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, [1] and Article IV of the boundary treaty between the two countries signed at the City of México December 30, 1853 [2] regulate the use of the waters of the Rio Grande (Río 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, and of the Rio Grande (Río Bravo) from Fort Quitman, Texas, United States of America, to the Gulf of Mexico, in order to obtain the most 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:

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

I - DISPOSICIONES PRELIMINARES

ARTICULO 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.

(c) “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 consumed and does not return to its source of supply. In general it is measured by the amount of water

cauce con objeto de hacerla llegar a otro lugar y almacenarla, o aprovecharla con fines domésticos, agrícolas, ganaderos o industriales; ya sea que dicho acto se lleve a cabo utilizando presas construidas a través del cauce, partidores de corriente, bocatomas laterales, bombas o cualesquiera otros medios.

(e) Por “punto de derivación”, el lugar en que se realiza el acto de derivar el agua.

(f) Por “capacidad útil de las presas de almacenamiento”, aquella parte de la capacidad total que se dedica a retener y conservar el agua para disponer de ella cuando sea necesario, o sea, la capacidad adicional a las destinadas al azolve y al control de avenidas.

(g) Por “desfogue” y por “derrame”, la salida voluntaria o involuntaria de agua para controlar las avenidas o con cualquier otro propósito que no sea de los especificados para la extracción.

(h) Por “retornos”, la parte de un volumen de agua derivada de una fuente de abastecimiento, que finalmente regresa a su fuente original.

(i) Por “extracción”, la salida del agua almacenada, deliberadamente realizada para su conducción a otro lugar o para su aprovechamiento directo.

(j) Por “consumo”, el agua evaporada, transpirada por las plantas, retenida o por cualquier medio perdida y que no puede retornar a su cauce de escurrimiento. En general se mide por el monto del agua derivada menos
diverted less the part thereof which returns to the stream.

(k) "Lowest major international dam or reservoir" means the

major international dam or reservoir situated farthest downstream.

(l) "Highest major international dam or reservoir" means the

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 and Mexico signed in Washington March 1, 1889 [*] to facilitate the carrying out of the principles contained in the Treaty of November 12, 1884 [*] and to avoid difficulties occasioned by reason of the changes which take place in the beds of the Rio Grande (Rio Bravo) and the Colorado River shall hereafter be known as the International Boundary and Water Commission, United States and Mexico, which shall continue to nuar in functions for the entire period during which the present Treaty shall continue in force. Accordingly, the term of the Convention of March 1, 1889 shall be considered to be indefinitely extended, and the Convention of November 21, 1900 [*] between the United States and Mexico regarding that Convention shall be considered completely terminated.

The application of the present Treaty, the regulation and exer-

[3] [Treaty Series 244; 31 Stat. 1936.]

ARTICULO 2

La Comisión Internacional de Límites establecida por la Convención suscrita en Washington, por los Estados Unidos y México, 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, cambiará su nombre por el de Comisión Internacional de Límites y Agüas, entre los Estados Unidos y México, la que continuará en funciones por todo el tiempo que el presente Tratado esté en vigor. En tal virtud se considera prorrogado indefinidamente el término de la Convención de primero de marzo de 1889 y se deroga, por completo, la de los Estados Unidos y México, relativa a aquella Convención.
eise of the rights and obligations which the two Governments assume thereunder, 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 tenecientes a funcionarios diplo-
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 (Río 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 maticos. 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 limitrofes 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)**

**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:

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

Todos los usos anteriores estarán sujetos a las medidas y obras sanitarias que convengan de común acuerdo los dos Gobiernos, los cuales se obligan a resolver preferentemente los problemas fronterizos de saneamiento.

**II – RIO BRAVO (GRANDE)**

Las aguas del río Bravo (Grande) entre Fort Quitman, Texas, y el Golfo de México se asignan a los dos países de la siguiente manera:
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, Goodenough 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 rieguen estos dos últimos ríos.

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) 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 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.

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, Escondido 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, Escondido, 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 acres-feet (431,721,000 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 (Rio Bravo):

I. 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 feasible tributaries:

ARTICULO 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):

I. Las presas que se requieran para el almacenamiento y regulación 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 allotted 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 way.
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. países en cada presa, en la misma proporción que las capacidades requeridas para almacenamiento útil, por cada país, en la misma presa. Ambos países tendrán un interés común indivisible en la capacidad de cada presa para el control de avenidas.

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.

La construcción de las presas internacionales de almacenamiento principiará dentro de los dos años siguientes a la aprobación por los dos Gobiernos de los planos correspondientes. Los trabajos empezarán por la construcción de la presa inferior principal internacional de almacenamiento, pero se podrán llevar a cabo, simultáneamente, obras en los tramos superiores del río. La presa inferior principal internacional deberá quedar terminada en un plazo máximo de ocho años a partir de la fecha en que entre en vigor este Tratado.

The construction of the dams and other joint works required for the diversion of the flows of the river shall be initiated on the dates recommended by the Commission and approved by the two Governments.

El costo de construcción de cada una de las presas internacionales de almacenamiento y los costos de su operación y mantenimiento de cada uno de ellos. se dividirán entre los dos países en proporción a las respectivas capacidades útiles que en la presa se trate a asignen a cada uno de ellos.

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

El costo de construcción de cada una de las presas y de las otras obras comunes necesarias para la derivación de las aguas del río y los costos de su operación y
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 (Río 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...
plants for generating hydro-electric energy which it may be feasible to construct at the international storage dams on the Río Grande (Río 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 for las plantas de generación de energía hidroeléctrica que fuere factible construir en las presas internacionales de almacenamiento en el río Bravo (Grande). La Comisión informará a los dos Gobiernos, 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 recomiende 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 beneficio, 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-

someterá a la aprobación de los dos Gobiernos un reglamento para el almacenamiento, conducción y entrega de las aguas del río Bravo (Grande) desde Fort Quitman, Texas, hasta el Golfo de México. Dicha reglamentación podrá ser modificada, adicionada o complementada, cuando sea necesario, por la Comisión, con la aprobación de los dos Gobiernos. Cada una de las siguientes reglas generales regirá hasta que sean modificadas por acuerdo de la Comisión con la aprobación de los dos Gobiernos:

a) El almacenamiento de aguas en todas las presas superiores principales internacionales se mantendrá al más alto nivel que sea compatible con el control de avenidas, las extracciones normales para irrigación y los requerimientos de generación de energía eléctrica.

b) Las entradas de agua a cada presa se acreditarán al país a quien pertenezca dicha agua.

c) En cualquier vaso de almacenamiento la propiedad del agua perteneciente al país que tenga agua en exceso de la necesaria para mantener llena la capacidad útil que le corresponda, pasará al otro país, hasta que se llene la capacidad útil asignada a éste. Sin embargo, en todos los vasos de almacenamiento superiores, un país, al llenarse la capacidad útil que le pertenece, podrá usar transitoriamente la capacidad útil del segundo país y que éste no use, siempre que, si en ese momento ocurrieren derrames y desgorgues,
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 cualquier 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.

e) 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 use.

(f) Either of the two countries may avail itself, whenever it so desires, of any water belonging to la totalidad de éstos se cargue al primero y todas las entradas a la presa se consideren propiedad del segundo, hasta que cesen los derrames o desfogues o hasta que la capacidad útil del segundo se llene con aguas que le pertenezcan.

(f) Cualquiera de los dos países podrá disponer, en el momento en que lo desee, del agua almacenada
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 plans for the diversion works shall be previously made known to the Commission for its information.

**ARTICULO 9**

a) El cauce del río Bravo (Grand) podrá ser empleado por los dos países para conducir el agua que les pertenezca.

b) Cualquiera de los dos países podrá derivar y usar, en cualquier lugar del cauce principal del río Bravo (Grand) desde Fort Quitman, Texas, hasta el Golfo de México, el agua que le pertenezca y podrá construir, para ello, las obras necesarias. Sin embargo, no podrá hacerse ninguna derivación o uso en cualquiera de los dos países, fuera de los existentes en la fecha en que entre en vigor este Tratado, ni construirse ningunas obras con aquel fin, hasta que la Sección de la Comisión del país en que se intente hacer la derivación o uso verifique que hay el agua necesaria para ese efecto, dentro de la asignación de ese mismo país, de la asignación de ese mismo país, de acuerdo con lo estipulado en el inciso d) de este Artículo, en una derivación o uso en mayor cantidad. El uso proyectado, y los planos para las correspondientes obras de derivación que deban construirse, al efecto, se darán a conocer previamente a la Comisión para su información.
(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 favor of a país de aguas que country of water belonging to the pertenezcan al otro, cuando éste other, when the latter does not no las necesite o no las pueda need it or is unable to use it, utilizarse sin que dicha autorización provided that such authorization or the use of such water shall not establezca, con relación a las mismas, ningún derecho para continuar derivándolas.

(f) In case of the occurrence of an extraordinary drought in one country with an abundant supply of water in the other country, el agua de éste almacenada en los vasos de almacenamiento inter- water stored in the international storage reservoirs and belonging nacionales podrá ser extraída, con el consentimiento de la Comisión, to the country enjoying such abundant water supply may be withdrawn, with the consent of the Commission, for the use of the país seca.

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, agua perteneciente al otro país, for the purpose of generating hydro-electric power, provided hidroeléctrica, siempre que tal that such diversion causes no derivación no cause perjuicio al injury to the other country and otro país, no interfiera con la
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. La factibilidad de dichas derivaciones, que no existan al not existing on the date this Treaty enters into force shall be determinada por la Comisión, la country making the diversion.

h) In case either of the two countries shall construct works for diverting into the main channel of the Rio Grande (Río Bravo) or its tributaries waters that do not at the time this Treaty enters into force contribute to the flow of the Río Grande (Río 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 regulation of the waters in the storage, the consumptive uses, the withdrawals, the diversions, and the losses. Al efecto, la Comisión construirá, operará y mantendrá en la co-región principal del río Bravo channel of the Rio Grande (Río Grande) and cada Sección en los Bravo), and each Section shall correspondientes afluente-
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 Grande (Río Bravo) 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 1,600,000 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 any year exist in the río Colorado, agua en exceso de la necessity 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 consumptive 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, subject to the volume assigned to Mexico in each year. The volume assigned to Mexico in any year shall not exceed 2,096,931,000 cubic meters (1,850,234,000 acre-feet) per year.
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, wherever such waters may arrive in the limiteros 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, a volumen de agua que no exceda de 30,837,000 metros cúbicos (25,000 acres pies) anualmente. En este 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 se les deducirán los volúmenes que se entreguen, cada año, cerca de San Luis, Sonora.

(c) During the period from the
are placed in operation until Davis se ponga en operación y el
January 1, 1980, the United States shall also deliver to Mexico
annualy, of the water allotted to it, 500,000 acre-feet (616,745,000
cubic meters), and thereafter the United States shall deliver an-
ually 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 inter-
national boundary line in the year
1943.
(d) All the deliveries of water
specified above shall be made
subject to the provisions of Ar-
ticle 15 of this Treaty.

ARTICLE 12

The two Governments agree to
meten a construir las siguientes
obras:

(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
intersects the Colorado River.
If such diversion structure is lo-
cated in the limitrophe section of
the river, its location, design and
calizare en el tramo limitrofe del
construction shall be subject to
rio, su ubicación, proyecto y
the approval of the Commission. 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 make possible the regulation at 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 necessary water to the users of Mexico.
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 pilados e intercambiados periódica-
flows shall be periodically com-
piled and exchanged between the
two Sections.

**Article 13**
The Commission shall study, in-
vestigate and prepare plans for
flood control on the Lower Colora-
do River between Imperial Dam
and the Gulf of California, in both
the United States and Mexico, and
shall, in a Minute, report to the
two Governments the works which
should be built, the estimated cost
thereof, and the part of the works
to be constructed by each Gov-
ernment. The two Governments
agree to construct, through their
respective Sections of the Com-
mission, such works as may be re-
commended by the Commission and
approved by the two Governments,
each Government to pay the costs
of the works constructed by it.
The Commission shall likewise rec-
ommend the parts of the works to
be operated and maintained jointly
by the Commission and the parts
to be operated and maintained by
each Section. The two Govern-
ments agree to pay in equal shares
the cost of joint operation and main-
tenance, and each Govern-
ment agrees to pay the cost of
operation and maintenance of the
works assigned to it for such
purpose.

**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 15 de este Tratado, de una parte of the waters of the Colorado de su asignación a las aguas del River, Mexico shall pay to the río Colorado, México pagará a los United States: Estados Unidos:

(a) A proportion of the costs a) Una parte de los costos actually incurred in the construction of Imperial Dam and the Imperial Dam-Pilot Knob section of the All-American Canal, this proporción and the method and y términos de su pago serán 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 b) Anualmente, la parte que le 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 amortization of part or all of the facilities named in the totalidad of the costs of the facilities named in the subparagraph (a) of this Article, the part that Mexico should pay de este Artículo, la parte that of the costs of said facilities shall México deberá pagar del costo de be reduced or repaid in the same as the balance of the embolsada en la misma proporción total costs are reduced or repaid. en que se reduzca o reembolsa el It is understood that any such saldo insoluto de los costos totales, revenue shall not become available Queda entendido que no podrá until the cost of any works which may be constructed for the generación de los productos de la venta de energia.
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 point 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

**TABLA I**

| 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 |

**ARTICULO 15**

A. - El agua asignada en el inciso a) del Artículo 10 de este Tratado será entregada a México en los lugares especificados en el Artículo 11, de acuerdo con las tablas anuales de entregas mensuales, que se indican a continuación, y se formulará por México y presentará a la Comisión antes del principio de cada año civil:

**TABLA I**

| a) | La tabla I detallará la entrega en el tramo limítrofe 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 meter) 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.

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

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**Tabla II**

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 pre-
scribed 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 cu-
bic 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 otherwise 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 men-
tioned 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, II, of
directo de la línea
terrestre internacional determi-

B. – Los Estados Unidos no
estarán obligados a entregar por
el Canal Todo Americano más
de 616 745 000 metros cúbicos
(500 000 acres pies) anuales desde
la fecha en que se ponga en opera-
ción la Presa Davis hasta el pri-
mero de enero de 1980, ni más
de 462 558 000 metros cúbicos
(375 000 acres pies) anuales después
de esa última fecha. Si por acuerdo
mutuo se entregare a México cual-
quiera parte de los volúmenes de
agua especificados en este párrafo,
en puntos de la línea terrestre in-
ternacional distintos del lugar en
que se haga la entrega por el Canal
Todo Americano, los gastos de en-
trega y los volúmenes de agua
arriba mencionados y determina-
dos en la Tabla II de este Artículo,
serán disminuidos en las cantida-
des correspondientes.

C. – Durante los meses de enero,
febrero, octubre, noviembre y
diciembre de cada año, los Estados
Unidos tendrá la opción de en-
tregar, en el lugar de la línea
divisoria internacional determi-
nado en el inciso c) del Artículo
during the months of January, II, of
cualquier fuente que sea,
January, February, October, November and
December of each year, from
volúmen de agua que deberá ser
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 (1,850,000 cubic meters) allotted to Mexico, the United States hereby declares its intention to cooperate with Mexico in attempting to supply additional quantities of Todo Americano, the 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 any 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 of agua por el Canal Todo Americano through the All-American Canal no significará el aumento del volúmen total de entregas de agua tabulado para México. Por su parte, México declara su intención de cooperar con los Estados Unidos with the United States by attempting to curtail deliveries of water through the All-American Canal in years of limited supply, but if such curtailment can be accomplished without detriment to Mexico, sin perjuicio para México y si fuere necesario para hacer posible el uso de all available water supplies, aprovechamiento total del agua provided that such curtailment is necessary to allow full necessary to allow full; 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 quantity of 1,500,000 acre-feet (1,850,234,000 cubic meters) allotted to Mexico, the United States Section shall so inform the Mexican Section in order that the latter may schedule such surplus water to complete a quantity up to a maximum of 1,700,000 acre-feet (2,996,931,000 cubic meters). In this circumstance the total quantities to be delivered under Schedules I and II shall be increased in proportion to their respective total quantities and the two schedules thus increased shall be subject to the same limitations as those established for each under paragraph A of this Article.

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 Section, 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 A of this Article, podrá ser
is correspondingly reduced and if the limitations as to rates of delivery 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 Commission shall study and investigate, and shall submit to the two Governments 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 manner in which the construction of such works or the cost thereof should be divided between the two Governments;

(4) Recommendations regarding the parts of the works to be of the parts of the works that shall 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 to be done and shall maintain the same in accordance with the foregoing provisions.

IV - RIO TIJUANA

ARTICULO 16

Con el objeto de mejorar los usos existentes y de asegurar cualquier 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 almacenamiento y control de avenidas a fin de fomentar y desarrollar los usos domésticos, de irrigación y demás usos factibles de las aguas del 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 operadas y mantenidas por cada Sección.

Los dos Gobiernos, cada uno de sus respectivas Secciones de la Comisión, construirán las obras que propongan
approved by both Governments, y aprueben ambos Gobiernos, se
dividirán la cantidad de obra o su
costo y se distribuirán las aguas
del sistema del río Tijuana en las
proporciones que ellos decidan. Los dos Gobiernos convienen en
pagar por partes iguales el costo
de la operación y mantenimiento
conjuntos de las obras, y cada
Gobierno conviene en pagar el
costo de operación y manteni-
miento de las obras asignadas a
él con dicho objeto.

V - GENERAL PROVISIONS

ARTICLE 17

The use of the channels of the international rivers for the dis-
charge of flood or other excess
waters shall be free and not sub-
ject to limitation by either coun-
try, 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 Gov-
ernment, as far in advance as
practicable, any information it
may have in regard to such extra-
ordinary discharges of water from
reservoirs and flood flows on its
own territory as may produce
inundations in the territory of the other.

Each Government declares its
intention to operate its storage
structures in such manner, consistent
with the normal operations of its
hydraulic systems, as to avoid, as
sistemados hidráulicos, que evite, en
far as feasible, material damage
cuanto sea factible, que se pro-
in the territory of the other.

V - DISPOSICIONES GENERALES

ARTÍCULO 17

El uso del cauce de los ríos internacionales para la descarga
de aguas de avenida o de otras
excedentes será libre y sin limita-
ción para los dos países y ninguno
de ellos podrá presentar reclama-
ciones al otro por daños causados
por dicho uso. Cada uno de los
Gobiernos conviene en propor-
cionar al otro, con la mayor anti-
petición 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
produce puedan producir inundaciones
en el territorio del otro.
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 regulations as may appropriately be prescribed and enforced by the respective Governments with the approval of the Commission, for the purpose of the application of the provisions of this Treaty, and to such extent 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 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.
them. For this purpose the re-
sean asignados, empleando, para
spective Sections of the Commis-
ion may make use of any com-
petent public or private agencies in
accordance with the laws of the
respective countries. With re-
spect to such works as either
execute in the territory of the oth-
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, equip-
ment and repair parts in-
tended for the construction, opera-
tion and maintenance of such
works shall be exempt from im-
port and export customs duties.
The whole of the personnel em-
ployed either directly or indi-
rectly on the construction, opera-
tion or maintenance of the works
may pass freely from one country to
the other; for the purpose of
traveling to and from the place of
work, or regresando de él, sin
location of the works, without any
immigration restrictions, passports
or labor requirements. Each Gov-
ernment shall furnish, through its
own Section of the Commission, the
Commission, a identification
convenient means of identification
to the personnel employed by it
por la misma en las mencionadas
on the aforesaid works and veri-
labores y un certificado de verifi-
fication certificates covering al-
ción para los materiales, imple-
materials, implements, equipment
ments, equipos y refacciones des-
and repair parts intended for the
works.

Each Government shall assume
responsibility for and shall adjust
reclamaciones en conexión con la
exclusively in accordance with its
construcción, operación o man-
own laws all claims arising within
tenimiento de la totalidad o de
its territory in connection with cualquiera parte de las obras aquí
the construction, operation or convenidas o que, en cumplimien-
maintenance of the whole or of any part of the works herein agreed upon, or of any works which may, in the execution of this Treaty, be agreed upon in the future.

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, shall govern, so far as delimitation of the boundary, distribution of jurisdiction, and sovereignty, and relations and soberanía, and relations con pro-

1[Treaty Series 864; 48 Stat. 1021.]
with private owners are concerned, pietarios particulares, regirán en
in any places where works for the los lugares donde se hagan las
artificial channeling, canalización, obras de encauzamiento, canali-
or rectification of the Río Grande zación o rectificación del río Bravo
(Río Bravo) and the Colorado (Grande) y del río Colorado.
River are carried out.

ARTICLE 23

The two Governments recognize Los dos Gobiernos reconocen la
the public interest attached to the utilidad pública de las obras
works required for the execution necesarias para la aplicación y
and performance of this Treaty cumplimiento de este Tratado y,
and agree to acquire, in accord- por consiguiente, se comprometen
ance with their respective domes- a adquirir, de acuerdo con sus
tic laws, any private property that respectivas leyes internas, las pro-
may be required for the construc- piedades privadas que se necesiten
tion of the said works, including para la ejecución de las obras de
the main structures and their referencia, comprendiendo, además
appurtenances and the construc- de las obras principales, sus anexos
tion materials therefor, and for el aprovechamiento de materiales
the operation and maintenance de construcción, y para la opera-
thereof, at the cost of the country ción y mantenimiento de ellas, a
within which the property is expensas del país en donde se
situated, except as may be other- encuentren dichas propiedades,
wise specifically provided in this con las excepciones que expres-
Treay. mente establece este Tratado.

Each Section of the Commission Cada una de las Secciones de la
shall determine the extent and Comisión fijará en su correspon-
location of any private property diente país la extensión y ubicación
to be acquired within its own de las propiedades privadas que
country and shall make the neces- deban ser adquiridas y hará a su
dary requests upon its Government respectivo Gobierno la solicitud
for the acquisition of such property. para que las adquiera.

The Commission shall deter- La Comisión determinará los
mine the cases in which it shall casos en que sea necesario ubicar
become necessary to locate works obras para la conducción de agua
for the conveyance of water or y para los
energy eléctrica y para los
electrical energy and for the ser- servicios anexos a las mismas
vicios anexos a las mismas
icing of any such works, for the obras, en beneficio de cualquier
benefit of either of the two coun-
de los dos países, en territorio del
tries, in the territory of the other
otro, para que dichas obras puedan
country, in order that such works construirse por acuerdo de los dos
can be built pursuant to agree- Gobiernos. Dichas obras que-
mement between the two Govern- darán bajo la jurisdicción y vigi-
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 support on the jurisdiction of cada país que ambos navegantes, the jurisdiction of each country shall be limited by the center line of such works, por la Comisión—sin que por eso se limite la línea divisoria internacional.

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 bies—incluyendo lo que estén bajo el cauce de los ríos—rights of way and rights in rem, that it may enter upon and occupy for the construction, the works constructed, acquired or that may be necessary to enter upon reales que sean necesarios para la construcción, ocupar y conservar en su poder, en
in its own possession the titles, la misma forma, los títulos, control
control and jurisdiction over such y jurisdicción sobre tales obras.
works.

**ARTICLE 24**

The International Boundary and Water Commission shall have, La Comisión Internacional de
in addition to the powers and Límites y Aguas tendrá las sigui-
duties otherwise specifically provided in this Treaty, the following guientes facultades y obligaciones,
powers and duties:
en adición a las establecidas espe-
(a) To initiate and carry on especificamente en este Tratado:
investigations and develop plans a) Iniciar, llevar a cabo las
for the works which are to be investigaciones y desarrollar los
constructed or established in ac-
proyectos de las obras que debe-
cordance with the provisions of berán ser construidas o estable-
this and other treaties or agree-
cidas de acuerdo con las estipula-
ments in force between the two ciones de éste y de los demás
Governments dealing with bound-
tratados y convenios vigentes
daries and international waters; entre los dos Gobiernos, relativos
to determine, as to such works, a límites y aguas internacionales;
their location, size, kind and determinar la localización, magni-
characteristic specifications; to esti-
tude, calidad y especificaciones
mate the cost of such works; características de dichas obras;
and to recommend the division of estimar su costo; y recomendar la
such costs between the two Gov-
s-forma en que éste deberá re-
ernments, the arrangements for partirse entre los dos Gobiernos
the furnishing of the necessary y los arreglos para proveer los
funds, and the dates for the fondos necesarios, y las fechas en
beginning of the works, to the que deberán principiarse las obras,
extent that the matters mentioned en todo lo que las cuestiones
in this subparagraph are not mencionadas en este inciso no
otherwise covered by specific pro-
están reglamentadas en forma visions of this or any other distinta por disposiciones especí-
Treaty. ficas de éste o de algún otro tra-
(b) To construct the works tado.
b) Construir o vigilar la con-
agreed upon or to supervise their strucción y después operar y man-
construction and to operate and tener o vigilar la operación y
maintain such works or to super-
mantener el mantenimiento de las vise their operation and main-
convenidas, con sujeción a las re-
tenance, in accordance with the spectivas leyes de cada país. Cada respective domestic laws of each Sección tendrá jurisdicción sobre
country. Each Section shall have, país. Cada Sección tendrá jurisdicción sobre
the extent necessary to give las obras construidas exclusiva-
effect to the provisions of this mente en el territorio de su país,
hasta el límite necesario para cum-
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.

plir con las disposiciones de este Tratado y siempre que dichas obras tengan conexión con las estipulaciones aludidas o alguna influencia en la ejecución de las mismas.

c) En general, ejercer las facultades y cumplir con las obligaciones específicas impuestas a la Comisión por éste y otros Tratados y Convenios vigentes entre los dos países, ejecutar sus disposiciones y evitar la violación de las mismas. Las autoridades de cada país ayudarán y apoyarán a la Comisión en el ejercicio de estas facultades, pudiendo cada Comisionado requerir, siempre que sea necesario, el imperio de los tribunales o de otras dependencias gubernamentales competentes de su país, con objeto de obtener ayuda en la ejecución y cumplimiento de estas facultades y obligaciones.

d) Resolver, con la aprobación de los dos Gobiernos, todas las diferencias que se susciten entre ellos sobre la interpretación o la aplicación del presente Tratado. Si los Comisionados no llegaren a un acuerdo, darán aviso a su Gobierno, expresando sus opiniones respectivas, los fundamentos de su decisión y los puntos en que difieran, para la discusión y ajuste de la discrepancia por vía diplomática, o con objeto de que se apliquen, en su caso, los convenios generales o especiales celebrados entre los mismos Gobiernos para resolución de controversias.
(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 gaging 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 specifically provided in this Treaty, Articles III and VII of the Convention of March 1, 1889 shall govern the Commission, para la ejecución de las
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 contain it 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, Governments tomarán conocimiento and if an agreement regarding del asunto y, si llegaren a un such matter is reached between acuerdo, éste se comunicará a los the two Governments, the agree-
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), or 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 abovementioned United States for its use the following quantities requested, under the use, bajo las siguientes condiciones: that during ciones: que en los ocho años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, durante los años citados, during the eight years there shall be released a total of 160,000 197,358,000 cubic meters (197,358,000 cubic meters) and, en un año
ters) and up to 40,000 acre-feet determinado, un volumen hasta
(49,340,000 cubic meters) in any of 49,340,000 metros cúbicos
one year; that the water shall be (40,000 acres pies); que el agua se
made available as requested at abastecerá a medida que sea solici-
tada y en gastos que no excedan de (21.2 cubic meters) per second; 21.2 metros cúbicos (750 pies
cúbicos) por segundo; que cuando los gastos solicitados y abastecidos
been more than 500 cubic feet excedan de 14.2 metros cúbicos
(14.2 cubic meters) per second the (500 pies cúbicos) por segundo, el
period of release shall not extend período de extracción no se pro-
by fifteen consecutive days; longará por más de 15 días con-
and that at least thirty days must secutivos; y que deberán trans-
elapse between any two periods of currir cuando menos treinta días
release during which rates of flow entre dos extracciones en el caso de
in excess of 500 cubic feet (14.2 que se hayan abastecido solici-
cubic meters) per second have been tudades para gastos mayores de 14.2
requested and made available. In metros cúbicos (500 pies cúbicos)
addition to the guaranteed flow, por segundo. Además de los volú-
Mexico shall release from El menes garantizados, México de-
Azúcar reservoir and conduct jará salir de la presa de El Azúcar
through its canal system and the y conducirá por su sistema de
San Juan River, for use in the canales y el río San Juan, para su
United States during periods of uso en los Estados Unidos, du-
drought and after satisfying the rante los períodos de sequía y
needs of Mexican users, any excess después de haber satisfecho todos
water that does not in the opinion los requerimientos de los usuarios
of the Mexican Section have to be mexicanos, aquellas aguas exces-
stored and that may be needed for dentes que, a juicio de la Sección
the irrigation of lands which were Mexicana no necesiten almacene-
under irrigation during the year narse, para ayudar al riego de las
1943 in the Lower Rio Grande tierras que, en el año de 1943, se
Valley in the United States. regaban, en el citado valle del

**ARTICLE 27**

The provisions of Article 10, 11, Durante un lapso de cinco años,
and 15 of this Treaty shall not be contados a partir de la fecha en
applied during a period of five que principio la vigencia de este
years from the date of the entry Tratado, o hasta que puestas en
force of this Treaty, or until operación la Presa Davis y la
the Davis dam and the major estructura mexicana principal de
estrastructure, or until into force of this Treaty, or until
Mexican diversion structure on derivación en el río Colorado, si se
derivation en el río Colorado, si se
the Colorado River are placed in ponen en operación estas obras

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 Wash-

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
ington on this third day of Febru-
dy, 1944.
ary, 1944.
febrero de 1944.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

Cordell Hull [seal]
George S. Messersmith [seal]
Lawrence M. Lawson [seal]

FOR THE GOVERNMENT OF THE UNITED MEXICAN STATES:

F. Castillo Nájera [seal]
Rafael Fernández MacGregor [seal]
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 or jurisdictions shall be exercised in conformity with the provisions of the Treaty and in cooperation with the Sections of the International Boundary and Water Commission.

El Gobierno de los Estados Unidos de América y el Gobierno de los Estados Unidos Mexicanos convienen y tienen entendido que:

Siempre que en virtud de lo dispuesto en el Tratado entre los Estados Unidos de América y los Estados Unidos Mexicanos, firmado en Washington el 3 de febrero de 1944, relativo al aprovechamiento de las aguas de los ríos Colorado y Tijuana; y del río Bravo (Grande) desde Fort Quitman, Texas, hasta el Golfo de México, se impongan funciones específicas o se confiera jurisdicción exclusiva a cualquiera de las Secciones de la Comisión Internacional de Límites y Aguas, que entrañen la construcción o uso de obras de almacenamiento o de conducción de agua, de control de avenidas, de aforos o para cualquier otro objeto, que estén situadas totalmente dentro del territorio del país al que corresponda esa Sección y que se usen solamente en parte para cumplir con las disposiciones del Tratado, dicha jurisdicción la ejercerán y las referidas funciones, incluso la construcción, operación y conservación de las obras de que se trata, las desempeñarán y realizarán las dependencias federales de ese mismo país, que estén facultadas, en virtud de sus leyes internas actualmente en vigor o que en lo futuro se dicten, para construir, operar y conservar dichas obras.
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.

Las obras que se construyan o usen en la línea divisoria o a lo largo de ella, así como las que se construyan o usen exclusivamente para cumplir con las estipulaciones del Tratado, quedarán bajo la jurisdicción de la Comisión o de la Sección correspondiente de acuerdo con lo dispuesto por el mismo. Para llevar a cabo la construcción de dichas obras, las Secciones de la Comisión podrán utilizar los servicios de organismos públicos o privados, de acuerdo con las leyes de sus respectivos países.

Este Protocolo, que se considerará parte integral del susodicho Tratado firmado en Washington el 3 de febrero de 1944, será ratificado y las ratificaciones cambiadas en Washington. Este Protocolo entrará en vigor a partir del día en que empiece a regir el de la entrada en vigor del Tratado y continuará en vigor por todo el tiempo que esté vigente el mismo.

En testicinio de lo cual los respectivos Plenipotenciarios han firmado este Protocolo y le han agregado sus sellos.

Hecho en duplicado, en los idiomas inglés y español, en Wash-
Washington, this fourteenth day of November, 1944.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

E R Stettinius Jr  [seal]
Acting Secretary of State
of the United States of America

FOR THE GOVERNMENT OF THE UNITED MEXICAN STATES:

F. Castillo Nájera  [seal]
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 * * *.'

"(h) 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 ratifications;

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 ratification 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 entirety 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 communicated 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 competent 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 observed 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 November 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 BYRNE

Secretary of State
[Reprinted November 1951
and November 1954]