second by: Dolly Echeverria
    Motion: The Virgin River was not navigable as of statehood. Vote: All aye.

14. **Call for Public Comment (comment sheets).**
    (Pursuant to Attorney General Opinion No. I99-006 [R99-002]. Public Comment: Consideration and discussion of comments and complaints from the public. Those wishing to address the Commission need not request permission in advance. Action

taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.)

15. **Future agenda items and establishment of future hearings and other meetings.**

16. **Commission budget and continuation.**
The Director and the Chair commented that the Commission is very weak insofar as budget is concerned and that the Commission will appreciate the support of everyone to continue the Commission for two additional so that it can complete its work.

17. **ADJOURNMENT.**
Motion by: Jay Brashear Second by: Dolly Echeverria
Motion: To adjourn.
Vote: All aye.

Meeting adjourned at approximately 1:55 p.m..

Respectfully submitted,

George Mehnert, Director
October 21, 2005

STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION
1700 West Washington, Room 304, Phoenix, Arizona 85007
Phone (602) 542-9214 FAX (602) 542-9220
E-mail: streams@mindspring.com Web Page: http://www.azstreambeds.com

JANET NAPOLITANO
Governor

GEORGE MEHNERT
Executive Director

MEETING MINUTES
Phoenix, Arizona, May 24, 2006

COMMISSION MEMBERS PRESENT
Jay Brashear, Dolly Echeverria, Earl Eisenhower, Jim Henness, Cecil Miller.

COMMISSION MEMBERS ABSENT
None.

STAFF PRESENT
Curtis Jennings, George Mehnert.

1. **CALL TO ORDER.**
   Chairman Eisenhower called the meeting to order at approximately 10:04 A.M.

2. **Roll Call.**
   See above.

3. **Approval of Minutes (discussion and action). Minutes of April 11, 2006.**
   Motion by: Jim Henness Second by: Dolly Echeverria
   Motion: To accept minutes as submitted. Vote: All aye.

4. **Determination of the navigability of the small and minor watercourses in Gila County, 04-010-NAV (discussion and action).**
   Motion by: Cecil Miller Second by: Dolly Echeverria
   Motion: That the Gila River was not navigable. Vote: All aye.

5. **Determination of the navigability of the Gila River 03-007-NAV (discussion and action).**
   Motion by: Jim Henness Second by: Jay Brashear
   Motion: That the Gila River was not navigable. Vote: All aye.

6. **Determination of the navigability of the Upper Salt River 04-008-NAV (discussion and action).**
   Motion by: Jay Brashear Second by: Earl Eisenhower
   Motion: That the Upper Salt River was navigable Vote: One aye. Four nay.
   Motion by: Jay Brashear Second by: Jim Henness

Motion: That the Upper Salt River was not navigable. Vote: All aye.

7. **Determination of the navigability of the Verde River 04-009-NAV (discussion and action).**
Motion by: Jay Brashear Second by: Earl Eisenhower
Motion: That the Verde was navigable Vote: Second and Motion Withdrawn.
Motion by: Dolly Echeverria Second by: Cecil Miller
Motion: That the Verde River was not navigable. Vote: All aye.

8. **Motion by the Attorney General in its Response Memorandum relating to the Verde River to strike from the record First American Title Insurance Company of Arizona's Joinder Memorandum to Salt River Project's Opening Memorandum and to Phelps Dodge's Opening Memorandum, on the basis of untimely filing (discussion and action).**
Motion denied by Chair.

9. **Renewal of Attorney Contract to be effective July 1, 2006 through June 30, 2008, (discussion and action).**
Motion by: Jim Henness Second by: Dolly Echeverria
Motion: That the contract be renewed through June 30, 2008. Vote: All aye.

10. **Budget/Funding condition and forecast.**
The Chair and the Director explained the condition of the budget.

11. **Budget Supplemental Request for FY2006 regarding notice of intent to seek judicial review.**
The Chair and the Director commented that a supplemental request for $50,000.00 has been filed but has not yet been acted on.

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

Questions and conversation by an unidentified guest regarding prior Gila River Lawsuit took place.

13. **Future agenda items and establishment of future meetings.**
None specifically established.

14. **ADJOURNMENT.**
Motion by: Jay Brashear Second by: Cecil Miller
Motion: To adjourn. Vote: All aye.

Meeting adjourned at approximately 10:50 A.M.

Respectfully submitted,

George Mehnert, Director
May 24, 2006

EXHIBIT E

Evidence Log

Hearing No. 04-010

Arizona Navigable Stream Adjudication Commission

Gila County Small and Minor Watercourses
November 15, 2004 continued to October 20, 2005

Item Number	Received Date	Source to ANSAC	Description	Entry By
1	02/18/97	Evidence on Hand at ANSAC	Letter from David Baron dated February 18, 1997.	George Mehnert
2	9/?/98	Evidence on hand at ANSAC	Small and Minor Watercourse Criteria Final Report.	George Mehnert
3	9/?/99	Evidence on hand at ANSAC	Final Report, 3 County Pilot Study.	George Mehnert
4	2/14/01	Evidence on hand at ANSAC	Letter and attachments from Robert Walish and Mary Anne Moreno of the Southern Gila County Economic Development Corporation.	George Mehnert
5	2/12/01	Evidence on hand at ANSAC.	Letter and attachments from Allan F. Tites of Phelps Dodge Miami, Inc.	George Mehnert
6	4/?/01	Evidence on hand at ANSAC.	Report from Stantec Consulting and the Arizona State Land Department-Final report small & minor watercourses analysis for Gila County, Arizona	George Mehnert
7	6/15/04	Douglas Rhodes	Letter	George Mehnert
8	6/15/04	Chuck Kranz	Letter	George Mehnert
9	7/20/04	Coby Muckelroy	Letter	George Mehnert
10	7/23/04	Jeanne Keller	Letter	George Mehnert
11	10/20/05	Douglas R. Littlefield	Report. Assessment of the navigability of the parts of the Upper Salt River and Tonto Creek between Granite Reef Dam and the inundation lines of Roosevelt Lake prior to and on the date of Arizona's statehood, February 14, 1912.	George Mehnert
12	Unknown	Map	Of Gila County Arizona. Prepared for the Gila County Board of Supervisors by Dashney and Associates, Inc.	George Mehnert

EXHIBIT F

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

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	HITS (14)
1	31	Alder Creek 1 - Gila	3	Gila	8.626	,,S88	No	No	No	No	No	No	0
2	39	Alpine Creek	2	Gila	3.031	T2.0N,R20.0E,S34	No	No	No	No	No	No	0
3	45	Amos Wash	10	Gila	16.224	T4.5N,R21.0E,S33	No	No	No	No	No	No	0
4	77	Ash Creek 1 - Gila	10	Gila	20.204	T5.0N,R16.0E,S29	No	No	No	No	No	No	0
5	83	Ash Creek 2 - Gila	7	Gila	8.985	T5.0N,R10.0E,S13	No	No	No	No	No	No	0
6	88	Ash Creek 3 - Gila	2	Gila	4.260	T11.0N,R10.0E,S19	No	No	No	No	No	No	0
7	96	Ash Spring Wash	1	Gila	5.252	T2.0N,R15.0E,S20	No	No	No	No	No	No	0
8	121	Banning Wash	3	Gila	5.968	T5.0N,R15.0E,S21	No	No	No	No	No	No	0
9	123	Banty Creek - Gila	5	Gila	8.283	T3.0N,R22.0E,S33	No	No	No	No	No	No	0
10	139	Bear Creek - Navajo	3	Gila/Navajo	3.881	T8.0N,R15.5E,S15	No	No	No	No	No	No	0
11	141	Bear Creek 1 - Gila	1	Gila	1.964	T8.0N,R10.0E,S08	No	No	No	No	No	No	0
12	146	Bear Creek 2- Gila	9	Gila	12.406	T1.0N,R19.0E,S10	No	No	No	No	No	No	0
13	152	Bear Wash	9	Gila/Navajo	14.758	T5.0N,R22.0E,S15	No	No	No	No	No	No	0
14	176	Big Cherry Creek	5	Gila	4.408	T6.0N,R12.0E,S26	No	No	No	No	No	No	0
15	225	Black Mountain Wash - Gila	1	Gila	3.656	T9.0N,R10.0E,S32	No	No	No	No	No	No	0
16	236	Blackjack Wash	4	Gila	4.762	T4.0N,R15.5E,S25	No	No	No	No	No	No	0
17	244	Blevens Wash	3	Gila	6.481	T3.0N,R13.0E,S23	No	No	No	No	No	No	0
18	247	Bloody Tanks Wash - Gila	7	Gila	8.339	T1.0N,R15.0E,S21	No	No	No	No	No	No	0
19	270	Boone Moore Wash	3	Gila	5.005	T9.0N,R10.0E,S32	No	No	No	No	No	No	0
20	295	Brody Creek	1	Gila	2.861	T11.5N,R10.0E,S24	No	No	No	No	No	No	0
21	296	Bronco Creek - Gila	4	Gila	5.073	T3.0N,R11.0E,S10	No	No	No	No	No	No	0
22	313	Buckhorn Creek - Gila	4	Gila	6.198	T4.0N,R11.0E,S35	No	No	No	No	No	No	0
23	317	Buena Vista Creek	1	Gila	4.771	T6.0N,R10.0E,S02	No	No	No	No	No	No	0
24	328	Bumblebee Creek	5	Gila	7.703	T5.0N,R11.0E,S28	No	No	No	No	No	No	0
25	343	Butcher Creek	1	Gila	1.549	T11.0N,R10.0E,S16	No	No	No	No	No	No	0
26	344	Butte Creek - Gila	5	Gila	6.222	T4.5N,R16.0E,S23	No	No	No	No	No	No	0
27	357	Calf Creek	2	Gila	4.781	T4.5N,R20.0E,S26	No	No	No	No	No	No	0
28	359	Callahan Creek	1	Gila	3.105	T9.0N,R9.0E,S03	No	No	No	No	No	No	0
29	360	Cammerman Wash	4	Gila	10.706	T1.0N,R16.0E,S32	No	No	No	No	No	No	0
30	365	Campbell Creek	1	Gila	3.675	T7.0N,R15.5E,S20	No	No	No	No	No	No	0
31	374	Canyon Creek - Gila	4	Gila	6.302	T10.0N,R7.0E,S16	No	No	No	No	No	No	0
32	390	Cassadore Creek	3	Gila	6.933	T2.0N,R18.0E,S25	No	No	No	No	No	No	0
33	403	Cave Creek - Gila	9	Gila	13.118	,,S88	No	No	No	No	No	No	0
34	419	Celler Creek	1	Gila	2.708	T5.0N,R13.0E,S27	No	No	No	No	No	No	0
35	424	Center Creek	4	Gila	1.911	T9.0N,R9.0E,S16	No	No	No	No	No	No	0
36	433	Champion Creek	9	Gila	12.126	T2.0N,R17.0E,S31	No	No	No	No	No	No	0
37	444	Cherry Creek 1 - Gila	1	Gila	2.471	T11.0N,R10.0E,S06	No	No	No	No	No	No	0
38	453	China Spring Creek	2	Gila	3.017	T7.0N,R14.0E,S27	No	No	No	No	No	No	0
39	462	Chukar Wash	5	Gila	2.340	T3.0N,R11.0E,S03	No	No	No	No	No	No	0
40	467	Cienega Creek - Gila	4	Gila	6.227	T5.0N,R17.0E,S27	No	No	No	No	No	No	0
41	479	City Creek	3	Gila	6.683	T10.0N,R9.0E,S07	No	No	No	No	No	No	0
42	490	Clover Creek - Gila	1	Gila	2.861	T10.0N,R7.0E,S10	No	No	No	No	No	No	0
43	492	Clover Wash	3	Gila	6.321	T8.0N,R10.0E,S06	No	No	No	No	No	No	0
44	514	Connor Wash	6	Gila	11.396	T4.0N,R13.0E,S22	No	No	No	No	No	No	0
45	520	Cooper Forks Creek	1	Gila	1.694	T6.0N,R15.0E,S19	No	No	No	No	No	No	0

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

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	HITS (14)
46	539	Corral Creek 1	3	Gila	2.618	T7.0N,R9.0E,S12	No	No	No	No	No	No	0
47	540	Corral Creek 2	5	Gila	9.579	,,S88	No	No	No	No	No	No	0
48	546	Cottonwood Creek 1 - Gila	5	Gila	8.601	T6.0N,R11.0E,S30	No	No	No	No	No	No	0
49	550	Cottonwood Creek 2 - Gila	2	Gila	3.308	T10.0N,R7.0E,S10	No	No	No	No	No	No	0
50	559	Cottonwood Wash - Gila	2	Gila	2.873	T4.0N,R13.0E,S03	No	No	No	No	No	No	0
51	571	Cow Creek - Navajo	1	Gila/Navajo	5.833	T10.0N,R15.5E,S33	No	No	No	No	No	No	0
52	601	Crouch Creek	4	Gila	7.499	T8.0N,R14.0E,S11	No	No	No	No	No	No	0
53	613	Dagger Wash	4	Gila	4.504	T5.0N,R12.0E,S36	No	No	No	No	No	No	0
54	635	Deep Creek 1 - Gila	6	Gila	11.186	T6.0N,R14.0E,S02	No	No	No	No	No	No	0
55	644	Deer Creek 2 - Gila	8	Gila	9.931	T3.0N,R22.0E,S28	No	No	No	No	No	No	0
56	645	Deer Spring Creek	2	Gila/Navajo	3.862	T7.0N,R22.0E,S28	No	No	No	No	No	No	0
57	653	Dennis Creek	3	Gila	3.757	T10.0N,R9.0E,S34	No	No	No	No	No	No	0
58	656	Devore Wash	12	Gila	8.387	T3.0N,R14.0E,S36	No	No	No	No	No	No	0
59	667	Dinner Creek	5	Gila	8.273	T8.0N,R13.0E,S28	No	No	No	No	No	No	0
60	688	Dry Creek - Gila	5	Gila	8.596	T4.0N,R15.0E,S29	No	No	No	No	No	No	0
61	690	Dry Creek 1 - Gila	1	Gila	5.239	T10.0N,R13.0E,S35	No	No	No	No	No	No	0
62	693	Dry Dude Creek	1	Gila	3.997	T12.0N,R10.0E,S35	No	No	No	No	No	No	0
63	695	Dry Pocket Wash	2	Gila	6.070	T10.0N,R11.0E,S33	No	No	No	No	No	No	0
64	699	Dry Wash 1 - Yavapai	2	Gila/Yavapai	5.243	T9.0N,R6.0E,S26	No	No	No	No	No	No	0
65	705	Eads Wash	1	Gila	3.488	T3.0N,R14.0E,S07	No	No	No	No	No	No	0
66	713	East Bray Creek	1	Gila	2.929	T12.0N,R10.0E,S31	No	No	No	No	No	No	0
67	714	East Cedar Creek	18	Gila/Navajo	19.319	T7.0N,R22.0E,S03	No	No	No	No	No	No	0
68	719	East Fork Canyon	2	Coconino/Gila	3.637	T10.5N,R15.0E,S21	No	No	No	No	No	No	0
69	742	Ellison Creek	7	Gila/Navajo	11.062	T7.0N,R15.5E,S14	No	No	No	No	No	No	0
70	762	Finton Creek	1	Gila	2.079	T6.0N,R14.0E,S13	No	No	No	No	No	No	0
71	808	Fuller Creek	1	Gila	3.272	T11.5N,R11.0E,S20	No	No	No	No	No	No	0
72	809	G Wash	8	Gila	5.924	T5.0N,R20.0E,S09	No	No	No	No	No	No	0
73	819	Gentry Creek	2	Gila/Navajo	9.368	T8.0N,R15.5E,S28	No	No	No	No	No	No	0
74	821	Gerald Wash	9	Gila	7.380	T2.0N,R15.0E,S29	No	No	No	No	No	No	0
75	824	Gibson Creek - Gila	5	Gila	9.891	T9.0N,R11.0E,S07	No	No	No	No	No	No	0
76	828	Gilson Wash	24	Gila	13.261	T1.0S,R19.0E,S18	No	No	No	No	No	No	0
77	830	Gold Creek	3	Gila	10.113	T7.0N,R10.0E,S02	No	No	No	No	No	No	0
78	867	Green Valley Creek	11	Gila	15.607	T9.0N,R11.0E,S03	No	No	No	No	No	No	0
79	872	Griffin Wash	5	Gila	5.675	T4.0N,R13.0E,S26	No	No	No	No	No	No	0
80	883	Gun Creek	19	Gila	25.900	T8.0N,R11.0E,S20	No	No	No	No	No	No	0
81	37604	Hackberry Creek - Gila	4	Gila	4.076	T4.0N,R11.0E,S35	No	No	No	No	No	No	0
82	37627	Hardscrabble Creek	10	Gila	14.611	T11.0N,R7.0E,S08	No	No	No	No	No	No	0
83	37629	Hardt Creek	3	Gila	6.789	T8.0N,R10.0E,S36	No	No	No	No	No	No	0
84	37635	Haufer Wash	1	Gila	2.762	T7.0N,R10.0E,S26	No	No	No	No	No	No	0
85	37653	Hicks Wash	6	Gila	8.604	T2.0N,R15.0E,S07	No	No	No	No	No	No	0
86	37658	Hill Creek	3	Gila	3.614	T10.0N,R9.0E,S18	No	No	No	No	No	No	0
87	37670	Honey Creek	1	Gila	1.288	T6.0N,R13.0E,S12	No	No	No	No	No	No	0
88	37676	Horse Camp Creek	5	Gila	5.025	T6.0N,R14.0E,S13	No	No	No	No	No	No	0
89	37683	Horse Tank Creek	1	Gila	4.062	T7.0N,R14.0E,S15	No	No	No	No	No	No	0
90	37684	Horse Tank Wash	6	Coconino/Gila	9.243	T13.0N,R8.0E,S29	No	No	No	No	No	No	0

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Watercourses in Gila County Rejected at Level 1

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	HITS (14)
91	37686	Horseshoe Bend Wash	5	Gila	4.955	T2.0N,R15.0E,S05	No	No	No	No	No	No	0
92	37695	House Creek	3	Gila	2.979	T9.0N,R9.0E,S03	No	No	No	No	No	No	0
93	37709	Hunter Creek	3	Gila	5.985	T11.0N,R12.0E,S25	No	No	No	No	No	No	0
94	888	H-z Wash	1	Gila	3.924	T3.0N,R14.0E,S04	No	No	No	No	No	No	0
95	37715	Indian Creek	11	Gila/Navajo	16.936	T4.0N,R22.0E,S31	No	No	No	No	No	No	0
96	37809	Lambing Creek	6	Gila	12.364	T6.0N,R10.0E,S23	No	No	No	No	No	No	0
97	37820	Lawrence Creek	1	Gila	1.622	T4.0N,R15.0E,S23	No	No	No	No	No	No	0
98	37848	Little Campaign	3	Gila	4.127	T2.0N,R13.0E,S13	No	No	No	No	No	No	0
99	37849	Little Cherry Creek	4	Gila	3.879	T6.0N,R12.0E,S23	No	No	No	No	No	No	0
100	37873	Little Trough Creek	8	Gila	9.972	T5.0N,R19.0E,S34	No	No	No	No	No	No	0
101	37900	Lost Mule Creek	5	Gila	5.288	T3.0N,R22.0E,S18	No	No	No	No	No	No	0
102	37911	Lyons Fork	7	Gila/Pinal	6.221	T2.0S,R13.0E,S13	No	No	No	No	No	No	0
103	37940	McFadden Creek	2	Gila	3.034	T6.0N,R13.0E,S12	No	No	No	No	No	No	0
104	37944	McMillen Wash	5	Gila	2.495	T1.0N,R15.0E,S36	No	No	No	No	No	No	0
105	37951	Meddler Wash	1	Gila	5.369	T4.0N,R14.0E,S31	No	No	No	No	No	No	0
106	37952	Medicine Creek	3	Gila	2.986	T5.0N,R15.5E,S36	No	No	No	No	No	No	0
107	37964	Methodist Creek	4	Gila	6.614	T5.0N,R11.0E,S25	No	No	No	No	No	No	0
108	37966	Miami Wash	5	Gila	2.497	T1.0N,R15.0E,S09	No	No	No	No	No	No	0
109	37968	Middle Cedar Creek	14	Gila/Navajo	14.416	T6.0N,R21.0E,S18	No	No	No	No	No	No	0
110	37986	Mill Creek	4	Gila	7.693	T2.0S,R14.0E,S20	No	No	No	No	No	No	0
111	37996	Mineral Creek - Pinal	2	Gila/Pinal	0.888	T2.0S,R14.0E,S18	No	No	No	No	No	No	0
112	38021	Moore Creek	2	Gila	5.241	T11.5N,R11.0E,S34	No	No	No	No	No	No	0
113	38022	Moore Wash	1	Gila	1.896	T9.0N,R9.0E,S12	No	No	No	No	No	No	0
114	38036	Mud Spring Wash - Gila	4	Gila	4.527	T3.0N,R15.0E,S02	No	No	No	No	No	No	0
115	38047	Murphy Wash	1	Gila	1.274	T2.0N,R14.0E,S25	No	No	No	No	No	No	0
116	38048	Murray Wash	2	Gila	2.302	T2.0N,R15.0E,S18	No	No	No	No	No	No	0
117	38049	Nail Creek	1	Gila	1.772	T3.0N,R14.0E,S01	No	No	No	No	No	No	0
118	38054	Natanes Creek	2	Gila	2.626	T1.0N,R21.0E,S06	No	No	No	No	No	No	0
119	38060	Negro Wash	2	Gila	8.310	T2.0N,R15.0E,S19	No	No	No	No	No	No	0
120	38063	New Creek	1	Gila	3.210	,,S88	No	No	No	No	No	No	0
121	38073	North Alder Creek	2	Gila	4.927	,,S88	No	No	No	No	No	No	0
122	38086	North Fork Coope	1	Gila	3.718	T6.0N,R15.0E,S20	No	No	No	No	No	No	0
123	38090	North Fork Parke	1	Gila	1.247	T5.0N,R13.0E,S01	No	No	No	No	No	No	0
124	38103	Nugget Wash - Gila	5	Gila	8.841	T2.0N,R15.0E,S32	No	No	No	No	No	No	0
125	38111	Oak Creek - Navajo	8	Gila/Navajo	13.613	T7.0N,R16.5E,S24	No	No	No	No	No	No	0
126	38114	Oak Creek 1 - Gila	7	Gila	13.415	T6.0N,R10.0E,S36	No	No	No	No	No	No	0
127	38116	Oak Creek 2 - Gila	5	Gila	11.860	T7.0N,R15.5E,S36	No	No	No	No	No	No	0
128	38118	Oak Creek 3 - Gila	4	Gila	8.866	T2.0N,R18.0E,S25	No	No	No	No	No	No	0
129	38145	Packard Wash	6	Gila	5.616	T6.0N,R10.0E,S11	No	No	No	No	No	No	0
130	38173	Park Creek 1	1	Gila	4.403	T6.0N,R13.0E,S05	No	No	No	No	No	No	0
131	38174	Park Creek 2	5	Gila	7.124	T6.0N,R10.0E,S16	No	No	No	No	No	No	0
132	38175	Parker Creek	3	Gila	6.270	T5.0N,R13.0E,S34	No	No	No	No	No	No	0
133	38208	Pigeon Creek - Gila	2	Gila	4.993	T8.0N,R12.0E,S06	No	No	No	No	No	No	0
134	38217	Pine Creek - Gila	2	Gila	5.902	T10.0N,R13.0E,S36	No	No	No	No	No	No	0
135	38234	Pioneer Creek	8	Gila	7.177	T3.0S,R15.0E,S04	No	No	No	No	No	No	0

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136	38249	Pocket Creek	3	Gila	2.685	T5.0N,R13.0E,S13	No	No	No	No	No	No	0
137	38253	Poison Springs Wash	4	Gila	5.506	T3.0N,R14.0E,S07	No	No	No	No	No	No	0
138	38274	Priebe Creek	4	Gila	5.843	T4.5N,R21.0E,S35	No	No	No	No	No	No	0
139	38276	Pringle Wash	2	Gila	4.376	T5.0N,R15.0E,S33	No	No	No	No	No	No	0
140	38287	Pyeatte Draw	7	Gila	8.390	T11.5N,R11.0E,S33	No	No	No	No	No	No	0
141	38290	Quail Springs Wash	1	Gila	2.667	T3.0N,R13.0E,S14	No	No	No	No	No	No	0
142	38306	Ranch Creek	27	Gila	18.397	T1.0S,R17.0E,S18	No	No	No	No	No	No	0
143	38315	Red Canyon	7	Gila	5.280	T6.0N,R20.0E,S18	No	No	No	No	No	No	0
144	38327	Redmond Wash	1	Gila	2.869	T4.0N,R15.0E,S32	No	No	No	No	No	No	0
145	38335	Reno Creek	8	Gila	8.046	T6.0N,R10.0E,S11	No	No	No	No	No	No	0
146	38361	Rock Creek 1 - Gila	19	Gila	27.572	T9.0N,R9.0E,S12	No	No	No	No	No	No	0
147	38363	Rock Creek 2 - Gila	3	Gila	11.872	T10.0N,R8.0E,S11	No	No	No	No	No	No	0
148	38365	Rock Creek 3 - Gila	1	Gila	4.437	T8.0N,R15.5E,S15	No	No	No	No	No	No	0
149	38366	Rock House Creek	5	Gila	12.683	T7.0N,R15.5E,S35	No	No	No	No	No	No	0
150	38368	Rocky Creek	4	Gila	8.007	,,S88	No	No	No	No	No	No	0
151	38372	Rose Creek	2	Gila	3.169	T6.0N,R13.0E,S24	No	No	No	No	No	No	0
152	38382	Russell Gulch	5	Gila	12.168	T1.0N,R15.0E,S21	No	No	No	No	No	No	0
153	38392	Sag Creek	1	Gila	5.681	T1.0N,R19.0E,S02	No	No	No	No	No	No	0
154	38395	Sally May Wash	7	Gila/Yavapai	4.020	T12.0N,R7.0E,S31	No	No	No	No	No	No	0
155	38426	Sand Wash - Gila	10	Gila	5.493	T9.0N,R10.0E,S25	No	No	No	No	No	No	0
156	38451	Schoolhouse Wash	4	Gila	7.162	T4.0N,R13.0E,S30	No	No	No	No	No	No	0
157	38467	Sevenmile Wash	31	Gila	23.876	T1.0N,R18.0E,S21	No	No	No	No	No	No	0
158	38471	Sharp Creek - Gila	2	Gila	3.034	T11.0N,R13.0E,S32	No	No	No	No	No	No	0
159	38479	Sheep Wash - Gila	3	Gila	5.318	T5.0N,R15.0E,S28	No	No	No	No	No	No	0
160	38492	Shute Springs Creek	4	Gila	6.759	T3.0N,R14.0E,S11	No	No	No	No	No	No	0
161	38497	Silver Creek - Gila	8	Gila	13.414	T4.0S,R15.0E,S02	No	No	No	No	No	No	0
162	38513	Skunk Camp Wash	7	Gila	6.122	T3.0S,R14.0E,S14	No	No	No	No	No	No	0
163	38516	Slate Creek - Gila	13	Gila	9.948	T7.0N,R10.0E,S22	No	No	No	No	No	No	0
164	38523	Sloan Creek	4	Gila	8.679	T7.0N,R15.5E,S26	No	No	No	No	No	No	0
165	38537	Soldier Camp Creek	5	Gila	9.879	T9.0N,R11.0E,S15	No	No	No	No	No	No	0
166	38538	Soldier Camp Wash	4	Gila	9.135	T5.0N,R15.0E,S28	No	No	No	No	No	No	0
167	38541	Soldier Creek - Gila	1	Gila	3.744	T5.0N,R15.5E,S25	No	No	No	No	No	No	0
168	38547	Sontag Creek	10	Gila	9.877	,,S88	No	No	No	No	No	No	0
169	38562	South Fork Coope	1	Gila	1.877	T6.0N,R15.0E,S20	No	No	No	No	No	No	0
170	38565	South Fork Deer	1	Gila	5.410	T8.0N,R10.0E,S07	No	No	No	No	No	No	0
171	38569	South Fork Parke	1	Gila	1.989	T5.0N,R13.0E,S01	No	No	No	No	No	No	0
172	38588	Spring Branch	4	Gila	6.969	T2.0S,R16.0E,S14	No	No	No	No	No	No	0
173	38591	Spring Creek 1	18	Gila/Navajo	28.403	T3.0N,R13.0E,S22	No	No	No	No	No	No	0
174	38596	Spring Wash	1	Gila/Yavapai	5.472	T9.0N,R6.0E,S22	No	No	No	No	No	No	0
175	38608	St Johns Creek	7	Gila	9.242	T9.0N,R9.0E,S11	No	No	No	No	No	No	0
176	38615	Steamboad Wash - Pinal	8	Gila/Pinal	7.539	T4.0S,R14.0E,S34	No	No	No	No	No	No	0
177	38618	Stewart Creek	4	Gila	5.058	T10.0N,R11.0E,S07	No	No	No	No	No	No	0
178	38624	Stone Cabin Wash	5	Gila	5.172	T3.0S,R14.0E,S15	No	No	No	No	No	No	0
179	38631	Strawberry Creek	4	Coconino/Gila	7.201	T12.0N,R8.0E,S30	No	No	No	No	No	No	0
180	38641	Swamp Creek	1	Gila/Navajo	1.955	T9.0N,R15.5E,S04	No	No	No	No	No	No	0

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

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

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	HITS (14)
181	38655	Sycamore Creek 2 - Gila	7	Gila	9.322	T6.0N,R10.0E,S36	No	No	No	No	No	No	0
182	38657	Sycamore Creek 3 - Gila	4	Gila	10.181	T11.0N,R9.0E,S12	No	No	No	No	No	No	0
183	38659	Sycamore Creek 4 - Gila	1	Gila	1.066	T2.0S,R15.0E,S33	No	No	No	No	No	No	0
184	38665	Tank Creek - Gila	3	Gila	9.744	T5.0N,R13.0E,S20	No	No	No	No	No	No	0
185	38712	Tinhorn Wash	4	Gila	3.485	T1.0N,R15.0E,S09	No	No	No	No	No	No	0
186	38761	Tulapai Creek	6	Gila	3.981	T2.0S,R16.0E,S25	No	No	No	No	No	No	0
187	38776	Turkey Creek 1 - Gila	10	Gila	19.624	,,S88	No	No	No	No	No	No	0
188	38780	Turkey Creek 2 - Gila	1	Gila	5.312	T8.0N,R14.0E,S28	No	No	No	No	No	No	0
189	38783	Turkey Creek 3 - Gila	1	Gila	4.076	T7.0N,R12.0E,S03	No	No	No	No	No	No	0
190	38828	Walnut Creek - Gila	19	Gila	29.226	T4.0N,R13.0E,S13	No	No	No	No	No	No	0
191	38836	Warm Creek	1	Gila	4.438	T4.0N,R14.0E,S18	No	No	No	No	No	No	0
192	38856	West Cedar Creek	12	Gila/Navajo	14.198	T6.0N,R21.0E,S19	No	No	No	No	No	No	0
193	38863	West Fork Oak Creek	2	Gila	2.149	T6.0N,R15.0E,S34	No	No	No	No	No	No	0
194	38866	West Fork Pinto	14	Gila/Pinal	11.637	T1.0N,R13.0E,S02	No	No	No	No	No	No	0
195	38873	West Prong Gentr	1	Gila	3.167	T9.0N,R15.0E,S21	No	No	No	No	No	No	0
196	38909	Wildcat Creek - Gila	2	Gila	6.699	T3.0N,R13.0E,S11	No	No	No	No	No	No	0
197	38919	Willow Creek - Gila	7	Gila	9.064	T6.0N,R16.0E,S29	No	No	No	No	No	No	0
198	38935	Wilson Creek	4	Gila	6.814	T7.0N,R14.0E,S01	No	No	No	No	No	No	0
199	38971	Zulu Wash	5	Gila	3.021	T9.0N,R9.0E,S12	No	No	No	No	No	No	0
200	-	2045 Unnamed Washes	-	Gila	Varies	Varies	No	No	No	No	No	No	0

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

EXHIBIT G

Table A-1B
Watercourses in Gila County Not Rejected at Level 1

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	HITS (14)
1	226	Black River	97	Apache/Gila/Graham/Greenlee/Navajo	121.77	T3.0N,R23.0E,S28	Yes	Yes	No	Yes	Yes	No	4
2	789	Fossil Creek	18	Coconino/Gila/Yavapai	17.72	T11.0N,R6.0E,S25	Yes	No	No	Yes	Yes	Yes	4
3	38233	Pinto Creek	41	Gila	36.16	T4.0N,R13.0E,S34	Yes	No	No	Yes	Yes	Yes	4
4	38724	Tonto Creek	115	Coconino/Gila	98.13	T9.0N,R11.0E,S01	Yes	Yes	No	Yes	Yes	No	4
5	38890	White River	22	Gila/Navajo	17.82	T5.0N,R22.0E,S34	Yes	Yes	No	Yes	Yes	No	4
6	266	Bonita Creek - Gila	5	Gila	5.15	T11.5N,R11.0E,S29	Yes	No	No	Yes	Yes	No	3
7	376	Canyon Creek 1	51	Coconino/Gila/Navajo	51.84	T7.0N,R15.5E,S36	Yes	No	No	Yes	Yes	No	3
8	446	Cherry Creek 2 - Gila	59	Gila	60.96	T4.0N,R15.0E,S23	Yes	No	No	Yes	Yes	No	3
9	460	Christopher Creek	10	Gila	8.02	T11.0N,R12.0E,S27	Yes	No	No	Yes	Yes	No	3
10	465	Cibecue Creek	51	Gila/Navajo	46.67	T5.0N,R17.0E,S08	Yes	No	No	Yes	Yes	No	3
11	518	Coon Creek - Gila	4	Gila	12.56	T4.0N,R15.0E,S28	Yes	No	No	Yes	Yes	No	3
12	731	East Verde River	60	Gila	54.16	T11.0N,R7.0E,S21	Yes	No	No	Yes	Yes	No	3
13	37613	Haigler Creek	15	Gila	23.17	T10.0N,R13.0E,S19	Yes	No	No	Yes	Yes	No	3
14	37995	Mineral Creek - Gila	3	Gila	3.60	T10.0N,R9.0E,S34	Yes	No	No	Yes	No	Yes	3
15	38396	Salome Creek	22	Gila	21.26	T4.0N,R12.0E,S11	Yes	No	No	Yes	Yes	No	3
16	38409	San Carlos River	56	Gila/Graham	49.15	T1.0N,R21.0E,S08	Yes	No	No	Yes	No	Yes	3
17	38593	Spring Creek 2	20	Gila	22.87	T9.0N,R12.0E,S23	Yes	No	No	Yes	Yes	No	3
18	38658	Sycamore Creek 3 - Yavapai	8	Gila/Yavapai	10.68	T9.0N,R6.0E,S35	Yes	No	No	Yes	Yes	No	3
19	363	Campaign Creek	16	Gila/Maricopa/Pinal	16.57	T3.0N,R13.0E,S10	Yes	No	No	No	Yes	No	2
20	388	Carrizo Creek	87	Gila/Navajo	63.42	T5.0N,R19.0E,S34	Yes	No	No	Yes	No	No	2
21	568	Courduroy Creek	32	Gila/Navajo	37.17	T7.0N,R19.0E,S24	Yes	No	No	Yes	No	No	2
22	661	Dick Williams Creek	1	Gila	2.06	T11.0N,R12.0E,S04	Yes	No	No	Yes	No	No	2
23	701	Dude Creek	3	Gila	4.46	T12.0N,R10.0E,S35	Yes	No	No	Yes	No	No	2
24	743	Ellison Creek - Gila	16	Gila	10.77	T11.5N,R10.0E,S25	Yes	No	No	Yes	No	No	2
25	838	Gordon Canyon	3	Gila	4.24	T10.0N,R13.0E,S19	Yes	No	No	Yes	No	No	2
26	37674	Horrell Creek	6	Gila	3.55	T1.0N,R14.0E,S14	Yes	No	No	Yes	No	No	2
27	37688	Horton Creek - Gila	4	Gila	3.11	T11.0N,R12.0E,S02	Yes	No	No	Yes	No	No	2
28	37928	Marsh Creek	9	Gila	10.32	T10.0N,R13.0E,S29	Yes	No	No	Yes	No	No	2
29	37960	Mescal Creek - Gila	8	Gila	8.82	T3.0S,R17.0E,S29	Yes	No	No	No	Yes	No	2
30	37984	Milky Wash	37	Gila/Pinal	19.60	T4.0S,R13.0E,S12	Yes	No	No	No	No	Yes	2
31	38194	Perley Creek	2	Gila	4.50	T11.5N,R11.0E,S28	Yes	No	No	Yes	No	No	2
32	38214	Pinal Creek	28	Gila	30.81	T1.0N,R15.0E,S04	Yes	No	No	Yes	No	No	2
33	38215	Pine Creek	18	Coconino/Gila	20.38	T10.0N,R8.0E,S12	Yes	No	No	Yes	No	No	2
34	38385	Rye Creek	23	Gila	17.61	T8.0N,R10.0E,S14	Yes	No	No	Yes	No	No	2
35	38848	Webber Creek	15	Coconino/Gila	14.26	T11.0N,R10.0E,S09	Yes	No	No	Yes	No	No	2
36	32	Alder Creek 2 - Gila	3	Gila	4.16	T9.0N,R9.0E,S15	No	No	No	Yes	No	No	1
37	291	Bray Creek	5	Gila	3.62	T12.0N,R9.0E,S36	Yes	No	No	No	No	No	1
38	409	Cedar Creek - Gila	17	Gila	14.36	T5.0N,R19.0E,S24	No	No	No	No	No	Yes	1
39	438	Chase Creek - Gila	4	Gila	4.37	T12.0N,R10.0E,S34	Yes	No	No	No	No	No	1
40	640	Deer Creek 1 - Gila	5	Gila	11.94	T9.0N,R10.0E,S33	No	No	No	Yes	No	No	1
41	649	Del Shay Creek	7	Gila	5.11	T8.0N,R11.0E,S29	Yes	No	No	No	No	No	1
42	683	Dripping Spring	33	Gila/Pinal	19.95	T4.0S,R16.0E,S15	Yes	No	No	No	No	No	1
43	723	East Fork Horton	1	Gila	1.63	T11.0N,R12.0E,S02	Yes	No	No	No	No	No	1
44	820	Georges Basin Creek	5	Gila	6.08	T3.0N,R22.0E,S09	Yes	No	No	No	No	No	1
45	868	Greenback Creek	19	Gila	16.35	T5.0N,R11.0E,S08	Yes	No	No	No	No	No	1

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

Table A-1B
Watercourses in Gila County Not Rejected at Level 1

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	HITS (14)
46	2354	H04_0029	1	Gila	0.10	T6.0N,R19.0E,S25	Yes	No	No	No	No	No	1
47	2643	H04_0325	1	Gila	0.07	T6.0N,R19.0E,S25	Yes	No	No	No	No	No	1
48	15244	H38_0573	1	Gila	0.19	T3.0N,R22.0E,S18	Yes	No	No	No	No	No	1
49	15653	H39_0481	1	Gila	1.10	T1.0S,R19.0E,S07	Yes	No	No	No	No	No	1
50	15655	H39_0483	3	Gila	5.70	T1.0S,R18.0E,S11	No	No	No	No	No	Yes	1
51	15718	H39_0546	1	Gila	2.63	T1.0N,R15.5E,S25	No	No	No	No	No	Yes	1
52	15798	H39_0628	1	Gila	0.88	T1.0S,R19.0E,S19	Yes	No	No	No	No	No	1
53	15801	H39_0631	3	Gila/Graham	1.24	T1.0S,R19.0E,S31	Yes	No	No	No	No	No	1
54	28517	H69_0447	3	Gila	6.87	T10.0N,R9.0E,S03	No	No	No	No	No	Yes	1
55	28518	H69_0448	1	Gila	1.37	T10.0N,R10.0E,S05	No	No	No	No	No	Yes	1
56	28547	H69_0489	2	Gila	1.86	T12.0N,R10.0E,S22	Yes	No	No	No	No	No	1
57	28561	H69_0508	5	Coconino/Gila	2.19	T12.0N,R9.0E,S14	Yes	No	No	No	No	No	1
58	30519	H73_0209	4	Gila	4.94	T7.0N,R13.0E,S28	Yes	No	No	No	No	No	1
59	30561	H73_0258	2	Gila	1.58	T2.0N,R14.0E,S35	No	No	No	No	No	Yes	1
60	30569	H73_0267	2	Gila	1.56	T1.0S,R14.0E,S02	No	No	No	No	No	Yes	1
61	30890	H73_0596	1	Gila	0.55	T5.0N,R17.0E,S17	Yes	No	No	No	No	No	1
62	31008	H73_0722	2	Gila	1.98	T4.5N,R16.0E,S21	Yes	No	No	No	No	No	1
63	31014	H73_0729	1	Gila	0.16	T4.5N,R16.0E,S20	Yes	No	No	No	No	No	1
64	31085	H73_0811	1	Gila	0.66	T3.0N,R15.0E,S02	Yes	No	No	No	No	No	1
65	31161	H73_0894	4	Gila	4.41	T1.0N,R13.0E,S24	No	No	No	No	No	Yes	1
66	31163	H73_0896	1	Gila	1.75	T1.0N,R13.0E,S14	No	No	No	No	No	Yes	1
67	31216	H73_0958	5	Gila	3.37	T1.0N,R14.0E,S24	No	No	No	No	No	Yes	1
68	31219	H73_0961	4	Gila	1.63	T1.0N,R14.0E,S22	No	No	No	No	No	Yes	1
69	31220	H73_0962	1	Gila	1.92	T1.0N,R14.0E,S22	No	No	No	No	No	Yes	1
70	33385	H77_1501	1	Gila/Pinal	0.08	T4.0S,R16.0E,S01	Yes	No	No	No	No	No	1
71	33391	H77_1507	1	Gila/Pinal	0.27	T4.0S,R16.0E,S15	Yes	No	No	No	No	No	1
72	37699	Houston Creek 1 - Gila	9	Gila	14.52	T9.0N,R11.0E,S07	Yes	No	No	No	No	No	1
73	37700	Houston Creek 2 - Gila	2	Gila	3.62	T10.0N,R8.0E,S31	Yes	No	No	No	No	No	1
74	37833	Lewis Creek	1	Gila	3.42	T11.5N,R11.0E,S35	No	No	No	Yes	No	No	1
75	37874	Little Turkey Creek	2	Gila	3.71	T7.0N,R13.0E,S32	Yes	No	No	No	No	No	1
76	37916	Mail Creek	2	Gila	1.75	T12.0N,R10.0E,S23	Yes	No	No	No	No	No	1
77	38043	Mule Creek	2	Coconino/Gila	5.01	T10.5N,R15.0E,S22	No	No	No	Yes	No	No	1
78	38053	Nash Creek	15	Gila/Navajo	17.42	T4.0N,R22.0E,S33	Yes	No	No	No	No	No	1
79	38055	Natural Corral Creek	6	Gila	7.74	T1.0N,R18.0E,S25	No	No	No	Yes	No	No	1
80	38099	North Sycamore Creek	3	Gila	4.54	T12.0N,R10.0E,S34	Yes	No	No	No	No	No	1
81	38141	P B Creek	4	Gila	4.73	T7.0N,R14.0E,S27	Yes	No	No	No	No	No	1
82	38228	Pineasco Creek	9	Gila	9.98	T4.0N,R21.0E,S17	Yes	No	No	No	No	No	1
83	38279	Pueblo Canyon	1	Gila	4.89	T6.0N,R15.0E,S31	No	No	No	Yes	No	No	1
84	38304	Ramboz Wash	22	Gila	13.01	T1.0S,R17.0E,S18	No	No	No	No	No	Yes	1
85	38319	Red Creek	21	Gila/Yavapai	19.12	T9.5N,R6.0E,S32	No	No	No	Yes	No	No	1
86	38338	Reynolds Creek	5	Gila	6.79	T6.0N,R13.0E,S10	No	No	No	No	Yes	No	1
87	38404	Salt Creek Draw	1	Gila	5.69	T5.0N,R17.0E,S08	No	No	No	Yes	No	No	1
88	38653	Sycamore Creek 1 - Gila	29	Gila	28.11	T1.0N,R18.0E,S34	No	No	No	Yes	No	No	1
89	38660	Sycamore Wash	2	Gila	3.31	T9.0N,R10.0E,S20	No	No	No	Yes	No	No	1
90	38775	Turkey Creek 1	25	Apache/Gila/Navajo	25.28	T3.0N,R22.0E,S25	Yes	No	No	No	No	No	1

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Table A-1B
Watercourses in Gila County Not Rejected at Level 1

No. (1)	W_ID (2)	W_NAME (3)	SEGCOUNT (4)	W_COUNTIES (5)	W_MILES (6)	W_ADDRESS (7)	W_PER (8)	W_MBOAT (9)	W_HBOAT (10)	W_FISH (11)	W_SSTATUS (12)	W_DIMP (13)	HITS (14)
91	38878	West Webber Creek	3	Coconino/Gila	2.98	T12.0N,R9.0E,S23	Yes	No	No	No	No	No	1
92	38881	Wet Bottom Creek	7	Gila/Yavapai	19.71	T9.0N,R6.0E,S02	No	No	No	Yes	No	No	1
93	38950	Workman Creek	8	Gila	9.40	T8.0N,R13.0E,S08	No	No	No	Yes	No	No	1

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