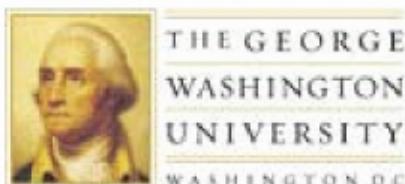


# The Burger Court Opinion Writing Database

*Arizona v. California*  
439 U.S. 419 (1979)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

October 20, 1978

Dear John:

Re: No. 8 Original - Arizona v. California

I join.

Regards,

WB

Mr. Justice Stevens

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

November 15, 1978

Re: No. 8 Orig., Arizona v. California

MEMORANDUM TO THE CONFERENCE

I have combed the "Special Master" list of Senior Judges and these names emerge as "possibles":

Earl Larson (D.C., Minnesota)  
Gus Solomon (D.C., Washington)  
Sherman Christensen (D.C., Utah)  
David Lewis (Cir. J., Utah)

There are other good men who are committed or overcommitted.

We can discuss this at Conference.

Regards,

W. B.

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE Wm. J. BRENNAN, JR.

October 20, 1978

RE: No. 8 Orig. Arizona v. California

Dear John:

I agree.

Sincerely,

*Bill*

Mr. Justice Stevens

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

October 20, 1978

Re: No. 8, Original - Arizona v. California

Dear John,

Accepting the correctness of the terms of the proposed Decree entirely on faith, I am glad to join the Per Curiam you have prepared in this case. I suppose the Per Curiam cannot be finally announced until a Special Master is chosen.

Sincerely yours,

P.S.

Mr. Justice Stevens

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

October 20, 1978

Re: No. 8 Orig. - Arizona v. California

Dear John,

The substance of the suggested decree is satisfactory as far as I am concerned. Rather than indicating in the heading that the matter arises on "Bill of Complaint", however, I would say "On Joint Motion to Enter Supplemental Decree and Motions for Leave to Intervene". Also, in the first paragraph, I would indicate that the joint motion is granted.

Sincerely yours,



Mr. Justice Stevens

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

October 23, 1978

Re: No. 8, Original - Arizona v. California

Dear John,

Please show me as not participating in  
this one.

Sincerely,

T.M.

Mr. Justice Stevens

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

October 23, 1978

Re: No. 8 Orig. - Arizona v. California

Dear John:

The proposed per curiam looks all right to me. I, of course, have not attempted to check the details and am content to leave that to you and the parties.

My only suggestion would be to change the position of the word "only" in paragraph (4) on page 2. It really ought to follow the word "exercised," but "only" has a habit, with all of us, of getting misplaced.

Sincerely,



Mr. Justice Stevens

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

October 20, 1978

No. 8 Orig. Arizona v. California

Dear John:

Your Per Curiam looks fine to me.

Sincerely,



Mr. Justice Stevens

lfp/ss

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

October 19, 1978

Re: No. 8, Orig. Arizona v. California

Dear John:

Although I, like you, voted at Conference to deny here all of the motions to intervene, I can certainly go along with your proposed per curiam of October 19th.

Sincerely,

W

Mr. Justice Stevens

Copies to the Conference

To: The Chief Justice  
 Mr. Justice Brennan  
 Mr. Justice Stewart  
 Mr. Justice White  
 Mr. Justice Marshall  
 Mr. Justice Blackmun  
 Mr. Justice Powell  
 Mr. Justice Rehnquist

From: Mr. Justice Stevens

Circulated: 10/19/78

Recirculated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 8, Orig.

State of Arizona, Plaintiff,

*v.*

On Bill of Complaint.

State of California et al.

[October —, 1978]

**PER CURIAM.**

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 said present 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 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.

pp. 1-2, 18

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell  
Mr. Justice Rehnquist

From: Mr. Justice Stevens

Circulated: \_\_\_\_\_

Resirculated: Oct 23 78

2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 8, Orig.

State of Arizona, Plaintiff, | On Joint Motion to Enter Sup-  
v. | plemental Decree and Mo-  
State of California et al. | tions for Leave to Intervene.

[October —, 1978]

### PER CURIAM.

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 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 set-