

No. 65, Original

Supreme Court, U. S.  
FILED

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MICHAEL RODAK, JR., CLERK

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*In the Supreme Court of the United States*

OCTOBER TERM, 1974

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STATE OF TEXAS, PLAINTIFF

v.

STATE OF NEW MEXICO

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*ON MOTION FOR LEAVE TO FILE A BILL OF COMPLAINT*

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**SUPPLEMENTAL MEMORANDUM FOR THE UNITED STATES**

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ROBERT H. BORK,  
*Solicitor General,*  
*Department of Justice,*  
*Washington, D.C. 20530.*

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**SUPPLEMENTAL MEMORANDUM OF THE UNITED STATES**

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In June 1974, Texas filed a motion with this Court for leave to file a complaint against New Mexico seeking to compel delivery of quantities of water that Texas alleges to be required under the Pecos River Compact (the "Compact"). See Sen. Doc. 109, 81st Cong., 1st Sess. In October 1974, the United States filed a memorandum in this case pointing out that the United States is an indispensable party and suggesting that this Court defer action on Texas' motion for six months to permit further exploration of the possibility of settlement of the controversy.

Subsequently, representatives of Texas and New Mexico have met with representatives of the United States, and, based on those discussions, we conclude that settlement of the dispute is not possible at the present time. It appears that there is a fundamental disagreement regarding the construction of certain provisions of the compact,

and in the absence of a judicial determination of these issues, further attempts to resolve the dispute would not be fruitful.

In our memorandum we stated that we would inform the Court whether the United States would intervene in this case if litigation were necessary. Accordingly, we now state that if this Court grants Texas' motion for leave to file a complaint, the United States will promptly move to intervene in this case to assert the federal interests affected by the litigation. See Rule 9(2) of the Rules of This Court.

Respectfully submitted.

ROBERT H. BORK,  
*Solicitor General.*

MARCH 1975.









