Colorado Gen.

10/17/80

SPLCO-N

20 October 1980

Mark N. Weingart Assistant Attorney General 1700 W. Washington W. Addition, 2nd Floor Phoenix, AZ 85007

Dear Mr. Weingart:

Reference is made to your letter of 10 September 1980, on the navigability of the Colorado River.

Inclosed is the affidavit you request to be signed with some changes that I felt should be made.

If you need any further assistance, please contact us.

Sincerely,

1 Incl As stated

Navigation Br.

Reading File

CF:

GWYNN A. TEAGUE Colonel, CE District Engineer TEAGUE

HIGBEE CZLDD

TEMMEL MAHONEY SPLCO HOLT SPLCO-N WESPENCER WOTHERSPOOL X5606/my



September 10, 1980

Attorney General STATE CAPITOL Phoenix, Arizona 85007

Robert K. Corbin

Colonel Gwynn A. Teague Department of the Army Los Angeles District, Corps of Engineers P.O. Box 2711 Los Angeles, California 90053

RE: Navigability of the Colorado River

Dear Colonel Teague:

With regard to the above, and with regard to your letter of September 8, 1980, I would like to thank you for taking time out of your busy schedule to supply me with the information. As I am preparing a Motion for Summary Judgment under Arizona Rules of Civil Procedure, and the information you have supplied me is a very important part thereof, I find that this information from you must be contained in Affidavit form for purposes of submission to the Court. I have taken the liberty of preparing an Affidavit which contains substantially the same information which you have presented to me in your letter of September 8, and I would appreciate your reading and signing the same, having it notarized, and returning to this office as soon as possible.

I am asking you to put forth this effort in the hopes of thus avoiding the necessity of calling any member of your department as a witness at any such hearing.

Therefore, if the Affidavit meets with your approval, please sign same and have fully executed and return to this office. If you should have any questions about any of the paragraphs contained in the Affidavit, please do not hesitate to call upon me. If I hear nothing from you, I will assume that the same is acceptable and meets with your approval.

Thank you again for all your cooperation and consideration in this matter, and I will be looking forward to hearing from you in the very near future.

Sincerely,

ROBERT K. CORBIN The Attorney General

MARK N. WEINGART

MARK N. WEINGART () Assistant Attorney General

1	AFFIDAVIT
2	STATE OF CALIFORNIA,)
3	COUNTY OF Les Acgeles.) ss.
4	COMES NOW COLONEL GWYNN A. TEAGUE, District Engineer, Los Angeles
5	District, U.S. Army Corps of Engineers, being first duly sworn upon his oath,
6	and deposes and says:
7	1. That he is the District Engineer for the U.S. Army Corps of
8	Engineers, Los Angeles District, Department of the Army.
9	2. That the Colorado River, as it runs adjacent to Yuma County,
10	Arizona, is within the jurisdiction of the Los Angeles District.
11	3. That pursuant to 33 F.R. § 329.14, Rules and Regulations of
12	the U.S. Army Corps of Engineers, Affiant is responsible for determining
13	whether a water body is a navigable water of the United States.
14	4. That the Department of the Army, Corps of Engineers for Los
15	Angeles District, in the administration of the laws enacted by Congress for
16	the protection and preservation of navigable waters of the United States, has
17	determined that the Colorado River is a navigable water of the United States
18	from Lees Ferry to the International Border. Actions which modify or other-
19	wise affect those waters are subject to the jurisdiction of this Department
20	whether such actions occur within or outside the navigable areas.
21	Further Affiant sayeth not.
22	10 - 1
23	Duyen O. Dougue
24	COLONEL/GWYNN A. TEAGUE/
25	10TH
26	SUBSCRIBED AND SWORN to before me this / day of September, 1980.
27	J C MC CUILOUGH NOTARY PUBLIC - CALIFORNIA
28	My comm. expires JUN 17, 1983 NOTARY PUBLIC