

September 3, 2014

The Honorable Edward Drusina
 Commissioner
 International Boundary and Water Commission
 4171 North Mesa, Suite C-100
 El Paso, TX 79902-1441

Dear Commissioner Drusina:

I write again to express my continued disappointment regarding the status of discussions with Mexico relative to the impermissible and increasing water deficit for the current 5-year cycle per the 1944 Treaty (Treaty).

For the past several years we have participated in multiple meetings with you and your staff, as well as with Mexico water officials in an attempt to proactively address the deficit thus far accumulated by Mexico in its required deliveries to the Rio Grande. To date we find ourselves still waiting on a credible and serious proposal from Mexico on how it intends to honor its obligations under the Treaty and end the current cycle without a water debt. In fact, we not only do not have a proposal to discuss, we seem to continue to wait for critical data from Mexico. IBWC has long requested data from Mexico on naturalized flows that would allow us to further the development of the delivery model. That data, expected by now, has yet to be delivered.

I reference my June 17, 2014 letter to you regarding this same subject. In that letter I noted our continued concern and disappointment regarding the lack of progress on this issue. The end result is that the deficit has grown since. In my letter to you, I asked that you elevate these discussions to the Department of State for negotiations with Mexico, similar to the level of involvement that was required in 2005 to settle that significant debt. I restate my request to you that this issue be elevated now.

Mexico will complete its allocation decisions next month. History clearly shows that Mexico has never utilized this process to respect its obligations to deliver water to the United States. In fact, Mexico's practice is to allocate all available water to their internal users and no amount to Treaty compliance. The United States continued acceptance of this practice places the reduced water deliveries and the resulting negative economic impacts on the backs of Texas Rio Grande water right holders. This is patently unfair.

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To provide leadership, planning, financial assistance, information, and education for the conservation and responsible development of water for Texas


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As I noted in my June 17th letter to you, Texas can ill afford and the United States should not accept yet one more year where Mexico constantly utilizes all water in their reservoirs to satisfy all of their demands while it allocates zero water for Treaty compliance. The United States sets aside water for Treaty compliance to Mexico out of the Colorado. The United States should demand the same from Mexico out of the Rio Grande. Both our obligation to Mexico from the Colorado and Mexico's obligation to the United States on the Rio Grande are contained in the same Treaty.

I appreciate all your efforts in attempting to move these discussions to a positive and constructive end. Regrettably, your counterparts in Mexico are not moving in the same direction and want to continue to bet on the weather for Treaty compliance and allow an impermissible deficit to grow contrary to the obligations specified in the Treaty. For all these reasons I once again call on you to move these discussions from the current level to direct negotiations at the Department of State.

Respectfully,



Carlos Rubinstein
Chairman