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

9 Case No. 04-009-NAV (Verde)

10 IN THE MATTER OF THE
11 NAVIGABILITY OF THE VERDE
12 RIVER FROM ITS HEADWATERS
13 AT SULLIVAN LAKE TO THE
14 CONFLUENCE WITH THE SALT
15 RIVER, YAVAPAI, GILA, AND
16 MARICOPA COUNTIES, ARIZONA

**THE YAVAPAI-APACHE NATION'S
AND FORT McDOWELL YAVAPAI
NATION'S JOINDER
IN THE JOINT RESPONSES TO
PROponents' PROPOSED FINDINGS
OF FACT AND CONCLUSIONS OF LAW
AND THE NATIONS'
ADDITIONAL RESPONSES**

15 Pursuant to the Chairman's Order Amending Deadlines for Submission of Briefs, dated
16 October 23, 2015, the Yavapai-Apache Nation ("YAN") and the Fort McDowell Yavapai
17 Nation ("FMYN") (collectively, the "Nations") join in the Joint Response filed by Freeport
18 Minerals Corporation ("Freeport") and Salt River Project Agricultural Improvement and
19 Power District and Salt River Valley Users' Association ("SRP") to Proponents' Proposed
20 Findings of Fact and Conclusions of Law, dated December 7, 2015 ("Joint Response").¹ The
21 "Proponents" are the Arizona State Land Department, Defenders of Wildlife, *et al.*, and the
22 Maricopa County and the Flood Control District of Maricopa County.

23 _____
24 ¹ The Freeport/SRP Joint Response is encaptioned, "*Freeport Minerals Corporation and the Salt River*
25 *Project's Joint Responses to the Proposed Findings of Fact and Conclusions of Law Submitted by the*
Proponents of Navigability."

1 The Nations have also prepared a table, attached here as "YAN-FMYN Appendix 1",
2 which cross-references Proponents' findings of fact with those relevant alternative proposed
3 findings of fact previously filed by the Nations on November 9, 2015.² The table sets forth
4 the Nations' additional responses to Proponents' individual proposed findings of fact, beyond
5 those outlined in the Freeport/SRP Joint Response.³

6 Finally, with respect to Proponents' proposed conclusions of law, in addition to the
7 joining the Freeport/SRP Joint Response, the Nations also rely on their separate and additional
8 conclusions of law filed with the Commission on November 9, 2015, to the extent these
9 conclusions refute the conclusions submitted by Proponents.

10 RESPECTFULLY SUBMITTED this 7th day of December, 2015.

11 **MONTGOMERY & INTERPRETER, PLC**

12 By: 

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19 A PDF COPY OF THE FOREGOING was filed *via* email
20 on this 7th day of December, 2015, with
21 the original and six copies mailed this same day:

22 George Mehnert, Email: nav.streams@ansac.az.gov
23 Arizona Navigable Stream Adjudication Commission
24 1700 W. Washington, Ste. B-54
25 Phoenix, AZ 85007

² See Yavapai-Apache Nation's and the Fort McDowell Yavapai Nation's Joinder in The Salt River Project's Proposed Findings of Fact and Conclusions of Law and Additional Findings of Fact and Conclusions of Law, dated November 9, 2015.

³ The Nations' Joinder in the findings of fact referenced in the Freeport/SRP Joint Response is limited to this ANSAC proceeding. It is not intended to and should not be construed to extend to any other pending or future proceeding.

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2 A PDF COPY OF THE FOREGOING was emailed
3 this 7th day of December, 2015, to:

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YAN-FMYN
APPENDIX 1

Proponent FOF	<i>Compare with</i>
Arizona State Land Department	
ASLD FOF 14-15	YAN & FMYN 2-5
ASLD FOF 20	YAN & FMYN 51-52
ASLD FOF 22	YAN & FMYN 46-50, 61-63
ASLD FOF 24-31	YAN & FMYN 2-5, 6-8, 9-11
ASLD FOF 35	YAN & FMYN 53-60
ASLD FOF 36	YAN & FMYN 12-23
ASLD FOF 50-52	YAN & FMYN 51-52
ASLD FOF 53	YAN & FMYN 12-23
ASLD FOF 54-61	YAN & FMYN 51-52
ASLD FOF 62-70	YAN & FMYN 53-60
ASLD FOF 71-75	YAN & FMYN 51-52
ASLD FOF 76-80	YAN & FMYN 53-60
ASLD FOF 82-87	YAN & FMYN 53-60
ASLD FOF 88-97	YAN & FMYN 53-60
ASLD FOF 98-100	YAN & FMYN 12-23
ASLD FOF 101-102	YAN & FMYN 46-50
ASLD FOF 107	YAN & FMYN 28-45, 46-50
ASLD FOF 108	YAN & FMYN 46-50
ASLD FOF 110-111	YAN & FMYN 46-50, 51-52
ASLD FOF 112	YAN & FMYN 51-52
ASLD FOF 113	YAN & FMYN 12-23
ASLD FOF 114-127	YAN & FMYN 46-50, 51-52, 53-60
ASLD FOF 128-138	YAN & FMYN 12-23
ASLD FOF 139-150	YAN & FMYN 24-27
ASLD FOF 163-174	YAN & FMYN 28-45, 26-50
ASLD FOF 200	YAN & FMYN 46-50
ASLD FOF 201	YAN & FMYN 28-45
ASLD FOF 202	YAN & FMYN 28-45, 46-50
ASLD FOF 203-216	YAN & FMYN 46-50
ASLD FOF 217-220	YAN & FMYN 28-45
ASLD FOF 221-223	YAN & FMYN 46-50
ASLD FOF 224-231	YAN & FMYN 28-45
ASLD FOF 232-237	YAN & FMYN 46-50
ASLD FOF 238	YAN & FMYN 51-52
ASLD FOF 240-242	YAN & FMYN 46-50
ASLD FOF 244-271	YAN & FMYN 46-50
ASLD FOF 274-275	YAN & FMYN 46-50
ASLD FOF 278-279	YAN & FMYN 46-50
ASLD FOF 283-286	YAN & FMYN 66-73
ASLD FOF 299-313	YAN & FMYN 66-73
ASLD FOF 314-317	YAN & FMYN 12-23
ASLD FOF 318-321	YAN & FMYN 66-73
ASLD FOF 322-355	YAN & FMYN 66-73

Proponent FOF	Compare with
ASLD FOF 356-357	YAN & FMYN 53-60
ASLD FOF 360-361	YAN & FMYN 66-73
ASLD FOF 362	YAN & FMYN 53-60
ASLD FOF 363	YAN & FMYN 64-65
ASLD FOF 368-369	YAN & FMYN 53-60
ASLD FOF 373-375	YAN & FMYN 61-63
ASLD FOF 392(1)(a)	YAN & FMYN 2-5
ASLD FOF 393-398	YAN & FMYN 12-23
ASLD FOF 402	YAN & FMYN 66-73
ASLD FOF 403	YAN & FMYN 66-73
ASLD FOF 404-405	YAN & FMYN 66-73
ASLD FOF 407-409	YAN & FMYN 66-73
ASLD FOF 410	YAN & FMYN 6-8
ASLD FOF 415	YAN & FMYN 61-63
ASLD FOF 418	YAN & FMYN 51-52
ASLD FOF 420	YAN & FMYN 66-73
ASLD FOF 421	YAN & FMYN 24-27
ASLD FOF 424	YAN & FMYN 28-45
ASLD FOF 426-428	YAN & FMYN 28-45
ASLD FOF 429-439	YAN & FMYN 46-50
ASLD FOF 442	YAN & FMYN 61-63
ASLD FOF 451	YAN & FMYN 28-45
ASLD FOF 453-454	YAN & FMYN 46-50
ASLD FOF 457	YAN & FMYN 46-50
ASLD FOF 470-474	YAN & FMYN 66-73
ASLD FOF 476-479	YAN & FMYN 66-73
ASLD FOF 480-485	YAN & FMYN 66-73
ASLD FOF 486-491	YAN & FMYN 66-73
ASLD FOF 493	YAN & FMYN 66-73
ASLD FOF 495	YAN & FMYN 66-73
ASLD FOF 504-507	YAN & FMYN 66-73
ASLD FOF 508	YAN & FMYN 66-73
ASLD FOF 509-512	YAN & FMYN 66-73
ASLD FOF 513-519	YAN & FMYN 66-73
ASLD FOF 523	YAN & FMYN 66-73
ASLD FOF 524	YAN & FMYN 66-73
ASLD FOF 525-528	YAN & FMYN 66-73
ASLD FOF 530-532	YAN & FMYN 66-73
ASLD FOF 534	YAN & FMYN 9-11, 61-63
ASLD FOF 539	YAN & FMYN 9-11
ASLD FOF 540-541	YAN & FMYN 28-45
ASLD FOF 542-543	YAN & FMYN 46-50
ASLD FOF 544-545	YAN & FMYN 61-63
ASLD FOF 546	YAN & FMYN 28-45

Proponent FOF	Compare with
ASLD FOF 548	YAN & FMYN 46-50
ASLD FOF 560-567	YAN & FMYN 66-73
Defenders of Wildlife, et al.	
DOW FOF 1-9	YAN & FMYN 2-5, 6-8, 9-11
DOW FOF 13-15	YAN & FMYN 51-52
DOW FOF 22-23	YAN & FMYN 24-27
DOW FOF 25	YAN & FMYN 28-45
DOW FOF 34	YAN & FMYN 66-73
DOW FOF 35	YAN & FMYN 66-73
DOW FOF 36-37	YAN & FMYN 66-73
DOW FOF 38	YAN & FMYN 66-73
DOW FOF 39	YAN & FMYN 66-73
DOW FOF 40	YAN & FMYN 66-73
DOW FOF 41	YAN & FMYN 66-73
DOW FOF 42	YAN & FMYN 66-73
DOW FOF 43-44	YAN & FMYN 66-73
DOW FOF 45	YAN & FMYN 66-73
DOW FOF 46	YAN & FMYN 66-73
DOW FOF 47	YAN & FMYN 64-65, 66-73
DOW FOF 48-50	YAN & FMYN 66-73
DOW FOF 52-57	YAN & FMYN 51-52
DOW FOF 59-67	YAN & FMYN 51-52
DOW FOF 68	YAN & FMYN 51-52