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 APPEARANCE AND STATEMENT OF NEW MEXICO.

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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 APPEARANCE AND STATEMENT OF NEW MEXICO.

The State of Arizona, by its duly authorized attorneys, respectfully submits its response to the Appearance and Statement in behalf of New Mexico as follows:

I.

Arizona admits all of the allegations of Paragraphs I to VI, inclusive, of said statement.

II.

Arizona denies the allegations of the first sentence of Paragraph VII of said statement and alleges that not more than 18,550 acres are irrigated in New Mexico by waters of the Colorado River System; alleges that Arizona is without knowledge or information sufficient to form a belief as to the truth of the allegations of the second, third and fourth sentences of Paragraph VII of said statement.

Arizona admits that the allegations of the fifth sentence of said Paragraph VII are substantially correct.

Arizona admits the remaining allegations of said Paragraph VII, but alleges that no storage facilities can legally be constructed on either the Gila or Little Colorado Rivers or their tributaries in New Mexico which interfere with or obstruct established downstream uses in Arizona.

III.

Arizona denies the allegations of Paragraph VIII of said statement except the allegations of the last sentence thereof, which allegations Arizona admits.

IV.

Arizona denies the allegations of the first sentence of Paragraph IX of said statement and admits the allegations of the second sentence of said paragraph.

V.

Arizona admits that the questions set forth in subparagraph 1 of Paragraph X of said statement are the basic issues to be determined in this litigation.

Arizona admits that, as alleged in subparagraph 2 of said Paragraph X, New Mexico has the right to the beneficial consumptive use of a sufficient quantity of Lower Basin waters per annum to supply any rights which existed in 1922 and alleges that any rights in New Mexico, to the use of waters of the Gila River

and its tributaries are governed and controlled by that certain decree entitled "Globe Equity 59", dated June 29, 1935, in the United States District Court for the District of Arizona.

Arizona admits the allegations of subparagraph 3 of Paragraph X and alleges that beneficial consumptive use is required to be measured in terms of main stream depletion and further alleges that, under the provisions of the Boulder Canyon Project Act and the California Limitation Act, the State of California is precluded from claiming any portion of the waters referred to in Article III(b) of the Compact.

WHEREFORE, Arizona prays that the decree entered herein shall contain, among other appropriate provisions, provision:

1. Limiting uses by New Mexico of the waters of the Little Colorado and its tributaries to such uses as will not interfere with or obstruct uses being made in or planned by Arizona of the waters of said stream and its tributaries; and

2. Limiting uses by New Mexico of the waters of the Gila River and its tributaries in accordance with that certain decree entitled Globe Equity 59, dated June 29, 1935, and further limiting such uses to uses such as will not interfere with or obstruct uses being made in or planned by Arizona of the waters of said stream and its tributaries.

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