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No. 31, ORIGINAL

Supreme Court, U.S.

FILED

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In the Supreme Court of the United States

OCTOBER TERM, 1971

STATE OF UTAH,

Plaintiff,

vs.

UNITED STATES OF AMERICA

Defendant.

Motion by the State of Utah, and Statement in Support Thereof,
Requesting the Court to Enter a Decree.

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March 2, 1972

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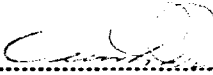
**In the Supreme Court of the
United States**

OCTOBER TERM, 1971

STATE OF UTAH, *Plaintiff,*
vs.
UNITED STATES OF AMERICA
Defendant.

MOTION

The State of Utah respectfully moves the Court to enter a decree in the above-entitled litigation, and attaches hereto as Appendix A a proposed decree for consideration by the Court.


.....
Vernon B. Romney
Utah Attorney General
236 State Capitol Building
Salt Lake City, Utah 84114

March 2, 1972.

STATEMENT IN SUPPORT OF MOTION

I. STATUS OF LITIGATION

On June 7, 1971 this Court upheld, against exceptions filed by the Government, the findings of fact and conclusions of law contained in the report of the Special Master relating to the navigability of the Great Salt Lake (403 U.S. 9). The Court thus held the Lake to be navigable, but did not enter a decree; rather, it appended to the opinion the decree as proposed by the Special Master, stating:

We invite the parties to address themselves to that decree with the view of agreeing, if possible, upon the issues which have now been settled by this litigation. (403 U.S. 13).

Despite a substantial effort, the parties have not been able to agree on the issues which have been settled by the Court's opinion, and for that reason Utah reports back to the Court by way of the present Motion and Statement in support thereof.

Unfortunately, and to the sorrow of the parties, the Hon. J. Cullen Ganey, Special Master appointed by the Court for this litigation, recently died. However, since the Court did not refer the matter of the decree back to the Master, but addressed the parties instead, it is fitting and proper for the Court to enter a decree in keeping with its opinion of June 7, 1971 and the October 26, 1970 Report of the Master which that opinion sustained. After such a decree is entered, Utah assumes that it will be necessary for the Court to appoint a new Master to hold hearings, receive evidence and hear arguments on the question of reliction, and in due course to report back to the Court on that issue.

II. NATURE OF PRESENT DISPUTE

Following the June 7, 1971 decision of the Court, the parties endeavored to reach agreement on the form and content of a decree to be submitted to the Court for approval. The Special Master offered to assist the parties in reaching agreement, and a conference for that purpose, attended by the Master and counsel for the parties, was held in Salt Lake City on September 21, 1971. The parties had earlier exchanged several drafts of a decree and finally had reached agreement just prior to the meeting. The only matter remaining for determination as then visualized by the parties and as set forth in the decree as then drafted was the question of reliction.

But, at the September 21, 1971 conference, counsel for the Government suggested that they might want to frame as a specific issue whether the surveyed meander line of the Lake actually represented the boundary of the Lake at statehood. As a result, the prepared decree was not executed, and the matter was deferred. Several weeks later, the parties reached agreement again, and prepared a decree which they intended to mail to the Special Master for his concurrence prior to submitting it to the Court. This version simply provided that the "basic" issue remaining for determination was reliction, leaving room for consideration of all legal and factual questions relevant to reliction (including, if found to be appropriate, a comparison of the surveyed meander line with the Lake's boundary at statehood).

But then the Government decided that it wished to raise two additional issues, both relating to mineral ownership. Utah objected. The Solicitor General thereupon

wrote to the Special Master under date of October 22, 1971, setting forth four questions which the Government contended remained for determination. For simplicity, those questions will be quoted below, and Utah's position with respect to each question will be inserted following the question.

Government's Question No. 1.:

Whether prior to the conveyance pursuant to the Act of June 3, 1966, the claimed doctrine of reliction applied and, if so, did the doctrine of reliction vest in the United States any right, title, or interest in or to any or all of the exposed shorelands situated between the water's edge on the date of the conveyance (June 15, 1967) and the meander line of the Lake as duly surveyed heretofore or in accordance with Section 1 of the Act of June 3, 1966.

Utah's Response: Utah agrees that the above question, relating to reliction, remains for adjudication and is, in fact, the heart of the litigation as envisioned by Congress.

Government's Question No. 2.:

Whether the United States owns, or owned prior to the conveyance pursuant to the Act of June 3, 1966, any right, title or interest in or to the natural resources and living organisms in or beneath said exposed shorelands described in question (1) above or in or beneath the bed of the Lake below the water's edge on the date of conveyance.

Utah's Response: This question has two separate aspects. With respect to ownership of minerals within and beneath the water covered bed, Utah believes that this question has been resolved in favor of Utah by the Court's opinion. With respect to ownership of minerals in the exposed shorelands, Utah believes that adjudica-

tion of the reliction issue (question No. 1) will effectively resolve the matter, since each party will own the minerals in the lands that are decreed to it. The difficulty with framing a specific issue as to ownership of these minerals is that, if Federally owned, they were reserved by the United States and were not conveyed to Utah. Since this action is only for the purpose of determining the Federal interest that passed to Utah by virtue of the deed from the United States (and thus the property for which Utah must make payment to the United States), it might seem to go beyond the Congressional intent if the parties attempt to litigate other issues.

Government's Question No. 3.:

Whether the United States owns, or owned prior to the conveyance pursuant to the Act of June 3, 1966, any right, title or interest in or to the natural resources and living organisms, either within the waters of the Lake or extracted therefrom.

Utah's Response: This question relates to natural resources within the waters of the Lake, and Utah believes that it obtained title to such minerals at statehood when it obtained title to the bed of the Lake; but, of equal significance is the fact that the Submerged Lands Act resolved any question of ownership in favor of Utah, and the Special Master specifically declared in his proposed decree that Utah held such ownership. The United States did not challenge the Master's recommendation on mineral ownership when this case was briefed and argued before this Court.

Government's Question No. 4.:

Whether the surveyed meander line of the Lake accurately depicts the boundary of the Lake at the date of statehood.

Utah's Response: Utah has no objection to this issue if a Special Master, during future hearings, determines that it is necessary or useful to compare the surveyed meander line with the boundary of the Lake at statehood in order to resolve the reliction question. It would be objectionable to Utah, however, for the Court to direct a Master to make this comparison if, under the evidence, such a finding would be moot. For example, Utah believes the evidence on reliction will show that, subsequent to statehood, the water level of the Lake rose above the surveyed meander line. If this is proved in future hearings, then any reliction claims of the Government necessarily will be based on recession of the waters after that date, and the boundary of the Lake at statehood will be wholly moot. To repeat, Utah believes that the Court should simply direct a Master to adjudicate the reliction question, including all legal and factual matters necessary to that end, and leave it to the Master to decide the relevance and importance of the boundary of the Lake at statehood.

To summarize the views of the parties with respect to the issues remaining for adjudication in this action, it may be said that:

1. Both parties agree that the question of reliction must be determined.
2. The Government believes that the boundary of the Lake at statehood should be compared with the surveyed meander line, and Utah believes that this issue should be left to the discretion of the Master, in light of the legal and factual elements that emerge during future hearings on reliction.
3. The Government believes that there must yet

be an adjudication of ownership of minerals (a) within and beneath the submerged bed of the Lake, (b) within the waters of the Lake, and (c) within the exposed shorelands around the Lake. Utah believes that the Submerged Lands Act has laid to rest any cloud on Utah's ownership of (a) and (b), and that (c) is irrelevant to this litigation as a legal matter because any Federal interest in such minerals was reserved by the United States, but that, as a practical matter, resolution of the reliction question will resolve ownership of minerals in the exposed lands.

III. BACKGROUND OF MINERALS DISPUTE

This litigation was intended by Congress to resolve conflicting claims by the United States and the State of Utah to shorelands around the Great Salt Lake which have become exposed as the water level of the Lake has lowered. Essentially, the dispute was whether the doctrine of reliction had divested Utah of title to shorelands that previously had been a part of the bed of the Lake.

Utah's claim was that the shorelands below the surveyed meander line constituted a part of the bed of the Lake which passed into State ownership at the date of Utah's statehood by virtue of the navigability of the Lake. Thus, when Utah initiated the present litigation on March 1, 1967, the complaint alleged that the Lake was a navigable body of water when Utah obtained statehood, and that Utah thus owned not only the disputed shorelands, but also the water covered bed and the minerals in solution in the brines.

On July 14, 1967, the United States filed its answer, denying Utah's allegations of ownership, but not claim-

ing any ownership in the United States as to the minerals in the water covered bed or the minerals in solution in the waters of the Lake. The Government simply had not decided at that time whether it could frame a plausible claim of title to the minerals in the water covered bed or the minerals in the waters.

During the early stages of this litigation certain private parties sought to intervene and assert their claims to shorelands around the Lake. In order to make clear that the present litigation was not intended to adjudicate or prejudice private claims, Utah and the United States filed a stipulation on April 22, 1968. At that time, the United States was still undecided as to whether it would claim minerals in the waters or the water covered bed, and so the stipulation provided:

... the United States reserves the right to assert that it owned and conveyed to the State on June 15, 1967, all the brines and minerals in solution in the brines of the Great Salt Lake and all of the presently submerged lands underlying the Lake, and the State reserves the right to contest the propriety of asserting such a claim in this litigation. (Supplemental Memorandum for the United States and Stipulation, page 6, paragraph No. 2, filed April 22, 1968).

It will be noted that Utah reserved the right to object to any assertion of these claims by the United States. The position of Utah was that Congress intended that the shorelands be the only subject of litigation, even though the deed was broad enough to cover the submerged bed of the Lake and the minerals in the waters of the Lake. This position was based in part on the fact that Government witnesses testified in Committee Hear-

ings that minerals in the brines were not controverted, but were clearly owned by the State of Utah. For example, John A. Carver, Jr., Under Secretary of Interior, told the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs that:

In discussing the mineral values which have aroused this interest I want to be specifically clear on the point that two classes of minerals, viewed legally, are involved. They are the minerals which attach to the relicted lands and those which are present in the water.

This bill and my discussion are confined solely to the minerals which attach to the land. This is concerned with the land area. The resources within navigable waters were confirmed to the State of Utah by the act of May 22, 1953 (43 U.S.C. 1311(a)). (Hearings before the Subcommittee on Public Lands, Committee on Interior and Insular Affairs, United States Senate, Eighty-Ninth Cong., 1st Sess., on S. 265, page 126; Exhibit P-34, page 126).

The Senate Committee Report on the Great Salt Lake Lands Act stated:

The purpose of S. 265 is to resolve a controversy between the State of Utah and the Federal Government over title of several hundred thousand acres of Federal lands which once were beneath the waters of Great Salt Lake but which now are upland flats. (Senate Report No. 1006, Eighty-Ninth Cong., 2d Sess., February 17, 1966, page 1).

The Great Salt Lake Lands Act (P.L. 89-441, 80 Stat. 192), after directing the Secretary of the Interior to convey to Utah by quitclaim deed, required that "as a

condition of the conveyance authorized in this Act, and in consideration thereof," the State of Utah:

. . . upon the express authority of an Act of its legislature, convey to the United States by quitclaim deed all of its rights, title, and interest in lands upland from the meander line, which lands the State may claim against the United States by reason of said lands having been, or hereafter becoming, submerged by the waters of Great Salt Lake . . . (P.L. 89-441, 80 Stat. 192, Section 4).

Utah complied.

The above observations are entirely irrelevant to the present posture of this litigation, other than to explain the background of the language referring to minerals as used in the Stipulation filed by the parties. The parties did not intend to exclude from the litigation and preserve for future determination any question as to the ownership of the bed of the Lake or the brines. Both parties intended the litigation to resolve all ownership questions between the United States and Utah with respect to the property interests covered by the deed.

However, the Special Master noted that the language in the Stipulation might serve to leave certain questions unanswered as to Federal claims to the submerged bed and minerals in the waters of the Lake, and recommended that these questions be put in issue and resolved in this litigation. (Special Master's Report, October 28, 1968, page 2).

Utah did not object to this recommendation, and, in its brief in support of the Special Master's report, stated:

Utah does not object to the recommendation of the Special Master that ownership of the brines

and minerals should be placed in issue to avoid any subsequent claim by the United States to compensation for such brines and minerals, since Utah desires certainty of title to the brines as well as the lands, and believes that the United States had simply hesitated to put ownership of the brines in issue because it had not found any meritorious theory supported by facts pursuant to which it could claim ownership of such brines. (Brief of the State of Utah in Support of the Special Master's Report, page 29, dated January 10, 1969, filed January 13, 1969).

Accordingly, the Special Master held hearings on the navigability of the Great Salt Lake, found it to be navigable, and proposed a decree which recited that Utah owned the brines and minerals in solution in the Lake. This Court approved the Findings of Fact and Conclusions of Law of the Special Master and rejected the exceptions filed by the United States, but referred the decree to the parties for their consideration and agreement. (403 U.S. 9).

This, in brief, is the background in this litigation of the dispute relating to ownership of the brines of the Lake.

IV. THE SUBMERGED LANDS ACT HAS MOOTED THE MINERALS QUESTION AS TO THE SUBMERGED BED AND THE BRINES

Utah obtained title to the Lake and the minerals therein at statehood. Therefore, Utah did not obtain title to the minerals within and beneath the bed of the Lake, or to the minerals in the waters of the Lake, by virtue of the Submerged Lands Act. But Utah does be-

lieve that the Submerged Lands Act confirmed Utah's existing title and rendered moot any further arguments concerning State versus Federal ownership of those minerals.

In more specific terms, since it has now been determined that Utah owns the water covered bed of the Lake, then under common law rules of property Utah also owns—and has owned since statehood—the minerals within and beneath the bed and the minerals in the brines above the bed. But Utah's title need not be argued or determined on that ground alone. The Submerged Lands Act was intended to and did lay to rest any uncertainty as to the ownership of minerals in submerged lands and the waters above them:

It is determined and declared to be in the public interest that (1) title to and ownership of the *lands beneath navigable waters* within the boundaries of the respective States, *and the natural resources within such lands and waters*, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, *recognized, confirmed, established, and vested in and assigned to the respective States* or the persons who were on June 5, 1950, entitled thereto under the law of the respective States in which the land is located, and the respective grantees, lessees, or successors in interest thereof;

The United States releases and relinquishes unto said States and persons aforesaid, except as otherwise reserved herein, all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources; . . . (43 U.S.C. §1311(a), (b) (1)). (Emphasis added).

Section 1301 (e) of the Act contains the following definition:

The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power.

But the Submerged Lands Act was fully briefed for the Court in the briefs filed in advance of the argument heard on April 26, 1971. Utah's Brief of March 9, 1971 discusses the judicial and legislative background of the Act at pages 84 through 105, and Utah's Supplemental Brief dated April 22, 1971 is devoted exclusively to the legislative history of the Act, with emphasis on that part of the legislative history which shows that the Great Salt Lake was specifically intended by Congress to be covered by the Act, and that minerals such as oil and gas, salt and sodium sulphate were identified with respect to the Lake.

Utah's present argument, in essence, is that the Submerged Lands Act has totally resolved any question that might have existed with respect to ownership of minerals beneath the water covered bed of the Lake or within the waters of the Lake. The effect of the Act has been briefed and argued before the Court. The Special Master proposed a decree quieting title to such brines and minerals in Utah. It would be an unnecessary and useless exercise to litigate further any question of mineral ownership when the Submerged Lands Act has resolved the matter.

It is not clear what the present position of the

United States is with respect to the Submerged Lands Act. The Government's views have changed from time to time, illustrated by:

1. The testimony of John A. Carver, Under Secretary of Interior, who told Congress in 1965 that the Submerged Lands Act clearly confirmed in Utah title to the minerals in solution in the waters of the Great Salt Lake.

2. Then counsel for the Government took the position in May of 1969, during the hearings on navigability held before the Special Master, that the Submerged Lands Act did not apply to the Great Salt Lake because it was not navigable under the Federal test of navigability set forth in *The Daniel Ball* (77 U.S. 557 (1870)), and that the Act applied only to those waters navigable under that test. (See pages 107-13 of Brief of the State of Utah dated March 9, 1971 in Support of the Special Master's Report of October 26, 1970).

3. Then, when the Special Master found the Lake to be navigable under the Federal test, the Government argued before this Court that the Submerged Lands Act had a narrower application, and included only those waters which were navigable in interstate commerce. (Exceptions of the United States to the Report of the Special Master Filed October 26, 1970, page 34). This Court rejected that view (403 U.S. 9).

4. And, in the reply brief filed by the United States in April, 1971, the Government argued that the legislative history of the Submerged Lands Act indicated that it was to apply only to those waters where the beds already were in state ownership:

While there was unanimity between the majority and minority reports on the desirability of confirming existing state title, however, *it is also clear that Congress wished to bring about that confirmation on the assumption that title to the lands was in fact a matter of state right.* (Reply Brief for the United States, page 15). (Emphasis added).

Since this Court has since sustained the Report of the Special Master, and has held that Utah indeed owned the bed of the Great Salt Lake as a matter of right at the time the Submerged Lands Act was passed, it is difficult to perceive what new argument the Government now wishes to make. Apparently what was "clear" to the Government less than a year ago is now subject to some further, but as yet unannounced, caveat or qualification.

And it is significant that the Government filed no objections or exceptions to the Special Master's determination that Utah owned the brines and minerals in the waters of the Lake. The Government did except to the decree, in this fashion:

The United States excepts to the Proposed Decree of the Special Master appearing at pages 53-54 of his Report, insofar as it grants the relief sought by the State of Utah and denies the relief sought by the United States. (Exceptions of the United States to the Report of the Special Master filed October 26, 1970, page 5).

But this hardly specifies any exception to the Special Master's recommendation of mineral and brine ownership in the State of Utah. If the United States had objected to that determination, as being inconsistent with or beyond the Findings of Fact and Conclusions of Law, then it should have expressly stated its objections before

this Court when it objected to the Report of the Special Master. The Master's proposed decree was clear enough, stating that the United States had no claim:

(b) to the natural resources and living organisms in or beneath the bed of the Great Salt Lake . . . [or] (c) to the natural resources and living organisms either within the waters of the Great Salt Lake, or extracted therefrom, lying below the meander line of the Great Salt Lake . . . (Report of the Special Master filed October 26, 1970, page 53).

V. MINERALS IN THE EXPOSED SHORELANDS

As a technical legal matter, it is not necessary in this litigation to determine ownership of minerals in the submerged bed of the Lake or the shorelands situated within the surveyed meander line. As a practical matter, ownership of minerals in the submerged bed of the Lake seems to have already been adjudicated in favor of Utah; and, likewise, when reliction claims are adjudicated, ownership of minerals in those lands will be effectively adjudicated in the owner of the lands.

But, in simplest terms, any question as to ownership of minerals in the shorelands is beyond the limits placed on this litigation by the Great Salt Lake Lands Act (Act of June 3, 1966, P.L. 89-441, 80 Stat. 192). While that Act authorized the United States to quitclaim to the State of Utah any Federal interest in the lands located within the surveyed meander line of the Lake, Congress directed that all minerals, except those in solution in the brines, be reserved by the United States and excluded from the conveyance. Section 3 of the Act provided that:

The conveyance authorized by this Act shall contain an express reservation to the United States of all minerals, except brines and minerals in solution in the brines, or precipitated or extracted therefrom in whatever Federal lands there may be below the meander line of Great Salt Lake, together with the right to prospect for, mine, and remove the same. (80 Stat. 192).

The Act then provides that any minerals so reserved shall be withdrawn from appropriation, to be disposed of under the mineral leasing laws:

The minerals thus reserved shall thereupon be withdrawn from appropriation under the public land laws of the United States, including the mining laws, but said minerals, in the discretion of the Secretary of the Interior, may be disposed of under any of the provisions of the mineral leasing laws that he deems appropriate: *Provided*, That any such lease shall not be inconsistent, as determined by the Secretary of the Interior, with the other uses of said lands by the State of Utah, its grantees, lessees, or permittees. (80 Stat. 192-93).

The deed executed by the United States and delivered to Utah June 15, 1967 pursuant to the Act specifically contained the mineral reservation required by the statute. Congress also clearly stated that this litigation was to be solely for the purpose of adjudicating the Federal property interest that was conveyed to Utah by the deed. Section 5(b) of the Act said that Utah:

may maintain an action in the Supreme Court of the United States to secure a judicial determination of the right, title and interest of the United States in the lands *conveyed* to the State of Utah pursuant to section 2 of this Act. (80 Stat. 193) (Emphasis added).

Since the present litigation is for the purpose of determining the Federal ownership interest, if any, which passed to Utah by deed from the United States (thus serving as the measure of the lands for which Utah must compensate the United States), there is little basis for framing issues which relate to Federal property claims which were specifically excluded from the deed and for which Utah would make no payment to the United States, irrespective of any Federal ownership.

This is not to discount the practical importance of resolving mineral ownership in the bed and shorelands. But, as stated above, Utah believes that this has already been accomplished as to the water covered portion of the bed of the Lake, and will be accomplished as to the shorelands when reliction claims are resolved. The applicable rule of property law, applied without exception in both state and Federal courts, holds that the owner of the land also owns the minerals within the land (absent some prior mineral reservation in the chain of title). Thus, it would seem to follow that the United States will own the minerals in the shorelands, if any, that are adjudicated to have been Federal lands prior to execution and delivery of the deed to Utah, and that Utah will own the minerals in the shorelands, if any, that are adjudicated to be State lands by virtue of the navigability of the Lake. So, while this result might necessarily follow from adjudication of shoreland ownership (reliction) in future proceedings in this litigation, Utah simply questions whether it is necessary and proper to frame as a separate issue the ownership of mineral interests purportedly retained by the United States.

VI. CONCLUSION

Utah respectfully requests the Court to enter the decree attached as Appendix A to this Motion and Statement. That decree specifically directs further proceedings to resolve the Government's reliction claim, and is broad enough to permit a Special Master to consider the Lake boundary at statehood if he deems it to be appropriate. Utah believes that a determination of the reliction question will result in an effective and proper determination of ownership of minerals in the exposed lands.

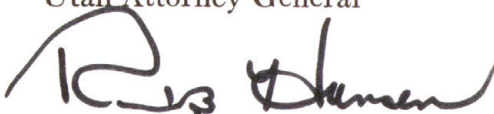
As to minerals within and beneath the submerged bed of the Lake and within the waters of the Lake, the proposed decree vests ownership in the State of Utah, as did the decree proposed by the Master. The decree proposed is the one agreed to by the United States in October, 1971, before the Government decided to reassert the minerals questions, and so, aside from the minerals questions, it is assumed that the form of the decree will be acceptable to the Government.

Respectfully submitted,



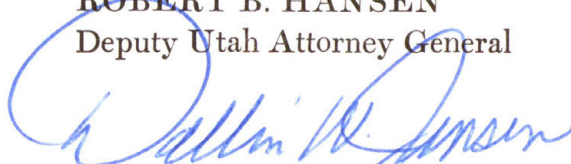
VERNON B. ROMNEY

Utah Attorney General



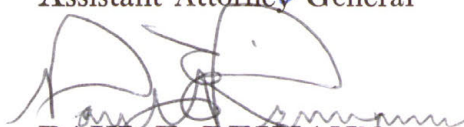
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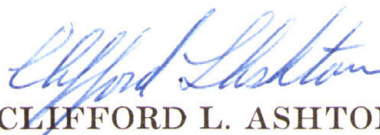
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Assistant Attorney General



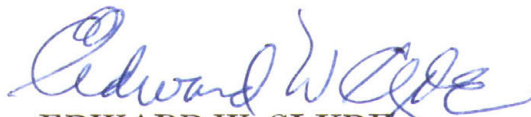
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March 2, 1972

CERTIFICATE OF SERVICE

I, Vernon B. Romney, Attorney General of, and counsel for, the State of Utah, and a member of the Bar of this Court, do hereby certify that copies of the foregoing Motion and Statement of the State of Utah were served upon the Solicitor General of the United States of America, Department of Justice, Washington, D.C. 20530, by mailing the same, air mail postage prepaid, this 29th day of February, 1972, all in accordance with the Rules of this Court.



VERNON B. ROMNEY
Utah Attorney General

APPENDIX A:

In the Supreme Court of the United States

DECREE PROPOSED BY UTAH

No. 31, ORIGINAL

STATE OF UTAH

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

DECREE

IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The United States of America, its departments and agencies are enjoined, subject to any regulations which the Congress may impose, such as in the interest of navigation or pollution control, from asserting against the State of Utah any claim of right, title and interest:

(a) to the bed of the Great Salt Lake lying below the water's edge of Great Salt Lake on June 15, 1967,* with the exception of any lands within the Bear River Migratory Bird Refuge and the Weber Basin federal reclamation project;

(b) to the natural resources and living organisms in or beneath the bed of the Great Salt Lake as delineated in (a) above; and

*The date of the deed from the United States to Utah.

(c) to the natural resources and living organisms either within the waters of the Great Salt Lake, or extracted therefrom, as delineated in (a) above.

2. The State of Utah is not required to pay the United States, through the Secretary of the Interior, for the lands, including any minerals, delineated in 1. above of this decree.

3. The basic question yet to be determined in this case is whether prior to June 15, 1967, the claimed doctrine of reliction applies and, if so, does the doctrine of reliction vest in the United States, and thus divest the State of Utah of any right, title or interest to any or all of the exposed shorelands situated between the water's edge on June 15, 1967, and the meander line of the Great Salt Lake as duly surveyed prior to or in accordance with Section 1 of the Act of June 3, 1966, 80 Stat. 192. A Special Master will be appointed by the Court to hold such hearings, take such evidence and conduct such proceedings as he deems appropriate and, in due course, to report his recommendations to the Court.

4. The prayer of the United States of America in its answer to the State of Utah's Complaint that this Court "confirm, declare and establish that the United States is the owner of all right, title and interest in all lands described in Section 2 of the Act of June 3, 1966, 80 Stat. 192, as amended by the Act of August 23, 1966, 80 Stat. 349, and that the State of Utah is without any right, title or interest in such lands, save for the right to have these lands conveyed to it by the United States, and to pay for them, in accordance with the provisions of the Act of June 3, 1966, as amended," is denied.

