

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 17, 2013

Mr. Edward Drusina, Commissioner
International Boundary and Water Commission, U.S. Section
The Commons, Building C, Suite 310
4171 North Mesa
El Paso, TX 79902-1441

Re: Allocation of Water at Fort Quitman

Dear Commissioner Drusina:

I acknowledge receipt of your letter of June 12, 2013 discussing your decision relating to the allocation of water at Fort Quitman. I agree with you, we have a basic disagreement in interpretation of the applicable portions of the 1944 Treaty and the Convention of 1906. Your letter offers to meet and explain your decision and the process that led to the same.

After discussing this offer with the Lower Rio Grande water interests, we would very much appreciate you meeting with us all to explain how you reached this conclusion. Specifically, we would ask that you be prepared to discuss the information and documents relied upon by Acting Commissioner Riera in reaching his original conclusion, but more importantly, we would like you to discuss any information or documentation you were able to locate and analyze during your year-long research of this matter since my May 18, 2012 letter. Along with Texas water users, I am very interested to learn of the processes that led to your conclusion. This is especially in light of the Convention of 1906 (in Article IV) language, "...and it is agreed that in consideration of such delivery of water, Mexico **waives** any and all claims to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican Canal and Fort Quitman, Texas." We really want to understand what was relied upon for you to continue to give away water to which "Mexico **waives** any and all claims." I would suggest to you that **waiving rights** to water is substantively different than allowing **the use** of water as you noted in your reply.

In an effort to reduce travel costs for entities already suffering from depressed water supplies due to Mexico's continued refusal to make timely water deliveries to the United States, I request that we have this meeting in the Lower Rio Grande Valley of Texas in early to mid-August. It would be very helpful to all if you could provide and discuss copies of the documents upon which you relied; specifically, any documents found during your research within the last year.

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Texas stakeholders and I look forward to this discussion. Let's coordinate and get this scheduled quickly to ensure all interested are able to attend.

Sincerely,



Carlos Rubinstein
Commissioner
Texas Commission on Environmental Quality

cc: Ms. Roberta Jacobson, Assistant Secretary, Bureau of Western Hemisphere Affairs,
United States Department of State
The Honorable Todd Staples, Commissioner of Agriculture
Wayne Halbert, President, Lower Rio Grande Valley Water District Managers' Association
Joe Barrerra III, Executive Director, Rio Grande Regional Water Authority
Rio Grande Watermaster Advisory Committee
Glenn Jarvis, Chairman, Rio Grande Regional Water Planning Group