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12 L.Ed.2d 141
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tice, we vacate the judgment of the Ninth
Circuit and remand with instructions to dis-
miss the suit. See *Deakins v. Monaghan*,
484 U.S. 193, 200, 204, 108 S.Ct. 523, 528,
531, 98 L.Ed.2d 529 (1988); *United States*
v. Munsingwear, Inc., 340 U.S. 36, 39-40,
71 S.Ct. 104, 106-107, 95 L.Ed. 36 (1950).

It is so ordered.

Justice KENNEDY took no part in the
consideration or decision of this case.



485 U.S. 388, 99 L.Ed.2d 450
State of TEXAS, Plaintiff
v.
State of NEW MEXICO.

No. 65, Orig.

March 28, 1988.

PER CURIAM.

Last Term we issued a decree in this case
which enjoined the State of New Mexico
"to comply with its Article III(a) obligation
under the Pecos River Compact and to de-
termine the extent of its obligation in ac-
cordance with the formula approved by the
decisions of this Court." *Texas v. New*
Mexico, 482 U.S. 124, 133, 107 S.Ct. 2279,
2286, 96 L.Ed.2d 105 (1987). We retained
jurisdiction for the purpose of any order,
direction, or modification of the decree as
might be deemed proper. In particular, we
approved the Special Master's recommen-
dation that a River Master be appointed in
this case, and requested that on remand
the Special Master "recommend an amend-
ment to the decree, specifying as he deems
necessary the duties of the River Master
and the consequences of his determina-
tions. Any other suggestions for amend-
ments should also be called to our atten-
tion." *Id.*, at 135, 107 S.Ct., at 2287.

The Special Master has now submitted a
report, which includes a proposed amended
decree. New Mexico's motion for leave to
file a reply brief is granted. New Mexico's
exceptions to the report are overruled.
The report is approved and an amended
decree will issue forthwith. The Special
Master has also recommended a person
to serve as River Master. We accept that
recommendation.

AMENDED DECREE

IT IS ORDERED, ADJUDGED, AND DECREED
THAT:

I

DEFINITIONS

A. For purposes of this Decree:

1. "Accounting year" is the calendar
year during which the River Master
makes the calculations required by Arti-
cle III.B.1. below; "water year" is the
calendar year immediately preceding the
accounting year.
2. "Manual" is the Pecos River Mas-
ter's Manual admitted into evidence as
Texas Exhibit 108, which is an integral
part of this Decree. The Manual may be
modified from time to time in accordance
with the terms of this Decree.
3. "Overage" is the amount of water
delivered by New Mexico in any water
year which exceeded the Article III(a)
obligation for that year.
4. "Shortfall" is the amount by which
the water delivered by New Mexico in
any water year fell short of the Article
III(a) obligation for that year.

II

INJUNCTION

A. The State of New Mexico, its offi-
cers, attorneys, agents, and employees are
hereby enjoined:

1. To comply with Article III(a) of the
Pecos River Compact and to meet the
obligation thereof by delivering water to

Texas at state line as prescribed in this Decree.

2. Within thirty (30) days of receipt of a final Report of the River Master identifying a shortfall, to submit to ¹³⁹⁰the River Master a proposed plan providing for verifiable action by New Mexico that will increase the amount of water at state line prior to March 31 of the year following the accounting year by the amount of the shortfall. In order to identify the incremental amount of water being delivered to Texas to satisfy a prior shortfall, the plan shall:

(a) Identify the specific actions to be taken by New Mexico to increase the amount of water flowing to Texas, including, if applicable, the points at which water will enter the river or diversions will be curtailed;

(b) Specify the dates and times the actions will be taken;

(c) Provide a calculation under the procedures and equations set forth in the Manual of the amount of water that can be presumed to arrive at state line as a result of the actions;

(d) Identify the means by which the actions can be verified and provide assurances that documents and data necessary for verification will be submitted to the River Master within thirty (30) days from the date the actions are taken;

(e) Provide guarantees that the water to be delivered pursuant to the plan will not be diverted within New Mexico.

3. To comply prior to March 31 of the year following the accounting year with the terms of an Approved Plan to remedy any shortfall. Compliance with an Approved Plan will be deemed to satisfy the shortfall. Subject to the review provided in Article III.D. of this Decree, the calculations made pursuant to Article II. A.2(c), as approved by the River Master, shall be determinative of the amount of water delivered at state line.

¹³⁹¹III

RIVER MASTER

A. *Appointment.* The appointment of a River Master is made by the attached Order of Appointment.

B. *Duties.* The River Master shall perform the following duties:

1. Calculate in accounting year 1988, beginning with water year 1987, and continuing every year thereafter, pursuant to the methodology set forth in the Manual:

a. The Article III(a) obligation;

b. Any shortfall or overage, which calculation shall disregard deliveries of water pursuant to an Approved Plan;

c. The net shortfall, if any, after subtracting any overages accumulated in previous years, beginning with water year 1987.

2. Deliver to the parties a Preliminary Report setting forth the tentative results of the calculations required by Section III.B.1. of this Decree by May 15 of the accounting year;

3. Consider any written objections to the Preliminary Report submitted by the parties prior to June 15 of the accounting year;

4. Deliver to the parties a Final Report setting forth the final results of the calculations required by Section III.B.1. of this Decree by July 1 of the accounting year;

5. Review any plan proposed by New Mexico pursuant to Article II.A.2. of this Decree for its efficacy in satisfying any shortfall and consider any written objections to the plan which are submitted by Texas by September 1 of the accounting year.

6. Modify the proposed plan as is deemed necessary to ensure satisfaction of the shortfall and deliver to the parties such Approved Plan by October 1 of the accounting year;

¹³⁹²7. Deliver to the parties and file with this Court a Compliance Report by

1391II.

MASTER

t. The appointment of made by the attached ent.

River Master shall per- duties:

i accounting year 1988, ater year 1987, and con- ar thereafter, pursuant y set forth in the Man-

le III(a) obligation; ttfall or overage, which l disregard deliveries of : to an Approved Plan; hortfall, if any, after r overages accumulated rs, beginning with wa-

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June 1 of the year following any account- ing year in which there is an Approved Plan, which report shall include a finding of New Mexico's compliance or noncom- pliance with the terms of the Approved Plan and the reasons for such finding.

C. *Modification of Manual.*

1. The River Master shall modify the Manual in accordance with any written agreement of the parties. Such written agreement shall state the effective date of the modification and whether it is to be retroactive. If retroactive, the agree- ment shall specify the procedures for making the retroactive adjustments.

2. Absent written agreement of the parties, upon motion by either party and for good cause shown, the River Master may modify the Manual. Opposition to any such motion shall be submitted to the River Master in writing within thirty (30) days after service of the motion or within such extended time as may be allowed by the River Master. Additional written submissions and any oral presen- tation will be at the River Master's dis- cretion. The River Master may adopt, reject, or amend the proposed modifica- tion and shall serve upon the parties his or her written Modification Determina- tion and the grounds therefor. The Riv- er Master may also defer decision on a proposed modification, but if no action is taken within one (1) year of its submis- sion, the motion shall be deemed denied.

3. A modification of the Manual by motion shall be first applicable to the water year in which the modification be- comes effective.

4. All modifications of the Manual shall be transmitted immediately to the Clerk of this Court and shall be retained in the files for this case.

1393D. *Effect of River Master's Determi- nation.* Unless stayed by this Court, any Final Report, Approved Plan, Compliance Report, or Modification Determination (hereinafter, collectively, "Final Determina- tion") shall be effective upon its adoption, and shall be subject to review by this Court

only on a showing that the Final Determi- nation is clearly erroneous. A party seek- ing review of a Final Determination must file a motion with the Clerk of this Court within thirty (30) days of its adoption, which motion shall set forth the Final De- termination on which review is sought and a concise statement of the basis of the claim that the Final Determination is clear- ly erroneous.

E. *Authority of Pecos River Commis- sion.* Nothing in this Decree is intended to displace the authority of the Pecos River Commission to administer the Pecos River Compact, and if the Commissioners reach agreement on any matter, the parties shall advise the Court and seek an appropriate amendment to this Decree.

F. *Communication with River Master.* *Ex parte* communications with the River Master are forbidden. Any written communication with the River Master by motion or otherwise shall be simultaneously served by mail on the opposing party. Any oral communication with the River Master shall be made in the presence of the oppos- ing party, whether by telephone conference call or in person.

G. *Distribution of Costs.* The compen- sation of, and the costs and expenses in- curred by, the River Master shall be ap- proved by the Court and borne equally by the State of Texas and the State of New Mexico.

IV

DISMISSAL OF UNITED STATES

A. The United States is dismissed from this proceeding without prejudice.

1394V

RETENTION OF JURISDICTION

The Court retains jurisdiction of this suit for the purpose of any order, direction, or modification of the Decree, or any supple- mentary decree, that may at any time be

deemed proper in relation to the subject matter in controversy.

ORDER APPOINTING RIVER MASTER

IT IS ORDERED that Neil S. Grigg be and he hereby is appointed River Master of the Pecos River for the purpose of performing the duties set forth in the Amended Decree of March 28, 1988.

IT IS FURTHER ORDERED that the River Master shall have the power and authority to subpoena information or data, compiled in reasonable usable form, which he deems necessary or desirable for the proper and efficient performance of his duties.

IT IS FURTHER ORDERED that the River Master is allowed his necessary expenses and reasonable fees for his services, statements for which shall be submitted quarterly to the Court for its approval. Upon Court approval, such statements will be paid by the State of New Mexico and the State of Texas.

IT IS FURTHER ORDERED that if the position of River Master becomes vacant during a recess of the Court, THE CHIEF JUSTICE shall have authority to make a new designation which shall have the same effect as if originally made by the Court.

Justice STEVENS took no part in the consideration or decision of this case.



485 U.S. 395, 99 L.Ed.2d 455

1395George E. BENNETT, Petitioner

v.

ARKANSAS.

No. 86-6124.

March 29, 1988.

Arkansas filed action to attach prisoner's social security benefits. The Circuit

Court, Second Division, Pulaski County, Perry V. Whitmore, J., granted judgment in favor of Arkansas. Prisoner appealed. The Arkansas Supreme Court, 290 Ark. 47, 716 S.W.2d 755, affirmed. Prisoner petitioned for certiorari. The Supreme Court held that Arkansas could not attach prisoner's benefits.

Reversed.

Opinion on remand, 295 Ark. 472, 748 S.W.2d 668.

Social Security and Public Welfare \Leftrightarrow 139 States \Leftrightarrow 18.79

Supremacy clause precluded Arkansas from attaching prisoner's social security benefits; Arkansas statute permitting seizure of prisoner's benefits was in direct conflict with social security statute exempting benefits from execution, levy, attachment, garnishment, or other legal process, and social security statute did not contain "implied exception" that would allow attachment of otherwise exempted federal payments simply because the State has provided prisoner with "care and maintenance." Ark.Stats. §§ 46-1701 et seq., 46-1702(b, d), 46-1704(a); Social Security Act, §§ 1 et seq., 207(a), 42 U.S.C.A. §§ 301 et seq., 407(a); U.S.C.A. Const. Art. 6, cl. 2.

Thomas M. Carpenter, for petitioner.

Richard J. Lazarus, for the U.S., as amicus curiae supporting petitioner, by special leave of court.

J. Steven Clark, for respondent.

1396PER CURIAM.

This case involves an attempt by the State of Arkansas to attach certain federal benefits paid to individuals who are incarcerated in Arkansas prisons. In 1981, Arkansas adopted the State Prison Inmate Care and Custody Reimbursement Act, Ark.Stat. Ann. § 46-1701 et seq. (Supp. 1985), a statute that authorizes the State to