

June 17, 2014

The Honorable Edward Drusina  
Commissioner  
International Boundary and Water Commission  
4171 North Mesa, Suite C-100  
El Paso, TX 79902-1441

Dear Commissioner Drusina:

I write to express and document my disappointment, which I know you share, in the latest development and responses from Mexico regarding the current deficit to the Rio Grande and Mexico's obligation to address the same under the terms of the 1944 Treaty.

On Friday, June 13, 2014, you informed me that after countless meetings, extensive technical work by your staff and our cooperative efforts to develop a model by which Mexico could address the increasing deficit, as well as bring certainty to future deliveries, Mexico has again refused to act on our path-forward suggestions. To be clear, your staff had developed, and we had suggested modifications to the development of a basin management model that would utilize naturalized flows as a primary driver for determining equitable distribution of water to the Rio Grande. A model based on naturalized flows is the only equitable way to ensure compliance with the intent of the Treaty. Any model that is based on post Treaty reservoir development by Mexico does not protect the United States' water supplies provided by the Treaty. In fact, historic records clearly show that since 1995 Mexico has radically reduced deliveries to the United States for reasons that are not simply associated to drought but appear to be based on a water management practice that ignores the United States' right to water. Under the Treaty, Mexico can fail to deliver the requisite minimum annual amount only during periods of extraordinary drought – which clearly have not existed during the vast majority of the periods studied under the model.

Mexico's failure to deliver water in a fair manner has caused undue hardship for agriculture and many of our municipalities by endangering their ability to convey municipal water. We have shared with you and Mexico the extensive economic impact that their failure to honor the Treaty has caused the Lower Rio Grande Valley of Texas. A 2013 Texas A&M AgriLife study identified that a loss of irrigation water in the lower Rio Grande endangers 4,840 jobs and reduces agricultural output by approximately \$395,000,000 annually. The Lower Rio Grande Valley of Texas is directly dependent on Mexico's compliance with the Treaty.

**Our Mission** : **Board Members**

To provide leadership, planning, financial assistance, information, and education for the conservation and responsible development of water for Texas

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In order to advance the model and work towards a sustainable solution, we have jointly presented to Mexico over the past years not only the aforementioned model, but also several on-point options allowed under the Treaty, utilizing the flexibility of Article 9, by which the current deficit could be addressed. This information has been presented in multiple technical as well as Commissioner level meetings in El Paso, San Diego, and Mexico City. Texas has directly participated in many of these.

More recently, we had agreed that following the exchange of the latest version of the model results, Mexico, the United States, and Texas would hold a "decision maker" level meeting to arrive at an acceptable path forward. Regrettably, these meetings have been canceled frequently, mostly at the last minute due to Mexico's inability to commit to such a meeting.

On Friday, June 13, 2014, you notified me that during the latest technical level meeting, CONAGUA representatives notified your staff that Mexico would not commit to a planned decision maker type meeting previously scheduled for June 20, 2014. Mexico was not ready to discuss paths forward or present viable options they had developed, would not accept our suggested path forward, and would not be ready to discuss meaningful ways to resolve the deficit until August 2015. While some preliminary work may be available by this August, no commitment would be made until next year. My understanding from you is that Mexico intends to develop a RiverWare model that applies naturalized flow but there has been no commitment as of yet to consider United States rights to water as part of their analysis and development of their plan. Further, my understanding is that Mexico would only commit to delivery of water to the United States if and when the reservoirs in Mexico were at or above NAMO (conservation). This is in conflict with a naturalized flow approach. This is also an obvious attempt by Mexico to justify their increased development, past and future, of the water supplies of the Rio Grande. Development above the conditions existing in 1944, at the time of the signing of the Treaty, causes impacts to the United States not consistent with the Treaty. This is completely unacceptable and not within the spirit of the Treaty.

The response from Mexico is not in keeping with the positive feedback recently shared with elected officials in Washington by the United States Department of State as to current negotiations. In fact, I cannot identify any good faith effort by Mexico to address their deficit to the United States under the Treaty based on their latest response.

I have notified several of our elected officials of the recent negative response, and they share our disappointment. I ask that you elevate this latest development to the highest levels at the United States Department of State for action. Regrettably, due to Mexico's unwillingness to meet their Treaty obligations, we find ourselves in the same historical position regarding Treaty compliance. The previous debt situation was only resolved by meaningful, active, and decisive participation and action by the United States Department of State and higher offices.

Texas can ill afford and the United States should not accept yet one more year where Mexico constantly utilizes all water in their reservoirs to satisfy all of their demands while it allocates zero water for Treaty compliance. The United States sets aside water for Treaty compliance to Mexico out of the Colorado. The United States should demand the same from Mexico out of the

Rio Grande. Both our obligation to Mexico from the Colorado and Mexico's obligation to the United States on the Rio Grande are contained in the same Treaty.

As I committed to you, I will continue to participate in future discussions and meetings to the extent that there is a genuine effort, participation, and dedication to solving the issue in a sustainable manner. Regrettably, I find that the last several meetings have served no purpose other than to be able to count yet one more meeting that has led to absolutely no constructive resolution.

Respectfully,



Carlos Rubinstein  
Chairman

- c: The Honorable Rick Perry, Governor, State of Texas  
The Honorable John Cornyn, United States Senate  
The Honorable Ted Cruz, United States Senate  
The Honorable Joe L. Barton, United States House of Representatives  
The Honorable Kevin Brady, United States House of Representatives  
The Honorable Michael C. Burgess, United States House of Representatives  
The Honorable John R. Carter, United States House of Representatives  
The Honorable Joaquin Castro, United States House of Representatives  
The Honorable K. Michael Conaway, United States House of Representatives  
The Honorable Henry R. Cuellar, United States House of Representatives  
The Honorable John Culberson, United States House of Representatives  
The Honorable Lloyd Doggett, United States House of Representatives  
The Honorable R. Blake Farenthold, United States House of Representatives  
The Honorable Bill Flores, United States House of Representatives  
The Honorable Pete P. Gallego, United States House of Representatives  
The Honorable Louie Gohmert, United States House of Representatives  
The Honorable Kay Granger, United States House of Representatives  
The Honorable Al Green, United States House of Representatives  
The Honorable Gene Green, United States House of Representatives  
The Honorable Ralph M. Hall, United States House of Representatives  
The Honorable Jeb Hensarling, United States House of Representatives  
The Honorable Rubèn Hinojosa, United States House of Representatives  
The Honorable Sheila Jackson-Lee, United States House of Representatives  
The Honorable Eddie Bernice Johnson, United States House of Representatives  
The Honorable Sam Johnson, United States House of Representatives  
The Honorable Kenny Marchant, United States House of Representatives  
The Honorable Michael McCaul, United States House of Representatives  
The Honorable Randy Neugebauer, United States House of Representatives

The Honorable Francis "Beto" O'Rourke, United States House of Representatives  
The Honorable Pete Olson, United States House of Representatives  
The Honorable Ted Poe, United States House of Representatives  
The Honorable Pete Sessions, United States House of Representatives  
The Honorable Lamar Smith, United States House of Representatives  
The Honorable Steve Stockman, United States House of Representatives  
The Honorable William M. "Mac" Thornberry, United States House of Representatives  
The Honorable Marc Veasey, United States House of Representatives  
The Honorable Filemon Vela, Jr., United States House of Representatives  
The Honorable Randy Weber, United States House of Representatives  
The Honorable Roger Williams, United States House of Representatives