

## Texas vs New Mexico, Colorado Facts

1. Texas has based its case on things that are not in the Rio Grande Compact.
2. Texas agrees New Mexico is in compliance with the Rio Grande Compact, but it wants more. Texas wants New Mexico to reduce groundwater pumping.
3. New Mexico meters, measures and administers groundwater pumping in the Lower Rio Grande. Texas does not.
4. The 2008 Operating Agreement does not provide any protection to groundwater pumping for New Mexicans. In fact, the Operating Agreement does not even speak to groundwater pumping.
5. New Mexico did not give up sovereignty below Elephant Butte. States enter into interstate river compacts to exercise sovereignty, not to sacrifice sovereignty.
6. The United States Bureau of Reclamation stole New Mexico's credit water in 2011, forcing New Mexico to sue.

# 2008 Operating Agreement results in windfall of surface water to Texas farmers

\* Data for EP#1 allocations provided by EP#1 press statements

30 INCHES\* TO EL PASO FARMERS, EP#1 2012



10 INCHES\* OR LESS TO NEW MEXICAN FARMERS, EBID, 2012



2012

18 INCHES\* TO EL PASO FARMERS, EP#1



6 INCHES\* TO EL PASO FARMERS, EP#1, 2013



3.5 INCHES\* OR LESS TO NEW MEXICAN FARMERS, EBID, 2013



2013

7.2 INCHES OR LESS TO NEW MEXICO FARMERS, EBID, 2014



2014

## Why Texas is Suing:

- 2008**  **EBID, EP#1 and the Bureau of Reclamation entered into the 2008 Operating Agreement, illegally decreasing EBID's yearly allocation and increasing EP#1 allocation.**
- 2011** United States Bureau of Reclamation stole New Mexico's Compact credit water and released it to Texas farmers over New Mexico's objections.
- 2011** New Mexico is forced to sue the Bureau of Reclamation in Federal District Court.
- 2013** Texas files petition for leave to bring suit against New Mexico, Colorado in Supreme Court, No 141, Original Action claiming that New Mexico has violated the Rio Grande Compact.
- 2013** Judge Browning stays pending lawsuit against Operating Agreement awaiting Supreme Court rulings.
- 2013** United States moves to intervene in the US Supreme Court case arguing that New Mexico's groundwater belongs to the Federal Government.
- 2014** New Mexico files Motion to Dismiss Texas' and United States' complaints.
- 2015** *August 19th: Special Master Grimsall will hear oral arguments on New Mexico's Motion to Dismiss.*