

Texas Water Development Board



August 26, 2014

The Honorable Eddie Lucio, III
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768

Dear Representative Lucio:

Thank you for your letter dated August 1, 2014, regarding the allocation of water at Fort Quitman.

As you are aware, and by your direct participation in discussions with Mexico on Texas' concerns regarding the 1906 Convention as well as the 1944 Treaty, the International Boundary and Water Commission's (IBWC) apportionment of 50 percent of the water spilling at Fort Quitman to Mexico is, in our view, not consistent with the 1944 Treaty. Additionally, it is directly contrary to the 100 percent allocation to the United States of these waters under the 1906 Convention.

We have repeatedly raised this issue in the past with various IBWC Commissioners and share your disappointment in IBWC's continued improper allocation of the water spilling at Fort Quitman. As noted in your letter, the State of Texas has conducted detailed reviews of the relevant treaties, as well as the discussions in ratifying documents and testimony regarding the same. We believe our review substantiates our position. Additionally, for some time the Rio Grande water users have asked the current IBWC commissioner to come to the Valley and discuss the IBWC position on this issue. To date, no such meeting has occurred.

In addition to the apportionment of water at Fort Quitman, continued discussions with IBWC and Mexico relative to the impermissible deficit under this cycle of deliveries have also addressed the allocation and use of waters by Mexico at El Mulato Dam and management of the El Morillo Drain. Due to the lack of progress in these discussions, specifically the current deficit, the State of Texas recently requested that the IBWC elevate these issues for direct negotiations at the Department of State level, as occurred in reaching the 2005 debt agreement. It is Texas' clear intention to raise the Fort Quitman issue at these discussions.

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We very much appreciate your continued leadership and direct participation on these issues. Chairman Rubinstein, as the governor's designated representative on this issue on behalf of the state, will continue to advance our position and seek satisfactory resolution of these matters, principally, the sustainable and predictable delivery of water by Mexico to the United States on the Rio Grande as warranted under the 1944 Treaty.

Please let us know if you have any additional questions.

Respectfully,



Carlos Rubinstein
Chairman
Texas Water Development Board



Bryan W. Shaw
Chairman, Ph.D., P.E.
Texas Commission on Environmental Quality