

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,

W.B.

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 Brandenburg
 Mr. Justice Brennan
 Mr. Justice Marshall
 Mr. Justice Rehnquist

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 31, Orig.

Circulated: 11/3/75

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

To: The Honorable Justice
Mr. Justice Gauthier
Minister of Justice
Ottawa, Ontario
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SUPREME COURT OF THE UNITED STATES

Recirculated: 1/2/75

[January —, 1975]

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.
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[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,

Byr

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.

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.
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

lfp/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