

# The Burger Court Opinion Writing Database

*Utah v. United States*

420 U.S. 304 (1975)

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

January 8, 1975

Re: 31 Orig. - Utah v. U. S.

Dear Bill:

Please join me in your circulation of

January 7.

Regards,



Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

January 29, 1975

Dear Bill:

Please join me in your opinion in 31 Original, Utah v. United States.

William O. Douglas

Mr. Justice Brennan

cc: The Conference

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

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 31, Orig.

1/3/75

Recirculated:

State of Utah, Plaintiff,  
v.  
United States. } On Bill of Complaint.

[January —, 1975]

PER CURIAM.

We heard oral argument upon the Exceptions to the Report of the Special Master filed by the United States. 419 U. S. — (1974). We overrule the Exceptions and adopt, and direct the entry of, the Decree proposed by the Special Master except that, as agreed by the parties, Paragraph No. 1 of the proposed Decree is modified in form by revising the phrasing of the opening paragraph to read as follows:

“1. Subject to any federal regulatory authority that may extend to the Great Salt Lake or its shorelands, the United States of America, its departments and agencies, are enjoined from asserting against the State of Utah any claim of right, title and interest:”

Further, Finding of Fact No. 10 is adjusted, as agreed by the parties, by inserting 4200.8 in lieu of 4200.2, and by inserting 396,000 in lieu of 325,000.

For the purpose of giving effect to the above, the following decree is hereby entered.

It is ordered, adjudged and decreed that:

“1. Subject to any federal regulatory authority that may extend to the Great Salt Lake or its shorelands, the United States of America, its departments

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To: The Clerk of the Court  
 Mr. Justice Black  
 Mr. Justice Stewart  
 Mr. Justice Marshall  
 Mr. Justice White  
 Mr. Justice Powell  
 Mr. Justice Rehnquist  
 Mr. Justice Brennan

## 2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

No. 31, Orig.

Recirculated: 1/17/75

State of Utah, Plaintiff,  
 v.  
 United States. } On Bill of Complaint.

[January —, 1975]

## PER CURIAM.

We heard oral argument upon the Exceptions to the Report of the Special Master filed by the United States. 419 U. S. — (1974). We overrule the Exceptions and adopt, and direct the entry of, the Decree proposed by the Special Master except that, as agreed by the parties, Paragraph No. 1 of the proposed Decree is modified in form by revising the phrasing of the opening paragraph to read as follows:

“1. Subject to any federal regulatory authority that may extend to the Great Salt Lake or its shorelands, the United States of America, its departments and agencies, are enjoined from asserting against the State of Utah any claim of right, title and interest.”

Further, Finding of Fact No. 10 is adjusted, as agreed by the parties, by inserting 4200.8 in lieu of 4200.2, and by inserting 396,000 in lieu of 325,000.

For the purpose of giving effect to the above, the following decree is hereby entered.

It is ordered, adjudged and decreed that:

“1. Subject to any federal regulatory authority that may extend to the Great Salt Lake or its shorelands, the United States of America, its departments

# SUPREME COURT OF THE UNITED STATES

No. 31, Orig.

State of Utah, Plaintiff,  
v.  
United States. } On Bill of Complaint.

[June 28, 1976]

## DECREE

IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. Taking into consideration Sections 1, 2, and 5 of the decree of this Court entered May 22, 1972, *Utah v. United States*, 406 U. S. 484, 485-486, Sections 1, 2, and 4 of the decree of this Court entered February 19, 1975, *Utah v. United States*, 420 U. S. 304, 305-306, and the further proceedings had herein pursuant to the decree of this Court entered February 19, 1975, *Utah v. United States*, 420 U. S. 304, and

2. Subject to any federal regulatory authority that may extend to the Great Salt Lake or its shorelands, the United States of America, its departments and agencies, are enjoined from asserting against the State of Utah any claim of right, title and interest:

(a) to any lands within the meander line of the Great Salt Lake (as duly surveyed prior to or in accordance with Section 1 of the Act of June 3, 1966, 80 Stat. 192), with the exception of any lands within the Bear River Migratory Bird Refuge, the Weber Basin Federal Reclamation Project, and the Hill Air Force Range (as bounded by water's edge June 15, 1967), the title to which last-named parcel is not decided by this decree;

(b) to the natural resources and living organisms in or beneath the lands delineated in (a) above; and

(c) to the natural resources and living organisms ei-

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

CHAMBERS OF  
JUSTICE POTTER STEWART

January 3, 1975

Re: No. 31, Original, Utah v. United States

Dear Bill,

I agree with the per curiam you have circulated  
in this case.

Sincerely yours,

P.S.

Mr. Justice Brennan

Copies to the Conference

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

CHAMBERS OF  
JUSTICE BYRON R. WHITE

January 6, 1975

Re: No. 31, Orig. - Utah v. United States

Dear Bill:

I agree with your suggested per curiam  
in this case.

Sincerely,

*Byron*

Mr. Justice Brennan

Copies to Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

January 6, 1975

Re: No. 31 Orig. -- State of Utah v. United States

Dear Bill:

I agree with your Per Curiam in this case.

Sincerely,

*T.M.*  
T. M.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

January 6, 1975

Re: No. 31 Orig. -- State of Utah v. United States

Dear Bill:

My memorandum of earlier today was sent in error. Please add to your opinion the notation, "Mr. Justice Marshall took no part in the consideration or decision of this case."

Sincerely,



T. M.

Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

January 6, 1975

Re: No. 31 Orig. - Utah v. United States

Dear Bill:

Please join me in your proposed per curiam.

Sincerely,



Mr. Justice Brennan

cc: The Conference

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

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

January 3, 1975

No. 31 Orig. Utah v. United States

Dear Bill:

Please join me in your Per Curiam.

Sincerely,

*Lewis*

Mr. Justice Brennan

1fp/ss

cc: The Conference

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

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

January 3, 1975

Re: No. 31, Orig.-Utah v. United States

Dear Bill:

Please join me.

Sincerely,



Mr. Justice Brennan

Copies to the Conference