CHARLES PERRY
TEXAS STATE SENATOR
DISTRICT 28

May 8, 2020

The Honorable Ted Cruz
United States Senate
Russell Senate Office Bldg, 127A
Washington, DC 20510

Dear Senator Cruz,

As Chairman of the Senate Committee on Water & Rural Affairs, I serve as the Texas Senate representative in discussions the State of Texas has with the International Boundary and Water Commission (IBWC) in implementing and enforcing the 1944 Treaty between the United States and Mexico. I am asking that the federal government enforce this treaty since Mexico has not adhered to the agreement.

The Treaty refers to the "utilization of waters of the Colorado and Tijuana Rivers, and of the Rio Grande from Fort Quitman, Texas to the Gulf of Mexico" and allows for the release of water for use in the Rio Grande River Valley. The agreement has enabled our two countries to work cooperatively for the good of our farmers, ranchers, municipalities, and industries to adequately supply water.

The IBWC has served as the agent responsible for the implementation of the treaty since its inception. Commissioner Jayne Harkins leads the dispute resolution. We have greatly appreciated the efforts of the IBWC, however, Mexico has allowed an untenable deficit to continue in their water transfers.

In December 2019, the IBWC and representatives from each country met to discuss the growing water deficit from Mexico. A plan was presented by Mexico to help them "catch up" as they were already behind in their water releases. The goal of the plan was for Mexico to be current by March 2020. Unfortunately, this did not happen.

As of April 27, 2020, Mexico is 280,434 acre feet behind in their water releases to the Rio Grande River which is just over 91 million gallons of water. It is our understanding that in an effort to store water, Mexico is holding supply in other reservoirs in a chain of lakes so that the storage capacity of the Amistad/Falcon is under 4% at 91,610 acre feet. Current estimated storage supply of water in Mexico that could be available for release is 2,229,351 acre feet.

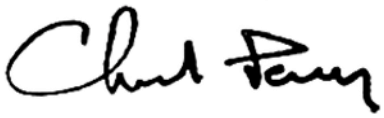
In the past, Mexico has fallen behind in a similar way. The country has relied on the weather to help them meet the requirements of the agreement. The rain has not started and South Texas is facing a drought which has crippled the region. This is happening just as the growing season is slated to begin.

The effects of this are now felt in many ways. First, the salinity levels of the Rio Grande River are rising. The most recent reading below the Falcon Dam exhibited the salinity at 1,000 mg/l, a number at which crops and water systems will begin to be negatively affected. Second, 30% of the irrigation districts in the Rio Grande system now have 50% or less water available for their authorized water right. None of the districts have 100% of their water right available.

With the lack of available water, many of these systems may need to purchase water and utilize the push system to force water through the canal system for delivery. This would then result in an increase in cost to water users.

I am calling on our federal partners to enforce the agreements made in the 1944 Treaty with Mexico over our shared interest in water resources. The United States has consistently delivered on our promises of water from the Colorado River to Mexico. Our ask is for the country to respect our deliveries and honor their own.

Thank you,



Charles Perry
Chair, Senate Committee on Water and Rural Affairs

This information has also been sent to Senator John Cornyn.

CC: The Honorable Colin Allred, Jodey Arrington, Brian Babin, Kevin Brady, Michael Burgess, John Carter, Joaquin Castro, Michael Cloud, Mike Conaway, Dan Crenshaw, Henry Cuellar, Lloyd Doggett, Veronica Escobar, Lizzie Fletcher, Bill Flores, Sylvia Garcia, Louie Gohmert, Vincente Gonzalez, Lance Gooden, Kay Granger, Al Green, Will Hurd, Sheila Jackson Lee, Eddie Bernice Johnson, Kenny Marchant, Michael McCaul, Pete Olson, John Ratcliffe, Chip Roy, Van Taylor, Mac Thornberry, Marc Veasey, Filemon Vela, Randy Weber, Roger Williams, and Ron Wright