

From the Desk of
David C. Iwanski

received
4-11-03

Postmarked
4/7/03 gln

April 7, 2003

Arizona Navigable Streams Adjudication Commission
1700 W. Washington Street, Room 404
Phoenix, AZ. 85007

Dear ANSAC:

This letter is being written in my capacity as the Government Relations Consultant for the Arizona Association of Conservation Districts, and its 32 members of Natural Resources Conservation Districts formed under Arizona State law. NRCDS are comprised of local officials and cooperators who identify conservation issues, problems and opportunities, and then formulate working plans and conduct extensive outreach in order to address specific needs.

Statewide projects, all of which go through vigorous scrutiny and prioritization, include: water conservation, watershed management, water quality improvement, protection of sensitive habitat, localized flood control, reduction in soil erosion, noxious weed eradication and producer related environmental compliance. The recently passed Federal Farm bill provides express authorization and funding levels for the entire litany of conservation programs. Every approved project carries with it express cost-share and performance obligations.

REGARDING THE LOWER SALT RIVER

My Association's core membership is comprised of farmers and ranchers from throughout the State (see attached map), many of whom are third and fourth generation operators with specific knowledge of history as to land ownership, climatic conditions, marketplace fluctuations and politics. Today, the collective farm and ranch cash receipts in Arizona exceed \$2.2 billion. This figure, as provided by the Arizona Agricultural Statistics Service, does not include any value-added or vertical integration dollar figures. Based on a study conducted by the University of Arizona, College of Agriculture, a cumulative figure could reasonably be projected at \$6.5 billion as to total economic impact.

Extrapolated data for the Lower Salt River economic impact area is estimated to be \$600 million.

5857 N. 48th Lane, Glendale, AZ 85301
Message Phone: 623-847-9649
Cell Phone: 602-625-1444

Maricopa County, Lower Salt River
03-005-NAV
4/7/03
Evidence Item No. 048

Any determination that the Lower Salt River is "navigable" puts this economic activity at severe risk. My members, with historic points of reference going back to before Arizona became a State, have maintained that this river has never been "navigable".

Waters are "navigable" 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 customary modes of trade and travel on water. At a minimum, there must be some reasonable expectation for some capacity of floatation to move people or product, not some theoretical or potential expectation based on intermittent flow that is unreliable, at best.

People have invested in land and business along the Lower Salt River. To now deprive them of their property rights, or to impose an artificial legal burden of proof in a manner some may be unable to afford to respond to, is unconstitutional.

The history of the river is well documented. Allow the status quo and the legal certainty it provides to stand. This will serve the public good.

I am respectfully requesting that this letter be made part of the hearing record. That I reserve the right to answer any questions regarding same, and to provide future supplemental information as deemed appropriate.

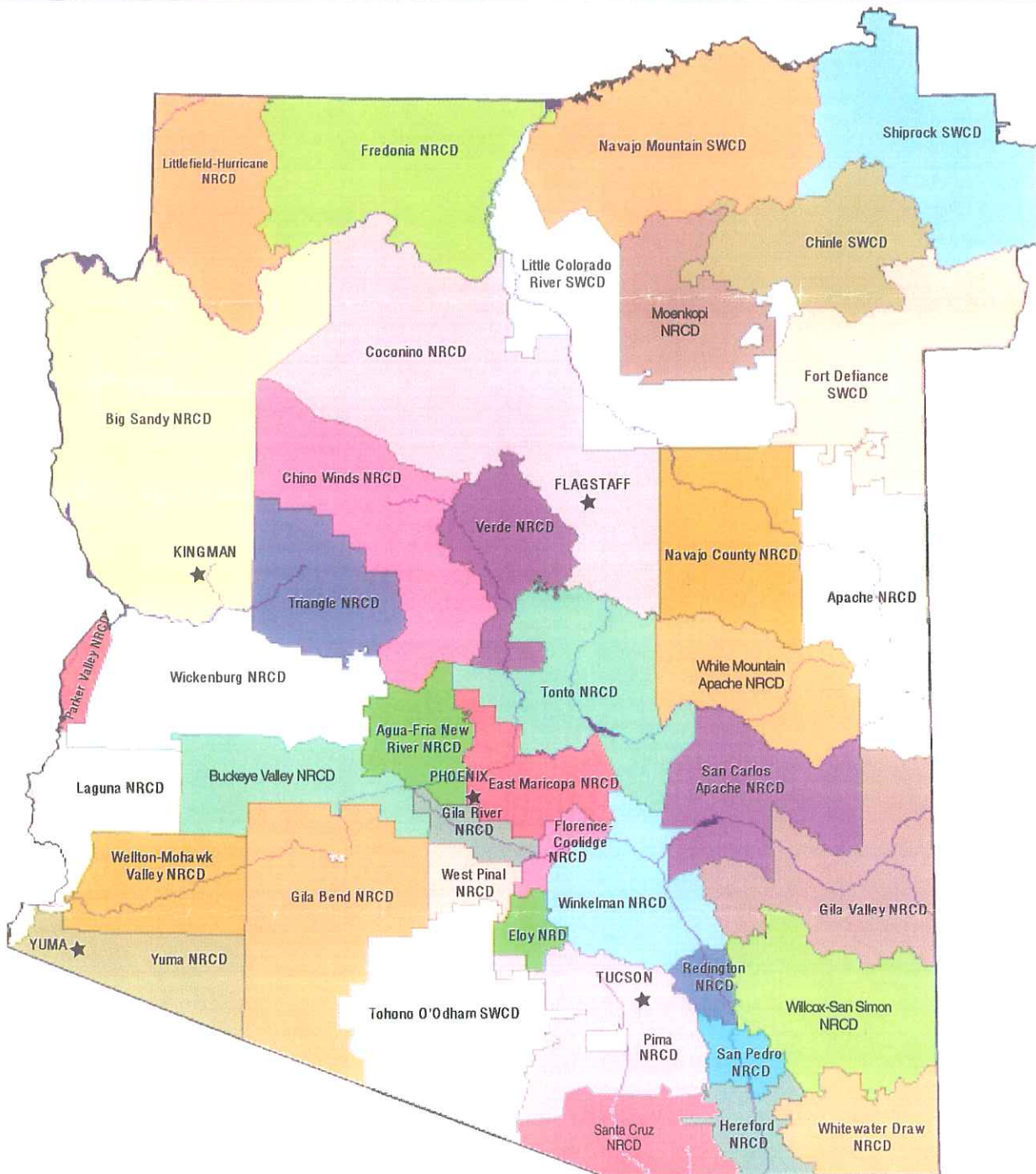
Sincerely,



DAVID C. IWANSKI

Attachment - 1 (map as cited)

WHICH DISTRICT ARE YOU IN?



WHO WE ARE AND WHAT WE DO

The Arizona Association of Conservation Districts is made up of local citizens who work to provide natural resource conservation leadership to the people of Arizona. We are a non-profit organization. Founded in 1944, we believe in a watershed-based, voluntary approach to natural resource conservation, led by people in the local community. To date, we have 27 Conservation Districts; 17 are Natural Resources Conservation Districts and 10 are Soil and Water Conservation Districts organized under Tribal law.

Through conservation districts, services are provided by the USDA-Natural Resources Conservation Service to farmers, ranchers