

SUPREME COURT OF THE UNITED STATES

No. 92-190

UNITED STATES, PETITIONER v. IDAHO, EX REL.
DIRECTOR, IDAHO DEPARTMENT OF
WATER RESOURCES

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF IDAHO
[May 3, 1993]

JUSTICE STEVENS, concurring in the judgment.

As the Court points out, *ante*, at 6-7, before 1985 “fees” comparable to those at issue in this litigation were taxed as “costs” in Idaho. Because I am persuaded that these exactions are precisely what Congress had in mind when it excepted judgments for “costs” from its broad waiver of sovereign immunity from participation in water rights adjudications, I concur in the Court's judgment.