

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 7, 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 reply to my two letters on the allocation of waters at Fort Quitman. I am sure you recognize I disagree with the conclusion you presented and we will continue to pursue this matter.

Again, to quote directly from the Convention of 1906 (in Article IV), "...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." I can appreciate the difficulties in changing an erroneous historical practice, but that is no reason to continue to give away our resources.

In addition, as you quote in Articles 4(A)(d) and 4(B)(d) of the 1944 Water Treaty, the reference again is to water "...**between** (emphasis added) Fort Quitman and the lowest major international storage dam." I don't understand why the United States would grant to Mexico water to which it had already waived all rights.

If the negotiators and those who drafted the 1944 Water Treaty intended to give Mexico water that had already been granted to the United States under the Convention of 1906, they would have clearly enunciated that in the Treaty. They did not.

My letter of May 2012 further asked that we meet and discuss your findings prior to your official response. You committed to such a meeting in your June 2012 response. Regrettably, no such meeting was held prior to your official findings. However, most troubling is your reluctance to even broach with the Mexican Section of the IBWC the subject of reallocating the waters passing the Fort Quitman gage— particularly at a time when Mexico is clearly violating the 1944 Water Treaty.

Sincerely,



Carlos Rubinstein
Commissioner

Mr. Edward Drusina, Commissioner
Page 2
June 7, 2013

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 Barrera III, Executive Director, Rio Grande Regional Water Authority
Rio Grande Watermaster Advisory Committee
Glenn Jarvis, Chairman, Rio Grande Regional Water Planning Group