

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

Protecting Texas by Reducing and Preventing Pollution

April 22, 2013

Mr. Edward Drusina
Commissioner, U.S. Section
International Boundary and Water Commission, United States & Mexico
4171 North Mesa, Suite C-100
El Paso, Texas 79902-1441

Dear Commissioner Drusina:

I have been asked by irrigation districts in the Lower Rio Grande Valley to learn what happened to deliveries to the U.S. to be provided under Minute 309. Minute 309 of the International Boundary and Water Commission, U.S. and Mexico, "Volumes of water saved with the modernization and improved technology projects for the irrigation districts in the Rio Conchos Basin and measures for their conveyance to the Rio Grande," was signed July 3, 2003. At that time, the U.S. and Mexico were in the midst of the first water debt.

Under Minute 309 \$40 million from the North American Development Bank (Mexico's share of \$80 million in NADB interest) was invested in agricultural efficiencies in irrigation districts in the Río Conchos basin in Chihuahua.

Minute 309 requires the Government of Mexico, through the National Water Commission (CONAGUA), to prepare an annual report. The annual report must contain certain information, including: a) the volume of water saved through the modernization and improved technology activities in the Chihuahua irrigation districts, and b) the volumes (of water) transferred to the Rio Grande, to include a program of activities proposed after each year.

These reports are to be sent to Mexico's Secretariat of Foreign Relations (SRE) during the last week of November of each year and discussed within the International Boundary and Water Commission.

It is my understanding that the U.S. has not received any of the Minute 309 reports in years: the last report received from CONAGUA was for the 2005-2006 year as a "Final Annual Report." For the 2004-05 and 2005-06 years a total of 172,000 acre-feet of conserved volumes of water were transferred to the U.S. from Luis León reservoir.

However, efficiencies achieved by modernization and improved technologies—for example, the lining of a canal—do not end after two years. The Minute notes, for example, on pages 4 and 5 "The volumes of water saved by the modernization and technology projects in any given year will be transferred from...[various dams, including La Boquilla, Madero, and Luis Leon] during December and January of each year. The transfer to the Rio Grande of the volumes saved that arrive at Luis Leon plus the volumes saved pertaining to the Irrigation District 090 Lower Rio Conchos will begin in January of each year."

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Minute 309 estimated annual savings of 321,043 acre-feet, and nowhere in the Minute does it state volumes of water transferred will stop after two years.

I would like to know what has become of the deliveries, as well as each and every deliverable, under Minute 309. How has the IBWC ensured compliance with Minute 309? Why have deliveries stopped? How much water was saved each year and is now cumulatively owed by Mexico to the U.S.?

Sincerely,

A handwritten signature in black ink, appearing to read 'Carlos Rubinstein', written in a cursive style.

Carlos Rubinstein
Commissioner

cc: Ms. Roberta Jacobson, Assistant Secretary for Western Hemisphere Affairs,
Department of State
Mr. Wayne Halbert, Lower Rio Grande Valley Water District Manager's Association