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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 31, 2023

Ramon Macias, III, P.E
Principal Engineer, Engineering Section
U.S. International Boundary and Water Commission (IBWC)
4191 North Mesa Street
El Paso, Texas 79902-1441

Re: Deficient Water Treaty Deliveries

Dear Mr. Macias:

For years, Mexico has failed to deliver water to the Rio Grande as required by the 1944 Water Treaty with the United States. Last year, Mexico's failure to deliver water at agreed rates—combined with an ongoing drought in South and West Texas—created such severe shortfalls that some Texas communities had fewer than 45 days of water storage on hand.

This dangerous water shortfall was brought to IBWC'S attention in July. At that time, we urged IBWC to work aggressively towards identifying pathways towards current cycle and long-term treaty compliance. Yet IBWC has not compelled Mexico to deliver needed water at agreed levels in accordance with their treaty obligations.

Over six million people rely on reservoirs along the Rio Grande for drinking water. Texans will soon face another summer without water allotments that Mexico is obligated to provide under the 1944 Water Treaty. Those water delivery shortfalls have now reached historic levels. The current 1944 Water Treaty cycle began on October 25, 2020. As of January 21, 2023, Mexico had a prorated water delivery deficit of 453,945 acre-feet. This is the second largest water deficit Mexico has held in the last three decades at this point in the cycle. Last year, water deliveries from Mexico reached historic lows and U.S. water storage levels in the Amistad-Falcon reservoir system declined precipitously.

Meanwhile, as of January 21, 2023, Mexican reservoirs were at a total of 69% average capacity, and three of them above 100% capacity. Further, during the current treaty cycle, the appointed Rio Grande Watermaster allocated water to irrigation users in only 11 of 26 months. In fact, the Watermaster was forced to use water from operational reserves in April, May, and June of 2022 and, for the first time, had to apply negative allocations and use irrigation reserves in July of 2022. If current usage rates or weather conditions do not change, further negative allocations

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could occur this coming summer unless IBWC acts. These unprecedented conditions threaten the health of Texas communities along the Rio Grande and harm local farmers.

Mexico has spent most of the last three decades in a persistent water delivery deficit. IBWC must hold Mexico accountable for its blatant failure to deliver water at agreed upon levels and compel Mexico to adhere to its treaty obligations. Further, Mexico must make immediate deliveries of water and commit to delivering water during the summer months at an elevated level to address their accrued water deficits. Millions of Texans rely on these critical water deliveries. IBWC must discharge its obligations under the 1944 Water Treaty and require Mexico to fulfill hers.

Sincerely,

Cari-Michel LaCaille

Cari-Michel La Caille, Director
Office of Water
Texas Commission on Environmental Quality

cc: Colonel Steven C. McCraw, Director, Texas Department of Public Safety
W. Nim Kidd, Chief, Texas Division of Emergency Management
Mike Novak, Executive Director, Texas Facilities Commission