No. 65, Original

IN THE

Supreme Court of the United States

OCTOBER TERM, 1990

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO,

Defendant.

On Review of Pecos River Master's Final Report for 1990

NEW MEXICO'S MOTION TO REVIEW THE RIVER MASTER'S FINAL REPORT FOR WATER YEAR 1990

THOMAS S. UDALL
Attorney General of New Mexico

PETER THOMAS WHITE*
LAURA COLMAN HARPER
Special Assistant Attorneys General

New Mexico Interstate Stream Commission
Post Office Box 25102
Room 101, Bataan Memorial Bldg.
Santa Fe, NM 87504-5102
(505) 827-6150

**Counsel of Record*

July 26, 1991

PRESS OF BYRON S. ADAMS, WASHINGTON, D.C. (202) 347-8203

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Table of Authorities Continued

IN THE

Supreme Court of the United States

OCTOBER TERM, 1990

No. 65, Original

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW MEXICO,

Defendant.

NEW MEXICO'S MOTION TO REVIEW THE RIVER MASTER'S FINAL REPORT FOR WATER YEAR 1990

THIS MATTER involves the annual accounting by the Pecos River Master of New Mexico's delivery obligation to Texas under the Pecos River Compact. New Mexico seeks review of the River Master's Final Report for the water year 1990. The River Master's finding on the total shortfall in water delivery for 1990 is clearly erroneous. The final accounting is based on inconsistent losses for the same reach of the river, which results in legal error. New Mexico cannot be charged for departures from its stateline delivery obligation that are due solely to accounting errors and which are not caused by man's activities in New Mexico.

JURISDICTION

The original jurisdiction of the Court was invoked and exists under Article III, section 2, clause 2 of

the Constitution of the United States and 28 U.S.C. § 1251(a). Article III.D of the 1988 Amended Decree in this case provides that a Final Report of the River Master is subject to review by the Court upon a showing that it is clearly erroneous. 485 U.S. 388, 393 (1988). *See* Appendix (App.) at 3a-4a for the text of all provisions from the Amended Decree that are cited in this motion.

STATUTE INVOLVED

This case involves the Pecos River Compact, 63 Stat. 159 (1949), N.M. Stat. Ann. §72-15-19 (1978) and Tex. Water Code Ann. §43.010 (Vernon 1972). The text of Article III(a) of the Compact is in the Appendix at 2a.

PAST PROCEEDINGS

In 1974 Texas filed a Complaint requesting declaratory and injunctive relief. The reports of the Special Master defined New Mexico's water delivery obligation under the Pecos River Compact and the amount of past shortfalls in stateline deliveries. 446 U.S. 540 (1980); 467 U.S. 1238 (1984); 482 U.S. 124 (1987). This Court entered a Stipulated Judgment providing relief to Texas for past shortfalls. 110 S.Ct. 1293 (1990). A River Master was appointed and an Amended Decree was entered to ensure ongoing compliance with the Compact. 485 U.S. 388 (1988).

The Final Report of the River Master for Water Year 1990 (June 28, 1991) (Final Report) sets forth the River Master's annual calculations as required by Article III.B.1 of the Amended Decree. App. at 3a. The papers that constitute the record before the River Master as they pertain to this motion are listed in the Appendix at 6a. New Mexico submits its objection

to the Final Report, and its showing that the report's finding on the total shortfall in water delivery is clearly erroneous.

OBJECTION

The finding in the Final Report on the total shortfall in New Mexico's water delivery to Texas for the 1990 water year is clearly erroneous because it is based on inconsistent losses for the same reach of the river; and the finding, therefore, results in legal error because it charges New Mexico for water which it is not required to deliver under the Pecos River Compact.

STANDARD OF REVIEW

The clearly erroneous standard of review was adopted in Article III.D of the Amended Decree. It is the same standard used by a district court in reviewing a Special Master's findings under Fed.R.Civ.P. 53(e)(2) and by a court of appeals in reviewing a trial court's findings under Fed.R.Civ.P. 52(a). 28 U.S.C. Federal Rules of Civil Procedure. In *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948), this Court sets forth its frequently quoted formulation of the scope of appellate review under Rule 52(a): "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." In this proceeding, New Mexico can readily demonstrate that a mistake has been committed.

ARGUMENT

1. The River Master's Finding on the Total Shortfall in Water Delivery for 1990 is Clearly Erroneous Because it is Based on Inconsistent Channel Losses for the Same Reach of the River.

New Mexico's water delivery obligation is based upon the gaged flow of the Pecos River immediately below Alamogordo Dam and the estimated flood inflows in three reaches of the river between Alamogordo Dam and the New Mexico-Texas state line. *See* Final Report at 2. If there is an error in the estimated flood inflow for any one of the three reaches, the resultant calculation of New Mexico's delivery obligation is in error.

The Final Report found that there was a shortfall in New Mexico's delivery of water to Texas in 1990. This shortfall is based, in part, on the estimated flood inflow for the Artesia to Carlsbad reach and is computed pursuant to procedures given in the Pecos River Master's Manual (Manual), *adopted*, 485 U.S. *supra* at 389 (Item 9 - App. at 6a). The flood inflow for the reach is calculated by subtracting the total inflow, including the new water discharge from Major Johnson Springs,[1] from the total outflow, including channel losses. Manual § B.4. *Id.* The following discussion will explain how the loss assumptions used in the Final Report to compute total outflow are inconsistent with the assumptions for the same losses used to compute total inflow. Because total inflow is subtracted from total outflow to estimate total flood inflow, the mathematical difference between the channel losses in the

[1] New water is water that discharges for the first time into the bed of the Pecos River at the springs. It does not include previously measured river water.

two procedures quantifies the accounting error, which over-estimates flood inflows for 1990 to the detriment of New Mexico.

a. The channel loss calculation results in a channel loss between Artesia and Brantley Reservoir of 10,800 acre-feet.

The Amended Decree requires the River Master to calculate, "pursuant to the methodology set forth in the Manual," the annual water deliveries that exceed or fall short of New Mexico's delivery obligation under the Pecos River Compact. Article III.B.1 quoted in App. at 3a. The Manual provides an equation to compute channel losses for the Artesia to Damsite 3 reach. Manual § B.4.e quoted in App. at 5a. The Damsite 3 gage is located between Artesia and Carlsbad and about five river-miles downstream from Brantley Dam. *See* Diagram in App. at 1a. By using the Manual's channel loss equation, which relates channel losses to the flow at the Artesia gage, the computed Artesia to Damsite 3 reach channel loss for 1990 is 13,800 acre-feet. The Final Report used this quantity for channel losses to calculate total outflow. Final Report at 4. The gaged channel loss between Brantley Dam and Damsite 3 is 3,000 acre-feet.[2] By using the Manual channel loss equation and subtracting the

---

[2] The gaged channel loss for the Brantley Dam to Damsite 3 sub-reach is computed as the outflow from Brantley Reservoir, which was 70,800 acre-feet measured at the gage below Brantley Dam, plus the gaged inflow from Rocky Arroyo, which was 100 acre-feet, minus the 67,900 acre-feet gaged flow at Damsite 3. New Mexico's Comments (Item 2 - App. at 6a) at 20 and Table 1. These flows are measured and reported by the U.S. Geological Survey (Item 8 - App. at 6a). *See also* Preliminary Report (Item 4 - App. at 6a) at Table 1 of Attachment to Appendix B.

gaged channel losses between Brantley Dam and Damsite 3, the channel loss between Artesia and Brantley Reservoir is 10,800 acre-feet in 1990. Channel losses are river channel losses only and exclude reservoir losses.

b. The Major Johnson Springs new water calculation results in a channel loss between Artesia and Brantley Reservoir of 3,000 acre-feet.

The Manual requires that a water balance technique be used to compute the Major Johnson Springs new water discharge. Manual § B.4.b.(3) quoted in App. at 5a. The Manual provides that the gaged inflow into Brantley Reservoir is one of the factors that should be used in the water balance computation. *Id.* In computing Major Johnson Springs new water, the Final Report disregards the Manual channel loss equation results and assumes that the Pecos River stream flow measured at the Kaiser Channel gage is equivalent to the surface inflow to the reservoir. Final Report at 6, and Preliminary Report (Item 4 - App. at 6a) at Table 1 of Attachment to Appendix B. The Kaiser Channel gage is located about twelve river-miles downstream from the Artesia gage and about eight river-miles upstream from Brantley Reservoir. *See* Diagram in App. at 1a. Based on the assumption that river inflow to the reservoir equals Kaiser Channel gage flows, the gaged channel loss for the Artesia to Kaiser Channel gage sub-reach is 3,000 acre-feet and the channel loss from the Kaiser Channel gage to the reservoir is zero, thus resulting in a channel loss between Artesia and Brantley Reservoir of 3,000 acre-feet in 1990.[3] This value of 3,000 acre-feet for channel

---

[3] The gaged channel loss for the Artesia to Brantley Reservoir

loss between Artesia and Brantley Reservoir differs from the 10,800 acre-feet value for the same channel loss which is computed based on the Manual channel loss equation.

c. Using inconsistent channel losses overstates flood inflow by 7,800 acre-feet to the detriment of New Mexico.

Because the Final Report used different values for the same channel losses for the same sub-reach of the river to compute the total outflow and the total inflow, the computed flood inflow is overstated by the difference between the two values. The channel loss used to estimate the total outflow is 10,800 acre-feet for the Artesia to Brantley Reservoir sub-reach, and the channel loss used to estimate the total inflow (in the Major Johnson Springs new water calculation) is 3,000 acre-feet for the Artesia to Brantley Reservoir sub-reach. The difference between the channel loss values used to compute total outflow and total inflow is 7,800 acre-feet. The different channel loss values used to compute total outflow and total inflow are illustrated in the diagram in the Appendix at 1a.

---

sub-reach is computed as the gaged flow near Artesia of 83,500 acre-feet minus the gaged flow at the Kaiser Channel of 80,500 acre-feet. New Mexico's Comments (Item 2 - App. at 6a) at 17-18. These flows are measured and reported by the U.S. Geological Survey (Item 8 - App. at 6a). *See also* Final Report at 4, and Preliminary Report (Item 4 - App. at 6a) at Table 1 of Attachment to Appendix B. By assuming Brantley Reservoir inflow equal to the Kaiser Channel gaged flow of 80,500 acre-feet, the channel loss is necessarily zero from the Kaiser Channel gage to the reservoir. None of the tributaries to the Artesia to Brantley Dam reach that are gaged by the U.S. Geological Survey contributed any flow into the Pecos River during 1990 (Item 8 - App. at 6a).

Channel loss is a physical quantity which is not subject to change dependent on which water balance is used. The same channel loss must be used in the calculation of Major Johnson Springs new water as is used in the calculation of Artesia to Carlsbad flood inflow. Both calculations use the water balance technique. There can be only one correct value for actual channel losses for the Artesia to Brantley Reservoir reach for 1990. If, as in the Final Report, different channel loss values are used for the same reach, at least one of the loss values is incorrect.

In the Final Report, either the channel loss used to determine total inflow is understated by 7,800 acre-feet, which results in the Major Johnson Springs new water inflow being understated by 7,800 acre-feet, or the channel loss used to determine the total outflow is overstated by 7,800 acre-feet. That is, either total inflow is understated by 7,800 acre-feet or total outflow is overstated by 7,800 acre-feet. Either way, using different values for the same channel loss erroneously overstates flood inflow to the Artesia to Carlsbad reach by 7,800 acre-feet to the detriment of New Mexico.[4]

The Final Report found the estimated flood inflow for the Artesia to Carlsbad reach to be 17,300 acre-feet, based on the difference between the total inflow of 76,500 acre-feet and the total outflow of 93,800 acre-feet. Final Report at 4. The flood inflow for the

---

[4] This inconsistency in channel loss assumptions used to estimate total inflow and total outflow, and the quantification of the consequent error in the flood inflow, was brought to the River Master's attention in New Mexico's Comments (Item 2 - App. at 6a) at 17-23 and in New Mexico's Objections (Item 5 - App. at 6a) at 2-6.

reach should be reduced by 6,600 acre-feet to 10,700 acre-feet.[5] The amount of shortfall for 1990 should be reduced to 12,800 acre-feet, and the cumulative overage in stateline deliveries at the end of 1990 should be increased from 27,600 acre-feet to 28,900 acre-feet. The total error in departure due to inconsistencies in the water year 1990 calculations is 1,300 acre-feet and can be expected to total about 3,900 acre-feet during the 1990-92 water years due to the three-year averaging process used in Compact accounting. The total error in departure is detrimental to New Mexico.

---

[5] These figures assume correction also of a similar inconsistency in the River Master's calculations that results in an understatement of the flood inflow by 1,200 acre-feet for 1990 to the detriment of Texas. On the one hand, the Final Report used 1,200 acre-feet for Brantley Reservoir seepage losses to bank storage for computing Major Johnson Springs new water inflow pursuant to § B.4.b.(3) of the Manual. Final Report at 6, and Preliminary Report (Item 4 - App. at 6a) at Table 1 of Attachment to Appendix B. On the other hand, the Final Report used 0 acre-feet, by omission, for the same item in the general Artesia to Carlsbad reach surface water balance equation for computing flood inflows pursuant to § B.4.i.(2) of the Manual (other depletions). The Final Report at 4 includes only 1,400 acre-feet for other depletions pursuant to § B.4.i.(1) of the Manual. This inconsistency in Brantley Reservoir seepage loss assumptions was brought to the River Master's attention in New Mexico's Comments (Item 2 - App. at 6a) at 23-26. The River Master recognized the inconsistency and the resultant error in flood inflow, but he did not correct it in the Final Report. Final Report at 6, and Preliminary Report (Item 4 - App. at 6a) at B-4 of Appendix B. Therefore, the net error in the flood inflow for the reach is 6,600 acre-feet to the detriment of New Mexico.

2. Clearly Erroneous Findings Result from the Failure to Harmonize Computational Procedures in the Manual.

To the extent that the Final Report's flood inflow finding is based on inconsistent channel losses for the same reach of the river, it is mathematically and logically invalid, and, therefore, clearly erroneous. The error in the Final Report arises from the failure to properly use the Manual. While the River Master may have conscientiously endeavored to comply with the separate procedures found in different subsections of the Manual, he failed to harmonize the procedures to ensure logically valid results.[6] If an analogy is drawn between the Manual and a statute, general principles of statutory construction lead to the same conclusion. It is well-settled that, where possible, provisions of a statute should be read so as not to create a conflict. *Louisiana Public Service Comm. v. FCC*, 476 U.S. 355, 370 (1986). *See also Mountain States Tel. & Tel. Co. v. Pueblo of Santa Ana*, 472 U.S. 237, 252-53 (1985) (an interpretation of a statutory clause should be given a meaning that is consistent with the remainder of the statute). Furthermore, absurd results are to be avoided. *United States v. Turkette*, 452 U.S.

---

[6] Water year 1990 is the first year for which the River Master applied the water balance technique to estimate Major Johnson Springs new water discharge pursuant to § B.4.b.(3) of the Manual. For water years 1988 and 1989, the River Master used assumed values for Major Johnson Springs new water provided in § B.4.b.(3). The Manual does not provide for the continued use of an assumed new water value for 1990. The changes in the new water estimation technique arose due to the replacement of Lake McMillan with Brantley Reservoir, which was completed in 1988. Major Johnson Springs is now within the pool of Brantley Reservoir.

576, 580 (1981). The Final Report could have used identical values for channel loss, without changing or violating the Manual, by simply using the calculations from § B.4.e. for determining channel loss and applying the values derived from that procedure to the computation of Major Johnson Springs new water under § B.4.b.(3).[7] *See* New Mexico's Comments (Item 2 - App. at 6a) at 20-21 and Table 1.

Where two provisions of the Manual could be used in possibly inconsistent ways, the River Master must use them to achieve overall consistency. The meaning of a writing should be sought from the whole instrument, viewed in the light of the subject with which it deals. *Green County, Kentucky v. Quinlan*, 211 U.S. 582, 594 (1909). In preparing the report for the 1990 water year, the River Master should not have performed the Major Johnson Springs new water calculation in a vacuum; rather, he should have considered the broader context of the calculation and harmonized it with other sections of the Manual by using the same losses for determining inflow and outflow items for the same reach of the river. *See gen-*

---

[7] New Mexico's April 18, 1990, Third Motion to Modify the Manual now pending before the River Master seeks, in part, to avoid further error that might be caused by inconsistencies between data used in calculations of total inflows and total outflows which are identified in this argument and in note 5 *supra*. Adoption by the River Master of New Mexico's Third Motion would not provide New Mexico relief for error in the calculations for water year 1990 unless Texas agrees to retroactive adjustments. This is because Manual modifications are first effective the water year in which a modification is adopted. Amended Decree at Articles III.C.3 and III.D. *See* App. at 4a. Texas has not agreed to a retroactive adjustment for these particular accounting problems.

erally United States v. Standard Oil Co., 384 U.S. 224, 225-26 (1966) (strict construction cannot provide a substitute for common sense, nor can a statute be construed in a vacuum). By performing each calculation separately, without regard for the interrelationship of the equations, the River Master assumed different losses for the same reach of the river to determine inflow and outflow items. When he subtracted total inflow from total outflow, he therefore obtained a total flood inflow that was overstated by the difference between the inconsistent loss values.

3. The Inconsistencies in the Final Accounting Result in Legal Error.

The accounting errors in the Final Report are analogous to inconsistent findings of a trial court. *Cf. Anderson v. City of Bessemer City*, 470 U.S. 564, 575 (1985) (a trial judge's finding based on his decision to credit the plausible testimony of one of two or more witnesses, if not internally inconsistent, can virtually never be clear error, implying that an internally inconsistent finding can be clear error); *Mills v. Damson Oil Corp.*, 931 F.2d 346, 351 (5th Cir. 1991) (finding no plain evidence of internal inconsistency, but implying that internal inconsistency would be reversible error under the clearly erroneous standard). New Mexico has demonstrated that the accounting for the water year 1990 was based on internal inconsistencies, that is, the use of inconsistent losses for the same reach of the river. To the extent that the shortfall finding in the Final Report is based on these accounting errors, it is clearly erroneous.

If New Mexico is held responsible for a negative departure from its delivery obligation that is based upon accounting errors, legal error results. Where a

legal error is committed, this Court's review is not limited by the clearly erroneous standard. *Inwood Laboratories v. Ives Laboratories*, 456 U.S. 844, 855 n.15 (1982); *United States v. Singer Mfg. Co.*, 374 U.S. 174, 194-95 n.9 (1963). This is not to say that the River Master is authorized to apply principles of law to the facts. The River Master's duty is simply to compute the annual delivery obligation pursuant to the Manual. However, the Final Report of the River Master contains accounting errors. Those errors result in New Mexico being held responsible for water deliveries which are not required by the terms of the Pecos River Compact. Under Article III(a) of the Pecos River Compact, 63 Stat. 159, 161 (1949), quoted in the Appendix at 2a, New Mexico is only responsible for departures in actual stateline deliveries which are due to man's activities. 462 U.S. 554, 575 (1983). New Mexico cannot be held responsible for departures that are caused by accounting errors. *See* Report of Special Master at 38 (September 7, 1979) ("acceptance of an error does not convert that error into an action of man"), *adopted*, 446 U.S. 540 (1980).

4. Conclusion.

New Mexico cannot be held responsible for shortfalls at the state line which are not caused by man's activities and are solely due to error. Identical quantities must be used to represent the same inflow or outflow item when that item is included in two water balance equations for the same or overlapping reaches of the river.

REQUESTED RELIEF

The State of New Mexico requests the Court to find that the shortfall determination in the Final Re-

port is clearly erroneous and to conclude that the finding results in legal error. New Mexico further requests the Court to recommit this matter to the River Master with instructions: (1) to use the same quantities for inflow and outflow items in the Major Johnson Springs new water calculation as those derived by calculations pursuant to other sections of the Manual relating to the same reach of the river; (2) to recompute the annual departure pursuant to the Court's instructions; and (3) to adopt an Amended Final Report on New Mexico's stateline delivery for 1990.

Texas does not concur with this motion.

Dated: July 26, 1991.

Respectfully submitted,

THOMAS S. UDALL
Attorney General of New Mexico

PETER THOMAS WHITE*
LAURA COLMAN HARPER
Special Assistant Attorneys General
New Mexico Interstate Stream Commission
Post Office Box 25102
Room 101, Bataan Memorial Building
Santa Fe, NM 87504-5102
(505) 827-6150

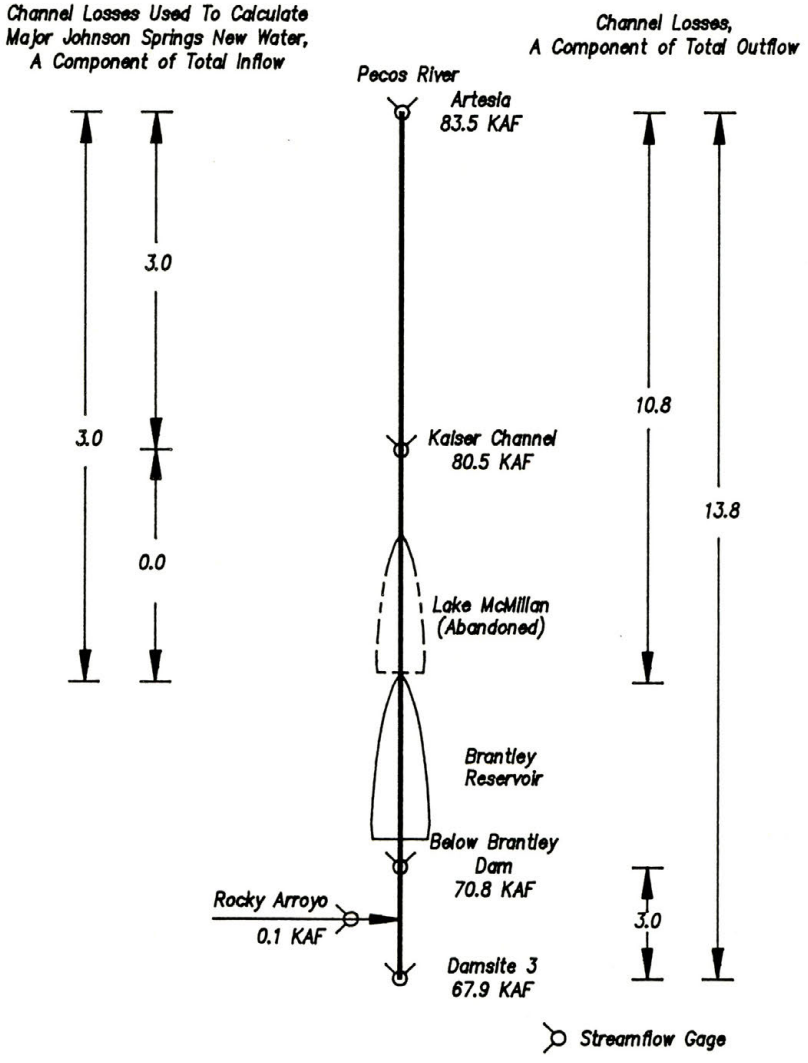
**Counsel of Record*

APPENDIX

APPENDIX

CHANNEL LOSSES BASED ON THE FINAL REPORT FOR WATER YEAR 1990 FOR THE ARTESIA TO DAMSITE 3 REACH

Quantities in 1000 Acre-Feet (KAF)



MATERIAL PROVISION FROM THE PECOS RIVER COMPACT
63 STAT. 159, 161

Article III.

(a) Except as stated in paragraph (f) of this Article, New Mexico shall not deplete by man's activities the flow of the Pecos River at the New Mexico-Texas state line below an amount which will give to Texas a quantity of water equivalent to that available to Texas under the 1947 condition.

* * *

MATERIAL PROVISIONS FROM THE SUPREME COURT'S AMENDED DECREE, 485 U.S. 388, 391, 393 (1988)

Article III. RIVER MASTER

* * *

B. Duties. The River Master shall perform the following duties:

1. Calculate in accounting year 1988, beginning with water year 1987, and continuing every year thereafter, pursuant to the methodology set forth in the Manual:
   (a) The Article III(a) obligation;
   (b) Any shortfall or overage, which calculation shall disregard deliveries of water pursuant to an Approved Plan;
   (c) The net shortfall, if any, after subtracting any overages accumulated in previous years, beginning with water year 1987.
2. Deliver to the parties a Preliminary Report setting forth the tentative results of the calculations required by Section III.B.1 of this Decree by May 15 of the accounting year;
3. Consider any written objections to the Preliminary Report submitted by the parties prior to June 15 of the accounting year;
4. Deliver to the parties a Final Report setting forth the final results of the calculations required by Section III.B.1 of this Decree by July 1 of the accounting year;

* * *

C. Modification of Manual.

* * *

3. A modification of the Manual by motion shall be first applicable to the water year in which the modification becomes effective.

* * *

D. Effect of River Master's Determination. Unless stayed by this Court, any Final Report, Approved Plan, Compliance Report, or Modification Determination (hereinafter, collectively, "Final Determination") shall be effective upon its adoption, and shall be subject to review by this Court only on a showing that the Final Determination is clearly erroneous. A party seeking review of a Final Determination must file a motion with the Clerk of this Court within thirty (30) days of its adoption, which motion shall set forth the Final Determination on which review is sought and a concise statement of the basis of the claim that the Final Determination is clearly erroneous.

MATERIAL PROVISIONS FROM THE PECOS RIVER MASTER'S MANUAL

Section B.4.b: Major Johnson Springs (New Water):

* * *

(3) Once Brantley Reservoir begins impounding water, compute the Major Johnson Springs new water by the water balance technique using the following factors in addition to reservoir evaporation, content changes and diversions:

(a) Gaged inflows into and outflows (including spills and releases) from Brantley Reservoir and;

(b) Losses and gains to Brantley Reservoir bank storage by piezometric measurements.

If the above data are not available, the Major Johnson Springs new water shall be assumed to be 8200 acre-feet per year for the water years 1988 and 1989. If the gages and piezometers have not been installed by January 1, 1989, the River Master shall have the gages and piezometers installed and shall bill the expenses of the installation to the states.

Section B.4.e: Channel Losses

Compute the monthly river channel losses using the equation (Y) = 0.2165(X) – 0.3845, where (Y) is the monthly river channel loss and (X) is the monthly flow of the Pecos River at Artesia in units of 1000 acre-feet (Item 4.a.). Whenever the computed loss exceeds the flow of the Pecos River at Artesia, the calculated loss is set equal to the flow at Artesia. The maximum loss during any one month is limited to 14,300 acre-feet.

THE RECORD BEFORE THE RIVER MASTER AS IT PERTAINS TO NEW MEXICO'S MOTION TO REVIEW THE WATER YEAR 1990 COMPACT ACCOUNTING

Item	*Paper*
1.	River Master's April 3, 1991, Computation of Major Johnson Springs New Water, River Master's Preliminary Report, Water Year 1990.
2.	New Mexico's April 29, 1991, Comments on the River Master's Draft Major Johnson Springs New Water Computation.
3.	Texas' April 30, 1991, Comments on River Master's Draft Computation of Major Johnson Springs New Water for Water Year 1990.
4.	River Master's May 15, 1991, Preliminary Report, Water Year 1990, Accounting Year 1991.
5.	New Mexico's June 13, 1991, Objections to the Preliminary Report of the River Master for Water Year 1990.
6.	Texas' June 13, 1991, Objections to the Preliminary Report of the River Master, Water Year 1990, Accounting Year 1991.
7.	Final Report of the River Master for Water Year 1990 (June 28, 1991).
8.	U.S. Geological Survey's March 8, 1991, letter to the River Master and the states, enclosed item 1, mean daily discharge tables in cfs for the Pecos River and its tributaries dated March 7, 1991.
9.	The Pecos River Master's Manual dated November 30, 1987.