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4-7-03
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April 7, 2003

Arizona Navigable Stream Adjudication Commission
1700 West Washington, Room 404
Phoenix, AZ 85007

Re: Lower Salt River Hearing April 7, 2003

Dear Commission Members:

This letter is written on behalf of the Arizona Chamber of Commerce to support a finding of non-navigability of the Lower Salt River.

The Arizona Chamber of Commerce represents the business and industry of Arizona. It is an organization dedicated to promoting a business climate that enhances economic vitality and improves the quality of life for all Arizonans. As such, the Arizona Chamber of Commerce has an interest in the outcome of the navigability determination for the Lower Salt River currently under consideration by your Commission.

A determination of navigability at statehood could result in claims for divesture of private title to large quantities of land in the floodplain of the Lower Salt, and extensive litigation over those claims. Such a finding will certainly disrupt industry and civic functions in the Phoenix metropolitan area, and undoubtedly end up harming the state's economy by casting doubt not only on land title, but also by opening new issues as to the validity of our state water laws and land management regimes.

The Salt River Valley is dependent upon economic benefits derived from conserving the flows of the Salt River in reservoir storage and by controlled release of those flows for the production of hydropower and the supply of water for domestic, irrigation, municipal and industrial use. The Arizona Chamber of Commerce supports the decision, made prior to statehood, to forego the marginal benefits of sporadic flows in the downstream Salt River for the economic benefits to be gained by this storage and release system. We believe that the history of the Salt River development, which will be recounted in detail before your Commission, supports a finding that the Lower Salt River was not navigable in fact at the time of statehood. We also support this finding, and believe that it is in the best interest of the State of Arizona.

Thank you for the opportunity to comment on this important issue. If we can assist the Commission further in its deliberative process, please let us know.

Sincerely,

Michael J. Pearce, Chair
Water and Natural Resources Policy Subcommittee

Maricopa County, Lower Salt River
03-005-NAV
4/7/03
Evidence Item No. 037