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October 30, 2024

The Honorable Greg Abbott  
Governor of Texas  
P.O. Box 12428  
Austin, TX 78711-2428

RE: 1944 Water Treaty Obligations

Dear Governor Abbott:

Texas Farm Bureau (TFB) continues to be extremely concerned about the dire situation for agricultural producers in the Lower Rio Grande Valley (LRGV). As we have stated repeatedly, the lack of enforcement of the 1944 Water Treaty has had and continues to have severe impacts on LRGV farm families and municipalities.

Mexico has still not delivered water to the U.S. per the terms of the 1944 Water Treaty leaving farmers along the LRGV suffering from water shortages. On October 18, 2024, the IBWC informed stakeholders that Mexico has made an offer to allow the use of 120,000-acre feet of water from the Rio San Juan and request Treaty delivery credit for any U.S. diversion of that water.

The U.S. will use 1.2 million acre-feet for agriculture in a dry year with ample water supplies. 120,000 acre-feet is only about 10% of what is needed annually. If Rio San Juan water is used, the impact is the immediate availability of water as needed, provided Mexico adheres to the agreement to deliver the agreed-upon amount of water over the agreed-upon timeframe.

If the U.S. and Mexico find agreement on this offer, it must not alleviate the need for Mexico to fulfill its Treaty obligations from the six-named tributaries. 120,000 acre-feet is a far cry from the minimum 350,000 acre-feet annual obligation, of which Mexico is dangerously behind by a staggering 975,050 acre-feet.

TFB urgently calls for the Texas Commission on Environmental Quality (TCEQ) and International Boundary Water Commission (IBWC) to find a solution to swiftly provide a fair and equitable water delivery, which meets Treaty obligations. TFB supports the following possible solutions, but also would support any other agreement that provides the LRGV farmers what they need and deserve:

- **On the state (TCEQ) level:** To accept the offer from Mexico as proposed, TCEQ can refer to the 1981 No Charge Order which authorizes the Rio Grande Watermaster to provide for the intermittent temporary diversion and use of storm and flood waters (or spill) and not charge against a water right holders authorized annual use and shall not decrease any associated net balance of water stored in Amistad or Falcon Reservoirs. This practice is consistent with previous occurrences and offers no issues with water accounting.
- **On the federal (IBWC) level:** the IBWC can counter-offer to Mexico to execute the proposed Minute which would allow for the transfer of Mexico water in the international reservoirs to the U.S. In lieu of the 120,000-acre feet of Rio San Juan water, transfer the same volume to the U.S. at the international reservoirs. This action would be consistent with the new Minute. Mexico would receive Treaty delivery credit, and would allow the TCEQ to allocate to the U.S. water right holders.

Texas Farm Bureau respectfully requests you and your office take any action necessary to reach an agreement with stakeholders to save the LRGV agricultural industry. Texas' sugar industry has already fallen victim to inaction and others are on the chopping block. We appreciate your steadfast support and look forward to our continued work together on this critical issue.

Sincerely,



Russell W. Boening  
President

RWB:LWA:lisa

CC: Dr. Maria-Elena Giner, P.E., IBWC Commissioner  
Mr. Jon Niermann, TCEQ Chairman  
Mr. Bobby Janecka, TCEQ Commissioner  
Ms. Catarina R. Gonzales, TCEQ Commissioner