

## Syllabus

## ARIZONA v. CALIFORNIA ET AL.

ON JOINT MOTION FOR ENTRY OF SUPPLEMENTAL DECREE AND  
MOTIONS FOR LEAVE TO INTERVENE

No. 8, Orig. Decided June 3, 1963—Decree entered March 9, 1964—  
Amended decree entered February 28, 1966—Argued October 10,  
1978—Decided and supplemental decree entered  
January 9, 1979

Joint motion for entry of a supplemental decree is granted and a supplemental decree is entered; motions to intervene denied in part and otherwise referred to Special Master.

Opinion reported: 373 U. S. 546; decree reported: 376 U. S. 340; amended decree reported: 383 U. S. 268.

*Ralph E. Hunsaker* argued the cause for complainant.

*Douglas B. Noble*, Deputy Attorney General of California, argued the cause for defendant State of California et al. *Robert P. Will* argued the cause for defendant Metropolitan Water District of Southern California et al.

With Messrs. *Hunsaker*, *Noble*, and *Will* on the responses of the State of Arizona et al. to both motions to intervene were *Evelle J. Younger*, Attorney General of California, *Sanford N. Gruskin*, Chief Assistant Attorney General, *R. H. Connett* and *N. Gregory Taylor*, Assistant Attorneys General, *Edwin J. Dubiel*, *Emil Stipanovich, Jr.*, and *Anita E. Ruud*, Deputy Attorneys General, *Roy H. Mann*, *Maurice C. Sherrill*, *R. L. Knox, Jr.*, *Burt Pines*, *Gilbert W. Lee*, *John W. Witt*, *C. M. Fitzpatrick*, *Joseph Kase, Jr.*, *Robert List*, Attorney General of Nevada, *Lyle Rivera*, Chief Deputy Attorney General, *Brian McKay*, Deputy Attorney General, and *Thomas G. Nelson*.

With Mr. *Noble* on the response of the State of California et al. to the motion to intervene of the Colorado River Indian Tribes et al. were Messrs. *Younger*, *Gruskin*, *Connett*, *Taylor*,

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*Dubiel, Stipanovich, Ms. Ruud, Messrs. Sherrill, Knox, List, Rivera, McKay, and Nelson.*

With Mr. *Will* on the response of the Metropolitan Water District of Southern California et al. to the motion to intervene of the Colorado River Indian Tribes et al. were Messrs. *Pines, Lee, Witt, Fitzpatrick, and Kase.*

*Raymond C. Simpson* argued the cause and filed briefs for the Fort Mojave Indian Tribe et al.

*Lawrence D. Aschenbrenner* argued the cause for the Copah Indian Tribe.

*Terry Noble Fiske* argued the cause for the Colorado River Indian Tribes.

*Louis F. Claiborne* argued the cause for the United States. On the memorandums for the United States were *Solicitor General McCree, Assistant Attorney General Moorman, and Myles E. Flint.\**

#### PER CURIAM AND SUPPLEMENTAL DECREE.

The United States of America, Intervenor, State of Arizona, Complainant, the California Defendants (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, County of San Diego), and State of Nevada, Intervenor, pursuant to Art. VI of the Decree entered in the case on March 9, 1964, at 376 U. S. 340, and amended on February 28, 1966, at 383 U. S. 268, have agreed to the present perfected rights to the use of mainstream water in each State and their priority dates as set forth herein. Therefore, it is hereby ORDERED, ADJUDGED, AND DECREED that the joint motion of the United States, the State of Arizona, the California Defendants, and the State of Nevada to enter a supplemental decree is granted and that said present

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\**Donald D. Stark* filed a brief as *amicus curiae*.

perfected rights in each State and their priority dates are determined to be as set forth below, subject to the following:

(1) The following listed present perfected rights relate to the quantity of water which may be used by each claimant and the list is not intended to limit or redefine the type of use otherwise set forth in said Decree.

(2) This determination shall in no way affect future adjustments resulting from determinations relating to settlement of Indian reservation boundaries referred to in Art. II (D)(5) of said Decree.

(3) Article IX of said Decree is not affected by this list of present perfected rights.

(4) Any water right listed herein may be exercised only for beneficial uses.

(5) In the event of a determination of insufficient mainstream water to satisfy present perfected rights pursuant to Art. II (B)(3) of said Decree, the Secretary of the Interior shall, before providing for the satisfaction of any of the other present perfected rights except for those listed herein as "MISCELLANEOUS PRESENT PERFECTED RIGHTS" (rights numbered 7-21 and 29-80 below) in the order of their priority dates without regard to State lines, first provide for the satisfaction in full of all rights of the Chemehuevi Indian Reservation, Cocopah Indian Reservation, Fort Yuma Indian Reservation, Colorado River Indian Reservation, and the Fort Mojave Indian Reservation as set forth in Art. II (D)(1)-(5) of said Decree, provided that the quantities fixed in paragraphs (1) through (5) of Art. II (D) of said Decree shall continue to be subject to appropriate adjustment by agreement or decree of this Court in the event that the boundaries of the respective reservations are finally determined. Additional present perfected rights so adjudicated by such adjustment shall be in annual quantities not to exceed the quantities of mainstream water necessary to

supply the consumptive use required for irrigation of the practicably irrigable acres which are included within any area determined to be within a reservation by such final determination of a boundary and for the satisfaction of related uses. The quantities of diversions are to be computed by determining net practicably irrigable acres within each additional area using the methods set forth by the Special Master in this case in his Report to this Court dated December 5, 1960, and by applying the unit diversion quantities thereto, as listed below:

Indian Reservation	Unit Diversion Quantity Acre-Feet Per Irrigable Acre
Cocopah	6.37
Colorado River	6.67
Chemehuevi	5.97
Ft. Mojave	6.46
Ft. Yuma	6.67

The foregoing reference to a quantity of water necessary to supply consumptive use required for irrigation, and as that provision is included within paragraphs (1) through (5) of Art. II (D) of said Decree, shall constitute the means of determining quantity of adjudicated water rights but shall not constitute a restriction of the usage of them to irrigation or other agricultural application. If all or part of the adjudicated water rights of any of the five Indian Reservations is used other than for irrigation or other agricultural application, the total consumptive use, as that term is defined in Art. I (A) of said Decree, for said Reservation shall not exceed the consumptive use that would have resulted if the diversions listed in subparagraph (i) of paragraphs (1) through (5) of Art. II (D) of said Decree and the equivalent portions of any supplement thereto had been used for irrigation of the number of acres specified for that Reservation in said paragraphs and supplement and

for the satisfaction of related uses. Effect shall be given to this paragraph notwithstanding the priority dates of the present perfected rights as listed below. However, nothing in this paragraph (5) shall affect the order in which such rights listed below as "MISCELLANEOUS PRESENT PERFECTED RIGHTS" (numbered 7-21 and 29-80 below) shall be satisfied. Furthermore, nothing in this paragraph shall be construed to determine the order of satisfying any other Indian water rights claims not herein specified.

## I

## ARIZONA

## A. Federal Establishments' Present Perfected Rights

The federal establishments named in Art. II, subdivision (D), paragraphs (2), (4), and (5) of the Decree entered March 9, 1964, in this case, such rights having been decreed in Art. II:

Defined Area of Land	Annual Diversions (acre-feet) <sup>1</sup>	Net Acres <sup>1</sup>	Priority Date
1) Cocopah Indian Reservation	2,744	431	Sept. 27, 1917
2) Colorado River Indian Reserva- tion	358,400 252,016 51,986	53,768 37,808 7,799	Mar. 3, 1865 Nov. 22, 1873 Nov. 16, 1874
3) Fort Mojave Indian Reservation	27,969 68,447	4,327 10,589	Sept. 18, 1890 Feb. 2, 1911

## B. Water Projects' Present Perfected Rights

(4) *The Valley Division, Yuma Project* in annual quantities not to exceed (i) 254,200 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of

<sup>1</sup> 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 the satisfaction of related uses, whichever of (i) or (ii) is less.

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43,562 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of 1901.

(5) *The Yuma Auxiliary Project, Unit B* in annual quantities not to exceed (i) 6,800 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 1,225 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

(6) *The North Gila Valley Unit, Yuma Mesa Division, Gila Project* in annual quantities not to exceed (i) 24,500 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 4,030 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

### C. Miscellaneous Present Perfected Rights

1. The following miscellaneous present perfected rights in Arizona in annual quantities of water not to exceed the listed acre-feet of diversion from the mainstream to supply the consumptive use required for irrigation and the satisfaction of related uses within the boundaries of the land described and with the priority dates listed:

Defined Area of Land	Annual Diversions (acre-feet)	Priority Date
7) 160 acres in Lots 21, 24, and 25, Sec. 29 and Lots 15, 16, 17 and 18, and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ , Sec. 30, T.16S., R.22E., San Bernardino Base and Meridian, Yuma County, Arizona. (Powers) <sup>2</sup>	960	1915
8) Lots 11, 12, 13, 19, 20, 22 and S $\frac{1}{2}$ of SW $\frac{1}{4}$ , Sec. 30, T.16S., R.22E., San Bernardino Base and Meridian, Yuma County, Arizona. (United States) <sup>3</sup>	1,140	1915

Footnotes to table items 7 through 25 are on p. 428.

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Defined Area of Land	Annual Diversions (acre-feet)	Priority Date
9) 60 acres within Lot 2, Sec. 15 and Lots 1 and 2, Sec. 22, T.10N., R.19W, G&SRBM. (Graham) <sup>2</sup>	360	1910
10) 180 acres within the N $\frac{1}{2}$ of the S $\frac{1}{2}$ and the S $\frac{1}{2}$ of the N $\frac{1}{2}$ of Sec. 13 and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 14, T.18N., R.22W., G&SRBM. (Hulet) <sup>2</sup>	1,080	1902
11) 45 acres within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ , the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 11, T.18N., R.22W., G&SRBM. 80 acres within the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 11, T.18N., R.22W., G&SRBM. 10 acres within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 15, T.18N., R.22W., G&SRBM. 40 acres within the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 15, T.18N., R.22W., G&SRBM. (Hurschler) <sup>2</sup>	1,050	1902
12) 40 acres within Sec. 13, T.17N., R.22W., G&SRBM. (Miller) <sup>2</sup>	240	1902
13) 120 acres within Sec. 27, T.18N., R.21W., G&SRBM. 15 acres within the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ , Sec. 23, T.18N., R.22W., G&SRBM. (McKellips and Granite Reef Farms) <sup>4</sup>	810	1902
14) 180 acres within the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ , the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ , the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ , the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ , the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ , and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ , and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ , Sec. 31, T.18N., R.21W., G&SRBM. (Sherrill & Lafollette) <sup>4</sup>	1,080	1902

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<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
15) 53.89 acres as follows: Beginning at a point 995.1 feet easterly of the NW corner of the NE $\frac{1}{4}$ of Sec. 10, T.8S., R.22W., Gila and Salt River Base and Meridian; on the northerly boundary of the said NE $\frac{1}{4}$ , which is the true point of beginning, then in a southerly direction to a point on the southerly boundary of the said NE $\frac{1}{4}$ which is 991.2 feet E. of the SW corner of said NE $\frac{1}{4}$ thence easterly along the S. line of the NE $\frac{1}{4}$ , a distance of 807.3 feet to a point, thence N. 0°7' W., 768.8 feet to a point, thence E. 124.0 feet to a point, thence northerly 0°14' W., 1,067.6 feet to a point, thence E. 130 feet to a point, thence northerly 0°20' W., 405.2 feet to a point, thence northerly 63°10' W., 506.0 feet to a point, thence northerly 90°15' W., 562.9 feet to a point on the northerly boundary of the said NE $\frac{1}{4}$ , thence easterly along the said northerly boundary of the said NE $\frac{1}{4}$ , 116.6 feet to the true point of the beginning containing 53.89 acres. All as more particularly described and set forth in that survey executed by Thomas A. Yowell, Land Surveyor on June 24, 1969. (Molina) <sup>4</sup>	318	1928
16) 60 acres within the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the north half of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 14, T.8S., R.22W., G&SRBM. 70 acres within the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ , and the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ , Sec. 14, T.8S., R.22W., G&SRBM. (Sturges) <sup>4</sup>	780	1925
17) 120 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 23, T.18N., R.22W., G&SRBM. (Zozaya) <sup>4</sup>	720	1912

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Defined Area of Land	Annual Diversions (acre-feet)	Priority Date
18) 40 acres in the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 30, and 60 acres in the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 30, and 60 acres in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 31, comprising a total of 160 acres all in Township 18 North, Range 21 West of the G&SRBM. (Swan) <sup>4</sup>	960	1902
19) 7 acres in the East 300 feet of the W $\frac{1}{2}$ of Lot 1 (Lot 1, being the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , 40 acres more or less), Section 28, Township 16 South, Range 22 East, San Bernardino Meridian, lying North of U. S. Bureau of Reclamation levee right of way. EXCEPT that portion conveyed to the United States of America by instrument recorded in Docket 417, page 150 EXCEPTING any por- tion of the East 300 feet of W $\frac{1}{2}$ of Lot 1 within the natural bed of the Colorado River below the line of ordinary high water and also EXCEPTING any artificial accretions water- ward of said line of ordinary high water, all of which comprises approximately seven (7) acres. (Milton and Jean Phillips) <sup>4</sup>	42	1900

2. The following miscellaneous present perfected rights in Arizona in annual quantities of water not to exceed the listed number of acre-feet of (i) diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use, whichever of (i) or (ii) is less, for domestic, municipal, and industrial purposes within the boundaries of the land described and with the priority dates listed:

Defined Area of Land	Annual Diversions (acre-feet)	Annual Consumptive Use (acre-feet)	Priority Date
20) City of Parker <sup>2</sup>	630	400	1905
21) City of Yuma <sup>2</sup>	2,333	1,478	1893

## II

## CALIFORNIA

## A. Federal Establishments' Present Perfected Rights

The federal establishments named in Art. II, subdivision (D), paragraphs (1), (3), (4), and (5) of the Decree entered March 9, 1964, in this case such rights having been decreed by Art. II:

Defined Area of Land	Annual Diversions (acre-feet) <sup>5</sup>	Net Acres <sup>5</sup>	Priority Date
22) Chemehuevi Indian Reservation	11,340	1,900	Feb. 2, 1907
23) Yuma Indian Reservation	51,616	7,743	Jan. 9, 1884
24) Colorado River Indian Reservation	10,745 40,241 3,760	1,612 6,037 564	Nov. 22, 1873 Nov. 16, 1874 May 15, 1876
25) Fort Mojave Indian Reservation	13,698	2,119	Sept. 18, 1890

## B. Water Districts' and Projects' Present Perfected Rights

26)

*The Palo Verde Irrigation District* in annual quantities not to exceed (i) 219,780 acre-feet of diversions from the

<sup>2</sup> The names in parentheses following the description of the "Defined Area of Land" are used for identification of present perfected rights only; the name used is the first name appearing as the Claimants identified with a parcel in Arizona's 1967 list submitted to this Court.

<sup>3</sup> Included as a part of the Powers' claim in Arizona's 1967 list submitted to this Court. Subsequently, the United States and Powers agreed to a Stipulation of Settlement on land ownership whereby title to this property was quieted in favor of the United States.

<sup>4</sup> The names in parentheses following the description of the "Defined Area of Land" are the names of claimants, added since the 1967 list, upon whose water use these present perfected rights are predicated.

<sup>5</sup> 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, whichever of (i) or (ii) is less.

mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 33,604 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of 1877.

27)

*The Imperial Irrigation District* in annual quantities not to exceed (i) 2,600,000 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 424,145 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of 1901.

28)

*The Reservation Division, Yuma Project, California* (non-Indian portion) in annual quantities not to exceed (i) 38,270 acre-feet of diversions from the mainstream or (ii) the quantity of mainstream water necessary to supply the consumptive use required for irrigation of 6,294 acres and for the satisfaction of related uses, whichever of (i) or (ii) is less, with a priority date of July 8, 1905.

### C. Miscellaneous Present Perfected Rights

1. The following miscellaneous present perfected rights in California in annual quantities of water not to exceed the listed number of acre-feet of diversions from the mainstream to supply the consumptive use required for irrigation and the satisfaction of related uses within the boundaries of the land described and with the priority dates listed:

Defined Area of Land	Annual Diversions (acre-feet)	Priority Date
29) 130 acres within Lots 1, 2, and 3, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27, T.16S., R.22E., S.B.B. & M. (Wavers) <sup>6</sup>	780	1856

Footnotes to table items 29 through 80 are on p. 435.

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Defined Area of Land	Annual Diversions (acre-feet)	Priority Date
30) 40 acres within $W\frac{1}{2}$ , $W\frac{1}{2}$ of $E\frac{1}{2}$ of Section 1, T.9N., R.22E., S.B.B. & M. (Stephenson) <sup>6</sup>	240	1923
31) 20 acres within Lots 1 and 2, Sec. 19, T.13S., R.23E., and Lots 2, 3, and 4 of Sec. 24, T.13S., R.22E., S.B.B. & M. (Mendivil) <sup>6</sup>	120	1893
32) 30 acres within $NW\frac{1}{4}$ of $SE\frac{1}{4}$ , $S\frac{1}{2}$ of $SE\frac{1}{4}$ , Sec. 24, and $NW\frac{1}{4}$ of $NE\frac{1}{4}$ , Sec. 25, all in T.9S., R.21E., S.B.B. & M. (Grannis) <sup>6</sup>	180	1928
33) 25 acres within Lot 6, Sec. 5; and Lots 1 and 2, $SW\frac{1}{4}$ of $NE\frac{1}{4}$ , and $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 8, and Lots 1 & 2 of Sec. 9, all in T.13S., R.22E., S.B.B. & M. (Morgan) <sup>6</sup>	150	1913
34) 18 acres within $E\frac{1}{2}$ of $NW\frac{1}{4}$ and $W\frac{1}{2}$ of $NE\frac{1}{4}$ of Sec. 14, T.10S., R.21E., S.B.B. & M. (Milpitas) <sup>6</sup>	108	1918
35) 10 acres within $N\frac{1}{2}$ 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. (Simons) <sup>6</sup>	60	1889
36) 16 acres within $E\frac{1}{2}$ 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. (Colo. R. Sportsmen's League) <sup>6</sup>	96	1921
37) 11.5 acres within $E\frac{1}{2}$ of $NW\frac{1}{4}$ , Sec. 1, T.10S., R.21E., S.B.B. & M. (Milpitas) <sup>6</sup>	69	1914
38) 11 acres within $S\frac{1}{2}$ of $SW\frac{1}{4}$ , Sec. 12, T.9N., R.22E., S.B.B. & M. (Andrade) <sup>6</sup>	66	1921
39) 6 acres within 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. (Reynolds) <sup>6</sup>	36	1904

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<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Priority Date</u>
40) 10 acres within 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. (Cooper) <sup>6</sup>	60	1905
41) 20 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ (Lot 8), Sec. 19, T.9N., R.23E., S.B.B. & M. (Chagnon) <sup>7</sup>	120	1925
42) 20 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ , N $\frac{1}{2}$ of SE $\frac{1}{4}$ , SE $\frac{1}{4}$ of SE $\frac{1}{4}$ , Sec. 14, T.9S., R.21E., S.B.B. & M. (Lawrence) <sup>7</sup>	120	1915

2. The following miscellaneous present perfected rights in California in annual quantities of water not to exceed the listed number of acre-feet of (i) diversions from the main-stream or (ii) the quantity of mainstream water necessary to supply the consumptive use, whichever of (i) or (ii) is less, for domestic, municipal, and industrial purposes within the boundaries of the land described and with the priority dates listed:

<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Annual Consumptive Use (acre-feet)</u>	<u>Priority Date</u>
43) City of Needles <sup>6</sup>	1,500	950	1885
44) Portions of: Secs. 5, 6, 7 & 8, T.7N., R.24E.; Sec. 1, T.7N., R.23E.; Secs. 4, 5, 9, 10, 15, 22, 23, 25, 26, 35, & 36, T.8N., R.23E.; Secs. 19, 29, 30, 32 & 33, T.9N., R.23E., S.B.B. & M. (Atchison, Topeka and Santa Fe Rail- way Co.) <sup>6</sup>	1,260	273	1896
45) Lots 1, 2, 3, 4, 5, & SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 5, T.13S., R.22E., S.B.B. & M. (Conger) <sup>7</sup>	1.0	0.6	1921

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<u>Defined Area of Land</u>	<u>Annual Diversions (acre-feet)</u>	<u>Annual Consumptive Use (acre-feet)</u>	<u>Priority Date</u>
46) Lots 1, 2, 3, 4 of Sec. 32, T.11S., R.22E., S.B.B. & M. (G. Draper) <sup>7</sup>	1.0	0.6	1923
47) Lots 1, 2, 3, 4, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 20, T.11S., R.22E., S.B.B. & M. (McDonough) <sup>7</sup>	1.0	0.6	1919
48) SW $\frac{1}{4}$ of Sec. 25, T.8S., R.22E., S.B.B. & M. (Faubion) <sup>7</sup>	1.0	0.6	1925
49) W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 12, T.9N., R.22E., S.B.B. & M. (Dudley) <sup>7</sup>	1.0	0.6	1922
50) N $\frac{1}{2}$ SE $\frac{1}{4}$ and Lots 1 and 2 of Sec. 13, T.8S., R.22E., S.B.B. & M. (Douglas) <sup>7</sup>	1.0	0.6	1916
51) N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Lots 6 and 7, Sec. 5, T.9S., R.22E., S.B.B. & M. (Beauchamp) <sup>7</sup>	1.0	0.6	1924
52) NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , and Lot 1, Sec. 26, T.8S., R.22E., S.B.B. & M. (Clark) <sup>7</sup>	1.0	0.6	1916
53) N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 13, T.9S., R.21E., S.B.B. & M. (Lawrence) <sup>7</sup>	1.0	0.6	1915
54) N $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 13, T.9S., R.21E., S.B.B. & M. (J. Graham) <sup>7</sup>	1.0	0.6	1914
55) SE $\frac{1}{4}$ , Sec. 1, T.9S., R.21E., S.B.B. & M. (Geiger) <sup>7</sup>	1.0	0.6	1910

Defined Area of Land	Annual		Priority Date
	Diversions (acre-feet)	Consumptive Use (acre-feet)	
56) Fractional $W\frac{1}{2}$ of $SW\frac{1}{4}$ (Lot 6) Sec. 6, T.9S., R.22E., S.B.B. & M. (Schneider) <sup>7</sup>	1.0	0.6	1917
57) Lot 1, Sec. 15; Lots 1 & 2, Sec. 14; Lots 1 & 2, Sec. 23; all in T.13S., R.22E., S.B.B. & M. (Martinez) <sup>7</sup>	1.0	0.6	1895
58) $NE\frac{1}{4}$ , Sec. 22, T.9S., R.21E., S.B.B. & M. (Earle) <sup>7</sup>	1.0	0.6	1925
59) $NE\frac{1}{4}$ $SE\frac{1}{4}$ , Sec. 22, T.9S., R.21E., S.B.B. & M. (Diehl) <sup>7</sup>	1.0	0.6	1928
60) $N\frac{1}{2}$ $NW\frac{1}{4}$ , $N\frac{1}{2}$ $NE\frac{1}{4}$ , Sec. 23, T.9S., R.21E., S.B.B. & M. (Reid) <sup>7</sup>	1.0	0.6	1912
61) $W\frac{1}{2}$ $SW\frac{1}{4}$ , Sec. 23, T.9S., R.21E., S.B.B. & M. (Graham) <sup>7</sup>	1.0	0.6	1916
62) $S\frac{1}{2}$ $NW\frac{1}{4}$ , $NE\frac{1}{4}$ $SW\frac{1}{4}$ , $SW\frac{1}{4}$ $NE\frac{1}{4}$ , Sec. 23, T.9S., R.21E., S.B.B. & M. (Cate) <sup>7</sup>	1.0	0.6	1919
63) $SE\frac{1}{4}$ $NE\frac{1}{4}$ , $N\frac{1}{2}$ $SE\frac{1}{4}$ , $SE\frac{1}{4}$ $SE\frac{1}{4}$ , Sec. 23, T.9S., R.21E., S.B.B. & M. (McGee) <sup>7</sup>	1.0	0.6	1924
64) $SW\frac{1}{4}$ $SE\frac{1}{4}$ , $SE\frac{1}{4}$ $SW\frac{1}{4}$ , Sec. 23, $NE\frac{1}{4}$ $NW\frac{1}{4}$ , $NW\frac{1}{4}$ $NE\frac{1}{4}$ , Sec. 26; all in T.9S., R.21E., S.B.B. & M. (Stallard) <sup>7</sup>	1.0	0.6	1924
65) $W\frac{1}{2}$ $SE\frac{1}{4}$ , $SE\frac{1}{4}$ $SE\frac{1}{4}$ , Sec. 26, T.9S., R.21E., S.B.B. & M. (Randolph) <sup>7</sup>	1.0	0.6	1926

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Defined Area of Land	Annual Diversions (acre-feet)	Annual Consumptive Use (acre-feet)	Priority Date
66) E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 26, T.9S., R.21E., S.B.B. & M. (Stallard) <sup>7</sup>	1.0	0.6	1928
67) S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 13, N $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 24; all in T.9S., R.21E., S.B.B. & M. (Keefe) <sup>7</sup>	1.0	0.6	1926
68) SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Lots 2, 3 & 4, Sec. 25, T.13S., R.23E., S.B.B. & M. (C. Ferguson) <sup>7</sup>	1.0	0.6	1903
69) Lots 4 & 7, Sec. 6; Lots 1 & 2, Sec. 7; all in T.14S., R.24E., S.B.B. & M. (W. Ferguson) <sup>7</sup>	1.0	0.6	1903
70) SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Lots 2, 3, and 4, Sec. 24, T.12S., R.21E., Lot 2, Sec. 19, T.12S., R.22E., S.B.B. & M. (Vaulin) <sup>7</sup>	1.0	0.6	1920
71) Lots 1, 2, 3 and 4, Sec. 25, T.12S., R.21E., S.B.B. & M. (Salisbury) <sup>7</sup>	1.0	0.6	1920
72) Lots 2, 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 22; all in T.13S., R.22E., S.B.B. & M. (Hadlock) <sup>7</sup>	1.0	0.6	1924
73) SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and Lots 7 & 8, Sec. 6, T.9S., R.22E., S.B.B. & M. (Streeter) <sup>7</sup>	1.0	0.6	1903
74) Lot 4, Sec. 5; Lots 1 & 2, Sec. 7; Lots 1 & 2, Sec. 8; Lot 1, Sec. 18; all in T.12S., R.22E., S.B.B. & M. (J. Draper) <sup>7</sup>	1.0	0.6	1903

## Per Curiam and Supplemental Decree

Defined Area of Land	Annual	Annual	Priority Date
	Diversions (acre-feet)	Consumptive Use (acre-feet)	
75) SW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 5; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and Lot 9, Sec. 6; all in T.9S., R.22E., S.B.B. & M. (Fitz) <sup>7</sup>	1.0	0.6	1912
76) NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 26; Lots 2 & 3, W $\frac{1}{2}$ SE $\frac{1}{4}$ , Sec. 23; all in T.8S., R.22E., S.B.B. & M. (Williams) <sup>7</sup>	1.0	0.6	1909
77) Lots 1, 2, 3, 4, & 5, Sec. 25, T.8S., R.22E., S.B.B. & M. (Estrada) <sup>7</sup>	1.0	0.6	1928
78) S $\frac{1}{2}$ NW $\frac{1}{4}$ , Lot 1, frac. NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 25, T.9S., R.21E., S.B.B. & M. (Whittle) <sup>7</sup>	1.0	0.6	1925
79) N $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 25; S $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 24; all in T.9S., R.21E., S.B.B. & M. (Corington) <sup>7</sup>	1.0	0.6	1928
80) S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , Sec. 24, T.9S., R.21E., S.B.B. & M. (Tolliver) <sup>7</sup>	1.0	0.6	1928

## III

## NEVADA

## A. Federal Establishments' Present Perfected Rights

The federal establishments named in Art. II, subdivision (D), paragraphs (5) and (6) of the Decree entered on

<sup>6</sup> The names in parentheses following the description of the "Defined Area of Land" are used for identification of present perfected rights only; the name used is the first name appearing as the claimant identified with a parcel in California's 1967 list submitted to this Court.

<sup>7</sup> The names in parentheses following the description of the "Defined Area of Land" are the names of the homesteaders upon whose water use these present perfected rights, added since the 1967 list submitted to this Court, are predicated.

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March 9, 1964, in this case, such rights having been decreed by Art. II:

Defined Area of Land	Annual Diversions (acre-feet)	Net Acres	Priority Date
81) Fort Mojave Indian Reservation	12,534 <sup>8</sup>	1,939 <sup>8</sup>	Sept. 18, 1890
82) Lake Mead National Recreation Area (The Overton Area of Lake Mead N.R.A. provided in Executive Order 5105)	500	300 <sup>9</sup>	May 3, 1929 <sup>10</sup>

It is ordered that Judge Elbert P. Tuttle be appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

The Master shall be allowed his actual expenses. The allowances to him, the compensation paid to his technical, stenographic, and clerical assistants, the cost of printing his report, and all other proper expenses shall be charged against and borne by the parties in such proportion as the Court may hereafter direct.

It is further ordered that if the position of Special Master in this case becomes vacant during a recess of the Court, THE

<sup>8</sup> 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, whichever of (i) or (ii) is less.

<sup>9</sup> Refers to acre-feet of annual consumptive use, not to net acres.

<sup>10</sup> Article II (D) (6) of said Decree specifies a priority date of March 3, 1929. Executive Order 5105 is dated May 3, 1929 (see C. F. R. 1964 Cumulative Pocket Supplement, p. 276, and the Findings of Fact and Conclusions of Law of the Special Master's Report in this case, pp. 294-295).

CHIEF JUSTICE shall have authority to make a new designation which shall have the same effect as if originally made by the Court.

It is further ordered that the motion of Fort Mojave Indian Tribe et al. for leave to intervene, insofar as it seeks intervention to oppose entry of the supplemental decree, is denied. In all other respects, this motion and the motion of Colorado River Indian Tribes et al. for leave to intervene are referred to the Special Master.

MR. JUSTICE MARSHALL took no part in the consideration or decision of this case.