

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Minute No. 293

October 4, 1995
Tlatelolco, D.F.

**EMERGENCY COOPERATIVE MEASURES TO SUPPLY MUNICIPAL NEEDS
OF MEXICAN COMMUNITIES LOCATED ALONG THE RIO GRANDE
DOWNSTREAM OF AMISTAD DAM**

The Commission met at 1:00 p.m. on October 4, 1995 in the Secretariat of Foreign Relations in Tlatelolco, D.F. to consider emergency cooperative measures to cover needs of a domestic and municipal nature for Mexican communities located along the Rio Grande, downstream of Amistad Dam, utilizing for this purpose, those waters that flow from the Rio Conchos to the Rio Grande that correspond to the U.S. in accordance with the Water Treaty of 1944, along with improvements in data gathering and distribution and in hydrographic operations of these waters in both countries.

The Commissioners referred to the diplomatic notes presented by the Government of Mexico, in which there was outlined to the United States Government, the critical situation prevailing in the Rio Grande Basin, especially in the states of Chihuahua, Coahuila and Tamaulipas, where drought has dramatically reduced inflows to the storage dams, including those corresponding to Mexico at the International Amistad and Falcon Dams. At these international dams, inflows are below historic minimums and threaten the water supply for domestic uses in Mexican communities located along the Rio Grande. In view of this the request presented by Mexico in the referenced diplomatic notes was analyzed to cover the eventual need for such purposes.

The Mexican Commissioner informed about the measures that have been taken in his country to deal with this extreme drought situation among which were the elimination of irrigation releases, utilization of farm labor to rehabilitate the hydraulic/agricultural infrastructure, drilling of wells for municipal uses and maintenance of a reserve of 150 million cubic meters (mcm) or 121,606 acre feet (af) at the international dams for domestic and municipal supply. He observed that Amistad Dam releases were reduced to 10 cubic meters per second (cms) or 353 cubic feet per second (cfs), with the corresponding release of 7 cms (247 cfs) at Falcon Dam. The United States Commissioner informed about the measures that have been taken in his country in managing the waters allotted to the United States in the same period of low storage and less than normal inflows of United States waters to the international reservoirs. He observed that in such periods, a reserve of 278 mcm (225,000 af) is maintained at the international dams for domestic and municipal supply.

The Commissioners then reviewed the present storage corresponding to the United States and Mexico at the Amistad and Falcon Dams. They observed that even with recent rains, these have not been sufficient to alleviate the situation and that even when utilizing a program of protection and efficient use of the water, the present storage of waters belonging to Mexico at the dams would just be sufficient to cover needs for Mexico through June 1996. They pointed out that

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if significant precipitation is not experienced during the present rainy season, inflows of Mexican water at Amistad and Falcon Dams would not be sufficient to maintain that water supply in storage. In such case, Mexico would face a serious threat to meeting the water supply demands for its riverside communities. They also observed that while the United States continues to maintain municipal and domestic needs reserve in the international dams, amounts of authorized diversions of waters for other uses, including irrigation, continue to be reduced.

Similarly the Commissioners referred to the diplomatic note presented by the United States Department of State which recognized the seriousness of the situation in Mexico and provided an instruction to the United States Commissioner to join the Mexican Commissioner in identifying the mechanisms that would allow Mexico, in case of an urgent need, to make use of United States waters to cover domestic and municipal use requirements in the Mexican communities.

The Commissioners referred to the powers, duties and responsibilities given to the International Boundary and Water Commission in Articles 2, 20 and 24 of the Treaty between the United States of America and the United Mexican States for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande signed on February 3, 1944, regarding the utilization, measurement, conveyance, storage and diversion of the waters of the Rio Grande allotted to the United States and Mexico under this treaty.

At the same time, the Commissioners observed that even though the storage corresponding to the United States at Amistad and Falcon Dams is not in abundance, it exceeds the stored waters available to Mexico. Thus in the spirit of Article 9 of the 1944 Water Treaty, a framework of cooperation between the two countries could be considered to allow Mexico to alleviate the extreme drought that affects Mexico, giving preference to domestic and municipal uses of the international waters in accordance to Article 3 of the 1944 Water Treaty.

The Commissioners considered that in the event during 18 months after this Minute enters into force, the combined storage of waters belonging to Mexico in the international Amistad and Falcon reservoirs declines to 150 mcm or 121,606 af due to the continuous release of 10 cms (353 cfs) of Mexican waters from Amistad Dam and the corresponding releases at Falcon Dam of 7 cms (247 cfs), and inflows of waters belonging to Mexico are less than 10 cms or 353 cfs, municipal water supplies for Mexican communities would be seriously threatened. In such a situation, the Commissioners considered that Mexico may divert and use waters allotted to the United States from the Conchos River which reach the main channel of the Rio Grande up to an amount of 100 mcm (81,071 af). However, this use by Mexico of U.S. waters may occur only if the combined storage of waters belonging to the United States at International Amistad and Falcon Dams is not less than 740 mcm (600,000 af). They considered that the loan of such waters could be repaid by Mexico in space available and belonging to the United States, after the waters arrive at Amistad Reservoir and the combined storage of waters belonging to Mexico in the international Amistad is greater than 200 mcm (162,142 af) and that at Falcon is at least 50 mcm (40,536 af) and inflows into Amistad Reservoir of waters belonging to Mexico are in excess of 10 cms (353 cfs). They considered it appropriate that at the same time the Mexican Commissioner would notify the United

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States Commissioner of the volume of waters to be released from Luis L. Leon Dam to the Conchos River, indicating the period, release rates and the amount of waters to be utilized by Mexico.

The United States Commissioner stated that this arrangement does not in any way represent a waiver of the rights established for the United States in Article 4 of the Water Treaty of 1944. Further, he stated that the repayment arrangement recognizes that current storage of United States waters in the international Amistad and Falcon Reservoirs is below that needed to fully satisfy demands established by applicable legislation in the United States.

The Commissioners noted the 1944 Water Treaty provisions regarding the measurement, conveyance, storage and diversion of waters belonging to each country. The Commissioners considered it appropriate to reinforce, at the earliest time possible, the Commission's procedures set forth in the 1944 Water Treaty governing these activities. In this regard, the Commissioners considered it important that the Commission ensure that only those Rio Grande waters be diverted for which water is released for such purpose or which belong to that country from contributions from its tributaries. For this purpose, the United States Section would rely on the State of Texas and the Mexican Section will utilize the Comision Nacional del Agua (CNA) to apply the corresponding laws and regulations. At the same time the Commission will continue to keep a record of Rio Grande waters belonging to each country taking into account measurement of allotments and regulation of stored waters along with withdrawals, consumptive uses, diversions and losses.

The Commissioners also observed the importance that the two countries have given to the common interest in the conservation and storage of waters in the international reservoirs and the maximum use of those structures to obtain the most beneficial use of the waters belonging to each country. They also observed that the IBWC has established a mechanism of exchanging information regarding water management practices by competent water agencies in the two countries. They considered it appropriate to also reinforce this dialogue to cover information sharing and conservation measures.

Based on the above, the Commissioners submit the following resolutions for approval by the two Governments:

1. In the event, during the 18 months after this Minute enters into force, that the combined storage of waters belonging to Mexico in the international Amistad and Falcon reservoirs declines to 150 million cubic meters (mcm) or 121,606 acre feet (af) and inflows of waters belonging to Mexico are less than 10 cubic meters per second (cms) or 353 cubic feet per second (cfs), due to continuous releases of Mexican waters of 10 cms (353 cfs) from Amistad Dam and corresponding releases of 7 cms (247 cfs) at Falcon Dam, and combined storage of United States waters at these dams is not less

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than 740 mcm (600,000 af), Mexico may divert and use, for domestic and municipal needs, waters allotted to the United States from the Conchos River which reach the main channel of the Rio Grande up to an amount of 100 mcm (81,071 af) to be repaid under the terms of Resolution 2 of this Minute and initiated under the procedures in Resolution 3 of this Minute.

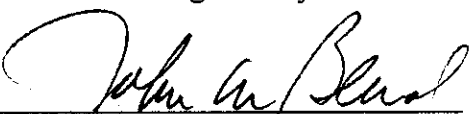
2. When the waters referred to in Resolution 1 have arrived at Amistad Reservoir, and the storage belonging to Mexico in Amistad is greater than 200 mcm (162,142 af) and at least 50 mcm (40,536 af) at Falcon Dam and inflows into Amistad Reservoir of waters belonging to Mexico exceed 10 cms (353 cfs), the inflows in excess of this amount shall be credited to the United States in space allotted to the United States up to the volume of United States waters diverted and utilized by Mexico under Resolution 1 of this Minute.
3. To initiate the use of United States waters under Resolution 1 of this Minute, the Mexican Commissioner will notify the United States Commissioner of the volume of waters to be diverted and utilized by Mexico, as well as the volumes of waters to be released from Luis Leon L. Dam on the Conchos River. He will also indicate the release rates and periods.
4. The arrangement in Resolutions 1, 2 and 3 does not in any way represent a waiver of the rights established for the United States in Article 4 of the Water Treaty of 1944.
5. The Commission will reinforce activities governing diversion of waters that belong to each country, by obtaining information on the location of authorized pumps, their capacities, and operating characteristics and updating procedures for the joint operation of Anzalduas Dam to ensure that only Rio Grande waters are diverted by one country if such country has released waters for such purpose or correspond to that country in accordance to contributions from its tributaries. For this purpose, the United States Section will rely on the State of Texas and the Mexican Section will utilize the Comision Nacional del Agua (CNA) to apply the corresponding laws and regulations.

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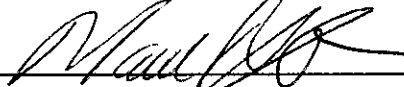
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6. The Commission will continue, in the earliest time possible, activities in furtherance of the obligation in the 1944 Water Treaty that the Commission keep a record of waters belonging to each country and those that may be available at a given moment. This will ensure expeditious agreements on water accounting and the availability of these data to the public in the United States and Mexico.
7. The Commission will continue its practice of exchanging information regarding water management practices by competent water agencies in the two countries in the interest of having basin-wide information that will enable the proper authorities in the two countries to have the best information possible in developing conservation and other planning strategies in the part of the Rio Grande basin in their respective territories.
8. This Minute requires the specific approval of the two Governments and will enter into force on the date of such approval.

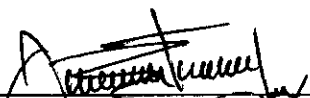
The meeting was adjourned.




John M. Bernal
United States Commissioner



Manuel R. Ybarra
United States Section Secretary



J. Arturo Herrera Solis
Commissioner for Mexico



Jose de Jesus Luevano Grano
Mexican Section Secretary