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Answers of the State of New Mexico to Interrogatories
Addressed to the State of New Mexico by the
California Defendants, *Arizona v. California*, No. 10
Original, 1955 Term (U.S.).

Landmark decision:
Arizona v. California, 373 U.S. 546 (1963).

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1955

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, CITY
OF SAN DIEGO, AND COUNTY OF SAN DIEGO, Defendants,

UNITED STATES OF AMERICA, Intervener,

STATE OF NEVADA, Intervener,

STATE OF NEW MEXICO, Impleaded,

STATE OF UTAH, Impleaded

Before the Hon. Simon H. Rifkind, Special Master

ANSWERS OF THE STATE OF NEW MEXICO

TO

INTERROGATORIES ADDRESSED TO THE STATE OF NEW MEXICO
BY THE CALIFORNIA DEFENDANTS

RICHARD H. ROBINSON
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Special Assistant Attorney General
of New Mexico

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TO

INTERROGATORIES ADDRESSED TO THE STATE OF NEW MEXICO
BY THE CALIFORNIA DEFENDANTS

TO: HONORABLE EDMUND G. BROWN, ATTORNEY GENERAL OF CALIFORNIA, ATTENTION:
GILBERT F. NELSON, ASSISTANT ATTORNEY GENERAL, 909 SOUTH BROADWAY,
LOS ANGELES 15, CALIFORNIA

The State of New Mexico, acting by and through S. E. Reynolds, as State
Engineer and Secretary of the New Mexico Interstate Stream Commission, hereby
responds as follows to the interrogatories addressed to the State of New Mexico
by the California Defendants.

- 1,2 These interrogatories involve irrigated acres and additional acres
3,4
and 5. not yet in cultivation for both Indian and non-Indian lands; these questions cannot be answered in detail by the State of New Mexico until the United States has set forth its claims. Also, the questions call for a legal conclusion.
6. No map at present available.
7. Same as Nos. 1 to 5.
8. This involves water for potential industrial and municipal uses that have not yet reached a project stage.
9. As stated before, this involves in a large measure Indian lands and the United States should answer. The Bureau of Reclamation reports on the proposed New Mexico unit of the Central Arizona project describes approximately 6000 acres. The balance is Indian lands and miscellaneous uses.
10. No.
- 11,12. Cannot answer at this time because the interrogatories are mixed questions of law and fact.
13. This question calls for legal conclusions as to what waters are embraced in III(a) and III(b) waters as used in the Compact. As set forth in the statement of New Mexico, New Mexico's claims are to a fair share of the entire allocation to the Lower Basin which we believe includes both III(a) and III(b) water.
14. The claimed rights are based upon appropriations heretofore made and potential uses yet to be made. To make a list of the appropriators and dates and quantities would involve a great deal of time in copying the

records in the State Engineer Office and in ascertaining what appropriations were made prior to 1907. If this is deemed material we request additional time in which to prepare the information.

15. These claims made reference to ^{the} interrogatory 12~~are~~ asserted against the entire allocation made to the Lower Basin by the Colorado River Compact to wit: both III(a) and III(b) waters. When New Mexico's share and the share of the United States to this total allocation are determined, the diversions and uses will necessarily be made from the tributaries originating in New Mexico.
16. See answers to 15 above.
17. Attributed to the Gila, 230,000 acre-feet. To the Little Colorado, 45,600 acre-feet.
18. 1914 to 1945.
19. The average, annual, historic flow. Quantities determined by the Bureau of Reclamation in its Report on Water Supply of the Lower Colorado Basin, November 1952.
20. New Mexico recognizes that until adequate storage can be provided, a large part of the 275,600 acre-feet of water will continue to flow across the Arizona-New Mexico boundary. New Mexico asserts its right when and if adequate storage can be provided, to control the distribution of this entire quantity of water within its boundaries and apply its determined portion thereof to beneficial consumptive use within the State.
21. See answers to questions 18 and 19 and refer to report mentioned.
22. The answer to this interrogatory requires legal and engineering conclusions,

voluminous physical data and is one of the issues in this case, to be determined. We respectfully suggest that New Mexico should not be required to answer it at this time.

23. The United States should answer this question.
24. Same as above.
25. Same as above.
26. Same as above.
27. Same as above.

Respectfully,

S. E. Reynolds
State Engineer
and
Secretary, Interstate Stream
Commission