

WYOMING *v.* UNITED STATES ET AL.

## CERTIORARI TO THE SUPREME COURT OF WYOMING

No. 88-309. Argued April 25, 1989—Decided June 26, 1989

753 P. 2d 76, affirmed by an equally divided Court.

*Michael Douglas White* argued the cause for petitioner. With him on the briefs were *Joseph B. Meyer*, Attorney General of Wyoming, *S. Jane Caton*, Assistant Attorney General, and *David F. Jankowski*.

*Jeffrey P. Minear* argued the cause for the United States. With him on the brief were *Acting Solicitor General Bryson*, *Acting Assistant Attorney General Carr*, *Deputy Solicitor General Wallace*, *Edward J. Shawaker*, and *Robert L. Klarquist*. *Susan M. Williams* argued the cause for respondents *Shoshone Tribe et al.* With her on the brief were *Brice M. Clagett*, *Saul B. Goodman*, *W. Richard West, Jr.*, *Dale T. White*, and *Andrew W. Baldwin*. *Sky D. Phifer* filed a brief for respondents *Bath et al.*\*

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\*Briefs of *amici curiae* urging reversal were filed for the State of Arizona et al. by *Jim Jones*, Attorney General of Idaho, and *Clive J. Strong* and *David J. Barber*, Deputy Attorneys General, *Robert K. Corbin*, Attorney General of Arizona, *Marc Racicot*, Attorney General of Montana, *Brian McKay*, Attorney General of Nevada, *R. Paul Van Dam*, Attorney General of Utah, and *Kenneth O. Eikenberry*, Attorney General of Washington; and for the city of Phoenix by *Roderick G. McDougall*, *M. James Callahan*, and *Katherine Ott Verburg*.

*Harry R. Sachse*, *Reid Peyton Chambers*, *Ethel J. Abeita*, and *Robert T. Anderson* filed a brief for the Native American Rights Fund et al. as *amici curiae* urging affirmance.

Briefs of *amici curiae* were filed for the State of California et al. by *John K. Van de Kamp*, Attorney General of California, *R. H. Connett*, Assistant Attorney General, *Douglas B. Noble*, Deputy Attorney General, *Fred Vendig*, *Karen L. Tachiki*, and *Jerome C. Muys*; for the State of New Mexico by *Hal Stratton*, Attorney General, and *Martha C. Dabney* and *Vickie L. Gabin*, Special Assistant Attorneys General; for the County of Chaves et al. by *Gary C. Mitchell* and *Richard A. Simms*; for the Salt

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Per Curiam

## PER CURIAM.

The judgment below is affirmed by an equally divided Court.

JUSTICE O'CONNOR took no part in the decision of this case.

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River Project Agricultural Improvement and Power District by *John B. Weldon, Jr.*, and *Stephen E. Crofton*; for the village of Ruidoso by *Neil C. Stillinger* and *Kathleen R. Marr*; and for the Shoshone-Bannock Tribes by *Jeanette Wolfley*.