INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

March 23, 2020

No.: US 041/20
File: 102-01a1 WAC6-3
Five-Year Cycle

Roberto F. Salmón Castelo
Commissioner for Mexico
International Boundary and Water Commission
Post Office Box 10525
El Paso, Texas 79995

Dear Commissioner Salmón:

I refer to the December 5, 2019 meeting of the Commission with technical advisors to discuss Mexico's plan for Rio Grande water deliveries to the United States in accordance with the 1944 Water Treaty and Minute No. 234, "Waters of the Rio Grande Allotted to the United States from the Conchos, San Diego, San Rodrigo, Escondido and Salado Rivers and the Las Vacas Arroyo," dated December 2, 1969.

At that meeting, Mexican officials presented a plan to deliver water to the United States during the current five-year water delivery cycle to ensure the cycle ends without a deficit as required by the treaty and Minute No. 234. The plan consisted of water releases from Mexican reservoirs from late December 2019 through February 2020, a period when the weather is cooler and evaporation losses are less, as well as additional seasonal inflows through October 24, 2020, the end of the current five-year cycle. The Mexican officials told us the plan had been reviewed and endorsed by the highest levels of the Mexican government in consultation with the governors of Mexico's Rio Grande basin states. If there were a shortfall in deliveries from the sources identified above, then Mexico would take additional actions to avoid a deficit.

With one-third of the flows arriving in the Rio Grande from the Mexican tributaries being accounted for the United States, in accordance with the 1944 Water Treaty, the total volume to be delivered to the United States during the aforementioned December-February period was estimated to be 180,000 acre-feet (222 million cubic meters). However, according to preliminary water accounting data, fewer than 16,000 acre-feet (19 million cubic meters) were actually delivered between December 14, 2019 and February 29, 2020. By means of this letter, I wish to express my gravest concern about Mexico's failure to fulfill its commitments from the December 5 meeting to ensure compliance with the 1944 Water Treaty. In fact, Mexico has delivered practically no water at all since our meeting.

I am particularly disappointed given our understanding that Mexico could fulfill its water delivery obligations to the United States while also ensuring a full water supply for Chihuahua farmers. Likewise, the failure of Mexico to fulfill its Rio Grande obligations to the United States is particularly troubling in light of the ongoing cooperation between our two countries on the

Colorado River where my government has never failed to meet its water delivery obligations to Mexico. Together with the U.S. Department of State, I am required to report annually to Congress as to whether Mexico is meeting its Rio Grande water delivery obligations under the 1944 Treaty. Congress closely monitors the deliveries and would find it hard to understand how Mexico could miss the five-year requirements, despite both the December 5 assurances and the Treaty.

I would like to take this occasion to remind you that the previous five-year cycle ended on October 24, 2015 with a debt of 263,250 acre-feet (324.7 million cubic meters) owed to the United States. Minute No. 234 is very clear that "in the event of a deficiency in a cycle of five consecutive years in the minimum amount of water allotted to the United States from the said tributaries, the deficiency shall be made up in the following five-year cycle, together with any quantity of water which is needed to avoid a deficiency in the aforesaid following cycle…" Therefore, the current five-year cycle must not end with a deficit. With precious few months remaining in the current cycle, I urge you to take immediate action to fulfill Mexico's obligations under longstanding international agreement to deliver water to the United States.

Sincerely,

Jayne Harkins

Jayne Harkins, P.E.
Commissioner

Cc:
Jon Niermann, Chairman, Texas Commission on Environmental Quality
Emily Lindley, Commissioner, Texas Commission on Environmental Quality
L'Oreal Stepney, Deputy Director, Office of Water, Texas Commission on Environmental Quality
The Honorable Lyle Larson, Chair, Natural Resources Committee, Texas House of Representatives
The Honorable Charles Perry, Chair, Committee on Water & Rural Affairs, Texas Senate
The Honorable Greg Abbott, Texas Governor
The Honorable Ruth R. Hughs, Texas Secretary of State
The Honorable Vicente Gonzalez, U.S. House of Representatives
The Honorable Veronica Escobar, U.S. House of Representatives
The Honorable Will Hurd, U.S. House of Representatives
The Honorable Henry Cuellar, U.S. House of Representatives
The Honorable Filemon Vela, U.S. House of Representatives
The Honorable John Cornyn, U.S. Senate
The Honorable Ted Cruz, U.S. Senate