

STATE OF TEXAS

§

COUNTY OF CAMERON

§

§

No. 2013R03025

RESOLUTION

**BE IT RESOLVED THAT ON THE 14<sup>TH</sup> DAY OF MARCH 2013, THE CAMERON COUNTY COMMISSIONERS' COURT CONVENED IN SPECIAL SESSION, AND UPON THE REQUEST OF THE CAMERON COUNTY COMMISSIONERS, THE FOLLOWING ITEM WAS PLACED ON THE AGENDA OF THE SAID COURT FOR SUCH MEETING, PURSUANT TO GOVERNMENT CODE SECTION 551.041 *ET. SEQ.*, VERNON'S TEXAS CIVIL STATUTES (THE TEXAS OPEN MEETING ACT) TO BE CONSIDERED**

**“CONSIDERATION AND APPROVAL OF A RESOLUTION REQUESTING THE UNITED STATES SECTION OF THE INTERNATIONAL BOUNDARY AND WATER COMMISSION AND THE UNITED STATES DEPARTMENT OF STATE TO PURSUE THROUGH APPROPRIATE MINUTE ORDERS AND FORMAL AGREEMENTS WHEREBY MEXICO FORMALIZES A COMPLIANCE PROGRAM UNDER THE 1944 TREATY TO ANNUALLY SET ASIDE WATER IN SUFFICIENT AMOUNTS AS A PRIORITY ALLOCATION TO THE UNITED STATES FROM THE NAMED TRIBUTARIES IN MEXICO TO ENSURE MEXICO'S FULL COMPLIANCE WITH THE 1944 TREATY.”**

**WHEREAS**, the 1944 Treaty between the United States and Mexico provides that the United States is entitled to one-third (1/3) of the flow reaching the main channel of the Rio Grande River from the Conchos, San Diego, San Rodrigo, Escondido and Salado Rivers and the Las Vacas Arroyo, provided that this third shall not be less, as an average amount in cycles of five consecutive years, than 350,000 acre-feet (431,721,000 cubic meters) annually; and,

**WHEREAS**, Texas water right holders are the sole beneficiaries of the United States' one-third (1/3) portion of such flow in the Rio Grande River; and,

**WHEREAS**, the 1944 Treaty further states that any deficits during a five (5) cycle caused by “extraordinary drought” which is a year in a five (5) year cycle in which there are insufficient surface water runoff in the Rio Grande Basin in Mexico to provide for the required Treaty flows to the Rio Grande River or a serious accident to the hydraulic systems on the measured Mexican tributaries must be made up within the five (5) year period/cycle; and,

**WHEREAS**, the current five (5) year cycle began on October 25, 2010 and will end on October 25, 2015; as of February 9, 2013, Mexico has delivered 403,082 acre-feet. Based on an average annual delivery of 350,000 acre-feet, Mexico is approximately 392,000 acre-feet behind in their deliveries as of February 9, 2013; and,

**WHEREAS**, the Rio Grande Watermaster has reported that our water right holders have 60% less water starting off in 2013 as compared to this time last year, and this situation is due in part to the lingering drought conditions in Texas and to the continued lack of inflows from Mexico during this five (5) year cycle; and,

**WHEREAS**, the State of Chihuahua, Mexico has plans in place to undertake infrastructure projects which include the construction of at least fifteen (15) storage reservoirs of which seven (7) to nine (9) could potentially reduce the inflows into the Rio Grande River and our reservoir system; and,

**WHEREAS**, the Rio Grande Regional Water Planning Group (Region M, Texas Water Development Board) has determined that water requirements will exceed supply for the next 30 and 50 year planning horizons in the Region on the Rio Grande River dependent upon the Treaty water from Mexico; and,

**WHEREAS**, the Rio Grande Valley is expected to be in a water shortage for irrigation and is headed toward a serious water shortage for municipalities in the near future; and,

**WHEREAS**, the United States gives priority to its obligations under the 1944 Treaty to assure required flows of the Colorado River in the Colorado River Watershed in the western United States reach Mexico and takes actions to ensure that Mexico receives required flows of water from the Colorado River Watershed in the United States to which it is entitled under the Treaty; and,

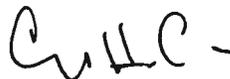
**WHEREAS**, over the past few years, additional concerns have been expressed to the International Boundary and Water Commission regarding, as examples, the improper accounting of water spilling at Ft. Quitman, Texas, said water belonging 100% to the United States; as well as the year to be credited 78,000 acre-feet of Texas water that had to be used to mitigate increased salinity in the lower Rio Grande due to poor operations of the Morillo Drain; and,

**WHEREAS**, in contrast to actions taken by the United States in the form of emergency deliveries of water and additional storage agreements that have benefitted Mexico as it relates to binational sharing of water, Mexico has yet to reciprocate.

**NOW THEREFORE BE IT RESOLVED**, that the Rio Grande Regional Water Authority (RGRWA) Board of Directors request the United States Section of the International Boundary and Water Commission and the United States Department of State to pursue through appropriate Minute Orders and formal agreements whereby Mexico (1) in the short term agrees to make up current five (5) year cycle annual deficits, restore to the United States 78,000 acre-feet used to mitigate salinity in the lower Rio Grande and institute correct accounting of water at Fort Quitman, Texas, as 100% United States water and (2) in the long term that Mexico formalizes a compliance program under the 1944 Treaty to annually set aside water in sufficient amounts, as a priority allocation to the United States from the named tributaries in Mexico to ensure Mexico's full compliance with the 1944 Treaty.

Passed, Approved and Adopted on this 14<sup>th</sup> day of March, 2013.

**COMMISSIONERS' COURT OF CAMERON COUNTY, TEXAS**



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**CARLOS H. CASCOS, CPA  
COUNTY JUDGE**

*Sofia C. Benavides*

SOFIA C. BENAVIDES  
COMMISSIONER PRECINCT 1

*David A. Garza*

DAVID A. GARZA  
COMMISSIONER PRECINCT 3

*Ernie L. Hernandez, Jr.*

ERNIE L. HERNANDEZ, JR.  
COMMISSIONER PRECINCT 2

*Dan A. Sanchez*

DAN A. SANCHEZ  
COMMISSIONER PRECINCT 4

ATTEST

*Joe G. Rivera*

JOE G. RIVERA, COUNTY CLERK

