

(English text of Minute No. 208 dated November 14, 1958)

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

Ciudad Juarez, Chihuahua
November 14, 1958

MINUTE NO. 208

FINAL LIQUIDATION OF COSTS CORRESPONDING TO MEXICO FOR GROUP I LEVEE WORKS REQUIRED UPSTREAM FROM THE MORELOS DIVERSION DAM TO PROTECT LANDS WITHIN THE UNITED STATES AGAINST DAMAGES FROM SUCH RISE IN FLOOD STAGES OF THE COLORADO RIVER AS MIGHT RESULT FROM CONSTRUCTION, OPERATION AND MAINTENANCE OF THAT STRUCTURE

The Commission met in the offices of the Mexican Section in Ciudad Juarez, Chihuahua, at 10:00 a.m., November 14, 1958, to consider the "Joint Report of the Principal Engineers on Final Liquidation of Costs Corresponding to Mexico for Group I Levee Works Required Upstream from the Morelos Diversion Dam to Protect Lands Within the United States against Damages from such Rise in Flood Stages of the Colorado River as might Result from Construction, Operation and Maintenance of that Structure". The English and Spanish texts of this report, submitted by Principal Engineers Joseph F. Friedkin and Jose G. Valenzuela under date of October 31, 1958, are attached hereto and form part hereof.

The Commission reviewed the aforementioned report in light of Article 12(a) of the Water Treaty, Minute No. 189 adopted May 12, 1948, entitled "Determinations as to Site and Design Features of the Main Diversion Structure to be Constructed by Mexico on the Colorado River and Works Necessitated thereby for Protection of United States Lands, pursuant to the Provisions of Article 12(a) of the Water Treaty concluded February 3, 1944", and Minute No. 195 adopted May 6, 1950, entitled "Works Required above the Morelos Diversion Dam to Protect Lands within the United States against Damages from such Floods as might Result from the Construction, Operation and Maintenance of that Structure".

The Commission then adopted the following resolution:

- "1. The 'Joint Report of the Principal Engineers on Final Liquidation of Costs Corresponding to Mexico for Group I Levee Works Required Upstream from the Morelos Diversion Dam to Protect Lands Within the United States against Damages from such Rise in Flood Stages of the Colorado River as Might Result from Construction, Operation and Maintenance of the Structure', submitted by Principal Engineers Joseph F. Friedkin and Jose G. Valenzuela under date of October 31, 1958, is approved.
- "2. As developed in the said Joint Report, the cost allocable to Mexico for the portion of construction and improvement work on the Yuma, Reservation and Imperial levees upstream from the

Morelos Diversion Dam required to protect United States lands against flood damages which might have resulted from the construction, operation and maintenance of that dam is \$752,400.00, U.S. Cy. Of this amount, \$630,664.94 has been withdrawn from the credit established by Mexico pursuant to Minute No. 195, leaving a balance of \$121,735.06 due the United States.

- "3. Upon payment of the said balance of \$121,735.06 due the United States, Mexico will be considered to have discharged in full its obligations under Article 12(a) of the Water Treaty of 1944 in respect of paying the costs of construction and improvement of the Yuma, Reservation and Imperial levees upstream from the Morelos Diversion Dam to protect United States lands from flood damages which might have resulted from construction, operation and maintenance of the dam.
- "4. It is understood that the final liquidation herein proposed relates only to the portion allocable to Mexico of costs of constructing and improving the Yuma, Reservation and Imperial levees upstream from the Morelos Diversion Dam; that at such time as the North Gila and South Gila levees are constructed, the portion allocable to Mexico of the costs of construction of these levees will be determined in accordance with Minute No. 195 and paid by Mexico in the manner provided therein; and that until these levees are constructed Mexico will not be responsible for any damages to the United States due to the lack thereof."

The meeting then adjourned.

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

(signed) D. Herrera J.
Commissioner of Mexico

(signed) M. B. Moore
Acting Secretary of the United
States Section

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