

Thomas C. Horne
 Attorney General
 Firm Bar No: 14000
 Joy Hernbrode (020494)
 Laurie A. Hachtel (015949)
 Paul A. Katz (004843)
 Assistant Attorneys General
 Natural Resources Section
 1275 West Washington Street
 Phoenix, Arizona 85007-2997
 Phone No.: (602) 542-8342
 Fax No.: (602) 542-4084
 Email: NaturalResources@azag.gov
 Attorneys for the Arizona State Land Department

**BEFORE THE
 ARIZONA NAVIGABLE STREAM ADJUDICATION COMMISSION**

IN THE MATTER OF THE NAVIGABILITY
 OF THE GILA RIVER FROM THE NEW
 MEXICO BORDER TO THE CONFLUENCE
 WITH THE COLORADO RIVER,
 GREENLEE, GRAHAM, GILA, PINAL,
 MARICOPA AND YUMA COUNTIES,
 ARIZONA.

No. 03-007-NAV

**ARIZONA STATE LAND
 DEPARTMENT'S NOTICE OF FIFTH
 SUPPLEMENTAL SUBMISSION OF
 EVIDENCE REGARDING THE GILA
 RIVER**

The Arizona State Land Department ("ASLD" or the "Department") hereby submits the following fifth supplemental evidence in the above-referenced matter. ASLD reserves the right to supplement its evidence through the close of evidence.

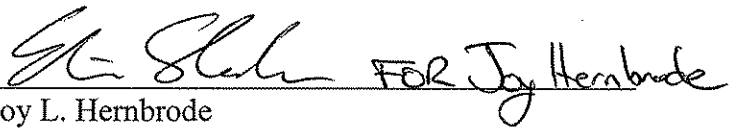
TAB NO.	DESCRIPTION
86	White, C.A. <i>Instructions to the Surveyor General of Oregon; Being A Manual for Field Operations (1851)</i> , A History of the Rectangular Survey System, U.S. Department of the Interior, Bureau of Land Management, pp. 433-456 (1926)
87	White, C.A. <i>Instructions to the Surveyors General of Public Lands of The United States, for Those Surveying Districts Established in and Since the Year 1850; Containing, Also, A Manual of Instructions to Regulate the Field Operations of Deputy Surveyors Illustrated by Diagrams (1855)</i> , A History of the Rectangular Survey System, U.S. Department of the Interior, Bureau of Land Management, pp. 457-493, Diagrams A-C, 500 (1926).

TAB NO.	DESCRIPTION
88	White, C.A. <i>Instructions to the Surveyors General of the United States, Relating to their Duties and to the Field Operations of Deputy Surveyors, Prescribed, According to Law, by the Commissioner of the General Land Office (1864)</i> , A History of the Rectangular Survey System, U.S. Department of the Interior, Bureau of Land Management, pp. 501-506 (1926)
89	White, C.A. <i>Instructions of the Commissioner of the General Land Office to the Surveyors General of the United States Relative to the Survey of the Public Lands and Private Land Claims (5/3/1881)</i> , A History of the Rectangular Survey System, U.S. Department of the Interior, Bureau of Land Management, pp. 511-536, Diagrams A-C (1926)
90	White, C.A. <i>Manual of Surveying Instructions for the Survey of the Public Lands of the United States and Private Land Claims, Prepared in conformity with law under the direction of The Commission of the General Land Office (1/1/1890)</i> , A History of the Rectangular Survey System, U.S. Department of the Interior, Bureau of Land Management, pp. 555-585, Diagrams A-D (1926)
91	White, C.A. <i>1894 Manual of Surveying Instructions for the Survey of the Public Lands of the United States and Private Land Claims, Prepared in conformity with law under the direction of The Commissioner of the General Land Office (6/30/1894)</i> , A History of the Rectangular Survey System, U.S. Department of the Interior, Bureau of Land Management, pp. 595-663, Plate I-IX (1926)
92	White, C.A. <i>Manual of Surveying Instructions for the Survey of the Public Lands of the United States and Private Land Claims, Prepared in conformity with law under the direction of The Commissioner of the General Land Office (1/1/1902)</i> , A History of the Rectangular Survey System, U.S. Department of the Interior, Bureau of Land Management, pp. 693-734, Plates I-VIII (1926)
93	White, C.A. <i>Office of the Survey General of Arizona 1863-1924</i> , A History of the Rectangular Survey System, U.S. Department of the Interior, Bureau of Land Management, p. 197 (1926)
94	Simpson, James A. <i>The Rectangular Survey System, River & Lake Boundaries: Surveying Water Boundaries – a Manual, Second Edition</i> , pp. 9-14, Plat Key Publishing Co., 2005.
95	Simpson, James A. <i>Meanders, River & Lake Boundaries: Surveying Water Boundaries – a Manual, Second Edition</i> , pp. 15-30, Plat Key Publishing Co., 2005.
96	Simpson, James A. <i>Navigability, River & Lake Boundaries: Surveying Water Boundaries – a Manual, Second Edition</i> , pp. 15-30, Plat Key Publishing Co., 2005.
97	White, C. Albert. Chapter IV, <i>The Direct System to End of the General Land Office</i> , A History of the Rectangular Survey System, Bureau of Land Management (1926)
98	White, C. Albert. Chapter III, <i>The General Land Office Within the Department of the Interior</i> , A History of the Rectangular Survey System, Bureau of Land Management (1926)

TAB NO.	DESCRIPTION
99	DuBois, Susan M. and Smith Ann W. The 1887 Earthquake in San Bernardino Valley, Sonora: Historic accounts and intensity patterns in Arizona, Special Paper No. 3, The Bureau of Geology and Mineral Technology, University of Arizona (December 1980)
100	McGarvin, Thomas G. The 1887 Sonoran Earthquake: It Wasn't Our Fault, Fieldnotes, Arizona Bureau of Geology and Mineral Technology, Vol. 17, No. 2, Summer 1987
101	Strong, Paul. Where Waters Run Beavers, NorthWord Press, 1997.
102	Gila River Google Earth Photos
103	Harbors and Navigation Code §§ 100-107 (WESL FIS7)
104	Arizona Population of Counties by Decennial Census 1900-1990
105	Utah Population of Counties by Decennial Census 1900-1990
106	Klawon, Jeanne E. Upper Gila River Fluvial Geomorphology Study, Catalog of Historical Changes Arizona, U.S. Department of the Interior, U.S. Bureau of Reclamation, June 8, 2001
107	Photograph, Wagon train hauling ore from a mine in Metcalf to nearby train (1890s), William Ryder Ridgway Photograph Collection, ca. 1864 – ca. 1925, Arizona State University Libraries, CP_RR_144.jpg
108	Trimble, Marshall. In Old Arizona, True Tales of the Wild Frontier!, The Arizona Trilogy – Volume 2, Golden West Publishers, 1986
109	1912 Arizona railroad map
110	Granger, Byrd Howell. Arizona's Names (X Marks the Place), The Falconer Publishing Company, 1983
111	Feature Detail Report for Gila River, Geographic Names Information System, U.S. Geological Survey
112	Design Manual for Engineering Analysis of Fluvial Systems, Arizona Department of Water Resources, Simons, Li & Associates, Inc., March 1985
113	Kearey, P. Dictionary of Geology, Penguin Books, 1996
114	Fairbridge, Rhodes W. The Encyclopedia of Geomorphology, Reinhold Book Corporation, 1968
115	Davis, Good Paschall, Jr. Man and Wildlife In Arizona: The Pre-Settlement Era, 1823-1864, A Thesis Submitted to the Faculty of the Department of Biological Sciences, The University of Arizona, 1973
116	Ross, Clyde P. The Lower Gila Region, Arizona, A Geographic, Geologic, And Hydrologic Reconnaissance With A Guide To Desert Water Places, Water-Supply Paper 498, United States Geological Survey, 1923

DATED: August 7, 2014.

THOMAS C. HORNE
Attorney General


Joy L. Hernbrode
Laurie A. Hachtel
Paul A. Katz
Assistant Attorneys General
Attorneys for the Arizona State Land Department

ORIGINAL AND SIX COPIES of the foregoing
hand-delivered for filing this 7th day of
August, 2014, to:

Arizona Navigable Stream Adjudication Commission
1700 W. Washington
Room B-54
Phoenix, AZ 85007

COPY of the foregoing mailed this 7th day of
August, 2014, to:

Fred E. Breedlove III
Squire Sanders
1 E. Washington St., Suite 2700
Phoenix, Arizona 85004
Attorney for Arizona Navigable Stream Adjudication Commission

John B. Weldon, Jr.
Mark A. McGinnis
Salmon, Lewis and Weldon, PLC
2850 East Camelback Rd., Ste. 200
Phoenix, AZ 85016-4316
Attorneys for the Salt River Project Agricultural Improvement and
Power District and Salt River Valley Water Users' Association

Cynthia M. Chandley
Robert J. Pohlman
L. William Staudenmaier
Christopher W. Payne
Snell & Wilmer
400 East Van Buren
Phoenix, AZ 85004-2022
Attorneys for Freeport-McMoRan Copper & Gold Inc.

Sean Hood, Esq.
Fennemore Craig, P.C.
2394 East Camelback, Suite 600
Phoenix, AZ 85016-3429
Attorneys for Freeport-McMoRan Copper & Gold, Inc.

Joy Herr-Cardillo
AZ Center for Law in the Public Interest
2205 East Speedway Blvd.
Tucson, AZ 85719-0001
Attorneys for Defenders of Wildlife, Donald Steuter, Jerry Van Gasse
and Jim Vaaler

Joe Sparks
John H. Ryley
The Sparks Law Firm, P.C.
7503 First Street
Scottsdale, AZ 85251-4201
Attorneys for San Carlos Apache Tribe

John Helm
Sally Worthington
Helm, Livesay & Worthington, Ltd.
1619 East Guadalupe, Suite One
Tempe, AZ 85283-3970
Attorneys for Maricopa County

Steven L. Wene
Moyes Sellers & Sims
1850 N Central Ave, #1100
Phoenix, AZ 85004
Attorneys for Board of Regents/Arizona State University

Cynthia S. Campbell
City of Phoenix
200 West Washington, #1300
Phoenix, AZ 85003-1611
Attorney for City of Phoenix

William H. Anger
Engelman Berger, P.C.
Security Title Plaza, Suite 700
3636 North Central Avenue
Phoenix, Arizona 85012
Attorney for City of Mesa

Charles L. Cahoy
Assistant City Attorney
City of Tempe
21 East Sixth Street, Suite 201
Tempe, AZ 85281
Attorney for City of Tempe

Michael J. Pearce
Maguire & Pearce PLLC
2999 N 44th St. Suite 630
Phoenix, AZ 85018-0001
Attorney for Home Builders Association of Central Arizona

Carla A. Consoli
Lewis & Roca, LLP
40 North Central Avenue
Phoenix, AZ 85004-4429
Attorney for CEMEX CEMENT, INC.

James T. Braselton
Mariscal, Weeks, McIntyre & Friedlander
2901 North Central Avenue, #200
Phoenix, AZ 85012-2705
Attorney for Land Title Association of Arizona

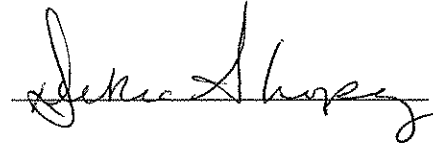
Julie M. Lemmon
1095 W Rio Salado Parkway, Suite 102
Tempe, AZ 85281
Attorney for Flood District of Maricopa County

Linus Everling
Thomas L. Murphy
Gila River Indian Community
P.O. Box 97
Sacaton, AZ 85247
Attorneys for Gila River Indian Community

Sandy Bahr
202 East McDowell Road, Ste. 277
Phoenix, AZ 85004
For the Sierra Club

David A. Brown
Brown & Brown Law Offices
128 East Commercial
P.O. Box 1890
St. Johns, AZ 85936

Susan B. Montgomery
Robyn Interpreter
Montgomery & Interpreter P.L.C.
4835 East Cactus Road, Suite 210
Scottsdale, AZ 85254
Attorneys for Yavapai-Apache Nation



3895138v1