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April 9, 2003

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

Dear Chairman Eisenhower:

I am writing on behalf of the Board of Directors Friends of the West Valley Recreation Corridor to urge you to consider the legal and public policy consequences of a finding of navigability of the Lower Salt River at the time of statehood. While we appreciate the commission's efforts in studying this matter, we hope you will keep one simple fact in mind as you proceed – the Roosevelt Dam was completed in 1911, leaving virtually no water in the Salt River prior statehood.

We strongly urge you to recommend a non-navigable classification, and further hope you will consider abandoning this process on other streams in the State until a plan for compensation to current owners is discussed.

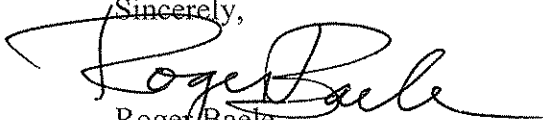
The Board of the Friends of the West Valley Recreation Corridor represents some 1,500 stakeholders, including volunteers, public and private sector representatives and community leaders who are dedicated to creating a recreational corridor along the Agua Fria and New Rivers within Maricopa County. The group was initiated in 2001 through a partnership of Valley Forward and Westmarc.

We believe that if a policy is enacted whereby land can be transferred into private or (non-state) public ownership and usage for nearly 75 years before the right of ownership is perfected by the State will cause undo hardship on the 'last' owner. The next logical progression of that process would be to quantify the historic value derived or removed from the property with a request by the State for compensation "loss" or damage. The labyrinth of historical Title to the property back to the time of Statehood would be gargantuan.

It is presumed that in most cases transfer of Title to the property in question over the last 80 years was done through legal means (not withstanding the question at hand). Transfer of title back into the Public Domain as is being undertaken here, at best, should not go without compensation to current owners. At worst, this smacks of an atrocious land grab and injustice to the property rights of current landowners. It could even conceivably impact such milestone projects as Phoenix Sky Harbor International Airport and the Tempe Town Lake.

Again, we urge you to find that lower Salt River was non-navigable at the time of statehood, and appreciate the opportunity to provide input to the process.

Sincerely,

  
Roger Baele  
Treasurer

Maricopa County, Lower Salt River  
03-005-NAV  
4/7/03  
Evidence Item No. 050