



State of New Mexico  
**Department of Justice**



State of New Mexico  
**Office of the State Engineer**  
**Interstate Stream Commission**

## **FOR IMMEDIATE RELEASE**

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## **New Mexico, Texas reach settlement agreements in decade-long Rio Grande water dispute**

SANTA FE – New Mexico, Texas, Colorado and the United States today filed a package of settlement agreements with the Special Master in the U.S. Supreme Court case *Texas v New Mexico and Colorado* and requested dismissal of the case.

The agreements, drafted with participation from relevant irrigation districts in New Mexico and Texas, resolve over a decade of interstate litigation and allow the states and their water users to move forward in implementing sustainable long-term compliance with the Rio Grande Compact and water resources management practices in the Lower Rio Grande.

The U.S. Supreme Court's Special Master will consider the package of settlement agreements at a hearing in Philadelphia on September 29. Following the hearing, the Special Master will provide a report of his findings and make a recommendation to the U.S. Supreme Court, which will make the final decision in the case. If approved by the Court, the settlement will provide certainty for water users in New Mexico and Texas and ensure that local communities and economies in the Lower Rio Grande can continue to thrive.

"This settlement brings an end to more than a decade of costly and contentious litigation and provides a clear path forward for New Mexico," said Attorney General **Raul Torrez**. "By working together with our neighboring states and the federal government, we have secured an agreement that protects the interests of New Mexico water users while ensuring long-term compliance with the Rio Grande Compact. This is a significant milestone for our communities, our farmers, and for the future of water management in the basin."

"This historic settlement allows New Mexico to maintain control of our water uses and adds flexibility to how we are able to meet our Compact requirements," said New Mexico State Engineer **Elizabeth Anderson**. "By working together with the local water users, the other states and the federal government, we have crafted a solution that meets the needs of all the parties."

“The settlement reflects input from New Mexico water users and implements sound water management strategies that will provide certainty and reliability to New Mexico communities throughout the Rio Grande Basin”, said New Mexico Interstate Stream Commission Director **Hannah Riseley-White**. “We appreciate the cooperation among the states in getting us to this important milestone.”

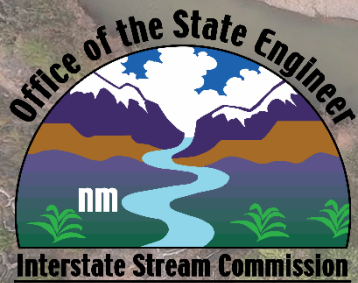
The Rio Grande provides water to approximately six million people in Colorado, New Mexico, Texas and the Republic of Mexico. The dispute between Texas and New Mexico began in 2013. A related case filed by New Mexico against the United States in 2011, will also be dismissed as a result of the settlement.

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*The Office of the State Engineer is charged with administering the state’s water resources. The State Engineer has power over the supervision, measurement, appropriation, and distribution of all surface and groundwater in New Mexico, including streams and rivers that cross state boundaries. The State Engineer is also Secretary of the Interstate Stream Commission.*

*The nine-member Interstate Stream Commission is charged with separate duties including protecting New Mexico’s right to water under eight interstate stream compacts, ensuring the state complies with each of those compacts as well as investigating, conserving and protecting the waters of the State, in addition to water planning.*

<https://www.ose.state.nm.us>



# TX v NM Settlement Agreement Fact Sheet

New Mexico, Texas, Colorado and the United States have filed a package of settlement agreements with the Special Master in the U.S. Supreme Court case *Texas v New Mexico and Colorado, Original Action No. 141* to resolve over a decade of interstate litigation and allow the States and their water users to move forward in implementing sustainable long-term compliance with the Rio Grande Compact and water resources management practices in the Lower Rio Grande.

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## **Resolving the disputes requires several related agreements:**

### **U.S. Supreme Court Compact Decree**

- *Parties:* New Mexico (NM), Texas (TX), Colorado (CO)
- *Purpose:* Resolves pending U.S. Supreme Court litigation; establishes equitable apportionment of surface water between NM and TX below Elephant Butte Reservoir; allows for a reasonable level of continued groundwater pumping in both NM and TX; establishes a framework for water accounting, including a state line index obligation setting forth allowable positive and negative departures

### **Operations Settlement Agreement**

- *Parties:* NM, United States (US), Elephant Butte Irrigation District (EBID), El Paso County Water Improvement District #1
- *Purpose:* Resolves outstanding disputes regarding Rio Grande Project operations and accounting; ensures alignment of Rio Grande Project operations with the Rio Grande Compact accounting framework established in the Compact Decree; includes tools such as allowing transfers of water allocations between the two irrigation districts under certain conditions to ensure Compact compliance; resolves outstanding issues regarding priority dates for supplemental groundwater rights within EBID; provides a framework for a negotiated resolution of other outstanding issues in the Lower Rio Grande Adjudication

### **Groundwater Settlement Agreement**

- *Parties:* NM, US
- *Purpose:* Resolves US claims of Rio Grande Project interference related to groundwater pumping in NM ; requires groundwater depletion reduction in NM of 18,200 acre/feet per year; establishes a process for consultation regarding Project efficiency and continued aquifer decline under certain conditions; requires NM to adopt a Lower Rio Grande (LRG) Plan to manage and administer water within two years of the agreement effective date; LRG Plan will include stakeholder input and will allow for a reasonable level of continued groundwater pumping in NM

### **Miscellaneous Purposes Act Contract**

- *Parties:* US, EBID
- *Purpose:* Allows Rio Grande Project water to be used for purposes other than irrigation; allows for a *Third Party Implementing Contract* between NM and EBID; provides three options for NM to use EBID water to meet delivery obligations; provides conditions for compensation to EBID

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