# In the Supreme Court

OF THE

# United States

OCTOBER TERM, 1979

**No. 78, Original**

STATE OF CALIFORNIA,
*Plaintiff,*

VS.

STATE OF ARIZONA AND THE UNITED STATES OF AMERICA,
*Defendants.*

## REPLY TO COUNTERCLAIM OF DEFENDANT STATE OF ARIZONA

GEORGE DEUKMEJIAN
Attorney General of the State of California

N. GREGORY TAYLOR
Assistant Attorney General

JOHN BRISCOE
NANCY A. SAGGESE
Deputy Attorneys General
6000 State Building
San Francisco, California 94102
Telephone: (415) 557-2210
*Attorneys for Plaintiff State of California*

BOWNE-PERNAU WALSH • 1045 SANSOME ST. • S.F., CA 94111 • (415) 981-7882

# In the Supreme Court

OF THE

# United States

---

OCTOBER TERM, 1979

---

**No. 78, Original**

---

STATE OF CALIFORNIA,
*Plaintiff,*

VS.

STATE OF ARIZONA AND THE UNITED STATES OF AMERICA,
*Defendants.*

---

## REPLY TO COUNTERCLAIM OF DEFENDANT STATE OF ARIZONA

---

The State of California by its Attorney General replies to the counterclaim of the State of Arizona as follows:

1. California admits the allegations of paragraphs I, II, and III of the counterclaim.

2. California alleges that the middle of the main channel of the Colorado River was the boundary between the States of California and Arizona until the Interstate Compact referred to in paragraph IV was ratified by Congress. Except as so alleged, California admits the allegations of paragraph IV of the counterclaim.

3. With respect to paragraph V of the counterclaim, California alleges (a) that the Colorado River is a navi-

gable river for title purposes; (b) that on its admission to the Union Arizona became vested by virtue of her sovereignty with title to that portion of the bed of the River lying on the Arizona side of the center of the River's main channel; and (c) that portions of the River's bed, because of the Interstate Compact referred to in paragraph IV of the counterclaim, now lie wholly within the State of California, a fact which does not affect Arizona's sovereign title to those portions. Except as so alleged, California denies the allegations of paragraph V of the counterclaim.

4. California admits the allegations of paragraph VI of the counterclaim.

5. California disclaims any interest in the lands described in Exhibit A to the counterclaim, thus denying the allegations of paragraph VII of the counterclaim.

6. California admits the allegations of paragraphs VIII and IX of the counterclaim.

7. Since California makes no claim adverse to the title claimed by Arizona in its counterclaim, California denies the allegations of paragraph X insofar as they speak of claims of California. Except for this denial, California admits the allegations of paragraph X.

8. California denies each allegation of the counterclaim as to which no specific admission or allegation is made in this Reply.

WHEREFORE, having disclaimed any interest in the lands described in Exhibit A to the counterclaim, California prays that the counterclaim be dismissed without costs to this party.

Dated: September 13, 1979

GEORGE DEUKMEJIAN
Attorney General of the State of California

N. GREGORY TAYLOR
Assistant Attorney General

JOHN BRISCOE
NANCY A. SAGGESE
Deputy Attorneys General

By JOHN BRISCOE
*Attorneys for Plaintiff*
*State of California*