

(English text of Minute No. 210 dated January 12, 1961)

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Ciudad Juarez, Chihuahua
January 12, 1961

MINUTE NO. 210

RECOMMENDATIONS REGARDING CONSTRUCTION OF AMISTAD DAM

The Commission met at the offices of the Mexican Section in Ciudad Juarez, Chihuahua, on January 12, 1961, at 10:00 a.m. to consider matters pertaining to construction of Amistad (formerly Diablo) Dam, the second major international storage dam on the Rio Grande provided for by Article 5 of the Water Treaty of 1944, hereinafter referred to as "the Treaty".

With reference to the Joint Declaration of the Presidents of the United States of America and of the United Mexican States, Ciudad Acuña, October 24, 1960, in which agreement was expressed that the two Governments would proceed with the construction of Amistad Dam as soon as possible after approval of the technical recommendations that were to be made for that purpose by the Commission, the Commissioners confirmed that economic studies had been made and the interested agencies of their respective countries had been consulted and that they were in a position to make those technical recommendations. They accordingly agreed that the project should be constructed substantially as described in Minute No. 207 adopted by the Commission June 19, 1958, and subsequently approved by both Governments. The Commission reviewed and approved the "Joint Report of the Principal Engineers on Remaining Determinations Preparatory to Construction of Amistad Dam" submitted by Principal Engineers Joseph F. Friedkin and Joaquin C. Bustamante under date of November 24, 1960. The English and Spanish texts of this report are attached hereto and form part hereof.

The Commission then adopted the following resolution:

- "1. It is recommended that the two Governments approve construction of Amistad Dam in accordance with the plans described in the 'Joint Report of the Principal Engineers on Site, Capacities and Type of Dam for the Second Major International Storage Dam on the Rio Grande' dated June 16, 1958, accompanying and forming part of Minute No. 207 adopted by the Commission June 19, 1958, subject to such modifications as may be found by the Commission to be necessary for sound and expeditious construction or for proper functioning of the structure.
- "2. The 'Joint Report of the Principal Engineers on Remaining Determinations Preparatory to Construction of Amistad Dam' dated November 24, 1960, hereinafter referred to as 'the Joint Report', is hereby approved, specific approval being given to the following findings and recommendations contained therein:

(a) That the two Governments approve construction of an international plant

national plant for generating hydroelectric energy at Amistad Dam, as recommended in paragraph 6 of the Joint Report, consisting of two units, one for each country within its own territory and with ultimate maximum capacity of 80,000 KW at minimum head; that each country be permitted to construct its own unit at the time or times and in such stages as it may deem appropriate, with the understanding that the other country is not obligated to undertake the construction of its unit at any specified time; that regardless of the time or times when either country may undertake the construction of its unit, there be installed in the dam, during the construction thereof, the intakes and penstocks required for the two units, as recommended in paragraph 5 of the Joint Report; that the design, construction, operation and maintenance of each unit be subject to the supervision and control of the Commission; that the division of costs of construction, operation and maintenance of the plant with its intakes and penstocks, provided for in Article 7 of the Treaty, be effected by allocating to each Section the performance of design, construction, operation and maintenance of its unit; that each country generate in its own unit for its use and benefit up to one-half of the potential energy, and that the Commission may temporarily authorize either of the two countries to generate for its use and benefit such part of the potential energy belonging to the other country as the latter cannot generate in its own unit, with the understanding that such authorization and use shall not establish any right to continue such generation and use.

(b) That in accordance with Article 5 of the Treaty the proration of costs of construction of the dam be 56.2 per cent to the United States and 43.8 per cent to Mexico, as stated in paragraph 11 of the Joint Report.

(c) That, as provided in Minute No. 190 dated August 13, 1948, and referred to in paragraph 10 of the Joint Report, joint construction of the dam be accomplished and proration of costs of construction between the two Governments be effected by allocating items of construction work to the two Sections on the basis of estimated construction costs and in the above stated proportions, the items of work to be performed by the Section to which they are allocated or by such public or private agencies of its respective country as may be designated by that Section, under the joint supervision of the two Sections.

(d) That remaining items of work preparatory to actual construction be included in the allocation of construction work items as recommended in paragraph 11 of the Joint Report and be allocated to the two Sections for performance as recommended in paragraph 12 of that Report, and that said items preparatory to actual construction be performed by the respective Sections as expeditiously as possible, under the supervision and control of the Commission.

(e) That, as recommended in paragraph 15 of the Joint Report,
each Section

each Section proceed as expeditiously as practicable to perform the necessary general items of work within the territory of its country and at the expense of its Government in connection with construction of the dam, including the acquisition of necessary rights-of-way, relocation of highways, railroads and utilities, and building of access roads and construction camps.

(f) That spring inflows to the reservoir be calculated and accounted for in the manner recommended in paragraph 7 of the Joint Report.

(g) That surface runoff from the Devils and Pecos Rivers be measured and estimated in the manner recommended in paragraph 8 of the Joint Report.

- "3. Inasmuch as the Treaty requires the specific approval of the two Governments of construction of plants for the generation of hydroelectric energy at major international storage dams on the Rio Grande, it is understood and agreed that under the exception provided in Article 25 of the Treaty, neither Government is required to communicate to the Commission within the thirty-day period referred to in that article, its approval or disapproval of the construction recommended in paragraph 2(a) of this resolution, of a plant for generating hydroelectric energy at Amistad Dam."

The meeting then adjourned.

(signed) L. H. Hewitt
Commissioner of the United States

(signed) D. Herrera J.
Commissioner of Mexico

(signed) George H. Winters
Secretary of the United States Section

(signed) Fernando Rivas S.
Secretary of the Mexican Section