



GOVERNOR GREG ABBOTT

June 29, 2020

Commissioner Jayne Harkins, P.E.
International Boundary and Water Commission, U.S. Section
4191 North Mesa Street
El Paso, Texas 79902-1441

Dear Commissioner Harkins:

The United States International Boundary and Water Commission's (IBWC) work is vital to ensure Texas water rights holders receive the water necessary for irrigating crops, supplying municipalities, and carrying out mining and industrial operations along the Rio Grande River. In a May 4, 2020, letter from the Texas Commission on Environmental Quality (TCEQ), Commissioner Emily Lindley highlighted issues with Mexico's Treaty deliveries as well as salinity challenges along the Rio Grande. I am following up regarding Texas' growing concern over the lack of delivered water and the high salinity within the lower Rio Grande.

Under the *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* (Treaty) signed February 3, 1944, Mexico is obliged to deliver to Texas 1,750,000 acre-feet (AF) of water over a five-year cycle, at a rate of 350,000 AF per year. As we approach the end of the current five-year cycle on October 24, 2020, Mexico has a major deficit—318,379 AF less than the minimum expected delivery as of June 13, 2020. Meanwhile, Mexico still holds 2,622,741 AF of water in its interior reservoirs as of June 22, 2020.

Mexico did not honor its commitment to make the required Treaty deliveries to Texas by March 2020. While Mexico has again made commitments to deliver water in June 2020, Texas still has not received any significant water deliveries. Mexico also did not remain current (as required by Minute 234) when a previous cycle ends in a debt. Mexico's failure to honor its commitments creates significant challenges for Texas' water users.

Furthermore, Texans continue to face high salinity levels within the lower Rio Grande. The most recent high salinity levels event started on June 3, 2020, and finally began to subside on June 19, 2020. Salinity during this time measured up to 1,590 mg/L at the Anzalduas pool and up to 1,690 mg/L near Mercedes, Texas. Salinity levels above 1,000 mg/L compromise crops and municipal water systems. Even though salinity levels have fallen in the past few days, this longstanding issue has never been resolved.

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Salinity within the Rio Grande has been an issue for over fifty years. Treaty Minutes 223, 224, 282, and 303 address the El Morillo Drain, a significant source of salinity for the Rio Grande below Falcon Dam. El Morillo Drain should operate at a capacity of 3 cubic meters per second (CMS); however, obstruction, debris, and trash have weakened the capacity of El Morillo Drain to 2 CMS. Recently, El Morillo Drain continued to spill highly saline water into the Rio Grande. The Puertecitos Drain and the Rancherías Drain—drains that Mexico recently used to bring water to the Rio Grande—as well as other drains from Mexico, cause elevated salinity as well. Mexico's decreased releases out of Falcon Dam have also amplified salinity within the Rio Grande.

For both the Treaty deliveries and high salinity challenges, we emphasize the following:

- Mexico frequently does not deliver Treaty waters consistently, as required;
- El Morillo Drain continues to function below requisite capacity;
- Mexican drains are negatively affecting salinity within the Rio Grande; and
- Mexico releases very little to no water from sources within the lower Rio Grande that could decrease salinity levels during high salinity events.

Texas values its relationship with IBWC and wants to increase the transparency necessary for sustainable solutions to water issues that will continue to affect Texans for years to come. Current efforts having proven insufficient, we need a new plan of action to reach a broad, lasting solution. Texas sincerely wants to work with IBWC to resolve these problems. I look forward to engaging with you on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Abbott", written in a cursive style.

Greg Abbott
Governor

GA:shd