

**RESOLUTION OF THE RIO GRANDE COMPACT COMMISSION
REGARDING the PROPOSED CONSENT DECREE in ORIGINAL ACTION NO. 141,
TEXAS v. NEW MEXICO AND COLORADO, in the
UNITED STATES SUPREME COURT**

November 10, 2022

WHEREAS, the States of Colorado, New Mexico, and Texas entered into the Rio Grande Compact, signed in 1938, apportioning the waters of the Rio Grande above Fort Quitman, Texas; and

WHEREAS the Rio Grande Compact (Compact) was passed as Public Act No. 96 by the 76th Congress of the United States and approved by the President on May 31, 1939; and

WHEREAS, Texas filed Original Action No. 141 (the Original Complaint), and the Supreme Court exercised original jurisdiction over this controversy involving the States of Colorado, New Mexico, and Texas; and

WHEREAS, the Original Complaint alleges New Mexico violated and continues to violate the Compact, and the New Mexico counterclaims allege Texas violated and continues to violate the Compact; and

WHEREAS, Colorado, an originally named defendant, has a general interest in litigation of the Original Complaint, insofar as Colorado is a signatory to the Compact, and Colorado's own Compact interests based upon water releases and storage duties and rights may be affected by reservoir levels and releases in New Mexico and Texas; and

WHEREAS, the Compacting States have reached a settlement in principle of the Compact issues that have been raised in this Original Action; and, in furtherance of said settlement in principle, the Compacting States have agreed to file a motion requesting that the Special Master recommend that a Consent Decree and its appendices be entered by the Court resolving the Compacting States' dispute; and, the Consent Decree resolves the interstate Compact issues; and

WHEREAS, the Consent Decree does not address intrastate issues within New Mexico associated with the Rio Grande Project; and

WHEREAS, the Rio Grande Compact Commission has considered the Consent Decree in a closed executive session.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Rio Grande Compact Commission hereby finds the Consent Decree and its appendices to be consistent with the Compact, and fair to all the Compacting states; and

BE IT FURTHER RESOLVED, that the Consent Decree provides for the collection, correlation, and presentation of factual data necessary for the administration of the Compact's apportionment of water among New Mexico and Texas below Elephant Butte Reservoir; and

BE IT FURTHER RESOLVED, that the Rio Grande Compact Commission hereby endorses the Consent Decree and its appendices and finds that the Consent Decree and its appendices fully resolve the outstanding Compact claims and counterclaims in the Original Action No. 141; and

BE IT FURTHER RESOLVED, that the Rio Grande Compact Commission does recommend to the Attorneys General of the Compacting States that they approve the Consent Decree for administration of the Compact as a resolution of the current dispute among the States regarding the apportionment of water below Elephant Butte Reservoir; and

BE IT FINALLY RESOLVED, that nothing herein represents a waiver or admission of any legal or factual matter by any Commissioner, Engineer Adviser, Legal Adviser, or the States of Colorado, New Mexico and Texas.



Kevin G. Rein
Commissioner for Colorado



Robert S. Skov
Commissioner for Texas



Michael A. Hamman
Commissioner for New Mexico