TREATY SERIES 994

UTILIZATION OF WATERS
OF THE COLORADO AND TIJUANA RIVERS
AND OF THE RIO GRANDE

TREATY
BETWEEN THE UNITED STATES OF AMERICA
AND MEXICO

Signed at Washington February 3, 1944.

AND

PROTOCOL

Signed at Washington November 14, 1944.

Ratification advised by the Senate of the United States of America
April 18, 1945, subject to certain understandings.
Ratified by the President of the United States of America November
1, 1945, subject to said understandings.
Ratified by Mexico October 16, 1945.
Ratifications exchanged at Washington November 8, 1945.
Proclaimed by the President of the United States of America
November 27, 1945, subject to said understandings.
Effective November 8, 1945.

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1946
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a treaty between the United States of America and the United Mexican States relating to the utilization of the waters of the Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from Fort Quitman, Texas, to the Gulf of Mexico, was signed by their respective Plenipotentiaries in Washington on February 3, 1944, and a protocol supplementary to the said treaty was signed by their respective Plenipotentiaries in Washington on November 14, 1944, the originals of which treaty and protocol, in the English and Spanish languages, are word for word as follows:

(1)
The Government of the United States of America and the Government of the United Mexican States: animated by the sincere spirit of cordiality and friendly cooperation which happily governs the relations between them; taking into account the fact that Articles VI and VII of the Treaty of Peace, Friendship and Limits between the United States of America and the United Mexican States signed at Guadalupe Hidalgo on February 2, 1848, and Article IV of the boundary treaty between the two countries signed at the City of Mexico December 30, 1853, regulate the use of the waters of the Rio Grande (Rio Bravo) and the Colorado River for purposes of navigation only; considering that the utilization of these waters for other purposes is desirable in the interest of both countries, and desiring, moreover, to fix and delimit the rights of the two countries with respect to the waters of the Colorado and Tijuana Rivers, the río Bravo (Grande), de Fort and of the Rio Grande (Río Bravo) Quitman, Texas, Estados Unidos from Fort Quitman, Texas, United States of America, to the Gulf of Mexico, in order to obtain the complete and satisfactory utilization thereof, have resolved to conclude a treaty and for this purpose have named as their plenipotentiaries:

The President of the United States of America:

El Presidente de los Estados Unidos de América:

Cordell Hull, Secretary of State
of the United States of America, George S. Messersmith, Ambassador Extraordinary and Plenipotentiary of the United States of America in Mexico, and Lawrence M. Lawson, United States Commissioner, International Boundary Commission, United States and Mexico; and.

The President of the United Mexican States:
Francisco Castillo Nájera, Ambassador Extraordinary and Plenipotentiary of the United Mexican States in Washington, and Rafael Fernández MacGregor, Mexican Commissioner, International Boundary Commission, United States and Mexico; who, having communicated to each other their respective Full Powers and having found them in good and due form, have agreed upon the following:

I - PRELIMINARY PROVISIONS

ARTICLE 1

For the purposes of this Treaty it shall be understood that:

(a) "The United States" means the United States of America.

(b) "Mexico" means the United Mexican States.

(c) "The Commission" means the International Boundary and Water Commission, United States and Mexico, as described in Article 2 of this Treaty.

(d) "To divert" means the deliberate act of taking water from

Al Señor Cordell Hull, Secretario de Estado de los Estados Unidos de América, al Señor George S. Messersmith, Embajador Extraordinario y Plenipotenciario de los Estados Unidos de América en México, y al Señor Ingeniero Lawrence M. Lawson, Comisionado de los Estados Unidos en la Comisión Internacional de Límites entre los Estados Unidos y México; y

El Presidente de los Estados Unidos Mexicanos:

Al Señor Dr. Francisco Castillo Nájera, Embajador Extraordinario y Plenipotenciario de los Estados Unidos Mexicanos en Washington, y al Señor Ingeniero Rafael Fernández MacGregor, Comisionado Mexicano en la Comisión Internacional de Límites entre los Estados Unidos y México; quienes, después de haberse comunicado sus respectivos Plenos Poderes y haberlos encontrado en buena y debida forma, convienen en lo siguiente:

I - DISPOSICIONES PRELIMINARES

ARTÍCULO 1

Para los efectos de este Tratado se entenderá:

a) Por "los Estados Unidos", los Estados Unidos de América.

b) Por "México", los Estados Unidos Mexicanos.

c) Por "La Comisión", la Comisión Internacional de Límites y Aguas entre los Estados Unidos y México, según se define en el Artículo 2 de este Tratado.

d) Por "derivar", el acto deliberado de tomar agua de cualquier
any channel in order to convey it elsewhere for storage, or to utilize it for domestic, agricultural, stock-raising or industrial purposes whether this be done by means of dams across the channel, partition weirs, lateral intakes, pumps or any other methods.

(e) "Point of diversion" means the place where the act of diverting the water is effected.

(f) "Conservation capacity of storage reservoirs" means that part of their total capacity devoted to holding and conserving the water for disposal thereof as and when required, that is, capacity additional to that provided for silt retention and flood control.

(g) "Flood discharges and spills" means the voluntary or involuntary discharge of water for flood control as distinguished from releases for other purposes.

(h) "Return flow" means that portion of diverted water that eventually finds its way back to the source from which it was diverted.

(i) "Release" means the deliberate discharge of stored water for conveyance elsewhere or for direct utilization.

(j) "Consumptive use" means the use of water by evaporation, plant transpiration or other manner whereby the water is consumed and does not return to its source of supply. In general it is measured by the amount of water evaporated, transpired by plants, retena or by any other medium and that which cannot return to its source of supply.
diverted less the part thereof el volumen que retorna al cauce, which returns to the stream.

(k) "Lowest major international dam or reservoir" means the internacional de almacenamiento", major international dam or reservoir situated farthest downstream.

(l) "Highest major international dam or reservoir" means the internacional de almacenamiento", major international dam or reservoir situated farthest upstream.

Article 2

The International Boundary Commission established pursuant to the provisions of the Convention between the United States por los Estados Unidos y México, and Mexico signed in Washington, el primero de marzo de 1889, para facilitar la ejecución de los principios contenidos en el Tratado de 12 de noviembre de 1884, y para evitar las dificultades ocasionadas con motivo de los cambios que tienen lugar en el cauce de los ríos Bravo (Grande) y Colorado, shall hereafter be known as the Comisión Internacional de Límites establecida por la Convención suscrita en Washington, el primero de marzo de 1889, para facilitar la ejecución de los principios contenidos en el Tratado de 12 de noviembre de 1884, y para evitar las dificultades ocasionadas con motivo de los cambios que tienen lugar en el cauce de los ríos Bravo (Grande) y Colorado, and the Colorado River cambiará su nombre por el de shall hereafter be known as the Comisión Internacional de Límites establecida por la Convención suscrita en Washington, el primero de marzo de 1889, para facilitar la ejecución de los principios contenidos en el Tratado de 12 de noviembre de 1884, and para evitar las dificultades ocasionadas con motivo de los cambios que tienen lugar en el cauce de los ríos Bravo (Grande) y Colorado, which shall continue to function for the entire period during which the present Treaty shall continue in force. According- to the provisions of the Convention of March 1, 1889 shall be considered to be indefinitely extended, and to be indefinitely extended, and y se deroga, por completo, la de the Convention of November 21, 21 de noviembre de 1900, entre the United States y México, Mexico and Mexico regarding that Con-vention shall be considered completely terminated. The application of the present Treaty, the regulation and exer-

exercise of the rights and obligations which the two Governments assume hereunder, and the settlement of all disputes to which its observance and execution may give rise are hereby entrusted to the International Boundary and Water Commission, which shall function in conformity with the powers and limitations set forth in this Treaty.

The Commission shall in all respects have the status of an international body, and shall consist of a United States Section and a Mexican Section. The head of each Section shall be an Engineer Commissioner. Wherever there are provisions in this Treaty for joint action or joint agreement by the two Governments, or for the furnishing of reports, studies or plans to the two Governments, or similar provisions, it shall be understood that the particular matter in question shall be handled by or through the Department of State of the United States and the Ministry of Foreign Relations of Mexico.

The Commission or either of its two Sections may employ such assistants and engineering and legal advisers as it may deem necessary. Each Government shall accord diplomatic status to the Commissioner, designated by the other Government. The Commissioner, two principal engineers, a legal adviser, and a secretary, designated by each Government as members of its Section of the Commission, shall be entitled in the territory of the other country to the privileges and immunities of a diplomat.
ties appertaining to diplomatic officers. The Commission and its personnel may freely carry out their observations, studies and field work in the territory of either country.

The jurisdiction of the Commission shall extend to the limitrophe parts of the Rio Grande (Rio Bravo) and the Colorado River, to the land boundary between the two countries, and to works located upon their common boundary, each Section of the Commission retaining jurisdiction over that part of the works located within the limits of its own country. Neither Section shall assume jurisdiction or control over works located within the limits of the country of the other without the express consent of the Government of the latter. The works constructed, acquired or used in fulfillment of the provisions of this Treaty and located wholly within the territorial limits of either country, although these works may be international in character, shall remain, except as herein otherwise specifically provided, under the exclusive jurisdiction and control of the Section of the Commission in whose country the works may be situated.

The duties and powers vested in the Commission by this Treaty shall be in addition to those vested in the International Boundary Commission by the Convention of March 1, 1889 and other pertinent treaties and agreements in force between the two countries except as the provisions of any of them máticos. La Comisión y su personal podrán llevar a cabo, con toda libertad, sus observaciones, estudios y trabajos de campo en el territorio de cualquiera de los dos países.

La jurisdicción de la Comisión se ejercerá sobre los tramos limítrofes del río Bravo (Grande) y del río Colorado, sobre la línea divisoria terrestre entre los dos países y sobre las obras construidas en aquéllos y en ésta. Cada una de las Secciones tendrá jurisdicción sobre la parte de las obras situadas dentro de los límites de su nación y ninguna de ellas ejercerá jurisdicción o control sobre obras construidas o situadas dentro de los límites del país de la otra Sección sin el expreso consentimiento del Gobierno de esta última. Las obras construidas, adquiridas o usadas en cumplimiento de las disposiciones de este Tratado y que se encuentren ubicadas totalmente dentro de los límites territoriales de cualquiera de los dos países, aunque de carácter internacional, quedarán, con las excepciones expresamente señaladas en este Tratado, bajo la exclusiva jurisdicción y control de la Sección de la Comisión en cuyo país se encuentren dichas obras.

Las facultades y obligaciones que impone a la Comisión este Tratado serán adicionales a las conferidas a la Comisión Internacional de Límites por la Convención del primero de marzo de 1889 y los demás tratados y convenios pertinentes en vigor entre los dos países, con excepción de
may be modified by the present Treaty.

Each Government shall bear the expenses incurred in the maintenance of its Section of the Commission. The joint expenses, which may be incurred as agreed upon by the Commission, shall be borne equally by the two Governments.

ARTICLE 3

In matters in which the Commission may be called upon to make provision for the joint use of international waters, the following order of preferences shall serve as a guide:

1. Domestic and municipal uses.
2. Agriculture and stock-raising.
3. Electric power.
4. Other industrial uses.
6. Fishing and hunting.
7. Any other beneficial uses which may be determined by the Commission.

All of the foregoing uses shall be subject to any sanitary measures or works which may be mutually agreed upon by the two Governments, which hereby agree to give preferential attention to the solution of all border sanitation problems.

II - RIO GRANDE (RIO BRAVO) II - RIO BRAVO (GRANDE)

ARTICLE 4

The waters of the Rio Grande (Rio Bravo) between Fort Quitman, Texas, and the Gulf of Mexico are hereby allotted to the two countries in the following manner:

ARTICULO 3

En los asuntos referentes al uso común de las aguas internacionales, acerca de los cuales deba resolver la Comisión, servirá de guía el siguiente orden de preferencias:

1º.- Usos domésticos y municipales.
2º.- Agricultura y ganadería.
3º.- Energía eléctrica.
4º.- Otros usos industriales.
5º.- Navegación.
6º.- Pesca y caza.
7º.- Cualesquiera otros usos benéficos determinados por la Comisión.

Todos los usos anteriores estarán sujetos a las medicas y obras sanitarias que convengan de común acuerdo los dos Gobiernos, los cuales se obligan a resolver preferentemente los problemas fronterizos de saneamiento.
A. To Mexico:
   (a) All of the waters reaching the main channel of the Rio Grande (Rio Bravo) from the San Juan and Alamo Rivers, including the return flow from the lands irrigated from the latter two rivers.
   (b) One-half of the flow in the main channel of the Rio Grande (Rio Bravo) below the lowest major international storage dam, so far as said flow is not specifically allotted under this Treaty to either of the two countries.
   (c) Two-thirds of the flow reaching the main channel of the Rio Grande (Rio Bravo) from the Conchos, San Diego, San Rodrigo, Escondido and Salado Rivers and the Las Vacas Arroyo, subject to the provisions of subparagraph (c) of paragraph B of this Article.
   (d) One-half of all other flows not otherwise allotted by this Article occurring in the main channel of the Rio Grande (Rio Bravo), including the contributions from all the unmeasured tributaries, which are those not named in this Article, between Fort Quitman and the lowest major international storage dam.

B. To the United States:
   (a) All of the waters reaching the main channel of the Rio Grande (Rio Bravo) from the Pecos and Devils Rivers, Gooedenough Spring, and Alamito, Terlingua, San Felipe and Pinto Creeks.

A. A México:
   a) La totalidad de las aguas que lleguen a la corriente principal del río Bravo (Grande), de los ríos San Juan y Alamo; comprendiendo los retornos procedentes de los terrenos que riegan estos dos últimos ríos.
   b) La mitad del escurrimento del cauce principal del río Bravo (Grande) abajo de la presa inferior principal internacional de almacenamiento, siempre que dicho escurrimento no esté asignado expresamente en este Tratado a alguno de los dos países.
   c) Las dos terceras partes del caudal que llegue a la corriente principal del río Bravo (Grande) de los ríos Conchos, San Diego, San Rodrigo, Escondido y Salado y Arroyo de Las Vacas, en concordancia con lo establecido en el inciso c) del párrafo B de este Artículo.
   d) La mitad de cualquier otro escurrimento en el cauce principal del río Bravo (Grande), no asignado específicamente en este Artículo, y la mitad de las aportaciones de todos los afluentes no aforados—que son aquellos no denominados en este Artículo—entre Fort Quitman y la presa inferior principal internacional.

B. A los Estados Unidos:
   a) La totalidad de las aguas que lleguen a la corriente principal del río Bravo (Grande) procedentes de los ríos Pecos, Devils, manantial Goodenough y arroyos Alamito, Terlingua, San Felipe y Pinto.
(b) One-half of the flow in the main channel of the Rio Grande (Rio Bravo) below the lowest major international storage dam, so far as said flow is not specifically allotted under this Treaty to either of the two countries.

(c) One-third of the flow reaching the main channel of the Rio Grande (Rio Bravo) from the Conchos, San Diego, San Rodrigo, Escendido and Salado Rivers and the Las Vacas Arroyo, provided that this third shall not be less, as an average amount in cycles of five consecutive years, than 350,000 acre-feet (431,721,000 cubic meters) annually. The United States shall not acquire any right by the use of the waters of the tributaries named in this subparagraph, in excess of the said 350,000 acre-feet (431,721,000 cubic meters) annually, except the right to use one-third of the flow reaching the Rio Grande (Rio Bravo) from said tributaries, although such one-third may be in excess of that amount.

(d) One-half of all other flows not otherwise allotted by this Article occurring in the main channel of the Rio Grande (Rio Bravo), including the contributions from all the unmeasured tributaries, which are those not named in this Article, between Fort Quitman and the lowest major international storage dam.

(b) La mitad del escurrimiento del cauce principal del río Bravo (Grande) abajo de la presa inferior principal internacional de almacenamiento, siempre que dicho escurrimiento no esté asignado expresamente en este Tratado a alguno de los dos países.

c) Una tercera parte del agua que llegue a la corriente principal del río Bravo (Grande) procedente de los ríos Conchos, San Diego, San Rodrigo, Escendido, Salado y Arroyo de Las Vacas; tercera parte que no será menor en conjunto, en promedio y en ciclos de cinco años consecutivos, de 431,721,000 metros cúbicos (350,000 acres pies) anuales.

Los Estados Unidos no adquirirán ningún derecho por el uso de las aguas de los afluentes mencionados en este inciso en exceso de los citados 431,721,000 metros cúbicos (350,000 acres pies), salvo el derecho a usar de la tercera parte del escurrimiento que llegue al río Bravo (Grande) de dichos afluentes, aunque ella exceda del volumen aludido.

d) La mitad de cualquier otro escurrimiento en el cauce principal del río Bravo (Grande), no asignado específicamente en este Artículo, y la mitad de las aportaciones de todos los afluentes no aforados—que son aquellos no denominados en este Artículo—entre Fort Quitman y la presa inferior principal internacional.
In the event of extraordinary drought or serious accident to the hydraulic systems on the measured Mexican tributaries, making it difficult for Mexico to make available the run-off of 350,000 acre-feet (131,721,000 cubic meters) annually, allotted in subparagraph (c) of paragraph B of this Article to the United States as the minimum contribution from the aforesaid Mexican tributaries, any deficiencies existing at the end of the aforesaid five-year cycle shall be made up in the following five-year cycle with water from the said measured tributaries.

Whenever the conservation capacities assigned to the United States in at least two of the major international reservoirs, including the highest major reservoir, are filled with waters belonging to the United States, a cycle of five years shall be considered as terminated and all debits fully paid, whereupon a new five-year cycle shall commence.

**ARTICLE 5**

The two Governments agree to construct jointly, through their respective Sections of the Commission, the following works in the main channel of the Rio Grande (Río Bravo):

1. The dams required for the conservation, storage and regulation of the greatest quantity of the annual flow of the river in a way to ensure the continuance of existing uses and the development of the greatest number of feasible

En casos de extraordinaria sequía o de serio accidente en los sistemas hidráulicos de los afluentes mexicanos aforados que hagan difícil para México dejar escurrir los 431 721 000 metros cúbicos (350 000 acres pies) anuales que se asignan a los Estados Unidos como aportación mínima de los citados afluentes mexicanos, en el inciso c) del párrafo B de este Artículo, los faltantes que existieren al final del ciclo aludido de cinco años, se repondrán en el ciclo siguiente con agua procedente de los mismos tributarios.

Siempre que la capacidad útil asignada a los Estados Unidos de por lo menos dos de las presas internacionales principales, incluyendo la localizada más aguas arriba, se llene con aguas pertenecientes a los Estados Unidos, se considerará terminado un ciclo de cinco años y todos los débitos totalmente pagados, iniciándose, a partir de ese momento, un nuevo ciclo.

**ARTÍCULO 5**

Los dos Gobiernos se comprometen a construir conjuntamente, por conducto de sus respectivas Secciones de la Comisión, las siguientes obras en el cauce principal del río Bravo (Grande):

1. - Las presas que se requieran para el almacenamiento y reglamentación de la mayor parte que sea posible del escurrimiento anual del río en forma de asegurar los aprovechamientos existentes y llevar a cabo el mayor número de
projects, within the limits imposed by the water allotments specified.

II. The dams and other joint works required for the diversion of the flow of the Rio Grande (Rio Bravo).

One of the storage dams shall be constructed in the section between Santa Helena Canyon and the mouth of the Pecos River; one in the section between Eagle Pass and Laredo, Texas (Piedras Negras and Nuevo Laredo in Mexico); and a third in the section between Laredo and Roma, Texas (Nuevo Laredo and San Pedro de Roma in Mexico). One or more of the stipulated dams may be omitted, and others than those enumerated may be built, in either case as may be determined by the Commission, subject to the approval of the two Governments.

In planning the construction of such dams the Commission shall determine:

(a) The most feasible sites;
(b) The maximum feasible reservoir capacity at each site;
(c) The conservation capacity required by each country at each site, taking into consideration the amount and regimen of its allotment of water and its contemplated uses;
(d) The capacity required for retention of silt;
(e) The capacity required for flood control.

The conservation and silt capacities of each reservoir shall be assigned to each country in the same

proyectos factibles, dentro de los límites impuestos por las asignaciones estipuladas de agua.

II. Las presas y las otras obras comunes que se requieran para la derivación de las aguas del río Bravo (Grande).

Una de las presas de almacenamiento se construirá en el tramo entre el Cañón de Santa Elena y la desembocadura del río Pecos; otra, en el tramo comprendido entre Piedras Negras, Coahuila y Nuevo Laredo, Tamaulipas (Eagle Pass y Laredo en los Estados Unidos) y una tercera, en el tramo entre Nuevo Laredo, Tamaulipas y San Pedro de Roma, Tamaulipas (Laredo y Roma en los Estados Unidos). A juicio de la Comisión, sujeta a la aprobación de los dos Gobiernos, podrán omitirse una o más de las presas estipuladas y, en cambio, podrán construirse otras que no sean de las enumeradas.

Al planear la construcción de dichas presas, la Comisión determinará:

a) Los sitios más adecuados;

b) La máxima capacidad factible en cada sitio;

c) La capacidad útil requerida por cada país en cada sitio tomando en consideración el monto y régimen de su asignación de agua y sus usos previstos;

d) La capacidad requerida para la retención de azolves;

e) La capacidad requerida para el control de avenidas.

La capacidad útil y la requerida para la retención de azolves, serán asignadas a cada uno de los dos
proportion as the capacities required by each country in such reservoir for conservation purposes. Each country shall have an undivided interest in the flood control capacity of each reservoir.

The construction of the international storage dams shall start within two years following the approval of the respective plans by the two Governments. The works shall begin with the construction of the lowest major international storage dam, but works in the upper reaches of the river may be constructed simultaneously. The lowest major international storage dam shall be completed within a period of eight years from the date of the entry into force of this Treaty.

The cost of construction, operation and maintenance of each of the international storage dams shall be prorated between the two Governments in proportion to the capacity allotted to each country for conservation purposes in the reservoir at such dam.

The cost of construction, operation and maintenance of each of the dams and other joint works required for the diversion of the flows of the river shall be prorated between the two countries.
between the two Governments in proportion to the benefits which the respective countries receive therefrom, as determined by the Commission and approved by the two Governments.

**ARTICLE 6**

The Commission shall study, investigate, and prepare plans for flood control works, where and when necessary, other than those referred to in Article 5 of this Treaty, on the Rio Grande (Rio Bravo) from Fort Quitman, Texas to the Gulf of Mexico. These works may include levees along the river, floodways and grade-control structures, and works for the canalization, rectification and artificial channeling of reaches of the river. The Commission shall report to the two Governments the works which should be built, the estimated cost thereof, the part of the works to be constructed by each Government, and the part of the works to be operated and maintained by each Section of the Commission. Each Government agrees to construct, through its Section of the Commission, such works as may be recommended by the Commission and approved by the two Governments. Each Government shall pay the costs of the works constructed by it and the costs of operation and maintenance of the part of the works assigned to it for such purpose.

**ARTICLE 7**

The Commission shall study, investigate and prepare plans for flood control works, where and when necessary, other than those referred to in Article 5 of this Treaty, on the Rio Grande (Rio Bravo) from Fort Quitman, Texas to the Gulf of Mexico. These works may include levees along the river, floodways and grade-control structures, and works for the canalization, rectification and artificial channeling of reaches of the river. The Commission shall report to the two Governments the works which should be built, the estimated cost thereof, the part of the works to be constructed by each Government, and the part of the works to be operated and maintained by each Section of the Commission. Each Government agrees to construct, through its Section of the Commission, such works as may be recommended by the Commission and approved by the two Governments. Each Government shall pay the costs of the works constructed by it and the costs of operation and maintenance of the part of the works assigned to it for such purpose.
plants for generating hydro-electric energy which it may be feasible to construct at the international storage dams on the Rio Grande (Rio Bravo). The Commission shall report to the two Governments in a Minute the works which should be built, the estimated cost thereof, and the part of the works to be constructed by each Government. Each Government agrees to construct, through its Section of the Commission, such works as may be recommended by the Commission and approved by the two Governments. Both Governments, through their respective Sections of the Commission, shall operate and maintain jointly such hydro-electric plants. Each Government shall pay half the cost of the construction, operation and maintenance of such plants, and the energy generated shall be assigned to each country in like proportion.

ARTICLE 8

The two Governments recognize that both countries have a common interest in the conservation and storage of waters in the international reservoirs and in the maximum use of these structures for the purpose of obtaining the most beneficial, regular and constant use of the waters belonging to them. Accordingly, within the year following the placing in operation of the first of the major international storage dams which is constructed, the Commission shall report to the two Governments, mediante un acta, acerca de las obras que deberán construirse, de la estimación de sus costos y de la parte de aquéllas que deberá quedar a cargo de cada uno de ellos. Cada Gobierno conviene en construir, por medio de su Sección de la Comisión, las obras que le recomienda la Comisión y que aprueben los dos Gobiernos. Las plantas hidroeléctricas serán operadas y mantenidas conjuntamente por ambos Gobiernos por conducto de sus respectivas Secciones de la Comisión. Cada Gobierno pagará la mitad del costo de construcción, operación y mantenimiento de estas plantas y en la misma proporción será asignada a cada uno de los dos países la energía hidroeléctrica generada.

ARTICULO 8

Los dos Gobiernos reconocen que ambos países tienen un interés común en la conservación y en el almacenamiento de las aguas en las presas internacionales y en el mejor uso de dichas presas, con objeto de obtener el más benefico, regular y constante aprovechamiento de las aguas que les corresponden. Con tal fin, la Comisión, dentro del año siguiente de haber sido puesta en operación la primera de las presas principales internacionales que se construya,
shall submit to each Government for its approval, regulations for the storage, conveyance and delivery of the waters of the Rio Grande (Rio Bravo) from Fort Quitman, Texas to the Gulf of Mexico. Such regulations may be modified, amended or supplemented when necessary by the Commission, subject to the approval of the two Governments. The following general rules shall severally govern until modified or amended by agreement of the Commission, with the approval of the two Governments:

(a) Storage in all major international reservoirs above the lowest shall be maintained at the maximum possible water level, consistent with flood control, irrigation use and power requirements.

(b) Inflows to each reservoir shall be credited to each country in accordance with the ownership of such inflows.

(c) In any reservoir the ownership of water belonging to the country whose conservation capacity therein is filled, and in excess of that needed to keep it filled, shall pass to the other country to the extent that such country may have unfilled conservation capacity, except that one country may at its option temporarily use the conservation capacity of the other country not currently being used in any of the upper reservoirs; provided that in the event of flood discharge or spill occurring while one country is using the conserva-
tion capacity of the other, all of such flood discharge or spill shall be charged to the country using the other's capacity, and all inflow shall be credited to the other country until the flood discharge or spill ceases or until the capacity of the other country becomes filled with its own water.

(d) Reservoir losses shall be charged in proportion to the ownership of water in storage. Releases from any reservoir shall be charged to the country requesting them, except that releases for the generation of electrical energy, or other common purpose, shall be charged in proportion to the ownership of water in storage.

d) Las pérdidas que ocurran en los vasos de almacenamiento se cargarán a los dos países en proporción de los respectivos volúmenes almacenados que les pertenezcan. Las extracciones de cualquiera de los vasos se cargarán al país que las solicite, excepto las efectuadas para la generación de energía eléctrica u otro propósito común que se cargarán a cada uno de los dos países en proporción de los respectivos volúmenes almacenados que les pertenezcan.

(e) Flood discharges and spills from the upper reservoirs shall be divided in the same proportion as the ownership of the inflows occurring at the time of such flood discharges and spills, except as provided in subparagraph (c) of this Article. Flood discharges and spills from the lowest reservoir shall be divided equally, except that one country, with the consent of the Commission, may use such part of the share of the other country as is not used by the latter country.

c) Los derrames y desfogues de los vasos superiores de almacenamiento se dividirán entre los dos países en la misma proporción que guarden los volúmenes pertenecientes a cada uno de ellos de las aguas que entren a los almacenamientos durante el tiempo en que ocurran los citados derrames y desfogues, con excepción del caso previsto en el inciso c) de este Artículo. Los derrames y desfogues de la presa inferior de almacenamiento se dividirán en partes iguales entre los dos países, pero uno de ellos, con el permiso de la Comisión, podrá usar las aguas correspondientes al otro país que éste no usare.

(f) Either of the two countries may avail itself, whenever it so desires, of any water belonging to
it and stored in the international reservoirs, provided that the water so taken is for direct beneficial use or for storage in other reservoirs. For this purpose the Commissioner of the respective country shall give appropriate notice to the Commission, which shall prescribe the proper measures for the opportune furnishing of the water.

**Article 9**

(a) The channel of the Rio Grande (Rio Bravo) may be used by either of the two countries to convey water belonging to it.

(b) Either of the two countries may, at any point on the main channel of the river from Fort Quitman, Texas to the Gulf of Mexico, divert and use the water belonging to it and may for this purpose construct any necessary works. However, no such diversion or use, not existing on the date this Treaty enters into force, shall be permitted in either country, nor shall works be constructed for such purpose, until the Section of the Commission in whose country the diversion or use is proposed has made a finding that the water necessary for such diversion or use is available from the share of that country, unless the Commission has agreed to a greater diversion or use as provided by paragraph (d) of this Article. The proposed use and the plans for the diversion works to be constructed in connection therewith shall be previously made known to the Commission for its information.
(c) Consumptive uses from the main stream and from the unmeasured tributaries below Fort Quitman shall be charged against the share of the country making them.

d) The Commission shall have the power to authorize either country to divert and use water not belonging entirely to such country, when the water belonging to the other country can be diverted and used without injury to the latter and can be replaced at some other point on the river.

e) The Commission shall have the power to authorize temporary diversion and use by one country of water belonging to the other, when the latter does not need it or is unable to use it, provided that such authorization or the use of such water shall not establish any right to continue to divert it.

(f) In case of the occurrence of an extraordinary drought in one country with an abundant supply of water in the other country, water stored in the international storage reservoirs and belonging to the country enjoying such abundant water supply may be withdrawn, with the consent of the Commission, for the use of the country undergoing the drought.

g) Each country shall have the right to divert from the main channel of the river any amount of water, including the water belonging to the other country, for the purpose of generating hydro-electric power, provided that such diversion causes no injury to the other country and no interference with the navigation of the river.
does not interfere with the international generation of power and that the quantities not returning directly to the river are charged against the share of the country making the diversion. The feasibility of such diversions, which do not exist on the date this Treaty enters into force shall be determined by the Commission, which shall also determine the amount of water consumed, such water to be charged against the country making such diversion.

(h) In case either of the two countries shall construct works for diverting into the main channel of the Rio Grande (Rio Bravo) or its tributaries waters that do not at the time this Treaty enters into force contribute to the flow of the Rio Grande (Rio Bravo) such water shall belong to the country making such diversion.

(i) Main stream channel losses shall be charged in proportion to the ownership of water being conveyed in the channel at the times and places of the losses.

(j) The Commission shall keep a record of the waters belonging to each country and of those that may be available at a given moment, taking into account the measurement of the allotments, the consumption, the extractions, the withdrawals, the diversions, and the losses. For this purpose the Commission shall construct, operate and maintain on the main channel of the Rio Bravo, and each Section shall correspondientes afuente...
construct, operate and maintain on the measured tributaries in its own country, all the gaging stations and mechanical apparatus necessary for the purpose of making computations and of obtaining the necessary data for such record. The information with respect to the diversions and consumptive uses on the unmeasured tributaries shall be furnished to the Commission by the appropriate Section. The cost of construction of any new gaging stations located on the main channel of the Río Bravo (Río Grande) shall be borne equally by the two Governments. The operation and maintenance of all gaging stations or the cost of such operation and maintenance shall be apportioned between the two Sections in accordance with determinations to be made by the Commission.

III—COLORADO RIVER

ARTICLE 10

Of the waters of the Colorado River, from any and all sources, there are allotted to Mexico:

(a) A guaranteed annual quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) to be delivered in accordance with the provisions of Article 15 of this Treaty.

(b) Any other quantities arriving at the Mexican points of diversion, with the understanding that in any year in which, as determined by the United States Section, there exists a surplus of waters of the Colorado River in excess of the amount necessary to dos, todas las estaciones hidrométricas y aparatos mecánicos que sean necesarios para hacer los cálculos y obtener los datos requeridos para el aludido registro. La información respecto a las derivaciones y consumos hechos en los afluentes no aforados será proporcionada por la Sección que corresponda. El costo de construcción de las estaciones hidrométricas nuevas que se localicen en el cauce principal del río Bravo (Río Grande) se dividirá igualmente entre los dos Gobiernos. La operación y mantenimiento, o el costo de los mismos, de todas las estaciones hidrométricas serán distribuidos entre las dos Secciones, de acuerdo con lo que determine la Comisión.

III—RÍO COLORADO

ARTÍCULO 10

De las aguas del río Colorado, cualquiera que sea su fuente, se asignan a México:

(a) Un volumen garantizado de 1,500,000 pies cúbicos (1,850,234,000 metros cúbicos) cada año, que se entregará de acuerdo con lo dispuesto en el Artículo 15 de este Tratado.

(b) Cualquier otro volumen que lleguen a los puntos mexicanos de derivación; en la inteligencia de que, cuando a juicio de la Sección de los Estados Unidos, en cualquier año exista en el río Colorado agua en exceso de la necesaria para abastecer los con-
supply uses in the United States and the guaranteed quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) annually to Mexico, the United States undertakes to deliver to Mexico, in the manner set out in Article 15 of this Treaty, additional waters of the Colorado River system to provide a total quantity not to exceed 1,700,000 acre-feet (2,096,931,000 cubic meters) a year. Mexico shall acquire no right beyond that provided by this subparagraph by the use of the waters of the Colorado River system, for any purpose whatsoever, in excess of 1,500,000 acre-feet (1,850,234,000 cubic meters) annually.

In the event of extraordinary drought or serious accident to the irrigation system in the United States, thereby making it difficult for the United States to deliver the guaranteed quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) a year, the water allotted to Mexico under subparagraph (a) of this Article will be reduced in the same proportion as consumption uses in the United States are reduced.

**ARTICLE 11**

(a) The United States shall deliver all waters allotted to Mexico wherever these waters may arrive in the bed of the limitrophe section of the Colorado River, with the exceptions hereinafter provided. Such waters shall be made up of the waters of the said river, whatever their origin, sub-

sumos en los Estados Unidos y el volumen garantizado anualmente a México de 1 850 234 000 metros cúbicos (1 500 000 acres pies), los Estados Unidos se obligan a entregar a México, según lo establecido en el Artículo 15 de este Tratado, cantidades adicionales de agua del sistema del río Colorado hasta por un volumen total que no exceda de 2 096 931 000 metros cúbicos (1 700 000 acres pies) anuales. México no adquirirá ningún derecho, fuera del que le confiere este inciso, por el uso de las aguas del sistema del río Colorado para cualquier fin, en exceso de 1 850 234 000 metros cúbicos (1 500 000 acres pies) anuales.

En los casos de extraordinaria sequía o de serio accidente al sistema de irrigación de los Estados Unidos, que haga difícil a éstos entregar la cantidad garantizada de 1 850 234 000 metros cúbicos (1 500 000 acres pies), por año, el agua asignada a México, según el inciso a) de este Artículo, se reducirá en la misma proporción en que se reduzcan los consumos en los Estados Unidos.

**ARTICULO 11**

a) Los Estados Unidos entregarán las aguas asignadas a México en cualquier lugar a que lleguen en el lecho del tramo limitrofe del río Colorado, con las excepciones que se citan más adelante. El volumen asignado se formará con las aguas del citado río, cualquiera que sea su fuente, con sujeción a
ject to the provisions of the following paragraphs of this Article.

(b) Of the waters of the Colorado River allotted to Mexico by subparagraph (a) of Article 10 of this Treaty, the United States shall deliver, whenever such waters may arrive in the limítrope section of the river, 1,000,000 acre-feet (1,233,489,000 cubic meters) annually from the time the Davis dam and reservoir are placed in operation until January 1, 1980 and thereafter 1,125,000 acre-feet (1,387,675,000 cubic meters) annually, except that, should the main diversion structure referred to in subparagraph (a) of Article 12 of this Treaty be located entirely in Mexico and should Mexico so request, the United States shall deliver a quantity of water not exceeding 25,000 acre-feet (30,837,000 cubic meters) annually, unless a larger quantity may be mutually agreed upon, at a point, to be likewise mutually agreed upon, on the international land boundary near San Luis, Sonora, in which event the quantities of 1,000,000 acre-feet (1,233,489,000 cubic meters) and 1,125,000 acre-feet (1,387,675,000 cubic meters) provided hereinabove as deliverable in the limítrope section of the river shall be reduced by the quantities to be delivered in the year concerned near San Luis, Sonora.

(c) During the period from the time the Davis dam and reservoir

las estipulaciones contenidas en los párrafos siguientes de este Artículo.

b) Del volumen de aguas del río Colorado asignado a México en el inciso a) del Artículo 10 de este Tratado, los Estados Unidos entregarán en cualquier lugar a que lleguen del tramo limítrofe del río, 1 233 489 000 metros cúbicos (1 000 000 de acres pies) de agua anualmente, desde la fecha en que se ponga en operación la presa Davis hasta el primero de enero de 1980 y, después de esta fecha, 1 387 675 000 metros cúbicos (1 125 000 acres pies) de agua cada año. Sin embargo, si la estructura principal de derivación a que se refiere el inciso a) del Artículo 12 de este Tratado quedare localizada totalmente en México, los Estados Unidos entregarán, a solicitud de México, en un lugar mutuamente determinado de la línea terrestre limítrofe cerca de San Luis, Sonora, un volumen de agua que no exceda de 30 837 000 metros cúbicos (25 000 acres pies) anualmente, a menos que se convenga en un volumen mayor. En este último caso, a los mencionados volúmenes de 1 233 489 000 metros cúbicos (1 000 000 de acres pies) y de 1 387 675 000 metros cúbicos (1 125 000 acres pies) que deberán entregarse, como se especifica arriba, en el tramo limítrofe del río, se les deducirán los volúmenes que se entreguen, cada año, cerca de San Luis, Sonora.

c) En el periodo comprendido entre la fecha en que la Presa
are placed in operation until January 1, 1980, the United States shall also deliver to Mexico annually, of the water allotted to it, 500,000 acre-feet (616,745,000 cubic meters), and thereafter the United States shall deliver annually 375,000 acre-feet (462,558,000 cubic meters), at the international boundary line, by means of the All-American Canal and a canal connecting the lower end of the Pilot Knob Wasteway with the Alamo Canal or with any other Mexican canal which may be substituted for the Alamo Canal. In either event the deliveries shall be made at an operating water surface elevation not higher than that of the Alamo Canal at the point where it crossed the international boundary line in the year 1943.

(d) All the deliveries of water specified above shall be made subject to the provisions of Article 15 of this Treaty.

ARTICLE 12

The two Governments agree to construct the following works:

(a) Mexico shall construct at its expense, within a period of five years from the date of the entry into force of this Treaty, a main diversion structure below the point where the northernmost part of the international land boundary line intersects the Colorado River. If such diversion structure is located in the limitrophe section of the river, its location, design and construction shall be subject to the provisions of Article 15 of this Treaty.
The Commission shall thereafter maintain and operate the structure at the expense of Mexico. Regardless of where such diversion structure is located, there shall simultaneously be constructed such levees, interior drainage facilities and other works, or improvements to existing works, as in the opinion of the Commission shall be necessary to protect lands within the United States against damage from such floods and seepage as might result from the construction, operation and maintenance of this diversion structure. These protective works shall be constructed, operated and maintained at the expense of Mexico by the respective Sections of the Commission, or under their supervision, each within the territory of its own country.

(b) The United States, within a period of five years from the date of the entry into force of this Treaty, shall construct in its own territory and at its expense, and thereafter operate and maintain at its expense, the Davis storage dam and reservoir, a part of the capacity of which shall be used to obtain the regulation of the boundary of the waters to be delivered to Mexico in accordance with the provisions of Article 15 of this Treaty.

(c) The United States shall construct or acquire in its own territory the works that may be necessary to convey a part of the waters to be delivered to Mexico in accordance with the provisions of Article 15 of this Treaty.
waters of the Colorado River allotted to Mexico to the Mexican diversion points on the international land boundary line referred to in this Treaty. Among these works shall be included: the canal and other works necessary to convey water from the lower end of the Pilot Knob Wasteway to the international boundary, and, should Mexico request it, a canal to connect the main diversion structure referred to in subparagraph (a) of this Article, if this diversion structure should be built in the limitrophe section of the river, with the Mexican system of canals at a point to be agreed upon by the Commission on the international land boundary near San Luis, Sonora. Such works shall be constructed or acquired and operated and maintained by the United States Section at the expense of Mexico. Mexico shall also pay the costs of any sites or rights of way required for such works.

(d) The Commission shall construct, operate and maintain in the limitrophe section of the Colorado River, and each Section shall construct, operate and maintain in the territory of its own country on the Colorado River below Imperial Dam and on all other carrying facilities used for the delivery of water to Mexico, all necessary gaging stations and other measuring devices for the purpose of keeping a complete record of the waters delivered to Mexico and of the flows of the river. All data ob-
tained as to such deliveries and
flows shall be periodically com-
piled and exchanged between the
two Sections.

**ARTICLE 13**

La Comisión estudiará, inves-
tigará y preparará los proye-
tos para el control de las avenidas en
el Bajo Río Colorado, tanto en los
Estados Unidos como en México,
desde la Presa Imperial hasta el
Golfo de California, e informará a
los dos Gobiernos, mediante un
acta, acerca de las obras que de-
berán construirse, de la estima-
tación de sus costos y de la parte de las
obras que deberá construir cada
Gobierno. Los dos Gobiernos con-
vienen en construir, por medio de
sus respectivas Secciones de la
Comisión, las obras que aprueben,
recomendadas por la Comisión, y
en pagar los costos de las que re-
spectivamente construyan. De la
misma manera, la Comisión re-
comendará qué porciones de las
obras deberán ser operadas y
mantenidas conjuntamente por la
Comisión y cuáles operadas y
mantenidas por cada Sección. Los
dos Gobiernos convienen en pagar
por partes iguales el costo de la
operación y mantenimiento con-
juntos, y cada Gobierno conviene
en pagar el costo de operación y
mantenimiento de las obras asig-
nadas a él con dicho objeto.

**ARTICLE 14**

In consideration of the use of the
All-American Canal for the deliv-
er to Mexico, in the manner pro-
vided in Articles 11 and 15 of this
established in the Articles 11 y
Treaty, of a part of its allotment of the waters of the Colorado River, Mexico shall pay to the United States:

(a) A proportion of the costs actually incurred in the construction of Imperial Dam and the Imperial Dam-Pilot Knob section of the All-American Canal, this proportion and the method and terms of repayment to be determined by the two Governments, which, for this purpose, shall take into consideration the proportionate uses of these facilities by the two countries, these determinations to be made as soon as Davis Dam and reservoir are placed in operation.

(b) Annually, a proportionate part of the total costs of maintenance and operation of such facilities, these costs to be prorated between the two countries in proportion to the amount of water delivered annually through such facilities for use in each of the two countries.

In the event that revenues from the sale of hydro-electric power which may be generated at Pilot Knob become available for the amortization of part or all of the costs of the facilities named in subparagraph (a) of this Article, the part that Mexico should pay of the costs of said facilities shall be reduced or repaid in the same proportion as the balance of the total costs are reduced or repaid. It is understood that any such revenue shall not become available until the cost of any works which may be constructed for the genera-
tion of hydro-electric power at said location has been fully amortized from the revenues derived therefrom.

ARTICLE 15

A. The water allotted in subparagraph (a) of Article 10 of this Treaty shall be delivered to Mexico at the points of delivery specified in Article 11, in accordance with the following two annual schedules of deliveries by months, which the Mexican Section shall formulate and present to the Commission before the beginning of each calendar year:

SCHEDULE I

Schedule I shall cover the delivery, in the limitrophe section of the Colorado River, of 1,000,000 acre-feet (1,233,489,000 cubic meters) of water each year from the date Davis dam and reservoir are placed in operation until January 1, 1980 and the delivery of 1,125,000 acre-feet (1,387,675,000 cubic meters) of water each year thereafter. This schedule shall be formulated subject to the following limitations:

With reference to the 1,000,000 acre-foot (1,233,489,000 cubic meter) quantity:

(a) During the months of January, February, October, November and December the prescribed rate of delivery shall be not less than 600 cubic feet

TABLE I

La tabla I detallará la entrega en el tramo limitrofe del río Colorado de 1 233 489 000 metros cúbicos (1 000 000 de acres pies) anuales de agua, a partir de la fecha en que la Presa Davis se ponga en operación, hasta el primero de enero de 1980, y la entrega de 1 387 675 000 metros cúbicos (1 125 000 acres pies) anuales de agua después de esa fecha. Esta tabla se formulará con sujeción a las siguientes limitaciones:

Para el volumen de 1 233 489-000 metros cúbicos (1 000 000 de acres pies):

a) Durante los meses de enero, febrero, octubre, noviembre y diciembre, el gasto de entrega no será menor de 17.0 metros cúbicos (600 pies cúbicos) ni
(17.0 cubic meters) nor more than 3,500 cubic feet (99.1 cubic meters) per second.

(b) During the remaining months of the year the prescribed rate of delivery shall be not less than 1,000 cubic feet (28.3 cubic meters) nor more than 3,500 cubic feet (99.1 cubic meters) per second.

With reference to the 1,125,000 acre-foot (1,387,675,000 cubic meters) quantity:

(a) During the months of January, February, October, November and December the prescribed rate of delivery shall be not less than 675 cubic feet (19.1 cubic meters) nor more than 4,000 cubic feet (113.3 cubic meters) per second.

(b) During the remaining months of the year the prescribed rate of delivery shall be not less than 1,125 cubic feet (31.9 cubic meters) nor more than 4,000 cubic feet (113.3 cubic meters) per second.

Should deliveries of water be made at a point on the land boundary near San Luis, Sonora, as provided for in Article 11, such deliveries shall be made under a sub-schedule to be formulated and furnished by the Mexican Section. The quantities and monthly rates of deliveries under such sub-schedule shall be in proportion to those specified for Schedule I, unless otherwise agreed upon by the Commission.

Para el volumen de 1 387 675 000 metros cúbicos (1 125 000 acres pies):

a) Durante los meses de enero, febrero, octubre, noviembre y diciembre, el gasto de entrega no será menor de 19.1 metros cúbicos (675 pies cúbicos) ni mayor de 113.3 metros cúbicos (4 000 pies cúbicos) por segundo.

b) Durante los meses restantes del año, el gasto de entrega no será menor de 31.9 metros cúbicos (1 125 pies cúbicos) ni mayor de 113.3 metros cúbicos (4 000 pies cúbicos) por segundo.

En el caso en que se hagan entregas de agua en un lugar de la línea divisoria terrestre cercano a San Luis, Sonora, de acuerdo con lo establecido en el Artículo 11, dichas entregas se sujetarán a una subtabla que formulará y proporcionará la Sección Mexicana. Los volúmenes y gastos mensuales de entrega especificados en dicha subtabla estarán en proporción a los especificados para la Tabla I, salvo que la Comisión acuerde otra cosa.
SCHEDULE II

Schedule II shall cover the delivery at the boundary line by means of the All-American Canal of 500,000 acre-feet (616,745,000 cubic meters) of water each year from the date Davis dam and reservoir are placed in operation until January 1, 1980 and the delivery of 375,000 acre-feet (462,558,000 cubic meters) of water each year thereafter. This schedule shall be formulated subject to the following limitations:

With reference to the 500,000 acre-foot (616,745,000 cubic meter) quantity:

(a) During the months of January, February, October, November and December the prescribed rate of delivery shall be not less than 300 cubic feet (8.5 cubic meters) nor more than 2,000 cubic feet (56.6 cubic meters) per second.
(b) During the remaining months of the year the prescribed rate of delivery shall be not less than 500 cubic feet (14.2 cubic meters) nor more than 2,000 cubic feet (56.6 cubic meters) per second.

With reference to the 375,000 acre-foot (462,558,000 cubic meter) quantity:

(a) During the months of January, February, October, November and December the prescribed rate of delivery shall be not less than 225 cubic feet (6.4 cubic meters) nor more than 2,000 cubic feet (56.6 cubic meters) per second.

La tabla II detallará la entrega en la línea divisoria de las aguas procedentes del Canal Todo Americano, de un volumen de 616'745'000 metros cúbicos (500'000 acres pies) anuales de agua a partir de la fecha en que la Presa Davis sea puesta en operación, hasta el primero de enero de 1980, y de 462'558'000 metros cúbicos (375'000 acres pies) de agua anuales después de esa fecha. Esta tabla se formulará con sujeción a las siguientes limitaciones:

Para el volumen de 616'745'000 metros cúbicos (500'000 acres pies):

a) Durante los meses de enero, febrero, octubre, noviembre y diciembre, el gasto de entrega no será menor de 8.5 metros cúbicos (300 pies cúbicos), ni mayor de 56.6 metros cúbicos (2'000 pies cúbicos) por segundo.

b) Durante los meses restantes del año, el gasto de entrega no será menor de 14.2 metros cúbicos (500 pies cúbicos), ni mayor de 56.6 metros cúbicos (2'000 pies cúbicos) por segundo.

Para el volumen de 462'558'000 metros cúbicos (375'000 acres pies):

a) Durante los meses de enero, febrero, octubre, noviembre y diciembre, el gasto de entrega no será menor de 6.4 metros cúbicos (225 pies cúbicos)
(6.4 cubic meters) nor more than 1,500 cubic feet (42.5 cubic meters) per second.

(b) During the remaining months of the year the prescribed rate of delivery shall be not less than 375 cubic feet (10.6 cubic meters) nor more than 1,500 cubic feet (42.5 cubic meters) per second.

B. The United States shall be under no obligation to deliver, through the All-American Canal, more than 500,000 acre-feet (616,745,000 cubic meters) annually from the date Davis dam and reservoir are placed in operation until January 1, 1980 or more than 375,000 acre-feet (462,558,000 cubic meters) annually thereafter.

If, by mutual agreement, any part of the quantities of water specified in this paragraph are delivered to Mexico at points on the land boundary other than through the All-American Canal, the above quantities of water and the rates of deliveries set out under Schedule II of this Article shall be correspondingly diminished.

C. The United States shall have the option of delivering, at the point on the land boundary mentioned in subparagraph (c) of Article 11, any part or all of the water to be delivered at that point under Schedule II of this Article during the months of January, February, October, November and December of each year, from any source whatsoever, with the entregado en ese lugar de acuerdo
understanding that the total specified annual quantities to be delivered through the All-American Canal shall not be reduced because of the exercise of this option, unless such reduction be requested by the Mexican Section, provided that the exercise of this option shall not have the effect of increasing the total amount of scheduled water to be delivered to Mexico.

D. In any year in which there shall exist in the river water in excess of that necessary to satisfy the requirements in the United States and the guaranteed quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) allotted to Mexico, the United States hereby declares its intention to cooperate with Mexico in attempting to supply additional quantities of water through the All-American Canal as such additional quantities are desired by Mexico, if such use of the Canal and facilities will not be detrimental to the United States, provided that the delivery of any additional quantities through the All-American Canal shall not have the effect of increasing the total scheduled deliveries to Mexico. Mexico hereby declares its intention to cooperate with the United States by attempting to curtail deliveries of water through the All-American Canal in years of limited supply, if such curtailment can be accomplished without detriment to Mexico and is necessary to allow full use of all available water supplies, provided that such curtailment shall not have the effect of reducing con la Tabla II de este Artículo. El ejercicio de la anterior opción, no producirá la reducción de los volúmenes totales anuales especificados para ser entregados por el Canal Todo Americano, a menos que dicha reducción sea solicitada por la Sección Mexicana, ni implicará el aumento del volumen total de agua tabulada que deberá entregarse a México.

D. – En cualquier año en que haya agua en el río en exceso de lo necesario para satisfacer las demandas en los Estados Unidos y el volumen garantizado de 1,850,234,000 metros cúbicos (1,500,000 acres pies) asignado a México, los Estados Unidos declaran su intención de cooperar con México procurando abastecer, por el Canal Todo Americano, los volúmenes adicionales de agua que México desee, si ese uso del Canal y de las obras respectivas no resultare perjudicial a los Estados Unidos; en la inteligencia de que la entrega de los volúmenes adicionales de agua por el Canal Todo Americano no significará el aumento del volumen total de entregas de agua tabulada para México. Por su parte, México declara su intención de cooperar con los Estados Unidos durante los años de abastecimiento limitado tratando de reducir las entregas de agua por el Canal Todo Americano si dicha reducción pudiere llevarse a efecto sin perjuicio para México y si fuere necesaria para hacer posible el aprovechamiento total del agua disponible; en la inteligencia de que dicha reducción no tendrá el
ing the total scheduled deliveries
of water to Mexico.

E. In any year in which there
shall exist in the river water in
excess of that necessary to satisfy
the requirements in the United
States and the guaranteed quan-
tity of 1,500,000 acre-feet (1,850,-
234,000 cubic meters) allotted to
Mexico, the United States Section
shall so inform the Mexican Sec-
tion in order that the latter may
schedule such surplus water to
complete a quantity up to a maxi-
mum of 1,700,000 acre-feet (2,096,-
931,000 cubic meters). In this
circumstance the total quantities
to be delivered under Schedules I
and II shall be increased in pro-
tion to their respective total
quantities and the two schedules
thus increased shall be subject to
the same limitations as those es-

F. Subject to the limitations as

to rates of deliveries and total
quantities set out in Schedules I
and II, Mexico shall have the
right, upon thirty days notice in
advance to the United States Sec-
tion, to increase or decrease each
monthly quantity prescribed by
those schedules by not more than
20% of the monthly quantity.

G. The total quantity of water
to be delivered under Schedule I of
paragraph A of this Article may be
increased in any year if the amount
to be delivered under Schedule II

E. – En cualquier año en que
haya agua en el río en exceso de la
cantidad necesaria para satisfacer
las demandas en los Estados Uni-
dos y el volumen garantizado de
1,850,234,000 metros cúbicos
(1,500,000 acres pies) asignado a
México, la Sección de los Estados
Unidos lo informará así a la Sección
Mexicana con objeto de que esta
última pueda tabular las aguas
excedentes hasta completar un
volumen máximo de 2,096,931,000
metros cúbicos (1,700,000 acres
pies). En este caso los volúmenes
totales que se entregarán de acuerdo
con las Tablas números I y II
serán aumentados en proporción
a sus respectivos volúmenes totales
y las dos tablas así incrementadas
quedarán sujetas a las mismas
limitaciones establecidas, para cada
una de ellas, en el párrafo A de
este Artículo.

F. – Con sujeción a las limita-
ciones fijadas en las Tablas I y II
por lo que toca a los gastos de
entrega y a los volúmenes totales,
México tendrá el derecho de
aumentar o disminuir, mediante
avisos dados a la Sección de los
Estados Unidos con 30 días de
anticipación, cada uno de los
volúmenes mensuales establecidos
en esas tablas, en una cantidad que
no exceda del 20% de su respectivo
monto.

G. – En cualquier año, el volu-
men total de agua que deberá
entregarse de acuerdo con la
Tabla I a que se refiere el párrafo
A de este Artículo, podrá ser
is correspondingly reduced and if
the limitations as to rates of de-
ivery under each schedule are
correspondingly increased and
reduced.

IV - TIJUANA RIVER
ARTICLE 16
In order to improve existing
uses and to assure any feasible
further development, the Commiss-
ion shall study and investigate,
and shall submit to the two Gov-
ernments for their approval:
(1) Recommendations for the
equitable distribution between the
two countries of the waters of the
Tijuana River system;
(2) Plans for storage and flood
control to promote and develop
domestic, irrigation and other
feasible uses of the waters of this
system;
(3) An estimate of the cost of
the proposed works and the man-
ner in which the construction of
such works or the cost thereof
should be divided between the
two Governments;
(4) Recommendations regard-
ing the parts of the works to be
operated and maintained by the
Commission and the parts to be
operated and maintained by each
Section.

The two Governments through
their respective Sections of the
Commission shall construct such
works as are

IV - RIO TIJUANA
ARTICULO 16
Con el objeto de mejorar los
usos existentes y de asegurar cual-
quien desarrollo futuro factible, la
Comisión estudiará, investigará y
someterá a los dos Gobiernos para
su aprobación:
(1) Recomendaciones para la
distribución equitativa entre los
dos países de las aguas del sistema
del río Tijuana;
(2) Proyectos de almacenamien-
to y control de avenidas a fin
de fomentar y desarrollar los usos
domésticos, de irrigación y demás
usos factibles de las aguas de este
sistema;
(3) Estimaciones de los costos
de las obras propuestas y de la
forma en que la construcción de
dichas obras o los costos de las
mismas deberán ser divididos entre
los dos Gobiernos;
(4) Recomendaciones respecto
de las partes de las obras que
deberán ser operadas y mantenidas
por la Comisión y las partes de
las mismas que deberán ser opera-
das y mantenidas por cada Secc-
ión.

Los dos Gobiernos, cada uno
por conducto de sus respectivas
Secciones de la Comisión, cons-
of the proposed works as are

truirán las obras que propongan

Tablas II se redujeren en el mismo
volumen y si las limitaciones en
cuanto a gastos de entrega estipu-
lados para cada tabla se aumenten
y se reducen correspondientemente.
approved by both Governments, y aprueben ambos Gobiernos, se shall divide the work to be done or dividirán la cantidad de obra o su the cost thereof, and shall distrib- costo y se distribuirán las aguas ute between the two countries del sistema del río Tijuana en las the waters of the Tijuana River system in the proportions ap- proporiciones que ellos decidan. proved by the two Governments. Los dos Gobiernos convienen en pagar por partes iguales el costo de la operación y mantenimiento de los dos países y ninguno de ellos podrá presentar reclamaciones al otro por daños causados por dicho uso. Cada uno de los Gobiernos conviene en proporcionar al otro, con la mayor anticipación posible, la información que tenga sobre las salidas de agua extraordinarias de las presas y las crecientes de los ríos que existan en su propio territorio y que pudieran producir inundaciones en el territorio del otro.

Each Government declares its inten- Cada Gobierno declara su intención de operar sus presas de almacenamiento en tal forma, compatible con la operación normal de sus sistemas hidráulicos, que evite, en el territorio del otro. nation to operate its storage Each Government states its inten- dams in such manner, consistent tención para operar sus presas with the normal operations of its de almacenamiento de tal forma, compatible sistemas hidráulicos, evitando, en CREACIONES GENERALES Artículo 17

The use of the channels of the international rivers for the discharge of flood or other excess waters shall be free and not subject to limitation by either country, and neither country shall have any claim against the other in respect of any damage caused by such use. Each Government agrees to furnish the other Government, as far in advance as practicable, any information it may have in regard to such extraordinary discharges of water from reservoirs and flood flows on its own territory as may produce floods on the territory of the other.

Each Government declares its intention to operate its storage dams in such manner, consistent with the normal operations of its hydraulic systems, as to avoid, as far as feasible, material damage in the territory of the other.
ARTICLE 18

Public use of the water surface of lakes formed by international dams shall, when not harmful to the services rendered by such dams, be free and common to both countries, subject to the police regulations of each country in its territory, to such general regulations as may appropriately be prescribed and enforced by the Commission with the approval of the two Governments for the purpose of the application of the provisions of this Treaty, and to such regulations as may appropriately be prescribed and enforced for the same purpose by each Section of the Commission with respect to the areas and borders of such parts of those lakes as lie within its territory. Neither Government shall use for military purposes such water surface situated within the territory of the other country except by express agreement between the two Governments.

ARTICLE 19

The two Governments shall conclude such special agreements as may be necessary to regulate the generation, development and disposition of electric power at international plants, including the necessary provisions for the export of electric current.

ARTICLE 20

The two Governments shall, through their respective Sections of the Commission, carry out the construction of works allotted to
them. For this purpose the respective Sections of the Commission may make use of any competent public or private agencies in accordance with the laws of the respective countries. With respect to such works as either Section of the Commission may have to execute on the territory of the other, it shall, in the execution of such works, observe the laws of the place where such works are located or carried out, with the exceptions hereinafter stated.

All materials, implements, equipment and repair parts intended for the construction, operation and maintenance of such works shall be exempt from import and export customs duties. The whole of the personnel employed either directly or indirectly on the construction, operation or maintenance of the works may pass freely from one country to the other for the purpose of going to and from the place of location of the works, without any immigration restrictions, passports or labor requirements. Each Government shall furnish, through its own Section of the Commission, convenient means of identification to the personnel employed by it on the aforesaid works and verification certificates covering all materials, implements, equipment and repair parts intended for the works.

Each Government shall assume responsibility for and shall adjust exclusively in accordance with its own laws all claims arising within its territory in connection with the construction, operation or
maintenance of the whole or of any part of the works herein agreed upon, or of any works in cuyo territorio se hayan originado tales reclamaciones asumirá la responsabilidad de todas ellas y las ajustará de acuerdo con sus propias leyes exclusivamente.

**ARTICLE 21**

The construction of the international dams and the formation of artificial lakes shall produce no change in the fluvial international boundary, which shall continue to be governed by existing treaties and conventions in force between the two countries. The Commission shall, with the approval of the two Governments, establish in the artificial lakes, by buoys or by other suitable markers, a practicable and convenient line to provide for the exercise of the jurisdiction and control vested by this Treaty in the Commission and its respective Sections. Such line shall also mark the boundary for the application of the customs and police regulations of each country.

**ARTICLE 22**

The provisions of the Convention between the United States and Mexico for the rectification of the Rio Grande (Rio Bravo) in the El Paso-Juárez Valley signed on February 1, 1933, [1] shall govern, Valle de Juárez-El Paso, en lo que se refiere a delimitación de fronteras, atribución de jurisdicción y soberanía, and relations y soberanía y relaciones con pro-

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with private owners are concerned, in any places where works for the artificial channeling, canalization or rectification of the Rio Grande (Rio Bravo) and the Colorado River are carried out.

**ARTICLE 23**

The two Governments recognize the public interest attached to the works required for the execution and performance of this Treaty and agree to acquire, in accordance with their respective domestic laws, any private property that may be required for the construction of the said works, including the main structures and their appurtenances and the construction materials therefor, and for the operation and maintenance thereof, at the cost of the country within which the property is situated, except as may be otherwise specifically provided in this Treaty.

Each Section of the Commission shall determine the extent and location of any private property to be acquired within its own country and shall make the necessary requests upon its Government for the acquisition of such property.

The Commission shall determine the cases in which it shall become necessary to locate works for the conveyance of water or electrical energy and for the servicing of any such works, for the benefit of either of the two countries, in the territory of the other country, in order that such works can be built pursuant to agreement between the two Governments.
ments. Such works shall be subject to the jurisdiction and supervision of the Section of the Commission within whose country they are located.

Construction of the works built in pursuance of the provisions of this Treaty shall not confer upon either of the two countries any rights either of property or of jurisdiction over any part whatsoever of the territory of the other. These works shall be part of the territory and be the property of the country wherein they are situated. However, in the case of any incidents occurring on works constructed across the limitrophe part of a river and with supports on both banks, the jurisdiction of each country shall be limited by the center line of such works, which shall be marked by the Commission, without thereby changing the international boundary.

Each Government shall retain, through its own Section of the Commission, and within the limits and to the extent necessary to effectuate the provisions of this Treaty, direct ownership, control and jurisdiction within its own territory and in accordance with its own laws, over all real property—including that within the channels of any river—rights of way and rights in rem, that it may be necessary to enter upon, occupy for the construction, or use pursuant to this Treaty. Furthermore, each Government shall similarly acquire and retain rights and jurisdiction in accordance with its own laws, over all real property—including that within the channels of any river—rights of way and rights in rem, that it may be necessary to enter upon, occupy for the construction, or use pursuant to this Treaty.
in its own possession the titles, la misma forma, los títulos, control
close, control and jurisdiction over such y jurisdicción sobre tales obras,
works.

ARTICLE 24

The International Boundary La Comisión Internacional de
and Water Commission shall have, límites y Aguas tendrá las si-
in addition to the powers and guientes facultades y obligaciones,
duties otherwise specifically pro-
vided in this Treaty, the following en adición a las establecidas espe-
powers and duties:
cíficamente en este Tratado:

(a) To initiate and carry on a) Iniciar, llevar a cabo las
investigations and develop plans investigaciones y desarrollar los
for the works which are to be proyectos de las obras que de-
constructed or established in ac- berán ser construidas o estable-
cordance with the provisions of cidas de acuerdo con las estipu-
this and other treaties or la- laciones de éste y de los demás
crements in force between the tratados y convenios vigentes
Governments dealing with b) los dos Gobiernos, relativos
domaries and international waters; a límites y aguas internacionales;

(1) To determine, as to such works, determinar la localización, magni-
their location, size, kind and tud, calidad y especificaciones
characteristic specifications; to es-
timate the cost of such works;
estimar su costo; y recomendar la
and to recommend the division of y y recomendado la
such costs between the two Governments de dichas obras;
partirse entre los dos Gobiernos,
the arrangements for and to recommend the division of
the furnishing of the necessary los arreglos para proveer los
funds, and the dates for the furnishing of the necessary
beginning of the works, to the fondos necesarios, y las fechas en
extent that the matters mentioned fechas en
in this subparagraph are not mentadas en este inciso no
están regulamentadas en forma
otherwise covered by specific pro-
distinta por disposiciones especí-
visions of this or any other ficas de éste o de algún otro tratado.

(b) To construct the works b) Construir o vigilar la con-
agreed upon or to supervise their sucedido o vigilar la con-
struction and to operate and sustrucción y después operar y ma-
maintain such works or to super- nence, in accordance with the re- nvisar la operación y
vise their operation and mentativas leyes de cada país. Cada nvenidas, con sujeción a las res- respective domestic laws of each lificas de éste o de algún otro trato-
Section shall have, las obras construidas exclu-
to the extent necessary to give mente en el territorio de su país, to the extent necessary to give
mence entre el territorio de su país,
effect to the provisions of this hasta el límite necesario para cum-

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Treaty, jurisdiction over the works constructed exclusively in the territory of its country whenever such works shall be connected with or shall directly affect the execution of the provisions of this Treaty.

(c) In general to exercise and discharge the specific powers and duties entrusted to the Commission by this and other treaties and agreements in force between the two countries, and to carry into execution and prevent the violation of the provisions of those treaties and agreements. The authorities of each country shall aid and support the exercise and discharge of these powers and duties, and each Commissioner shall invoke when necessary the jurisdiction of the courts or other appropriate agencies of his country to aid in the execution and enforcement of these powers and duties.

(d) To settle all differences that may arise between the two Governments with respect to the interpretation or application of this Treaty, subject to the approval of the two Governments. In any case in which the Commissioners do not reach an agreement, they shall so inform their respective Governments reporting their respective opinions and the grounds therefor and the points upon which they differ, for discussion and adjustment of the difference through diplomatic channels and for application where proper of the general or special agreements which the two Governments have concluded for the settlement of controversies.
(e) To furnish the information requested of the Commissioners jointly by the two Governments on matters within their jurisdiction. In the event that the request is made by one Government alone, the Commissioner of the other Government must have the express authorization of his Government in order to comply with such request.

(f) The Commission shall construct, operate and maintain upon the limitrophe parts of the international streams, and each Section shall severally construct, operate and maintain upon the parts of the international streams and their tributaries within the boundaries of its own country, such stream gauging stations as may be needed to provide the hydrographic data necessary or convenient for the proper functioning of this Treaty. The data so obtained shall be compiled and periodically exchanged between the two Sections.

(g) The Commission shall submit annually a joint report to the two Governments on the matters in its charge. The Commission shall also submit to the two Governments joint reports on general or any particular matters at such other times as it may deem necessary or as may be requested by the two Governments.

ARTICLE 25

Except as otherwise specified in this Treaty, Articles XXIII and VII of the Convention of March 1, 1889 shall govern the Commission, for the execution of the
proceedings of the Commission in carrying out the provisions of this Treaty. Supplementary thereto the Commission shall establish a body of rules and regulations to govern its procedure, consistent with the provisions of this Treaty and of Articles III and VII of the Convention of March 1, 1889 and subject to the approval of both Governments.

Decisions of the Commission shall be recorded in the form of Minutes done in duplicate in the English and Spanish languages, signed by each Commissioner and attested by the Secretaries, and copies thereof forwarded to each Government within three days after being signed. Except where the specific approval of the two Governments is required by any provision of this Treaty, if one of the Governments fails to communicate to the Commission its approval or disapproval of a decision of the Commission within thirty days reckoned from the date of the Minute in which it shall have been pronounced, the Minute in question and the decisions which it contains shall be considered to be approved by that Government. The Commissioners, within the limits of their respective jurisdictions, shall execute the decisions of the Commission that are approved by both Governments.

If either Government disapproves a decision of the Commission the two Governments shall take cognizance of the matter, and if an agreement regarding such matter is reached between the two Governments, the agree-
ment shall be communicated to the Commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

**VI - TRANSITORY PROVISIONS**

**ARTICLE 26**

During a period of eight years from the date of the entry into force of this Treaty, or until the beginning of operation of the lowest major international reservoir on the Rio Grande (Rio Bravo), should it be placed in operation prior to the expiration of said period, Mexico will cooperate with the United States to relieve, in times of drought, any lack of water needed to irrigate the lands now under irrigation in the Lower Rio Grande Valley in the United States, and for this purpose Mexico will release water from El Azúcar reservoir on the San Juan River and allow that water to run through its system of canals back into the San Juan River in order that the United States may divert such water from the Rio Grande (Rio Bravo). Such releases shall be made on condition that they do not affect the Mexican irrigation system, provided that Mexico shall, in any event, except in cases of extraordinary drought or serious accident to its hydraulic works, release and make available to the United States for its use the quantities requested, under the following conditions: that during the said eight years there shall be made available a total of 160,000 acre-feet (197,358,000 cubic meters) and, in an año...
ters) and up to 40,000 acre-feet (49,340,000 cubic meters) in any year; that the water shall be made available as requested at rates not exceeding 750 cubic feet (21.2 cubic meters) per second; 21.2 metros cúbicos (750 pies cúbicos) por segundo; that when the rates of flow requested and made available have exceeded 14.2 cubic feet per second (14.2 cubic meters) per second the period of release shall not extend beyond fifteen consecutive days; and that at least thirty days must elapse between any two periods of release during which rates of flow in excess of 500 cubic feet (14.2 cubic meters) per second have been requested and made available. In addition to the guaranteed flow, Mexico shall release from El Azúcar reservoir and conduct through its canal system and the San Juan River, for use in the United States during periods of drought and after satisfying the needs of Mexican users, any excess water that does not in the opinion of the Mexican Section have to be stored and that may be needed for the irrigation of lands which were under irrigation during the year 1943 in the Lower Rio Grande Valley in the United States.

ARTICLE 27

The provisions of Article 10, 11, and 15 of this Treaty shall not be applied during a period of five years from the date of the entry into force of this Treaty, or until the Davis dam and the major Mexican diversion structure on the Colorado River are placed in operation; o hasta que puestas en operación las obras de la Presa Davis y la derivación en el río Colorado, si se...
operation, should these works be placed in operation prior to the expiration of said period. In the meantime Mexico may construct and operate at its expense a temporary diversion structure in the bed of the Colorado River in territory of the United States for the purpose of diverting water into the Alamo Canal, provided that the plans for such structure and the construction and operation thereof shall be subject to the approval of the United States Section. During this period of time the United States will make available in the river at such diversion structure river flow not currently required in the United States, and the United States will cooperate with Mexico to the end that the latter may satisfy its irrigation requirements within the limits of those requirements for lands irrigated in Mexico from the Colorado River during the year 1943.

VII - FINAL PROVISIONS

ARTICLE 28

This Treaty shall be ratified and the ratifications thereof shall be exchanged in Washington. It shall enter into force on the day of the exchange of ratifications and shall continue in force until terminated by another Treaty concluded for that purpose between the two Governments.

In witness whereof the respective Plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate in the English and Spanish languages, in Washin-

VII - DISPOSICIONES FINALES

ARTÍCULO 28

Este Tratado será ratificado y las ratificaciones canjeadas en la ciudad de Washington. Entrará en vigor el día del canje de ratificaciones y regirá indefinidamente hasta que sea terminado por otro Tratado concluido al efecto entre los dos Gobiernos.

En testimonio de lo cual los respectivos Plenipotenciarios han firmado este Tratado y agregado sus sellos.

Hecho en duplicado, en los idiomas inglés y español, en la Ciudad
ighting on this third day of February, 1944.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

CORDELL HULL

GEORGE S. MESSERSMITH

LAWRENCE M. LAWSON.

FOR THE GOVERNMENT OF THE UNITED MEXICAN STATES:

F. CASTILLO NóJERA

RAFAEL FERNÁNDEZ MACGREGOR
The Government of the United States of America and the Government of the United Mexican States agree and understand that:

Wherever, by virtue of the provisions of the Treaty between the United States of America and the United Mexican States, signed in Washington on February 3, 1944, relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande from Fort Quitman, Texas, to the Gulf of Mexico, specific functions are imposed on, or exclusive jurisdiction is vested in, either of the Sections of the International Boundary and Water Commission, which involve the construction or use of works for storage or conveyance of water, flood control, stream gaging, or for any other purpose, which are situated wholly within the territory of the country of that Section, and which are to be used only partly for the performance of treaty provisions, such jurisdiction shall be exercised, and such functions, including the construction, operation and maintenance of the said works, shall be performed and carried out by the Federal agencies of that country which now or hereafter may be authorized by domestic law to construct, or to operate and maintain, such works. Such functions shall be exercised in conformity with the provisions of the Treaty and in cooperation with the Government of the United Mexican States.
with the respective Section of the Commission, to the end that all international obligations and functions may be coordinated and fulfilled.

The works to be constructed or used on or along the boundary, and those to be constructed or used exclusively for the discharge of treaty stipulations, shall be under the jurisdiction of the Commission or of the respective Section, in accordance with the provisions of the Treaty. In carrying out the construction of such works the Sections of the Commission may utilize the services of public or private organizations in accordance with the laws of their respective countries.

This Protocol, which shall be regarded as an integral part of the aforementioned Treaty signed in Washington on February 3, 1944, shall be ratified and the ratifications thereof shall be exchanged in Washington. This Protocol shall be effective beginning with the day of the entry into force of the Treaty and shall continue effective so long as the Treaty remains in force.

In witness whereof the respective Plenipotentiaries have signed this Protocol and have hereunto affixed their seals.

Done in duplicate, in the English and Spanish languages, in Washington on February 3, 1944.

[Signatures]
Washington, this fourteenth day of November, 1944.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

E. R. STETTINIUS, JR.
Acting Secretary of State
of the United States of America

FOR THE GOVERNMENT OF THE UNITED MEXICAN STATES:

F. CASTILLO NÁJERA
Ambassador Extraordinary and Plenipotentiary
of the United Mexican States in Washington
AND WHEREAS the Senate of the United States of America by their Resolution of April 18, 1945, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said treaty and protocol, subject to certain understandings, the text of which Resolution is word for word as follows:

"Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive A, Seventy-eighth Congress, second session, a treaty between the United States of America and the United Mexican States, signed at Washington on February 3, 1944, relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande from Fort Quitman, Texas, to the Gulf of Mexico, and Executive H, Seventy-eighth Congress, second session, a protocol, signed at Washington on November 14, 1944, supplementary to the treaty, subject to the following understandings, and that these understandings will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will in effect form a part of the treaty:

(a) That no commitment for works to be built by the United States in whole or in part at its expense, or for expenditures by the United States, other than those specifically provided for in the treaty, shall be made by the Secretary of State of the United States, the Commissioner of the United States Section of the International Boundary and Water Commission, the United States Section of said Commission, or any other officer or employee of the United States, without prior approval of the Congress of the United States. It is understood that the works to be built by the United States, in whole or in part at its expense, and the expenditures by the United States, which are specifically provided for in the treaty, are as follows:

1. The joint construction of the three storage and flood-control dams on the Rio Grande below Fort Quitman, Texas, mentioned in article 5 of the treaty.

2. The dams and other joint works required for the diversion of the flow of the Rio Grande mentioned in subparagraph II of article 5 of the treaty, it being understood that the commitment of the United States to make expenditures under this subparagraph is limited to its share of the cost of one dam and works appurtenant thereto.

3. Stream-gaging stations which may be required under the provisions of section (j) of article 9 of the treaty and of subparagraph (d) of article 12 of the treaty.

4. The Davis Dam and Reservoir mentioned in subparagraph (b) of article 12 of the treaty.
"5. The joint flood-control investigations, preparation of plans, and reports on the Rio Grande below Fort Quitman required by the provisions of article 6 of the treaty.

"6. The joint flood-control investigations, preparations of plans, and reports on the lower Colorado River between the Imperial Dam and the Gulf of California required by article 13 of the treaty.

"7. The joint investigations, preparation of plans, and reports on the establishment of hydroelectric plants at the international dams on the Rio Grande below Fort Quitman provided for by article 7 of the treaty.

"8. The studies, investigations, preparation of plans, recommendations, reports, and other matters dealing with the Tijuana River system provided for by the first paragraph (including the numbered subparagraphs) of article 16 of the treaty.

"(b) Insofar as they affect persons and property in the territorial limits of the United States, the powers and functions of the Secretary of State of the United States, the Commissioner of the United States Section of the International Boundary and Water Commission, the United States Section of said Commission, and any other officer or employee of the United States, shall be subject to the statutory and constitutional controls and processes. Nothing contained in the treaty or protocol shall be construed as impairing the power of the Congress of the United States to define the terms of office of members of the United States Section of the International Boundary and Water Commission or to provide for their appointment by the President by and with the advice and consent of the Senate or otherwise.

"(c) That nothing contained in the treaty or protocol shall be construed as authorizing the Secretary of State of the United States, the Commissioner of the United States Section of the International Boundary and Water Commission, or the United States Section of said Commission, directly or indirectly to alter or control the distribution of water to users within the territorial limits of any of the individual States.

"(d) That 'international dam or reservoir' means a dam or reservoir built across the common boundary between the two countries.

"(e) That the words 'international plants', appearing in article 19, mean only hydroelectric generating plants in connection with dams built across the common boundary between the two countries.

"(f) That the words 'electric current', appearing in article 19, mean hydroelectric power generated at an international plant.

"(g) That by the use of the words 'The jurisdiction of the Commission shall extend to the limitrophe parts of the Rio Grande
(Rio Bravo) and the Colorado River, to the land boundary between the two countries, and to works located upon their common boundary * * * * in the first sentence of the fifth paragraph of article 2, is meant: 'The jurisdiction of the Commission shall extend and be limited to the limitrophe parts of the Rio Grande (Rio Bravo) and the Colorado River, to the land boundary between the two countries, and to works located upon their common boundary * * * *.'

"(b) The word 'agreements' whenever used in subparagraphs (a), (c), and (d) of article 24 of the treaty shall refer only to agreements entered into pursuant to and subject to the provisions and limitations of treaties in force between the United States of America and the United Mexican States.

"(i) The word 'disputes' in the second paragraph of article 2 shall have reference only to disputes between the Governments of the United States of America and the United Mexican States.

"(j) First, that the one million seven hundred thousand acre-feet specified in subparagraph (b) of article 10 includes and is not in addition to the one million five hundred thousand acre-feet, the delivery of which to Mexico is guaranteed in subparagraph (a) of article 10; second, that the one million five hundred thousand acre-feet specified in three places in said subparagraph (b) is identical with the one million five hundred thousand acre-feet specified in said subparagraph (a); third, that any use by Mexico under said subparagraph (b) of quantities of water arriving at the Mexican points of diversion in excess of said one million five hundred thousand acre-feet shall not give rise to any future claim of right by Mexico in excess of said guaranteed quantity of one million five hundred thousand acre-feet of water.

"(k) The United States recognizes a duty to require that the protective structures to be constructed under article 12, paragraph (a), of this treaty, are so constructed, operated, and maintained as to adequately prevent damage to property and lands within the United States from the construction and operation of the diversion structure referred to in said paragraph.'

AND WHEREAS the said treaty and protocol were duly ratified by the President of the United States of America on November 1, 1945, in pursuance of the aforesaid advice and consent of the Senate and subject to the aforesaid understandings on the part of the United States of America;

AND WHEREAS the said treaty and protocol were duly ratified by the President of the United Mexican States on October 16, 1945, in pursuance and according to the terms of a Decree of September 27, 1945 of the Senate of the United Mexican States approving the said treaty.
and protocol and approving the said understandings on the part of the
United States of America in all that refers to the rights and obligations
between the parties;

And whereas it is provided in Article 28 of the said treaty that
the treaty shall enter into force on the day of the exchange of ratifica-
tions;

And whereas it is provided in the said protocol that the protocol
shall be regarded as an integral part of the said treaty and shall be
effective beginning with the day of the entry into force of the said
treaty;

And whereas the respective instruments of ratification of the said
treaty and protocol were duly exchanged, and a protocol of exchange of
instruments of ratification was signed in the English and Spanish
languages, by the respective Plenipotentiaries of the United States of
America and the United Mexican States on November 8, 1945, the
English text of which protocol of exchange of instruments of ratifica-
tion reads in part as follows:

"The ratification by the Government of the United States of
America of the treaty and protocol aforesaid recites in their en-
tirety the understandings contained in the resolution of April 18,
1945 of the Senate of the United States of America advising and
consenting to ratification, the text of which resolution was com-
municated by the Government of the United States of America to
the Government of the United Mexican States. The ratification
by the Government of the United Mexican States of the treaty and
protocol aforesaid is effected, in the terms of its instrument of
ratification, in conformity to the Decree of September 27, 1945 of
the Senate of the United Mexican States approving the treaty and
protocol aforesaid and approving also the aforesaid understandings
on the part of the United States of America in all that refers to the
rights and obligations between both parties, and in which the
Mexican Senate refrains from considering, because it is not com-
petent to pass judgment upon them, the provisions which relate
exclusively to the internal application of the treaty within the
United States of America and by its own authorities, and which
are included in the understandings set forth under the letter (a)
in its first part to the period preceding the words 'It is understood'
and under the letters (b) and (c)."

Now, therefore, be it known that I, Harry S. Truman, President
of the United States of America, do hereby proclaim and make public
the said treaty and the said protocol supplementary thereto, to the
end that the same and every article and clause thereof may be ob-
served and fulfilled with good faith, on and from the eighth day of
November, one thousand nine hundred forty-five, by the United
States of America and by the citizens of the United States of America
and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused
the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-seventh day of No-

vember in the year of our Lord one thousand nine hundred

forty-five and of the Independence of the United States of

America the one hundred seventieth.

HARRY S TRUMAN

By the President:

JAMES F BYRNES

Secretary of State