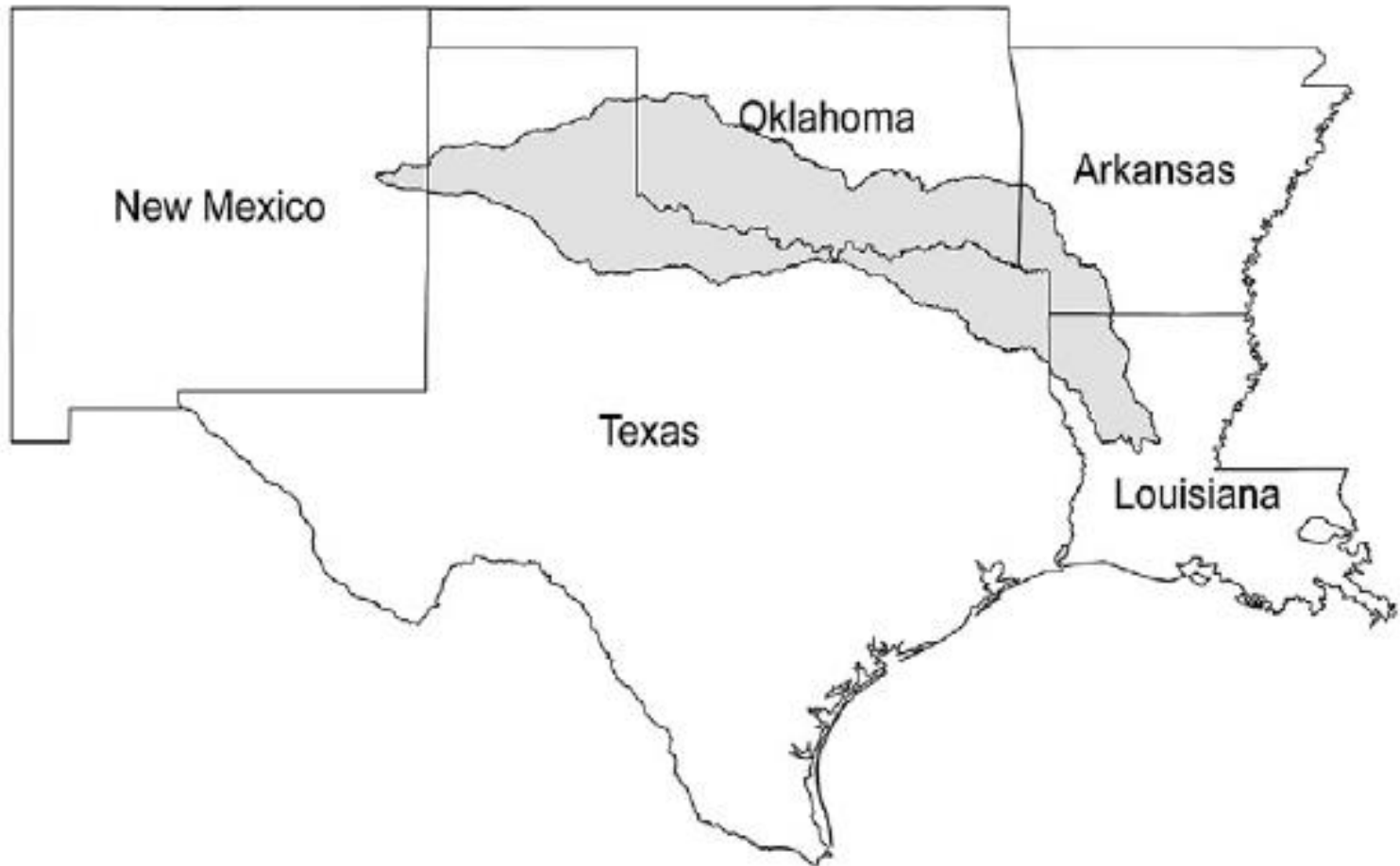


Legal Analysis of Texas' Request to Redraw a Portion of the Oklahoma- Texas Border in Lake Texoma

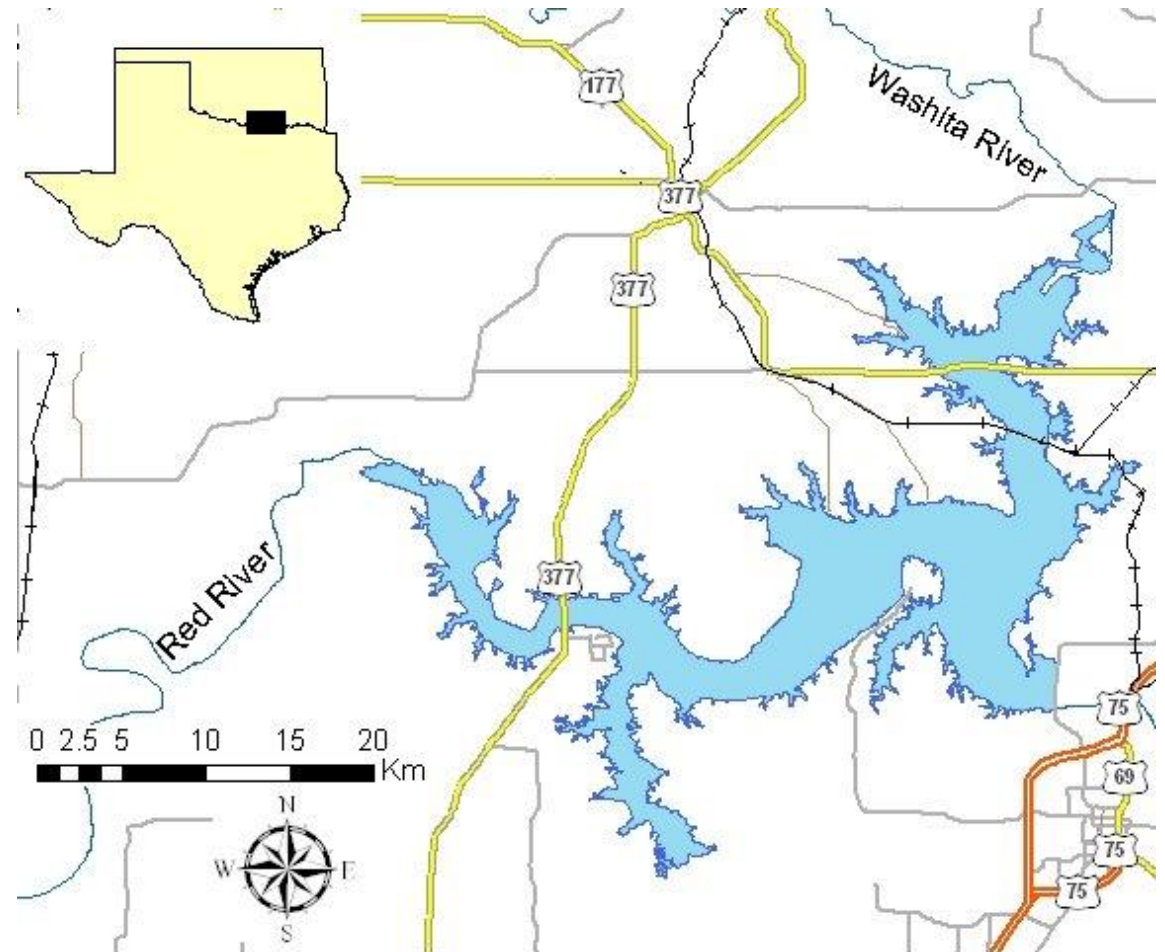
**Buzz Thompson, O'Melveny & Myers and
Stanford Law School**

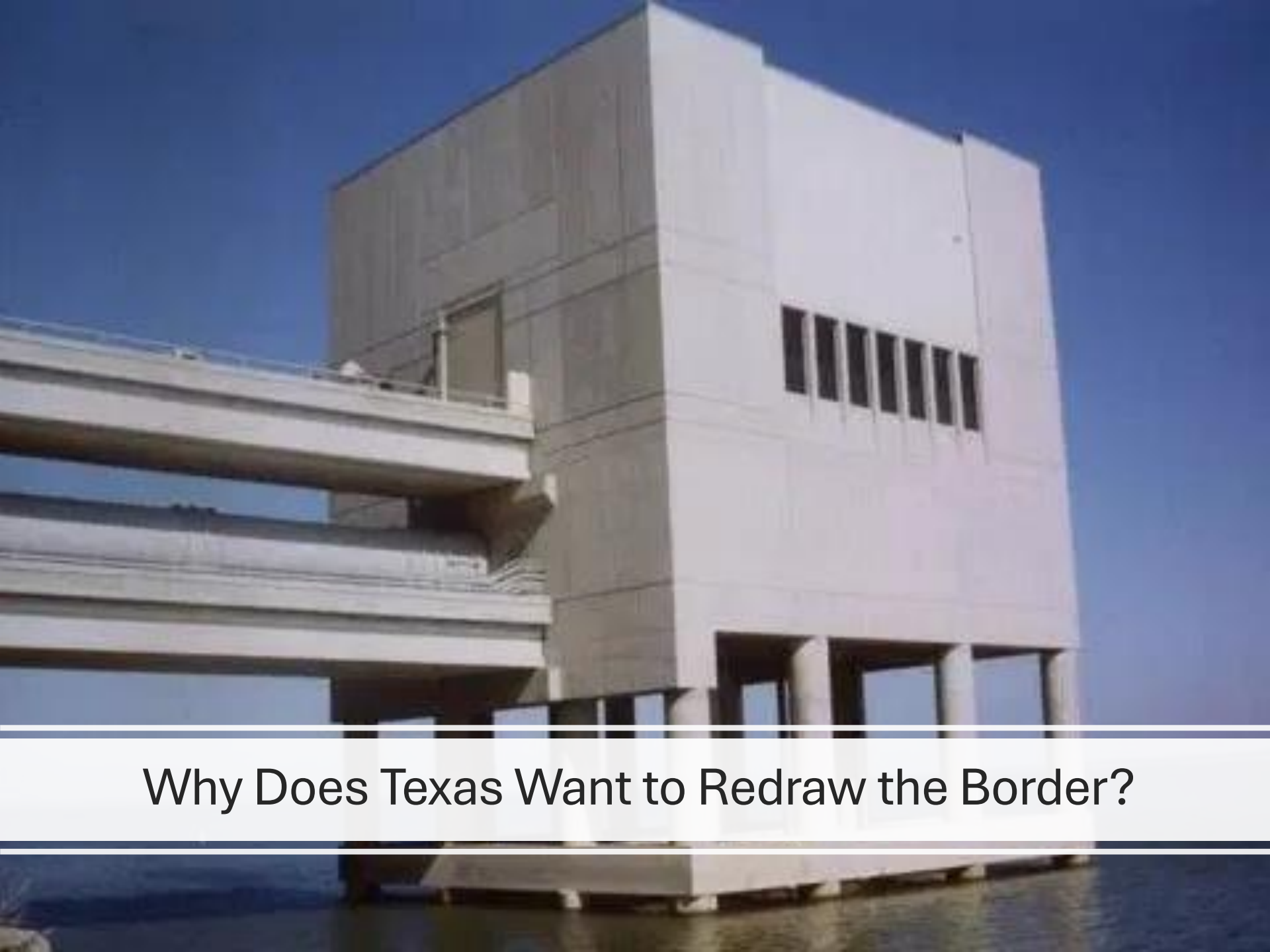
John Cruden, Beveridge & Diamond

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 showing the Red River as a boundary between Oklahoma (top) and Texas (bottom). The river is depicted with a blue line and a shaded green/brown area representing its floodplain. Various bends and locations are labeled, including Illinois Bend, Iyas Bend, Sivel's Bend, Decheré Bend, and Horseshoe Bend. Towns like Burtner, Lee, Burtner, Sivel's Bend, Bob, Marietta, Coesfield, and Callisburg are marked with dots. The map includes a grid with latitude and longitude coordinates. The text 'MONTAGUE CO COOKE CO' is visible on the left side, and 'HICKORY CREEK' is at the top right. The words 'OKLAHOMA' and 'TEXAS' are printed in large letters across the top and bottom of the map respectively. Three blue brush strokes are present in the bottom right corner of the image.

Red River Boundary Compact

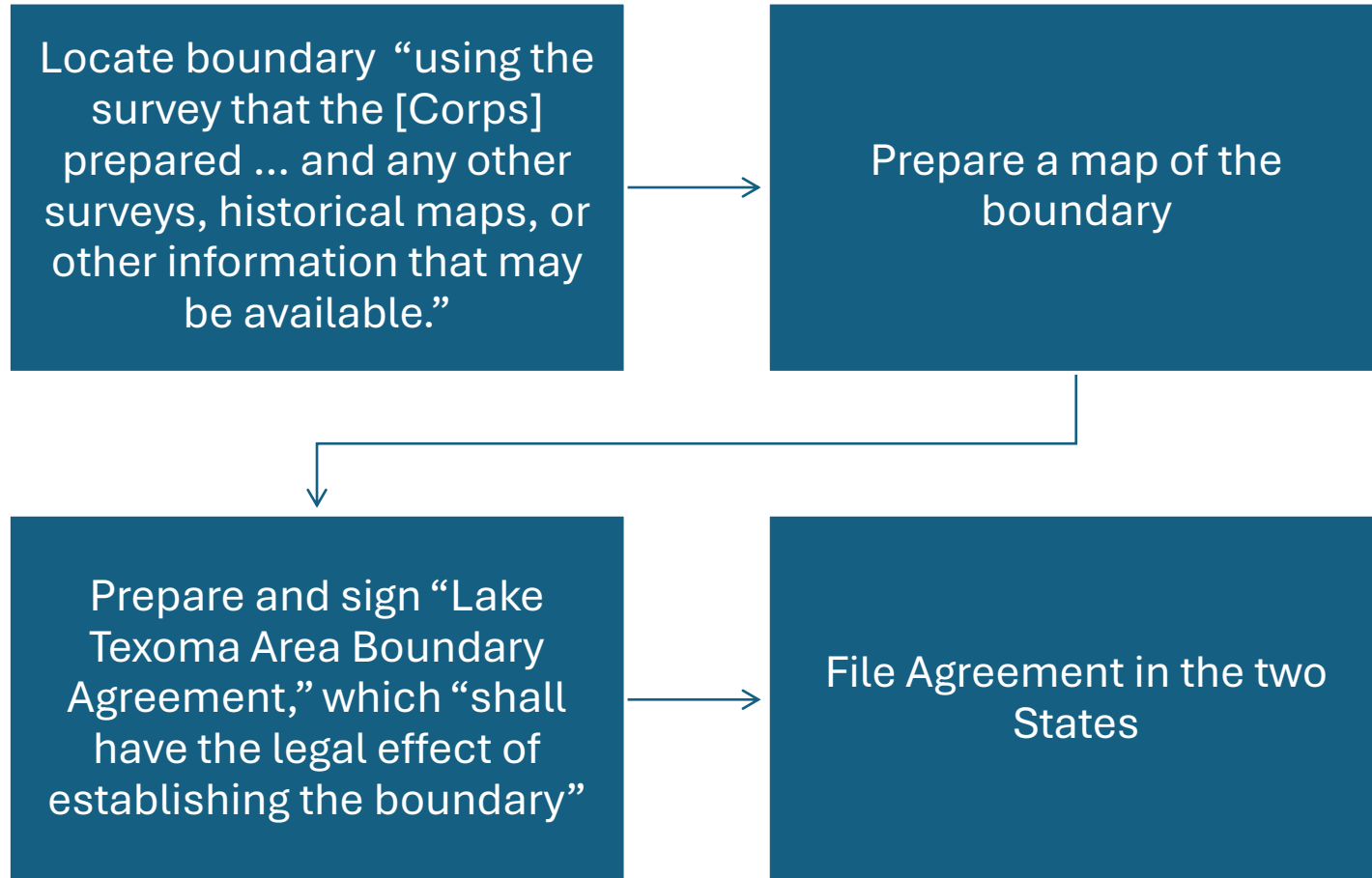
The Compact's “principal purpose” was to “establish an identifiable boundary between the states of Oklahoma and Texas along the Red River ...”

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