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June 26, 2018

U.S. Mail and Email

Scott S. Harris  
Clerk of the Court  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543-0001  
[sharris@supremecourt.gov](mailto:sharris@supremecourt.gov)

**Re: *Texas v. New Mexico*  
No. 65, Orig., U.S. Supreme Court  
Joint Letter Requesting Extension of Deadline for Pecos River Master to  
Submit Final Report for Water Year 2017**

Dear Mr. Harris:

This joint letter is submitted by the States of Texas and New Mexico (“States”), with the approval of the Court appointed Pecos River Master. The Court entered its Amended Decree and Order in this case on March 28, 1988, enforcing the Pecos River Compact and appointing a River Master. 485 U.S. 388 (1988). Pursuant to Section III.B of the Amended Decree, the Pecos River Master must deliver his Final Report containing the annual water year accounting to the Court by July 1<sup>st</sup> of each year. The purpose of this letter is to request a two-month extension of that deadline to allow time for the River Master to resolve an issue that could affect the Water Year 2017 accounting.

Beginning in mid-September 2014, the remnants of Tropical Storm Odile resulted in widespread heavy rainfall in the Pecos River Basin. By October, approximately 36,000 acre-feet of water over the amount reserved for New Mexico’s water users was stored by the United States Bureau of Reclamation (“Reclamation”) in Brantley Reservoir in New Mexico for public health and safety reasons. Before the water was released, Texas requested that New Mexico consent to the continued storage of Texas’ portion until such time as Texas could use the water. In March, 2015, however, Reclamation indicated that it could no longer hold water in Brantley Reservoir without a Warren Act contract, which neither Texas nor New Mexico had. The water was released between August 5 and September 8, 2015.

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**REPLY TO:**

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The States dispute whether the Compact, the Amended Decree, and the River Master Manual address how the water and related evaporation from the storm event should be accounted for and whether the accounting for past years may be adjusted through the Water Year 2017 accounting. The States have engaged in good faith negotiations and have met with the River Master, but they were unable to resolve these issues. The States have agreed to brief the issues for resolution by the River Master.

Water Year 2017 is the last year affected by the three-year averaging that includes Water Year 2015. An extension of the deadline for the 2017 Final Report would allow the issue to be fully briefed before the River Master so that he can make adjustments to the three-year accounting if he determines it is appropriate. The River Master's decision may resolve this issue without the need for further attention from the Court. The States therefore request an extension of the deadline for the River Master to submit his Final Report for Water Year 2017 until September 10, 2018. The States have inquired with the River Master, and he concurs in this request.

Please let us know if you have any questions or if we can be of any assistance to the Court.

Respectfully submitted,



Jeffrey J. Wechsler

Counsel for the New Mexico Interstate Stream  
Commission

cc: Dr. Neil S. Grigg (River Master for the Pecos River)  
Mary Smith (Legal Advisor for the State of Texas)  
Suzy Valentine (Technical Advisor for the State of Texas)  
John Longworth (Director of the New Mexico Interstate Stream Commission)  
Hannah Riseley-White (Technical Advisor for the State of New Mexico)