

**INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO**

Ciudad Juarez, Chihuahua
October 21, 2020

MINUTE NO. 325

**MEASURES TO END THE CURRENT RIO GRANDE WATER DELIVERY CYCLE
WITHOUT A SHORTFALL, TO PROVIDE HUMANITARIAN SUPPORT FOR THE
MUNICIPAL WATER SUPPLY FOR MEXICAN COMMUNITIES,
AND TO ESTABLISH MECHANISMS FOR FUTURE COOPERATION TO IMPROVE
THE PREDICTABILITY AND RELIABILITY OF RIO GRANDE WATER DELIVERIES
TO USERS IN THE UNITED STATES AND MEXICO**

The Commission met at 10:00 a.m. on October 21, 2020 in Ciudad Juarez, Chihuahua near International Monument No. 1 to consider measures to end the current Rio Grande water delivery cycle without a shortfall, to improve the predictability and reliability of Rio Grande water deliveries to users in the United States and Mexico, and to permit the adoption of measures that may supply the municipal water needs of Mexican communities located along the Rio Grande downstream from Amistad International Dam in the event of an emergency.

The Commissioners observed that, in accordance with Article 4 of the United States-Mexico Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande (1944 Water Treaty), Mexico shall deliver Rio Grande water to the United States in cycles of five years. They also referred to Minute No. 234, "Waters of the Rio Grande Allotted to the United States from the Conchos, San Diego, San Rodrigo, Escondido and Salado Rivers and the Las Vacas Arroyo," dated December 2, 1969, which states that in the event of a deficiency at the end of a cycle of five consecutive years, "the deficiency shall be made up in the following five-year cycle, together with any quantity of water which is needed to avoid a deficiency in the aforesaid following cycle..." The Commissioners observed that the October 25, 2010 – October 24, 2015 cycle ended with a shortfall, which Mexico paid back in full on January 25, 2016. Given Minute 234's requirement that two back-to-back cycles may not end in a deficiency, and in light of the previous cycle's deficiency, Minute 234 requires Mexico to deliver sufficient water to avoid a shortfall at the conclusion of the October 25, 2015 – October 24, 2020 five-year cycle.

In this context, the Mexican Commissioner explained Mexico's plans to transfer to the United States a volume of water Mexico has stored at Amistad and Falcon International Reservoirs that would be required to avoid a shortfall at the conclusion of this cycle on October 24, 2020. With such a transfer of a large portion of the waters that Mexico has stored in these two reservoirs, Mexico may not be able to guarantee the municipal supply for its communities downstream from Amistad Dam if the rain conditions do not improve and Mexican storage in the international reservoirs does not increase. Given the above, Mexican storage could approach zero at one or both international reservoirs. If that were to occur, in light of Article 4 of the Mexican Constitution, which guarantees the right to water for personal and domestic consumption, Mexico would request humanitarian support from the United States if needed to guarantee the potable water supply for Mexican communities located downstream from Amistad Dam.

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

...2

Likewise, the Commissioners observed that although the United States' storage at Amistad and Falcon International Reservoirs could not be considered abundant, it is much greater than that available to Mexico, which would be considerably reduced as a result of the transfer of Mexican water to the United States at the international reservoirs. Thus, in keeping with the spirit of the provisions in Article 9 of the 1944 Water Treaty, a cooperative mechanism between the two countries could be established, in which it would be possible for the United States to provide humanitarian support to Mexico to meet the domestic and municipal uses of the Mexican communities that are supplied by the Rio Grande downstream from the Amistad and Falcon Dams, in accordance with the uses provided for in Article 3 of the 1944 Water Treaty, which gives priority to domestic and municipal uses.

The Mexican Commissioner stated that Mexico will make arrangements to supply its municipal needs with waters from other reservoirs, including, but not limited to, Marte R. Gomez Reservoir, to cover as much of its monthly municipal demands as possible.

The United States Commissioner stated that, in light of Mexico's actions to transfer most of its waters from Amistad and Falcon Reservoirs to the United States to avoid a shortfall at the end of the current water delivery cycle, the United States, for humanitarian reasons, is willing to negotiate with Mexico the terms for potential temporary use of U.S. water if Mexico needs the water for municipal but not agricultural uses downstream from Amistad Dam. Mexico would subsequently provide the United States with an equal volume of Mexican water as described in Resolution 3.

Additionally, the Commissioners emphasized the importance of establishing a framework for cooperation to develop tools to improve water management in the Rio Grande basin. This framework will include a Rio Grande Hydrology Work Group with technical experts from both countries to enhance information exchange, develop a binational Rio Grande model, and use the model as a tool to analyze water management scenarios, including scenarios related to potential future water conservation projects. The efforts of the Rio Grande Hydrology Work Group will be overseen by the Rio Grande Policy Work Group, whose members will include experts in policy matters related to water management and/or international relations. They noted the importance of dedicating personnel and resources to these work groups with the goal of developing a Minute prior to December 2023 that would provide increased reliability and predictability in Rio Grande water deliveries to users in the United States and Mexico.

The Commissioners referred to Minute No. 308, "United States Allocation of Rio Grande Waters during the last year of the Current Cycle," dated June 28, 2002, which called for increased data exchange between the two countries relating to management of the hydrological system. To achieve this goal, the two Commissioners cited the importance of sharing information in a timely fashion

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

...3

regarding Mexico's annual operating plan for the Rio Grande basin, showing allocations to Mexican users and compliance with Treaty deliveries to the United States.

The United States Commissioner stipulated that this cooperative mechanism described in this Minute does not in any way represent a waiver of the rights corresponding to her country pursuant to the provisions in Article 4 or any other provision related to the Rio Grande in the 1944 Water Treaty and its corresponding Minutes.

Based on the above, the Commissioners submit the following Resolutions for the approval of the two governments:

1. Mexico will end the October 25, 2015 – October 24, 2020 water delivery cycle without a shortfall by transferring to the United States volumes of Mexican water stored in Amistad and Falcon International Reservoirs that are required to cover any shortfall that would otherwise exist. Mexico will receive credit for any conveyance losses associated with this transfer, in accordance with established Commission procedures.
2. In the event that, as a result of the transfer described in Resolution 1, Mexican storage at the Amistad and Falcon International Reservoirs reaches a storage volume of zero or is insufficient to cover one month of municipal needs for urban use in Mexico downstream from Amistad Dam, the United States, for humanitarian reasons, will negotiate with Mexico the terms for potential temporary use of U.S. water for Mexico's minimum municipal water needs downstream from Amistad Dam. This Resolution will no longer apply when Mexico's combined storage in the Amistad and Falcon International Reservoirs reaches a volume of 129,714 acre-feet (160 million cubic meters) or on October 31, 2021, whichever occurs first.
3. In the event any U.S. water is provided for humanitarian reasons pursuant to Resolution 2, Mexico will subsequently provide the United States with an equal volume of Mexican water consistent with any negotiated arrangement. Mexico will not receive credit for any conveyance losses associated with this action.
4. The Commission will establish a Rio Grande Hydrology Work Group with technical experts from both countries to enhance information exchange, develop a binational Rio Grande model, and use the model as a tool to analyze water management scenarios, including scenarios related to future water conservation projects. The Commission will also establish a Rio Grande Policy Work Group to oversee the Rio Grande Hydrology Work Group and to consider water management policies in the basin. The Rio Grande Policy Work Group will include experts from both countries in policy matters related to water management and/or international

**INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO**

...4

relations. The two Sections will dedicate personnel and resources to these work groups with the goal of developing a Minute prior to December 2023 that would provide increased reliability and predictability in Rio Grande water deliveries to users in the United States and Mexico.

5. Prior to October 23, 2020, the Mexican Section will provide the U.S. Section with Mexico's most recent annual operating plan for the Rio Grande basin, showing water allocations for Mexican users, including Mexico's considerations for Rio Grande water deliveries to the United States. Given that some annual operating plans for some parts of the basin may not be updated and available until after that date, the Mexican Section will provide any pending operating plans by December 31, 2020. The U.S. Section will provide the Mexican Section with the State of Texas' Rio Grande basin water operating procedures. The information from both countries will be shared annually starting with the first exchange of information.
6. The mechanisms established in this Minute do not represent in any way a waiver by the United States of its rights pursuant to Article 4 or any other provision related to the Rio Grande in the 1944 Water Treaty and its corresponding Minutes.
7. This Minute will enter into force upon notification of approval by the Government of the United States of America and the Government of the United Mexican States through the respective Section of the Commission.

The meeting was adjourned.



Jayne Harkins
U.S. Commissioner



Humberto Marengo Mogollón
Mexican Commissioner



Sally E. Spener
U.S. Section Secretary



José de Jesús Luévano Grano
Mexican Section Secretary