IN THE

Supreme Court of the United States

October Term, 1955 1961

No. 10 Original

STATE OF ARIZONA, COMPLAINANT,

vs.

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.

STATES OF NEW MEXICO AND UTAH, IMPLEADED.

RESPONSE OF STATE OF ARIZONA TO COMPLAINT AND ANSWER BY THE STATE OF UTAH

JOHN H. MOEUR,
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For the Arizona Interstate Stream Commission

ROBERT MORRISON,
Attorney General of Arizona

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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,

STATES OF NEW MEXICO AND UTAH,

Impleaded.

RESPONSE OF STATE OF ARIZONA TO COMPLAINT AND ANSWER BY THE STATE OF UTAH

The State of Arizona, by its duly authorized attorneys, respectfully submits its response to the Complaint and Answer of the State of Utah, as follows:

I.

Arizona admits all of the allegations therein contained save and except those allegations or parts thereof hereinafter specifically denied.

II.

Arizona denies that the State of Utah has or should be entitled to a priority for use of the waters of the Virgin River, Kanab Creek or Johnson Creek.

III.

Arizona denies that the State of Utah has the right to the beneficial consumptive use of the waters apportioned to the Lower Basin by the Colorado River Compact to the extent of 175,000 acre-feet per annum for present and future agricultural and domestic uses; alleges that the State of Utah is entitled to the use of no more than 52,100 acre-feet per annum, in the aggregate, of said waters for said purposes, measured in terms of depletion of the main stream; alleges that there are established uses by the States of Arizona and Nevada of the waters of the Virgin River and Kanab Creek; and alleges that additional use of the waters of said streams by the State of Utah cannot exceed such amount as will permit continued uses established by the State of Arizona.

WHEREFORE, the State of Arizona prays that the decree entered herein contain, among other appropriate provisions, provision limiting the rights of the State of Utah in and to the beneficial consumptive use of the waters of the Virgin River, Kanab Creek and Johnson Creek to not more than 52,100 acre-feet per annum in the aggregate, measured in terms of depletion of the main stream; and that said uses in the State of Utah be decreed not to have priority over the rights of the

State of Arizona in and to the consumptive use of the waters of said river and creeks.

JOHN H. MOEUR
Chief Counsel
Arizona Interstate Stream Commission

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