

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

**El Paso, Texas
August 19, 2009**

**JOINT REPORT OF THE PRINCIPAL ENGINEERS
REGARDING THE JOINT COOPERATIVE PROCESS
UNITED STATES-MEXICO FOR THE TRANSBOUNDARY AQUIFER
ASSESSMENT PROGRAM**

To the Honorable Commissioners,
International Boundary and Water Commission,
United States and Mexico,
El Paso, Texas and Ciudad Juarez, Chihuahua.

Sirs:

We respectfully submit for your consideration this Joint Report recommending the joint cooperative process between the United States and Mexico to implement an assessment program for the transboundary aquifers shared by both countries.

I. Background

Since the decade of the 1970s, there exists within the framework of the International Boundary and Water Commission (IBWC), a process for the exchange of information on groundwater along the border between the United States and Mexico. Any issues of data or studies have been addressed on a case by case basis through mutual consultation as established in Resolution 6 of IBWC Minute No. 242.

By way of example, on December 2, 1997, the IBWC issued the "Joint Report of Principal Engineers Regarding Information Exchange and Mathematical Modeling in the El Paso, Texas and Ciudad Juarez, Chihuahua Area Aquifer." The IBWC arranged for the exchange of groundwater data between both countries and the development of a bilingual publication that was produced jointly under this effort.

On December 22, 2006, United States Public Law 109-448, the "United States-Mexico Transboundary Aquifer Assessment Act" was passed, establishing a program to evaluate transboundary aquifers between the United States and Mexico, which included the possibility of applying United States funds for assessment activities in Mexico.

II. International Boundary and Water Commission's Position and Process Framework

The IBWC, United States and Mexican Sections, are aware of the interest on both sides of the border to preserve and understand the aquifers used by both countries, whereby it is considered necessary to develop a team of binational experts to assess transboundary aquifers, exchange data, and if needed, develop new datasets.

Initiatives that include transboundary water resources are traditionally coordinated through the IBWC using the customary binational cooperation process used by both

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Sections of the Commission. The IBWC, under this joint cooperative process, will provide the framework for coordination of binational aquifer assessment activities conducted by U.S. and Mexican agencies, universities, and others participating in the program.

III. Objectives

The objective of the joint cooperative process for groundwater research is to improve the knowledge base of transboundary aquifers between the United States and Mexico.

To further this process, the following will be carried out within the IBWC framework:

1. Facilitate the exchange of data and assure the concurrence of the United States and Mexico for binational aquifer assessment activities.
2. Facilitate agreement on the aquifers that will be evaluated jointly.
3. Establish and coordinate binational technical advisory committees for each identified transboundary aquifer.
4. Establish an official repository for binational project reports developed under the program.

IV. Framework/Process (Roles and Responsibilities)

1. Either of the two countries can propose an aquifer to study. Within the IBWC framework it will be determined whether the proposal is in the common interest and, as appropriate, a joint program developed.
2. For projects selected, the IBWC will coordinate with agencies from both countries to jointly define the scope of the assessment leading to a binational scope.
3. Binational Technical Groups will be established, coordinated by the IBWC, to address and define the scope of each joint assessment.
4. The IBWC will facilitate concurrence of joint work plans.
5. Whoever carries out the joint studies will update the Binational Technical Groups with the progress of the projects as frequently as is agreed upon in each case, and these Groups will make appropriate observations and recommendations until the studies are accepted.
6. The final reports which proceed from the joint studies will be published in English and Spanish and will be made available for publication once they have been approved within the IBWC framework.

V. Funding

Each country will be responsible for any costs on projects conducted in its territory, in addition to selecting the participants and consultants to carry out the studies in that country. Either country may contribute to costs for work done in the other country. This contribution will be distributed according to the process agreed upon through the IBWC.

All projects and measures considered under this joint cooperative process are subject to the availability of funds and it is understood that agreeing to pursue with the evaluation

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of a specific project or activity does not commit any of the participants to provide funding for the execution of projects and measures.

VI. Principles of the Agreement


1. The activities described under this agreement should be beneficial to both countries.
2. The aquifers to be jointly studied, as well as the scope of the studies or activities to be done on each aquifer, should be agreed upon within the framework of the IBWC.
3. The activities should respect the legal framework and jurisdictional requirements of each country.
4. No provision set forth in this agreement will limit what either country can do independently in its own territory.
5. No part of this agreement may contravene what has been stipulated in the Boundary and Water Treaties between the two countries.
6. The information generated from these projects is solely for the purpose of expanding knowledge of the aquifers and should not be used by one country to require that the other country modify its water management and use.

VII. Communication and Use of Information

1. The IBWC will be an official repository of records generated by the binational projects, meetings, studies, and any information exchanged and/or presented. The final joint binational reports will be available to the public in each country and will be posted on the website of each Section of the Commission once they have been approved within the framework of the IBWC.
2. Information obtained and used as part of binational activities should be considered as official data and should be shared without any restrictions with stakeholders in both countries who participate in the joint projects.
3. Credit will be given to those who provide information.

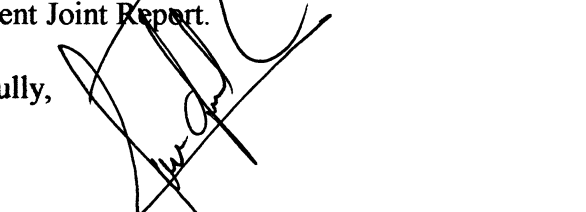
RECOMMENDATION

That the activities for the joint cooperative process related to the transboundary aquifer assessment program be adopted by the International Boundary and Water Commission in accordance with the terms described in the present Joint Report.



John Merino
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United States Section

Respectfully,



Luis Antonio Rascón Mendoza
Principal Engineer
Mexican Section

