

The Burger Court Opinion Writing Database

Escondido Mutual Water Co. v. La Jolla Band of Mission Indians

466 U.S. 765 (1984)

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

May 9, 1984

82-2056 - Escondido Mutual Water Company, Et al
v. La Jolla, Et al.

Dear Byron:

I join.

Regards,



Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

May 3, 1984

No. 82-2056

Escondido Mutual Water Company,
et al. v. La Jolla, etc.

Dear Byron,

I agree.

Sincerely,

Justice White

Copies to the Conference

To: The Chief Justice
Justice Brennan
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice White**

Circulated: MAY 1 1984

Recirculated: _____

1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-2056

ESCONDIDO MUTUAL WATER COMPANY, ET AL.,
PETITIONERS *v.* LA JOLLA, RINCON, SAN
PASQUAL, PAUMA, AND PALA BANDS
OF MISSION INDIANS ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[May —, 1984]

JUSTICE WHITE delivered the opinion of the Court.

Section 4(e) of the Federal Power Act (FPA), 16 U. S. C. § 797(e), authorizes the Federal Energy Regulatory Commission (the Commission)¹ to issue licenses for the construction, operation and maintenance of hydroelectric project works located on the public lands and reservations of the United States, including lands held in trust for Indians. The conditions upon which such licenses may issue are contained in § 4(e) and other provisions of the FPA. The present case involves a dispute among the Commission, the Secretary of Interior (the Secretary), and several Bands of the Mission Indians over the role each is to play in determining what conditions an applicant must meet in order to obtain a license to utilize hydroelectric facilities located on or near six Mission Indian reservations.

I

The San Luis Rey River originates near the Palomar Mountains in northern San Diego County, California. In its natural condition, it flows through the reservations of the La

¹The term "Commission" refers to the Federal Power Commission prior to October 1, 1977, and to the Federal Energy Regulatory Commission thereafter. See 42 U. S. C. §§ 7172(a), 7295(b).

To: The Chief Justice
Justice Brennan
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice White**

Circulated: _____

Recirculated: MAY 3 1984

~~BRW~~
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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-2056

ESCONDIDO MUTUAL WATER COMPANY, ET AL.,
PETITIONERS v. LA JOLLA, RINCON, SAN
PASQUAL, PAUMA, AND PALA BANDS
OF MISSION INDIANS ET AL.

Join?

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE NINTH CIRCUIT

[May —, 1984]

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

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

May 7, 1984

Re: No. 82-2056-Escondido Mutual Water Co. v.
La Jolla, Rincon, San Pasqual, Pauma and
Pala Bands of Mission Indians, et al.

Dear Byron:

Please join me.

Sincerely,



T.M.

Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

May 10, 1984

Re: No. 82-2056, Escondido Mutual Water Co. v. La Jolla,
Rincon, San Pasqual, Etc., Bands of Mission Indians

Dear Byron:

Please join me.

Sincerely,



Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

May 10, 1984

82-2056 Escondido Mutual Water Company v. La Jolla

Dear Byron:

Please join me.

Sincerely,

Lewis

Justice White

lfp/ss

cc: The Conference

RECEIVED
MAY 10 1984

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 7, 1984

Re: No. 82-2056 Escondido Mutual Water Company v.
La Jolla, Rincon, San Pasqual, Pauma,
and Pala Bands of Mission Indianas

Dear Byron:

Please join me.

Sincerely,



Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

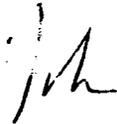
May 2, 1984

Re: 82-2056 - Escondido v. LaJolla

Dear Byron:

Please join me.

Respectfully,



Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

May 2, 1984

Re: No. 82-2056 Escondido Mutual Water Company v.
La Jolla, Rincon, San Pasqual, Pauma,
and Pala Bands of Mission Indians

Dear Byron,

Please join me.

Sincerely,



Justice White

Copies to the Conference

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