



No. 65, Original

In The Supreme Court of the United States

OCTOBER TERM, 1975

STATE OF TEXAS, PLAINTIFF

v.

STATE OF NEW MEXICO, DEFENDANT

**REPORT OF SPECIAL MASTER ON MOTION OF UNITED
STATES FOR LEAVE TO INTERVENE AS PLAINTIFF**

Jean S. Breitenstein

Special Master
United States Courthouse
Denver, Colorado 80202

In The Supreme Court of the United States

No. 65, Original

OCTOBER TERM, 1975

STATE OF TEXAS, PLAINTIFF

v.

STATE OF NEW MEXICO, DEFENDANT

**REPORT OF SPECIAL MASTER ON MOTION OF UNITED
STATES FOR LEAVE TO INTERVENE AS PLAINTIFF**

The order entered herein on November 11, 1975, referred to the Special Master the motion of the United States for leave to intervene.

Both Texas and New Mexico filed responses to the motion of the United States. At a hearing on December 15, 1975, all parties were represented by counsel. The Special Master has considered the motion, the responses, the supporting briefs, and the oral arguments of counsel.

The controversy relates to the Pecos River Compact entered into by the States of Texas and New Mexico and consented to by the United States. The purpose of the Compact is to apportion the waters of the Pecos River between the two States. Texas alleges violations of the Compact. New Mexico denies any violation and presents affirmative defenses.

The United States asserts that intervention is appropriate to insure protection of federal interests. Those interests are said to include international responsibility to the Republic of Mexico, the water rights of Indian wards, and the rights and duties appertaining to federal lands and facilities along the stream or within its watershed.

Texas and New Mexico do not object to the intervention of the United States but do object to the tendered complaint in intervention on the ground that it presents issues not pertinent to, or properly determinable in, the litigation between the two States.

The Special Master recommends:

- 1- The motion of the United States for leave to intervene as plaintiff be granted.

- 2- The objections of Texas and New Mexico to the tendered complaint be overruled and the complaint be filed.

- 3- All matters going to the relief, if any, to which the

United States is entitled and to the impact of such relief on the rights of the two States, or either of them, be expressly reserved for later action by the Special Master and recommendation to the Supreme Court.

Jean S. Breitenstein

Special Master
United States Courthouse
Denver, Colorado 80202

December 1975.

CERTIFICATE OF SERVICE

I, Jean S. Breitenstein, as Special Master, certify that on the _____ day of December, 1975, I served copies of the foregoing Report of Special Master by first class mail, postage prepaid, to the Attorney General of the State of Texas, the Attorney General of the State of New Mexico, and the Solicitor General of the United States.

Jean S. Breitenstein
Special Master

