

IN THE
Supreme Court of the United States
October Term 1966

Office-Supreme Court, U.S.
FILED

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JOHN F. DAVIS, CLERK

No. 8 Original

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,

Interveners,

STATE OF NEW MEXICO and STATE OF UTAH,

Impleaded Defendants.

List of Present Perfected Rights in the State of California (Excluding Federal Establishments) Pursuant to Article VI of Decree.

Submitted by
Defendant State of California

THOMAS C. LYNCH,
Attorney General,
State Building,
Los Angeles, Calif. 90012

NORTHCUTT ELY,
Special Assistant
Attorney General,

Tower Building,
Washington, D.C. 20005

BURTON J. GINDLER,
DAVID B. STANTON,
Deputy Attorneys
General,

State Building,
Los Angeles, Calif. 90012

C. EMERSON DUNCAN II, ESQ.,
Tower Building,
Washington, D.C. 20005

Attorneys for Defendant State of California.

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1. Defendant State of California does hereby “furnish to this Court and to the Secretary of the Interior” and to the States of Arizona and Nevada the following “list of the present perfected rights, with their claimed priority dates, in waters of the main stream” within the State of California, “in terms of consumptive use, except those relating to federal establishments” [Article VI of the decree entered herein on March 9, 1964 (376 U.S. 340, 351-52), as amended on February 28, 1966 (383 U.S. 286)]:

(1) <u>Defined Area of Land or Definite Municipal or Industrial Works</u>	(2) <u>Consumptive Use (acre-feet per annum)</u>	(3) <u>Priority Date</u>	(4) <u>Claimant(s)</u>
Within boundaries of Imperial Irrigation District	2,806,000	1895	Imperial Irrigation District
Within boundaries of Palo Verde Irrigation District	208,100	1877	Palo Verde Irrigation District
Yuma Project, Reservation Division, non-Indian portion (Bard Irrigation District) : Entries and areas irrigated prior to June 25, 1929 ¹	21,162 ^{1a}	1905	Owners of individual entries and areas ¹
City of Needles, California Lots 1, 2, and 3, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ and/or SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 27, T.16S., R.22E., S.B.B.&M.	2,000 765.2	Early 1880's 1856	City of Needles, California Wavers, Edward M. Hutcheson, John E.
SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$ in Sec. 1; NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 12; all in T.9N., R.22E., S.B.B.&M.	550	1917	Stephenson, R. B. Olson, Henry

Portions of:
Sections 5, 6, 7, and 8,
T.7N., R.24E.; Sec. 1,
T.7N., R.23E.;
Sections 4, 5, 9,
10, 15, 22, 23, 25,
26, 35, and 36,
T.8N., R.23E.;
Sections 19, 29,
30, 32, and 33,
T.9N., R.23E.;
all S.B.B.&M.

S 1/2 of SW 1/4, NW 1/4
of SW 1/4 and SE 1/4 of
NW 1/4; S 1/2 of SE 1/4,
NW 1/4 of SE 1/4 and
SW 1/4 of NE 1/4, all in
(Description continued on p. 4)

88 1917

Bleiman, H.
Doehring, P.C.
Fortner, E.
Harmon, B.E.
Ruzicka, E.V.
(Claimants continued on p. 4)

¹Identification of these entries and areas and of their current owners (ownerships change from time to time) appear in the official records of the Yuma Project office, Yuma, Arizona. Because this information is a part of those official public records of the Government, the State of California does not consider it necessary to burden this list nor any supplemental decree that follows with identification of the several hundred entries, areas, and persons involved.

^{1a}This consumptive use figure results in a diversion requirement of not less than 42,325 acre feet per annum.

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Sec. 10, T.1S., R.24E., S.B.B.&M.			Ruzicka, S.O. Ruzicka, V.S. Suffdy, C. Walsh, D. Zoff, H.G.
Lots 1 and 2, Sec. 19, T.13S., R.23E., S.B.B.&M., and Lots 2, 3, and 4 of Sec. 24, T.13S., R.22E., S.B.B.&M.	66	1893	Mendivil, B.E. Pat Mines Inc. Young, R.J. & O.
NW ¼ of SE ¼, S ½ of SE ¼, Sec. 24, and NW ¼ of NE ¼, Sec. 25, all in T.9S., R.21E., S.B.B.&M.	66	1928	Grannis, Gladys W.
Lot 6, Sec. 5; Lots 1 and 2, SW ¼ of NE ¼, NE ¼ of SE ¼, (Description continued below)	55	1913	Morgan, J.P.

Sec. 8; Lots 1 and 2, Sec. 9;
all in T.13S., R.22E.,
S.B.B.&M.

W $\frac{1}{2}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$
of NW $\frac{1}{4}$, Sec. 14,
T.10S., R.21E., S.B.B.&M.

N $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$
of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of
SE $\frac{1}{4}$, Sec. 30, T.9N.,
R.23E., S.B.B.&M.

SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of
Sec. 5, SE $\frac{1}{4}$ of NE $\frac{1}{4}$,
Sec. 6, and Lot 9,
Sec. 6, all in T.9S.,
R.22E., S.B.B.&M.

E $\frac{1}{2}$ of NW $\frac{1}{4}$, and
N $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 12,
T.9N., R.22E., S.B.B.&M.

40 1918 Milpitas Cattle Co., Inc.

40 1889
Simons, Helen E.
Simons, Irene O.
Simons, James A.
Simons, Leslie H.
Simons, Stefan H.
Sullivan, Lena
Williams, Rita M.

39.6 1912
Fewell, Archie V. and
Grace

35.2 1921
Colorado River
Sportmen's League, Inc.

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E ½ of NW ¼, Sec. 1, T.10S., R.21E., S.B.B.&M.	25.3	1914	Milpitas Cattle Co., Inc
S ½ of SW ¼, Sec. 12, T.9N., R.22E., S.B.B.&M.	24.2	1921	Andrade, A.D. & D.L. Baldwin, K.L. & J.A. Brown, J.D. & Barbara Collett, Charles & Faye Craig, R.L. Daniel, D.B. & F.D. Gibson, F.E. & M.E. Hazelwood, B.A. & F. Jones, J.P. & E.R. Lindeman, W.H. McShan, F.B. & M.L. Schroeder, W.G. & C.D. Seale, R.A. & H.L. Sherman, C.C. & M.T. Sieggers, A.F. & M.N. Tyler, B.L. Van Alstine, H. & R.

(Claimants continued below)

Lots 2, 3, and 7 and NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 19, T.9N., R.23E., S.B.B.&M.	23.1	1904	Walton, A.
			West, G.J.
NE $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 18, T.15S., R.24E., S.B.B.&M.	23.1	1928	Wetmore, K.C. & J.C.
			Wetmore, M.
N $\frac{1}{2}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 24, T.9N., R.22E., S.B.B.&M.	22	1905	Xander, E.J.
			Reynolds, Earl W.
			Simons, Irene O.
			Skinner, Otto
			Bosworth, Ralph
			Burr, Barbara
			Burr, Robert
			Clark, C.W.
			Clark, Ronnie W.
			Lakeview Development Co.
			Cooper, B.B.
			Dickson, B.J.
			Gilmore, A.E. & F.E.
			Lind, W.P.
			Lind, P.H.
			Long, Geo.
			Matwick, Joe
			McShan, B.

(Claimants continued on p. 8)

(1) <u>Defined Area of Land or Definite Municipal or Industrial Works</u>	(2) <u>Consumptive Use (acre-feet per annum)</u>	(3) <u>Priority Date</u>	(4) <u>Claimant(s)</u>
Portions of unsurveyed Sections 1 and 12, T.2S., R.23E., S.B.B.&M.	10	Prior to 1912	Monroe, Dr. Jack Norris, O.H. Richardson, R.E. Stuckey's Walton, Jerry
Portions of unsurveyed Sections 6 and 7, T.2S., R.24E., S.B.B.&M.			Desert View Mines, Inc.
Portion of Sec. 31, T.1S., R.24E., S.B.B.&M.			
Undivided $\frac{1}{8}$ interest in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 23, T.16S., R.22E., S.B.B.&M.	<u> ² </u>	1884 ³	Rosamond De Corse

Undivided $\frac{1}{4}$
interest in SE $\frac{1}{4}$
of NW $\frac{1}{4}$ of NW $\frac{1}{4}$,
Sec. 23, T.16S.,
R.22E., S.B.B.&M.

NW $\frac{1}{4}$ of SW $\frac{1}{4}$
of NE $\frac{1}{4}$, Sec. 20;
SW $\frac{1}{4}$ of NW $\frac{1}{4}$
of SW $\frac{1}{4}$ and SE $\frac{1}{4}$,
of SE $\frac{1}{4}$ of NW $\frac{1}{4}$,
both in Sec. 23; all
in T.16S., R.22E.,
S.B.B.&M.

Beginning at an established survey
marker at the southeast corner of
section 24 in township 16 south of
range 22 east of San Bernardino
(Description continued on p. 10)

²Aliquot share of the present perfected right of the Yuma Indian Reservation, as said right will be presented in the list submitted by the United States pursuant to Article VI of the decree.

³See Article II(D)(3) of decree.

⁴Note 2, *supra*.

⁵Note 3, *supra*.

1884³

Rosamond
De Corse

1884³

Rosamond
De Corse

1884⁵

Church of Jesus Christ
of Latter Day Saints

(1) <u>Defined Area of Land or Definite Municipal or Industrial Works</u>	(2) <u>Consumptive Use (acre-feet per annum)</u>	(3) <u>Priority Date</u>	(4) <u>Claimant(s)</u>
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Base and Meridian, California,
thence north $0^{\circ} 26'$ west a distance
of 2647.67 feet to the east $\frac{1}{4}$ corner
of said section 24, thence south
 $89^{\circ} 43' 30''$ west a distance of
2419.2 feet to the southeast corner
of subject property and point of
beginning; thence from said initial
point, by metes and bounds,
North $0^{\circ} 44' 15''$ east 208.7 feet,
South $89^{\circ} 43' 30''$ west 208.7 feet,
South $0^{\circ} 44' 15''$ west 208.7 feet,
North $89^{\circ} 43' 30''$ east 208.7 feet
to the point of beginning, containing
one acre, more or less, together with
all the improvements thereon and
the appurtenances thereunto
belonging.

2. The United States, in reporting consumptive use of main stream water as required by Article V(B) of the decree, has failed to give diverters of main stream water in the State of California what we contend to be proper credit for all return flows. Therefore, this list of present perfected rights in California is submitted without prejudice to adjustment upward of California's figures should the Government's position be partially or wholly sustained.

3. It has not been possible to determine whether certain persons pumping ground water within the natural Colorado River drainage basin were, prior to June 25, 1929, or are now in fact using main stream water accountable under the decree or using tributary water not covered by the decree. Whenever this uncertainty is resolved, either by stipulation of the parties to this suit or by the Court, the State of California may add to or delete from the foregoing list during the pendency of the present proceedings under Article VI. This list is submitted without prejudice thereto.

Dated: March 9, 1967.

Respectfully submitted,

THOMAS C. LYNCH,
Attorney General,

NORTHCUTT ELY,
*Special Assistant
Attorney General,*

BURTON J. GINDLER,
DAVID B. STANTON,
Deputy Attorneys General,

C. EMERSON DUNCAN II, ESQ.,
Attorneys for Defendant State of California.

Service of the within and receipt of a copy
thereof is hereby admitted this.....day
of March, A.D. 1967.
