

(English text of Minute No. 200 dated August 13, 1954)

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Ciudad Juárez, Chihuahua
August 13, 1954

MINUTE NO. 200

TEMPORARY DIKE ACROSS THE RIO GRANDE NEAR ITS MOUTH

The Commission met at the offices of the Mexican Section in Ciudad Juárez, Chihuahua, at 11:00 a.m., on August 13, 1954, to act upon the proposal presented by Mexico to construct a temporary dike across the Rio Grande, near its mouth, to permit the diversion and use of Mexican waters of the Rio Grande without being mixed with sea water.

The proposal presented by the Mexican Commissioner in his communication 1138 of May 3, 1954, was referred to the Principal Engineers for study and is discussed in the "Joint Report of the Principal Engineers on the Construction of a Temporary Dike in the Channel of the Rio Grande near its Mouth". The Spanish and English texts of this Joint Report, dated August 2, 1954, are attached hereto and form part of this Minute.

The Commission reviewed the proposal in the light of the Joint Report of the Principal Engineers and the pertinent provisions of the Water Treaty, particularly those of Article 9(b) which authorizes either of the two countries to divert and use the water belonging to it and to construct the necessary works for such purpose. The Mexican Commissioner reiterated that Mexico urgently needs the proposed temporary dike in order to be able to supply water to the lowermost Mexican water users, principally for domestic uses, which it has not been possible to do satisfactorily because of the contamination caused by the entry into the river of salt water from the Gulf of Mexico.

The Commission then adopted the following resolutions:

- "1. The construction of a temporary dike of the kind proposed by Mexico to permit diversion and use of the Mexican waters of the Rio Grande without being mixed with sea water is authorized by Article 9(b) of the Water Treaty of 1944.
- "2. The 'Joint Report of the Principal Engineers on the Construction of a Temporary Dike in the Channel of the Rio Grande near its Mouth', dated August 2, 1954, is approved.

"3. The

- "3. The construction, operation and maintenance of the proposed temporary dike shall be performed by and at the expense of Mexico, under the supervision of the Commission, subject to the pertinent provisions of the Water Treaty and to the following specific understandings:
- "(a) The temporary dike shall be constructed substantially in accordance with Ministry of Hydraulic Resources Drawing No. 2405-C-794 which is attached to this Minute, and pursuant to the recommendations of the Joint Report of the Principal Engineers.
 - "(b) In accordance with the provisions of Articles 2 and 23 of the Water Treaty of 1944, each Section of the Commission shall have jurisdiction over the part of the works located within the territory of its respective country.
 - "(c) The operation and maintenance of the structure shall be performed in such manner that the United States will be able to divert without restrictions, upstream or downstream from the structure, the waters allotted to it by the Water Treaty of 1944.
 - "(d) Mexico shall assume full pecuniary responsibility for any damage caused to properties located within the United States which, in the opinion of the Commission, may result from the construction, operation or maintenance of the temporary dike."

The meeting then adjourned.

(signed) L. H. Hewitt
Commissioner of the United States

(signed) D. Herrera J.
Commissioner of Mexico

(signed) George H. Winters
Secretary of the United States Section

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