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7 **BEFORE THE ARIZONA NAVIGABLE STREAM**
8 **ADJUDICATION COMMISSION**

9 IN THE MATTER OF THE
10 NAVIGABILITY OF THE GILA RIVER
11 FROM THE NEW MEXICO BORDER
12 TO THE CONFLUENCE WITH THE
13 COLORADO RIVER, GREENLEE,
14 GRAHAM, GILA, PINAL, MARICOPA
AND YUMA COUNTIES, ARIZONA

No. 03-007-NAV (Gila)

**GILA RIVER INDIAN
COMMUNITY'S CLOSING BRIEF**

15 The Community incorporates the arguments made in its Opening Post-Hearing
16 Memorandum, dated February 6, 2006, and its Responsive Post-Hearing
17 Memorandum, dated February 26, 2006. The Community also incorporates the
18 Report, Findings and Determination Regarding the Navigability of the Gila River
19 From the New Mexico Border to the Confluence With the Colorado River, dated
20 January 27, 2009 (the "2009 Gila Report").

22 **I. THE COMMISSION SHOULD APPLY THE FEDERAL STANDARD**
23 **OF NAVIGABILITY FOR TITLE, MOST RECENTLY DISCUSSED**
24 **IN *PPL MONTANA, LLC v. MONTANA* (2012).**

25 As opposed to reading excerpts from court opinions to non-attorney witnesses,
26 the Community returns to the basic principle that "[i]t is emphatically the province

1 and duty of the Judicial Department to say what the law is.” *Marbury v. Madison*, 5
2 U.S. 137, 177 (1803). It is also important to note, from the outset, that navigability for
3 title is a federal law issue. See *PPL Montana v. Montana*, 132 S.Ct. 1215, 1227
4 (2012) (“It follows that any ensuing questions of navigability for determining state
5 riverbed title are governed by federal law.”) (citation omitted). And, while the State of
6 Arizona has developed a procedure for making navigability determinations, A.R.S. §
7 37-1101 *et seq.*, the standard to be applied through that procedure is a federal
8 standard. To the extent there are conflicts between state law and federal law on
9 navigability for title, federal law would most certainly control.
10

11
12 These resumed proceedings were prompted by the decision of the Court of
13 Appeals of Arizona in *State ex rel. Winkleman v. Ariz. Navigable Stream Adjudication*
14 *Comm’n*, 224 Ariz. 230, 229 P.3d 242 (App. 2010) (hereinafter *Winkleman*). In
15 *Winkleman*, the Court of Appeals vacated the superior court’s judgment upholding
16 ANSAC’s determination that the Lower Salt River was navigable as of February 14,
17 1912, and remanded the matter for further proceedings. 229 P.3d at 257. Subsequent
18 to the decision in *Winkleman*, the Supreme Court of the United States decided *PPL*
19 *Montana*. *PPL Montana* casts serious doubts on the viability of *Winkleman* and prior
20 Arizona navigability jurisprudence.
21

22
23 *PPL Montana* is a navigability for title case involving three rivers in Montana.
24 One question in the case involved the segmentation of the rivers for the purposes of
25 determining navigability for title, a second question involved how to evaluate
26 evidence of modern recreational use of the rivers, and a third involved the burden of

1 proof of navigability. While *PPL Montana* contains a thorough discussion of the
2 history of the doctrine of navigability, 132 S.Ct. at 1226-28, this brief discusses those
3 portions of *PPL Montana* which impact the prior determinations of Arizona's state
4 courts. Given the supremacy of federal law in this area, such a discussion would not
5 be necessary but for the continued reliance in these proceedings by the proponents of
6 navigability on principles that were expressly or implicitly rejected in *PPL Montana*.
7

8 The formulation of navigability was set forth in *The Daniel Ball*, 10 Wall. 557,
9 563 (1871):

10 Those rivers must be regarded as public navigable rivers in law which are
11 navigable in fact. And they are navigable in fact when they are used, or are
12 susceptible of being used, in their ordinary condition, as highways for
13 commerce, over which trade and travel are or may be conducted in the
14 customary modes of trade and travel on water.

15 In cases involving navigability for title, "navigability is determined at the time of
16 statehood and based on the 'natural and ordinary condition' of the water." *PPL*
17 *Montana*, 132 S.Ct. at 1128 (citations omitted).

18 **A. Navigability is determined based upon the physical condition and**
19 **usage of a river at the time of statehood.**

20 *PPL Montana* clearly holds that the proper time for a determination of
21 navigability is at "statehood." *Id.* at 1128. The Supreme Court has never, in any
22 navigability for title case, held that the date for determining navigability is anything
23 other than the date of statehood. Any questions regarding when the determination of
24 navigability is to be made were laid to rest in the Supreme Court's opinion regarding
25 evidence of modern-day recreational use. It held that such evidence may be
26

1 considered “to the extent it informs the historical determination whether the river
2 segment was susceptible of use for commerce *at the time of statehood.*” *Id.* at 1233
3 (emphasis added). The Court said that evidence of modern-day recreational use could
4 be considered if it could be shown that the river’s post-statehood condition “is not
5 materially different from its *physical condition at statehood.*” *Id.* (emphasis added).
6

7 This is consistent with the legislative mandate to the Arizona State Land
8 Department, which is that the Department is to transmit evidence to the Commission
9 “[a]fter collecting and documenting all reasonably available evidence regarding the
10 *condition and usage of a watercourse as of February 14, 1912*” and “*the present uses*
11 *of the underlying land.*” A.R.S. § 37-1124(B) (emphasis added). Unfortunately,
12 *Winkleman* failed to consider A.R.S. § 37-1124(B) in its analysis. Thus, instead of
13 looking at conditions and usage at the time of statehood, the Commission was directed
14 to assess the Lower Salt River for navigability at a time period over 100 years prior to
15 Arizona statehood. *Winkleman*, 229 P.3d at 254.
16
17

18 **B. *PPL Montana* clearly requires determination of a river’s susceptibility
19 for use for commerce; travel alone is not enough.**

20 Opening its discussion of evidence of modern-day recreational use, *PPL*
21 *Montana* notes that navigability must be assessed at the time of statehood and
22 “concerns the river’s usefulness for ‘trade and travel’ rather than *for other purposes.*”
23 132 S.Ct. at 1233 (citations omitted) (emphasis added). Indeed, the rejection of
24 modern recreational use in *PPL Montana* refocuses the navigability in fact
25 determination on a river’s actual use or usefulness for trade or commerce. While error
26

1 is not inherent in considering evidence of modern-day recreational use, “the evidence
2 must be confined to that which shows the river could sustain the kinds of commercial
3 use that, as a realistic matter, might have occurred at the time of statehood.” *Id.*

4 *PPL Montana’s* discussion consistently identifies commercial uses of rivers as
5 the locus of the inquiry. Evidence of present-day use may be considered in
6 determining navigability in fact “to the extent it informs the historical determination
7 of whether the river segment was susceptible of use for commercial navigation at the
8 time of statehood.” 132 S.Ct. at 1233. If using a susceptibility analysis, “it must be
9 determined whether trade and travel could have been conducted ‘in the customary
10 modes of trade and travel on water.’” *Id.* (citation omitted).

13 At hearings in this matter, it was suggested by one proponent of navigability
14 that proof of either trade *or* travel was sufficient. In *Defenders of Wildlife v. Hull*,
15 199 Ariz. 411, 18 P.3d 722 (2001), a case decided in 2001, the Court of Appeals of
16 Arizona rejected the position that a watercourse must be susceptible to a commercial
17 use to be navigable, noting that federal test as articulated in *The Daniel Ball* “has been
18 interpreted to neither require both trade and travel together nor that the travel or trade
19 be commercial.” 18 P.3d at 731 (citation omitted). The clear references to
20 commercial use and navigation in *PPL Montana* on the federal issue of navigability
21 should lay this argument to rest.
22

24 **C. The hypothetical susceptibility determination the proponents of**
25 **navigability urge cuts against the rationale for sovereign ownership of**
26 **navigable riverbeds.**

PPL Montana’s language clearly cuts against the argument made—based upon

1 an overly broad reading of *United States v. Utah*, 283 U.S. 64 (1931)—that
2 navigability determinations can be purely hypothetical. To the contrary, *PPL Montana*
3 suggests that a navigability determination must be historically and presently
4 meaningful; that is, that some trade or commerce which took place on a river at the
5 time of statehood establishes a pattern that should be recognized at the time of the
6 present-day navigability determination:
7

8 A key justification for sovereign ownership of navigable riverbeds is that a
9 contrary rule would allow private riverbed owners to erect improvements on
10 the riverbeds that could interfere with the public’s right to use the waters as a
11 *highway for commerce*.

12 132 S.Ct. at 1230 (emphasis added).

13 While *Utah, supra*, is often cited in support of the proposition that
14 susceptibility for navigability is all that is required to prove navigability in fact, there
15 are three clear limitations of *Utah*, two of which are apparent in the Court’s opinion
16 and a third appearing in *PPL Montana*. First, the *Utah* standard is appropriate “where
17 conditions of exploration and settlement explain the infrequency of limited nature of
18 such use.” 283 U.S. at 82. From the record in *Utah*, it is clear that some of the rivers
19 considered had never been the subject of significant exploration or development. 283
20 U.S. at 81. In contrast, the Gila River has been the subject of settlement for *thousands*
21 of years or longer.¹ In such cases, *Utah* dictates that the proper inquiry is into the
22 historical use of the river.
23

24 Second, in considering susceptibility as a standard, *Utah* requires that the
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1 2009 Gila Report at 23-29.

1 susceptibility be “to use as a highway for commerce.” 283 U.S. at 82. “It is, indeed,
2 the susceptibility to use as a highway of commerce which gives sanction to the public
3 right of control over navigation upon them, and consequently to the exclusion of
4 private ownership, either of the waters or the soils under them.” *Packer v. Bird*, 137
5 U.S. 661, 667 (1891). Limiting the navigability standard to simply “travel” without
6 consideration of the commerce element renders the test meaningless.
7

8 Third, the *Utah* “susceptibility” standard was ultimately based upon the
9 standard previously established in *The Montello*; they were both discussed in the same
10 paragraph of the Supreme Court’s opinion in *Utah*. 283 U.S. at 83. *PPL Montana* is
11 critical of use of *The Montello*, 87 U.S. 430 (1874) on navigability for title
12 determinations, noting that in *The Montello* “[t]he Court did not seek to determine
13 whether the river in question was navigable for title purposes but instead whether it
14 was navigable for purposes of determining whether boats upon it could be regulated
15 by the Federal Government.” 132 S.Ct. at 1232 (citation omitted). The focus in *The*
16 *Montello* was not on navigability in fact but whether the river was a “navigable water
17 of the United States,” an inquiry that “is doctrinally distinct.” *Id.* (citations omitted).
18

19 Neither the Commission nor Arizona’s courts can ignore the federal law of
20 navigability, even to the extent it negatively affects their prior decisions. In this case,
21 as the Community has previously argued, the subsequent decision in *PPL Montana*
22 appears to clearly confirm that the Commission applied the proper federal legal
23 standard to its navigability determinations in the last go around.
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26

1 **II. THE GILA RIVER WAS NOT HISTORICALLY NAVIGATED**
2 **DESPITE A SUBSTANTIAL NEED.**

3 Courts acknowledge that the “most persuasive” evidence of navigability is the
4 *actual* use of a river for commercial navigation. *See Utah*, 283 U.S. at 82 (“the
5 evidence of the actual use of streams, and especially of extensive and continued use
6 for commercial purposes may be most persuasive”). Following these resumed
7 proceedings, there has not been any substantial additional evidence adduced showing
8 historic navigation of the Gila River; if anything, the evidence received clarifies that
9 (1) there was a substantial need for navigation, even in “undeveloped” times; and (2)
10 most attempts at navigating the Gila River were unsuccessful. Efforts by the
11 proponents of navigability to explain the absence of navigation or accounts of
12 navigation lack serious credibility.
13

14 In these resumed proceedings, the proponents of navigability presented
15 testimony from two witnesses—Jon Fuller, an engineer and geologist,² and Don
16 Farmer, a recreational boater. Mr. Fuller made two presentations—one entitled
17 “Boating in Arizona ca. 1912”³ (“Boating PowerPoint”) and the second, “Presentation
18 to ANSAC: Gila River Navigability”⁴ (“Gila River PowerPoint”). Mr. Farmer
19 testified about his experiences on the Gila River with modern recreational watercraft.
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24 ² Exhibit X017, ASLD No. 76.

25 ³ Exhibit X020.

26 ⁴ Exhibit X020.

1 **A. While the explanations provided for of lack of navigation, other than**
2 **non-navigability, are clearly lacking, there was a great need dating**
3 **back to prehistoric times.**

4 It is clear from the Boating PowerPoint and Mr. Fuller’s testimony in the
5 accompanying presentation that he applied the incorrect standard for determining
6 navigability. In his Boating PowerPoint, Fuller has two bullet points under the
7 heading “Susceptible to Trade and Travel”: “Sufficient depth of flow” and “Actual
8 historical use not required.”⁵ As he explained in his testimony, “susceptibility ...
9 basically is, there is sufficient depth of flow to float a boat”⁶ and “[i]f it’s deep
10 enough to float a boat, it’s susceptible to navigation.”⁷ This is not the federal standard
11 for navigability and the formulation does not give any meaning to the “highway for
12 commerce” element of the *Daniel Ball* test or the phrase “trade and travel.”

13 The Boating PowerPoint attempts to provide explanations for why there are not
14 more historical accounts of boating on Arizona’s rivers.⁸ One attempted explanation is
15 that “[w]hen the rivers had the water, Arizona didn’t have the population.”⁹ However,
16 Fuller’s “US Census Bureau” population numbers did not take into account that, in
17 early years, Native Americans were excluded from census counts. And then there are
18 the “pre-census” estimates. The Commission previously found that the Phoenix basin
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⁵ Boating PowerPoint, Slide #5.

22 ⁶ Tr. Vol. 1 at 20.

23 ⁷ Tr. Vol. 1 at 61.

24 ⁸ Boating PowerPoint, Slide #61.

25 ⁹ *Id.*

1 area and the middle Gila between Florence and the confluence with the Salt River
2 “was one of the most densely populated areas in the southwest with a population
3 estimated at between 20,000 and 150,000 at their peak” in prehistoric times.¹⁰ And
4 despite such numbers, “there is no evidence of the use of the Gila River by prehistoric
5 cultures for boating or travel on the water.”¹¹
6

7 Some of the reasons Fuller suggests for why there are not more historical
8 accounts of boating in Arizona are the *result of the non-navigability* of the rivers,
9 including that population centers were not located on rivers, that transportation routes
10 were not on rivers and that there were alternatives available.¹² This is perhaps most
11 apparent in Slide #67 of the Boating PowerPoint, which contends that some segments
12 of Arizona rivers are “[n]ot conducive to carrying major tonnage (e.g., ore).”¹³ That
13 is, there are no accounts of boating on some rivers *because those rivers were not*
14 *physically capable of sustaining commerce*. Taken with the other explanations for
15 why there are not more boating accounts on Arizona rivers, the Commission could
16 easily reach the conclusion that Mr. Fuller is actually opining that the reason there are
17 not more boating accounts on Arizona rivers is because those rivers are non-
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19
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21 ¹⁰ 2009 Gila Report at 27.

22 ¹¹ *Id.* There is no “paradox” as the Boating PowerPoint (Slide #62) suggests. Arizona had the
23 population when the rivers had water. The people simply did not use the rivers for boating or
24 travel on the water.

25 ¹² Boating PowerPoint, Slides #64-65. Navigable rivers generally have all of these things—
26 population centers on rivers, transportation routes on rivers and lesser use of alternatives.

¹³ Boating PowerPoint, Slide #67.

1 navigable.

2 Fuller's second explanation for why there are not more boating accounts is
3 likewise lacking in credibility; that "[b]oating may not have been newsworthy."¹⁴ The
4 descriptions of the various attempts to navigate the Gila River clearly indicate the
5 unusual—and sometimes humorous—nature of the attempts. If there is "faulty logic"
6 in these proceedings, it is that many of the reasons proffered for lack of boating
7 accounts either constitute or relate to non-navigability. To phrase it another way, the
8 non-navigability of the Gila River best explains the lack of accounts of navigation of
9 the Gila River.
10

11
12 There was also a great need for navigation, as documented in Dr. David
13 DeJong's recent work, "Stealing the Gila" (2009).¹⁵ Dr. DeJong provides a well-
14 researched account of the time period when California emigrants passed through the
15 Pima Villages along the Gila River. The Gila River was described as an oasis in the
16 desert with a series of springs and marshes.¹⁶ The farming of the Pimas at this time
17 (mid-1800s) was so extensive that they were considered "market players" on the Gila
18 and Southern trails.¹⁷ Products traded included flour, corn meal and watermelons.¹⁸
19 The trade with the emigrants involved hundreds, sometimes thousands of Indians, and
20

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22 ¹⁴ Boating PowerPoint, Slide #63.

23 ¹⁵ Exhibit X029.

24 ¹⁶ Exhibit X029, DeJong at 26.

25 ¹⁷ *Id.* at 27.

26 ¹⁸ *Id.* at 29.

1 the Pimas were accomplished traders.¹⁹ The Pimas accumulated surplus food and
2 developed methods for storing large quantities of food.²⁰ DeJong concludes that the
3 “Pima took full advantage of an unprecedented access to markets to cash in on an
4 economic bonanza.”²¹

5
6 Mr. Fuller’s analysis of the need for navigation completely ignores what was,
7 during “pre-development” conditions on the Gila River, a documented booming
8 economy among the Pima—one that does not reference any boating or use of the Gila
9 River for commerce, despite a substantial need.

10 **B. The available historic accounts of attempts to navigate the Gila River**
11 **support a finding of non-navigability.**

12 There was substantial testimony in the resumed proceedings regarding attempts
13 to boat the Gila River prior to Arizona statehood. Mr. Fuller presented evidence
14 regarding “Native American boating.” However, upon cross-examination, he
15 acknowledged that much of the material related to rivers other than the Gila River and
16 some did not even pertain to Arizona Indian tribes. Although Mr. Fuller “featured”
17 the Tohono O’odham “creation account” as evidence of Native American boating,²²
18 he acknowledged that there was no indication of where the story took place and that
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23 ¹⁹ *Id.* at 31.

24 ²⁰ *Id.* at 32.

25 ²¹ *Id.* at 40.

26 ²² Gila River PowerPoint, Slide #72.

1 use of the word “canoe” in the story would likely have been a translation.²³

2 As to the newspaper accounts of boating on the Gila River, the totality of the
3 those accounts indicates that attempts to boat the Gila River were few in number,
4 fraught with difficulty and sometimes unique. Examples include the “Howard Family
5 Trip.”²⁴ What the slide presented did not explain is that the Howard family boat had
6 wheels.²⁵ The “Forty Niners” account was based upon an unsigned letter with few
7 details.²⁶ The “Yuma or Bust”²⁷ claim of boating from Phoenix to Yuma was disputed
8 by the newspaper editor and there is a discrepancy in the dates of the articles.²⁸ The
9 “Cotton and Bingham Trip”²⁹ led to some revealing cross-examination of Mr. Fuller
10 about how he defined “successful” navigation of the Gila River. While the slide
11 implies that they made it from Phoenix to Yuma, the newspaper article only notes that
12 they “are leaving tomorrow.”³⁰

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14
15 When asked whether this trip was successful in the absence of evidence that
16 the trip was completed as planned, Mr. Fuller responded, “It’s certainly not
17

18 ²³ Tr. Vol. II at 483.

19 ²⁴ Gila River PowerPoint, Slide #103.

20 ²⁵ Tr. Vol. II at 491.

21 ²⁶ Gila River PowerPoint, Slide #104; Tr. Vol. II at 493.

22 ²⁷ Gila River PowerPoint, Slide #107.

23 ²⁸ Tr. Vol. II at 493-4.

24 ²⁹ Gila River PowerPoint, Slide #106.

25 ³⁰ Tr. Vol. II at 495.

1 unsuccessful.”³¹ Under his definition, navigation is apparently successful if someone
2 attempts to navigate the Gila River, even if there is no evidence the trip was
3 completed as planned. In fact, in a summary slide in the Gila River PowerPoint, Mr.
4 Fuller represented that “[a]ll but one boat reached destination”³² and concluded that
5 historical boating was successful. It was not.³³
6

7 **III. THE STREAMFLOW RECONSTRUCTIONS DO NOT SUPPORT A** 8 **FINDING OF NAVIGABILITY**

9 Beyond additional historical accounts of boating, the other category of
10 evidence introduced at the resumed hearings involves streamflow reconstructions for
11 the Gila River based upon available historical data. The Community contends that
12 none of the streamflow reconstructions indicate enough flow or account for river
13 conditions at the time of statehood to support a finding of navigability for any
14 segment, except possibly what ASLD identified as the portion of Segment 8 near the
15 confluence with the Colorado River. In addition, the minimum standard identified by
16 the proponents of navigability is a modern recreational standard which does not meet
17 the federal test of navigability.
18

19 Under his definition of navigability (i.e., “float a boat”), Mr. Fuller repeatedly
20 opined that canoeing in six inches of water was sufficient to meet the *Daniel Ball* test.
21 The six inch figure, in turn, comes from a source identified in the Boating PowerPoint
22

23
24 ³¹ *Id.* at 496.

25 ³² Gila River PowerPoint, Slide #123.

26 ³³ Issues with some of the other newspaper accounts are examined at Tr. Vol. II 497-502.

1 as “US Fish and Wildlife, 1978 (as cited in ASLD, 2003).”³⁴ While the slide is titled,
2 “Federal Minimum Standards for Boating,” they are not.³⁵ The source cited is a
3 federally-funded study, “Methods of Assessing Instream Flows for Recreation,”
4 authored by Ronald Hyra (1978). That study clearly specifies that it “presents the
5 techniques of assessing instream flows for recreation.”³⁶
6

7 While .5 feet is specified as a required stream depth, the study further states
8 that “[t]he criteria of Table 1 are minimal and would not provide a satisfactory
9 experience if the entire river was at this level.”³⁷ The figures in the study assumed
10 modern recreational watercraft.³⁸ And while 0.5 is identified by Hyra as a “physical”
11 minimum depth, he identifies 1.0 feet as a “safety” depth and 2.5 plus feet as
12 “optimum” for canoeing-kayaking.³⁹ In questioning on the standard he used, Mr.
13 Fuller used recreational terms; that one foot would be “more fun than half a foot.”⁴⁰
14

15 Given that the only standard for navigable depth identified is taken from a
16 1978 study of instream flows for modern recreational boating, which assumes modern
17

18
19 ³⁴ Boating PowerPoint, Slide #76.

20 ³⁵ There is no evidence the standards have been adopted by any federal agency or court as a
21 standard for navigability.

22 ³⁶ Hyra at 1.

23 ³⁷ *Id.* at 3.

24 ³⁸ Tr. Vol. II at 470.

25 ³⁹ Hyra at A-12.

26 ⁴⁰ Tr. Vol. II at 471.

1 watercraft, and that the depth identified is a bare physical minimum for canoes or
2 kayaks, the Commission could conclude that the proponents of navigability have
3 failed to meet their burden of proof of navigability. *See Winkleman*, 229 P.3d at 250
4 (“this court has previously recognized that the burden of proof rests on the party
5 asserting navigability”).
6

7 However, there are other standards upon which the Commission can rely. In
8 *United States v. Utah*, the Special Master determined that the Green and Grand Rivers
9 were navigable based upon a survey which found that the mean depths of those rivers
10 fell below three feet during 53 (Green) and 16 (Grand) days of the year, considerably
11 deeper than the Gila River under any of the streamflow reconstructions.⁴¹ Given the
12 date of Utah statehood (1896) and that Utah is also a southwestern state, it provides
13 strong comparison for this matter. The Special Master did not use data from periods
14 long after Utah statehood.⁴² Likewise, other sources identify necessary depths for
15 navigation in ranges generally starting above three feet.⁴³
16
17

18 Specifically, with regard to the Middle Gila, the streamflow reconstruction
19 figures do not provide any depths sufficient to meet the federal standard for
20 navigability.⁴⁴
21
22

23 ⁴¹ Exhibit X008, Burtell Declaration at 18.

24 ⁴² Exhibit X009, Gookin Report at 86 (using the PDF pagination).

25 ⁴³ *Id.* at 88-89.

26 ⁴⁴ *Id.* at 4.

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CONCLUSION

The Commission should affirm its findings from 2009, and conclude that the Gila River from the New Mexico border to its confluence with the Colorado River above Yuma, except for the end of the Gila River affected by the backwater of the Colorado River, was *not* used or susceptible to being used, in its ordinary and natural condition, as a highway for commerce, over which trade and travel were or could have been conducted in the customary modes of travel and travel on water as of February 14, 1912, as defined in A.R.S. § 37-1101(5).

DATED this 14th day of November, 2014.

GILA RIVER INDIAN COMMUNITY

By 
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1 **FILED on the 14th day of November, 2014 with:**

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