



TEXAS HOUSE OF REPRESENTATIVES COMMITTEE ON NATURAL RESOURCES

LYLE LARSON, CHAIR

January 9, 2020

The Honorable Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

Imagine being a farmer, city, or industrial facility on the Texas side of the Rio Grande border who has rights to water from the Rio Grande and never knows if, when, and how much water Mexico will make available in a given year pursuant to its obligations under the 1944 Water Sharing Treaty with the United States.

Unfortunately, this has become a reality in Texas. The Texas A&M Agrilife Extension Service estimates the loss of irrigated crop production in the Lower Rio Grande Valley region due to these water shortages to equate to a \$343.5 million loss in economic output over a five-year period. This does not include costs incurred by water users to secure alternative water supplies since they cannot rely on water to which they are entitled.

Under the 1944 Treaty with Mexico, the United States must ensure that 1.5 million acre-feet of Colorado River water annually reaches Mexico after passing through the upper basin states of Wyoming, Utah, and Colorado and the lower basin states of California, Nevada, and Arizona. The water is delivered to Mexico annually at great cost to the U.S. users in this basin who are grappling with prolonged drought. The water delivered to Mexico serves the rich agriculture region of Mexicali before reaching the Sea of Cortez. In 2017, the U.S. and Mexico signed an amendment to the 1944 Treaty, known as Minute 323, which updated how the U.S. and Mexico will share water in the Colorado River basin in times of surplus and scarcity. It has been heralded as an international symbol of cooperation and achievement.

In the other river basin mentioned in the Treaty, Mexico is responsible for delivering 350,000 acre-feet of water on average to the United States from Mexico's portion of the Rio Grande basin. This water is to be delivered from any and all of six tributaries named in the Treaty and stored in the international reservoirs of Lake Amistad and Lake Falcon. It is critical for south Texas farming, municipal, and industrial operations. Lack of delivery of water from Mexico also degrades the Rio Grande's ecosystem.

As you can see, a reciprocal exchange was built into the treaty to ensure that both countries meet their obligations. The Colorado and Rio Grande basin were inextricably linked in the Treaty. However, the Treaty is not being administered in a way that is equitable for users in the United States.

On the Rio Grande, the International Boundary and Water Commission, the binational commission responsible for administering the Treaty, has abided by an interpretation of the Treaty that allows Mexico to be deemed in compliance as long as it delivers 1.75 million acre-feet of water to Texas over a five-year period. It is important to note that the United States does not enjoy this same flexibility to meet its obligations on the Colorado River, rather it must deliver 1.5 million acre-feet consistently every year. The Texas and United States economies are negatively impacted by the

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lack of predictable annual deliveries of water from Mexico. Mexico can rely on timely and predictable deliveries of water from the United States on the Colorado. Texas users on the Rio Grande are not afforded the same predictability or consideration by Mexico. The current five-year cycle on the Rio Grande will end in October of 2020, and Mexico is currently 571,000 acre-feet behind schedule to meet its obligation of 1.75 million acre-feet of water over five years by October 31st. The Mexican government has put forward a plan to deliver a fraction of this water by February of 2020 and are hoping that summer rains will provide the balance by October 31st.

And as previously mentioned, the river's environment is damaged when predictable volumes of water under the Treaty are not delivered. In the past, the United States has delivered water to Mexico on the Colorado to meet Mexico users' needs and mitigate environmental impacts in Mexico. Here again, Mexico fails to reciprocate on the Rio Grande.

Mexico's practice of underdelivering five-year cycle after five-year cycle and then delivering water to the United States after Texas once the users' irrigation cycle has ended furthers economic damages. This is unacceptable. Yet, the U.S. section of the binational commission in charge of administering this Treaty and advocating for the United States' interests has allowed this to occur for decades.

An equitable solution: the United States should be given superior right to water on the Rio Grande as Mexico enjoys on the Colorado River. This would help ensure that the United States receives consistent deliveries from Mexico on an ongoing basis. The current failure in deliveries and treaty enforcement is not a problem with the Treaty, but rather a deliberate choice to operate the basins in an inequitable manner. The problem is a lack of enforcement as called under the auspices of a water sharing treaty. Delivery of water from both basins under the Treaty should be directly proportionate to one country's compliance with its obligations and actual volumes of water delivered on an annual basis to the other.

And if the inequity of application and enforcement of the 1944 Treaty were not enough, consider that under another water sharing Treaty with Mexico, the 1906 Convention, the United States agreed to give to Mexico 60,000 acre-feet from the Rio Grande as it flows down from Colorado and New Mexico. The United States does not get a single drop of water from Mexico in return for this delivery. In fact, the current practice of the United States section of the IBWC is to give Mexico one half of U.S. water passing by Fort Quitman, Texas.

Please issue an Executive Order or otherwise direct the International Boundary and Water Commission, U.S. section, to administer the Treaty in a manner that holds Mexico accountable for its obligations on the Rio Grande consistent with the manner that the U.S. has been held accountable on the Colorado River, to include but not limited to a minute that grants the U.S. superior right to water originating in Mexican tributaries that feed the Rio Grande. Your direction to the International Boundary and Water Commission, U.S. Section, to fix this inequity would send a clear message that your administration supports the communities, economies and ecosystems in the Rio Grande Valley of Texas, and that it has an interest in achieving better outcomes for the United States through this international agreement in an expedited manner.

Thank you for your consideration.

Best,



Lyle Larson