

**MOHAVE COUNTY**

**BEFORE THE  
ARIZONA NAVIGABLE STREAM ADJUDICATION COMMISSION**

**IN THE MATTER OF THE  
NAVIGABILITY OF SMALL AND  
MINOR WATERCOURSES IN  
MOHAVE COUNTY, ARIZONA,  
EXCLUDING THE COLORADO  
RIVER, VIRGIN RIVER, BILL  
WILLIAMS RIVER, BIG SANDY  
RIVER, SANTA MARIA RIVER  
AND BURRO CREEK**

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

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**REPORT, FINDINGS AND DETERMINATION  
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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 Mohave County, Arizona, excluding the Colorado River, Virgin River, Bill Williams River, Big Sandy River, Santa Maria River and Burro Creek, was navigable or nonnavigable for title purposes as of February 14, 1912. Proper and legal public notice was given in accordance with law and a hearing was held at which all parties were afforded the opportunity to present evidence, as well as their views, on this issue. The Commission having considered all of the historical and scientific data and information, documents and other evidence, including the oral and written presentations made by

persons appearing at the public hearing and being fully advised in the premises, hereby submits its report, findings and determination.

There are 5,145 documented small and minor watercourses in Mohave County. Of this number 4,905 are unnamed. All of these watercourses, both named and unnamed, are the subject of and included in this report. Excluded from this report is the Colorado River which was long ago determined to be navigable and serves as the boundary between Mohave County, Arizona, and the States of California and Nevada. Also excluded are the Virgin River, Bill Williams River, Big Sandy River, Santa Maria River, and Burro Creek, which are deemed to be major watercourses and are the subject of separate reports. Attached hereto as Exhibit "A" is a list of all of the small and minor watercourses in Mohave County, Arizona, both named and unnamed, covered by this report.

#### **I. Procedure**

On September 3, 2002, the Commission gave proper prior notice of its intent to study the issue of whether small and minor watercourses in Mohave County, Arizona, were navigable or nonnavigable for title purposes as of February 14, 1912, in accordance with A.R.S. § 37-1123B. A copy of the Notice of Intent to Study and Receive, Review and Consider Evidence on the issue of navigability of small and minor watercourses in Mohave County is 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 Mohave County, Arizona. Public notice of this hearing was given by legal advertising on November 1, 2002, 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 December 9, 2002, in the City of Kingman, the county seat of Mohave County, since the law requires that such hearing be held in the county in which the watercourses being studied are located. Attached hereto as Exhibit "C" is a copy of the notice of the public hearing.

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

Following the public hearing held on December 9, 2002, all parties were advised that they could file post-hearing memoranda pursuant to Rule R12-17-108.01. A post-hearing memorandum was filed by the Salt River Project Agricultural Improvement and Power District and the Salt River Valley Water Users' Association.

On March 12, 2003, at a public hearing in Bisbee, Arizona, after considering all of the evidence and testimony submitted, and the post-hearing memoranda filed with the Commission, and the comments and oral argument presented by the parties, and being fully advised in the premises, the Commission, with a unanimous vote, found and determined in accordance with A.R.S. § 37-1128 that all small and minor watercourses in Mohave County, Arizona, were nonnavigable as of February 14, 1912.

## **II. Mohave County, Arizona**

Mohave County, Arizona, is located in the northwestern portion of the state and is approximately 13,480 square miles in land area. It borders the States of California and Nevada to the west, the State of Utah to the north, the counties of Coconino and Yavapai to the east, and La Paz County to the south. Mohave County lies within the following latitude and longitude ranges: latitude from 34° 12' 00" north to 37° 00' 00" north and longitude from 112° 32' 30" west to 114° 45' 00" west.

Mohave County is xeric in character located almost entirely within the Mohave Desert, with the Grand Canyon and Lake Mead cutting across its upper two-thirds. It has some desert mountains, mostly rocky with little foliage, but the higher mountains, such as Hualapai Peak southeast of Kingman and mountains north of the Grand Canyon in the strip area, are covered with ponderosa pine, piñon pine and other evergreens. The highest point in the county is Hualapai Peak in Hualapai Mountain Park at 8417 feet above sea level. The lowest point is approximately 450 feet above sea level at the center of the Colorado River at the confluence with the Bill Williams River in

the southwestern corner of the county. The average rainfall for Mohave County is 6 to 12 inches per annum with the higher rainfall in the mountainous areas.

The major population centers of Mohave County are the cities of Kingman (the county seat), Bullhead City and Lake Havasu City on the Colorado River. Small towns or settlements located in Mohave County are Littlefield, Golden Shores, Chloride, Oatman, Peach Springs and Wickieup. The major commercial industry of Mohave County is tourism and recreation, but there is some mining and farming in various areas. Interstate 40 is the main corridor of transportation east and west, and Highways 93 and 95 are the principal corridors running north and south. The main line of the Santa Fe Railroad also crosses the county from east to west, first following Old Highway 66 and then from Kingman to the Colorado River, following Interstate 40. Interstate 15 crosses the northeastern corner of the county connecting Las Vegas with Salt Lake City. Major areas of interest in Mohave County are the lower western end of the Grand Canyon, Lake Mead on the Colorado River which is backed up by Hoover Dam, Lake Mead National Recreation Area, Kaibab Indian Reservation, Hualapai Indian Reservation, Fort Mohave Indian Reservation, Davis Dam and Parker Dam, Alamo Dam and Alamo Lake State Park, and various wildlife refuge areas and wilderness areas.

### 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 Arizona 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.<sup>1</sup> 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 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 non-navigable 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

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



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.

Although watercourse sovereignty ran with the tidewaters in England, an island country, in America the doctrine was extended to navigable inland watercourses as well. See *Barney v. Keokuk*, 94 U.S. 324, 24 L.Ed. 224 (1877); *Illinois Cent.*

*R.R. v. Illinois*, 146 U.S. 387, 434, 13 S.Ct. 110, 111, 36 L.Ed. 1018 (1892). Moreover, by the "equal footing" doctrine, announced in *Pollard's Lessee v. Hagan*, 44 U.S. (3 How.) 212, 11 L.Ed. 565 (1845), the Supreme Court attributed watercourse sovereignty to future, as well as then-existent, states. The Court reasoned that the United States government held lands under territorial navigable waters in trust for future states, which would accede to sovereignty on an "equal footing" with established states upon admission to the Union. *Id.* at 222-23, 229; accord *Montana v. United States*, 450 U.S. 544, 101 S.Ct. 1245, 67 L.Ed.2d 493 (1981); *Land Department v. O'Toole*, 154 Ariz. 43, 44, 739 P.2d 1360, 1361 (App. 1987).

The Supreme Court has grounded the states' watercourse sovereignty in the Constitution, observing that "[t]he shores of navigable waters, and the soils under them, were not granted by the Constitution to the United States, but were reserved to the states respectively." *Pollard's Lessee*, 44 U.S. (3 How.) at 230; see also *Oregon ex rel. State Land Board v. Corvallis Sand & Gravel Co.*, 429 U.S. 363, 374, 97 S.Ct. 582, 589, 50 L.Ed.2d 550 (1977) (states' "title to lands underlying navigable waters within [their] boundaries is conferred . . . by the [United States] constitution itself").

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

In the case of Arizona, the "equal footing" doctrine means that if any stream or watercourse within the State of Arizona was navigable on February 14, 1912, the date Arizona was admitted to the Union, the title to its bed is held by the State of Arizona in a special title under the public trust doctrine. If the stream was not navigable on that date, ownership of the streambed remained in such ownership as it was prior to statehood--the United States if federal land, or some private party if it had previously been patented or disposed of by the federal government--and could later be sold or disposed of in the manner of other land since it had not been in a special or trust title

under the public trust doctrine. Thus, in order to determine title to the beds of rivers, streams, and other watercourses within the State of Arizona, it must be determined whether or not they were navigable or non-navigable 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 non-navigable and accordingly there was no problem with the title to the beds and banks of any rivers, streams or other watercourses. However, in 1985 Arizona officials upset this long-standing assumption and took action to claim title to the bed of the Verde River. *Land Department v. O'Toole*, 154 Ariz. 43, 739 P.2d 1360 (App. 1987). Subsequently, various State officials alleged that the State might hold title to certain lands in or near other watercourses as well. *Id.*, 154 Ariz. at 44, 739 P.2d at 1361. In order to resolve the title questions to the beds of Arizona rivers and streams, the Legislature enacted a law in 1987 substantially relinquishing the state's interest in any such lands.<sup>2</sup> 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

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<sup>2</sup> 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 Session Laws, Chapter 127.

Milo J. Hassell in his capacity as State Land Commissioner, claiming that the statute was unconstitutional under the public trust doctrine and gift clause of the Arizona Constitution as no determination had been made of what interest the state had in such lands and what was the reasonable value thereof so that it could be determined that the state was getting full value for the interests it was conveying. The Superior Court entered judgment in favor of the defendants and an appeal was taken. In its decision in *Hassell*, the Court of Appeals held that this statute violated the public trust doctrine and 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 -1128.

The 1992 Act provided that the Commission would make findings of navigability or non-navigability 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. 278 ("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 non-navigability 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 Mohave 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 public report of any public trust values associated with the navigable watercourse.

Thus, in compliance with the statutes, the Commission is required to collect evidence, hold hearings, and determine which watercourses in existence on February 14, 1912, were navigable or nonnavigable. This report pertains to all of the small and minor watercourses in Mohave County, Arizona and excludes the Colorado River, Virgin River, Bill Williams River, Big Sandy River, Santa Maria River, and Burro Creek. In the hearings to which this report pertains, the Commission considered all of the available historical and scientific data and information, documents and other evidence relating to the issue of navigability of the small and minor watercourses in Mohave 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 State must undertake a “particularized assessment” of its “public trust” claims but expressly recognized that such assessment need not take place in a “full blown judicial” proceeding.

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

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

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

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



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

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

#### **V. Burden of Proof**

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

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

navigable, the commission shall issue its determination confirming that the watercourse was nonnavigable.

This statute is consistent with the decision of the Arizona courts that have considered the matter. *Hull*, 199 Ariz. at 420, 18 P.3d at 731 (“... a ‘preponderance’ of the evidence appears to be the standard used by the courts. See, e.g., *North Dakota v. United States*, 972 F.2d 235-38 (8<sup>th</sup> 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 overbear, in some degree, the weight upon the other side.

Black’s Law Dictionary 1064 (5<sup>th</sup> 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 image 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 (2<sup>nd</sup> 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 (2d Cir. 1969).

#### VI. Standard for Determining Navigability

The statutes 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.

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 Mohave County are 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.

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 Mohave County, Arizona. Evidence consisting of studies, written documents, newspapers and other historical accounts, pictures and testimony were submitted. A comprehensive study entitled "Final Report - Small & Minor Watercourses Analysis for Mohave County, Arizona" prepared by JE Fuller/Hydrology & Geomorphology, Inc. under supervision of the Arizona State Land Department, dated November 22, 2002, was reviewed and considered by the Commission. Various earlier

draft reports of this study were also reviewed and considered by the Commission. Also reviewed and considered by the Commission were documents submitted by the Arizona Center for Law in the Public Interest, the Central Arizona Paddlers Club (Dorothy Riddle), Chicago Title Insurance Company, the Arizona Stream Navigability Study for the Bill Williams River prepared by SFC Engineering Company in association with George V. Sabol Consulting Engineers, Inc., JE Fuller/Hydrology & Geomorphology, Inc., SWCA, Inc. Environmental Consultants and the Arizona Geological Survey, the Arizona Stream Navigability Study for the Virgin River prepared by JE Fuller/Hydrology & Geomorphology, Inc., SWCA, Inc. Environmental Consultants and Water Resources Research Center of the University of Arizona, and the Arizona Stream Navigability Study for the Big Sandy River, Burro Creek and Santa Maria River prepared by JE Fuller/Hydrology & Geomorphology, Inc., SWCA, Inc. Environmental Consultants and the Arizona Geological Survey, which reports were submitted by the Arizona Land Department in connection with the hearings on those rivers, as well as others. The list of evidence and records, together with a summarization is attached as Exhibit "D". The public hearing on small and minor watercourses located in Mohave County, Arizona, was held in Kingman, Arizona, on December 9, 2002, and the minutes of the meeting are attached hereto as Exhibit "E," as are that portion of the minutes of the public hearing held on March 12, 2003 which pertains to small and minor watercourses in Mohave County, Arizona.

**A. Small & Minor Watercourses Analysis for Mohave County, Arizona**

**1. Analysis Methods.**

Due to the large number of small and minor watercourses located in Mohave County, Arizona (5,146 watercourses of which 4,905 are unnamed), it is impractical and unnecessary to consider each watercourse with the same detail that the Commission will consider major watercourses. The study of small and minor watercourses developed by Stantec Consulting Inc. and its associates J. E. Fuller Hydrology & Geomorphology, Inc., and the University of Arizona Water Resources Research Center provided for an evaluation using a three-level process which contained criteria that would be necessarily present for a stream to be considered navigable.<sup>3</sup> 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 1,475 small and minor watercourses in Mohave County, Arizona. In addition, the database locates each segment by section, township, and range. Some of the satellite databases

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<sup>3</sup> The three-level process begins with a presumption and hypothesis that each stream is navigable. Analysis at each of the three levels attempts to reject that hypothesis. Fuller Final Report, Nov. 22, 2002, p. 9.

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 which 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. Thus, a stream having both perennial flow and historical boating (sum

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

If a stream survives the evaluation at level two, it goes on to level three which uses quantitative hydrologic and hydraulic analysis procedures including any stream gauge data available, as well as engineering estimates of depth, width and velocity of any water flow in the subject watercourse and comparing the same to minimum 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 Mohave County.**

The application of the level one analysis to the 5,145 small and minor watercourses located in Mohave County resulted in 5,110 watercourses or 99.3% being determined as not having any of the six characteristics listed above, and these 5,110 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 Mohave County which

were determined to have no characteristics of navigability or characteristics indicating susceptibility of navigability at level one.

Only 35 watercourses, approximately .7%, received an affirmative response to the above characteristics or criteria and were evaluated at level two. Twenty-eight of these watercourses had only one affirmative response at level one and six of these were non-perennial and had an affirmative response because of the presence of fish or a dam. Seven watercourses had an affirmative response to more than one of the characteristics listed. Attached as Exhibit "G" is a list of the 35 watercourses that received a positive response to one or more of the characteristics listed above and were evaluated at level two.

At the level two analysis where a characteristic that received a positive response was considered in greater depth and other sources of information were considered, it was determined that 33 of these 35 watercourses considered did not score higher than the cutoff score of 13 and could not be considered as susceptible of navigability and were therefore rejected at level two. Only two streams—Beaver Dam Wash and Kanab Creek had a higher score than 13 and survived the level two analysis and were evaluated at level three.

### **3. Level Three Analysis**

#### **a. Beaver Dam Wash**

Beaver Dam Wash is located in the northwestern portion of Mohave County and is one of the major tributaries of the Virgin River. It received three affirmative

responses in the level one analysis, including perennial stream flow, fish in stream, and special status.

Beaver Dam Wash originates in the mountains of southwestern Utah and flows across the Utah-Arizona border and into the Virgin River. Its total drainage area is approximately 820 square miles of which only 16% is in Arizona. The elevations on its watershed range from a maximum of 6,240 at its headwaters in the Dixie Mountain Forest in Utah to approximately 1,778 feet at its confluence with the Virgin River. The portion of this stream in Arizona is only 8.6 miles long from the Utah border to the confluence with the Virgin River. Only the lower reach of approximately 1-1/2 miles is considered to be a perennial flowing stream. There are two stream gauges on this reach, the more important of which for our purposes is the one located at the Beaver Dam, .8 of a mile upstream from the confluence with the Virgin River. Between February 1992 and October 1999 this gauging station registered a mean annual flow of 3.21 cubic feet per second (cfs), but during floods it exceeded this amount. This flow gives a depth of less than 1/2 foot and a width of 6 to 6-1/2 feet with a velocity of 1-1/2 to 2 miles per hour, which is not adequate for utilization by recreational craft much less commercial craft. There is no history of boating on this stream and no history of commercial fishing. In view of the foregoing, Beaver Dam Wash was considered as not being susceptible of navigability during its ordinary flow and was determined to require no further study.

**b. Kanab Creek**

Kanab Creek is located in the northeastern portion of Mohave County and forms the boundary between Mohave and Coconino Counties. It received four affirmative responses in the level one analysis, including perennial stream flow, dam located on stream, fish in stream, and special status.

Kanab Creek originates in the mountains of Utah and flows across the Utah-Arizona border through the Strip area to the North Rim of the Grand Canyon and into the Colorado River. Its watershed consists of approximately 2322 square miles, most of which is in Arizona. The elevations on this watershed range from 9350 feet near its headwaters to 2590 feet at its confluence with the Colorado River. The upper reach of this stream in Arizona flows through an alluvial valley located between Kanab, Utah, and Fredonia, Arizona. Most of the natural runoff of this reach is diverted for municipal or agricultural use. This reach is perennial where it enters Arizona until it reaches the town of Fredonia where it becomes ephemeral for the rest of its length to the Grand Canyon. The lower reach from Johnson Wash to its confluence with the Colorado River is non-perennial, although numerous springs provide a level of base flow to short reaches of the stream. The lower reach consists of flat bottom boulder-strewn channels between vertical bedrock canyons and has a slope of less than one percent.

There are two gauge stations on this stream, one near Kanab, Utah, and the other near Fredonia, Arizona. Both of these stations for a period between 1997 and 1999 have

indicated a mean annual flow during ordinary times of less than seven cfs. This flow gives a depth of less than 3/10 of a foot, although its width is 16 feet or wider, and its velocity is between 1.1 and 1.4 cfs. The two-year flood peak is, of course, much higher but cannot be considered as the ordinary condition of the stream. This flow is less than the minimum required for recreational craft and certainly less than that required for commercial use. There is no history of boating on this stream, and the lower reach is strewn with boulders and other obstructions that would make it extremely difficult to navigate. In view of the foregoing, Kanab Creek was considered as not being susceptible of navigability during its ordinary flow and was determined to require no further study.

Evidence consisting of reports, photographs, maps and statements submitted by other parties and considered by the Commission agreed with and confirmed the findings contained in the Fuller report. Testimony presented to the Commission at the hearing established that the present climate and weather conditions in Mohave 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 Mohave County, Arizona**

In addition to the Small and Minor Watercourses Analysis and other evidence described above, the Commission also considered evidence of the prehistoric conditions and the historic development of Mohave County as disclosed primarily in the studies submitted in connection with the hearings on navigability of the Bill Williams River,

Virgin River, Big Sandy River, Santa Maria River, and Burro Creek. None of the streams in Mohave County, excluding the Colorado River, has been listed in the Rivers and Harbors Act of 1899 (33 U.S. Code § 401-467e).

The archaeology of western Arizona, and specifically Mohave County, is perhaps more poorly known than the archaeology of most other portions of the state. Evidence of paleoindian occupation in this area is very sparse and consisted only of surface finds of lithic tools.<sup>4</sup> A clovis projectile point from the paleoindian period was found in the Arizona Strip area in the northern part of the county, and another was found by a rancher in the Aquarius Mountains. No paleoindian sites have been excavated, although there are no doubt sites that have not been located. A number of late archaic period sites dating from 3000 B.C. to 700 A.D. have been found which indicate that these people used the area primarily for hunting wild animals and gathering plants. Many of these sites show stone tools and flakes from the working of stone tools, and in some sites split twig figurines indicating the archaic tradition have been found.

More permanent settlements and some farming began approximately 700 A.D. The introduction of pottery, maize, and the bow and arrow about this time indicate the development of two defined farming cultures. The first is the Prescott culture with small pueblos and crudely painted pottery located in the central mountains, and the second is the Patayan culture which originated on the lower Colorado River and spread

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<sup>4</sup> The paleoindian period is generally considered to be between 9500 B.C. or 11500 B.P. (before present) to approximately 7500 B.C. when the archaic period is deemed to have commenced.

eastward into the deserts of western Arizona and north along the Colorado River. The Patayan culture developed into the Cerbat archaeological culture, the predecessor of the modern Pai tribes, the Hualapai, Havasupai and Yavapai. Approximately 1300 A.D. the Paiute, Chemahueve and Ute tribes entered the northern part of the county. There is no indication that any of these pre-Columbian cultures utilized any of the small and minor watercourses for transportation, nor did they attempt to float logs on them.

Although Spanish exploration of the Southwest began in 1540 with the Coronado Expedition, no Europeans traveled in Mohave County until much later. In 1604 Juan Mateo de Oñate, Governor of Spanish New Mexico, came into the area, traveling along the Santa Maria and Bill Williams Rivers to reach the Colorado River. In 1776, Frey Silvestre Velez de Escalante and Frey Francisco Atanasio Dominguez led an exploration party from Santa Fe to the Great Salt Lake and returned to the South through the Virgin River watershed. They then turned east along the north edge of the Grand Canyon, crossing the Colorado near Page to return to Santa Fe. There were no missions or permanent Spanish settlements in Mohave County.

In 1821 Mexico won its independence from Spain, and sovereignty over the area which later became Mohave County passed to Mexico. The Mexican government sponsored few expeditions into western Arizona and actually attempted to discourage incursions into its territories by citizens of the United States. Notwithstanding this policy, fur trappers and mountainmen began exploring the southwest as early as the 1820's. These mountainmen generally traveled by foot or horseback and did not use



boats for their fur trapping activities. They were certainly familiar with and trapped along the major rivers and possibly some of the minor streams and watercourses in Mohave County, but they left no records of their travels.

The war between Mexico and the United States (1846-48) resulted in all of Mohave County becoming a part of the United States. Following the war, a number of surveying and mapping expeditions led by Army engineers traveled through the territory looking for routes from the eastern United States to California. One expedition led by Col. John Fremont in 1854 traveled along the Virgin River. Others following the route which later became Highway 66 and is now Interstate 40, then turned south to cross the Colorado River at the confluence with the Bill Williams River. Later they began to cross the Colorado River by way of Kingman and the present location of Bullhead City, Arizona, and Needles, California. None of these military expeditions recorded any small or minor watercourses that could be considered susceptible of navigability. In 1859 the Army established Camp Mohave in Arizona at Beale's Crossing of the Colorado River, across from the present location of Needles, California. It was closed in 1861 at the beginning of the Civil War but was reestablished in 1866. In 1879 the name was changed to Fort Mohave and it remained an active post until 1890.<sup>5</sup>

There is extensive literature on the era of navigation on the Colorado River which lasted from 1852 to 1909. Commercial navigation occurred on the length of the

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<sup>5</sup> Nearing, Richard, and Hoff, David, Arizona Military Installations: 1752-1922, pp. 14-15, Tempe: Gem Publishing Co. (1995).

Colorado River from its mouth to the mouth of the Virgin River, but there is no evidence of any commercial navigation or floating of logs on any of the small or minor watercourses in Mohave County. In 1861 silver was discovered on the west side of the Colorado River, and this was followed by a number of mineral strikes in the southern and middle portion of Mohave County. Aubrey Landing was founded in 1864 at the confluence of the Bill Williams and Colorado Rivers where ships traveling up the Colorado could land goods and freight teams would then haul the supplies for mines and camps into the southern part of the county. Mining also became very important in the central part of the county south of the Colorado River. In the 1850's Mormons from Utah began to explore and settle in northwestern Arizona, including the Virgin River watershed. Farming and ranching were established as commercial enterprises in northern and central Mohave County.

The Beale Road from Santa Fe to California became established as a major transportation corridor across the state. It crossed the Colorado River at Beale's Crossing at or near Fort Mohave. The Santa Fe Railroad generally followed this route, with Kingman as one of its major stations. Highway 66 established by the National Highway Act became known as the main street of America. Interstate 40 now follows generally the same route as the Santa Fe Railroad and old Highway 66. Other lesser known roads and highways now traverse the populated areas of Mohave County. There is no record of travel, recreational or otherwise on the small and minor watercourses in Mohave County and absolutely no evidence of any commercial

enterprise or commercial fishing on any of these streams. The customary mode of transportation in Mohave County, excluding the Colorado River, was clearly not by boat. In 1912 the alternatives to boat travel in Mohave County included foot, horseback, mule or ox-drawn wagons and later, as the road network improved, automobiles and trucks, as well as the railroad.

### **VIII. Findings and Determination**

The Commission conducted a particularized assessment of equal footing claims the State of Arizona might have to the beds and banks of the 5,145 small and minor watercourses in Mohave County, Arizona, and based on all of the historical and scientific data and information, documents, and other evidence produced, finds that none of the said small and minor watercourses were used or were susceptible to being used, in their ordinary and natural condition, as a highway for commerce, over which trade and travel were or could have been conducted in the customary modes of trade and travel on water as of February 14, 1912.

The Commission also finds that none of the small and minor watercourses in Mohave County, Arizona, are or were truly perennial throughout their length and that as of February 14, 1912, and currently they flow/flowed only in direct response to precipitation and are or were dry at all other times.

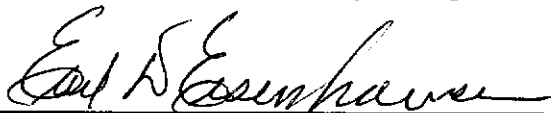
The Commission also finds that there is no evidence of any historical or modern boating having occurred on any of the small and minor watercourses in Mohave County, Arizona.

The Commission also finds that there is no evidence of any fishing having occurred on the small and minor watercourses in Mohave 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 Mohave County, Arizona, were not navigable as of February 14, 1912.

DATED this 23<sup>rd</sup> day of September, 2003.



Earl Eisenhower, Chairperson



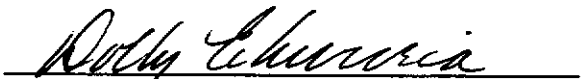
Jay Brashear, Member



Cecil Miller, Member



James Henness, Member



Dolly Echeverria, Member

**4. MOHAVE COUNTY SMALL AND MINOR WATERCOURSES FOR HEARING DECEMBER 9, 2002.**

214 Mile Creek, Adobe Creek - Mohave, Agway Wash, Antelope Wash - Mohave, Ash Creek 1 - Mohave, Ash Creek 2 - Mohave, Ash Creek 3 - Mohave, Bar I-L Wash, Beaver Dam Wash - Mohave, Big Bend Wash, Big Sand Wash - Mohave, Big Sandy Wash, Big Wash 1 - Mohave, Big Wash 2 - Mohave, Bitter Creek - Mohave, Bitter Seeps Wash, Black Canyon - Mohave, Black Rock Gulch, Black Rock Wash - Mohave, Black Wash, Blue Tank Wash - Mohave, Bottleneck Wash - Mohave, Boulder Wash, Box Canyon Wash - Mohave, Bronco Creek - Mohave, Bronco Wash, Buck Mountain Wash, Bull Canyon, Bulrush Wash, Burro Wash 1 - Mohave, Burro Wash 2 - Mohave, Cane Spring Wash, Cane Springs Wash, Castaneda Wash, Castle Cliff Wash, Cave Wash, Cedar Pockets Wash, Cedar Wash 1, Cedar Wash 2, Centennial Wash - Mohave, Cerbat Wash, Chapin Wash, Cherokee Wash, Clayhole Wash, Cold Spring Wash - Mohave, Coon Creek - Mohave, Copper Creek - Mohave, Cottonwood Creek 1 - Mohave, Cottonwood Creek 2 - Mohave, Cottonwood Creek 3 - Mohave, Cottonwood Creek 4 - Mohave, Cottonwood Wash 1 - Mohave, Cottonwood Wash 2 - Mohave, Cow Creek - Mohave, Crow Canyon, Crozier Wash, Daytona Wash, Deluge Wash, Detrital Wash, Diamond Creek 1, Dutchman Draw, East Ash Creek, East Fork Parash, East Fork Sycamore - Mohave, El Dorado Wash, Falls Springs Wash, Fivemile Wash - Mohave, Flattop Wash, Fort Pearce Wash, Fox Canyon Wash, Fox Wash, Francis Creek, Franconia Wash, Frees Wash, Gonzales Wash, Government Wash, Grand Gulch Wash, Grand Wash, Granite Wash, Grapevine Wash - Mohave, Graveyard Wash, Gray Wash - Mohave, Griffith Wash, Groom Spring Wash - Mohave, Gyp Wash, Hack Canyon, Hackberry Wash - Mohave, Hair Clipper Wash, Happy Jack Wash, Havasupai Wash, Hibernia Canyon, Hidden Canyon, Hobble Canyon, Horse Spring Wash, Hualapai Wash, Hurricane Wash, Illavar Wash, Industrial Drain, Iron Spring Wash, Iroquois Wash, Ivanpatch Wash, Jackman Wash, Jumbo Wash, Kabba Wash, Kaiser Spring Canyon, Kanab Creek, Katherine Wash, Kingman Wash, Kiowa Drain, Knight Creek, Langs Run, Left Hand Moss Wash, Little Clayhole, Lookout Wash, Lost Cabin Wash, Lost Creek, Lost Man Creek, Mackenzie Creek, Mackenzie Wash, McGarrys Wash, McGee Wash, Meadow Creek, Meriwhitica Canyon, Middle Mohave Wash, Mississippi Wash, Mohave Wash, Montana Wash, Moss Wash, Mountain Sheep Wash, Natural Corrals, Neptune Wash, Nodman Canyon Draw, North Fork Robin, Pakoon Wash, Palmtree Wash, Palo Verde Wash, Paloma Wash, Parashant Wash, Peach Springs Wash, Peacock Wash, Pearsons Falls Wash, Petroglyph Wash, Pigeon Wash, Pilgrim Wash, Pipe Valley Wash, Placeritas Creek, Pocum Wash, Portland Wash, Putman Wash - Mohave, Rawhide Wash, Reference Point, Robinson Wash, Rock Canyon - Mohave, Rock Creek - Mohave, Rupley Wash, Sacramento Wash, Salt Creek 1 - Mohave, Salt Creek 2 - Mohave, Salt Spring Wash, Sand Hollow Wash, Sand Wash - Mohave, Sandridge Wash, Sandtrap Wash, Sandy Canyon Wash, Secret Pass Wash, Shingle Canyon, Short Creek, Silver Creek - Mohave, Silver Creek Wash, Smoketree Wash, South Moccasin Wash, Spencer Canyon, Spring Canyon Wash, Squaw Canyon, Standard Wash, Stove Spring Canyon, Sullivan Draw, Sullivans Canyon, Surprise Canyon, Sycamore Creek - Mohave, Tassi Wash, Temple Wash, Tennessee Wash, Thirteenmile Wash, Timber Wash, Tomm and Cull Wash, Topock Marsh, Trail Rapids Wash, Travertine Canyon, Trout Creek,

A

Truxton Wash, Tuckayou Wash, Tuckup Canyon, Tule Wash - Mohave, Twentysix Wash, Twomile Wash, Tyro Wash, Valencia Wash, Vock Wash, Wagon Wheel Wash, Walnut Creek - Mohave, Warm Springs Wash, West Fork Parash, West Fork Sycamore - Mohave, West Mohave Wash, Wheeler Wash, White Elephant Wash, Whitmore Wash, Willow Creek 1 - Mohave, Willow Creek 2 - Mohave, Willow Wash - Mohave, Wright Canyon, Wrights Canyon, Yellow Flower Creek, Yellowstone Wash, Yucca Wash, and any other named or unnamed minor watercourses in Mohave County.

**AFFIDAVIT OF PUBLICATION**

**Kingman Daily Miner**

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web:www.kingmandailyminer.com e-mail:legals@kingmandailyminer.com

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*"Serving Kingman since 1882"*

STATE OF ARIZONA )  
County of Mohave ) ss.

I, **Sean Patterson**, being first duly sworn on his oath says:  
That he is the **Legal Clerk** of **THE KINGMAN DAILY MINER**  
An Arizona corporation, which owns and publishes the Miner,  
a Daily Newspaper published in the City of Kingman, County of Mohave,  
Arizona; that the notice attached hereto, namely,

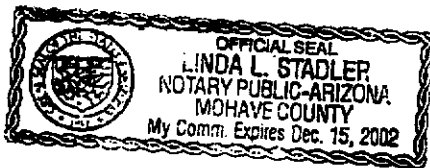
**Statement of Intent**

Has, to the personal knowledge of affiant, been published in the news-  
paper aforesaid, according to law, from the **3rd** day of **September, 2001** to the  
**17th** day of **September, 2001**, both inclusive without change, interruption or  
omission, amounting in all to **3** insertions, made on the Following dates:  
**September 3, 10, & 17, 2001.**

By: \_\_\_\_\_  
Legal Clerk 19th Day of September 2001.

By: Linda L. Stadler  
Notary Public

My commission expires: 12/15/2002



PAGE 43 OF 65  
BK 5004 PG 144 FEE#2004041305

B

Navigable Stream Adjudication Commission  
Pursuant to A.R.S. 37-1123 (B), notice is hereby  
given of the intent of the Navigable Stream Adju-  
dication Commission to receive, review, and consider  
evidence regarding characteristics of navigability or  
nonnavigability of all small and minor watercours-  
es in Mohave County. Interested parties may submit  
evidence regarding any small and minor water-  
courses in Mohave County for review to the Com-  
mission office no later than October 25, 2001. All  
documentary and other physical evidence submitted  
to the Commission, including evidence submitted at  
a Commission hearing, will be the property of the  
Navigable Stream Adjudication Commission and  
the State of Arizona. Evidence submitted will be  
available for public inspection at the Commission  
offices during regular Commission office hours.  
The list of small and minor watercourses includes:  
Abbot Wash, Agway Wash, Antelope Wash, Ash  
Creek, Ash Creek/Cane Spring Wash, Bar I-L  
Wash, Big Bend Wash, Big Wash, Bitter Creek,  
Bitter Seeps Wash/South Muccasin Wash/ Twormile  
Wash, Black Canyon, Blake Rock Gulch, Black  
Rock Wash, Black Wash, Blue Tank Wash, Box  
Canyon Wash, Bronco Creek/ Bronco Wash, Buck  
Mountain Wash, Buck Mountain Wash/ Cow  
Creek, Bull Canyon, Bulrush Wash, Burro Creek,  
Burro Wash, Cane Springs Wash, Cane Springs  
Wash/ Hibernia Canyon, Castenada Wash, Cedar  
Pockets Wash, Cedar Wash, Cerbat Wash, Clayhole  
Wash, Cold Spring Wash, Copper Creek, Cotton-  
wood Creek, Cottonwood Wash, Cottonwood  
Wash/ Grand Wash/ Pigeon Wash, Cow Creek,  
Crow Canyon, Crozier Wash/ Mohave Wash, Del-  
uge Wash, Dertrital Wash, Dutchman Draw, East  
Ash Creek, East Fork Parashant Wash, East Fork  
Sycamore Creek, Falls Springs Wash, Five-Mile  
Wash, Flattop Wash, Fort Pearce Wash, Fox Can-  
yon Wash, Francis Creek, Franconia Wash, Frees  
Wash, Gonzales Wash, Government Wash, Grand  
Gulch Wash, Grand Wash, Grapevine Wash,  
Graveyard Wash, Griffith Wash, Gyp Wash, Hack  
Canyon, Hackberry Spring Wash, Hualapai Wash/  
White Elephant Wash, Hurricane Wash, Illavar  
Wash, Iron Spring Wash, Jumbo Wash, Kabba  
Wash, Kaiser Spring Canyon, Knight Creek, Langs  
Run, Left Hand Moss Wash, Little Clayhole Wash,  
Lost Creek, Lost Man Creek, Mackenzie Creek/  
Mackenzie Wash, McGarrys Wash, McGee Wash,  
Meadow Creek, Middle Mohave Wash, Mohave  
Wash, Moss Wash, Mountain Sheep Wash, Natural  
Corrals Wash/ Stove Spring Canyon, North Fork  
Robinson Wash, North Fork Robinson Wash/ Rob-  
inson Wash, Pakoon Wash, Parashant Wash/ West  
Fork Parashant Wash, Peach Springs Wash, Pea-  
cock Wash, Pearson Falls Wash, Petroglyph Wash,  
Pigeon Wash, Pilgrim Wash, Pipe Valley Wash, Po-  
cum Wash, Putman Wash, Reference Point Creek,  
Rock Canyon, Rock Creek, Rupley Wash, Sacra-  
mento Wash, Sacramento Wash/ Tennessee Wash,  
Salt Creek, Salt Spring Wash, Sand Hollow Wash,  
Sand Hollow Wash, Sandridge Wash, Sandy Can-  
yon Wash, Secret Pass Wash, Shingle Canyon/ Yel-  
low Flower Creek, Short Creek, Silver Creek Wash,  
Spencer Canyon, Squaw Canyon, Standard Wash,  
Sullivan Draw, Sullivant Canyon, Surprise Canyon,

Sycamore Creek, Tassi Wash, Thirteen-Mile Wash,  
Timber Wash, Tom and Cull Wash, Topock Marsh,  
Town Marsh, Trail Rapids Wash, Truxton Wash,  
Tule Wash, Tyro Wash, Virgin River, Walnut  
Creek, Warm Springs Wash, West Fork Parashant  
Wash, West Mohave Wash, Wheeler Wash, White  
Elephant Wash, Whitmore Wash, Willow Creek,  
Wright Canyon, and any other unnamed minor wa-  
tercourses. The Commission will not receive evi-  
dence and testimony relating to the navigability or  
nonnavigability of the major watercourses in  
Mohave County at this time. The major watercours-  
es in Mohave County include the Colorado River,  
Bill Williams River, Virgin River, Big Sandy Riv-  
er, Burro Creek, and Santa Maria River. All evi-  
dence is to be into the Commission office by the  
due date. An original unbound document plus sev-  
en bound copies are to be submitted. In addition,  
whenever possible, an electronic version of the evi-  
dence will be accepted in IBM compatible format  
on 3 1/2" floppy disks, 100MB or 250MB Zip  
disk(s) or CDROM(s). The Commission office is lo-  
cated at 1700 West Washington, Room 404, Pine-  
rix, AZ 85007. The phone number is (662)542-  
9214. The web site address is http://www.azstream-  
beds.com. The e-mail address is stream@mond-  
spring.com. Individuals with disabilities who need  
a reasonable accommodation to communicate evi-  
dence to the Commission, or who require this infor-  
mation in an alternate format may contact the Com-  
mission office at (662)542-9214 to make their  
request. Commission No. 675. Published September 10,

Notice of Proof of Publication

STATE OF ARIZONA

PAGE 44 OF 65
BK 5004 PG 145 FEE#2004041305

SS
COUNTY OF MOHAVE

Alice Opie (handwritten signature)

Alice Opie

Being duly sworn, says that during the publication of the notice, as herein mentioned and now is the Advertising Agent of Today's News Herald, a five-times weekly published on Sunday, Tuesday, Wednesday, Thursday and Friday of each and every City of Lake Havasu City, in Mohave County, State of Arizona. That said news is published as aforesaid on the following dates, to-wit:

That the:

Statement of Intent
State of Arizona
Navigable Stream Adjudication Commission

Published date: October 8, 2002
October 15, 2002
October 22, 2002

of which the annexed copy is a printed and true copy, was printed and inserted in each and every copy of said newspaper, printed and published on the dates aforesaid, and in the body of said newspaper and not in a supplement thereto.

Subscribed and sworn to before me this 25th day of October 2002.

Sandra K. Griffen (signature)
Notary Public
OFFICIAL SEAL
SANDRA K. GRIFFEN
Notary Public - State of Arizona
My Commission Expires: MOHAVE COUNTY
Expires July 24, 2007

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 a watercourse navigability hearing regarding all of the small and minor watercourses in Mohave 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 Mohave County. Interested parties are requested to file all documentary evidence they propose to submit to ANSAC by November 8, 2002. 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:
Abbott Wash, Agway Wash, Antelope Wash, Ash Creek, Ash Creek/Cane Spring Wash, Bar L Wash, Big Bend Wash, Big Wash, Bitter Creek, Bitter Seeps Wash/South Moccasin Wash/Two-mile Wash, Black Canyon, Black Rock Gulch, Black Rock Wash, Black Wash, Blue Tank Wash, Box Canyon Wash, Bronco Creek/Bronco Wash, Buck Mountain Wash, Buck Mountain Wash/Cow Creek, Bull Canyon, Bulrush Wash, Burro Creek, Burro Wash, Cane Springs Wash, Cane Springs Wash/Hibernia Canyon, Castaneda Wash, Cedar Pockets Wash, Cedar Wash, Cerbat Wash, Clayhole Wash, Cold Spring Wash, Copper Creek, Cottonwood Creek, Cottonwood Wash, Cottonwood Wash/Grand Wash/Pigeon Wash, Cow Creek, Crow Canyon, Crozier Wash/Mohave Wash, Deluge Wash, Delintal Wash, Dutchman Draw, East Ash Creek, East Fork Parashant Wash, East Fork Sycamore Creek, Falls Springs Wash, Five-Mile Wash, Flattop Wash, Fort Pearce Wash, Fox Canyon Wash, Francis Creek, Franconia Wash, Frees Wash, Gonzales Wash, Government Wash, Grand Gulch Wash, Grand Wash, Grapevine Wash, Graveyard Wash, Griffith Wash, Gyp Wash, Hack Canyon, Hackberry Wash, Hair Clipper Wash, Happy Jack Wash, Hidden Canyon, Hobbie Canyon, Horse Spring Wash, Hualapai Wash/White Elephant Wash, Hurricane Wash, Ilavar Wash, Iron Spring Wash, Jumbo Wash, Kabba Wash, Kaiser Spring Canyon, Knight Creek, Langs Run, Left Hand Moss Wash, Little Clayhole Wash, Lost Creek, Lost Man Creek, Mackenzie Creek/Mackenzie Wash, McGarys Wash, McGee Wash, Meadow Creek, Middle Mohave Wash, Mohave Wash, Moss Wash, Mountain Sheep Wash, Natural Corrals Wash, Natural Corrals Wash/Stove Spring Canyon, North Fork Robinson Wash, North Fork Robinson Wash/Robinson Wash, Pakoon Wash, Parashant Wash/West Fork Parashant Wash, Peach Springs Wash, Peacock Wash, Pearson Falls Wash, Petroglyph Wash, Pigeon Wash, Pilgrim Wash, Pipe Valley Wash, Pocum Wash, Putman Wash, Reference Point Creek, Rock Canyon, Rock Creek, Rupley Wash, Sacramento Wash, Sacramento Wash/Tennessee Wash, Salt Creek, Salt Spring Wash, Sand Hollow Wash, Sand Hollow Wash, Sandridge Wash, Sandy Canyon Wash, Secret Pass Wash, Shingle Canyon/Yellow Flower Creek, Short Creek, Silver Creek Wash, Spencer Canyon, Squaw Canyon, Standard Wash, Sullivan Draw, Sullivan Canyon, Surprise Canyon, Sycamore Creek, Tassi Wash, Thirteen-Mile Wash, Timber Wash, Tom and Cull Wash, Topock Marsh, Town Wash, Trail Rapids Wash, Truxton Wash, Tule Wash, Tyro Wash, Virgin River, Walnut Creek, Warm Springs Wash, West Fork Parashant Wash, West Mohave Wash, Wheeler Wash, White Elephant Wash, Whitmore Wash, Willow Creek, Wright Canyon, and any other named or unnamed small and minor watercourses in Mohave County.

ANSAC will not receive evidence and testimony relating to the navigability or nonnavigability of the major watercourses in Mohave County at this time. The major watercourses in Mohave County include the Colorado River, Bill Williams River, Virgin River, Big Sandy River, Burro Creek, and Santa Maria River.
An unbound original plus seven bound copies of documentary evidence is to be submitted. ANSAC offices are located at 1700 West Washington, Room 404, Phoenix, AZ 85007. The telephone number is (602) 542-9214. The web site address is http://www.azstreams.com. The e-mail address is streams@mindspring.com.
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.
Publish October 8, 15, 22, 2002 2936



Notice of Proof of Publication

PAGE 45 OF 65
BK 5004 PG 146 FEE#2004041305

STATE OF ARIZONA
COUNTY OF MOHAVE

Handwritten signature of Donna L. Schroeder

Donna L. Schroeder

being duly sworn, says that during the publication of the notice, as herein mentioned, he/she was and now is the Advertising Agent of Today's News Herald, a five-times weekly newspaper published on Sunday, Tuesday, Wednesday, Thursday and Friday of each and every week at the City of Lake Havasu City, in Mohave County, State of Arizona. That said newspaper was printed and published as aforesaid on the following dates, to-wit:

That the:

Notice of Public Hearing
State of Arizona
Navigable Stream Adjudication Commission

Published date:

November 6, 2002

of which the annexed copy is a printed and true copy, was printed and inserted in each and every copy of said newspaper, printed and published on the dates aforesaid, and in the body of said newspaper and not in a supplement thereto.

Subscribed and sworn to before me this 7th day of November, 2002.

Notary Public signature and stamp

My Commission Expires:

NOTICE OF PUBLIC HEARING
State of Arizona

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 a public hearing to receive physical evidence and testimony relating to the navigability or nonnavigability of all small and minor watercourses in Mohave County. The hearing will be held in Mohave County on December 9, 2002. The hearing will begin at 1:30 p.m. at the Mohave County Board of Supervisors Board Room at 809 East Beale Street, Kingman, Arizona, 86401. This is presently the only hearing scheduled for the small and minor watercourses in Mohave County.

The list of minor watercourses includes:
Abbott Wash, Agway Wash, Antelope Wash, Ash Creek, Ash Creek/Cane Spring Wash, Bar I-L Wash, Big Bend Wash, Big Wash, Bitter Creek, Bitter Seeps Wash/South Moccasin Wash/Two-mile Wash, Black Canyon, Black Rock Gulch, Black Rock Wash, Black Wash, Blue Tank Wash, Box Canyon Wash, Bronco Creek/Bronco Wash, Buck Mountain Wash, Buck Mountain Wash/Cow Creek, Bull Canyon, Bulrush Wash, Burro Creek, Burro Wash, Cane Springs Wash, Cane Springs Wash/Hibernia Canyon, Castaneda Wash, Cedar Pockets Wash, Cedar Wash, Cerbat Wash, Clayhole Wash, Cold Spring Wash, Copper Creek, Cottonwood Creek, Cottonwood Wash, Cottonwood Wash/Grand Wash/Pigeon Wash, Cow Creek, Crow Canyon, Crozier Wash/Mohave Wash, Deluge Wash, Detrital Wash, Dutchman Draw, East Ash Creek, East Fork Parashant Wash, East Fork Sycamore Creek, Falls Springs Wash, Five-Mile Wash, Flattop Wash, Fort Pearce Wash, Fox Canyon Wash, Francis Creek, Franconia Wash, Frees Wash, Gonzales Wash, Government Wash, Grand Gulch Wash, Grand Wash, Grapevine Wash, Graveyard Wash, Griffith Wash, Gyp Wash, Hack Canyon, Hackberry Wash, Hair Clipper Wash, Happy Jack Wash, Hidden Canyon, Hobbie Canyon, Horse Spring Wash, Hualapai Wash/White Elephant Wash, Hurricane Wash, Ilavar Wash, Iron Spring Wash, Jumbo Wash, Kabba Wash, Kaiser Spring Canyon, Knight Creek, Langs Run, Left Hand Moss Wash, Little Clayhole Wash, Lost Creek, Lost Man Creek, Mackenzie Creek/Mackenzie Wash, McGarrys Wash, McGee Wash, Meadow Creek, Middle Mohave Wash, Mohave Wash, Moss Wash, Mountain Sheep Wash, Natural Corrals Wash, Natural Corrals Wash/Stove Spring Canyon, North Fork Robinson Wash, North Fork Robinson Wash/Robinson Wash, Pakoon Wash, Parashant Wash/West Fork Parashant Wash, Peach Springs Wash, Peacock Wash, Pearson Falls Wash, Petroglyph Wash, Pigeon Wash, Pignm Wash, Pipe Valley Wash, Pocum Wash, Putman Wash, Reference Point Creek, Rock Canyon, Rock Creek, Rupley Wash, Sacramento Wash, Sacramento Wash/Tennessee Wash, Salt Creek, Salt Spring Wash, Sand Hollow Wash, Sand Hollow Wash, Sandridge Wash, Sandy Canyon Wash, Secret Pass Wash, Shingle Canyon/Yellow Flower Creek, Short Creek, Silver Creek Wash, Spencer Canyon, Squaw Canyon, Standard Wash, Sullivan Draw, Sullivans Canyon, Surprise Canyon, Sycamore Creek, Tassi Wash, Thirteen-Mile Wash, Timber Wash, Tom and Cull Wash, Topock Marsh, Town Wash, Trail Rapids Wash, Truxton Wash, Tule Wash, Tyro Wash, Virgin River, Walnut Creek, Warm Springs Wash, West Fork Parashant Wash, West Mohave Wash, Wheeler Wash, White Elephant Wash, Whitmore Wash, Willow Creek, Wright Canyon, and any other named or unnamed minor watercourses in Mohave County.
The Commission will not receive evidence and testimony relating to the navigability or nonnavigability of the major watercourses in Mohave County at this time. The list of major watercourses in Mohave County includes the Colorado River, Bill Williams River, Virgin River, Big Sandy River, Burro Creek, and Santa Maria River. Interested parties may submit evidence to the commission office prior to the hearing. During the public hearing, the commission will receive additional evidence including testimony. The commission will conduct its hearings informally without adherence to judicial rules of procedure or evidence.

Evidence submitted in advance of the hearing will be available for public inspection during regular commission office hours of 8:00 a.m. to 5:00 p.m., Monday thru Friday, except on holidays. The commission office is located at 1700 West Washington Street, Room 404, Phoenix, Arizona 85007. Please call first to review evidence at (602) 542-9214.
Individuals with disabilities who need a reasonable accommodation to communicate evidence to the commission, or who require this information in an alternate format may contact the commission office at (602) 542-9214 to make their needs known.
Publish November 6, 2002 3022

C-1

Navigable Stream Adjudication Commission  
Pursuant to A.R.S. § 37-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold a public hearing to receive physical evidence and testimony relating to the navigability or nonnavigability of all small and minor watercourses in Mohave County. The hearing will be held in Mohave County on December 11, 2002. The hearing will begin at 1:30 p.m. at the Mohave County Board of Supervisors Board Room at 809 East Beale Street, Kingman, Arizona, 86401. This is presently the only hearing scheduled for the small and minor watercourses in Mohave County. The list of minor watercourses includes: Abbott Wash, Agway Wash, Antelope Wash, Ash Creek, Ash Creek/Cane Spring Wash, Bar I-L Wash, Big Bend Wash, Big Wash, Bitter Creek, Bitter Sheep Wash/South Moccasin Wash/Twomile Wash, Black Canyon, Black Rock Gulch, Black Rock Wash, Black Wash, Blue Tank Wash, Box Canyon Wash, Bronco Creek/Bronco Wash, Buck Mountain Wash, Buck Mountain Wash/Cow Creek, Buck Canyon, Bulrush Wash, Burro Creek, Burro Wash, Cane Springs Wash, Cane Springs Wash/Hibernia Canyon, Castaneda Wash, Cedar Pockets Wash, Cedar Wash, Cerbat Wash, Clayhole Wash, Cold Spring Wash, Copper Creek, Cottonwood Creek, Cottonwood Wash, Cottonwood Wash/Grand Wash/Pigeon Wash, Cow Creek, Crow Canyon, Crozier Wash/Mohave Wash, Deluge Wash, Detrital Wash, Dutchman Draw, East Ash Creek, East Fork Parashant Wash, East Fork Sycamore Creek, Falls Springs Wash, Five-Mile Wash, Flattop Wash, Fort Pearce Wash, Fox Canyon Wash, Francis Creek, Franconia Wash, Frees Wash, Gonzales Wash, Government Wash, Grand Gulch Wash, Grand Wash, Grapevine Wash, Graveyard Wash, Griffith Wash, Gyp Wash, Hack Canyon, Hackberry Wash, Hair Clipper Wash, Happy Jack Wash, Hidden Canyon, Hobble Canyon, Horse Spring Wash, Hualapai Wash/White Elephant Wash, Hurricane Wash, Illavar Wash, Iron Spring Wash, Jumbo Wash, Kabba Wash, Kaiser Spring Canyon, Knight Creek, Langs Run, Left Hand Moss Wash, Little Clayhole Wash, Lost Creek, Lost Man Creek, Mackenzie Creek/Mackenzie Wash, McGarrys Wash, McGee Wash, Meadow Creek, Middle Mohave Wash, Mohave Wash, Moss Wash, Mountain Sheep Wash, Natural Corral Wash, Natural Corral Wash/Stove Spring Canyon, North Fork Robinson Wash, North Fork Robinson Wash/Robinson Wash, Pakoon Wash, Parashant Wash/West Fork Parashant Wash, Peach Springs Wash, Peacock Wash, Pearson Falls Wash, Petroglyph Wash, Pigeon Wash, Pilgrim Wash, Pipe Valley Wash, Pocom Wash, Putman Wash, Reference Point Creek, Rock Canyon, Rock Creek, Rupley Wash, Sacramento Wash, Sacramento Wash/Tennessee Wash, Salt Creek, Salt Spring Wash, Sand Hollow Wash, Sand Hollow Wash, Sandridge Wash, Sandy Canyon Wash, Secret Pass Wash, Shingle Canyon/Yellow Flower Creek, Short Creek, Silver Creek Wash, Spencer Canyon, Squaw Canyon, Standard Wash, Sullivan Draw, Sullivans Canyon, Surprise Canyon, Sycamore Creek, Tassi Wash, Thirteen-Mile Wash, Timber Wash, Tom and Cur Wash, Topock Marsh, Town Wash, Trail Rapid Wash, Truxton Wash, Tule Wash, Tyro Wash, Virgin River, Walnut Creek, Warm Springs Wash, West Fork Parashant Wash, West Mohave Wash, Wheeler Wash, White Elephant Wash, Whitmore Wash, Willow Creek, Wright Canyon, and any other named or unnamed minor watercourses in Mohave County. The Commission will not receive evidence and testimony relating to the navigability or nonnavigability of the major watercourses in Mohave County at this time. The list of major watercourses in Mohave County includes the Colorado River, Bill Williams River, Virgin River, Big Sandy River, Burro Creek, and Santa Maria River. Interested parties may submit evidence to the commission office prior to the hearing. During the public hearing, the commission will receive additional evidence including testimony. The commission will conduct its hearings informally without adherence to judicial rules of procedure or evidence. Evidence submitted in advance of the hearing will be available for public inspection during regular commission office hours of 8:00 a.m. to 5:00 p.m., Monday thru Friday, except on holidays. The commission office is located at 1700 West Washington Street, Room 404, Phoenix, Arizona 85007. Please call first to review evidence at (602) 542-9214. Individuals with disabilities who need a reasonable accommodation to communicate evidence to the commission, or who require this information in an alternate format may contact the commission office at (602) 542-9214 to make their needs known. Published 11/4/2002 No 2367

**AFFIDAVIT OF PUBLICATION**

**Kingman Daily Miner**

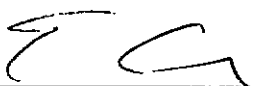
3015 Stockton Hill Road, Kingman, AZ. 86401  
web:www.kingmandailyminer.com e-mail:legals@kingmandailyminer.com  
Phone (928) 753-6397 Fax (928) 753-5661  
"Serving Kingman since 1882"

STATE OF ARIZONA )  
County of Mohave ) ss.

I, **Erin Clark**, being first duly sworn on her oath says:  
That she is the **Legal Clerk** of **THE KINGMAN DAILY MINER**  
An Arizona corporation, which owns and publishes the Miner,  
a Daily Newspaper published in the City of Kingman, County of Mohave,  
Arizona; that the notice attached hereto, namely,

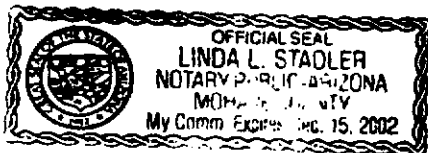
**Notice of Public Hearing  
No. 2367**

Has, to the personal knowledge of affiant, been published in the newspaper aforesaid, according to law, from the **4th** day of **November, 2002** to the **4th** day of **November, 2002**, inclusive without change, interruption or omission, amounting in **1** insertions, made on the following dates  
**11/4/2002**

By:   
Legal Clerk 4th Day of November, 2002.

By:   
Notary Public

My commission expires: 12/15/2002



# Proof of Publication

STATE OF ARIZONA }  
County of Mohave } ss.

PAGE 47 OF 65  
BK 5004 PG 148 FEE#2004041305

Wanda Delane, being first duly sworn, says that during the publication of the notice, as herein mentioned, he/she was and now is the Legal Clerk of the MOHAVE VALLEY DAILY NEWS, six times weekly newspaper published on Sunday, Monday, Tuesday, Wednesday, Thursday and Friday of each and every week at the city of Bullhead City, in said county.

That said newspaper was printed and published as aforesaid on the following dates, to-wit:

November 1, 2002  
....., 20.....  
....., 20.....  
....., 20.....  
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....., 20.....

That the Notice of Public Hearing  
.....  
.....

of which the annexed copy is a printed and true copy, was printed and inserted in each and every copy of said newspaper printed and published on the dates aforesaid, and in the body of said newspaper and not in a supplement thereto.

Wanda Delane  
Subscribed and sworn to before me this 6th  
day of November, 2002

Susan L. Anderson  
Notary Public

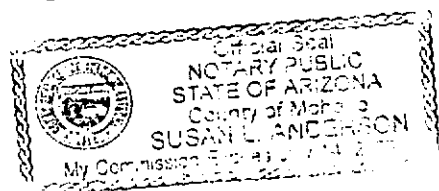
(My commission expires 7.14.03)

### 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 a public hearing to receive physical evidence and testimony relating to the navigability or nonnavigability of all small and minor watercourses in Mohave County. The hearing will be held in Mohave County on December 9, 2002. The hearing will begin at 1:30 p.m. at the Mohave County Board of Supervisors Board Room at 809 East Beale Street, Kingman, Arizona, 86401. This is presently the only hearing scheduled for the small and minor watercourses in Mohave County.

- The list of minor watercourses includes:
- Abbott Wash, Agway Wash, Antelope Wash, Ash Creek, Ash Creek/Cane Spring Wash, Bar I-L Wash, Big Bend Wash, Big Wash, Bitter Creek, Bitter Seeps Wash/South Moccasin Wash/Two-mile Wash, Black Canyon, Black Rock Gulch, Black Rock Wash, Black Wash, Blue Tank Wash, Box Canyon Wash, Bronco Creek/Bronco Wash, Buck Mountain Wash, Buck Mountain Wash/Cow Creek, Bull Canyon, Bulrush Wash, Burro Creek, Burro Wash, Cane Springs Wash, Cane Springs Wash/Hibernia Canyon, Castaneda Wash, Cedar Pockets Wash, Cedar Wash, Cerbat Wash, Clayhole Wash, Cold Spring Wash, Copper Creek, Cottonwood Creek, Cottonwood Wash, Cottonwood Wash/Grand Wash/Pigeon Wash, Cow Creek, Crow Canyon, Crozier Wash/Mohave Wash, Deluge Wash, Detrital Wash, Dutchman Draw, East Ash Creek, East Fork Parashant Wash, East Fork Sycamore Creek, Falls Springs Wash, Five-Mile Wash, Flattop Wash, Fort Pearce Wash, Fox Canyon Wash, Francis Creek, Franconia Wash, Frees Wash, Gonzales Wash, Government Wash, Grand Gulch Wash, Grand Wash, Grapevine Wash, Graveyard Wash, Griffith Wash, Gyp Wash, Hack Canyon, Hackberry Wash, Hair Clipper Wash, Happy Jack Wash, Hidden Canyon, Hobbie Canyon, Horse Spring Wash, Hualapai Wash/White Elephant Wash, Hurricane Wash, Illavar Wash, Iron Spring Wash, Jumbo Wash, Kabba Wash, Kaiser Spring Canyon, Knight Creek, Langs Run, Left Hand Moss Wash, Little Clayhole Wash, Lost Creek, Lost Man Creek, Mackenzie Creek/Mackenzie Wash, McGarrys Wash, McGee Wash, Meadow Creek, Middle Mohave Wash, Mohave Wash, Moss Wash, Mountain Sheep Wash,



Navigable Stream Adjudication Commission  
Pursuant to A.R.S. § 17-1126 (A), notice is hereby given that the Navigable Stream Adjudication Commission will hold a public hearing to receive physical evidence and testimony relating to the navigability or non-navigability of all small and minor watercourses in Mohave County. The hearing will be held in Mohave County on December 3, 2002. The hearing will begin at 1:30 p.m. at the Mohave County Board of Supervisors Board Room at 309 East Beale Street, Kingman, Arizona, 86401. This is presently the only hearing scheduled for the small and minor watercourses in Mohave County. The list of minor watercourses includes:

Abbott Wash, Agway Wash, Antelope Wash, Ash Creek, Ash Creek/Cane Spring Wash, Bar L Wash, Big Bend Wash, Big Wash, Bitter Creek, Bitter Seeps Wash/South Moccasin Wash/Twomile Wash, Black Canyon, Black Rock Gulch, Black Rock Wash, Black Wash, Blue Tank Wash, Box Canyon Wash, Bronco Creek/Bronco Wash, Buck Mountain Wash, Buck Mountain Wash/Cow Creek, Bull Canyon, Bulrush Wash, Burro Creek, Burro Wash, Cane Springs Wash, Cane Springs Wash/Hibernia Canyon, Castaneda Wash, Cedar Pockets Wash, Cedar Wash, Cerbat Wash, Clayhole Wash, Cold Spring Wash, Copper Creek, Cottonwood Creek, Cottonwood Wash, Cottonwood Wash/Grand Wash/Pigeon Wash, Cow Creek, Crow Canyon, Crozier Wash/Mohave Wash, Deluge Wash, Detrital Wash,

Dutchman Draw, East Ash Creek, East Fork Parashant Wash, East Fork Sycamore Creek, Falls Springs Wash, Five-Mile Wash, Flattop Wash, Fort Pearce Wash, Fort Canyon Wash, Francis Creek, Franconia Wash, Frees Wash, Gonzales Wash, Government Wash, Grand Gulch Wash, Grand Wash, Grapevine Wash, Graveyard Wash, Griffith Wash, Gyp Wash, Hack Canyon, Hackberry Wash, Hair Clipper Wash, Happy Jack Wash, Hidden Canyon, Hobbie Canyon, Horse Spring Wash, Hualapai Wash/White Elephant Wash, Hurricane Wash, Illava Wash, Iron Spring Wash, Jumbo Wash, Kabba Wash, Kaiser Spring Canyon, Knight Creek, Langs Run, Left Hand Moss Wash, Little Clayhole Wash, Lost Creek, Lost Man Creek, Mackenzie Creek/Mackenzie Wash, McGarrys Wash, McGee Wash, Meadow Creek, Middle Mohave Wash, Mohave Wash, Moss Wash, Mountain Sheep Wash, Natural Corrals Wash, Natural Corrals Wash/Stove Spring Canyon, North Fork Robinson Wash, North Fork Robinson Wash/Robinson Wash, Pakoon Wash, Parashant Wash/West Fork Parashant Wash, Peach Springs Wash, Peacock Wash, Pearson Falls Wash, Petroglyph Wash, Pigeon Wash, Pilgrim Wash, Pipe Valley Wash, Pocom Wash, Putman Wash, Reference Point Creek, Rock Canyon, Rock Creek, Rupley Wash, Sacramento Wash, Sacramento Wash/Tennessee Wash, Salt Creek, Salt Spring Wash, Sand Hollow Wash, Sand Hollow Wash, Sandridge Wash, Sandy Canyon Wash, Secret Pass Wash, Shingle Canyon/Yellow Flower Creek, Short Creek, Silver Creek, Shoshone Canyon, Squaw Canyon, Standard Wash, Sullivan Draw, Sullivans Canyon, Surprise Canyon, Sycamore Creek, Tassi Wash, Thirteen-Mile Wash, Timber Wash, Tom and Cull Wash, Topock Marsh, Town Wash, Trail Rapids Wash, Truxton Wash, Tule Wash, Tyro Wash, Virgin River, Walnut Creek, Warm Springs Wash, West Fork Parashant Wash, West Mohave Wash, Wheeler Wash, White Elephant Wash, Whitmore Wash, Willow Creek, Wright Canyon, and any other named or unnamed minor watercourses in Mohave County.

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the commission will receive additional evidence including testimony. The commission will conduct its hearings informally without adherence to judicial rules of procedure or evidence. Evidence submitted in advance of the hearing will be available for public inspection during regular commission office hours of 8:00 a.m. to 5:00 p.m., Monday thru Friday, except on holidays. The commission office is located at 1700 West Washington Street, Room 404, Phoenix, Arizona 85007. Please call first to review evidence at (602) 542-9214. Individuals with disabilities who need a reasonable accommodation to communicate evidence to the commission, or who require this information in an alternate format may contact the commission office at (602) 542-9214 to make their needs known.

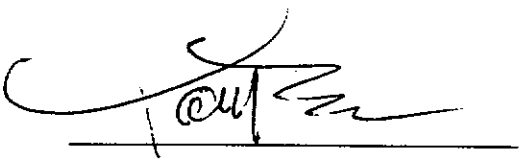
# THE ARIZONA REPUBLIC

STATE OF ARIZONA }  
COUNTY OF MARICOPA } SS.

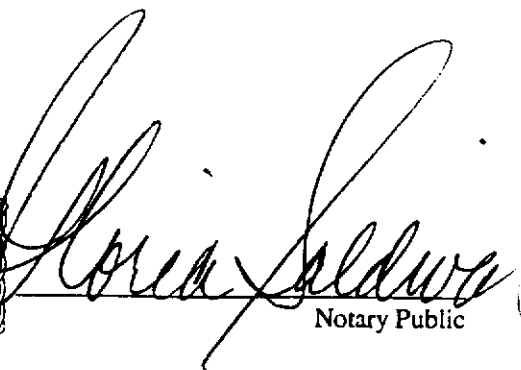
TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, 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

11/05/2002



Sworn to before me this  
6TH day of  
NOVEMBER A.D. 2002

  
Notary Public

C-2

# Evidence Log

Hearing No. 02-002-NAV

Page No.

1

## Arizona Navigable Stream Adjudication Commission

### Mohave County Small and Minor Watercourses December 9, 2002

Item Number	Received Date	Source to ANSAC	Description	Entry By
1	12/31/99	Evidence on hand at AN-SAC	Final Report Small & Minor Watercourses Analysis for Mohave County, Arizona dated December 31, 1999.	George Mehnert
2a 2b	Received on various dates.	Evidence on hand at AN-SAC previously submitted for watercourse hearings in Mohave County. 2 volumes.	<b>Volume I.</b> 1. Preliminary report for the Big Sandy and Santa Maria Rivers, and Burro Creek. 2. Final report for the Big Sandy and Santa Maria Rivers, and Burro Creek. <b>Volume II. (Cont'd)</b> 3. Letter from David Baron dated February 18, 1997. 4. Letter from James Braselton dated September 19, 1997. 5. Letter and photos from Timothy Flood dated August 11, 1997. 6. Bill Williams River study August 1997. 7. SLD Virgin River study December 1998. 8. 1992 Central Arizona Paddlers Club Survey. 9. May 24, 1999 letter from James A. Simpson. 10. ANSAC Virgin River research project August 26, 1999. 11. Legal Memo by Curtis Jennings August 20, 1999.	George Mehnert
3	9/?/98	Evidence on hand at AN-SAC	Small and Minor Watercourse Criteria	George Mehnert
4	9/?/99	Evidence on hand at AN-SAC	3 County Pilot Study	George Mehnert
5	11/26/02	Cheryl Doyle, SLD	Mohave County Small and Minor Watercourse Analysis prepared by Jon Fuller.	George Mehnert
6	12/09/02	Jon Fuller	CD of report and PowerPoint slides. Contained on same CD as La Paz County item No. 6.	George Mehnert
7	12/09/02	Jon Fuller	Printout of PowerPoint slides.	George Mehnert
8	1/2/03	Jon Fuller	Update Revised Small and Minor Watercourse Analysis.	George Mehnert
9	1/2/03	Jon Fuller	Update CD of PowerPoint slides and Mohave County Report.	George Mehnert
10	1/2/03	Jon Fuller	Update of PowerPoint slides printout.	George Mehnert

D



STATE OF ARIZONA  
NAVIGABLE STREAM ADJUDICATION COMMISSION

1700 West Washington, Room 404, Phoenix, Arizona 85007

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

E-mail: [streams@mindspring.com](mailto:streams@mindspring.com) Web Page: <http://www.azstreambeds.com>

GEORGE MEHNERT  
Executive Director

# Meeting Minutes

## Kingman, Mohave County

### December 9, 2002

#### COMMISSION MEMBERS PRESENT

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

#### COMMISSION MEMBERS ABSENT

Dolly Echeverria.

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BK. 5004 PG 151 FEE#2004041305

#### STAFF PRESENT

Curtis Jennings, George Mehnert and Tom Vogt.

#### 1. CALL TO ORDER

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

#### 2. ROLL CALL

See above.

#### 3. APPROVAL OF MEETING MINUTES

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

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

#### 4. HEARING ON WATERCOURSES

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. **CALL FOR PUBLIC COMMENT**

Chair Eisenhower asked for public comment. There was none.

7. **FUTURE AGENDA ITEMS AND ESTABLISHMENT OF FUTURE MEETINGS**

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

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

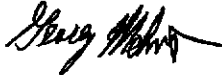
Chair Eisenhower asked the Commissioners if any more hearings should be scheduled at this time. Mr. Mehnert suggested the Commission wait until February because the new administration will be in office and the new legislature will be in the middle of their session and we should know more about budget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

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

5. **ADJOURNMENT**

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

Respectfully submitted,



**George Mehnert, Director**

**Date: December 11, 2002**

# Meeting Minutes Bisbee, Cochise County Hearing Regarding the San Pedro River in Cochise County March 12, 2003

## COMMISSION MEMBERS PRESENT

Jay Brashear, Dolly Echeverria, Earl Eisenhower, James Henness, and Cecil Miller

## COMMISSION MEMBERS ABSENT

None.

## STAFF PRESENT

Curtis Jennings, George Mehnert, Tom Vogt.

### 1. CALL TO ORDER

Chair Eisenhower called the meeting to order at approximately 9:12 a.m.

### 2. ROLL CALL

All Commissioners present.

Following roll call Chair Eisenhower explained there will be two hearings today; first he will convene the small and minor watercourses hearing for Cochise County, recess that, and convene the major watercourse the San Pedro River hearing, hold that hearing to its conclusion, and then return and complete the small and minor watercourses hearing.

Chairman Eisenhower convened the small and minor watercourses hearing, recessed it, and convened the San Pedro River major watercourse hearing.

### 3. SANTA PEDRO RIVER WATERCOURSE HEARING (discussion and action).

The following people appeared and spoke, or gave testimony, or asked questions: District 25 State Representative Jennifer Burns, V. Ottozawa-Chatupron, Mary Smallhouse, Susan Krentz, Amy Langenfeld, Jeanne Schwennsen, Daniel Moore, Vera Kornylak, Mark McGinnis, Wayne Klump

#### CALL FOR PUBLIC COMMENT (comment sheets).

(Pursuant to Attorney General Opinion No. 199-006 [R99-002]. Public Comment: Consideration and discussion of comments and complaints from the public. Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.)

Chairman Eisenhower asked if there were any other questions or comments from anyone. There were none.

**Motion: To adjourn the hearing regarding the San Pedro River.**

Motion by: Jay Brashear

Second by: Jim Henness

Vote: All aye

Chair returned to this agenda at approximately 11:00 a.m. regarding items 4 and 5:

**4. DETERMINATION REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE MOHAVE COUNTY SMALL AND MINOR WARERCOURSES. (discussion and action).**

**A. Each party will be given ten minutes to present his or her position. No parties spoke.**

**Motion: That the small and minor watercourses in Mohave County are not navigable or susceptible to navigability.**

Motion by: Cecil Miller

Second by: Dolly Echeverria

Vote: All aye

**5. DETERMINATION REGARDING THE NAVIGABILITY OR NON-NAVIGABILITY OF THE LA PAZ COUNTY SMALL AND MINOR WARERCOURSES. (discussion and action).**

**A. Each party will be given ten minutes to present his or her position. No parties spoke.**

**Motion: That the small and minor watercourses in La Paz County are not navigable.**

Motion by: Jay Brashear

Second by: Jim Henness

Vote: All aye

Chairman Eisenhower asked if there were any other questions or comments from anyone. The Commission Attorney discussed the next hearing; the Lower Salt, and the Attorney encouraged the State Land Department to update the report regarding the Lower Salt. The Chair indicated the he and the director will discuss this with the Land Department. Mr. Henness discussed the Lower Salt hearing date as April 7, 2003.

**Motion: To adjourn session on San Pedro River.**

Motion by: Jim Henness

Second by: Cecil Miller

Vote: All aye

Meeting ended at 11:14 a.m.

Respectfully submitted,



George Mehnert, Director

Date: March 14, 2003



No.	W_ID	W_NAME	SECCOUNT	W_COUNTIES	W_PER	W_MBOAT	W_HBOAT	W_FISH	W_SSTATUS	W_DIMP	W_MILES	W_ADDRESS	HITS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
1	9	214 Mile Creek	1	Mohave	No	No	No	No	No	No	3.4513	T29.0N,R10.0W,S23	0
2	12	Adobe Creek - Mohave	1	Mohave	No	No	No	No	No	No	5.0337	T17.0N,R10.0W,S20	0
3	19	Agway Wash	5	Mohave	No	No	No	No	No	No	6.3701	T34.0N,R11.0W,S14	0
4	53	Antelope Wash - Mohave	14	Mohave	No	No	No	No	No	No	16.9062	T19.0N,R14.0W,S24	0
5	79	Ash Creek 1 - Mohave	3	Mohave	No	No	No	No	No	No	2.4798	T26.0N,R18.0W,S35	0
6	85	Ash Creek 2 - Mohave	5	Mohave	No	No	No	No	No	No	10.4473	T19.0N,R10.0W,S16	0
7	90	Ash Creek 3 - Mohave	1	Mohave	No	No	No	No	No	No	3.3563	T16.0N,R10.0W,S32	0
8	126	Bar-IL Wash	4	Mohave	No	No	No	No	No	No	15.0267	T17.0N,R17.0W,S29	0
9	172	Big Bend Wash	2	Mohave	No	No	No	No	No	No	8.0907	T40.0N,R16.0W,S24	0
10	187	Big Sand Wash - Mohave	1	Mohave	No	No	No	No	No	No	8.1604	T40.0N,R6.0W,S38	0
11	193	Big Wash 1 - Mohave	8	Mohave	No	No	No	No	No	No	9.3147	T17.0N,R13.0W,S36	0
12	194	Big Wash 2 - Mohave	7	Mohave	No	No	No	No	No	No	10.0899	T24.0N,R18.0W,S30	0
13	208	Bitter Creek - Mohave	5	Mohave	No	No	No	No	No	No	12.7956	T16.0N,R13.0W,S36	0
14	211	Bitter Seeps Wash	2	Mohave	No	No	No	No	No	No	6.1210	T39.0N,R3.0W,S17	0
15	216	Black Canyon - Mohave	17	Mohave	No	No	No	No	No	No	11.9057	T14.0N,R11.0W,S29	0
16	228	Black Rock Gulch	27	Mohave	No	No	No	No	No	No	24.8293	T41.0N,R13.0W,S08	0
17	231	Black Rock Wash - Mohave	8	Mohave	No	No	No	No	No	No	13.5351	T18.0N,R18.0W,S03	0
18	234	Black Wash	5	Mohave	No	No	No	No	No	No	5.4837	T35.0N,R16.0W,S31	0
19	230	Blue Tank Wash - Mohave	4	Mohave	No	No	No	No	No	No	14.0304	T18.0N,R14.0W,S14	0
20	272	Bottleneck Wash - Mohave	1	Mohave	No	No	No	No	No	No	9.4687	T20.0N,R13.0W,S34	0
21	283	Box Canyon Wash - Mohave	5	Mohave	No	No	No	No	No	No	11.9868	T15.0N,R12.0W,S25	0
22	287	Bronco Creek - Mohave	3	Mohave	No	No	No	No	No	No	9.4847	T18.0N,R13.0W,S35	0
23	298	Bronco Wash	3	Mohave	No	No	No	No	No	No	5.5862	T15.0N,R13.0W,S03	0
24	310	Buck Mountain Wash	38	Mohave	No	No	No	No	No	No	30.2226	T16.0N,R19.0W,S10	0
25	318	Bull Canyon	6	Mohave	No	No	No	No	No	No	12.0673	T16.5N,R12.0W,S21	0
26	326	Bulrush Wash	15	Mohave	No	No	No	No	No	No	30.2439	T39.0N,R3.0W,S16	0
27	339	Burro Wash 1 - Mohave	3	Mohave	No	No	No	No	No	No	3.7665	T11.0N,R13.0W,S12	0
28	340	Burro Wash 2 - Mohave	2	Mohave	No	No	No	No	No	No	6.4640	T16.5N,R13.0W,S24	0
29	368	Came Spring Wash	4	Mohave	No	No	No	No	No	No	7.0366	T28.0N,R17.0W,S35	0
30	369	Came Springs Wash	12	Mohave	No	No	No	No	No	No	14.4758	T18.0N,R14.0W,S16	0
31	381	Castaneda Wash	13	Mohave	No	No	No	No	No	No	34.7345	T11.0N,R16.0W,S30	0
32	392	Castle Cliff Wash	1	Mohave	No	No	No	No	No	No	7.2278	T41.0N,R15.0W,S34	0
33	408	Cave Wash	2	Mohave	No	No	No	No	No	No	5.1677	T11.0N,R17.0W,S11	0
34	414	Cedar Pockets Wash	2	Mohave	No	No	No	No	No	No	3.7114	T41.0N,R14.0W,S03	0
35	418	Cedar Wash 1	13	Mohave	No	No	No	No	No	No	18.4450	T35.0N,R15.0W,S20	0
36	417	Cedar Wash 2	3	Mohave	No	No	No	No	No	No	8.1178	T19.0N,R14.0W,S31	0
37	423	Centennial Wash - Mohave	8	Mohave	No	No	No	No	No	No	14.9662	T12.0N,R15.0W,S23	0
38	427	Cerbat Wash	2	Mohave	No	No	No	No	No	No	16.8723	T22.0N,R17.0W,S07	0
39	436	Chapin Wash	4	Mohave	No	No	No	No	No	No	7.9740	T11.0N,R13.0W,S04	0
40	442	Cherokee Wash	1	Mohave	No	No	No	No	No	No	2.6509	T24.0N,R11.0W,S06	0
41	482	Clayhole Wash	39	Mohave	No	No	No	No	No	No	49.8207	T41.0N,R9.0W,S09	0
42	500	Cold Spring Wash - Mohave	6	Mohave	No	No	No	No	No	No	10.8106	T34.0N,R10.0W,S12	0
43	519	Coon Creek - Mohave	1	Mohave	No	No	No	No	No	No	7.8786	T40.0N,R16.0W,S26	0
44	528	Copper Creek - Mohave	2	Mohave	No	No	No	No	No	No	2.4895	T17.0N,R16.0W,S03	0
45	547	Cottonwood Creek 1 - Mohave	3	Mohave	No	No	No	No	No	No	6.0860	T40.0N,R3.0W,S01	0
46	551	Cottonwood Creek 2 - Mohave	2	Mohave	No	No	No	No	No	No	3.4008	T21.0N,R12.0W,S26	0
47	556	Cottonwood Creek 4 - Mohave	1	Mohave	No	No	No	No	No	No	2.8304	T41.0N,R3.0W,S14	0
48	560	Cottonwood Wash 1 - Mohave	31	Mohave	No	No	No	No	No	No	45.0761	T38.0N,R14.0W,S30	0
49	563	Cottonwood Wash 2 - Mohave	21	Mohave	No	No	No	No	No	No	22.1744	T41.0N,R9.0W,S09	0
50	570	Cow Creek - Mohave	6	Mohave	No	No	No	No	No	No	25.4825	T16.0N,R16.0W,S06	0
51	602	Crow Canyon	9	Mohave	No	No	No	No	No	No	11.7149	T17.0N,R14.0W,S15	0
52	603	Crozier Wash	8	Mohave	No	No	No	No	No	No	28.7573	T14.0N,R16.0W,S28	0
53	625	Daytona Wash	1	Mohave	No	No	No	No	No	No	3.8106	T13.0N,R20.0W,S23	0
54	651	Deluge Wash	12	Mohave	No	No	No	No	No	No	19.0712	T17.0N,R14.0W,S36	0
55	654	Derfling Wash	69	Mohave	No	No	No	No	No	No	87.2148	T29.0N,R21.0W,S14	0
56	704	Dutchman Draw	35	Mohave	No	No	No	No	No	No	38.8157	T41.0N,R11.0W,S04	0

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No.	W_ID	W_NAME	SEGCOUNT	W_COUNTIES	W_PER	W_BOAT	W_BOAT	W_FISH	W_STATUS	W_DIMP	W_MILES	W_ADDRESS	HITS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
57	711	East Ash Creek	3	Mohave	No	No	No	No	No	No	5.5440	T19.0N,R11.0W,S04	0
58	725	East Fork Parash	9	Mohave	No	No	No	No	No	No	9.0785	T33.0N,R12.0W,S22	0
59	727	East Fork Sycamore - Mohave	1	Mohave	No	No	No	No	No	No	2.2204	T16.0N,R11.0W,S22	0
60	739	El Dorado Wash	5	Mohave	No	No	No	No	No	No	5.1862	T13.0N,R19.0W,S08	0
61	756	Falls Springs Wash	6	Mohave	No	No	No	No	No	No	11.2247	T14.0N,R19.0W,S15	0
62	773	Fivemile Wash - Mohave	5	Mohave	No	No	No	No	No	No	10.6664	T16.0N,R21.0W,S09	0
63	777	Flattop Wash	3	Mohave	No	No	No	No	No	No	7.9943	T16.5N,R18.0W,S20	0
64	785	Fort Pearce Wash	14	Mohave	No	No	No	No	No	No	8.5977	T42.0N,R11.0W,S36	0
65	793	Fox Canyon Wash	4	Mohave	No	No	No	No	No	No	7.7395	T28.0N,R18.0W,S12	0
66	794	Fox Wash	1	Mohave	No	No	No	No	No	No	4.8911	T11.0N,R17.0W,S18	0
67	796	Franconia Wash	11	Mohave	No	No	No	No	No	No	16.3558	T16.0N,R19.0W,S09	0
68	798	Frees Wash	15	Mohave	No	No	No	No	No	No	24.0443	T23.0N,R15.0W,S08	0
69	834	Gonzales Wash	9	Mohave	No	No	No	No	No	No	9.3306	T19.0N,R15.0W,S35	0
70	843	Government Wash	6	Mohave	No	No	No	No	No	No	10.3251	T12.0N,R13.0W,S01	0
71	844	Grand Gulch Wash	4	Mohave	No	No	No	No	No	No	9.3789	T34.0N,R15.0W,S11	0
72	848	Granite Wash	7	Mohave	No	No	No	No	No	No	13.1503	T23.0N,R22.0W,S36	0
73	857	Grapevine Wash - Mohave	38	Mohave	No	No	No	No	No	No	27.5022	T31.0N,R16.0W,S04	0
74	861	Graveyard Wash	7	Mohave	No	No	No	No	No	No	13.8568	T14.0N,R14.0W,S21	0
75	864	Gray Wash - Mohave	1	Mohave	No	No	No	No	No	No	6.1724	T15.0N,R13.0W,S13	0
76	873	Griffith Wash	6	Mohave	No	No	No	No	No	No	8.8487	T19.0N,R18.0W,S02	0
77	878	Groom Spring Wash - Mohave	1	Mohave	No	No	No	No	No	No	14.2828	T13.0N,R13.0W,S08	0
78	886	Gyp Wash	4	Mohave	No	No	No	No	No	No	10.4180	T33.0N,R15.0W,S08	0
79	37603	Hack Canyon	31	Mohave	No	No	No	No	No	No	37.4383	T36.0N,R3.0W,S06	0
80	37609	Hackberry Wash - Mohave	7	Mohave	No	No	No	No	No	No	5.9141	T23.0N,R13.0W,S33	0
81	37615	Hair Clipper Wash	4	Mohave	No	No	No	No	No	No	6.8807	T18.0N,R14.0W,S14	0
82	37625	Happy Jack Wash	3	Mohave	No	No	No	No	No	No	12.6793	T17.0N,R18.0W,S35	0
83	37636	Havasupai Wash	4	Mohave	No	No	No	No	No	No	5.9509	T14.0N,R20.0W,S34	0
84	37651	Hibernia Canyon	3	Mohave	No	No	No	No	No	No	9.4987	T18.0N,R14.0W,S19	0
85	37654	Hidden Canyon	33	Mohave	No	No	No	No	No	No	22.1778	T36.0N,R14.0W,S02	0
86	37683	Hobble Canyon	19	Mohave	No	No	No	No	No	No	19.4434	T38.0N,R14.0W,S36	0
87	37682	Horse Spring Wash	1	Mohave	No	No	No	No	No	No	0.9488	T35.0N,R16.0W,S31	0
88	37711	Hurricane Wash	69	Mohave	No	No	No	No	No	No	53.1896	T42.0N,R10.0W,S33	0
89	37712	Illaver Wash	3	Mohave	No	No	No	No	No	No	8.4980	T16.5N,R18.0W,S31	0
90	37727	Industrial Drain	1	Mohave	No	No	No	No	No	No	1.5773	T13.0N,R20.0W,S04	0
91	37729	Iron Spring Wash	9	Mohave	No	No	No	No	No	No	5.9275	T29.0N,R16.0W,S27	0
92	37733	Iroquois Wash	2	Mohave	No	No	No	No	No	No	3.0726	T13.0N,R19.0W,S06	0
93	37735	Ivanpach Wash	7	Mohave	No	No	No	No	No	No	6.5357	T34.0N,R11.0W,S14	0
94	37738	Jackman Wash	1	Mohave	No	No	No	No	No	No	4.5565	T19.0N,R14.0W,S17	0
95	37768	Jumbo Wash	12	Mohave	No	No	No	No	No	No	13.5969	T29.0N,R22.0W,S29	0
96	37773	Kabbat Wash	14	Mohave	No	No	No	No	No	No	13.4186	T19.0N,R13.0W,S03	0
97	37776	Kaiser Spring Canyon	9	Mohave	No	No	No	No	No	No	14.0159	T15.0N,R11.0W,S21	0
98	37782	Kathrine Wash	5	Mohave	No	No	No	No	No	No	4.7762	T21.0N,R21.0W,S05	0
99	37788	Kingman Wash	3	Mohave	No	No	No	No	No	No	4.5235	T31.0N,R22.0W,S28	0
100	37790	Kiowa Drain	1	Mohave	No	No	No	No	No	No	2.0819	T13.0N,R20.0W,S03	0
101	37795	Knight Creek	28	Mohave	No	No	No	No	No	No	34.6354	T20.0N,R12.0W,S10	0
102	37812	Langs Run	28	Mohave	No	No	No	No	No	No	32.3672	T39.0N,R8.0W,S23	0
103	37826	Left Hand Moss Wash	3	Mohave	No	No	No	No	No	No	6.2386	T19.0N,R14.0W,S36	0
104	37851	Little Clayhole	12	Mohave	No	No	No	No	No	No	19.2897	T38.0N,R8.0W,S11	0
105	37890	Lookout Wash	7	Mohave	No	No	No	No	No	No	11.9705	T21.0N,R11.0W,S20	0
106	37897	Lost Cabin Wash	16	Mohave	No	No	No	No	No	No	12.6589	T24.0N,R21.0W,S26	0
107	37898	Lost Creek	8	Mohave	No	No	No	No	No	No	22.7662	T28.0N,R13.0W,S34	0
108	37899	Lost Man Creek	6	Mohave	No	No	No	No	No	No	8.2218	T27.0N,R11.0W,S35	0
109	37913	Mackenzie Creek	4	Mohave	No	No	No	No	No	No	5.8806	T17.0N,R16.0W,S03	0
110	37914	Mackenzie Wash	5	Mohave	No	No	No	No	No	No	14.0387	T17.0N,R17.0W,S11	0
111	37941	McGarrys Wash	7	Mohave	No	No	No	No	No	No	14.6286	T20.0N,R13.0W,S16	0

No.	W_ID	W_NAME	SECCOUNT	W_COUNTIES	W_PER	W_MBOAT	W_HBOAT	W_FISH	W_STATUS	W_DUMP	W_MILES	W_ADDRESS	HITS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
112	37942	McGee Wash	4	Mohave	No	No	No	No	No	No	7.6306	T19.0N,R11.0W,S11	0
113	37948	Meadow Creek	5	Mohave	No	No	No	No	No	No	8.7508	T19.0N,R19.0W,S15	0
114	37971	Middle Mohave Wash	5	Mohave	No	No	No	No	No	No	8.9528	T13.0N,R17.0W,S17	0
115	38003	Mississippi Wash	7	Mohave	No	No	No	No	No	No	8.3288	T11.0N,R14.0W,S23	0
116	38008	Mohave Wash	46	Mohave	No	No	No	No	No	No	29.0921	T14.0N,R17.0W,S15	0
117	38013	Montana Wash	1	Mohave	No	No	No	No	No	No	6.5627	T20.0N,R22.0W,S17	0
118	38028	Moss Wash	22	Mohave	No	No	No	No	No	No	17.9942	T19.0N,R13.0W,S33	0
119	38030	Mountain Sheep Wash	2	Mohave	No	No	No	No	No	No	9.7436	T41.0N,R14.0W,S22	0
120	38056	Natural Corral	22	Mohave	No	No	No	No	No	No	20.6962	T16.0N,R14.0W,S12	0
121	38061	Neptune Wash	3	Mohave	No	No	No	No	No	No	11.2782	T14.0N,R20.0W,S28	0
122	38070	North Fork Robin	8	Mohave	No	No	No	No	No	No	3.7305	T25.0N,R16.0W,S30	0
123	38091	North Fork Robin	6	Mohave	No	No	No	No	No	No	5.1640	T35.0N,R4.0W,S07	0
124	38154	Pakoon Wash	9	Mohave	No	No	No	No	No	No	2.2891	T14.0N,R20.0W,S36	0
125	38157	Palmtree Wash	1	Mohave	No	No	No	No	No	No	1.9431	T13.0N,R20.0W,S02	0
126	38158	Palo Verde Wash	1	Mohave	No	No	No	No	No	No	1.9431	T12.0N,R17.0W,S20	0
127	38159	Paloma Wash	2	Mohave	No	No	No	No	No	No	7.5958	T31.0N,R10.0W,S11	0
128	38170	Parashant Wash	60	Mohave	No	No	No	No	No	No	54.1482	T13.0N,R20.0W,S02	0
129	38184	Peach Springs Wash	24	Mohave	No	No	No	No	No	No	19.6676	T27.0N,R10.0W,S08	0
130	38186	Peacock Wash	8	Mohave	No	No	No	No	No	No	12.6035	T21.0N,R14.0W,S12	0
131	38187	Pearsons Falls Wash	9	Mohave	No	No	No	No	No	No	11.4825	T17.0N,R12.0W,S11	0
132	38200	Petroglyph Wash	4	Mohave	No	No	No	No	No	No	9.1574	..S88	0
133	38211	Pigeon Wash	42	Mohave	No	No	No	No	No	No	32.7016	T33.0N,R13.0W,S02	0
134	38212	Pilgrim Wash	3	Mohave	No	No	No	No	No	No	9.6309	T18.0N,R13.0W,S20	0
135	38236	Pipe Valley Wash	5	Mohave	No	No	No	No	No	No	17.1101	T40.0N,R5.0W,S28	0
136	38243	Placetas Creek	8	Mohave	No	No	No	No	No	No	11.8175	T13.0N,R9.0W,S32	0
137	38250	Pocurn Wash	22	Mohave	No	No	No	No	No	No	21.8750	T39.0N,R14.0W,S26	0
138	38256	Portland Wash	9	Mohave	No	No	No	No	No	No	7.2994	T23.0N,R21.0W,S14	0
139	38285	Pulman Wash - Mohave	5	Mohave	No	No	No	No	No	No	11.4454	T25.0N,R20.0W,S36	0
140	38313	Rawhide Wash	2	Mohave	No	No	No	No	No	No	6.4364	T11.0N,R14.0W,S12	0
141	38333	Reference Point	14	Mohave	No	No	No	No	No	No	18.9904	T29.0N,R13.0W,S19	0
142	38352	Robinson Wash	9	Mohave	No	No	No	No	No	No	17.8014	T37.0N,R5.0W,S33	0
143	38358	Rock Creek - Mohave	6	Mohave	No	No	No	No	No	No	13.7535	T18.0N,R18.0W,S36	0
144	38381	Rupley Wash	6	Mohave	No	No	No	No	No	No	10.2422	T13.0N,R13.0W,S17	0
145	38391	Sacramento Wash	96	Mohave	No	No	No	No	No	No	80.6752	T23.0N,R19.0W,S24	0
146	38402	Salt Creek 1 - Mohave	2	Mohave	No	No	No	No	No	No	2.9003	T16.0N,R10.0W,S31	0
147	38403	Salt Creek 2 - Mohave	2	Mohave	No	No	No	No	No	No	5.8713	T29.0N,R13.0W,S06	0
148	38406	Salt Spring Wash	10	Mohave	No	No	No	No	No	No	8.4769	T30.0N,R18.0W,S18	0
149	38423	Sand Hollow Wash	4	Mohave	No	No	No	No	No	No	12.1031	T40.0N,R16.0W,S21	0
150	38428	Sand Wash - Mohave	1	Mohave	No	No	No	No	No	No	7.9572	T40.0N,R3.0W,S19	0
151	38432	Sandridge Wash	19	Mohave	No	No	No	No	No	No	18.3755	T40.0N,R9.0W,S13	0
152	38434	Sandtrap Wash	14	Mohave	No	No	No	No	No	No	15.7842	T12.0N,R14.0W,S16	0
153	38435	Sandy Canyon Wash	11	Mohave	No	No	No	No	No	No	19.0432	T41.0N,R3.0W,S28	0
154	38457	Secret Pass Wash	8	Mohave	No	No	No	No	No	No	12.5229	T20.0N,R19.0W,S07	0
155	38485	Shingle Canyon	8	Mohave	No	No	No	No	No	No	18.1335	T20.0N,R16.0W,S19	0
156	38499	Silver Creek - Mohave	9	Mohave	No	No	No	No	No	No	5.6283	T20.0N,R20.0W,S31	0
157	38504	Silver Creek - Mohave	9	Mohave	No	No	No	No	No	No	9.1476	T20.0N,R22.0W,S09	0
158	38529	Smoketree Wash	1	Mohave	No	No	No	No	No	No	3.0806	T13.0N,R20.0W,S01	0
159	38585	Spencer Canyon	26	Mohave	No	No	No	No	No	No	27.4298	T42.0N,R13.0W,S11	0
160	38589	Spring Canyon Wash	1	Mohave	No	No	No	No	No	No	0.6503	T28.0N,R4.0W,S33	0
161	38599	Squaw Canyon	8	Mohave	No	No	No	No	No	No	15.4362	T35.0N,R15.0W,S23	0
162	38609	Standard Wash	12	Mohave	No	No	No	No	No	No	14.9855	T12.0N,R19.0W,S11	0
163	38628	Stove Spring Canyon	3	Mohave	No	No	No	No	No	No	4.5741	T16.0N,R14.0W,S17	0
164	38635	Sullivan Draw	24	Mohave	No	No	No	No	No	No	27.1340	T38.0N,R11.0W,S17	0
165	38636	Sullivans Canyon	5	Mohave	No	No	No	No	No	No	12.2111	T41.0N,R14.0W,S21	0
166	38638	Surprise Canyon	25	Mohave	No	No	No	No	No	No	28.4635	T29.0N,R13.0W,S34	0

No.	W_ID	W_NAME	SEGCOUNT	W_COUNTIES	W_PER	W_MBOAT	W_HBOAT	W_FISH	W_SSTATUS	W_DUMP	W_MILES	W_ADDRESS	HITS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
167	38651	Sycamore Creek - Mohave	10	Mohave	No	No	No	No	No	No	15.8917	T16.0N,R12.0W,S24	0
168	38676	Tassi Wash	3	Mohave	No	No	No	No	No	No	5.9275	T33.0N,R15.0W,S18	0
169	38685	Temple Wash	1	Mohave	No	No	No	No	No	No	8.6292	.,S88	0
170	38698	Tennessee Wash	7	Mohave	No	No	No	No	No	No	17.8006	T22.0N,R19.0W,S26	0
171	38693	Thielsenia Wash	9	Mohave	No	No	No	No	No	No	16.5794	T21.0N,R18.0W,S33	0
172	38708	Timber Wash	4	Mohave	No	No	No	No	No	No	13.5712	T19.0N,R14.0W,S17	0
173	38721	Tomm and Cull Wash	5	Mohave	No	No	No	No	No	No	11.5246	T37.0N,R15.0W,S08	0
174	38735	Troll Rapids Wash	17	Mohave	No	No	No	No	No	No	18.1196	.,S88	0
175	38757	Tuckayo Wash	8	Mohave	No	No	No	No	No	No	16.0078	T23.0N,R11.0W,S33	0
176	38759	Tuckayo Canyon	6	Mohave	No	No	No	No	No	No	6.9126	T34.0N,R5.0W,S31	0
177	38765	Tule Wash - Mohave	5	Mohave	No	No	No	No	No	No	9.2119	T17.0N,R13.0W,S36	0
178	38791	Twentysix Wash	7	Mohave	No	No	No	No	No	No	6.9635	T25.0N,R18.0W,S02	0
179	38798	Tyro Wash	7	Mohave	No	No	No	No	No	No	10.2924	T22.0N,R21.0W,S16	0
180	38805	Valencia Wash	4	Mohave	No	No	No	No	No	No	8.4966	T11.0N,R11.0W,S16	0
181	38817	Vock Wash	6	Mohave	No	No	No	No	No	No	10.8487	T24.0N,R16.0W,S17	0
182	38822	Wagon Wheel Wash	1	Mohave	No	No	No	No	No	No	4.8233	T18.0N,R14.0W,S14	0
183	38829	Walnut Creek - Mohave	18	Mohave	No	No	No	No	No	No	23.8375	T18.0N,R18.0W,S14	0
184	38836	Warm Springs Wash	11	Mohave	No	No	No	No	No	No	21.4444	T18.0N,R19.0W,S33	0
185	38866	West Fork Parash	9	Mohave	No	No	No	No	No	No	11.2445	T32.0N,R12.0W,S17	0
186	38869	West Fork Sycamore - Mohave	1	Mohave	No	No	No	No	No	No	9.2867	T16.0N,R11.0W,S22	0
187	38872	West Mohave Wash	8	Mohave	No	No	No	No	No	No	16.8616	T20.0N,R17.0W,S04	0
188	38885	Wheeler Wash	19	Mohave	No	No	No	No	No	No	11.0400	T28.0N,R18.0W,S21	0
189	38888	White Elephant Wash	7	Mohave	No	No	No	No	No	No	22.3589	T34.0N,R10.0W,S02	0
190	38904	Whitmore Wash	22	Mohave	No	No	No	No	No	No	19.5134	T19.0N,R16.0W,S08	0
191	38926	Willow Creek 1 - Mohave	8	Mohave	No	No	No	No	No	No	17.1752	T21.0N,R11.0W,S16	0
192	38929	Willow Creek 2 - Mohave	10	Mohave	No	No	No	No	No	No	1.2647	T13.0N,R20.0W,S09	0
193	38934	Willow Wash - Mohave	1	Mohave	No	No	No	No	No	No	21.8254	T23.0N,R13.0W,S02	0
194	38952	Wright Canyon	10	Mohave	No	No	No	No	No	No	7.1208	T20.0N,R16.0W,S19	0
195	38960	Yellow Flower Creek	2	Mohave	No	No	No	No	No	No	7.3366	T36.0N,R5.0W,S19	0
196	38966	Yellowstone Wash	1	Mohave	No	No	No	No	No	No	7.0515	T11.0N,R16.0W,S30	0
197	38968	Yucca Wash	1	Mohave	No	No	No	No	No	No	14.2736	T34.0N,R16.0W,S04	0
198	38982	a - Seg 20 Mohave	5	Mohave	No	No	No	No	No	No	2.8032	T20.0N,R13.0W,S15	0
199	38985	a - Seg 26 Mohave	2	Mohave	No	No	No	No	No	No	1.5778	T20.0N,R13.0W,S15	0
200	38985	a - Seg 27 Mohave	2	Mohave	No	No	No	No	No	No	17.9376	T20.0N,R13.0W,S10	0
201	38986	a - Seg 28 Mohave	13	Mohave	No	No	No	No	No	No	18.5185	T24.0N,R20.0W,S11	0
202	38989	a - Seg 4 Mohave	12	Mohave	No	No	No	No	No	No	13.1697	T20.0N,R13.0W,S05	0
203	39003	b - Seg 29 Mohave	5	Mohave	No	No	No	No	No	No	13.0380	T26.0N,R20.0W,S05	0
204	39009	b - Seg 6 Mohave	5	Mohave	No	No	No	No	No	No	12.5212	T28.0N,R21.0W,S14	0
205	39019	c - Seg 7 Mohave	6	Mohave	No	No	No	No	No	No			0
208-5-110	-	Unnamed Washes	Varies	Varies	No	No	No	No	No	No		Varies	0

No.	W_ID	W_NAME	SECCOUNT	W_COUNTIES	W_MILES	W_ADDRESS	W_PER	W_BOAT	W_BOAT	W_FISH	W_STATUS	W_DIMP	W_BPER	HITS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
1	37780	Kanab Creek	47	Cocconino/Mohave	72.5162	T36.0N,R3.0W,S06	Yes	No	No	Yes	Yes	Yes	Yes	4
2	156	Beaver Dam Wash - Mohave	1	Mohave	9.5891	T40.0N,R15.0W,S04	Yes	No	No	Yes	Yes	No	Yes	3
3	660	Diamond Creek 1	22	Cocconino/Mohave	25.3632	T27.5N,R10.0W,S32	No	No	No	Yes	No	No	Yes	2
4	795	Francis Creek	20	Mohave/Yavapai	23.7963	T16.0N,R8.0W,S07	No	No	No	Yes	Yes	No	No	2
5	38490	Short Creek	35	Mohave/Yavapai	26.2033	T42.0N,R6.0W,S32	Yes	No	No	No	No	Yes	No	2
6	38744	Trout Creek	43	Mohave/Yavapai	54.2262	T18.0N,R13.0W,S23	Yes	No	No	Yes	No	No	Yes	2
7	38746	Troxton Wash	71	Mohave/Yavapai	77.3239	T36.0N,R17.0W,S24	Yes	No	No	Yes	No	No	Yes	2
8	280	Boulder Wash	1	Mohave	1.6279	T31.0N,R9.0W,S10	Yes	No	No	No	No	No	Yes	1
9	554	Cottonwood Creek 3 - Mohave	5	Mohave	8.4469	T23.0N,R13.0W,S21	Yes	No	No	No	No	No	Yes	1
10	845	Grand Wash	68	Mohave	43.3748	T35.0N,R15.0W,S22	Yes	No	No	No	No	No	Yes	1
11	3544	H07_0740	1	Mohave	0.2856	T39.0N,R16.0W,S04	Yes	No	No	No	No	No	No	1
12	3545	H07_0741	1	Mohave	0.1714	T38.0N,R16.0W,S03	Yes	No	No	No	No	No	No	1
13	3690	H07_1662	1	Mohave	0.5235	T39.0N,R16.0W,S04	Yes	No	No	No	No	No	No	1
14	3681	H07_1664	1	Mohave	0.3364	T39.0N,R16.0W,S04	Yes	No	No	No	No	No	No	1
15	9168	H21_1365	2	Mohave	0.7972	..S88	Yes	No	No	No	No	No	No	1
16	9169	H21_1366	3	Mohave	0.7661	..S88	Yes	No	No	No	No	No	No	1
17	9170	H21_1367	1	Mohave	0.0249	..S88	Yes	No	No	No	No	No	No	1
18	9171	H21_1368	1	Mohave	0.1373	T17.0N,R21.0W,S28	Yes	No	No	No	No	No	No	1
19	9172	H21_1369	1	Mohave	0.4320	..S88	Yes	No	No	No	No	No	No	1
20	9173	H21_1370	1	Mohave	0.0741	T17.0N,R21.0W,S28	Yes	No	No	No	No	No	No	1
21	10158	H23_0601	2	Mohave	4.5975	T22.0N,R16.0W,S18	No	No	No	No	No	Yes	No	1
22	22912	H57_0490	2	Mohave	1.8363	T41.0N,R2.0W,S06	No	No	No	No	No	Yes	No	1
23	26068	H64_0073	1	Mohave	0.1358	T18.0N,R12.0W,S28	Yes	No	No	No	No	No	Yes	1
24	26443	H64_0498	7	Mohave/Yavapai	6.5897	T21.0N,R10.0W,S28	No	No	No	No	No	No	No	1
25	29194	H70_0211	4	Mohave	1.4478	T11.0N,R17.0W,S18	Yes	No	No	No	No	No	No	1
26	29280	H70_0317	4	La Paz/Mohave	0.1576	T10.0N,R14.0W,S15	Yes	No	No	No	No	No	No	1
27	29394	H70_0520	1	La Paz/Mohave	0.0659	T10.0N,R14.0W,S15	Yes	No	No	No	No	No	No	1
28	37702	Hualapai Wash	47	Mohave	26.2442	..S88	Yes	No	No	No	No	No	No	1
29	37954	Meriwether Canyon	8	Mohave	11.5746	T28.0N,R13.0W,S27	Yes	No	No	Yes	No	No	No	1
30	38355	Rock Canyon - Mohave	13	Mohave	23.6715	T24.0N,R12.0W,S19	Yes	No	No	No	No	No	No	1
31	38577	South Moccasin Wash	8	Mohave	8.1273	T40.0N,R4.0W,S14	Yes	No	No	No	No	No	No	1
32	38728	Topock Marsh	50	Mohave	32.0365	..S88	Yes	No	No	No	No	No	No	1
33	38736	Traverdine Canyon	1	Mohave	1.1139	T27.0N,R10.0W,S04	No	No	No	Yes	No	No	No	1
34	38796	Twonille Wash	2	Mohave	5.7407	T40.0N,R4.0W,S14	Yes	No	No	No	No	No	No	1
35	38953	Wright's Canyon	1	Mohave	2.9942	T23.0N,R13.0W,S15	Yes	No	No	Yes	No	No	No	1

