

(English text of Minute 240 dated June 13, 1972)

INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO

Ciudad Juarez, Chih.,  
June 13, 1972.

MINUTE NO. 240

↓  
EMERGENCY DELIVERIES OF COLORADO RIVER  
WATERS FOR USE IN TIJUANA

The Commission met at the offices of the Mexican Section in Ciudad Juarez, Chihuahua, Mexico, on June 13, 1972, at 10:00 a.m., to recommend, pursuant to the request of Mexico and the instructions by the two Governments, an agreement for emergency deliveries to a point on the international boundary near the City of Tijuana, Baja California, Mexico, for use by that city, of a portion of the waters of the Colorado River allotted to Mexico by Article 10(a) of the Water Treaty of 1944.

The Commissioners reviewed the need for making the above mentioned emergency deliveries. They noted that drought conditions have continued to prevail over the water shed of the Tijuana River and confirmed the advice given by Mexican authorities that the city's existing sources of water supply are now insufficient and that unless such emergency deliveries are made, the city, which now has a population of about 400,000, will suffer serious shortages of water. They considered the advice furnished by the agencies in the United States owning the conveyance facilities required in the United States, that although such works are now being utilized near their capacity to meet the needs in their country, the agencies would be willing, in view of the emergency and under certain conditions, to make the necessary arrangements for a period not to exceed five years to deliver certain volumes of water to a point on the international boundary near the City of Tijuana. The Commissioners noted the assurances given by the Mexican Government that it will not request use of the conveyance works in the United States after said five-year period, during which Mexico will provide permanent works necessary to fulfill its water requirements for the City of Tijuana.

The Commissioners then considered that in order to make such emergency deliveries, which require the conveyance of the water a distance of approximately 323 miles (520 kilometers), arrangements need to be made for use of the following named existing conveyance works in the State of California, as shown on the map, Exhibit 1 of this Minute: the diversion works from Lake Havasu above Parker Dam and the Colorado River Aqueduct, owned by the Metropolitan Water District of Southern California; the San Diego Aqueducts owned partly by that District and partly by the San Diego County Water Authority; the Otay Reservoir owned by the City of San Diego, and some of the existing facilities owned by the Otay Municipal Water District. They observed that, in addition, arrangements need to be made for construction by the Otay District of certain new connecting works, to deliver the water to a point on the international boundary near the City of Tijuana.

\* First emergency delivery was August 14, 1972.

They noted that as an effect of such emergency deliveries the salinity of waters made available to Mexico in the limitrophe section of the Colorado River pursuant to the 1944 Water Treaty would be increased by from 5 to 10 parts per million. They also considered that an increase in water supply for the City of Tijuana would produce an increase in the discharge of sewage waters to the Pacific Ocean, which might require corrective measures additional to those heretofore taken in order to continue to avoid pollution problems along the beaches in the United States and in Mexico.

After discussion of the foregoing and the conditions under which the above named California agencies would be willing to make emergency deliveries of Colorado River waters for the City of Tijuana, the Commission adopted the following resolution subject to the approval of the two Governments:

1. That the Government of the United States undertake negotiations and endeavor to conclude an agreement with the Metropolitan Water District of Southern California, the San Diego County Water Authority, the City of San Diego, and the Otay Municipal Water District, hereinafter referred to as the California agencies, which would provide that, for a period not to exceed five years, emergency deliveries be made to Mexico, at a point on the international Boundary in the vicinity of the Tijuana Airport, of a portion of the waters of the Colorado River allotted to Mexico by Article 10(a) of the Water Treaty of 1944, in accordance with this Minute.
2. That the emergency deliveries be started by the California agencies as soon as practical, in volumes per month no greater than those which can be conveyed with the capacities available in the conveyance works in the United States for such deliveries, as follows:
  - (a) That following completion by the Otay District of Construction of Phase I of the new connecting works described below in paragraph 5(a) of this resolution, and prior to January 1, 1973, the monthly volumes of the emergency deliveries be no greater than those which can be conveyed with the available capacity in the conveyance works, of approximately 660 acre-feet (814,000 cubic meters); that after January 1, 1973, the annual volumes of the emergency deliveries be no greater than those which can be conveyed with the available capacity in the conveyance works, of approximately 14,500 acre-feet (17,886,500 cubic meters), and the monthly volumes no greater than those indicated in Schedule No. 1 in Exhibit 2 of this Minute.
  - (b) That if pursuant to Mexico's request the construction of Phase II of the new connecting works described in paragraph 5(b) of this resolution is carried out by the Otay District, upon their completion, but not before January 1, 1973, the annual volumes of the emergency deliveries be no greater than those which can be conveyed with the available

capacity in the conveyance works, of approximately 20,600 acre-feet (25,410,000 cubic meters), and the monthly volumes not exceed those indicated in Schedule No. 2 of Exhibit 2 of this Minute.

That the emergency deliveries described herein may be decreased or suspended temporarily at any time, either in the event of an accident to the conveyance works, or if for other reasons any of the California agencies is temporarily unable to supply in its works the capacity necessary for the conveyance of Mexican waters.

That in the event the California agencies determine that the available capacity of their conveyance works can be increased for the emergency deliveries, they will advise the Commission through the San Diego County Water Authority, and the maximum permissible volumes may be adjusted accordingly.

3. That there be charged as a part of Mexico's allotment of Colorado River waters provided for in Article 10(a) of the 1944 Water Treaty, the daily volumes that are delivered at the international boundary near Tijuana, plus 12 percent of those volumes which would cover the increased conveyance losses which occur in conveying the emergency deliveries of waters from the point of diversion on the Colorado River above Parker Dam to the international boundary near Tijuana over the conveyance losses which would occur if the same volumes of water were delivered in the limitrophe section of the Colorado River.
4. That the requests for emergency deliveries at the international boundary near Tijuana be formulated by the Mexican Section with volumes no larger than those referred to in paragraph 2 of this resolution, and be presented to the United States Section as a part of Mexico's annual schedules of deliveries, by months, of waters of the Colorado River pursuant to the 1944 Water Treaty; that in addition to the total deliveries, the schedules show the deliveries to be made in the limitrophe section of the Colorado River, the emergency deliveries to be made at the international boundary near Tijuana, and the sum of such emergency deliveries at the international boundary plus 12 percent thereof, to reflect the charge against Mexico's allotment pursuant to proceeding paragraph 3; that the initial schedule covers emergency deliveries in 1972, following completion of the construction of Phase I of the new connecting works be presented thirty days before the beginning of those emergency deliveries; that the succeeding schedules be presented before the beginning of each calendar year, as provided in the Water Treaty of 1944, with the understanding that a separate advance schedule covering only the emergency deliveries be presented thirty days before the beginning of each calendar year. That Mexico have the right, upon thirty days notice in advance to the United States Section, to increase or decrease any of the monthly volumes established in the schedule of emergency deliveries at the international boundary near Tijuana subject to:

- (a) The total annual volume of emergency deliveries at the international boundary near Tijuana established in the corresponding annual schedule of deliveries presented by Mexico, not be increased.
  - (b) The monthly volumes of emergency deliveries not exceeding the maximums referred to in paragraph 2 of this resolution.
  - (c) The limitation of 20 percent in increases or decreases in the total monthly volumes of Colorado River waters delivered to Mexico as provided in Article 15F of the 1944 Water Treaty.
5. That Mexico pay the actual costs of construction of the new connecting works, shown on Exhibit 3 of this Minute, required to make the emergency deliveries, including all costs of planning, engineering and surveying, as well as the cost of rights-of-way, as follows:
- (a) That for the construction of Phase I of the new connecting works, which include installation of approximately 5,800 feet (1,768 meters) of asbestos-cement pipe 24 inches (0.61 meters) in diameter, with valves, accessories, and measuring devices, as well as new pumping facilities, Mexico establish, within a period of sixty days from the date of approval of this Minute, an irrevocable credit in the amount of \$403,000 (four hundred three thousand dollars), United States currency, in the name of the San Diego County Water Authority in a bank in the City of El Paso, Texas, to be designated by the United States Commissioner.
  - (b) That for the construction of Phase II of the new connecting works, which would include installation of approximately 5,200 feet (1,585 meters) of asbestos-cement pipe 24 inches (0.61 meters) in diameter, with valves, accessories, as well as additional new pumping facilities, if it is requested by Mexico, Mexico establish prior to initiation of construction another irrevocable credit in the amount of \$465,000 (four hundred sixty-five thousand dollars), United States currency, in the name of the San Diego County Water Authority in a bank in the City of El Paso, Texas, to be designated by the United States Commissioner.

That the San Diego County Water Authority make withdrawals against each one of the above credits, subject to the countersignatures of the two Commissioners, as is necessary to carry out construction works of the corresponding phase of the new connecting works, including advance payments as are needed. That at the conclusion of construction of each of the two phases of the new connecting works, the Commission make final settlement of the actual construction costs of each phase and make a liquidation of the corresponding irrevocable credit established for its payment.

6. That Mexico pay the charges for the emergency deliveries which would include:

- (a) The charge for the use of the existing diversion and conveyance works from the Colorado River to the end of the San Diego Aqueduct at Otay Reservoir, at the rate of \$86.13 (eighty-six dollars and thirteen cents), United States currency, per acre-foot (1,233.5 cubic meters) of water delivered at the international boundary near Tijuana. \$86.13  
BY 11/11/72  
= 45 4 00 10  
\$67.13
- (b) The charge for the use of the existing conveyance facilities of Otay Municipal Water District used to make emergency deliveries from the San Diego Aqueduct and for operation and maintenance of new connecting facilities at the rate of \$20.60 (twenty dollars and sixty cents), United States currency, per acre-foot (1,233.5 cubic meters) of water delivered at the international boundary near Tijuana, with the understanding that said charge is subject to change in accordance with changes in the costs of operation and maintenance, and that the annual total charge for this item not be less than \$4,000 (four thousand dollars), United States currency.
- (c) The actual cost of repairs of the new connecting works, including new pumping facilities, estimated at \$2.00 (two dollars), United States currency, per acre-foot (1,233.5 cubic meters) of water delivered at the international boundary near Tijuana.
- (d) The charge for the energy not generated at the hydroelectric plants at Parker Dam and downstream therefrom as a consequence of the diversions of Mexican water from the Colorado River above Parker Dam, at the rate of \$0.38 (thirty-eight cents), United States currency, per acre-foot (1,233.5 cubic meters) of water delivered at the international boundary near Tijuana.

That to pay these charges, Mexico establish separate irrevocable credits in the name of the San Diego County Water Authority, in a bank in the City of El Paso, Texas, to be designated by the United States Commissioner, for each of the calendar years in which the present Minute is in force. That the irrevocable credit corresponding to the year 1972 be established prior to the initiation of the emergency deliveries, and those corresponding to the following calendar years prior to January 1 of each. That the amount for each annual credit be equal to the preliminary estimated total charge of the emergency deliveries requested by Mexico for the corresponding calendar year, determined by the volume, at a rate of \$109.11 (one hundred nine dollars and eleven cents), United States currency, per acre-foot (1,233.5 cubic meters). That the San Diego County Water Authority draw against such credits, with the countersignature of the two Commissioners, as soon as practical after the end of each month, an amount determined by the volume

delivered and the above stated rate per acre-foot (1,233.5 cubic meters). That upon the completion of each calendar year's emergency deliveries, the Commission shall make a final settlement for the charges of said emergency deliveries and make a liquidation of the corresponding irrevocable credit established for its payment.

7. That upon the termination of the period during which this Minute is in effect, for any of the reasons set out in paragraph 9 of this resolution, there be removed the materials and equipment comprising the new connecting works constructed under this Minute, including new pumping facilities, and that they be delivered to Mexico at the international boundary, subject to payment in advance by Mexico of the contract costs for removal and delivery, including the cost of supervision of these works and the estimated cost of restoring Otay Municipal Water District's pumping facilities to the condition which would exist, if the new connecting works had not been constructed, with the understanding that, subject to approval of the Governments of the United States and Mexico, through the Commission, the local authorities in the two countries would have the authority to agree upon and effect a different arrangement for the disposition of such materials and equipment.
8. That it be understood and agreed:
  - (a) That deliveries of Mexican waters to the international boundary in the vicinity of the City of Tijuana as contemplated in this Minute would be of an emergency nature, and would be limited to a period which would not exceed five years from the date on which the first emergency deliveries are initiated.
  - (b) That neither the Government of Mexico would request that said emergency deliveries continue after the aforementioned five year period, nor would the California agencies be able to continue them.
  - (c) That the obligation of the United States to fulfill the provisions of this Minute, and of State and local agencies of the United States to fulfill the provisions of the agreement referred to in paragraph 1, shall not be the basis for financial responsibility on the part of the United States or such State and local agencies to the Government of Mexico.
9. That this Minute terminate and be no longer effective for any purpose, except as provided in paragraph 7 of this resolution, and except for final payment for emergency deliveries of Colorado River water at the international boundary for Tijuana, and final liquidations for the irrevocable credits, upon the occurrence of any one of the following conditions:

- (a) Upon the expiration of five years from the date of the first emergency delivery pursuant to this Minute. *Aug. 14, 1932*
- (b) Within thirty days after the International Boundary and Water Commission has been informed by the Mexican Government that works required in Mexican territory to fulfill the water requirements of the City of Tijuana have been completed.
- (c) Whenever any of the credits provided for in paragraph 5 and 6 of this resolution has not been established by Mexico on the dates indicated for its establishment in the same paragraphs.

10. That considering that the Mexican Government recognizes that as a consequence of the emergency deliveries to which this Minute refers there would be a slight increase in the salinity of the waters made available to Mexico in the limitrophe reach of the Colorado River and that it accepts the responsibility for this increase in salinity, it is hereby understood that for the purpose of comparing salinities recorded in waters made available to Mexico at the northerly boundary during the operation of this Minute with the salinities obtained in former years and those which may be reached in later years, the salinities at the northerly boundary would be adjusted to indicate the salinities which would be obtained if the waters diverted to Mexico at Parker Dam were delivered in the limitrophe reach of the Colorado River at the northerly boundary.
11. That in view of the increase in the water supply for the City of Tijuana there would be a consequent increase in its sewage discharge to the Pacific Ocean at the present discharge site, approximately 5.6 miles (9 kilometers) south of the international boundary, that it also be hereby understood that during the operation of this Minute Mexico would take the additional measures required to continue the prevention of the contamination which such increased discharges might occasion to the beaches of the United States and Mexico.

The Commission agrees that this Minute requires the specific approval of the two Governments.

The meeting then adjourned.

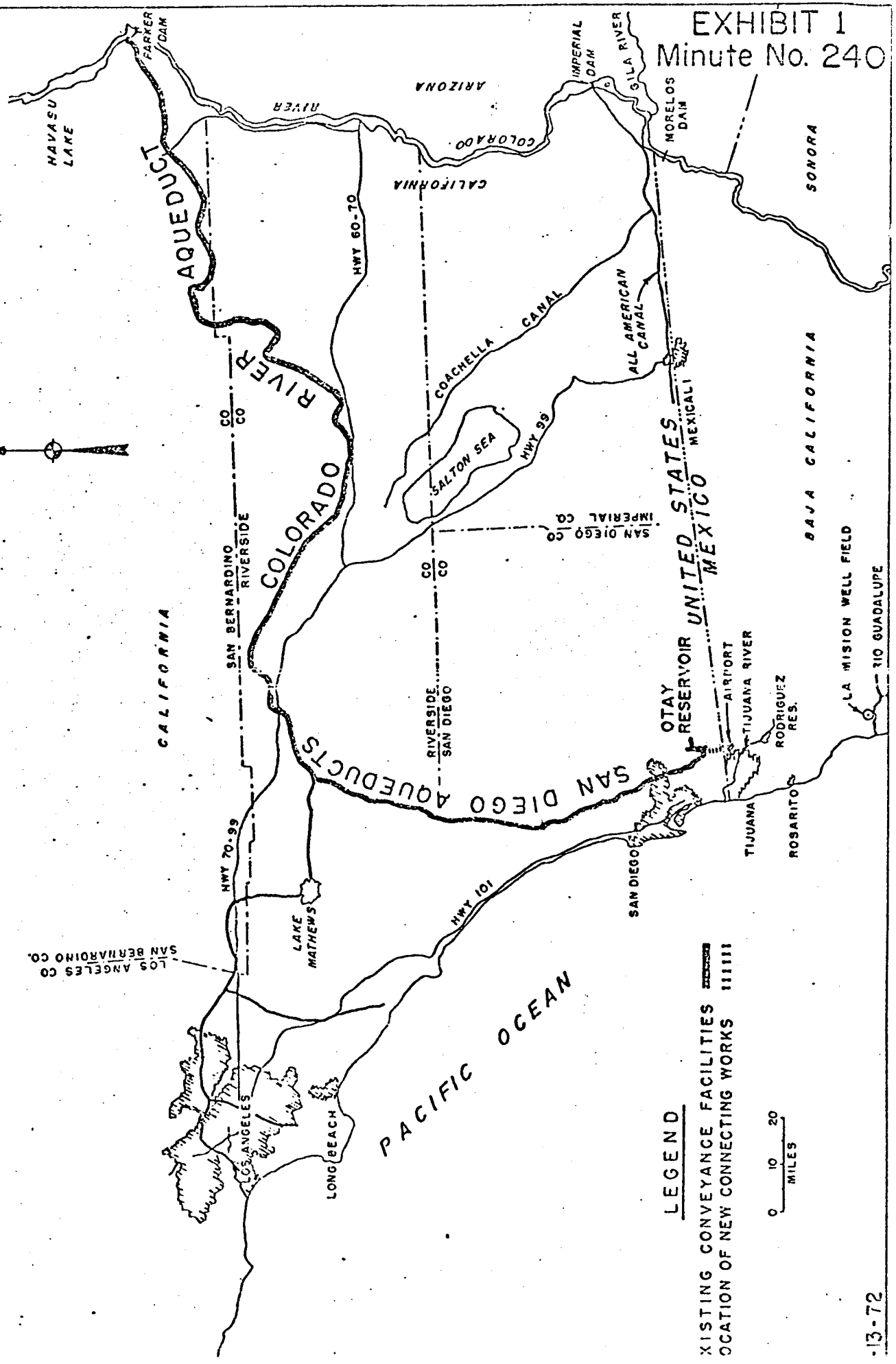
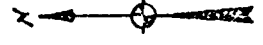
(signed) J. F. Friedkin  
Commissioner of the United States

(signed) D. Herrera J.  
Commissioner of Mexico

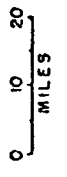
(signed) Frank P. Fullerton  
Acting Secretary of the United States  
Section

(signed) Fernando Rivas S.  
Secretary of the Mexican Section

EXHIBIT 1  
Minute No. 240



**LEGEND**  
 XISTING CONVEYANCE FACILITIES  
 OCATION OF NEW CONNECTING WORKS





ESTIMATED  
AVAILABLE CAPACITIES IN UNITED STATES CONVEYANCE FACILITIES FOR  
EMERGENCY DELIVERIES TO TIJUANA, BAJA CALIFORNIA  
AS MEASURED AT THE BOUNDARY NEAR TIJUANA

Schedule No. 1

After Phase I Construction of New Connecting Facilities  
and After January 1, 1973 - Approximate Volumes

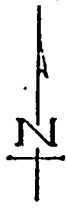
	<u>In</u> <u>Acre-Feet</u>	<u>In 1000s of</u> <u>cubic meters</u>
January	1,700	2,097
February	1,500	1,850
March	1,700	2,097
April	1,400	1,727
May	1,200	1,480
June	1,100	1,357
July	1,000	1,234
August	900	1,110
September	700	863
October	900	1,110
November	1,000	1,234
December	1,400	1,727
Annual Volume	14,500	17,886

Schedule No. 2

After Phase II Construction of New Connecting Facilities  
Approximate Volumes

	<u>In</u> <u>Acre-Feet</u>	<u>In 1000s of</u> <u>cubic meters</u>
January	2,000	2,467
February	1,900	2,344
March	2,000	2,467
April	1,900	2,344
May	1,900	2,344
June	1,700	2,097
July	1,600	1,973
August	1,400	1,727
September	1,200	1,480
October	1,400	1,727
November	1,600	1,973
December	2,000	2,467
Annual Volume	20,600	25,410

EXHIBIT 3  
Minute No. 240



2nd S.D. AQUEDUCT

OTAY RES.

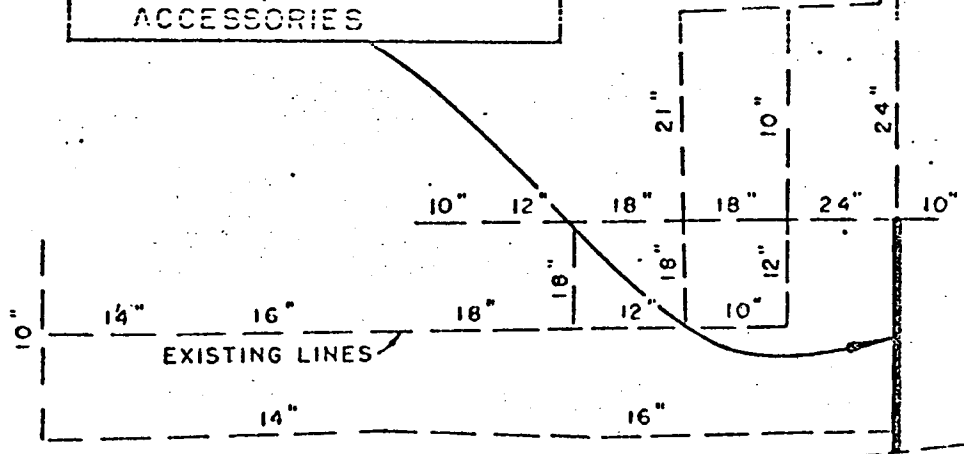
**PHASE II**  
 1. 24" PARALLEL PIPE; APPROXIMATELY 5200 FEET  
 2. INSTALLATION OF NEW ADDITIONAL PUMPS

**PHASE I**  
 1. INSTALLATION OF NEW PUMPS  
 2. APPROXIMATELY 5800 FEET 24" PIPE  
 3. VALVES, METERS AND ACCESSORIES

PUMPING STATION

CHLORINE STATION

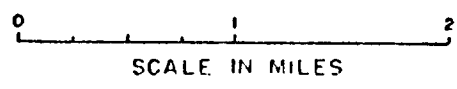
OTAY M.W.D. BODY



UNITED STATES  
MEXICO

MON. 253

TIJUANA AIRPORT



INTERNATIONAL BOUNDARY & WATER COMMISSION  
UNITED STATES & MEXICO

**GENERAL PLAN**  
 CONNECTING CONVEYANCE FACILITIES  
 FOR EMERGENCY DELIVERIES TO  
 TIJUANA, BAJA CALIFORNIA