

Supreme Court, U. S.  
FILED

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IN THE  
**Supreme Court of the United States**

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October Term 1976  
No. 8, Original of  
October Term 1965

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STATE OF ARIZONA,

*Complainant,*

*vs.*

STATE OF CALIFORNIA, PALO VERDE IRRIGATION DISTRICT, IMPERIAL IRRIGATION DISTRICT, COACHELLA VALLEY COUNTY WATER DISTRICT, THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, CITY OF LOS ANGELES, CITY OF SAN DIEGO, and COUNTY OF SAN DIEGO,

*Defendants,*

UNITED STATES OF AMERICA and STATE OF NEVADA,

*Intervenors,*

STATE OF NEW MEXICO and STATE OF UTAH,

*Impleaded Defendants.*

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**Joint Motion for the Entry of a Supplemental Decree;  
Proposed Supplemental Decree; and Memorandum  
in Support of Proposed Supplemental Decree**

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May 26, 1978

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*Defendants,*

UNITED STATES OF AMERICA and STATE OF NEVADA,

*Interveners,*

STATE OF NEW MEXICO and STATE OF UTAH,

*Impleaded Defendants.*

---

**Joint Motion for the Entry of a Supplemental Decree**

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The UNITED STATES OF AMERICA, Intervener, STATE OF ARIZONA, Complainant, the California Defendants (STATE OF CALIFORNIA, PALO VERDE IRRIGATION DISTRICT, IMPERIAL IRRIGATION DISTRICT, COACHELLA VALLEY



COUNTY WATER DISTRICT, THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, CITY OF LOS ANGELES, CITY OF SAN DIEGO, COUNTY OF SAN DIEGO) and STATE OF NEVADA, Intervener, respectfully move this Court to enter the Proposed Supplemental Decree submitted herewith, to which the above parties have agreed.



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STATE OF ARIZONA,

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**vs.**

STATE OF CALIFORNIA, PALO VERDE IRRIGATION DISTRICT, IMPERIAL IRRIGATION DISTRICT, COACHELLA VALLEY COUNTY WATER DISTRICT, THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, CITY OF LOS ANGELES, CITY OF SAN DIEGO, and COUNTY OF SAN DIEGO,

*Defendants,*

UNITED STATES OF AMERICA and STATE OF NEVADA,  
*Interveners,*

STATE OF NEW MEXICO and STATE OF UTAH,

*Impleaded Defendants.*

---

**Proposed Supplemental Decree**

The United States of America, Intervener, State of Arizona, Complainant, the California Defendants (State of California, Palo Verde Irrigation District, Imperial Irrigation District, Coachella Valley County Water District, The Metropolitan Water District of Southern California, City of Los Angeles, City of San Diego, County of San Diego), and State of Nevada, Intervener, pursuant to Article VI of the Decree entered in the case on March 9, 1964, at 376 U.S. 340, and amended

on February 28, 1966, at 383 U.S. 268, have agreed to the present perfected rights to the use of mainstream water in each State and their priority dates as set forth herein. Therefore, it is hereby ORDERED, ADJUDGED, AND DECREED that said present perfected rights in each State and their priority dates are determined to be as set forth below, subject to the following:

(1) The following listed present perfected rights relate to the quantity of water which may be used by each claimant and is not intended to limit or redefine the type of use otherwise set forth in said Decree.

(2) This determination shall in no way affect future adjustments resulting from determinations relating to settlement of Indian reservation boundaries referred to in Article II(D) (5) of said Decree.

(3) Article IX of said Decree is not affected by this list of present perfected rights.

(4) Any water right listed herein may only be exercised for beneficial uses.

(5) In the event of a determination of insufficient mainstream water to satisfy present perfected rights pursuant to Article II(B) (3) of said Decree, the Secretary of the Interior shall, before providing for the satisfaction of any of the other present perfected rights except for those listed herein as "MISCELLANEOUS PRESENT PERFECTED RIGHTS" (rights numbered 7-21 and 29-80 below) in the order of their priority dates without regard to State lines, first provide for the satisfaction in full of all rights of the

Chemehuevi Indian Reservation, Cocopah Indian Reservation, Fort Yuma Indian Reservation, Colorado River Indian Reservation, and the Fort Mojave Indian Reservation as set forth in Article II(D) (1)-(5) of said Decree, provided that the quantities fixed in paragraphs (1) through (5) of Article II(D) of said Decree shall continue to be subject to appropriate adjustment by agreement or decree of this Court in the event that the boundaries of the respective reservations are finally determined. Additional present perfected rights so adjudicated by such adjustment shall be in annual quantities not to exceed the quantities of mainstream water necessary to supply the consumptive use required for irrigation of the practicably irrigable acres which are included within any area determined to be within a reservation by such final determination of a boundary and for the satisfaction of related uses. The quantities of diversions are to be computed by determining net practicably irrigable acres within each additional area using the methods set forth by the Special Master in this case in his Report to this Court dated December 5, 1960, and by applying the unit diversion quantities thereto, as listed below:

INDIAN RESERVATION	UNIT DIVERSION QUANTITY ACRE-FEET PER IRRIGABLE ACRE
Cocopah (Arizona)	6.37
Colorado River (California)	6.67
Chemehuevi (California)	5.97
Ft. Mojave (California)	6.46

The foregoing reference to a quantity of water necessary to supply consumptive use required for irrigation, and as that provision is included within paragraphs (1) through (5) of Article II(D) of said Decree, shall constitute the means of determining quantity of adjudicated water rights but shall not constitute a restriction of the usage of them to irrigation or other agricultural application. If all or part of the adjudicated water rights of any of the five Indian Reservations is used other than for irrigation or other agricultural application, the total consumptive use, as that term is defined in Article I(A) of said Decree, for said Reservation shall not exceed the consumptive use that would have resulted if the diversions listed in subparagraph (i) of paragraphs (1) through (5) of Article II(D) of said Decree and the equivalent portions of any supplement thereto had been used for irrigation of the number of acres specified for that Reservation in said paragraphs and supplement and for the satisfaction of related uses. Effect shall be given to this paragraph notwithstanding the priority dates of the present perfected rights as listed below. However, nothing in this paragraph (5) shall affect the order in which such rights listed below as "MISCELLANEOUS PRESENT PERFECTED RIGHTS" (numbered 7-21 and 29-80 below) shall be satisfied. Furthermore, nothing in this paragraph shall be construed to determine the order of satisfying any other Indian water rights claims not herein specified.

I

ARIZONA

**A. Federal Establishments Present Perfected Rights**

The federal establishments named in Article II, subdivision (D), paragraphs (2), (4) and (5), of the Decree entered March 9, 1964 in this case, such rights having been decreed in Article II:

Defined Area of Land	Annual Diversions (acre-feet) <sup>1</sup>	Net Acres <sup>1</sup>	Priority Date
1) Cocopah Indian Reservation	2,744	431	Sept. 27, 1917
2) Colorado River Indian Reservation	358,400 252,016 51,986	53,768 37,808 7,799	Mar. 3, 1865 Nov. 22, 1873 Nov. 16, 1874
3) Fort Mohave Indian Reservation	27,969 68,447	4,327 10,589	Sept. 18, 1890 Feb. 2, 1911

**B. Water Projects Present Perfected Rights**

- (4) *The Valley Division, Yuma Project* in annual quantities not to exceed (i) 254,200 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 43,562 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of 1901.
- (5) *The Yuma Auxiliary Project, Unit B* in annual quantities not to exceed (i) 6,800 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 1,225 acres and for the satisfaction of related

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<sup>1</sup>The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for the satisfaction of related uses, whichever of (i) or (ii) is less.

uses, whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

- (6) *The North Gila Valley Unit, Yuma Mesa Division, Gila Project* in annual quantities not to exceed (i) 24,500 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 4,030 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

### C. Miscellaneous Present Perfected Rights

1. The following miscellaneous present perfected rights in Arizona in annual quantities of water not to exceed the listed acre-feet of diversion from the mainstream to supply the consumptive use required for irrigation and the satisfaction of related uses within the boundaries of the land described and with the priority dates listed:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
7) 160 acres in Lots 21, 24, and 25, Sec. 29 and Lots 15, 16, 17 and 18, and the SW 1/4 of the SE1/4, Sec. 30, T.16S., R.22E., San Bernardino Base and Meridian, Yuma County, Arizona (Powers) <sup>2</sup>	960	1915

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<sup>2</sup>The names in parentheses following the description of the "Defined Area of Land" are used for identification of present perfected rights only; the name used is the first name appearing as the Claimants identified with a parcel in Arizona's 1967 list submitted to this Court.

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
8) Lots 11, 12, 13, 19, 20, 22 and S1/2 of SW1/4, Sec. 30, T.16S., R.22E., San Ber- nardino Base and Meridian, Yuma County, Arizona. (United States) <sup>3</sup>	1,140	1915
9) 60 acres within Lot 2, Sec. 15 and Lots 1 and 2, Sec. 22, T.10N., R.19W, G&SRBM. (Graham) <sup>2</sup>	360	1910
10) 180 acres within the N1/2 of the S1/2 and the S1/2 of the N1/2 of Sec. 13 and the SW1/4 of the NE1/4 of Sec. 14, T.18N., R.22W., G&SRBM. (Hulet) <sup>2</sup>	1,080	1902
11) 45 acres within the NE1/4 of the SW1/4,) ) the SW1/4 of the SW1/4 and the SE1/4) ) of the SW1/4 of Sec. 11, T.18N., R.22W.,) ) G&SRBM. ) ) 80 acres within the N1/2 of the SW1/4 of ) ) Sec. 11, T.18N., R.22W., G&SRBM. ) ) 10 acres within the NW1/4 of the NE1/4) ) of the NE1/4 of Sec. 15, T.18N., R.22W.,) ) G&SRBM. ) ) 40 acres within the SE1/4 of the SE1/4) ) of Sec. 15, T.18N., R.22W., G&SRBM. ) ) (Hurschler) <sup>2</sup> ) )	1,050	1902
12) 40 acres within Sec. 13, T.17N., R.22W., G&SRBM. (Miller) <sup>2</sup>	240	1902
13) 120 acres within Sec. 27, T.18N., R.21W.,) G&SRBM. ) ) 15 acres within the NW1/4 of the NW ) ) 1/4, Sec. 23, T.18N., R.22W., G&SRBM.) ) (McKellips and Granite Reef Farms) <sup>4</sup> ) )	810	1902

<sup>3</sup>Included as a part of the Powers' claim in Arizona's 1967 list submitted to this Court. Subsequently, the United States and Powers agreed to a Stipulation of Settlement on land ownership whereby title to this property was quieted in favor of the United States.

<sup>4</sup>The names in parentheses following the description of the "Defined Area of Land" are the names of claimants, added since the 1967 list, upon whose water use these present perfected rights are predicated.



Defined Area of Land	Annual Diversions (acre-feet)	Priority Date
14) 180 acres within the NW1/4 of the NE1/4, the SW1/4 of the NE1/4, the NE1/4 of the SW1/4, the NW1/4 of the SE1/4, the NE1/4 of the SE1/4, and the SW1/4 of the SE1/4, and the SE1/4 of the SE1/4, Sec. 31, T.18N., R.21W., G&SRBM. (Sherrill & Lafollette) <sup>4</sup>	1,080	1902
15) 53.89 acres as follows: Beginning at a point 995.1 feet easterly of the NW corner of the NE1/4 of Sec. 10, T.8S., R.22W., Gila and Salt River Base and Meridian; on the northerly boundary of the said NE1/4, which is the true point of beginning, then in a southerly direction to a point on the southerly boundary of the said NE1/4 which is 991.2 feet E. of the SW corner of said NE1/4 thence easterly along the S. line of the NE1/4, a distance of 807.3 feet to a point, thence N. 0°7' W., 768.8 feet to a point, thence E. 124.0 feet to a point, thence northerly 0°14' W., 1,067.6 feet to a point, thence E. 130 feet to a point, thence northerly 0°20' W., 405.2 feet to a point, thence northerly 63°10' W., 506.0 feet to a point, thence northerly 90° 15' W., 562.9 feet to a point on the northerly boundary of the said NE1/4, thence easterly along the said northerly boundary of the said NE1/4, 116.6 feet to the true point of the beginning containing 53.89 acres. All as more particularly described and set forth in that survey executed by Thomas A. Yowell, Land Surveyor on June 24, 1969. (Molina) <sup>4</sup>	318	1928
16) 60 acres within the NW1/4 of the NW1/4) and the north half of the SW1/4 of the) NW1/4 of Sec. 14, T.8S., R.22W.,) G&SRBM. ) 70 acres within the S1/2 of the SW1/4 of) the SW1/4, and the W1/2 of the SW1/4,) Sec. 14, T.8S., R.22W., G&SRBM. ) (Sturges) <sup>4</sup> )	780	1925

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
17) 120 acres within the N1/2 NE1/4, NE1/4 NW1/4, Section 23, T.18N., R.22W., G& SRBM (Zozaya) <sup>4</sup>	720	1912
18) 40 acres in the W1/2 of the NE1/4 of Sec- tion 30, and 60 acres in the W1/2 of the SE1/4 of Section 30, and 60 acres in the E1/2 of the NW1/4 of Section 31, com- prising a total of 160 acres all in Township 18 North, Range 21 West of the G&SRBM. (Swan) <sup>4</sup>	960	1902
19) 7 acres in the East 300 feet of the W1/2 of Lot 1 (Lot 1, being the SE1/4 SE1/4, 40 acres more or less), Section 28, Town- ship 16 South, Range 22 East, San Bernar- dino Meridian, lying North of U.S. Bureau of Reclamation levee right of way. EX- CEPT that portion conveyed to the United States of America by instrument recorded in Docket 417, page 150 EXCEPTING any portion of the East 300 feet of W1/2 of Lot 1 within the natural bed of the Colo- rado River below the line of ordinary high water and also EXCEPTING any artificial accretions waterward of said line of or- dinary high water, all of which comprises approximately seven (7) acres (Milton and Jean Phillips) <sup>4</sup>	42	1900

2. The following miscellaneous present perfected rights in Arizona in annual quantities of water not to exceed the listed number of acre-feet of (i) diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use, whichever of (i) or (ii) is less, for domestic, municipal, and industrial purposes within the boundaries of the land described and with the priority dates listed:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Annual Consumptive Use (acre-feet)</u>	<u>Priority Date</u>
20) City of Parker <sup>2</sup>	630	400	1905
21) City of Yuma <sup>2</sup>	2,333	1,478	1893

## II CALIFORNIA

### A. Federal Establishments Present Perfected Rights

The federal establishments named in Article II, subdivision (D), paragraphs (1), (3), (4), and (5) of the Decree entered March 9, 1964 in this case such rights having been decreed by Article II:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)<sup>5</sup></u>	<u>Net Acres<sup>5</sup></u>	<u>Priority Date</u>
22) Chemehuevi Indian Reservation	11,340	1,900	Feb. 2, 1907
23) Yuma Indian Reservation	51,616	7,743	Jan. 9, 1884
24) Colorado River Indian Reservation	10,745 40,241 3,760	1,612 6,037 564	Nov. 22, 1873 Nov. 16, 1874 May 15, 1876
25) Fort Mohave Indian Reservation	13,698	2,119	Sep. 18, 1890

### B. Water Districts and Projects Present Perfected Rights

26)

*The Palo Verde Irrigation District* in annual quantities not to exceed (i) 219,780 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 33,604 acres and for the satisfaction of related uses, which-

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<sup>5</sup>The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

ever of (i) or (ii) is less, with a priority date of 1877.

27)

*The Imperial Irrigation District* in annual quantities not to exceed (i) 2,600,000 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 424,145 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of 1901.

28)

*The Reservation Division, Yuma Project, California* (non-Indian portion) in annual quantities not to exceed (i) 38,270 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 6,294 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

### **C. Miscellaneous Present Perfected Rights**

1. The following miscellaneous present perfected rights in California in annual quantities of water not to exceed the listed number of acre-feet of diversions from the mainstream to supply the consumptive use required for irrigation and the satisfaction of related uses within the bound-

aries of the land described and with the priority dates listed:

Defined Area of Land	Annual Diversions (acre-feet)	Priority Date
29) 130 acres within Lots 1, 2, and 3, SE1/4 of NE1/4 of Section 27, T.16S., R.22E., S.B.B. & M. (Wavers) <sup>6</sup>	780	1856
30) 40 acres within W1/2, W1/2 of E1/2 of Section 1, T.9N., R.22E., S.B.B. & M. (Stephenson) <sup>6</sup>	240	1923
31) 20 acres within Lots 1 and 2, Sec. 19, T.13S., R.23E., and Lots 2, 3, and 4 of Sec. 24, T.13S., R.22E., S.B.B. & M. (Mendivil) <sup>6</sup>	120	1893
32) 30 acres within NW1/4 of SE1/4, S1/2 of SE1/4, Sec. 24, and NW1/4 of NE1/4, Sec. 25, all in T.9S., R.21E., S.B.B. & M. (Grannis) <sup>6</sup>	180	1928
33) 25 acres within Lot 6, Sec. 5; and Lots 1 and 2, SW1/4 of NE1/4, and NE1/4 of SE1/4 of Sec. 8, and Lots 1 & 2 of Sec. 9, all in T.13S., R.22E., S.B.B. & M. (Morgan) <sup>6</sup>	150	1913
34) 18 acres within E1/2 of NW1/4 and W1/2 of NE1/4 of Sec. 14, T.10S., R.21E., S.B.B. & M. (Milpitas) <sup>6</sup>	108	1918
35) 10 acres within N1/2 of NE1/4, SE1/4 of NE1/4, and NE1/4 of SE1/4, Sec. 30, T.9N., R.23E., S.B.B. & M. (Simons) <sup>6</sup>	60	1889

<sup>6</sup>The names in parentheses following the description of the "Defined Area of Land" are used for identification of present perfected rights only; the name used is the first name appearing as the claimant identified with a parcel in California's 1967 list submitted to this Court.

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
36) 16 acres within E1/2 of NW1/4 and N1/2 of SW1/4, Sec. 12, T.9N., R.22E., S.B.B. & M. (Colo. R. Sportsmen's League) <sup>6</sup>	96	1921
37) 11.5 acres within E1/2 of NW1/4, Sec. 1, T.10S., R.21E., S.B.B. & M. (Milpitas) <sup>6</sup>	69	1914
38) 11 acres within S1/2 of SW1/4, Sec. 12, T.9N., R.22E., S.B.B. & M. (Andrade) <sup>6</sup>	66	1921
39) 6 acres within Lots 2, 3, and 7 and NE1/4 of SW1/4, Sec. 19, T.9N., R.23E., S.B.B. & M. (Reynolds) <sup>6</sup>	36	1904
40) 10 acres within N1/2 of NE1/4, SE1/4 of NE1/4 and NE1/4 of SE1/4, Sec. 24, T.9N., R.22E., S.B.B. & M. (Cooper) <sup>6</sup>	60	1905
41) 20 acres within SW1/4 of SW1/4, (Lot 8) Sec. 19, T.9N., R.23E., S.B.B. & M. (Chagnon) <sup>7</sup>	120	1925
42) 20 acres within NE1/4 of SW1/4, N1/2 of SE1/4, SE1/4 of SE1/4, Sec. 14, T.9S., R.21E., S.B.B. & M. (Lawrence) <sup>7</sup>	120	1915

2. The following miscellaneous present perfected rights in California in annual quantities of water not to exceed the listed number of acre-feet of (i) diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use, whichever of (i)

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<sup>7</sup>The names in parentheses following the description of the "Defined Area of Land" are the names of the homesteaders upon whose water use these present perfected rights, added since the 1967 list submitted to this Court, are predicated.

or (ii) is less, for domestic, municipal, and industrial purposes within the boundaries of the land described and with the priority dates listed:

Defined Area of Land	Annual Diversions (acre-feet)	Annual Consumptive Use (acre-feet)	Priority Date
43) City of Needles <sup>6</sup>	1,500	950	1885
44) Portions of: Secs. 5, 6, 7 & 8, T.7N., R.24E.; Sec. 1, T.7N., R.23E.; Secs. 4, 5, 9, 10, 15, 22, 23, 25, 26, 35, & 36, T.8N., R.23E.; Secs. 19, 29, 30, 32 & 33, T.9N., R.23E., S.B.B. & M. (Atchison, Topeka and Santa Fe Railway Co.) <sup>6</sup>	1,260	273	1896
45) Lots 1, 2, 3, 4, 5, & SW1/4 NW 1/4 of Sec. 5, T.13S., R.22E., S.B.B. & M. (Conger) <sup>7</sup>	1.0	0.6	1921
46) Lots 1, 2, 3, 4 of Sec. 32, T.11S., R.22E., S.B.B. & M. (G. Draper) <sup>7</sup>	1.0	0.6	1923
47) Lots 1, 2, 3, 4, and SE1/4 SW1/4 of Sec. 20, T.11S., R.22E., S.B.B. & M. (McDonough) <sup>7</sup>	1.0	0.6	1919
48) SW1/4 of Sec. 25, T.8S., R.22E., S.B.B. & M. (Faubion) <sup>7</sup>	1.0	0.6	1925
49) W1/2 NW1/4 of Sec. 12, T.9N., R.22E., S.B.B. & M. (Dudley) <sup>7</sup>	1.0	0.6	1922
50) N1/2 SE1/4 and Lots 1 and 2 of Sec. 13, T.8S., R.22E., S.B.B. & M. (Douglas) <sup>7</sup>	1.0	0.6	1916
51) N1/2 SW1/4, NW1/4 SE1/4, Lots 6 and 7, Sec. 5, T.9S., R.22E., S.B.B. & M. (Beauchamp) <sup>7</sup>	1.0	0.6	1924
52) NE1/4 SE1/4, SE1/4 NE1/4, and Lot 1, Sec. 26, T.8S., R.22E., S.B.B. & M. (Clark) <sup>7</sup>	1.0	0.6	1916



Defined Area of Land	Annual Diversions (acre-feet)	Annual Consumptive Use (acre-feet)	Priority Date
53) N1/2 SW1/4, NW1/4 SE1/4, SW1/4 NE1/4, Sec. 13, T.9S., R. 21E., S.B.B. & M. (Lawrence) <sup>7</sup>	1.0	0.6	1915
54) N1/2 NE1/4, E1/2 NW1/4, Sec. 13, T.9S., R.21E., S.B.B. & M. (J. Graham) <sup>7</sup>	1.0	0.6	1914
55) SE1/4, Sec. 1, T.9S., R.21E., S.B.B. & M. (Geiger) <sup>7</sup>	1.0	0.6	1910
56) Fractional W1/2 of SW1/4 (Lot 6) Sec. 6, T.9S., R.22E., S.B.B. & M. (Schneider) <sup>7</sup>	1.0	0.6	1917
57) Lot 1, Sec. 15; Lots 1 & 2, Sec. 14; Lots 1 & 2, Sec. 23; all in T.13S., R.22E., S.B.B. & M. (Martinez) <sup>7</sup>	1.0	0.6	1895
58) NE1/4, Sec. 22, T.9S., R.21E., S.B.B. & M. (Earle) <sup>7</sup>	1.0	0.6	1925
59) NE1/4 SE1/4, Sec. 22, T.9S., R.21E., S.B.B. & M. (Diehl) <sup>7</sup>	1.0	0.6	1928
60) N1/2 NW1/4, N1/2 NE1/4, Sec. 23, T.9S., R.21E., S.B.B. & M. (Reid) <sup>7</sup>	1.0	0.6	1912
61) W1/2 SW1/4, Sec. 23, T.9S., R.21E., S.B.B. & M. (Graham) <sup>7</sup>	1.0	0.6	1916
62) S1/2 NW1/4, NE1/4 SW1/4, SW1/4 NE1/4, Sec. 23, T.9S., R.21E., S.B.B. & M. (Cate) <sup>7</sup>	1.0	0.6	1919
63) SE1/4 NE1/4, N1/2 SE1/4, SE1/4 SE1/4, Sec. 23, T.9S., R.21E., S.B.B. & M. (McGee) <sup>7</sup>	1.0	0.6	1924
64) SW1/4 SE1/4, SE1/4 SW1/4, Sec. 23, NE1/4 NW1/4, NW1/4 NE1/4, Sec. 26; all in T.9S., R.21E., S.B.B. & M. (Stallard) <sup>7</sup>	1.0	0.6	1924

Defined Area of Land	Annual Diversions (acre-feet)	Annual Consumptive Use (acre-feet)	Priority Date
65) W1/2 SE1/4, SE1/4 SE1/4, Sec. 26, T.9S., R.21E., S.B.B. & M. (Randolph) <sup>7</sup>	1.0	0.6	1926
66) E1/2 NE1/4, SW1/4 NE1/4, SE1/4 NW1/4, Sec. 26, T.9S., R.21E., S.B.B. & M. (Stallard) <sup>7</sup>	1.0	0.6	1928
67) S1/2 SW1/4, Sec. 13, N1/2 NW1/4, Sec. 24; all in T.9S., R.21E., S.B.B. & M. (Keefe) <sup>7</sup>	1.0	0.6	1926
68) SE1/4 NW1/4, NW1/4 SE1/4, Lots 2, 3 & 4, Sec. 25, T.13S., R.23E., S.B.B. & M. (C. Ferguson) <sup>7</sup>	1.0	0.6	1903
69) Lots 4 & 7, Sec. 6; Lots 1 & 2, Sec. 7; all in T.14S., R.24E., S.B.B. & M. (W. Ferguson) <sup>7</sup>	1.0	0.6	1903
70) SW1/4 SE1/4, Lots 2, 3, and 4, Sec. 24, T.12S., R.21E., Lot 2, Sec. 19, T.12S., R.22E., S.B.B. & M. (Vaulin) <sup>7</sup>	1.0	0.6	1920
71) Lots 1, 2, 3 and 4, Sec. 25, T.12S., R.21E., S.B.B. & M. (Salisbury) <sup>7</sup>	1.0	0.6	1920
72) Lots 2, 3, SE1/4 SE1/4, Sec. 15, NE1/4 NE1/4, Sec. 22; all in T.13S., R.22E., S.B.B. & M. (Hadlock) <sup>7</sup>	1.0	0.6	1924
73) SW1/4 NE1/4, SE1/4 NW1/4, and Lots 7 & 8, Sec. 6, T.9S., R.22E., S.B.B. & M. (Streeter) <sup>7</sup>	1.0	0.6	1903
74) Lot 4, Sec. 5; Lots 1 & 2, Sec. 7; Lots 1 & 2, Sec. 8; Lot 1, Sec. 18; all in T.12S., R.22E., S.B.B. & M. (J. Draper) <sup>7</sup>	1.0	0.6	1903

<u>Defined Area of Land</u>	<u>Annual Consumptive</u>		<u>Priority Date</u>
	<u>Diversions</u> (acre-feet)	<u>Use</u> (acre-feet)	
75) SW1/4 NW1/4, Sec. 5; SE1/4 NE1/4 and Lot 9, Sec. 6; all in T.9S., R.22E., S.B.B. & M. (Fitz) <sup>†</sup>	1.0	0.6	1912
76) NW1/4 NE1/4, Sec. 26; Lots 2 & 3, W1/2 SE1/4, Sec. 23; all in T.8S., R.22E., S.B.B. & M. (Williams) <sup>†</sup>	1.0	0.6	1909
77) Lots 1, 2, 3, 4, & 5, Sec. 25, T.8S., R.22E., S.B.B. & M. (Estrada) <sup>†</sup>	1.0	0.6	1928
78) S1/2 NW1/4, Lot 1, frac. NE1/4 SW1/4, Sec. 25, T.9S., R.21E., S.B.B. & M. (Whittle) <sup>†</sup>	1.0	0.6	1925
79) N1/2 NW1/4, Sec. 25; S1/2 SW1/4, Sec. 24; all in T.9S., R.21E., S.B.B. & M. (Corington) <sup>†</sup>	1.0	0.6	1928
80) S1/2 NW1/4, N1/2 SW1/4, Sec. 24, T.9S., R.21E., S.B.B. & M. (Tolliver) <sup>†</sup>	1.0	0.6	1928

III  
NEVADA.

**A. Federal Establishments Present Perfected Rights.**

The federal establishments named in Article II, subdivision (D), paragraphs (5) and (6) of the Decree entered on March 9, 1964 in this case, such rights having been decreed by Article II:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Net Acres</u>	<u>Priority Date</u>
81) Fort Mohave Indian Reservation	12,534 <sup>8</sup>	1,939 <sup>8</sup>	Sept. 18, 1890
82) Lake Mead National Rec- reation Area (The Overton Area of Lake Mead N.R.A. provided in Executive Order 5105)	500	300 <sup>9</sup>	May 3, 1929 <sup>10</sup>

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<sup>8</sup>The quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage and for satisfaction of related uses, whichever of (i) or (ii) is less.

<sup>9</sup>Refers to acre-feet of annual consumptive use, not to net acres.

<sup>10</sup>Article II(D)(6) of said Decree specifies a priority date of March 3, 1929. Executive Order 5105 is dated May 3, 1929, (see C.F.R. 1964 Cumulative Pocket Supplement, page 276, and the Findings of Fact and Conclusions of Law of the Special Master's Report in this case, pages 294-295).

IN THE  
**Supreme Court of the United States**

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October Term 1976  
No. 8, Original of  
October Term 1965

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STATE OF ARIZONA,

*Complainant,*

*vs.*

STATE OF CALIFORNIA, PALO VERDE IRRIGATION DISTRICT, IMPERIAL IRRIGATION DISTRICT, COACHELLA VALLEY COUNTY WATER DISTRICT, THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, CITY OF LOS ANGELES, CITY OF SAN DIEGO, and COUNTY OF SAN DIEGO,

*Defendants,*

UNITED STATES OF AMERICA and STATE OF NEVADA,

*Intervenors,*

STATE OF NEW MEXICO and STATE OF UTAH,

*Impleaded Defendants.*

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**Memorandum in Support of the Joint Motion for the  
Entry of the Proposed Supplemental Decree**

This action was commenced in 1952, the opinion in the case was issued in 1963, 373 U.S. 546, and the Decree was entered in 1964, 376 U.S. 340, and amended on February 28, 1966, 383 U.S. 268. Article VI of the Decree, as amended, provides (383 U.S. at 268-269):

Within three years from the date of this decree [March 9, 1964], the States of Arizona, Cali-

fornia, and Nevada shall furnish to this Court and to the Secretary of the Interior a list of the present perfected rights, with their claimed priority dates, in waters of the mainstream within each state, respectively, in terms of consumptive use, except those relating to federal establishments. Any named party to this proceeding may present its claim of present perfected rights or its opposition to the claims of others. The Secretary of the Interior shall supply similar information, within a similar period of time, with respect to the claims of the United States to present perfected rights within each state. If the parties and the Secretary of the Interior are unable at that time to agree on the present perfected rights to the use of mainstream water in each state, and their priority dates, any party may apply to the Court for the determination of such rights by the Court.

Pursuant to Article VI, in March of 1967, the State of Arizona, the State of California, and the Secretary of the Interior submitted the lists required by that Article to the Court.<sup>1</sup> The parties were unable to reach agreement, although negotiations continued for nearly 10 years. Accordingly, on May 2, 1977, Arizona, Nevada, California, and seven California public agencies<sup>2</sup> (the State Parties) filed a Joint Motion for a Determination of Present Perfected Rights and the Entry of a Supplemental Decree pursuant to Article

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<sup>1</sup>The State of Nevada, Intervener, asserted no present perfected rights.

<sup>2</sup>Palo Verde Irrigation District, Imperial Irrigation District, Coachella Valley County Water District, The Metropolitan Water District of Southern California, City of Los Angeles, City of San Diego, and County of San Diego.

VI, accompanied by a Proposed Supplemental Decree reach agreement, although negotiations continued for setting forth the present perfected rights claimed by the parties, as well as a provision according priority to the present perfected rights of the Cocopah, Colorado River, Chemehuevi, Quechan (Fort Yuma), and Fort Mojave Tribes.<sup>3</sup> In November 1977, the United States filed its Response to the Joint Motion urging the Court to enter the Proposed Supplemental Decree, provided that it were amended in several respects. The Court requested that the State Parties reply to the United States' Response, and negotiations continued.

The United States and the State Parties<sup>4</sup> have now reached agreement on a Proposed Supplemental Decree which includes a provision giving the Indians present perfected rights priority and lists the present perfected rights with their claimed priority dates, in waters of the mainstream within each state, respectively, in terms of consumptive use. Accordingly, no further issues remain to be determined pursuant to Article VI. Nevertheless, in order to avoid future controversies, the moving parties apply to the Court for the entry of the Proposed Supplemental Decree submitted herewith, which embodies their agreement.

Dated: May 26, 1978.

Respectfully submitted,

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<sup>3</sup>We note that some of these tribes have moved to intervene and it would, accordingly, seem right to defer action on the present Joint Motion until the question of any such intervention is resolved.

<sup>4</sup>The States of New Mexico and Utah, the impleaded defendants, claim no present perfected rights and are not parties to this Motion.



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*Solicitor General,*

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*Chief Deputy Attorney General,*

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*Deputy Attorney General,*

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By LYLE RIVERA.





Service of the within and receipt of a copy  
thereof is hereby admitted this ..... day  
of May, A.D. 1978.

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