

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

Protecting Texas by Reducing and Preventing Pollution

May 14, 2013

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

Re: Anniversary of Letter on Allocation of Water at Fort Quitman

Dear Commissioner Drusina:

This Saturday, May 18, marks one year since I wrote to you regarding the allocation of the waters of the Rio Grande passing the stream gage at Fort Quitman in Hudspeth County. I have not yet been offered the meeting you committed to schedule to discuss these concerns in your June 27, 2012 reply to my letter.

In my May 18, 2012 letter, I wrote that TCEQ research led us to several internal IBWC memoranda to support the 50/50 division of the waters of the Rio Grande at Fort Quitman, and these are apparently based solely on unclear testimony of Reclamation Commissioner Bashore during the Senate hearings on the ratification of the 1944 Water Treaty. I gave several compelling reasons why the waters at Fort Quitman should belong entirely to the United States.

As I noted in my May 18, 2012 letter, the 1906 Convention recognized that Mexico **waived all claims** to the waters of the Rio Grande between the Acequia Madre and Fort Quitman. You yourself, at the March 21 2013 Rio Grande Compact Commission meeting in Alamosa, Colorado stated, referencing International Dam on the Rio Grande, **“The waters from this point south, that are introduced from Mexico by Treaty, belong to the United States, Mexico relinquished all rights to that water”** (from the official transcript of the meeting).

Then why, since the 1950s, has the IBWC divided the waters passing the Fort Quitman gage equally between Mexico and the United States? The 1906 Convention—a **treaty** between both countries—dictates that those waters belong 100 percent to the United States.

This erroneous decision in the 1950s by the IBWC, U.S. and Mexico, to allocate the waters passing the Fort Quitman gage equally between the two nations both contravened the 1906 Convention and has allowed Mexico to usurp millions of acre-feet of water that rightfully belong to the United States. Just to reiterate what I wrote in my letter of May 18, 2012, this decision was never recorded as an official decision, or Minute, of the 1944 Treaty, and was instead decided at the level of the Principal Engineers. Nonetheless, this decision has been in effect for more than half a century and waters that rightfully belong to the United States and to Texas water rights holders have instead been misallocated to Mexico.

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I therefore respectfully request, on behalf of the parties for whom I wrote my May 18, 2012 letter, that effective immediately, credits to Mexico from water spilling at Fort Quitman be adjusted in favor of the United States, for all water gaged at Fort Quitman in this current cycle and beyond, including an in-storage ownership adjustment in favor of the U.S.

The refusal by Mexico to comply with the 1944 Treaty, as evident by recent actions, makes the need to reverse this accounting error even more imperative.

Sincerely,



Carlos Rubinstein
Commissioner

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