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No. 8, Original

In the Supreme Court of the United States

OCTOBER TERM, 1966

STATE OF ARIZONA, COMPLAINANT

v.

STATE OF CALIFORNIA, PALO VERDE IRRIGATION DISTRICT,
IMPERIAL IRRIGATION DISTRICT, COACHELLA VALLEY
COUNTY WATER DISTRICT, METROPOLITAN WATER DIS-
TRICT OF SOUTHERN CALIFORNIA, CITY OF LOS AN-
GELES, CALIFORNIA, CITY OF SAN DIEGO, CALIFORNIA,
AND COUNTY OF SAN DIEGO, CALIFORNIA, DEFENDANTS
THE UNITED STATES OF AMERICA AND STATE OF NEVADA,
INTERVENERS

STATE OF UTAH AND STATE OF NEW MEXICO, IMPLEADED
DEFENDANTS

LIST OF PRESENT PERFECTED RIGHTS CLAIMED BY THE
UNITED STATES

THURGOOD MARSHALL,
Solicitor General,
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Washington, D.C. 20530.

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Pursuant to Article VI of the Decree entered here-
in, 376 U.S. 340, as amended, 383 U.S. 268, we submit
the list supplied by the Secretary of the Interior of
the present perfected rights claimed by the United
States within each state in the mainstream of the Colo-
rado River. This list is in two parts:

(I) The further definition of the present perfected
rights claimed for the federal establishments named in

(1)

Article II, subdivision (D), paragraphs (1) through (6), such rights having been decreed in said Article II.

(II) Other present perfected rights claimed by the United States. These claims are made with respect to those irrigation projects which were authorized and undertaken by the United States under the federal reclamation laws prior to the effective date of the Boulder Canyon Project Act. Each of these claims is stated in the first instance in terms of diversions at Imperial Dam. While the diversion point for each of these projects pre-1929 was different from Imperial Dam, the diversion point is now that dam and appropriate adjustments of the quantities of water actually diverted and applied to beneficial use on the several projects before June 25, 1929, have been made to reflect the new diversion point.

I

Present perfected rights for Indian reservations in waters of the mainstream of the Colorado River

Indian Reservation	State	Present Perfected Rights ¹		
		Diversion Acre-Feet	Net Acres	Priority Date
Yuma.....	California.....	51, 616	7, 743	January 9, 1884.
Fort Mojave.....	Arizona.....	27, 969	4, 327	September 18, 1890.
	do.....	68, 447	10, 589	February 2, 1911.
	California.....	13, 698	2, 119	September 18, 1890.
	Nevada.....	12, 534	1, 939	September 18, 1890.
Chemehuevi.....	California.....	11, 340	1, 900	February 2, 1907.
Cocopah.....	Arizona.....	2, 744	431	September 27, 1917.
Colorado River.....	do.....	358, 400	53, 768	March 3, 1865.
	do.....	252, 016	37, 808	November 22, 1873.
	do.....	51, 986	7, 799	November 16, 1874.
	California.....	10, 745	1, 612	November 22, 1873.
	do.....	40, 241	6, 037	November 16, 1874.
	do.....	3, 760	564	May 15, 1876.
		905, 496	136, 636	

¹ According to the terms of the Decree, the quantity of water in each instance is measured by (i) diversions or (ii) consumptive use required for irrigation of the respective acreage, and for satisfaction of related uses, which ever of (i) or (ii) is less.

Present perfected rights for national recreation area in the waters of the mainstream of the Colorado River

	State	Present Perfected Rights	
		Diversion Acre-Feet	Priority Date
Lake Mead National Recreation Area (The Overton Area of Lake Mead N.R.A., provided in Executive Order 5105.)	Nevada.....	500	May 3, 1929 ¹

¹ The Decree, Article II(D)(6) specifies a priority date of March 3, 1929. Executive Order 5105 is dated May 3, 1929 (see 3 C.F.R., 1964 Cumulative Pocket Supplement, page 276), and the Findings of Fact and Conclusions of Law of the Special Master use the date of May 3, 1929 (Special Master's Report, pp. 294-295). The date herein is therefore made *May 3, 1929*. The use of water under this claim is for domestic purposes. The estimated consumptive use is 300 acre-feet per annum.

II

Present perfected rights to water from the mainstream of the Colorado River for Federal reclamation projects

(1) The Reservation Division, Yuma Reclamation Project, California, exclusive of lands in the Yuma Indian Reservation, in annual quantities not to exceed

- (i) 39,561 acre-feet of diversions from the mainstream measured at Imperial Dam or
- (ii) the quantity of mainstream water necessary to supply the consumptive use required for the irrigation of 6,215 acres within the boundaries of the Reservation Division as of June 25, 1929, and the satisfaction of related uses,

whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

(2) The Yuma Auxiliary Project, Arizona, in annual quantities not to exceed

- (i) 6,801 acre-feet of diversions from the mainstream measured at Imperial Dam or

- (ii) the quantity of mainstream water necessary to supply the consumptive use required for the irrigation of 1,165 acres within the boundaries of the Yuma Auxiliary Project and 60 acres adjacent thereto, as of June 25, 1929, and for the satisfaction of related uses,

whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

(3) The North Gila Valley Unit, Yuma Mesa Division, Gila Reclamation Project, Arizona, in annual quantities not to exceed

- (i) 31,994 acre-feet of diversions from the mainstream measured at Imperial Dam,
or
- (ii) the quantity of mainstream water necessary to supply the consumptive use required for the irrigation of 5,000 acres within the boundaries of the North Gila Valley Irrigation District as of June 25, 1929, and the satisfaction of related uses,

whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

(4) The Valley Division, Yuma Reclamation Project, Arizona, in annual quantities not to exceed

- (i) 299,852 acre-feet of diversions from the mainstream measured at Imperial Dam
or
- (ii) the quantity of mainstream water necessary to supply the consumptive use required for the irrigation of 46,563 acres

within the boundaries of the Valley Division as of June 25, 1929, and the satisfaction of related uses,

whichever of (i) or (ii) is less, with a priority date of October 23, 1890, so far as this date may be allowable under applicable law. Alternatively, priority dates of June 8, 1897, January 18, 1902, and July 8, 1905, are claimed.

Respectfully submitted.

THURGOOD MARSHALL,
Solicitor General.

MARCH 1967.

