



Representing a United
Western Maricopa County

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April 7, 2003

Earl Eisenhower
Chairman
Arizona Navigable Stream Adjunction Commission
1700 W. Washington Street, Room 404
Phoenix, AZ 85007

Re: Status of Lower Salt River

Dear Chairman Eisenhower:

WESTMARC, a regional coalition of business, community and government entities representing 35 percent of the population in Western Maricopa County, strongly urges the Commission to issue a non-navigable finding for the Lower Salt River upstream of the Gila River confluence. It is the only outcome, we believe, that can be justified as the Commission renders a decision affecting hundreds of residential and business properties located along one of the most heavily-urbanized river segments of the Southwest.

While WESTMARC appreciates the legal rationale for the Commission's work and the value of its mapping and review processes, it is clear that the completion of Roosevelt Dam in 1911 eliminated any navigable uses of the river that may have occurred prior to statehood. With the dam's completion and impoundment of waters in Roosevelt Lake, the river became as it is today – a dry, cobbly channel subject only to intermittent release of floods. If small water craft ever floated on the Lower Salt prior to 1912, it would be absurd to equate such uses to the kinds of commercial boating found on major rivers in other states. Indeed, the 39,000-plus arid-land water courses and desert washes being reviewed by the Commission simply don't fit any reasonable definition of "navigability."

A non-navigable determination for the 40-mile stretch of the Lower Salt between Granite Reef Diversion Dam and the Gila confluence will leave existing property rights in place. Any finding to the contrary would have stunningly negative economic and legal consequences for landowners along the river in a wide swath through Mesa, Tempe, Phoenix and Avondale, and would make a mockery of history, hydrology and law.

Sincerely,

Diane B. McCarthy
President

Maricopa County, Lower Salt River
03-005-NAV

4/7/03

Evidence Item No. 049