



City of Phoenix
OFFICE OF THE CITY ATTORNEY

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Winner of the
Carl Bertelsmann
Prize



September 25, 1996

HAND DELIVERED

Roderick G. McDougall
City Attorney

Arizona Navigable Stream Adjudication Commission
1700 West Washington
West Wing Executive Tower, Suite 404
Phoenix, Arizona 85007

ATTENTION: Christina Waddell, Executive Director

Re: ANSAC Document Filings

Dear Commission Members:

Pursuant to the Commission's directive at its meeting on September 24, 1996 I am designating documents filed previously with ANSAC by the City of Phoenix in Administrative Docket No. 94-1 for inclusion in the record of proceedings to make the initial classification of the Salt River from Granite Reef Dam to the Gila River confluence. (ANSAC Administrative Case No. 96-002). Specifically, I am delineating the Notice of Appearance and Intent to Participate filed with ANSAC by the City of Phoenix on January 14, 1994. A copy of the Notice together with a copy of the two Indices of Exhibits covering 184 items is also enclosed. Contemporaneously with the delivery of this correspondence Doug Kupel, Ph.D. will be happy to assist you or your assistant in locating these materials.

Thank you for your attention to this matter.

Respectfully,

M. JAMES CALLAHAN
Assistant City Attorney

MJC:cf/::ODMA\SOFTSOL\311\NATRES\1113\0

Maricopa County, Lower Salt River

03-005-NAV 10f3
4/7/03

Evidence Item No. 012

SALT RIVER
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Case	1-14	99	94
By	R. Good		

BEFORE THE ARIZONA NAVIGABLE STREAMBED ADJUDICATION COMMISSION

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IN THE MATTER OF THE)
NAVIGABILITY OF THE SALT RIVER)
[From Granite Reef Dam to the)
Gila River Confluence])

ADMIN. DOCKET NO. 94-1

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

A. NAME, ADDRESS AND TELEPHONE NUMBER OF RESPONDENT

Name: City of Phoenix

Address: 200 West Washington
Phoenix, AZ 85003

Telephone: (602) 262-6761

(Please check Box B and provide the requested information if you intend to participate as a party in the above-captioned matter. See Commission Rule R12-17-108(A)-(C). Please check Box C and provide the requested information if you intend only to testify before the Commission or to file documents with the Commission, or both, but do not want to participate as a party. See Commission Rule R12-17-108(E). If more room is needed to respond, please attach a supplemental statement identified by paragraph number.)

B. APPEARANCE AND INTENT TO PARTICIPATE AS A PARTY

1. The person named in Section A above intends to appear as a party in the above-captioned matter.

If represented:

Attorney Name: M. James Callahan
Assistant City Attorney

Address: 200 West Washington, 13th Floor
Phoenix, AZ 85003

Telephone: (602) 262-6761

2. Concise statement of position as to whether or not the Salt River was navigable as of February 14, 1912. The Salt River between Granite Reef Dam and its confluence with the Gila River was not navigable on February 14, 1912. For the purposes of this proceeding the term "navigable" is limited to the definition set forth in A.R.S. Section 37-1101(6).

Arizona
State Land Department
1616 WEST ADAMS
PHOENIX, ARIZONA 85007

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C. INTENT TO TESTIFY, FILE DOCUMENTS, OR BOTH, WITHOUT FORMAL APPEARANCE AS A PARTY

1. The person named in Section A above intends to testify before the Commission in the above-captioned matter about: _____

Please notify me of the date and time the Commission will hear testimony from the public.

2. The person named in Section A above is submitting the attached documents for the Commission to consider. (Please briefly identify each document submitted.)

DATED this 14th day of January, 1994.

M. James Callahan
(Signature of Party, or Attorney, if represented, or of interested person)

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INDEX OF EXHIBITS

ORIGINAL

96-002-0/2

VOLUME I

SALT RIVER

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1. Memorandum from Director, U.S. Dept. of the Interior, Bureau of Land Management received 5/15/64 State Office, Bureau of Land Management, Phoenix, Arizona
2. A Historical Analysis of Portions of the Salt and Gila Rivers, Arizona prepared by Elaine C. Lacy, dated February, 1987
3. An Historical Analysis of the Salt River 1830-1912, Prepared by Barbara Behan, Dated 5/12/88
4. Inspection Report of Camp McDowell
5. Personal History of George Robert Finch
6. Hurley v. Abbott - Action to Quiet Title
7. Hurley v. Abbott - Amended Complaint
8. Hurley v. Abbott - Answer of H. Criswell
9. Hurley v. Abbott - Answer and Cross Complaint of United States of America
10. Hurley v. Abbott - Answer of Lou Perkins
11. Consolidated Canal Company v. Tempe Irrigation Canal Company -Answer of Tempe Irrigation Canal Company
12. Consolidated Canal Company v. The Arizona Canal Company, et al.- Complaint dated June 16, 1894
13. Consolidated Canal Company v. The Arizona Canal Company, et al. - Summons and Answer of Defendant M. Wormser
14. The Utah Canal Enlargement and Extension Company v. The Utah Irrigation Ditch Company, et al. - Complaint
15. The Utah Canal Enlargement and Extension Company v. The London Company, et al., Complaint
16. The Consolidated Canal Company v. The Utah Canal Enlargement and Extension Company - Complaint

17. The Consolidated Canal Company v. The Tempe Irrigation Canal Company - Amended Complaint
18. Consolidated Canal Company v. Tempe Irrigation Canal Company -Demurrer and Answer of Tempe Irrigation Canal Company
19. Consolidated Canal Company v. Arizona Canal Company - Complaint, dated August, 1894
20. M. Wormser v. Charles T. Hayden - Complaint
21. Frank B Austin v. A. J. Chandler, et al., - Complaint
22. A. J. Peters v. The Consolidated Canal Company - Complaint
23. W. S. Johnson, et al. v. The Consolidated Canal Company - Complaint
24. James C. Goodwin v. Granvill H. Oury - Complaint
25. James C. Goodwin v. Granvill H. Oury - Handwritten Complaint
26. C. A. Saylor, et al. v. The Consolidated Canal Company - Complaint
27. A. J. Peters, et al. v. The Consolidated Canal Company - Complaint
28. L. L. Harmon, et al. v. The Consolidated Canal Company - Complaint
29. J. C. Carmichael v. Bill Galbreath and John H. Ivy - Complaint
30. Vernon L. Clark, et al. v. The Bartlett Heard Land and Cattle Company, et al. - Amended Complaint
31. W. W. Dobson, et al. v. James Johnson - Complaint
32. Correspondence from the Department of the Interior, General Land Office, Washington, D.C., dated October 5, 1894 and handwritten notes
33. Correspondence from the Department of the Interior, United States Geological Survey to the Director, United States Reclamation Service, Dated May 14, 1912
34. Ground Waters of Salt River Valley (24 pages)

35. Correspondence from Department of the Interior, United States Geological Survey, Chief Division of Hydro Economics to F. H. Newell, Chief Engineer, U.S. Geological Survey dated April 28, 1904
36. Inspection Report - Salt River Project dated May 19, 1906 to Mr. F. H. Newell, Chief Engineer, U.S.R.S.
37. Volume I, Arizona - Salt River Project Preliminary History (8 pages)
38. Correspondence from Maricopa County Commercial Club to Mr. J. L. B. Alexander, U.S. Attorney, Phoenix, dated March 21, 1908
39. Drafting Div. Files, Correspondence from the Director to the Secretary of the Interior, Washington D.C., report regarding entire canyon of the Salt River, Arizona will need irrigation works
40. Department of the Interior, Office of the Secretary of Reclamation Service, Salt River Project, Water Rights, August 2, 1912 to October 23, 1912 (26 pages)
41. Correspondence from Department of the Interior, United States Indian Service, Klamath Agency, Oregon to Secretary of the Interior, Washington, D.C., dated August 25, 1904
42. National Archives Pacific Southwest Region - Letters sent by Agent, Box No. A013061-114680
43. Handwritten correspondence to Commissioner of Indian Affairs, Washington, D.C. from Claude M. Johnson, dated Pima, Sacaton, July 13th
44. Handwritten correspondence to Commissioner of Indian Affairs, Washington, D.C., from C. W. Crouse, dated Pima, Sacaton, April 15, '90
45. National Archives Pacific Southwest Region, Letters sent by Agent, Box No. 013126 - 114703
46. Handwritten Correspondence to Commissioner of Indian Affairs, Washington, D.C., from C. W. Crouse, dated Pima, Sacaton, June 20, '90
47. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from C. W. Crouse, dated Sacaton, Arizona, March 4, 1891

48. National Archives Pacific Southwest Region, Letters sent by Agent March 16, 1892 to January 3, 1893, Box No. 013126-114703
49. Correspondence to Charles T. Hayden, Tempe, Arizona from C. W. Crouse dated Sacaton, Arizona, June 13, 1892
50. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from C. W. Crouse dated Sacaton, Arizona, July 8, 1892
51. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from United States Indian Service, dated Sacaton, Arizona, August 1, 1892
52. National Archives Pacific Southwest Region, Letters sent to the Office of the Commissioner of Indian Affairs 1896-1905, Box 2
53. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from U.S. Indian Agent dated Pima Agency, Sacaton, Arizona, March 8, 1901
54. National Archives Pacific Southwest Region, Letters sent by Agents January 1, 1904 to May 31, 1906
55. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from Superintendent, Pima Training School, dated Sacaton, Arizona, September 30, 1904
56. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from Pima Training School, dated Sacaton, Arizona, February 25, 1905
57. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from Superintendent, Pima Training School, dated Sacaton, Arizona, March 13, 1905
58. Correspondence to Commissioner of Indian Affairs from Superintendent Pima Training School, dated Sacaton, Arizona, April 10, 1905
59. National Archives Pacific Southwest Region, Letters sent by Agent 8/13/07-9/9/08, Box No. A013061-114680
60. Correspondence to Louis C. Hill, Supervising Engineer, U.S.R.S. from Superintendent, Pima Agency, dated Sacaton, Arizona, September 11, 1907

61. National Archives Pacific Southwest Region, Letters sent by Agent 6/1/06 to 9/15/08, Box No. A013061-114680
62. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from Superintendent, Pima Training School, dated Sacaton Arizona, January 14, 1908
63. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from Superintendent, Pima Training School, dated Sacaton Arizona, July 10, 1908
64. National Archives Pacific Southwest Region, Pima Indian Agency, Misc. Corresp., Box 9
65. Handwritten Correspondence to Mr. P. B. Hughes from Superintendent Pima Training School, dated Sacaton, Arizona, December 14, 1908
66. Handwritten correspondence to Superintendent Indian Schools, Sacaton, AZ from Salt River Agency dated December 21, 1908
67. Handwritten correspondence to Barney from Jim Alexander dated December 21, 1908
68. Handwritten correspondence to Barney from Jim Alexander dated December 22, 1908
69. Report - the project for building a substantial bridge across Salt River at the foot of Central Avenue (6 pages)
70. Handwritten correspondence on Fort Hotel letterhead to J. B. Alexander from S. C. Mason, dated 1/23/09
71. Handwritten correspondence to Barney from Jim Alexander, Salt River Pima Agency, dated 1909
72. National Archives Pacific Southwest Region, Pima Indian Agency, Education, Box 8
73. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from Superintendent, Pima Training School, dated Sacaton, Arizona, June 30, 1909
74. National Archives Pacific Southwest Region, Pima Indian Agency 1909-1910, Accounts, Authorities for Purchase & Indian School Support, Box 10
75. Voucher or Claim, Trav. Expenses to H. M. Alexander - \$13.00 dated November 30, 1909

76. Voucher or Claim, Trav. Expenses to W. E. Hester, \$20.10 dated December 31, 1909
77. National Archives Pacific Southwest Region, Pima Indian Agency, letters to and from the Superintendent, Box 10
78. Correspondence to James B. Alexander, Superintendent Pima Indian School from Acting Commissioner of Indian Affairs dated August 4, 1910
79. Correspondence to Louella Mahancy from Acting Commissioner of Indian Affairs dated August 4, 1910
80. Notice to Civil Service Commission from C. F. Hauke, Second Assistant Commissioner, Office of Indian Affairs, dated July 2, 1910
81. Report of Medical Conditions, Salt River, Arizona dated 1910
82. National Archives Pacific Southwest Region, Phoenix Indian School, correspondence to the Commissioner 1915-1920, Box 6
83. Correspondence to Commissioner of Indian Affairs, Washington D.C., from Superintendent dated February 10, 1916
84. Basis of Settlement of Litigation between Buckeye Irrigation Company and Salt River Valley Water Users' Association (9pp.)

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INDEX OF EXHIBITS

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SALT RIVER
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: flat boat with 5
River and Swilling

86. Weekly Arizona Miner, June 14, 1873: Hayden investigating possibility of floating logs down the Salt
87. Weekly Arizona Miner, June 21, 1873: Hayden unsuccessful
88. Weekly Arizona Miner, June 28, 1873: Hayden unsuccessful
89. Arizona Gazette, February 17, 1881: Cotton and Bingham leave for Yuma in 18-foot skiff
90. Arizona Gazette, November 30, 1881: Yuma or Bust expedition via Salt River
91. Arizona Gazette, December 3, 1881: Yuma or Bust expedition, continued
92. Arizona Gazette, February 14, 1893: officers from Fort McDowell float down to Phoenix
93. Arizona Gazette, June 3, 1885: exploration of the Salt River Canyon by boat
94. Arizona Gazette, June 5, 1885: additional accounts of exploration of Salt River Canyon by boat
95. Arizona Gazette, June 6, 1885: interview with John Meaders, one of the explorers of the Salt River Canyon
96. Arizona Gazette, June 8, 1885: account of previous exploration of the Salt River Canyon, on foot, circa 1875
97. Phoenix Daily Herald, December 12, 1888: commandant of Fort McDowell killed during canoe trip from Fort McDowell to Phoenix
98. Tombstone Daily Prospector, January 24, 1889: ferry boat floated downstream from Maricopa Crossing to Gila River
99. Phoenix Daily Herald, February 18, 1895: account of boat trip down the Gila from Clifton to Sacaton,

then overland to Phoenix, then by boat down the Salt, Gila and Colorado

100. Phoenix Daily Herald, February 25 ,1895: letter from boaters (above), describing trip
101. Arizona Republican, February 5, 1905: use of boats to rescue Tilzer family from island in the Salt River during flood
102. Arizona Republican, March 24, 1905: Jacob Shively boats Salt River
103. Arizona Republican, March 29, 1905: Jacob Shively reaches Arlington
104. Arizona Republican, December 9, 1905: engineers use boat to inspect canals.
105. Arizona Republican, October 4, 1909: Jim Meadows recounts boating the Salt between Livingstone and Tempe
106. Arizona Republican, June 28, 1910: two men boat from Roosevelt Dam to Tempe
107. Arizona Gazette, January 30, 1915: use of boats to rescue people from flooded Salt River
108. Arizona Republic, December 22, 1985: historical account of nineteenth-century attempts to float logs down the Salt River
109. Fireman, Bert M., Charles Trumbull Hayden, The Smoke Signal 19, Tucson Corral of the Westerners, Tucson, Arizona (1969:202): account of Hayden's attempt to float logs down the Salt River (see above)
110. Reed, Bill, The Last Bugle Call: A History of Fort McDowell, Arizona Territory, McClain Printing Company, Parsons, West Virginia (1977:140): account of the death of commandant at Fort McDowell in 1881 (see above)
111. Weekly Arizona Miner, December 12, 1868: Governor calls for encouragement for ferries operating on the Gila and Salt

112. Weekly Arizona Miner, February 27, 1874: Hayden's Ferry¹*
113. The Citizen, February 28, 1874: Hayden's Ferry*
114. Phoenix Daily Herald, August 15, 1881: complaints of exorbitant prices on Gila and Salt River ferries*
115. Phoenix Daily Herald, August 16, 1891: George Luhrs building skiff for the stage company to use to ferry passengers across the Salt River*
116. Phoenix Daily Herald, February 26, 1883: Monihan's Ferry Privilege Act mentioned*
117. Arizona Gazette, February 19, 1884: ferry operated on the Salt*
118. Phoenix Daily Herald, February 19, 1884: raft constructed to cross Salt River*
119. Phoenix Daily Herald, February 19, 1884: McDonald's shop constructed ferry boat for a Mr. Trumbull*
120. Arizona Gazette, March 5, 1884: new freight boat constructed*
121. Phoenix Daily Herald, March 17, 1884: Arizona Stage Company using boats to ferry passengers across the Gila and Salt Rivers, and the Ferry and Bridge Company planning ferries*
122. The Herald, April 11, 1884: Large ferry to be built for Gila and Salt River Ferry Company*
123. Phoenix Herald, March 24, 1884: Ferry running on the Salt River between Phoenix and Maricopa*
124. The Arizona Gazette, April 14, 1884: Mail for Maricopa lost in Salt River*
125. Arizona Gazette, April 21, 1884: Gila and Salt River Ferry*
126. The Herald, May 9, 1884: New ferry working splendidly*

¹ *Exhibits 112 through 128 will be withdrawn if the Commission grants First American's Motion to Exclude Evidence that is being filed simultaneously herewith.

127. Arizona Republican, February 1, 1884: The South Side*
128. The Smoke Signal, 1988: The Great Ferry War of 1905 and Other Adventures on the Gila River, Arizona*
129. Across America: The Great West and Pacific Coast by James F. Rusling, New York: Sheldon & Company 1874
130. "Weak Spots Designated", Arizona Republican, March 16, 1909 (I, 1:3-4)
131. "Partial List of Officials", Arizona Republican, March 18, 1909 (I,1:1-2 & 4:3-4)
132. "\$50,000 is Subscribed" Arizona Republican, April 7, 1909 (I, 1:6 & 7:1-2)
133. "Mesa the Battle Ground on Bridge Controversy" Arizona Republican, April 11, 1909 (II, 5:3)
134. "The Road's Condition" Arizona Republican, April 12, 1909 (II, 2:3-4)
135. "Lively Experience in the Salt River" Arizona Republican, April 19, 1909 (II, 3:4-5)
136. "Bridge Election June 10" Arizona Republican, April 21, 1909 (I, 6:2)
137. "Prohibition Again to the Front" Arizona Gazette, (Phoenix), March 1, 1909 (I, 1:5)
138. "Commission Bill is A Law" Arizona Gazette (Phoenix), March 10, 1909 (I, 1:3-4 & 3:3-7)
139. "Opposed to Issues of Bonds" Arizona Gazette (Phoenix), March 11, 1909 (I, 1:1-2)
140. "Pass Bill to Purchase Fair" Arizona Gazette (Phoenix), March 16, 1909 (I, 1:3-4 & 5:3)
141. "Twenty-Fifth Legislature Adjourns at Six Thirty" Arizona Gazette (Phoenix), March 19, 1909 (I, 1:1-4)
142. "All Plans for Harmony Fail" Arizona Gazette (Phoenix), April 6, 1909 (I 6:3-4)
143. "New Petition for Bridge Election" Arizona Gazette (Phoenix), April 7, 1909 (I, 1:3-4)
144. "The Truth About the Bridge" Arizona Gazette (Phoenix), April 14, 1909 (I, 12:3-7)

145. "Salt Crossed at Tempe" Arizona Gazette (Phoenix), April 15, 1909 (I, 7:1)
146. "Bridge Question Before Board Supervisors" Arizona Gazette (Phoenix), April 19, 1909 (I, 1:3)
147. "Exciting Experience at the Heard Crossing" Arizona Gazette (Phoenix), April 19, 1909 (I, 11:3)
148. "Bridge Election Called for June 10" Arizona Gazette (Phoenix), April 20, 1909 (I, 5:4)
149. "More About the Bridge" Arizona Gazette (Phoenix), April 29, 1909 (I, 8:3)
150. "Ideas on the Road Question" Arizona Gazette (Phoenix), April 30, 1909 (I, 11:2-3)
151. "Why You Should Work and Vote for Center Street Bridge" Arizona Gazette (Phoenix), June 7, 1909 (I, 3:6-7)
152. "The Bridge Question" Arizona Gazette (Phoenix), June 8, 1909 (I, 8:1-6)
153. "Battle of the Ballots on Today" Arizona Gazette (Phoenix), June 10, 1909 (I, 1:5)
154. "Safe Majority for the Center Street Bridge" "A Campaign for Tempe Bridge" Arizona Gazette (Phoenix), June 11, 1909 (I, 1:1-2, I, 1:4-5)
155. "No Dismay at Tempe" Arizona Republican, June 12, 1909 (I, 1:1-2)
156. "The Supervisors Accept the Bridge" Arizona Republican, May 31, 1911 (I, 8:1)
157. "The Bridge Formally Accepted" Arizona Republican, June 8, 1911 (I, 6:3)
158. "Dedication of Center Bridge" Arizona Gazette (Phoenix), June 29, 1911 (I, 1:3)
159. "Bridges are Made to be Crossed" Arizona Republican, June 30, 1911 (I, 6:4)
160. "Two Bridge Questions" Arizona Republican, May 5, 1909 (I, 2:1-4)
161. "Trip to Ancient Landmark in Tempe is Interesting Motor Tour" Arizona Gazette (Phoenix), November 5, 1930 (I, 7:3-4)

162. Sessions Laws of the Twenty-Fifth Legislative Assembly of the Territory of Arizona. (Phoenix: Phoenix Printing Co. 1909), pp. 184-185 and pp. 208-211.
163. Minutes of the Maricopa County Board of Supervisors, Book 9, p.p. 18-21 (April 20, 1909) and Book 9, pp. 65-68 (June 21, 1909).
164. Gerald A. Doyle & Associates, Ash Avenue Bridge (HAER N.o. AZ-29) Photographs, Written and Historical Data. (San Francisco: National Park Service, 1991): Photocopies of Tempe News newspaper article dated April 3, 1908 and May 7, 1909 included in HAER field notes.
165. Decree in Case #708, Wormser, et al. vs. Salt River Valley Canal Co., et al.
166. Case #88, Farmers Canal v. Grand Canal. "Complaint," filed September 8, 1879; "Answer" filed October 31, 1879; "Decree and Judgment," filed April 14, 1880.
167. Index to Sanborn Fire Insurance Co. maps for Phoenix and Tempe (dated 1911).
168. Resume of Douglas E. Kupel
169. Resume of John K. Graham
170. Resume of Stanley M. Hordes
171. Resume and SLA Project Experience of Michael E. Zeller
172. Report prepared by John K. Graham, an expert on land title issues, regarding the effect of the federal land patents that were issued with respect to the property that is located within the subject reach of the Salt River. (To be supplied)
173. Report prepared by Stanley M. Hordes, a historian, regarding the results of his research with respect to the actual uses of the Salt River during the period prior to and shortly after Arizona's statehood. (To be supplied)
174. Report prepared by Michael E. Zeller, an expert in hydrology, hydraulics and geomorphology, regarding various flow characteristics of the Salt River and changes in the flow characteristics and its alignment which occurred prior and subsequent to statehood. (To be supplied)

LAW OFFICES

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

2901 NORTH CENTRAL AVENUE
SUITE 200

PHOENIX ARIZONA 85012-2705

TELEPHONE (602) 285-5000
FACSIMILE (602) 285-5100

RUDOLPH MARISCAL
GERALD GAFFANEY
MICHAEL S. RUBIN
ROBERT A. SHULL
ROBERT V. KERRICK
FRED C. FATHE
ANDREW L. PRINGLE
ANNE L. TIFFEN
TERRY L. TEDESCO
LESLIE A. KRESIN
SCOTT A. HOLCOMB
D. SAMUEL COFFMAN
KENNETH A. HODSON
ROBERT L. SCHWARTZ
CINDRA L. WHITE
JOHN B. EVEN
MARY GRACE BLASKO

RICHARD A. FRIEDLANDER
WILLIAM NOVOTNY
GARY L. BIRNBAUM
PETER A. WINKLER
MICHAEL R. SCHEURICH
LES RAATZ
BRIAN M. MUELLER
P. BRUCE CONVERSE
JAMES T. BRASELTON
LEONCE A. RICHARD
DAVID J. OUIMETTE
MARK J. ROBENS
MICHAEL D. HOOL
FRANKLIN D. DODGE
STEVEN D. WOLFSON
SCOT L. CLAUS
DAVID RODGERS

96-002-012

SALT RIVER

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WRITER'S DIRECT LINE
(602) 285-5024

OUR CLIENT NO.
3864-2

PHILLIP WEEKS
DONALD N. McINTYRE
OF COUNSEL

September 25, 1996

Christina Waddell
The Arizona Navigable Stream
Adjudication Commission
1700 West Washington, West Wing
Executive Tower, Suite 404
Phoenix, Arizona 85007

Re: Salt River Navigability Determination
1994 Filing

Dear Christina:

On or about January 14, 1994, we filed, on behalf of First American Title Insurance Company, a Notice of Appearance and Intent to Participate ("Notice") in connection with the proceeding then pending before the Navigable Stream Adjudication Commission captioned In the Matter of the Navigability of the Salt River (From Granite Reef Dam to the Gila River Confluence). A copy of that Notice is enclosed with this correspondence for your information. Included with the Notice were two volumes of exhibits that are described on pages 4-17 of the Notice.

It is our understanding that your office has maintained the records with regard to the 1994 filings and that upon receipt of written notice from the party that previously filed, you will "transfer" the 1994 filing to the docket being maintained for consideration during the 1996 Salt River Navigability Adjudication proceeding. Please consider this correspondence our request for such "transfer" of the filing described hereinabove.

Christina Waddell
September 25, 1996
Page 2

After you have completed the "transfer" please send us a copy of the updated docket sheet confirming that the First American Title Insurance Company filing has been made a part of the 1996 record.

Very truly yours,

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

By 
James T. Braselton

JTB:kms
Enclosures

cc: James Callahan, Assistant City Attorney
FAUSERSUTB\L47

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ORIGINAL

SALT RIVER
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BEFORE THE
ARIZONA NAVIGABLE STREAMBED ADJUDICATION COMMISSION

IN THE MATTER OF THE)	ADMIN. DOCKET NO. 94-1
NAVIGABILITY OF THE SALT RIVER)	
[From Granite Reef Dam to the)	NOTICE OF APPEARANCE AND
Gila River Confluence])	INTENT TO PARTICIPATE

A. NAME, ADDRESS AND TELEPHONE NUMBER OF RESPONDENT

Name: First American Title Insurance Company
 Address: 111 West Monroe
 Phoenix, Arizona 85003
 Telephone: (602) 252-5941

(Please check Box B and provide the requested information if you intend to participate as a party in the above-captioned matter. See Commission Rule R12-17-108(A)-(C). Please check Box C and provide the requested information if you intend only to testify before the Commission or to file documents with the Commission, or both, but do not want to participate as a party. See Commission Rule R12-17-108(E). If more room is needed to respond, please attach a supplemental statement identified by paragraph number.)

[X] B. APPEARANCE AND INTENT TO PARTICIPATE AS A PARTY

1. The person named in Section A above intends to appear as a party in the above-captioned matter.

If represented:

Attorney Name: James T. Braselton, Esq.
 Gary L. Birnbaum, Esq.
 Mariscal, Weeks, McIntyre & Friedlander, P.A.

Address: 2901 North Central Avenue, Suite 200
 Phoenix, Arizona 85012

Telephone: (602) 285-5000

2. Concise statement of position as to whether or not the Salt River was navigable as of February 14, 1912.

Based on all the relevant information available to First American Title Insurance Company ("First American"), and in light of the applicable law, the Salt River was not navigable (for purposes of the equal footing doctrine) as of February 14, 1912.

3. Concise statement as to the public trust values associated with the Salt River from the Granite Reed Dam to the Gila River confluence if found navigable.

First American does not believe that public trust values have any relevance to the determination of navigability under the equal footing doctrine. Therefore, public trust values or evidence with regard thereto should not be considered in the navigability hearing scheduled to be conducted by the Commission. If such evidence is admitted, however, First American contends that there are no public trust values associated with the Salt River within the relevant reach.

4. List of witnesses, including address and telephone number, and for each witness a brief summary of the testimony that witness will give.

(1) Stanley M. Hordes, Ph.D.
HMS Associates
P. O. Box 4543
Santa Fe, New Mexico 87502
505-983-6564

Mr. Hordes is a historian who is expected to testify regarding the results of his research with respect to actual uses of the Salt River during the period prior to and shortly after Arizona's date of statehood. Mr. Hordes' research efforts have focused on records maintained in the United States government archives located in Washington, D.C. and Laguna Niguel, California. Without limitation, he is expected to testify with respect to those records, his review of the records produced with (and in) the CH₂M Hill Report and records obtained from the Salt River Project.

- (2) **Mike Zeller, P.E.**
Simons, Li & Associates
P. O. Box 2712
Tucson, Arizona 85702-2712
(602) 884-9594

Mr. Zeller is a registered professional engineer who has extensive expertise in the fields of hydrology, hydraulics and geomorphology. He is expected to testify regarding various flow characteristics of the Salt River including, but not limited to, historic flow volumes, depths and velocities. In addition, if necessary, Mr. Zeller will testify regarding changes in the river flow characteristics and its alignment that occurred prior and subsequent to statehood.

- (3) **John K. Graham, Esq.**
First American Title Insurance Company
111 West Monroe Street
Phoenix, Arizona 85003
(602) 256-3621

Mr. Graham is an experienced real estate attorney with special expertise in matters relating to title to real property. He is expected to testify regarding the effect of federal land patents that were issued with respect to certain property that is located within the area that is subject to a possible claim by the State of Arizona.

- (4) **Stanley Cook**
Landiscor
3816 North 7th Street
Phoenix, Arizona 85014
(602) 248-8989

Mr. Cook is an expert in aerial photography and mapping. He will testify as necessary regarding the identification, authentication and interpretation of relevant aerial photographs and maps.

- (5) Donald E. Davidson
Senior Civil Engineer, Tidelands and Waterways
First American Title Insurance Co.
114 E. Fifth Street
Santa Ana, California
(714) 558-3211

Mr. Davidson is a civil engineer who possesses substantial experience in river movement related issues. If river location issues become significant, Mr. Davidson may be expected to testify regarding his knowledge with regard to the historic riverbed location(s) and how, if any, that location changed over time.

5. Index of Exhibits to be offered at public hearing attached and made a part hereof. Two bound and indexed copies of documentary exhibits have been filed with the Commission this date.

NOTE: Due to the fact that discovery has not yet commenced and the fact that First American Title has not had sufficient time to fully analyze the Final Report by CH₂M Hill, First American reserves the right to supplement this list as additional relevant documents become available.

VOLUME I

1. Memorandum from Director, U.S. Dept. of the Interior, Bureau of Land Management received 5/15/64 State Office, Bureau of Land Management, Phoenix, Arizona
2. A Historical Analysis of Portions of the Salt and Gila Rivers, Arizona prepared by Elaine C. Lacy, dated February, 1987
3. An Historical Analysis of the Salt River 1830-1912, Prepared by Barbara Behan, Dated 5/12/88
4. Inspection Report of Camp McDowell
5. Personal History of George Robert Finch
6. Hurley v. Abbott - Action to Quiet Title
7. Hurley v. Abbott - Amended Complaint

8. Hurley v. Abbott - Answer of H. Criswell
9. Hurley v. Abbott - Answer and Cross Complaint of United States of America
10. Hurley v. Abbott - Answer of Lou Perkins
11. Consolidated Canal Company v. Tempe Irrigation Canal Company - Answer of Tempe Irrigation Canal Company
12. Consolidated Canal Company v. The Arizona Canal Company, et al.- Complaint dated June 16, 1894
13. Consolidated Canal Company v. The Arizona Canal Company, et al. - Summons and Answer of Defendant M. Wormser
14. The Utah Canal Enlargement and Extension Company v. The Utah Irrigation Ditch Company, et al. - Complaint
15. The Utah Canal Enlargement and Extension Company v. The London Company, et al., Complaint
16. The Consolidated Canal Company v. The Utah Canal Enlargement and Extension Company - Complaint
17. The Consolidated Canal Company v. The Tempe Irrigation Canal Company - Amended Complaint
18. Consolidated Canal Company v. Tempe Irrigation Canal Company - Demurrer and Answer of Tempe Irrigation Canal Company
19. Consolidated Canal Company v. Arizona Canal Company - Complaint, dated August, 1894
20. M. Wormser v. Charles T. Hayden - Complaint
21. Frank B Austin v. A. J. Chandler, et al., - Complaint
22. A. J. Peters v. The Consolidated Canal Company - Complaint
23. W. S. Johnson, et al. v. The Consolidated Canal Company - Complaint
24. James C. Goodwin v. Granvill H. Oury - Complaint

25. James C. Goodwin v. Granvill H. Oury - Handwritten Complaint
26. C. A. Saylon, et al. v. The Consolidated Canal Company - Complaint
27. A. J. Peters, et al. v. The Consolidated Canal Company - Complaint
28. L. L. Harmon, et al. v. The Consolidated Canal Company - Complaint
29. J. C. Carmichael v. Bill Galbreath and John H. Ivy - Complaint
30. Vernon L. Clark, et al. v. The Bartlett Heard Land and Cattle Company, et al. - Amended Complaint
31. W. W. Dobson, et al. v. James Johnson - Complaint
32. Correspondence from the Department of the Interior, General Land Office, Washington, D.C., dated October 5, 1894 and handwritten notes
33. Correspondence from the Department of the Interior, United States Geological Survey to the Director, United States Reclamation Service, Dated May 14, 1912
34. Ground Waters of Salt River Valley (24 pages)
35. Correspondence from Department of the Interior, United States Geological Survey, Chief Division of Hydro Economics to F. H. Newell, Chief Engineer, U.S. Geological Survey dated April 28, 1904
36. Inspection Report - Salt River Project dated May 19, 1906 to Mr. F. H. Newell, Chief Engineer, U.S.R.S.
37. Volume I, Arizona - Salt River Project Preliminary History (8 pages)
38. Correspondence from Maricopa County Commercial Club to Mr. J. L. B. Alexander, U.S. Attorney, Phoenix, dated March 21, 1908
39. Drafting Div. Files, Correspondence from the Director to the Secretary of the Interior, Washington D.C., report regarding entire canyon of the Salt River, Arizona will need irrigation works

40. Department of the Interior, Office of the Secretary of Reclamation Service, Salt River Project, Water Rights, August 2, 1912 to October 23, 1912 (26 pages)
41. Correspondence from Department of the Interior, United States Indian Service, Klamath Agency, Oregon to Secretary of the Interior, Washington, D.C., dated August 25, 1904
42. National Archives Pacific Southwest Region - Letters sent by Agent, Box No. A013061-114680
43. Handwritten correspondence to Commissioner of Indian Affairs, Washington, D.C. from Claude M. Johnson, dated Pima, Sacaton, July 13th
44. Handwritten correspondence to Commissioner of Indian Affairs, Washington, D.C., from C. W. Crouse, dated Pima, Sacaton, April 15, '90
45. National Archives Pacific Southwest Region, Letters sent by Agent, Box No. 013126 - 114703
46. Handwritten Correspondence to Commissioner of Indian Affairs, Washington, D.C., from C. W. Crouse, dated Pima, Sacaton, June 20, '90
47. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from C. W. Crouse, dated Sacaton, Arizona, March 4, 1891
48. National Archives Pacific Southwest Region, Letters sent by Agent March 16, 1892 to January 3, 1893, Box No. 013126-114703
49. Correspondence to Charles T. Hayden, Tempe, Arizona from C. W. Crouse dated Sacaton, Arizona, June 13, 1892
50. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from C. W. Crouse dated Sacaton, Arizona, July 8, 1892
51. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from United States Indian Service, dated Sacaton, Arizona, August 1, 1892
52. National Archives Pacific Southwest Region, Letters sent to the Office of the Commissioner of Indian Affairs 1896-1905, Box 2

53. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from U.S. Indian Agent dated Pima Agency, Sacaton, Arizona, March 8, 1901
54. National Archives Pacific Southwest Region, Letters sent by Agents January 1, 1904 to May 31, 1906
55. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from Superintendent, Pima Training School, dated Sacaton, Arizona, September 30, 1904
56. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from Pima Training School, dated Sacaton, Arizona, February 25, 1905
57. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from Superintendent, Pima Training School, dated Sacaton, Arizona, March 13, 1905
58. Correspondence to Commissioner of Indian Affairs from Superintendent Pima Training School, dated Sacaton, Arizona, April 10, 1905
59. National Archives Pacific Southwest Region, Letters sent by Agent 8/13/07-9/9/08, Box No. A013061-114680
60. Correspondence to Louis C. Hill, Supervising Engineer, U.S.R.S. from Superintendent, Pima Agency, dated Sacaton, Arizona, September 11, 1907
61. National Archives Pacific Southwest Region, Letters sent by Agent 6/1/06 to 9/15/08, Box No. A013061-114680
62. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from Superintendent, Pima Training School, dated Sacaton Arizona, January 14, 1908
63. Correspondence to Commissioner of Indian Affairs, Washington, D.C. from Superintendent, Pima Training School, dated Sacaton Arizona, July 10, 1908
64. National Archives Pacific Southwest Region, Pima Indian Agency, Misc. Corresp., Box 9

65. Handwritten Correspondence to Mr. P. B. Hughes from Superintendent Pima Training School, dated Sacaton, Arizona, December 14, 1908
66. Handwritten correspondence to Superintendent Indian Schools, Sacaton, AZ from Salt River Agency dated December 21, 1908
67. Handwritten correspondence to Barney from Jim Alexander dated December 21, 1908
68. Handwritten correspondence to Barney from Jim Alexander dated December 22, 1908
69. Report - the project for building a substantial bridge across Salt River at the foot of Central Avenue (6 pages)
70. Handwritten correspondence on Fort Hotel letterhead to J. B. Alexander from S. C. Mason, dated 1/23/09
71. Handwritten correspondence to Barney from Jim Alexander, Salt River Pima Agency, dated 1909
72. National Archives Pacific Southwest Region, Pima Indian Agency, Education, Box 8
73. Correspondence to Commissioner of Indian Affairs, Washington, D.C., from Superintendent, Pima Training School, dated Sacaton, Arizona, June 30, 1909
74. National Archives Pacific Southwest Region, Pima Indian Agency 1909-1910, Accounts, Authorities for Purchase & Indian School Support, Box 10
75. Voucher or Claim, Trav. Expenses to H. M. Alexander - \$13.00 dated November 30, 1909
76. Voucher or Claim, Trav. Expenses to W. E. Hester, \$20.10 dated December 31, 1909
77. National Archives Pacific Southwest Region, Pima Indian Agency, letters to and from the Superintendent, Box 10

78. Correspondence to James B. Alexander, Superintendent Pima Indian School from Acting Commissioner of Indian Affairs dated August 4, 1910
79. Correspondence to Louella Mahancy from Acting Commissioner of Indian Affairs dated August 4, 1910
80. Notice to Civil Service Commission from C. F. Hauke, Second Assistant Commissioner, Office of Indian Affairs, dated July 2, 1910
81. Report of Medical Conditions, Salt River, Arizona dated 1910
82. National Archives Pacific Southwest Region, Phoenix Indian School, correspondence to the Commissioner 1915-1920, Box 6
83. Correspondence to Commissioner of Indian Affairs, Washington D.C., from Superintendent dated February 10, 1916
84. Basis of Settlement of Litigation between Buckeye Irrigation Company and Salt River Valley Water Users' Association (9pp.)

VOLUME II

85. Weekly Arizona Miner, May 3, 1873: flat boat with 5 tons of wheat floated down Salt River and Swilling Canal to Hellings Mill
86. Weekly Arizona Miner, June 14, 1873: Hayden investigating possibility of floating logs down the Salt
87. Weekly Arizona Miner, June 21, 1873: Hayden unsuccessful
88. Weekly Arizona Miner, June 28, 1873: Hayden unsuccessful
89. Arizona Gazette, February 17, 1881: Cotton and Bingham leave for Yuma in 18-foot skiff
90. Arizona Gazette, November 30, 1881: *Yuma or Bust* expedition via Salt River
91. Arizona Gazette, December 3, 1881: *Yuma or Bust* expedition, continued
92. Arizona Gazette, February 14, 1893: officers from Fort McDowell float down to Phoenix
93. Arizona Gazette, June 3, 1885: exploration of the Salt River Canyon by boat
94. Arizona Gazette, June 5, 1885: additional accounts of exploration of Salt River Canyon by boat
95. Arizona Gazette, June 6, 1885: interview with John Meaders, one of the explorers of the Salt River Canyon
96. Arizona Gazette, June 8, 1885: account of previous exploration of the Salt River Canyon, on foot, circa 1875
97. Phoenix Daily Herald, December 12, 1888: commandant of Fort McDowell killed during canoe trip from Fort McDowell to Phoenix
98. Tombstone Daily Prospector, January 24, 1889: ferry boat floated downstream from Maricopa Crossing to Gila River

99. Phoenix Daily Herald, February 18, 1895: account of boat trip down the Gila from Clifton to Sacaton, then overland to Phoenix, then by boat down the Salt, Gila and Colorado
100. Phoenix Daily Herald, February 25 ,1895: letter from boaters (above), describing trip
101. Arizona Republican, February 5, 1905: use of boats to rescue Tilzer family from island in the Salt River during flood
102. Arizona Republican, March 24, 1905: Jacob Shively boats Salt River
103. Arizona Republican, March 29, 1905: Jacob Shively reaches Arlington
104. Arizona Republican, December 9, 1905: engineers use boat to inspect canals.
105. Arizona Republican, October 4, 1909: Jim Meadows recounts boating the Salt between Livingstone and Tempe
106. Arizona Republican, June 28, 1910: two men boat from Roosevelt Dam to Tempe
107. Arizona Gazette, January 30, 1915: use of boats to rescue people from flooded Salt River
108. Arizona Republic, December 22, 1985: historical account of nineteenth-century attempts to float logs down the Salt River
109. Fireman, Bert M., Charles Trumbull Hayden, *The Smoke Signal* 19, Tucson Corral of the Westerners, Tucson, Arizona (1969:202): account of Hayden's attempt to float logs down the Salt River (see above)
110. Reed, Bill, *The Last Bugle Call: A History of Fort McDowell, Arizona Territory*, McClain Printing Company, Parsons, West Virginia (1977:140): account of the death of commandant at Fort McDowell in 1881 (see above)
111. Weekly Arizona Miner, December 12, 1868: Governor calls for encouragement for ferries operating on the Gila and Salt

112. Weekly Arizona Miner, February 27, 1874: Hayden's Ferry¹*
113. The Citizen, February 28, 1874: Hayden's Ferry*
114. Phoenix Daily Herald, August 15, 1881: complaints of exorbitant prices on Gila and Salt River ferries*
115. Phoenix Daily Herald, August 16, 1891: George Luhrs building skiff for the stage company to use to ferry passengers across the Salt River*
116. Phoenix Daily Herald, February 26, 1883: Monihan's Ferry Privilege Act mentioned*
117. Arizona Gazette, February 19, 1884: ferry operated on the Salt*
118. Phoenix Daily Herald, February 19, 1884: raft constructed to cross Salt River*
119. Phoenix Daily Herald, February 19, 1884: McDonald's shop constructed ferry boat for a Mr. Trumbull*
120. Arizona Gazette, March 5, 1884: new freight boat constructed*
121. Phoenix Daily Herald, March 17, 1884: Arizona Stage Company using boats to ferry passengers across the Gila and Salt Rivers, and the Ferry and Bridge Company planning ferries*
122. The Herald, April 11, 1884: Large ferry to be built for Gila and Salt River Ferry Company*
123. Phoenix Herald, March 24, 1884: Ferry running on the Salt River between Phoenix and Maricopa*
124. The Arizona Gazette, April 14, 1884: Mail for Maricopa lost in Salt River*
125. Arizona Gazette, April 21, 1884: Gila and Salt River Ferry*
126. The Herald, May 9, 1884: New ferry working splendidly*

¹ *Exhibits 112 through 128 will be withdrawn if the Commission grants First American's Motion to Exclude Evidence that is being filed simultaneously herewith.

127. Arizona Republican, February 1, 1884: The South Side*
128. The Smoke Signal, 1988: The Great Ferry War of 1905 and Other Adventures on the Gila River, Arizona*
129. Across America: The Great West and Pacific Coast by James F. Rusling, New York: Sheldon & Company 1874
130. "Weak Spots Designated", Arizona Republican, March 16, 1909 (I, 1:3-4)
131. "Partial List of Officials", Arizona Republican, March 18, 1909 (I,1:1-2 & 4:3-4)
132. "\$50,000 is Subscribed" Arizona Republican, April 7, 1909 (I, 1:6 & 7:1-2)
133. "Mesa the Battle Ground on Bridge Controversy" Arizona Republican, April 11, 1909 (II, 5:3)
134. "The Road's Condition" Arizona Republican, April 12, 1909 (II, 2:3-4)
135. "Lively Experience in the Salt River" Arizona Republican, April 19, 1909 (II, 3:4-5)
136. "Bridge Election June 10" Arizona Republican, April 21, 1909 (I, 6:2)
137. "Prohibition Again to the Front" Arizona Gazette, (Phoenix), March 1, 1909 (I, 1:5)
138. "Commission Bill is A Law" Arizona Gazette (Phoenix), March 10, 1909 (I, 1:3-4 & 3:3-7)
139. "Opposed to Issues of Bonds" Arizona Gazette (Phoenix), March 11, 1909 (I, 1:1-2)
140. "Pass Bill to Purchase Fair" Arizona Gazette (Phoenix), March 16, 1909 (I, 1:3-4 & 5:3)
141. "Twenty-Fifth Legislature Adjourns at Six Thirty" Arizona Gazette (Phoenix), March 19, 1909 (I, 1:1-4)

142. "All Plans for Harmony Fail" Arizona Gazette (Phoenix), April 6, 1909 (I 6:3-4)
143. "New Petition for Bridge Election" Arizona Gazette (Phoenix), April 7, 1909 (I, 1:3-4)
144. "The Truth About the Bridge" Arizona Gazette (Phoenix), April 14, 1909 (I, 12:3-7)
145. "Salt Crossed at Tempe" Arizona Gazette (Phoenix), April 15, 1909 (I, 7:1)
146. "Bridge Question Before Board Supervisors" Arizona Gazette (Phoenix), April 19, 1909 (I, 1:3)
147. "Exciting Experience at the Heard Crossing" Arizona Gazette (Phoenix), April 19, 1909 (I, 11:3)
148. "Bridge Election Called for June 10" Arizona Gazette (Phoenix), April 20, 1909 (I, 5:4)
149. "More About the Bridge" Arizona Gazette (Phoenix), April 29, 1909 (I, 8:3)
150. "Ideas on the Road Question" Arizona Gazette (Phoenix), April 30, 1909 (I, 11:2-3)
151. "Why You Should Work and Vote for Center Street Bridge" Arizona Gazette (Phoenix), June 7, 1909 (I, 3:6-7)
152. "The Bridge Question" Arizona Gazette (Phoenix), June 8, 1909 (I, 8:1-6)
153. "Battle of the Ballots on Today" Arizona Gazette (Phoenix), June 10, 1909 (I, 1:5)
154. "Safe Majority for the Center Street Bridge" "A Campaign for Tempe Bridge" Arizona Gazette (Phoenix), June 11, 1909 (I, 1:1-2, I, 1:4-5)
155. "No Dismay at Tempe" Arizona Republican, June 12, 1909 (I, 1:1-2)

156. "The Supervisors Accept the Bridge" Arizona Republican, May 31, 1911 (I, 8:1)
157. "The Bridge Formally Accepted" Arizona Republican, June 8, 1911 (I, 6:3)
158. "Dedication of Center Bridge" Arizona Gazette (Phoenix), June 29, 1911 (I, 1:3)
159. "Bridges are Made to be Crossed" Arizona Republican, June 30, 1911 (I, 6:4)
160. "Two Bridge Questions" Arizona Republican, May 5, 1909 (I, 2:1-4)
161. "Trip to Ancient Landmark in Tempe is Interesting Motor Tour" Arizona Gazette (Phoenix), November 5, 1930 (I, 7:3-4)
162. Sessions Laws of the Twenty-Fifth Legislative Assembly of the Territory of Arizona. (Phoenix: Phoenix Printing Co. 1909), pp. 184-185 and pp. 208-211.
163. Minutes of the Maricopa County Board of Supervisors, Book 9, p.p. 18-21 (April 20, 1909) and Book 9, pp. 65-68 (June 21, 1909).
164. Gerald A. Doyle & Associates, Ash Avenue Bridge (HAER N.o. AZ-29) Photographs, Written and Historical Data. (San Francisco: National Park Service, 1991): Photocopies of Tempe News newspaper article dated April 3, 1908 and May 7, 1909 included in HAER field notes.
165. Decree in Case #708, Wormser, et al. vs. Salt River Valley Canal Co., et al.
166. Case #88, Farmers Canal v. Grand Canal. "Complaint," filed September 8, 1879; "Answer" filed October 31, 1879; "Decree and Judgment, filed April 14, 1880.
167. Index to Sanborn Fire Insurance Co. maps for Phoenix and Tempe (dated 1911).
168. Resume of Douglas E. Kupel

- 169. Resume of John K. Graham
- 170. Resume of Stanley M. Hordes
- 171. Resume and SLA Project Experience of Michael E. Zeller
- 172. Report prepared by John K. Graham, an expert on land title issues, regarding the effect of the federal land patents that were issued with respect to the property that is located within the subject reach of the Salt River. (To be supplied)
- 173. Report prepared by Stanley M. Hordes, a historian, regarding the results of his research with respect to the actual uses of the Salt River during the period prior to and shortly after Arizona's statehood. (To be supplied)
- 174. Report prepared by Michael E. Zeller, an expert in hydrology, hydraulics and geomorphology, regarding various flow characteristics of the Salt River and changes in the flow characteristics and its alignment which occurred prior and subsequent to statehood. (To be supplied)

NOTE: First American also may used certain portions of the Final Report on the Salt River (December 1993) prepared by CH₂M Hill as hearing exhibits. Such exhibits may include both the text of the report and excerpts from the appendices thereto.

DATED THIS 14th day of January, 1994.

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

By 
James T. Braselton
Gary L. Birnbaum

ORIGINAL AND FIVE (5) COPIES
hand delivered this 14th
day of January, 1994, to:

Rebecca Good, Secretary
Arizona Navigable Stream
Adjudication Commission
1616 West Adams, 3rd Floor
Phoenix, Arizona 85007

COPY of the foregoing mailed
this 14th day of January,
1994, to:

Robert B. Hoffman
Snell & Wilmer
400 East Van Buren
Phoenix, AZ 85004-0001
Attorneys for CalMat Co. of Arizona,
CalMat Properties Co., CalMat Land Co.,
and Allied Concrete & Materials Co.

M. James Callahan, Esq.
Assistant City Attorney
City of Phoenix
251 West Washington, Room 800
Phoenix, Arizona 85003-2245
Attorneys for City of Phoenix

Richard B. Wilks, Esq.
Shea & Wilks
114 West Adams, Suite 200
Phoenix, Arizona 85003
Attorneys for Salt River
Pima-Maricopa Indian Community

M. Byron Lewis, Esq.
John B. Weldon, Jr., Esq.
Jennings, Strouss & Salmon
Two North Central, 16th Floor
Phoenix, AZ 85004-2393
Attorneys for Salt River Improvement
& Power District and Salt River Valley
Water Users Association

John S. Schaper, Esq.
P. O. Box 33127
Phoenix, Arizona 85067-3127
Attorney for Buckeye Irrigation Company
and Buckeye Water Conservation
& Drainage District

G. R. Carlock, Esq.
Sheryl A. Taylor, Esq.
Ryley, Carlock & Applewhite
101 North First Avenue, Suite 2700
Phoenix, Arizona 85003-1973

David Baron, Esq.
Arizona Center for Law in the Public Interest
3208 East Ft. Lowell, Suite 106
Tucson, Arizona 85716

John D. Helm, Esq.
Sally Worthington, Esq.
Helm & Kyle
1619 E. Guadalupe, Suite 1
Tempe, Arizona 85283-3970
Attorneys for Maricopa County

Julie Lemmon, Esq.
1212 East Osborn, Suite 107
Phoenix, Arizona 85014
Attorney for Flood Control District
of Maricopa County





STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

1700 WEST WASHINGTON, PHOENIX, ARIZONA 85007
PHONE (602) 542-9214 FAX (602) 542-9220

96-002-012

SALT RIVER

181

CHRISTINA WADDELL
Executive Director

September 30, 1996

M. James Callahan
Assistant City Attorney
City of Phoenix
200 West Washington Street, Suite 1300
Phoenix, AZ 85003-1611

RECEIVED
9-30-96

ORIGINAL

Dear Mr. Callahan:

This is written in response to your letter of September 25, 1996.

The two Indices of Exhibits have been located and have been made part of the record for ANSAC No. 96-002. The Index of Exhibits reference 174 items. Your letter states that there are 184 Exhibits. Also, there is a question as to whether the following listed Exhibit numbers have ever been submitted:

Exhibit Number	Description
172	Report prepared by John K. Graham
173	Report prepared by Stanley M. Hordes
174	Report prepared by Michael E. Zeller

The above exhibits are tabbed with the statement "TO BE SUPPLIED," and have not been inserted.

If you have any questions, please feel free to call me.

Sincerely,

Christina Waddell

Christina Waddell, MBA
Executive Director



STATE OF ARIZONA
NAVIGABLE STREAM ADJUDICATION COMMISSION

1700 WEST WASHINGTON, PHOENIX, ARIZONA 85007
PHONE (602) 542-9214 FAX (602) 542-9220

CHRISTINA WADDELL
Executive Director

September 30, 1996

James T. Braselton
Mariscal, Weeks, McIntyre
& Friedlander, P.A.
2901 North Central Avenue, Suite 200
Phoenix, AZ 85012-2705

RECEIVED
9-30-96

ORIGINAL

Dear Mr. Braselton:

This is written in response to your letter of September 25, 1996.

The two Indices of Exhibits have been located and have been made part of the record for ANSAC No. 96-002. The Index of Exhibits reference 174 items. There is a question as to whether the following listed Exhibit numbers have ever been submitted:

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174	Report prepared by Michael E. Zeller

The above exhibits are tabbed with the statement "TO BE SUPPLIED," and have not been inserted.

If you have any questions, please feel free to call me.

Best Regards,

Christina Waddell

Christina Waddell, MBA
Executive Director

LAW OFFICES

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

2901 NORTH CENTRAL AVENUE
SUITE 200

PHOENIX ARIZONA 85012-2705

TELEPHONE (602) 285-5000
FACSIMILE (602) 285-5100

ORIGINAL
RECEIVED
10-3-96

WRITER'S DIRECT LINE
(602) 285-5024

OUR CLIENT NO.
3864-2

RUDOLPH MARISCAL
GERALD GAFFANEY
MICHAEL S. RUBIN
ROBERT A. SHULL
ROBERT V. KERRICK
FRED C. FATHE
ANDREW L. PRINGLE
ANNE L. TIFFEN
TERRY L. TEDESCO
LESLIE A. KRESIN
SCOTT A. HOLCOMB
D. SAMUEL COFFMAN
KENNETH A. HODSON
ROBERT L. SCHWARTZ
CINDRA L. WHITE
JOHN B. EVEN
MARY GRACE BLASKO

RICHARD A. FRIEDLANDER
WILLIAM NOVOTNY
GARY L. BIRNBAUM
PETER A. WINKLER
MICHAEL R. SCHEURICH
LES RAATZ
BRIAN M. MUELLER
P. BRUCE CONVERSE
JAMES T. BRASELTON
LEONCE A. RICHARD
DAVID J. OUIMETTE
MARK J. ROBENS
MICHAEL D. HOOL
FRANKLIN D. DODGE
STEVEN D. WOLFSON
SCOT L. CLAUS
DAVID RODGERS

96-002-012

SALT RIVER

182

PHILLIP WEEKS
DONALD N. McINTYRE
OF COUNSEL

October 1, 1996

Christina Waddell, MBA
Arizona Navigable Stream
Adjudication Commission
1700 West Washington
Phoenix, Arizona 85007

Re: Salt River Filing

Dear Christina:

In response to your correspondence dated September 30, 1996, the three reports numbered 172, 173 and 174 have not been submitted to either the Arizona State Land Department or ANSAC. In the event our client decides to file any or all of those reports, we will provide you with the requisite number of copies.

Thank you for your help in confirming ANSAC's receipt of the balance of the documents.

Very truly yours,

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

By



James T. Braselton

JTB:kms
F:\USERS\VTB\L3



City of Phoenix
OFFICE OF THE CITY ATTORNEY

96-002-012

SALT RIVER
183

RECEIVED
10-15-96

Winner of the
Carl Bertelsmann
Prize



October 8, 1996

ORIGINAL

Roderick G. McDougall
City Attorney

Christina Waddell, MBA
Executive Director
Arizona Navigable Stream Adjudication Commission
1700 West Washington, 4th Floor
Phoenix, Arizona 85007

Re: Documents Filed With ANSAC

Dear Ms. Waddell:

In response to your recent inquiry, please be advised that the three exhibits you referenced are not a part of our current filing with ANSAC. These three exhibits (#172, #173, and #174) were reserved for filing in 1994, however, with the change in the statute and subsequent cessation of activity, they were never filed.

Thank you for your assistance in this matter. I appreciate your attention to ensuring that Commission members and the public have the needed documents available.

Yours truly,

M. James Callahan
Assistant City Attorney

MJC:CZ:::ODMA\SOFTSOL\311\NATRES\1165\0