

1 Thomas L. Murphy (State Bar No. 022953)
2 Office of the General Counsel
3 Gila River Indian Community
4 Post Office Box 97
5 Sacaton, Arizona 85147
6 Telephone: (520) 562-9760
7 Facsimile: (520) 562-9769
8 *Attorneys for the Gila River Indian Community*

RECEIVED
JAN 14 2014

BY: *gmr*
11:50

6 **BEFORE THE ARIZONA NAVIGABLE STREAM**
7 **ADJUDICATION COMMISSION**

8
9 IN THE MATTER OF THE
10 NAVIGABILITY OF THE GILA
11 RIVER, FROM THE NEW MEXICO
12 BORDER TO THE CONFLUENCE
13 WITH THE COLORADO RIVER

No. 03-007-NAV (Gila)

**GILA RIVER INDIAN
COMMUNITY'S SUBMISSION**

14 Pursuant to the direction of the Arizona Navigable Stream Adjudication
15 Commission, the Gila River Indian Community states that it may use any of the
16 materials identified in the attached Reference Materials at the hearing of this
17 matter.
18

19 DATED this 14th day of January 2014.

20
21 GILA RIVER INDIAN COMMUNITY

22
23 By 
24 Thomas L. Murphy
25
26

1 **FILED on the 14th day of January, 2014 with:**

2 Arizona Navigable Stream Adjudication Commission
3 1700 W. Washington, Ste B-54
4 Phoenix, AZ 85007

5 **Copies mailed to:**

6 John B. Weldon, Jr.
7 Mark A. McGinnis
8 Salmon, Lewis & Weldon, Plc
9 2850 E. Camelback Rd., Ste 200
10 Phoenix, AZ 85016-4316
11 *Attorneys for the Salt River Project
12 Agricultural Improvement
13 And Power District and Salt River
14 Valley Water User's Association*

15 Cynthia M. Chandley
16 L. William Staudenmaier
17 Snell & Wilmer
18 400 East Van Buren
19 Phoenix, AZ 85004-2022
20 *Attorneys for Freeport-McMoRan
21 Copper & Gold, Inc.*

22 Sean Hood
23 Fennemore Craig, P.C.
24 2394 E. Camelback, Suite 600
25 Phoenix, AZ 85016-3429
26 *Attorneys for Freeport-McMoRan
Copper & Gold, Inc.*

Laurie Hachtel
Joy Hernbrode
Attorney General's Office
1275 West Washington Street
Phoenix, AZ 85007-2297
Attorneys for State of Arizona

Joy E. Herr-Cardillo
Timothy M. Hogan
Arizona Center For Law In The
Public Interest
2205 E. Speedway Blvd.
Tucson, AZ 85719
*Attorneys for Defenders of Wildlife,
et al.*

Joe P. Sparks
The Sparks Law Firm
7503 First Street
Scottsdale, AZ 85251-4201
*Attorneys for San Carols Apache
Tribe, et al*

Sally Worthington
John Helm
Helm, Livesay & Worthington, Ltd.
1619 E. Guadalupe, Ste 1
Tempe, AZ 85283
Attorneys for Maricopa County

Steven L. Wene
Moyes Sellers & Sims
1850 N. Central Ave., Ste 1100
Phoenix, AZ 85004

1 Cynthia S. Campbell
Law Department
2 City Of Phoenix
200 W. Washington Street, Ste 1300
3 Phoenix, AZ 85003-1611
4 *Attorneys for City of Phoenix*

5 William H. Anger
Engelman Berger, P.C.
6 3636 N. Central Avenue, Ste 700
7 Phoenix, AZ 85012
8 *Attorneys for City of Mesa*

9 Charles L. Cahoy
Assistant City Attorney
10 City Attorney's Office
11 CITY OF TEMPE
12 21E. Sixth St, Ste 201
13 Tempe, AZ 85280
Attorneys for City of Tempe

14 Michael J. Pearce
Maguire & Pearce, LLC
15 2999 N. 44th Street, Ste 630
16 Phoenix, AZ 85018-0001
17 *Attorneys for Chamber of
18 Commerce
and Home Builders' Association*

Carla Consoli
Lewis & Roca
40 N. Central Ave
Phoenix, AZ 85004
Attorneys for Cemex

James T. Braselton
Mariscal, Weeks, McIntyre &
Friedlander, P.A
2901 N. Central Ave, Ste 200
Phoenix, AZ 85012-2705
*Attorneys for Various Title
Companies*

Julie Lemmon
1095 W. Rio Salado Pkwy, Ste 102
Tempe, AZ 85281-2603
*Attorney for Flood Control District
Of Maricopa County*

Sandy Bahr
202 E. McDowell Rd, Ste 277
Phoenix, AZ 85004
Sierra Club

David A. Brown
Brown & Brown Law Offices
128 E. Commercial, PO Box 1890
St. Johns, Arizona 85936

Susan B. Montgomery
Robyn L. Interpreter
Montgomery & Interpreter, PLC
4835 E. Cactus Rd., Ste. 210
Scottsdale, AZ 85254

24
25 By Roella Frazer
26

In re Navigability of the Gila River
ANSAC No. 03-007-NAV

Reference Materials

American Acrylic Corporation (date unknown). High-strength fiberglass sheets.
<http://www.americanacrylic.com/high.htm>

Arizona Navigable Stream Adjudication Commission (2006). *Report, findings and determination regarding the navigability of the Gila River from the New Mexico Border to the confluence with the Colorado River*. In the Matter of the Navigability of the Gila River from the New Mexico Border to the Confluence with the Colorado River, Greenlee, Graham, Gila, Pinal, Maricopa and Yuma Counties, Arizona. No.: 03-007-NAV.*

In Re Determination of Navigability of the San Pedro River, No. 03-004-NAV (2013). Reporter's transcript of proceedings. August 1, 2013.**

Barnes, Jr., H.H. (1975). Programs & plans – Estimating flow characteristics from channel size. (Surface Water Technical Memorandum No. 75.16). U.S. Geological Survey.
<http://water.usgs.gov/admin/memo/SW/sw75.16.html>

Beaulieu, K.M., Capesius, J.P. & Gebler, J.B., (2000). Physical-habitat and geomorphic data for selected river reaches in central Arizona basins, 1995-98 (Open File Report 00-90). National Water-Quality Assessment Program. Tucson, AZ: U.S. Geological Survey.
<http://az.water.usgs.gov/pubs/pdfs/OFR00-90WEB.pdf>

Berry, C.F. & Marmaduke, W.S. (1982). *The middle Gila basin. An archaeological and historical overview*. Phoenix, AZ: Bureau of Reclamation.

Burkham, D.E. (1972). Channel changes of the Gila River in Safford Valley, Arizona 1846-1970 (Geological Survey Professional Paper 655-G). Washington, DC: U.S. Government Printing Office.
<http://pubs.usgs.gov/pp/0655g/report.pdf>

Corle, E. (1951). *The Gila River of the Southwest*. Holt, Rinehart & Winston, Inc.

Culler, R.C. & others (1970). Objectives, methods, and environment—Gila River Phreatophyte Project, Graham County, Arizona (Geological Survey Professional Paper 655-A). Washington, DC: U.S. Government Printing Office.
<http://pubs.usgs.gov/pp/0655a/report.pdf>

- Dobyns, H.F. (2000). Creation and expansion of the Gila River Indian Reservation. No publisher.
- Dobyns, H.F. (2002). Sonoran desert traders. The Pima-Maricopa Confederation. (Akimel 'O'odham, Kohatk, Pee Posh). No publisher.
- Doll, B.A. & others. (2003). Stream restoration: A natural channel design handbook. NC Stream Restoration Institute, North Carolina State University.
<http://www.bae.ncsu.edu/programs/extension/wqg/srp/guidebook.html>
- Durrenberger, R.W. & Ingram, R.S. (1978). Major storms and floods in Arizona 1862-1977. (Precipitation Series No. 4). Tempe, AZ: Arizona State University.
- Eckman, E.C., Baldwin, M. & Carpenter, E. J. (1920). Soil survey of the middle Gila Valley area, Arizona. Washington, D.C.: Government Printing Office.
http://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/arizona/middlegilavalle yAZ1920/middlegilavalle yAZ1920.pdf
- Flood Control District of Maricopa County (no date). History of Maricopa County flooding.
<http://www.fcd.maricopa.gov/Education/history.aspx>
- Freethy, G.W. & Anderson, T.W. (1986). Predevelopment hydrologic conditions in the alluvial basins of Arizona and adjacent parts of California and New Mexico. USGS Hydrologic Investigations Atlas HA-664. U.S. Geological Survey.
<http://pubs.er.usgs.gov/publication/ha664>
- Friedman, J.M., Osterkamp, W.R. & Lewis, W.M., Jr., (1996). Channel narrowing and vegetation development following a Great Plains flood. *Ecology*, 77(7), 2167-2181.
<http://www.fort.usgs.gov/Products/Publications/2771/2771.pdf>
- JE Fuller/Hydrology & Geomorphology, Inc. (2003 revision). Arizona stream navigability study for the Gila River: Colorado River confluence to the Town of Safford. Draft final report.*
- JE Fuller/Hydrology & Geomorphology, Inc. (2005). Gila River navigability studies. November 16, 2005. PowerPoint slides.*
- Garde, R.J. (2006). River morphology. New Delhi: New Age International (P) Limited, Publishers.
<http://nwlc.ca/log/River-Morphology/p313557>

- Gookin, T.A.J. (2013). PowerPoint testimony in ANSAC No. 03-004-NAV.**
- Gookin Engineers, Ltd. (2000). *Hydrologic history of the Gila River Indian Reservation*.*
(additional material disclosed)
- Graf, W.L. (1981). Channel instability in a braided sand bed river. *Water Resources Research*, 17, 1087-1094.
http://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=1050&context=geog_fa_cpub
- Gregonis, L.M. & Reinhard, K.J. (1979). Hohokam Indians of the Tucson basin. Tucson, AZ: University of Arizona Press.
<http://www.uapress.arizona.edu/onlinebks/HOHOKAM/TITLHOHO.HTM>
- Harper, W.G. & Youngs, F.O. (1927). Soil survey of the Buckeye-Beardsley area Arizona. Washington, D.C.: United States Department of Agriculture, Bureau of Chemistry and Soils.
http://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/arizona/buckeyebeardsleyAZ1927/buckeyebeardsleyAZ1927.pdf
- Hedman, E.R. & Osterkamp, W.R. (1983). Streamflow characteristics related to channel geometry of streams in western United States (U.S. Geological Survey Water-Supply Paper 2193). Washington, DC: U.S. Government Printing Office.
<http://pubs.usgs.gov/wsp/2193/report.pdf>
- Hjalmarson, H.W. (1988). Flood-hazard zonation in arid lands. In *Arid lands: Hydrology, scour, and water quality* (Transportation Research Record 1201), 1-8. National Academy of Science Transportation Research Board.**
- Hjalmarson, H.W. (2001) The ability to navigate the Gila River under natural conditions. Below the confluence with the Salt River to the mouth at Yuma, Arizona. Confidential notes.*
- Hodges, P.V. (1942). Estimated total flow of Gila River at Buckeye heading 1896-1916. Exhibit No. DX38, U.S. Court of Claims, Indian Claims Comm'n Docket No. 236D.
- Hyra, R. (1978). *Methods of assessing instream flows for recreation* (Instream Flow Information Paper: No. 6 FWS/OBS-78/34). Cooperative Instream Flow Service Group.**

- Jason M. Cortell & Assoc., Inc. (1977a). *Recreation and instream flow. Volume 1 flow requirements, analysis of benefits, legal and institutional constraints*. Washington, DC: Bureau of Outdoor Recreation.**
- Jason M. Cortell & Assoc., Inc. (1977b). *Recreation and instream flow. Volume 2. River evaluation manual*. Washington, DC: Bureau of Outdoor Recreation.**
- Kretschmann, D.E. (2010). Mechanical properties of wood. In R.J. Ross (Ed.), *Wood handbook: Wood as an engineering material* (5-1 to 5-45). Madison, WI: U.S. Department of Agriculture Forest Service.
http://www.fpl.fs.fed.us/documnts/fplgtr/fpl_gtr190.pdf
- Krug, W.R., Gebert, W.A. & Graczyk, D.J. (1989). Preparation of average annual runoff map of the United States, 1951-80 (USGS Open-File Report 87-535). U.S. Geological Survey.
<http://pubs.usgs.gov/of/1987/0535/report.pdf>
- Langbein, W.B. (1962). Hydraulics of river channels as related to navigability (Geological Survey Water-Supply Paper 1539-W). Washington, DC: U.S. Government Printing Office.
<http://pubs.usgs.gov/wsp/1539w/report.pdf>
- Leopold, L.B. & Wolman, M.G. (1957). River channel patterns: Braided, meandering and straight (Geological Survey Professional Paper 282-B). Washington, DC: U.S. Government Printing Office.
<http://pubs.usgs.gov/pp/0282b/report.pdf>
- Lichvar, R.W. & McColley, S.M. (2008). *A field guide to the identification of the ordinary high water mark (OHWM) in the arid west region of the western United States. A delineation manual*. U.S. Army Corps of Engineers.
<http://www.crrel.usace.army.mil/library/technicalreports/ERDC-CRREL-TR-08-12.pdf>
- Magirl, C.S. & Olsen, T.D. (2009). Navigability potential of Washington rivers and streams determined with hydraulic geometry and a geographic information system (USGS Scientific Investigations Report 2009-5122). U.S. Geological Survey.
<http://pubs.usgs.gov/sir/2009/5122/pdf/sir20095122.pdf>
- Omang, R.J., Parrett, C. & Hull, J.A. (1983). Mean annual runoff and peak flow estimates based on channel geometry of streams in southeastern Montana (USGS Water-Resources Investigations 82-4092). Helena, MT: U.S. Geological Survey.
<http://pubs.usgs.gov/wri/1982/4092/report.pdf>

- Osterkamp, W.R. (1980). Sediment-morphology relations of alluvial channels. Symposium on Watershed Management, Vol. 1. New York, NY: American Society of Civil Engineers.**
- Osterkamp, W.R., Lane, L.J. & Foster, G.R. (1984). An analytical treatment of channel-morphology relations (Geological Survey Professional Paper 1288). Washington, DC: U.S. Government Printing Office.
<http://pubs.usgs.gov/pp/1288/report.pdf>
- Pattie, J. O. (1831). The personal narrative of James O. Pattie, of Kentucky. Cincinnati, OH: John H. Wood.**
- Pinkerton, R.E. (1914). The canoe: Its selection care and use. London: The Macmillan Company.
<http://www.wcha.org/literature/pinkerton/>
- Pope, G.L., Rigas, P.D., and Smith, C.F. (1998). Statistical summaries of streamflow data and characteristics of drainage basins for selected streamflow-gaging stations in Arizona through water year 1996 (Water-Resources Investigations Report 98-4225). U. S. Geological Survey.**
- Pry, M.E. and Andersen, F. (2011). Arizona transportation history.
<http://www.azdot.gov/docs/media/read-arizona's-transportation-history-in-its-entirety-.pdf?sfvrsn=0>
- Rea, A.M. (1983). *Once a river. Bird life and habitat changes on the middle Gila*. Tucson, AZ: University of Arizona Press.
- Russell, Frank (1975). *The Pima Indians*. Tucson, AZ: University of Arizona Press.
- Schumm, S.A. (2005). *River variability and complexity*. Cambridge: Cambridge University Press.**
- Simons, Li & Associates, Inc. (1985). Design manual for engineering analysis of fluvial systems. (Project Number AZ-DWR-05.) Arizona Department of Water Resources.
http://www.azwater.gov/azdwr/surfacewater/floodmanagement/Documents/ADWR_Engineering_Analysis_Fluvial_Systems.pdf
- Southworth, C.H. (1919). The history of irrigation along the Gila River. In Appendixes A, B, and C, Indians of the United States: Hearings before the Committee on

Indian Affairs of the House of Representatives, 66th Cong. 103-223. Washington, D.C.: Government Printing Office.

Stantech Consulting Inc. (1998). Arizona Navigable Streams Adjudication Commission. Final Report: Criteria for assessing characteristics of navigability for small watercourses in Arizona.

Tennessee Valley Authority (undated). TVA reservoirs and power plants. www.tva.gov/sites/sites_i3.htm

Thomas B.E., Hjalmarson, H.W., & Waltemeyer, S.D. (1994). Methods for estimating magnitude and frequency of floods in the Southwestern United States. Open File Report 93-419. Tucson, AZ: U. S. Geological Survey. <http://pubs.er.usgs.gov/publication/ofr93-419>

Thomsen, B.W. & Eychaner, J.H. (1991) Predevelopment hydrology of the Gila River Indian Reservation, South-Central Arizona (U.S. Geological Survey Water-Resources Investigations Report 89-4174). Tucson, AZ: USGS. <http://pubs.usgs.gov/wri/1989/4174/report.pdf>

Thomsen, B.W. & Hjalmarson, H.W. (1991). Estimated Manning's roughness coefficients for stream channels and flood plains in Maricopa County, Arizona. Report to the Flood Control District of Maricopa County.**

Thomsen, B.W. & Porcello, J.J. (1991). Predevelopment hydrology of the Salt River Indian Reservation, east Salt River valley, Arizona (U.S. Geological Survey Water-Resources Investigations Report 91-4132). Tucson, AZ: USGS. <http://pubs.usgs.gov/wri/1991/4132/report.pdf>

U.S. Army Corps of Engineers (1980). *Engineering and design: Layout and design of shallow-draft waterways* (U.S. Army Corps of Engineers CECW-ED Engineer Manual 1110-2-1611). Washington, DC: U.S. Army Corps of Engineers. http://140.194.76.129/publications/eng-manuals/EM_1110-2-1611_pflsec/EM_1110-2-1611.pdf

U.S. Army Corps of Engineers (undated). *The U.S. Army Corps of Engineers: A Brief History*. <http://www.usace.army.mil/About/History/BriefHistoryoftheCorps.aspx>

U.S. Bureau of Reclamation (1952). *Report on water supply of the lower Colorado River basin: Project planning report*. U.S. Department of the Interior.

Walcott, C.D. (1901). *Part IV –Twenty-first annual report of the United States Geological Survey to the Secretary of the Interior 1899-1900: Part IV – Hydrology*. Washington, D.C.: Government Printing Office.
<http://pubs.usgs.gov/ar/21-4/report.pdf>

Walker, H.P., Bufkin, Don (1986). *Historical atlas of Arizona* (2nd ed.). Norman, OK: University of Oklahoma Press.

Warren, C., Special Master. (1930). Supreme Court of the United States. October Term, 1930. No. 14, Original. *The United States of America, Complainant, v. The State of Utah*. Report of the Special Master. Filed October 15, 1930. Washington, DC: Judd & Detweiler.**

Waters, M.R. (2008). Alluvial chronologies and archaeology of the Gila River drainage basin, Arizona. *Geomorphology*, 101, 332-341.**

Waters, M.R., Ravesloot, J.C. (2001). Landscape change and the cultural evolution of the Hohokam along the Middle Gila River and other river valleys in South-Central Arizona. *American Antiquity*, 66(2). Society for American Archaeology.

Webb, R.H., Leake, S.A. & Turner, R. A. (2007). *The ribbon of green. Change in riparian vegetation in the Southwestern United States*. Tucson, AZ: The University of Arizona Press.

*previously submitted as an exhibit in ANSAC/Gila, ANSAC No. 03-007-NAV

**previously submitted as an exhibit in ANSAC/San Pedro, ANSAC No. 03-004-NAV