

No. 134, Original

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

STATE OF NEW JERSEY,

Plaintiff,

v.

STATE OF DELAWARE,

Defendant.

NEW JERSEY'S PROPOSED DECREE

The Court having exercised original jurisdiction to determine the rights of the States of New Jersey and Delaware under the Compact of 1905; and the issues raised having been tried before the Special Master appointed by the Court;

It is hereby ORDERED, ADJUDGED AND DECREED as follows:

1. The Compact of 1905 between the State of New Jersey and the State of Delaware grants exclusive State riparian jurisdiction to New Jersey to regulate all aspects of the construction, maintenance and use of improvements appurtenant to the New Jersey shore of the Delaware River within the Twelve Mile Circle that extend outshore of the mean low water line. The Compact also grants New Jersey exclusive State jurisdiction over vessels using or attached to such improvements.
2. The Compact of 1905 authorizes the State of New Jersey to convey those grants, leases, licenses or other interests in the bed of the Delaware River within the Twelve Mile Circle outshore of the mean low water line that are reasonably related to the exercise of its jurisdiction under paragraph 1.
3. Delaware is enjoined from requiring any permit, license, lease, certification, determination or other authorization for the construction, maintenance or use a riparian improvement appurtenant to the New Jersey shore of the Delaware River within the Twelve Mile Circle.

4. The Court retains jurisdiction to entertain such further proceedings, enter such orders, and issue such writs as may from time to time be considered necessary or desirable to give proper force and effect to this Decree or to effectuate the rights of the parties.

5. The party States shall share equally in the compensation of the Special Master and his assistants, and in the expenses of this litigation incurred by the Special Master.