In the Supreme Court of the United States

OCTOBER TERM, 1955 [illegible] 1961

No. 10, ORIGINAL

STATE OF ARIZONA, COMPLAINANT,

v.

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

UNITED STATES OF AMERICA, INTERVENER,

STATE OF NEVADA, INTERVENER.

STATE OF NEW MEXICO, Intervener.

STATE OF UTAH, Intervener.

ANSWER OF THE STATE OF NEVADA TO COMPLAINT AND ANSWER IN INTERVENTION BY THE STATE OF UTAH

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COMES NOW the intervening State of Nevada in response to the Complaint and Answer in Intervention of the State of Utah, and admits, denies and alleges as follows:

I

Answering paragraph II of said Complaint and Answer, Nevada states it has not sufficient knowledge or information upon which to

base a belief and therefore denies that the State of Utah is and/or should be entitled to a priority of the present and future beneficial consumptive use of the waters in the Lower Basin found in the Virgin River, Kanab Creek and Johnson Creek to the extent and amount of 175,000 acre-feet.

II

Answering subdivision No. 2, paragraph IV of said Complaint and Answer, Nevada denies that the beneficial consumptive use of the waters apportioned to the Lower Basin should be measured by the inflow-outflow method adopted for the Upper Basin in the Upper Colorado River Basin Compact, i. e., in terms of man-made depletion of the virgin flow at specified points along the main stream, and in connection with this said denial, Nevada alleges that the commonly and well-recognized measure of beneficial consumptive use in the Western States, including Nevada, is the measured diversion from the source less the measured return flow thereof to said source, and that the only exception thereto is where wasting streams due to channel losses occasioned by evaporation and transpiration, a portion of said losses were converted to beneficial use by the activities of man through the impounding, pumping and diversion of said waters upstream from the area wherein the major losses by evaporation and transpiration took place, then the measure of beneficial use is by the main stream depletion theory. Nevada, in subdivision No. 2, paragraph XVIII of its Petition in Intervention has heretofore so alleged.

WHEREFORE, the State of Nevada reiterates its Prayer set forth in its Petition in Intervention.

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