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OUR CLIENT NUMBER  
3864-2

ORIGINAL

September 19, 1997

VIA HAND-DELIVERY

Christina Waddell, Executive Director  
State of Arizona Navigable Stream  
Adjudication Commission  
1700 W. Washington, Room 404  
Phoenix, AZ 85007

Re: Historic Evidence Regarding Statewide Water Course  
Non-Navigability

Dear Christina:

On behalf of our clients, various insureds of Chicago Title Insurance Company, we are submitting the following evidence for use and consideration by the Arizona Navigable Stream Adjudication Commission ("ANSAC") in connection with its determinations/recommendations with respect to navigability on the various watercourses which the Commission is addressing pursuant to its authority under A.R.S. § 38-431.01, et. seq.:

1. Seven (7) copies of the relevant portions of a document entitled "Map of the Navigable Waterways of the United States." This map, dated December 14, 1914, was prepared by the Chief of Engineers, USA. We have enclosed copies of both the legend to the map and that portion relating to the State of Arizona. As is readily apparent from examination of the legend and the portion with regard to the State of Arizona, by failing to identify any watercourse in the Arizona with any of the colors indicated in the legend, the Chief of Engineers has indicated his determination that none of Arizona's

waterways were deemed to be "navigable" in accordance with the definition utilized by the Chief of Engineers for purposes of preparing the map.

2. Seven (7) copies of a map entitled "Official Map of the Territory of Arizona" compiled by Richard Gird, C.E. Commissioner, dated October 23, 1864. This map is of significance in that it depicts the alignment of various watercourses at or about the date on which the Territory of Arizona was created. In addition, the members of ANSAC should note that the map contains a specific reference to the "present head of navigation" and "supposed head of navigation" at two locations on the Colorado River in the northwest corner of the then-Territory. Those two notations with regard to navigability are in stark contrast to the absence of any other indications of navigability with respect to the balance of the waterways in the Territory.<sup>1</sup>

We appreciate your assistance in making copies of both of these maps available to the members of ANSAC.

Very truly yours,

MARISCAL, WEEKS, McINTYRE  
& FRIEDLANDER, P.A.

By   
James T. Braselton

JTB/tg  
Enclosures  
cc: Richard Marsh (w/out enc.)  
Burt Levinson (w/out enc.)  
FAUSERSUTBI-L3864.WAD

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<sup>1</sup> For ease of reference, we have highlighted the two notations with regard to navigation in yellow.

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# MAP OF THE NAVIGABLE WATERWAYS OF THE UNITED STATES









SHOWING IN COLORS THE DEPTHS OF PROJECTS  
ADOPTED BY CONGRESS

Prepared under the direction  
of the  
CHIEF OF ENGINEERS, U.S.A.  
December 1914

Scale 50 Miles to 1 Inch



### LEGEND

-  less than 8 feet deep
-  8 feet to 12 " "
-  12 " " 18 " "
-  18 " " 30 " "
-  30 " deep and over
-  Dams completed
-  " under construction
-  " projected

29°  
27°  
25°  
23°

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