B. Abbott Goldberg papers

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Descriptive Summary
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Biographical Information
B. Abbott Goldberg was born in Fitchburg, Mass., in 1916. He graduated from the University of Michigan and Harvard Law School. He moved to California in 1944 and taught four years at Hastings College of the Law in San Francisco. From 1948 to 1961 he was deputy and later assistant attorney general of California, handling the major litigation concerning the state's interest in the Central Valley Project. He also was in charge of the attorney general's office section concerned with education and welfare law. From 1961 to 1966 he served as deputy director and chief deputy director of the California Department of Water Resources. He also acted as special counsel to the governor on the legal problems of water development. He was appointed a judge of the Municipal Court in Sacramento in 1966 by Gov. Edmund G. Brown.

Collection Scope and Contents
Papers include legislative histories of San Luis Act of 1959, Reclamation Act of 1902, Central Valley Project Act of 1933, and the Federal Power Act; also includes cumulated material on "unjust enrichment" in operation of State Water Project and on court cases involving the Dept. of Water Resources in period 1950-65; files on State Water Project financing.

Collection Number
Collection number updated January 2019. Legacy collection number was MS 85/2. This change was part of a project in 2018/2019 to update the collection numbers for collections in the Water Resources Collections and Archives.

Indexing Terms
The following terms have been used to index the description of this collection in the library's online public access catalog.

Subjects
California State Water Project
California. Department of Water Resources
California. Burns-Porter Act
Central Valley Project (Calif.). San Luis Unit
Farms, Size of -- California
Federal-state controversies -- California
Reclamation of land -- California
United States. Reclamation Act of 1902
Water resources development -- Law and legislation -- California
Water rights -- California
Water-supply -- California
"Interposition wild west water style" by B. Abbott Goldberg 1964

Physical Description: 327 leaves. Typescript photocopy with hand-written notes

Binder labelled LEGISLATIVE HISTORY: SAN LUIS ACT OF 1959; WARREN ACT OF 1911.

(Partial contents)
Congressional record--Senate. v. 105, p. 7196. 1959 April 30
v. 105, p. 7296. 5/1/59
v. 105, pp. 7412, 7477, 7483-7498. 5/5/59
v. 105, pp. 7646, 7665-7691. 5/7/59
v. 105, pp. 7849-7877. 5/11/59
v. 105, pp. 7986-8001. 5/12/59
v. 105, pp. 8165, 8214. 5/14/59
H.R. 7155 (86th Congress, 1st session), Mr. Sisk introduces...a bill to authorize construction, San Luis Unit, Central Valley Project. May 14, 1959
Congressional record--House. v. 106, pages 10448-10471. 5/17/60
v. 106, pp. 10553-10566. 5/18/60
v. 106, pp. 10693-10694. 5/19/60
S. 44 (86th Congress, 1st session), House, An act to authorize the Secretary of the Interior to construct the San Luis Unit of the Central Valley Project. May 14, 1959
Congressional record---Senate, v. 106, pages 10695-10696. 5/19/60
v. 106, p. 11783. 6/3/60
v. 108, pp. 5238-5284. 4/2/62
v. 108, pp. 5746-5750. 4/10/62
v. 108, pp. 7215-7222. 5/4/62
v. 108, pp. 22171-22212. 10/13/62
Report no. 442, Senate (61st Congress, 2d session), "Contracts for disposition of waters of projects under Reclamation Act." March 23, 1910

Physical Description: 3 pages

Congressional record---Senate, v. 45, pages 3740-3748. 3/25/10
v. 45, pp. 4259-4263. 4/5/10
v. 45, pp. 4314-4325. 4/6/10
v. 45, pp. 4662-4669. 4/14/10
Report no. 1410, House (61st Congress, 2d session), "Surplus waters of projects under Reclamation Act." May 26, 1910

Physical Description: 3 leaves. (Union calendar no. 262)


Physical Description: 3 leaves. (Union calendar no. 356)

Congressional record---House. p. 2109. 1911
p. 2615. 1911
Report no. 2168, House (61st Congress, 3d session), "Contracts for disposition of waters of projects under Reclamation Act." February 15, 1911
Congressional record---Senate. p. 2755. 1911
Congressional record--House. v. 46, pages 2780-2784. 2/17/11

Binder labelled LEGISLATIVE HISTORY, RECLAMATION ACT OF 1902.

Congressional record---Senate. p. 813. 1/21/35
p. 1047. 1/28/02
pp. 1383-1386. 2/6/02
p. 2134. 2/24/02
pp. 2218-2224. 2/28/02
p. 2276-2285. 3/1/02
Congressional record---House. pages 2380-2381. 3/4/02
p. 3812. 4/7/02
pp. 6669-6708. 6/12/02
pp. 6722-6779. 6/13/02
p. 6794. 6/14/02
p. 6892. 6/16/02
Congressional record---Senate. p. 6895. 6/17/02
p. 6977. 6/18/02
Senate report no. 2308 (56th Congress, 2d session), "Construction of reservoirs, etc." 1901
   Physical Description: 7 pages

House report no. 2927 (56th Congress, 2d session), Parts 1-6, "Reclamation of arid lands". 1901
Senate report no. 254 (57th Congress, 1st session), "Reclamation of arid lands" 1902
   Physical Description: 9 pages

House report no. 794, Parts 1-2. (57th Congress, 1st session), "Reclamation of arid lands." 1902
House report no. 1468 (57th Congress, 1st session), "Reclamation of arid lands." 1902

Box 2, folder 4
Binder labelled SAN LUIS RESEARCH MATERIALS AND NOTES, (Partial contents) April 26, 1962
   Physical Description: 7 leaves

Memorandum, To Secretary of the Interior from Deputy Solicitor Edmund T. Fritz. "Utilization of lands in the Navajo Indian Reservation for Glen Canyon Dam and Reservoir". 3/22/57
   Physical Description: 12 leaves

Letter, To Secretary of the Interior from Chief Counsel Will R. King, U.S. Bureau of Reclamation. "Interpretation of meaning of proviso of section 3 of the Act of (37 Stat., 265)". 7/1/14 August 9, 1912
   Physical Description: 3 leaves

Legislative history of San Luis Act, by Ralph Brody.
   Physical Description: 14 leaves

Memorandum, To Secretary of the Interior? from Office of the Solicitor?. "Excess land limitations, San Luis Unit, Central Valley Project". 12/3/61
   Physical Description: 42 leaves. Noted "confidential"

"The San Luis legislative controversy" by Angus McDonald 1961
   Physical Description: 57 leaves. Typescript photocopy

Memorandum (draft), To Ralph M. Brody from P.A. Towner. "Applicability of excess land provisions to the State's Service area under S.44 as adapted by the U.S. Senate 5/28/59 May 12, 1959."
   Physical Description: 21 leaves

Memorandum, To the Secretary of the Interior from Elmer F. Bennett, Solicitor. "Responsibility of the Secretary of the Interior under the Flood Control Act of 1944 for irrigation functions at dam and reservoir projects operated under the direction of the Secretary of the Army." 11/1/57
   Physical Description: 41 leaves

B. Abbott Goldberg papers
Binder labelled SAN LUIS OPINIONS AND ACT.
Public law 86-488, 86th Congress, S. 44, An act to authorize the Secretary of the Interior to construct the San Luis project 6/3/1960

Physical Description: 5 leaves

"Illegality of the agreement between United States of America and California respecting San Luis Project". dated December 30, 1961

Physical Description: 10 leaves, typescript (carbon). Handwritten note: "Rec'd from Sen. Morse April 10, 1962

Statement of Senator Wayne Morse before Senate Committee on Interior and Insular Affairs on San Luis agreement April 10, 1962

Physical Description: 7 leaves, typescript

Letter, To Frank J. Barry, Solicitor, Dept. of the Interior from B. Abbott Goldberg, Deputy Director and Special Counsel to the Governor on Water Problems. 11/29/61

Physical Description: 45 leaves. (Supplementing an earlier opinion; concluding that acreage limitation is not applicable to proposed agreement between U.S. and State of California for the construction and operation of the joint-use facilities of the San Luis unit

Letter, To the Secretary of the Interior from Robert F. Kennedy, Attorney General of the U.S. 12/29/61

Physical Description: 3 leaves. (Concurs that San Luis Act does not require that agreement contain provisions imposing acreage restriction upon the State service area

Letter, To the Attorney General from Stewart Udall, Secretary of the Interior. 12/26/61

Physical Description: 1 leaf; 2 enclosures. (Encl. 1: "Agreement with State of California for construction of San Luis unit, Central Valley Project", M-36635, 2 leaves; Memorandum to the Secretary from Frank J. Barry, The Solicitor. 37 leaves. Encl. 2: "Proposed repayment contracts - Kings and Kern River Projects", M-36634. 68 leaves.)

Binder labelled LEGISLATIVE HISTORY 89TH CONGRESS, LOWER COLORADO RIVER BILLS. (Partial contents)

Letter, To Senator Henry M. Jackson from Stewart Udall, Secretary of the Interior. 5/18/65

Physical Description: 14 leaves. (Report and endorsement on S. 75 and S. 1019.)

Letter, To Senator Henry M. Jackson from Deputy Director, Bureau of the Budget. 5/10/65

Physical Description: 8 leaves. (Report on S. 75 and S. 1019.)

Congressional record--House. pages 4970-4971. "Don't drown the Grand Canyon", Mr. Saylor. 3/16/65
Congressional record--Senate. pages 3658-3662. "Construction of Bridge Canyon Dam on the Lower Colorado River Basin", Mr. Kuchel. 3/1/65

Binder labelled FEDERAL POWER ACT LEGISLATIVE HISTORY. (Partial contents)

Senate report no. 180, (66th Congress, 1st session), "Development of water power" 1919

Physical Description: 20 pages

House report no. 16, (64th Congress, 1st session), "Water-power development and use of public lands" 1916

Physical Description: 16 pages
Senate report no. 898, (63rd Congress, 3d session), "Development of water power" 1915
Physical Description: 13 pages

Part II
Physical Description: 23 pages

House report no. 842, (63rd Congress, 2d session), "Development of water power, etc." 1914
Physical Description: 13 pages

Hearings before the Committee on the Public Lands, House, 63rd Congress, 2d session on H.R. 14893, ("To provide for the development of water power and the use of public lands in relation thereto, and for other purposes." pages 1-46, 189, 190-233) 1914

Box 2, folder 8
Binder labelled HOUSE HEARINGS ON RECLAMATION BILLS, HOUSE AND SENATE REPORTS ON RECLAMATION BILLS January 1901; March and April 1902
U.S. Congress, House. Committee on Public Land. Hearings before the... relating to the reclamation and disposal of the arid public lands of the West: Washington, GPO January 11 to 30, 1901 1911
Physical Description: 135 leaves (photocopy)

Box 3, folder 9
Binder labelled MATERIALS ON S. 1275. (Partial contents)
Statement in opposition to AJR 2 and S. 1275 by B. Abbott Goldberg, Chief Deputy Director, California State Dept. of Water Resources. Prepared for presentation to the California Senate Committee on Water March 9, 1964
Physical Description: 8 leaves

Statement in opposition to S. 1275 by B. Abbott Goldberg. Prepared for presentation before the Subcommittee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs, U.S. Senate, 22 March 10 and 11, 1964
Physical Description: 6 leaves

Memorandum, To the Hon. Henry M. Jackson, Chair, Committee on Interior and Insular Affairs from Nicholas deB. Katzenbach, Deputy Attorney General. March 6, 1964
Physical Description: 12 leaves. (Re S. 1275, "to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams.")

Congressional Record--Senate, pages 3805-3807. "Removing objections to regional water planning and federal projects." February 28, 1964
Letter, To James H. Krieger, Chair, Southern California Water Conference from Richard D. Andrews, Minority Council, Senate Committee on Interior and Insular Affairs. 2/13/64
Physical Description: 14 leaves. (Promoting S. 1275.)

House resolution 9364 (88th Congress, 1st session), "A bill to clarify relationship of interests of the United States and of the States in the use of the waters of certain streams." 1963
Physical Description: 3 leaves

Physical Description: 4 pages

Congressional record--Senate, pages 5377-5379. "Federal-State water rights..." (Senator Kuchel introducing S. 1275.) April 4, 1963

S. 1275, 88th Congress, 1st session, (Kuchel, Jordan and Moss introduce a bill to clarify the relationship of interests of the United States and of the States in the use of the waters of certain streams.) April 4, 1963

Congressional record--Senate, pages 3951-3953. "Federal State water rights -- must there be conflict?" (Speech by Senator Moss.) March 1963

Letter, to Gov. Edmund G. Brown from Burnham Enersen. 12/5/60

Physical Description: 2 leaves. (Enclosure: "Water rights - state vs. federal" by Burnham Enersen," 12 leaves.)

Box 3, folder 10

Binder labelled LETTER TO GOVERNOR EDMUND G. BROWN FROM LELAND O. GRAHAM, WITH EXHIBITS "A" TO "I" INCLUSIVE AND APPENDICES. 11/1/59

Letter, To Gov. Edmund G. Brown from Leland O. Graham, Special Consultant. 11/1/59

Physical Description: 43 leaves, carbon typescript. ("...on the matter of unjust enrichment" in the operation of the State Water Resources Development System.)

Scope and Contents


Policy recommended for adoption to implement the State Water Resources Development System, prepared by the Director of Water Resources' Special Study Group November 1959

Physical Description: 31 leaves

Outline of discussion with Governor Brown November 4, 1959

Physical Description: 5 leaves

Box 3, folder 11

Binder labelled STATUTORY INTERPRETATION. (Reprints and notes on this subject.) Some aspects of Federal-State relationships in California water resources development, by Leland O. Graham.

Physical Description: 280 leaves, (typescript)

Box 3, folder 12

Box 4, folder 13

Binder labelled BURNS-PORTER ACT, LEGISLATIVE HISTORY, COMPILED BY J. ROBERT BURTON JULY-AUGUST 1959

Scope and Contents

(Includes excerpts of all pertinent Senate and Assembly Journal entries, Senate bills, and "Proposed amendments to Constitution...to be submitted to the electors...election Tuesday, November 8, 1960." (18 p.).)
Box 4, folder 14  Binder labelled LEGISLATIVE HISTORY OF CENTRAL VALLEY PROJECT ACT OF 1933. (Partial contents)  Referendum pamphlet on Central Valley Project Act 1933

Physical Description: 11 pages

California Statutes, Chapter 1042, pages 2643-2664.
Excerpts from Assembly and Senate Journals 1933
Bond Act proposed by the California Water Resources Commission 1931
Central Valley Project Act in various stages of amendment.

Box 4, folder 15  The California water plan, California Dept. of Water Resources, Division of Resources Planning. (Bulletin no. 3). (With handwritten annotations by B. Abbott Goldberg.) May 1957

Box 4, folder 16  Contracts, cost allocations, financing for State water development: partial report of the Senate Fact Finding Committee on Water. (With handwritten annotations by B. Abbott Goldberg.) March 1960

Box 4, folder 17  Decisions of the Dept. of the Interior: 68 I.D. 370, Kings and Kern River Projects; 68 I.D. 412; San Luis Unit, CVP; 68 I.D. 433, Recordable contracts.

Box 4, folder 18  Letter, To Ralph Brody, Dept. of Water Resources, from Stanley Mosk. 12/3/59

Physical Description: 3 leaves, typescript photocopy. (Can California Water Fund be used to pay interest cost of bonds issued pursuant to Burns-Porter Act?)

Box 4, folder 19  Letter, To Harvey O. Banks from P.A. Towner, Chief Counsel. 1/12/60

Physical Description: 14 leaves, typescript photocopy. (Legality of certain policies recommended to implement the State Water Resources Development System.)

Box 4, folder 20  Letter, To Fred A. Seaton, Secretary of the Interior, from Paul S. Taylor. 7/9/60

Physical Description: 5 leaves, typescript carbon. (Contract between the United States and the State of California.)

Box 4, folder 21  Letter, To Senator Morse, U.S. Senate, from Elmer F. Bennett, Secretary of the Interior. 12/9/60

Physical Description: 3 leaves, photocopy. (Re. San Luis project); letter, 9/22/60. To Fred A. Seaton Secretary of the Interior, from SenatorWayne Morris. 2 leaves, photocopy. (Re. San Luis Bill and contract between the U.S. and California.)

Box 4, folder 22  Letter, Draft. To Ass’t Secretary Holum, from Solicitor and Commissioner of Reclamation. 1/16/62?

Physical Description: 43 leaves, carbon typescript. (Negotiation of contracts between the U.S. and the Sacramento River diverters.)

Box 4, folder 23  Letter, To B. Abbott Goldberg, from Leland O. Graham. 1/18/62

Physical Description: 12 leaves, typescript. (Federal water rights for San Luis Unit.)

Box 4, folder 24  Letter, To Secretary of the Interior through Assistant Secretary Holum, from Floyd E. Dominy, Commissioner of Reclamation. 12/22/61

Physical Description: 4 leaves photocopy. (Re. San Luis Unit.)

Box 4, folder 25  Letter, To William E. Warne, Director, Dept. of Water Resources, from H.P. Dugan, Regional Director, U.S. Bureau of Reclamation. 5/16/62

Physical Description: 3 leaves, typescript photocopy. (Re: joint operation of the CVP and the Feather River Project.)

Box 5, folder 26  United States of America, petitioner. In the United States Court of Appeals for the Ninth Circuit, United States of America, petitioner, v. United States District Court in and for the Southern Dist ict of California, Northern Division... Case no. 13891: Motion for permission to file petition for writ of prohibition
Amendment to petition.
Supplemental affidavit of Martin Blote.
Response to order to show cause.
Motion to vacate portion of order
Motion of respondent judge to strike
Motion to dismiss
Affidavits of Martin H. Blote and Geoffrey D. Nielsen
Motion for leave to file brief amicus curiae
Affidavit of William A. Alexander.
Reply of United States with Appendix
Trial brief
Motion to join Martin Blote
Answer to petitioner's petition
Respondent's brief.

Amendment to answer to petition.

Box 5, folder 27
Skeleton subject index to index to exhibits Rank v. Krug, no. 685-ND November 25, 1952

Box 5, folder 28

Box 6, folder 29
Handwritten notes for oral arguments before Supreme Court, Rank v. Krug 1962

Box 6, folder 30
In the Supreme Court of the State of California, Madera Irrigation District, Plaintiff and Appellant, v. all persons, etc. Sac. no. 6489.
  Opening brief for appellant, Madera Irrigation District.
  Opening brief for appellant, State of California.
  Opening brief of appellant, A. D. Edmonston.
  Reply brief of respondents.
  Closing brief for appellant Madera Irrigation District.
  Reply brief of appellant, the State of California.

Box 6, folder 30.1(?)
In the District Court of Appeal, State of California, Third Appellate District. Philip Albonico... respondents, v. Mader Irrigation District...appellants. 3 Civil no. 8262.
  Opening brief for appellants.
  Closing brief for appellants.
  Brief of amicus curiae, The Attorney General of the State of California, in support of appellants.
  Supplement to brief
  Reply of amicus curiae.
  Brief of the Attorney General.

Box 6, folder 30.2(?)
In the Supreme Court of the State of California, Phillip Albonico, et al., plaintiffs and respondents, v. Madera Irrigation District, et al., defendants and appellants. (Sac. no. 6460).
  Answer to petition for a rehearing.

Box 6, folder 30.3(?)
In the Supreme Court of the State of California, the Santa Barbara County Water Agency, plaintiff and respondent, v. all persons and parties, etc., defendants and appellants. (No. L.A. 22761).
  Appellants reply to brief of Attorney General as amicus curiae in support of respondent.

Box 6, folder 31
In the Supreme Court of the State of California, Wm. E. Warne, as Director of Water Resources, Petitioner, v. Hale Champion, as Director of Finance, Respondent. (Sac. 7496).
  Petition for writ of mandate
  Brief of the Metropolitan Water District of Southern California as amicus curiae.
  Appendix volume.

Box 6, folder 31.1(?)
In the Supreme Court of the State of California, California Water Resources Development Finance Committee, petitioner, v. Bert A. Betts, as Treasurer of the State of California, respondent. (Sac. 9497).
Brief of the Metropolitan Water District of Southern California as amicus curiae.

In the Supreme Court of the State of California, Wm. E. Warne, as Director of Water Resources, petitioner, v. Robert L. Harkness, as Director of General Services, respondent. (Sac. 7496).
Reply to respondent's points and authorities and answer to amicus curiae brief
Respondent's answer to amicus curiae brief.

In the Supreme Court of the State of California, California Water Resources Development Finance Committee, an agency of the State of California, petitioner, v. Bert A. Betts, as Treasurer of the State of California, respondent. (Sac. 7497).
Petition for writ of mandate and points and authorities in support thereof.
Alternative writ of mandate.
Reply to brief of amicus curiae.
Return to petition for writ of mandate.
Objections to the sufficiency of the answer and reply brief.
Stipulation for substitution of respondent.

In the Supreme Court of the State of California, the Metropolitan Water District of Southern California, petitioner, V. James J. Marquardt... respondent; the State of California, acting by and through its Dept. of Water Resources, Real Party in Interest. (L.A. 26662).
Petition for writ of mandate... and appendix volume.
Return and demurrer to petition for writ of mandate
Demurrer to answer and brief.

Demurrer to answer and brief.
Reply brief of the State of California.
Brief of amicus curiae in support of respondent.
Brief of amicus curiae on behalf of respondent.
Amici curiae brief on behalf of Kern County
Amicus curiae brief of California State Grange.
Answer of the State of California to... California State Grange.

Request for permission to file reply brief and reply brief of the California State Grange.
Request for permission to file and supplemetal answer of State of California further responding to amicus curiae brief of California State Grange.

In the Supreme Court of the United States, The Ivanhoe Irrigation District, plaintiff and appellant, v. all parties and persons, etc.... (no. 122, 123, 124, 125). October term, 1956
Jurisdictional statement
Appendices to jurisdictional statement
Motion to dismiss appeals and supporting brief.
Request for leave to file as amicus curiae
Memorandum for the U.S. as amicus curiae
Brief opposing motion to dismiss appeal.
Reply to memorandum for the U.S. as amicus curiae in support of jurisdiction.

In the Supreme Court of the State of California in and for the County of Tulare, the Ivanhoe Irrigation District, plaintiff, v. all parties and persons, etc., defendants. (no. 39, 627)
Answering brief of the people of the State of California and Water Project Authority of the State of California.

In the Supreme Court of the State of California, The Ivanhoe Irrigation District, plaintiff, v. all parties and persons, etc., defendants. (L.A. no. 23043).
Opening brief of appellants, the State of California and the Ivanhoe Irrigation District.
Reply brief of respondent A.D. Edmonston, State Engineer and Chief of the Division of Water Resources
Respondent McCracken's reply brief
Opening brief of Ventura County Flood Control District, amicus curiae.
Joint reply brief of appellants.
Brief of Edson Abel, as amicus curiae.
Joint answer of appellants
Supplemental references.
Petition for rehearing of the appellant

Box 9, folder 39
(L.A. no.'s 23, 043, 22, 761); (Sac. no.'s 6460, 6489)
Joint brief of the State of California... in response to court's request of February 27, 1959
Opening brief
Joint reply brief
Reply brief on further proceedings
Petition for permission to file a brief amicus curiae.
Memorandum of the U.S. of American amicus curiae

Box 9, folder 40
In the Supreme Court of the United States, no.'s 122, 123, 124, 125. October term, 1957
Appellants' opening brief.
Brief for the U.S. as amicus curiae.
Brief for appellees.
Amicus curiae brief in behalf of the American Farm Federation
Brief on behalf of the Irrigation Districts Association of California
Appellants reply brief
Appellees' reply to brief for the U.S. as amicus curiae.
Petition for rehearing and clarification.
Opinion of the court.

Box 9, folder 41
A.C. no. 16, Albonico v. Madera Irrigation District; Ivanhoe Irrigation District v. all parties. March 11, 1960