

2-26-1973

## 02-26-1973 Justice Rehnquist, Per Curiam

William H. Rehnquist  
*US Supreme Court Justice*

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### Recommended Citation

Rehnquist, W.H. Justice Rehnquist, Per Curiam, 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 Douglas  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Blackmun  
Mr. Justice Powell

2nd DRAFT

From: Rehnquist, J.

SUPREME COURT OF THE UNITED STATES

Circulated: \_\_\_\_\_

No. 71-1069

Recirculated: 2/26/73

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

On Appeal from the  
Supreme Court of  
Wyoming.

[February —, 1973]

PER CURIAM.

In this case we are confronted with an issue similar to the one determined today in *Salyer Land Company v. Tulare Lake Basin Water Storage District*, — U. S. —. Appellee Toltec Watershed Improvement District was established after referendum held pursuant to Wyoming's Watershed Improvement District Act, Wyo. Stat. Ann. §§ 41-354.1 to 41-354.26. After formation, appellee sought a right of entry onto lands owned by appellant Associated Enterprises, Inc., and leased by Johnston Fuel Liners for the purpose of carrying out studies to determine the feasibility of constructing a dam and reservoir. When Associated resisted, the district sought to enforce its right in state court. Arguing that the statutes authorizing the referendum violated the Equal Protection Clause since under § 41-354.9 only landowners are entitled to vote and under § 41-354.10, a watershed improvement district cannot be determined to be administratively practicable and feasible unless a majority of the votes cast, representing a majority of the acreage in the district, favor its creation, appellants maintained