INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Minute 308

June 28, 2002
Ciudad Juárez, Chihuahua

United States Allocation of Rio Grande Waters During the last Year of the Current Cycle

The Commission met at the offices of the Mexican Section in Ciudad Juárez, Chihuahua at 5:00 pm on June 28, 2002 to consider the Government of Mexico's proposals concerning the United States' allocation of Rio Grande waters during the last year of the present five year cycle in the framework of Paragraph B of Article 4 of the United States – Mexico Treaty for Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

The Commissioners made note of the conversations on this matter between United States President George W. Bush and Mexican President Vicente Fox Quesada in Monterrey, Nuevo Leon on March 20, 2002, to their subsequent conversations and to the June 6, 2002 meeting in Washington of delegations of the two countries at which the two Commissioners participated.

Based on the above, the Commissioners:

A. Observed that the Mexican allotment to the United States on the Rio Grande during the last year of the current cycle can be made based on the following:

   a) The National Water Commission will request of the Secretariat of Foreign Relations that the Mexican Section of the Commission, on the date which the present Minute enters into force and as part of normal joint accounting of the storages of both countries at the international Amistad and Falcon dams, to join the United States Section of the Commission for the Commission to account in favor of the United States the contingency assignment of 90,000 acre-feet – af (111 Million Cubic Meters – Mm^3) subject to the following understandings:

      1. The Commission will continue its weekly preliminary accounting of the inflows, releases and storage at the international dams;

      2. At the accounting period ending October 26, 2002, the Commission will issue a joint report of new Mexican inflows to the international dams recorded since the date of entry into force of this Minute;

3. If, by October 26, 2002, the new Mexican inflows have replaced the volume of 90,000 af (111 Mm^3) this volume will remain assigned to the United States in the Commission's final accounting and at that time, the losses attributed to conveyance of this volume to the international dams estimated at 28,845 af (35.5 Mm^3) will be accounted in favor of Mexico.

4. If, by October 26, 2002, the new Mexican inflows have not replaced the volume of 90,000 af (111 Mm^3) the Commission will make a compensating adjustment to Mexico's favor that is equal to the difference between 90,000 af (111 Mm^3) and the quantity of Mexico's inflows.

5. If, by October 26, 2002 and after making the aforementioned compensating adjustment and providing that Mexico's releases at the Amistad and Falcon Dams from July 1 to October 26, 2002 were consistent with those of the same timeframe in 2001 and yet the volume of water belonging to Mexico in storage at Amistad and Falcon dams falls below 243,213 af (300 Mm3), a quantity that the Government of Mexico considers is needed to supply Mexico's Rio Grande communities for the following 10 months, then the Government of the United States authorizes the United States Commissioner to make available to Mexico volumes of water allotted to the United States necessary to maintain the volume of 243,213 af (300 Mm3) in Mexico's storage, which would be repaid with Mexican source water in excess of the volume of 243,213 af (300 Mm3).

b) The One-Third flows from measured Treaty Tributaries as follows:

1. The volume flowing into the Rio Grande between October 1, 2001 and May 31, 2002, was 13,620 af (16.80 Mm^3);

2. Based on an estimate by Mexico's National Water Commission of a 90 per cent probability, one-third of the volume flowing into the Rio Grande from the six Mexican tributaries could be at least 12,566 af (15.50 Mm^3) in June 1 – 30, 2002;

3. Based on the referenced probability the one-third volume flowing to the Rio Grande from the six Mexican tributaries could be 8,999 af (11.10 Mm^3) in July 1 –31, 2002;

4. Similarly, the one-third volume flowing to the Rio Grande from the six Mexican tributaries could be at least 5,918 af (7.30 Mm^3) in August 1 – 31, 2002; and

5. Similarly, also, the one-third volume flowing to the Rio Grande from the six Mexican tributaries could be at least 15,971 af (19.70 Mm^3) in September 1 – 30, 2002.

B. The Commissioners observed the information of the Government of Mexico that it intended to finance the modernization and technical enhancement for sustainability in irrigated areas of the Districts and Irrigation Units in the Rio Grande Basin, and to improve the efficiency in water use in the border cities.

C. The Commissioners noted the information of the Government of Mexico that Mexico proposes a capital investment of $1,535,000,000 pesos in the next four years. In this period, approximately 321,041 af (396 Mm^3) could be conserved in the irrigation districts. The conserved volume could increase by 46,210 af (57.00 Mm^3) with an additional expenditure of $310,000,000 pesos.

D. The Commissioners also observed the support of both Governments to increasing data exchange relating to the management of hydrological systems in both countries in a timely manner to enable the Commission to adopt principles and understandings under which both Governments provide the highest priority to fulfilling their respective obligations under the 1944 Water Treaty.

E. The Commissioners also observed that the United States Department of the Treasury and Mexico's Secretariat of Treasury and Public Credit and exchanged letters on this date under which financial measure are proposed to support the water conservation projects, including those to be carried out through the North American Development Bank.

F. The Commissioners noted the intent of the two Governments of there being review and observation by the Commission of the water conservation projects and provision of its findings to the two Governments and appropriate international funding institutions concerning the estimated volumes of salvaged waters and the measures necessary to ensure their conveyance to the Rio Grande.

G. The Commissioners considered the application of Recommendation 3 of Minute No. 307, dated March 16, 2001 in the following manner:

1. Measures of Cooperation on Drought Management -- Mexico's National Water Commission will present to the International Boundary and Water Commission a progress report on its studies concerning drought management planning to support the Commission as a forum under which the proper authorities in each country may coordinate their respective drought management plans.

2. Sustainable Management of the Basin -- The Commission took note of the desire of both Governments to convene a bi-national summit meeting of experts and water users from each country for the purpose of providing the proper authorities and stakeholders information concerning sustainable management of the Rio Grande Basin. Taking the recommendations of the summit into account, the two Governments will consider a binational sustainable management plan for the basin.

3. International Advisory Council -- The Commission, subject to provision of financial and personnel resources to each Section by the respective governments as a step to strengthen the Commission's role in the area of sustainable management of the basin and drought management planning, will establish a forum for the exchange of information and advice to the Commission from government and non-government organizations in their respective countries.

Based on the foregoing, the Commissioners recommend the following to the two Governments, for their approval:

1. The International Boundary and Water Commission will account in favor of the United States of 90,000 acre feet - af (111 Million Cubic Meters – Mm^3) of waters assigned to Mexico in the international Amistad and Falcon Reservoirs with the understandings in Part A hereinabove.

2. The Government of the United States and the Government of Mexico will urge the appropriate international funding institutions, to which they are a party, to ensure analyses and consideration of the Commission's observations concerning the water conservation projects cited in Parts B – E. The Commission will provide its findings to the two Governments and these institutions, concerning the estimated volumes of conserved waters by these projects and the measures necessary to ensure their conveyance to the Rio Grande.

3. The two Governments will continue discussions through the Commission regarding measures to be taken concerning the deficit in the allocation of water from the Mexican tributaries.

4. The two Governments will support an increase in data exchange relating to the management of the hydrological systems in both countries in a timely manner to enable the Commission to adopt principles and understandings for application in the next cycle under which both Governments will provide the highest priority to fulfilling their respective obligations under the 1944 Water Treaty.

5. The Government of the United States and the Government of Mexico will support the Commission's application of point 3 of Minute 307 of March 16,

2001 outlined in Part G of this Minute with regard to drought management and the sustainable management of this basin.

6. This Minute shall enter into force upon approval of the Government of the United States of America and the Government of United Mexican States.

The meeting was adjourned.

Carlos M. Ramirez
United States Commissioner

J. Arturo Herrera Solís
Mexican Commissioner

Manuel R. Ybarra
United States Section Secretary

José de Jesús Luévano Grano
Mexican Section Secretary