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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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BEDROC LIMITED, LLC, ET AL. v. UNITED STATES ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 02-1593. Argued January 20, 2004—Decided March 31, 2004

The Pittman Underground Water Act of 1919 authorized the Secretary of the Interior to designate certain "nonmineral" Nevada lands on which settlers could obtain permits to drill for water. Under §8 of the Pittman Act, each land grant, or patent, reserved to the United States all coal and other "valuable minerals" in the lands, and the right to remove the same. When one of petitioners' predecessors-ininterest began extracting sand and gravel from land patented under the Pittman Act, the Bureau of Land Management ruled that he had trespassed against the Government's reserved interest in the property's "valuable minerals," and the Interior Board of Land Appeals affirmed. Petitioner BedRoc Limited, LLC, which subsequently acquired the property and continued to remove the sand and gravel under an interim agreement with the Department of the Interior, and petitioner Western Elite, Inc., filed a quiet title action in Federal District Court. The court granted the Government summary judgment, holding that the contested sand and gravel are "valuable minerals" reserved to the United States by the Pittman Act. The Ninth Circuit affirmed.

Held: The judgment is reversed, and the case is remanded.

314 F. 3d 1080, reversed and remanded.

THE CHIEF JUSTICE, joined by JUSTICE O'CONNOR, JUSTICE SCALIA, and JUSTICE KENNEDY, concluded that sand and gravel are not "valuable minerals" reserved to the United States in land grants issued under the Pittman Act. In construing the mineral reservation of the Stock-Raising Homestead Act of 1916 (SRHA)—which was identical to the Pittman Act's except insofar as it reserved to the United States "all

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the coal and other minerals," whereas the Pittman Act reserved "valuable minerals"—this Court determined that neither the dictionary nor the legal understanding of "minerals" prevailing in 1916 was conclusive, but that the SRHA's purpose and history demonstrated that gravel was a "mineral" reserved to the United States. Watt v. Western Nuclear. Inc., 462 U.S. 36, 55-60. This Court will not extend that holding to conclude that sand and gravel are "valuable minerals." The Western Nuclear Court had no choice but to speculate about congressional intent with respect to the scope of the amorphous term "minerals," but here Congress has textually narrowed the term's scope by using the modifier "valuable." The inquiry begins with the statutory text, and ends there as the text is unambiguous. The proper inquiry in interpreting mineral reservations focuses on the reservation's ordinary meaning when it was enacted. Amoco Production Co. v. Southern Ute Tribe, 526 U.S. 865, 874. Because the Pittman Act applied only to Nevada, the ultimate question is whether the State's sand and gravel were commonly regarded as "valuable minerals" in 1919. Common sense says no: They were, and are, abundant throughout Nevada; they have no intrinsic value; and they were commercially worthless in 1919. Thus, even if they were regarded as minerals, no one would have mistaken them for valuable minerals. The statutory context of the Pittman Act's mineral reservation further confirms its ordinary meaning, as Congress explicitly cross-referenced the General Mining Act of 1872, and it is beyond dispute that when the Pittman Act became law, common sand and gravel could not constitute a locatable "valuable mineral deposit" under the General Mining Act. Because the statutory reservation's text clearly excludes sand and gravel, there is no occasion to resort to legislative history here. Pp. 4–11.

JUSTICE THOMAS, joined by JUSTICE BREYER, concluded that the Pittman Underground Water Act of 1919's mineral reservation cannot be meaningfully distinguished from the analogous provision in the Stock-Raising Homestead Act of 1916 (SRHA), and that the mineral reservations pursuant to both do not include sand and gravel. Emphasizing "valuable" in the Pittman Act ignores the fact that the Act uses "valuable minerals" and "minerals" interchangeably. And it implies that the Court erred in Watt v. Western Nuclear, Inc., 462 U.S. 36, not by interpreting "minerals" too broadly to include sand and gravel, but by interpreting "minerals" too narrowly by reading into the term a requirement that the minerals can be used for commercial purposes. If "valuable" were the textual source of a commercial purpose requirement, then the SRHA's lack of that modifier would imply that the SRHA contains no such requirement. Because the SRHA and the Pittman Act should be construed similarly, the plurality's reasoning with respect to the Pittman Act cannot be confined to that Act and naturally

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carries over to the SRHA. If sand and gravel are not included within the Pittman Act's mineral reservations because they were not considered "valuable minerals" at the time the Act was passed, they, with respect to SRHA lands, were not considered to be susceptible of commercial use when Congress passed the SRHA. Although the Western Nuclear Court incorrectly defined "minerals" to include sand and gravel, significant reliance interests would be upset if Western Nuclear were overruled. The Pittman Act, however, involves substantially less land than the SRHA, and the Government does not identify any significant reliance interest that would be unsettled by this Court's failing to extend Western Nuclear's reasoning. Pp. 1–3.

REHNQUIST, C. J., announced the judgment of the Court and delivered an opinion, in which O'CONNOR, SCALIA, and KENNEDY, JJ., joined. THOMAS, J., filed an opinion concurring in the judgment, in which BREYER, J., joined. STEVENS, J., filed a dissenting opinion, in which SOUTER and GINSBURG, JJ., joined.