

# **United States v. New Mexico - 438 U.S. 696 (1978)**

## **U.S. Supreme Court**

### **United States v. New Mexico, 438 U.S. 696 (1978)**

**United States v. New Mexico**

**No. 77-510**

**Argued April 24, 25, 1978**

**Decided July 3, 1978**

**438 U.S. 696**

#### *Syllabus*

The United States, in setting aside the Gila National Forest from other public lands, held to have reserved the use of water out of the Rio Mimbres only where necessary to preserve the timber in the forest or to secure favorable water flows, and hence not to have a reserved right for aesthetic, recreational, wildlife preservation, and stockwatering purposes. That this was Congress' intent is revealed in the limited purposes for which the national forest system was created and in Congress' deference to state water law in the Organic Administration Act of 1897 and other legislation. While the Multiple-Use Sustained-Yield Act of 1960 was intended to broaden the purposes for which national forests had previously been administered, Congress did not intend thereby to reserve additional water in forests previously withdrawn under the 1897 Act. Pp. 438 U. S. 698-718.

90 N.M. 410, 564 P.2d 615, affirmed.

REHNQUIST, J., delivered the opinion of the Court, in which BURGER, C.J., and STEWART, BLACKMUN, and STEVENS, JJ., joined. POWELL, J., filed an opinion dissenting in part, in which BRENNAN, WHITE, and MARSHALL, JJ., joined, *post*, p. 438 U. S. 718.

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