

Supreme Court rules for Texas in water feud with New Mexico

WASHINGTON (AP) — The U.S. Supreme Court decided Monday that Texas may be entitled to compensation for New Mexico's violation of an agreement between the two states regarding apportionment of water in the Pecos River.

"This is a major victory in our efforts to see that Texas — particularly for our farmers in West Texas — gets its fair share of water from the Pecos River," Texas Attorney General Jim Mattox said Monday. "And we all know how extremely valuable water is in such arid areas as West Texas."

The justices voted 8-0 to send the 13-year-old legal dispute back to a "special master" to act as fact finder for further hearings. At stake is whether New Mexico must pay Texas extra water or money in compensation.

The court rejected objections by New Mexico and Texas to preliminary findings that New Mexico had cheated Texas, depriving it of its fair share of Pecos River water.

New Mexico Attorney General Hal Stratton and lawyers for the State Engineer were awaiting copies of the full opinion and did not have any immediate comment.

This is not the first water fight between New Mexico and Texas, especially in the dry western part of the Lone Star State. El Paso, in extreme

both states from now on live up to a 1949 compact on apportionment of Pecos River water.

Last year, Meyers recommended a 340,000-acre-foot of water payback by New Mexico to Texas. While New Mexico lawyers did not disagree that the 340,000-acre-foot shortfall had occurred in Texas from 1950 to

"If that were the case, New Mexico's defaults could never be remedied," he added.

The dispute began in 1974, when Texas sought to sue New Mexico in the Supreme Court, even though the case had not been previously aired in a lower court. A year later, the Supreme Court agreed to hear the case without any lower court appearances.

The court's special master had recommended that New Mexico receive a three-year grace period, then pay back about 34,000 acre-feet of water a year for 10 years.

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— Texas Attorney General Jim Mattox

West Texas, has waged a yet-unresolved six-year-old battle with New Mexico over water in the Rio Grande. Both the Rio Grande and the Pecos River flow from New Mexico into Texas.

Charles J. Meyers, the special master, also was empowered to appoint a "river master" to make sure

1983, they objected to paying any retroactive relief.

An acre-foot is the quantity of water that would cover one acre one foot deep, or 43,560 cubic feet of water.

The lawyers contended the payback would work an "extreme hard-

UT asks Hobby to give speech at dedication

TYLER (AP) — Lt. Gov. Bill Hobby will speak at the dedication of a new \$9 million medical research building at the University of Texas Health Center, officials said.

The facility will be dedicated June 11.

Hobby was invited to speak because he helped save funds proposed for reduction.

The cuts would have jeopardized construction of the building, which lost a wing due to earlier reductions, said UT Health Center Director Dr. George A. Hurst.

The structure has three wings built off a central core and is about 71,000 square feet. The UT Health Center specializes in lung and heart research.

The new facility has been under construction for nearly two years. It will be dedicated by UT System Board of Regents chairman Jess Hay.

Slain patrolman's weapon claimed to be inoperative

SAN ANTONIO (AP) — The gun a slain patrolman allegedly pointed at a fellow officer wasn't capable of firing because it wasn't cocked, a police detective who found the weapon testified in court Monday.

Farrell Tucker is on trial for murder in the Aug. 18 slaying of his best friend, Stephen Smith. Tucker has said he shot his former patrol partner in self-defense after Smith grabbed a .45-caliber revolver from him and threatened to kill him.

Tucker shot Smith five times with his other gun, a .357-caliber Magnum.

Smith, who was suspected of vigilante activities and was suspended on brutality charges, allegedly planned to kill three top law enforcement officials he blamed for wrecking his career.

Detective Rudy Garcia testified Monday that the .45-caliber pistol Smith allegedly held on Tucker was not capable of firing because it had

not been cocked. Garcia had recovered the revolvers from Smith's car, where the shooting occurred.

Bexar County Assistant District Attorney Bill Harris asked Garcia if the gun could have been fired in the position Garcia found it and Garcia replied, "No, it cannot be fired."

Garcia said he found the pistol lodged between the driver's seat and the console of the small car.

"The weapon was upside down with the barrel toward the front of the car," said Garcia, who uses a similar weapon. "The grip was pointing toward the roof."

Garcia also said he recovered a loaded 9mm pistol from underneath the driver's seat that was loaded and ready to fire.

During a break, reporters asked Tucker's attorney, Terry McDonald, why Smith would hold an inoperable gun on someone.

"Maybe he made a mistake or he was committing suicide," McDonald

said. Testimony in the trial last week indicated that Smith, who was suspended on brutality charges, had taken part in several vigilante-type slayings and may have planned to kill then-Assistant Police Chief Frank Hoyack, Deputy Chief Robert Heuck and then-District Attorney Sam Millsap.

The three officials testified that Tucker met with them earlier on the day of the shooting and said he was afraid of Smith.

Millsap also said Tucker told him immediately after the shooting that Smith was stupid for not having the .45-caliber pistol cocked.

Prosecutors have contended that Tucker could have avoided shooting Smith by jumping out of the car.

The Smith slaying resulted in two police chiefs losing their jobs and sparked a federal investigation and an \$8 million lawsuit by families who claimed they were victims of Smith's alleged vigilante acts.

Millionaire defendant starts testifying in Fort Worth wrongful death civil suit

FORT WORTH (AP) — Millionaire defendant Cullen Davis told a jury Monday for the first time after a decade of legal maneuverings that he was in bed with his girlfriend when a gunman killed two people at his Fort Worth mansion.

"I was there," he said under questioning from a lawyer for his ex-wife, Priscilla Davis.

Ms. Davis and her former husband, Jack Wilborn, are suing Davis for more than \$20 million in damages in a civil wrongful death suit alleging he killed their 12-year-old daughter, Andrea Wilborn, in 1976.

Davis did not testify in a 1977 murder trial in which he was found innocent of killing the girl.

He testified Monday for the first time in open court about his activities on Aug. 2, 1976, the night of the mansion slayings. He said he ate dinner and went to a movie alone, arriving around midnight at the home of Karen Master, now his third wife.

Karen Master Davis testified in a previous trial that Davis was in bed beside her when she awakened on Aug. 3, 1976, at 12:40 a.m., the same time the mansion murders took place.

Earlier, she had testified before a grand jury that Davis told her he got to her place a little before 11 p.m. Karen Davis testified Monday she was mistaken on that point.

Attorney Bob Gibbins asked Davis if his wife

had "made up" for that miscue "by saying she saw you at 12:40 a.m.?"

Davis said, "That wouldn't make up for it. I was there."

He also testified he had no idea why Karen Davis didn't tell police about the 12:40 a.m. awakening or mention it later when testifying before a grand jury.

The shootings at the Davis mansion were committed by a gunman dressed in black and wearing a wig. Priscilla Davis was wounded, and her daughter, Andrea, was killed, along with Ms. Davis' live-in boyfriend, Stan Farr, 30. A young mansion visitor, Bubba Gavrel, then 22, was partially paralyzed by a bullet that remains lodged near his spine. Beverly Bass, Gavrel's date at the time and now his wife, was not hurt.

Ms. Davis and the Gavrels testified last week that Davis was the gunman.

An Amarillo jury heard similar testimony in the 1977 murder trial before acquitting Davis in a trial that also allowed extensive testimony about the flamboyant lifestyle of his ex-wife.

The 53-year-old Fort Worth industrialist insisted Monday he was not angry nor bitter toward his ex-wife, Priscilla, the day of the shootings but conceded he was "frustrated."

He said in response to questions that he had accumulated \$14 million in personal debts at the time and was being sued by his younger brother

Bill for roughly \$100 million.

In a calm voice, Davis recalled that his divorce judge had upgraded his support payments to Priscilla that day from \$3,500 to \$5,000 monthly and ordered him to advance her thousands of dollars for expenses and legal fees.

The judge also had granted Ms. Davis a delay in the divorce trial.

Davis called the money a "drop in the bucket." He said his company assets at that time were worth about \$100 million and that his personal and community property was valued at around \$6 million.

In 1985, the oil-related family business empire, Kendavis Industries, was forced into bankruptcy and Davis and his older brother, Ken, were ousted from the hierarchy last spring.

Davis told reporters before the start of the current civil trial that he no longer is a millionaire but later joked that he is not a "multi, multi, multi-millionaire."

In testimony Monday morning, Davis was questioned by his ex-wife's lawyer about killing his stepdaughter's kitten during an angry scene in the 1970s.

"I was mad," Davis said. "I don't know about a rage. I knew what I was doing."

Attorney Gibbins asked if he considered his action part of a blind rage.

"I consider it stupid," Davis replied.

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