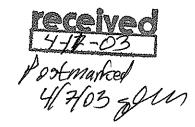


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April 7, 2003

Earl Eisenhower, Chairman Arizona Navigable Stream Adjudication Commission 1700 W. Washington, Room 304 Phoenix, AZ 85007

RE: Non-navigable status of lower Salt River

Dear Chairman Eisenhower and Commissioners:

On behalf of our many businesses and community organizations, including entities along the Salt River and downtown Phoenix, the Phoenix Community Alliance urges the Commission to declare the Salt River below Granite Reef Diversion Dam to be a non-navigable river. Any finding to the contrary that would declare the river to be navigable in whole or part would run counter to all historic and legal evidence as to the use of the river. Further, a navigable designation would sweep away more than 90 years of evolved property rights creating legal and economic chaos for hundreds of residential and business properties along the Salt River.

In this year of the Centennial of the Salt River Project, community leaders have become more aware than ever before of the historic events leading to construction of critical dams and water features serving the Valley. The completion of Granite Reef Diversion Dam in 1908 and subsequent completion of Theodore Roosevelt Dam in 1911 should provide clear evidence that the Salt River was entirely impounded and non-navigable at the time of statehood. Additionally, the Valley's history from the 1860s on makes it clear that virtually all early development of our area was focused on irrigated farming, not on any commercial boating uses along the river. Court decisions affecting Valley water use before and after statehood also make it clear that the lower Salt was considered non-navigable.

Sincerely,

Don Keuth President

Phoenix Community Alliance

Maricopa County, Lower Salt River 03-005-NAV 4/7/03 Evidence Item No. 1947 **OFFICERS**

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