

3-1-1973

## 03-01-1973 Justice Douglas, Dissenting

William O. Douglas  
*US Supreme Court Justice*

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### Recommended Citation

Douglas, W.O. Justice Douglas, Dissenting, Associated Enterprises v. Toltec Watershed Improv. Dist. 410 U.S. 743 (1973). Box 367, Harry A. Blackmun Papers, Manuscript Division, Library of Congress, Washington, D.C.

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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

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 71-1069

From: Douglas, J.

Associated Enterprises, Inc., and  
Johnston Fuel Liners,  
Appellants,  
v.  
Toltec Watershed Improvement  
District.

Circulated: \_\_\_\_\_  
On Appeal Re-circulated: 3-1  
Supreme Court of  
Wyoming.

[February —, 1973]

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL concur, dissenting.

I

For the reasons set forth in my dissenting opinion in *Salyer Land Company v. Tulare Lake Basin Water Storage District*, — U. S. —, —, I cannot agree that the voting provisions of Wyoming's Watershed Improvement District Act pass muster under the Equal Protection Clause. Accordingly, I dissent.

At issue is Wyoming's Watershed Improvement District Act, Wyo. Stat. Ann. §§ 41-354.1-41-354.26. Appellee Toltec Watershed Improvement District was established as a result of a referendum held pursuant to this Act, May 12, 1969.<sup>1</sup>

<sup>1</sup> Establishment of a Watershed Improvement District entails several steps. First, a petition proposing the creation of such a district must be filed with the board of supervisors of the soil and water conservation district in which the proposed watershed district will lie. § 41-354.5. The petition must set forth the boundaries of the proposed district, reasons justifying creation, and must be signed by a majority of the landowners in the proposed district. *Ibid.*

On receipt of the petition, the board of supervisors must call a public hearing, at which "[s]t] owners of land within the proposed watershed improvement district and all other interested parties shall