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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 26, 2024

Dr. Maria-Elena Giner, P.E., Commissioner
International Boundary and Water Commission, U.S. Section
4191 North Mesa St.
El Paso, TX 79902-1441

Dear Commissioner Giner:

The Mexican Federal Water Commission has yet to release waters from their reservoirs this five-year cycle, relying on wild water and unpredictable rainfall to meet minimum Treaty requirements. This decades-long practice is untenable. As part of good faith negotiations, both the United States and Mexico must recognize it is now hydrologically impossible for Mexico to comply with Article 4.B.(c) of the Treaty without releasing water from Mexican reservoirs.

While we are mired in analyzing historic flows of U.S. tributaries and other long-term strategies, I want to redirect our efforts to meet the urgency of the moment. Texas' storage in the Amistad/Falcon reservoir system is at historic spring season lows. Texans need water now, and the Texas Commission on Environmental Quality (TCEQ) remains focused on responding to the current water shortages in the reservoir system.

On March 19, 2024, the International Boundary and Water Commission (IBWC) submitted to TCEQ a copy of Mexico's annual irrigation plan as required under Minute 325; however, it was incomplete. While I am encouraged by the data exchange, allocations for two key irrigation districts in Chihuahua were left blank. Can you provide an update on Mexico's allocation decisions and communications with your counterparts?

During the third year of the current Treaty cycle, Mexican Federal Water Authorities allocated 99.8% of the maximum allotment to Chihuahuan farmers on the lower Río Conchos, while Mexico's obligation to Texas pursuant to the Treaty was ignored. At the three-year and six-month mark of the current five-year cycle, Mexico's Treaty deliveries are 32.0% of the minimum required. Recognizing this drastic inequity, it is important to note that Mexico does not recognize the Treaty obligation in their water management process like U.S. federal officials do on the Colorado River under the same Treaty.

As we have discussed at length, the Treaty outlines two events that would permit Mexico to make up deficiencies after the close of a five-year cycle: *extraordinary drought or serious accident to the hydraulic systems on the measured Mexican tributaries*. It has come to my attention that there is discussion from our Mexican counterparts claiming extraordinary drought as cause for non-compliance at the close of the current cycle on October 24, 2025. We are deeply concerned about these claims, particularly given the

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water allocations to Chihuahuan farmers. I therefore urge you to contest any claims from Mexico citing extraordinary drought as cause for non-compliance.

Water shortages in South Texas have already affected irreversible damage. Just last month we saw the Rio Grande Valley Sugar Growers Association [announce the closure of the last sugar mill](#) in Texas, a closure that will result in a loss of livelihood for over 600 farmers and workers and is anticipated to cause over \$100 million in economic losses. South Texas agriculture depends upon adequate and reliable water deliveries. I implore you to increase efforts and implement new strategies to secure water deliveries to ensure South Texas communities have sufficient water supplies for the coming summer months.

Thank you for your dedication to changing the status quo and securing more reliable deliveries. I look forward to continued collaboration between our agencies in support of our shared water goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Bobby Janecka", with a long horizontal flourish extending to the right.

Bobby Janecka, Commissioner
Texas Commission on Environmental Quality