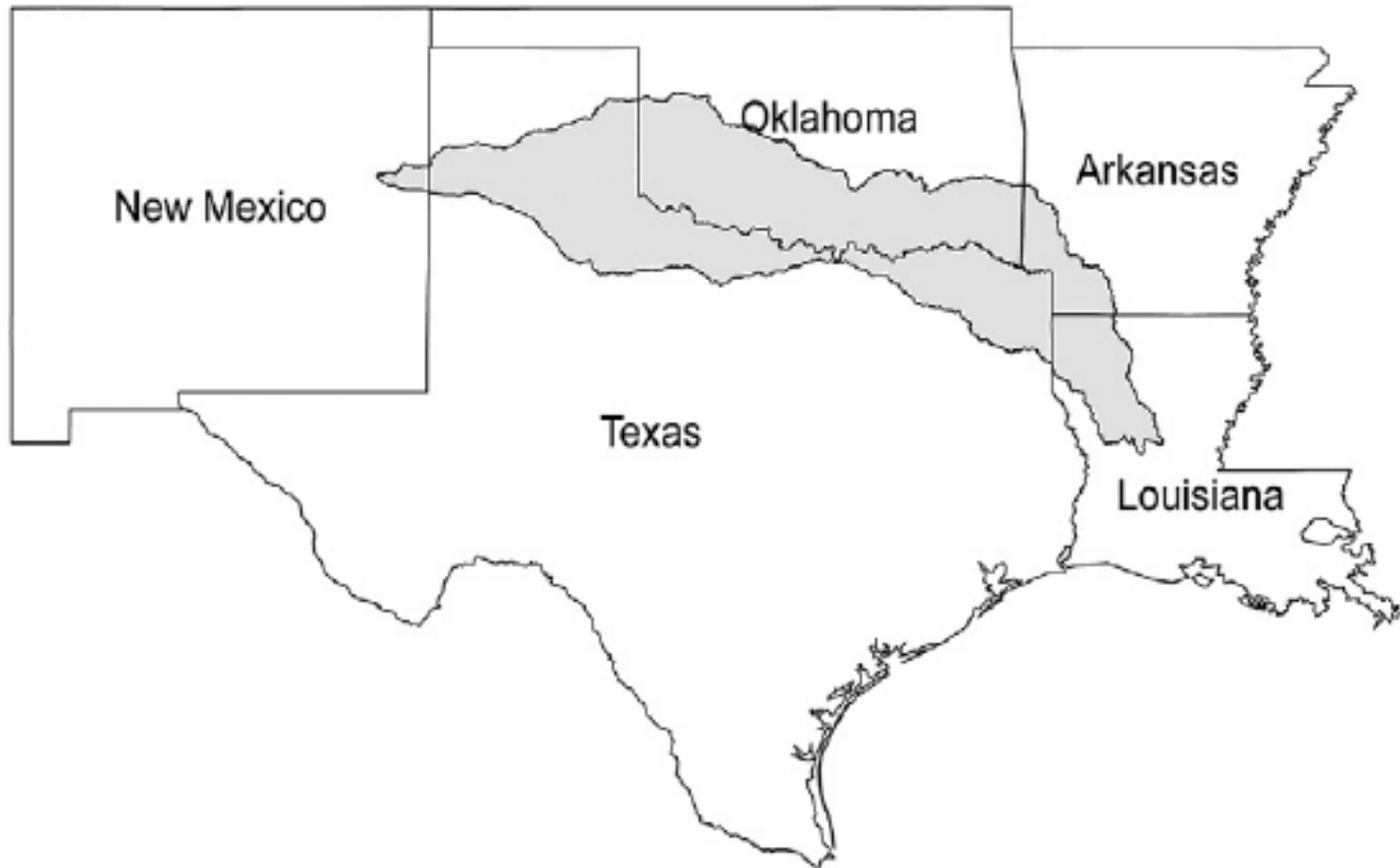


# Legal Analysis of Texas' Request to Redraw a Portion of the Oklahoma- Texas Border in Lake Texoma

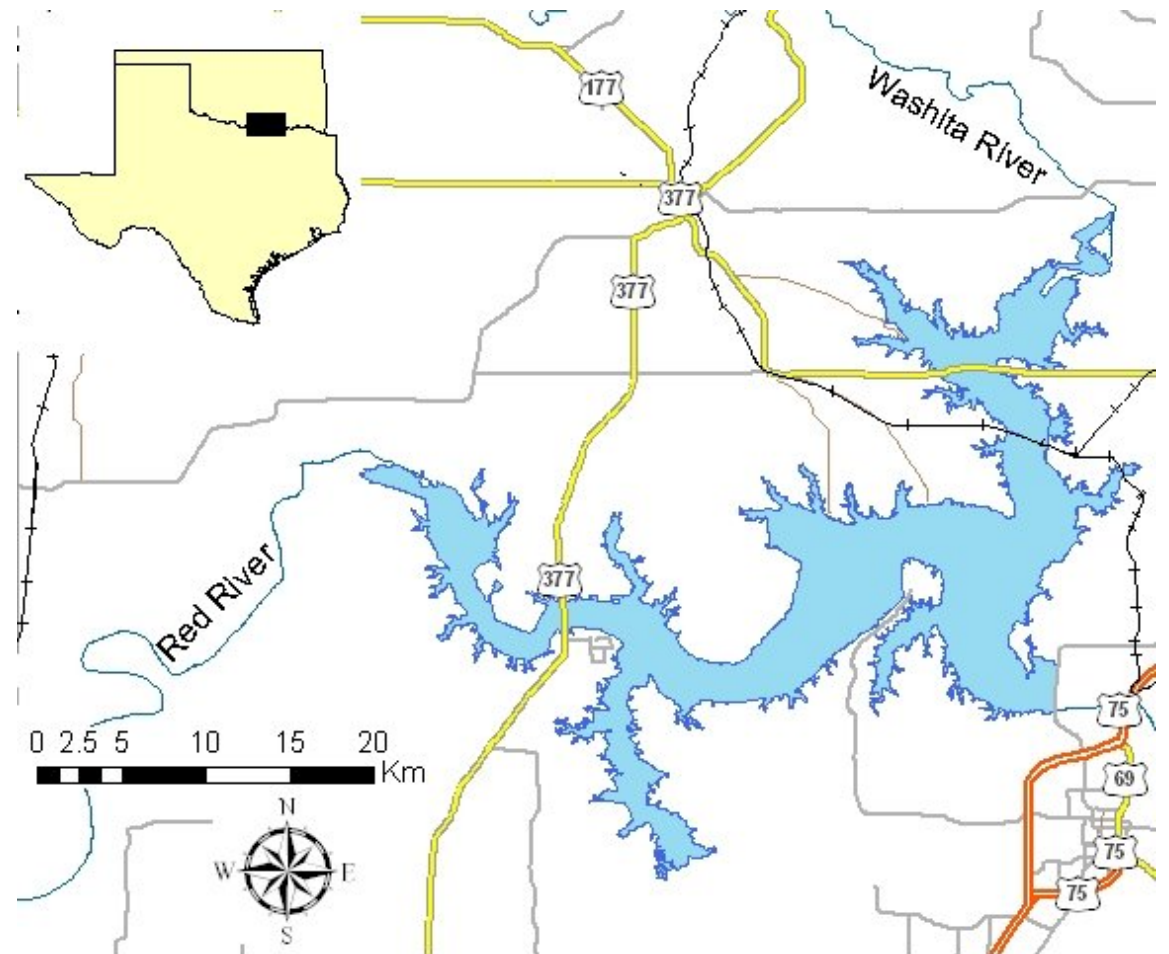
**Buzz Thompson, O'Melveny & Myers and  
Stanford Law School**

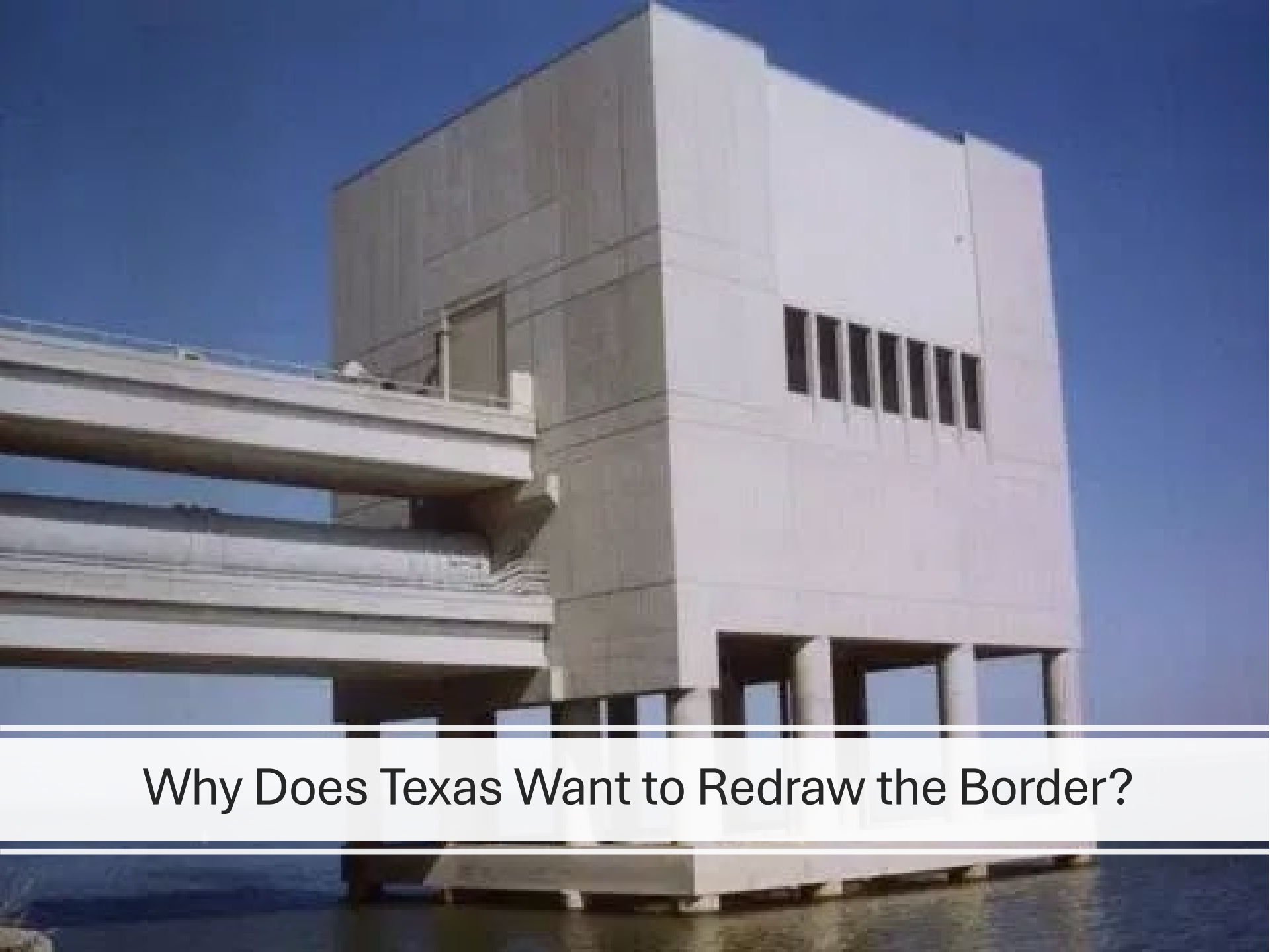
**John Cruden, Beveridge & Diamond**

# What Is Texas Requesting?



# Lake Texoma





Why Does Texas Want to Redraw the Border?



TEXAS  
OKLAHOMA

Pre 2000  
Boundary

NTMWD Texoma  
Pump Station

Post 2000  
Boundary

160 feet  
0 100 150 200  
Feet

# Historical Background



**1986**

The NTMWD sites, obtains permits for, and constructs its Pumping Station



**1999**

Oklahoma and Texas agree to the Red River Boundary Compact



**2000**

States sign the Lake Texoma Boundary Agreement; Congress consents to the Compact



**2009**

The NTMWD discovers its Pumping Station is on the wrong side of the border due to zebra mussels



**2014**

States agree to MOU allowing the plant to operate; Congress amends federal law

A topographic map of the Red River region between Oklahoma and Texas. The river is shown winding through the landscape, with various bends and meanders. Towns such as Keltner, Lee, Marysville, Marysville, Sallisburg, and Callisburg are marked. The map includes a grid with latitude and longitude coordinates (e.g., T. 69, T. 75, T. 76, T. 85, T. 90). The names of the states, 'OKLAHOMA' and 'TEXAS', are printed in large letters across the top and bottom of the map. The Red River is labeled in several places, including 'RED RIVER' and 'RED RIVER'. The word 'BEND' is used to label specific meanders like 'Illinois Bend', 'Tyas Bend', 'Sivells Bend', 'Decherds Bend', and 'Horseshoe Bend'. There are also labels for 'Warrant Bend' and 'Fish Creek'. The map is divided into sections by dashed lines, with labels like 'MONTAGUE CO.', 'COOKE CO.', and 'CANTON CO.'. The map is framed by a grid with '34' at the top and bottom corners.

# Red River Boundary Compact

The Compact’s “principal purpose” was to “establish an identifiable boundary between the states of Oklahoma and Texas along the Red River ...”

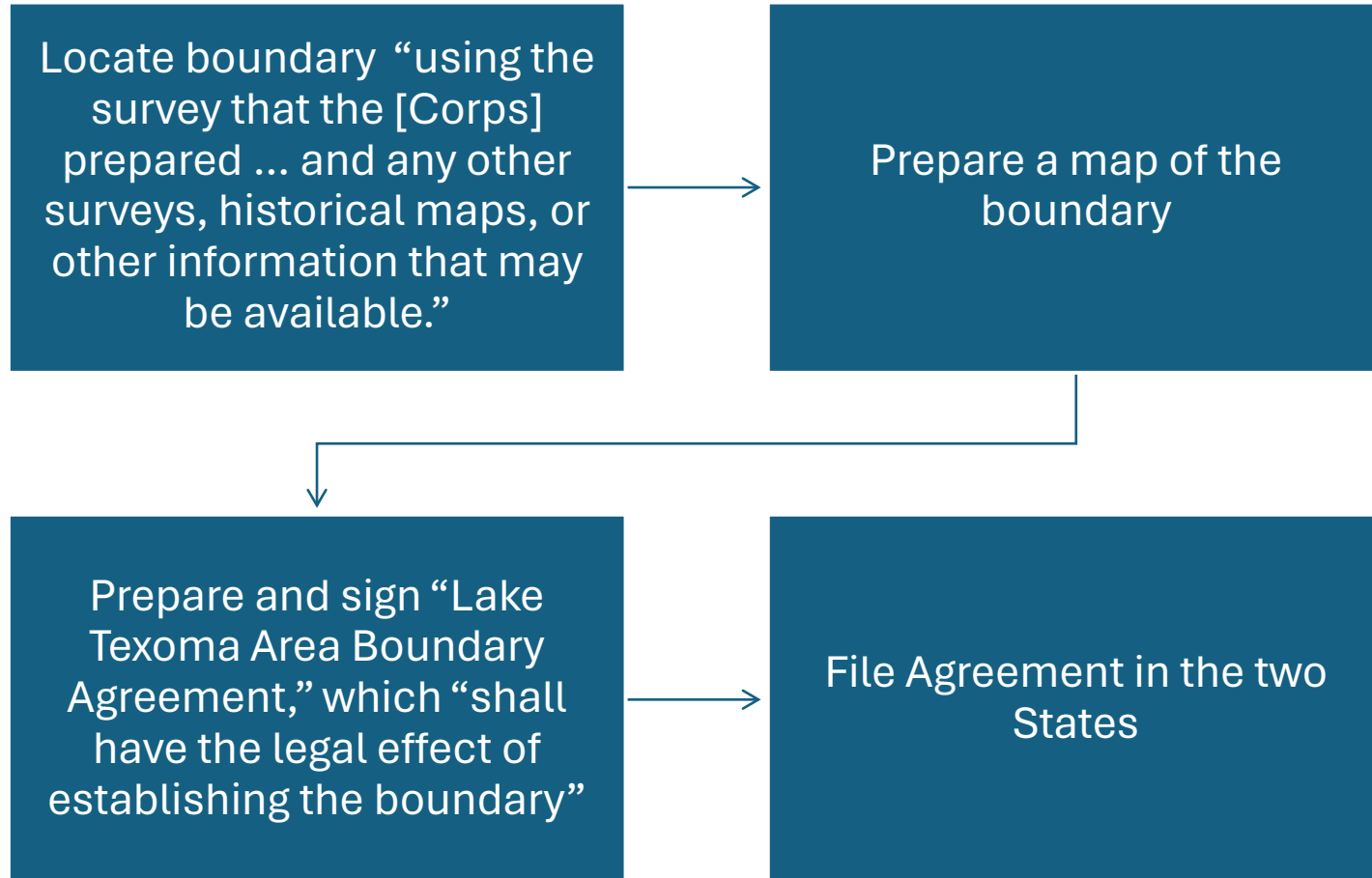
The Compact sought clarity and stability.

# How the Compact Sets the Border

- Makes the “Vegetation Line” the boundary for most of the Red River
  - Easy to determine
- Establishes a process for determining the boundary line in Lake Texoma, where the line does not change
  - States must “locate” the border using historical surveys and maps because Lake Texoma has flooded the area



# Lake Texoma Boundary Process





# Congress Has Passed a Joint Resolution Giving Its Consent

Congress explicitly recognizes that the boundary in the Lake Texoma area will be “established pursuant to procedures provided for in the compact”

# Oklahoma Options

1

Retain current border

2

Work with Texas to draw a revised border using the Compact process

3

Amend the Compact to set an alternative border

# Redrawing the Border Is an Issue of Sovereign Authority

# What Is Not at Issue or Risk



Property Rights



Water Rights



Tribal Rights

# Recommendations

- 
- Meet with Texas officials to determine appropriate process and consideration for redrawing the boundary
  - Complete due diligence regarding the grounds for redrawing the boundary and any potential risks
  - If the Commission decides to redraw the boundary based on these steps, use the Compact process to draw a new boundary with Texas based on all available and relevant information