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03-01-1973 Justice Douglas, Dissenting

William O. Douglas
US Supreme Court Justice

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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, 1969.¹

¹ 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]ll owners of land within the proposed watershed improvement district and all other interested parties shall